

5 Gender and Genocide

Introduction

Human history clearly shows that war and violence happened repeatedly and resulted in thousands or even millions of victims and deaths. Historians have analyzed numerous mass killing enterprises from ancient and modern history, revealing the forms and dimensions of these macro crimes. We know about the atrocities in the Mongol Empire in Asia and about “the indigenous holocaust”¹ in the Americas. We know about the great famines in Ireland and Ukraine² and the revolutions in France³ and China⁴ accompanied by mass murder. The extermination of people of a certain group was part of colonial endeavors and continued unabated with the Holocaust, Porajmos, and the great butchers of men, Pol Pot, Joseph Stalin, Adolf Hitler, and Mao Tse Tung. In the 20th century, this massive brutal targeting of particular people got a name: genocide. However, for a long time, scientific research did not take into account the extent to which women and men were affected by all these monstrous mass killings. To what extent did sex or gender play a strategic role in genocidal acts? Who were the perpetrators and victims/survivors? Were there any gender-specific forms of genocidal violence?

In her book *Gendercide*, published in 1985, the pioneering Mary Anne Warren coined a term that linked gender and genocide. Warren created a useful theoretical framework that has since been followed by numerous studies and publica-

1 David Michael Smith, “Counting the Dead: Estimating the Loss of Life in the Indigenous Holocaust, 1492-Present,” *Proceedings of 12th Native American Symposium*, 2017, accessed September 25, 2022, <https://portal.usask.ca/index.php?sid=533529724&id=67397&t=details>.

2 In Ireland, the great famine between 1845 and 1849 caused the death of at least one million Irish. Mark G. McGowan, “The Famine Plot Revisited,” *Genocide Studies International* 11, no. 1 (2017): 88 and 100–101; Niall O’Dowd, “Famine Movie on Its Way but Was It Genocide by the British?” *Irish Central*, August 20, 2018, accessed September 25, 2022, <https://www.irishcentral.com/news/irish-famine-genocide-british>.

3 Adam Jones, *Genocide: A Comprehensive Introduction* (London: Routledge, 2006), 6–7; Patrick Buisson, *La grande histoire des guerres de Vendée* (Paris: Perrin, 2017), 15–17; François Sionneau, “Guerre de Vendée: Il n’est pas possible de parler de ‘génocide,’” *L’Obs*, November 24, 2017, accessed September 25, 2022, <https://www.nouvelobs.com/histoire/20171124.OBS7800/guerre-de-vendee-il-n-est-pas-possible-de-parler-de-genocide.html>.

4 Mao’s record in China is staggering: tens of millions died due to the Great Leap Forward and the Cultural Revolution.

tions.⁵ She understood and used “gendercide” as a sex-neutral term in order to capture gender-based genocidal violence that can subsequently affect men or women. While Warren was very much concerned with the systematic killings of females (sex-selective abortions, infanticides, etc.), Adam Jones took up this gendercide approach at the end of the 1990s and has intensively examined gender-based violence since then. He showed that there are forms of violence that primarily target men and significantly expanded the field of research.⁶

This chapter uses gender as an analytic category in order to be able to answer the questions posed above. It rests on the hypothesis that gendered and sexual violence plays a specific role in genocides. Although it was only around the 1990s when this element of genocides became a topic of scientific interest and entered the political agenda as well as the legal arena, this type of violence had evidently happened in previous large-scale crimes.⁷ In the following, we explore the gender dimension of genocide with particular reference to the genocidal violence in Guatemala, Rwanda, and Bosnia-Herzegovina. This chapter mainly builds on a historical and legal perspective using historical sources and core legal instruments, particularly the Genocide Convention. The first part will define genocide and gender and the compound term “gendercide,” followed by a short analysis dedicated to gender and the Genocide Convention. The third part takes a closer look at gender roles in genocide, the fourth part identifies the forms and extent of gendered genocide, and the fifth and final part presents the legal responses to gender-based genocidal violence.

A Matter of Definition: Genocide, Gender, and Gendercide

In order to explore how gender shapes genocidal violence, we first have to define the different terms that come together here. Since the term “genocide” has already received the attention it deserves in the Introduction and various other chapters in this book, we will take a closer look at the terms “gender” and “gendercide.”

5 Mary Anne Warren, *Gendercide: The Implications of Sex Selection* (Totowa: Rowman & Allanheld, 1985), 49.

6 Adam Jones. “Gendercide: Examining Gender-based Crimes Against Women and Men,” *Clinics in Dermatology* 31 (2013): 226–227.

7 We need only think of the mass rapes that were systematically committed during or just after World War II in Nazi-occupied countries, in concentration camps, or in Asian countries occupied by the Japanese Army. Allison Ruby Reid-Cunningham, “Rape as a Weapon of Genocide,” *Genocide Studies and Prevention* 3, no. 3 (2008): 279–296.

Gender

In order to fully explore gender-specific genocidal violence, we have to understand what “gender” is actually about. Gender is quite a new approach, conceptualized in the social sciences from the mid-20th century onward. The theoretical foundations were laid by Simone de Beauvoir with her groundbreaking book *The Second Sex* (1949).⁸ She explained that apart from the biological sex, there is another sex created by social interaction. Shortly after, in 1955, sexologist John Money linked the term “gender” (at that time commonly used in a grammatical context) with social role and gave it another meaning.⁹ From then on, this understanding of “gender” and “gender role” continued to spread, permeating the social and legal sciences as well as becoming an issue in politics and among civil society actors. There has even been a new and dynamic interdisciplinary field of research emerging – “Gender Studies.” While biological sex involves an essentialist view of the individual and sees the generally constant biological traits, gender is a changeable social construct. This “social gender” is constantly (re)formed through interactions between people and discussions about cultural norms and peculiarities.

Today, the concept of gender has evolved even more. As a social construct, it goes far beyond the binary dichotomy. It was Judith Butler who critically questioned the distinction between sex and gender and expanded gender theory. She assumes that biological categories and attributions are not fixed but linked to social processes and are therefore changeable too. She built her understanding on J. L. Austin’s Speech Act Theory.¹⁰ The core idea is that we construct gender through speech acts.¹¹ Gender theorists hold that both sex and gender are social constructs and that biological sex is as ambiguous as social gender. Biological sex often coincides with social sex to the extent that people can identify with it and conform to social expectations more or less easily. However, there are cases where a person may not feel like the gender they were assigned at birth, or feel no gender, or both. This may happen to people with definite or ambiguous biological sex characteristics.

Interestingly, biologists discovered that biological sex is neither fixed nor binary, and they have given evidence while challenging the biological dichotomy of

⁸ Simone de Beauvoir, *The Other Sex* (London: Vintage, 1989).

⁹ Terry Goldie, *The Man Who Invented Gender: Engaging the Ideas of John Money* (Vancouver: University of British Columbia Press, 2014).

¹⁰ John L. Austin, *How To Do Things with Words* (Cambridge, MA: Harvard University Press, 1962), 1.

¹¹ Judith Butler, “Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,” *Theatre Journal* 40, no. 4 (1988): 520–521.

males and females.¹² The latter categorization is too simplistic. In fact, for centuries, the visible genital shape of a newborn was the undisputed reason for (biological!) sex assignment at birth. However, a closer look at a person's genetic composition shows the variability of cells and highly complex hormonal processes. This leaves room for contradictions, for example when a genotype does not match the genital shape or when the genitals cannot be clearly classified as “male” or “female.”

Claire Ainsworth argued that every person is “a patchwork of genetically distinct cells” that are in contradiction to the “biological sex” of the body.¹³ While the binary division between males and females is still prevalent in society, research suggests that sex is a social construct – just like gender. This has prompted some heated debates about sex and gender and sparked resistance, particularly when it comes to changing or creating sweeping laws that recognize the spontaneous emergence/construction of gender. These intensive debates have shaped (inter)national legislation and jurisprudence as well as legal and social sciences in recent years. In many countries and communities, groups of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals have made their concerns and demands heard. A new perspective has emerged whereby gender extends beyond biological sex.

However, in many parts of the world, this issue is officially ignored or actively denied, and instead a sharp distinction between biological sex and social gender is maintained. In such locales, gender is still seen as a binary concept with two categories: persons not belonging to either of these categories are non-binary. Some societies know specific genders beyond men and women. In South Asia, for example, there are *hijras*, often called third genders.¹⁴ The World Health Organization (WHO) offers two definitions for sex and gender that seem very workable and plausible. While sex refers to “the different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, hormones, etc.,” gender refers to “the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed.”¹⁵

Understanding gender as the changing roles of men/women or masculinities/femininities in a specific social setting seems useful and preferable when apply-

¹² This understanding challenges the common idea of sex being biological and gender being social – both are social.

¹³ Claire Ainsworth, “Sex Redefined,” *Nature* 518 (2015): 288.

¹⁴ Harvard Divinity School, “The Third Gender and Hijras,” accessed August 10, 2022, https://hwpi.harvard.edu/files/rpl/files/gender_hinduism.pdf?m=1597338930.

¹⁵ Council of Europe, “Sex and Gender,” accessed August 10, 2022, <https://www.coe.int/en/web/gender-matters/sex-and-gender>.

ing it to genocide. The perpetrators align their actions with these role models or attributions and attack out-group members in a gender-specific manner. The inequalities produced by gender intersect “with other social and economic inequalities,” i.e., age, religion, or ethnic belonging.¹⁶ Following Joshua Goldstein and Adam Jones, in this chapter, I understand gender in a more cultural way, covering “masculine and feminine roles and bodies alike, in all their aspects” and thereby capturing the “cultural structures, dynamics, roles [. . .] associated with each gender group.”¹⁷

Gendercide

Having examined the basic concepts relating to gender, it is now necessary to place it in context with genocide. What role does gender play in genocide? How can we conceptualize gendered genocidal violence? The gender debate has strongly influenced social, medical, and legal sciences in recent years,¹⁸ and the abundance of scientific literature that has emerged on this subject cannot be presented here.¹⁹ Furthermore, the gender issue is part of the media discourse and has also been the subject of numerous court proceedings. Central aspects in this regard are gender identity, gender self-identification, gender and intersectionality, sexual orientation, and legal recognition.²⁰

The interdisciplinary and dynamic academic field of Genocide Studies is accessible from this perspective too. As a result, some fundamental publications have emerged, examining past genocides and filtering out gender characteristics. These provided theoretical contributions and case studies, some of which were comparative. The first scholar to take a gendered view on genocide was Benjamin Whitaker. In a report from 1985, he stated that the Genocide Convention is not clear about

16 WHO, “Gender and Health,” accessed August 10, 2022, https://www.who.int/health-topics/gender#tab=tab_1.

17 Joshua Goldstein, *War and Gender* (Cambridge: Cambridge University Press, 2001), 2.

18 Gender Studies, which has been establishing itself at universities for years, brings together the humanities, social sciences, medicine, and law.

19 It is nonetheless worth mentioning Vera Regitz-Zagrosek, “Why Do We Need Gender Medicine?,” in *Sex and Gender Aspects in Clinical Medicine*, eds. Sabine Oertelt-Prigione and Vera Regitz-Zagrosek (London: Springer, 2011), 1–4.

20 The factsheet “Gender identity issues” provides a good overview of related court decisions. European Court of Human Rights, “Gender identity issues,” January 2023, https://www.echr.coe.int/Documents/FS_Gender_identity_eng.pdf. See also Katharine T. Bartlett et al., eds., *Gender and Law: Theory, Doctrine, Commentary* (New York: Wolters Kluwer, 2016).

which groups are protected or not.²¹ He therefore criticized the lack of definitions of the terms “national,” “ethnic,” “racial,” and “religious.” These deficits make the legal contract weak. Significantly, he refers to political measures of the Nazi regime that aimed to exterminate homosexuals as a “sexual minority group” and asked the treaty body to extend the understanding of “group” to include “a sexual group such as women, men, or homosexuals.”²² Whitaker and his team wanted to broaden the scope of the Convention by extending the notion of a “protected group.” This was a courageous step at the time, though unfortunately unsuccessful and quickly forgotten. However, today, when a gender perspective is a yardstick for good politics, this approach is of great importance. Instead of “homosexuals,” we would also now speak of the group of LGBTI people.

In the same year, Mary Anne Warren created the term “gendercide” in order to approach gendered forms of “the deliberate extermination of persons of a particular sex (or gender).”²³ She established a theoretical concept to understand gendercide as a sex-neutral term in order to encompass the killing of either men/boys or women/girls. Such an approach is useful as sexually discriminatory killing happens to both males and females. Warren was the first to really explore the gendered targeting of members of a particular group as a form and strategy of genocide. In fact, much of her writing on this topic is about female-targeting crimes such as rapes, female selective killing, and female infanticide. Elisa von Joeden-Forgey also emphasizes the importance of considering gender in the context of genocide. In her understanding, reproductive capacity is of great importance and therefore a key goal of the perpetrators of genocide.²⁴ When Adam Jones, one of the leading genocide scholars, took up the term *gendercide*, he focused more on male victimization. Furthermore, he made a distinction between gendercide and so-called “root-and-branch genocide.” According to Jones, most genocidal enterprises fall into one of these two categories. Root-and-branch genocide is mass killing directly targeting primarily battle-aged adult males, and this is a gendered targeting. However, women may also be targets of such murderous campaigns, as the Rwandan case shows. Even if they are not the focus of *direct* mass murder, they may be victims of other gendered atrocities, i.e., rape and sexual violence. Gender may be the reason for a particular target-

21 UN Economic and Social Council, Commission on Human Rights, Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide Prepared by Mr. B. Whitaker, July 2, 1985, E/CN.4/Sub.2/1985/6, 16.

22 Ibid., 16.

23 Warren, *Gendercide*, 49.

24 Elisa von Joeden-Forgey, “Gender and Genocide,” in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2012), 62.

ing linked with specific war-related strategies and objectives. Such targeting may lead to a specific group of victims.²⁵

In recent years, victimology has expanded its scope to include a gender perspective in order to identify the dynamics of gender-specific victimization and the “structural factors”²⁶ of violence against women. In that sense, studies have helped to categorize groups of (fe)male victims in a much more differentiated way. In addition, the intersection of genocide and victimology is a fruitful field of research. While the focus has long been on genocidaires, we have recently seen an analytical shift toward victims.²⁷ The genocides of the recent past particularly show how complex the experiences of the victims are, how problematic their dealings with this macro crime are, and how intertwined the relationship between perpetrators and victims can be at times. Significantly, this focus on victims is also linked to their “awakening.” Genocide survivors and their families have begun to speak out both publicly and in court.

Jones has shown that from the perspective of gender and genocide, there are not only women-specific but also men-specific acts of violence and destruction that must be taken into account. Political and military gendericides clearly show gender-specific characteristics. In these often event-based genocides, battle-age unarmed men of the out-group are the main target because they are seen by the perpetrators as the out-group’s most dangerous members: “Crucially, the most vulnerable and consistently targeted population group, through time and around the world today, is non-combatant men of ‘battle age’, roughly 15 to 55 years old.”²⁸

The killings normally follow a schematic sequence. First, the killers murder the non-combatant men²⁹ and get accustomed to killing. Second, if moral constraints have been overcome, the killing goes on in the form of a root-and-branch genocide or absolute slaughter. The Srebrenica massacre in 1995 was one such gendered massacre preluding the genocide, but there are other examples that follow this pattern, such as the male-selective mass killings in Rwanda, Iraqi Kurdistan, and Guatemala. Male extermination also preceded the purges of great genocidaires (Stalin in the 1930s and Pol Pot in the 1970s) and marked the first

25 Adam Jones, “Gendercide and Genocide,” *Journal of Genocide Research* 2, no. 2 (2000): 191–192.

26 Jan Jordan, “Gender and Victimology: A Necessary Pairing,” in *Women, Crime and Justice in Context*, eds. Anita Gibbs and Fairleigh Evelyn Gilmour (New York: Routledge, 2022), 27.

27 Amy E. Randall, “Introduction: Gender and Genocide Studies,” in *Genocide and Gender in the Twentieth Century: A Comparative Survey*, 2nd ed., ed. Amy E. Randall (London: Bloomsbury, 2021), 1ff.

28 Jones, “Gendercide and Genocide,” 191–192.

29 These battle-age men are unarmed civilians. As Jones noted, the mass murders of these men marked the “precursor” to several 20th-century genocides. The targeting of these unarmed men has been repeated throughout history and is discussed at length in Jones, *Gendercide and Genocide*.

phase of colonial mass murder in the Belgian Congo (around 1900) and Indonesia (in the 1960s). All of these genocidal enterprises caused a significant loss of millions of males.³⁰ In some genocides, however, the mass killing ended after these prelude-like murders of men, for example, in Burundi and Bangladesh.

We should note at this point that there is no universal pattern in how a gendercide always and only affects only women or men. Many past genocides indicate gender-specific forms and strategies because each genocide is unique,³¹ and therefore there can be specifically gendered acts of genocide. Interestingly, Jones links genocide with structural violence, assuming that the gender dimension is particularly relevant here. His considerations go beyond genocide in war and refer to the structures existing in many societies that often lead to a high number of deaths among female persons. This group of sex-specific structural gendercide includes infanticide, neonaticide, feticide, and nutritional deficits to the detriment of female persons. These crimes may happen in war or peacetime. If the latter is the case, then genocidal violence may happen on a daily basis. This clearly challenges the understanding of genocide as an event. In many places, the above-mentioned mass killings of women are crimes in process. If we assume that some of these crimes took place over the course of decades, or even centuries, it is reasonable to assume that the total number of female deaths probably exceeds the total number of deaths from any genocide to date. One need only think of the feticides in China and India, where sex-selective abortion has been commonly used for decades to prevent girls from being born. According to recent estimates, 30 million female births were prevented in India alone between 1980 and 2010.

There are other terms in science and legal policy that are worth mentioning in this context. “Femicide” is a term that goes back to the South African sociologist Diana E. H. Russell and has been widely used since the turn of the millennium. In 1976, Russell declared at the International Tribunal on Crimes Against Women that some women were killed simply because they were women. The gender-neutral term ‘homicide’ therefore obscured this gender-based dimension. In 1992, Jill Radford and Diana E. H. Russell published their book *Femicide*, giving more details on how to understand these killings of females by males. These killings are manifestations of patriarchal structures and males’ supremacy.³² This understanding of the term triggered numerous sociological and criminological studies, and the term gradually caught on in many countries and regions with varying

³⁰ Ibid., 189–191.

³¹ David Moshman, “Conceptions of Genocide and Perceptions of History,” in *The Historiography of Genocide*, ed. Dan Stone (Basingstoke: Palgrave Macmillan, 2008), 72.

³² Jill Radford and Diana E. H. Russell, *Femicide: The Politics of Woman Killing* (New York: Twayne Publishers, 1992), 6–9.

dynamics.³³ The Mexican anthropologist Marcela Lagarde went a step further and coined the term *feminicide* to indicate that these killings of women are state crimes since the state does not guarantee women's safety in private or public life due to structural and institutional violence. Widespread impunity is an accompanying factor.

It must be stated here that this social and historical understanding of genocides is very broad. Whether this is also justifiable in the legal sense will be clarified in the following section on the basis of the Genocide Convention.

Gender and the Genocide Convention

Having merged the terms genocide and gender and defined compound gendercide, we now return to the Genocide Convention. To what extent are gender aspects actually mentioned in this legal document, and which sexualized and gender-based acts of genocide may fall under the scope of its protection? The text of the Convention does not contain the following words anywhere: gender, sexual(ity), reproductive, gendercide, (wo)man, or (wo)men.³⁴ There is no recognition of femininities, masculinities, or other forms of gender identity or gender-specific kinds of harm.

Let us now take a closer look at each of the five forms of genocidal violence contained in Article 2 of the Convention – the core provision of that legal instrument. The first genocidal act is the *killing of the group* (Article 2 (a)). Some examples have shown that killing may follow a gendered strategy in genocide if it targets only men or only women. Focusing on a “subgroup” of the out-group (e.g., battle-aged men of the enemy group) is a gendered targeting. The Srebrenica massacre was a gendered massacre targeting men. Women are not spared from the most horrendous and cruel acts of violence, however. For instance, women were the objects of gender-specific targeting in Rwanda, where they were raped and sexually abused and mutilated. This gendered genocidal violence linked to war or armed conflict falls under Article 2 (a).

Many studies and scholars focus on “mass killings” when talking about genocide and just use the “gender lens” in order to identify gender-based targeting.

³³ While “femicide” is widely used in Latin America in politics, by civil actors, in the media, and in the academic field, the term remains poorly used in many other countries, for example Germany. See Julia Cruschwitz and Carolin Haentjes, *Femizide: Frauenmorde in Deutschland* (Stuttgart: Hirzel, 2022), 12–15.

³⁴ Forced pregnancy is included in the Rome Statute of 1998 as a crime against humanity and a war crime (Article 7 and 8).

However, as we have seen from a sociological and politico-historical point of view, gendercidal extermination also happens through infanticide, feticide, etc. Does the Genocide Convention cover these crimes, and do the latter genocides fall within the understanding of international criminal law? The overriding requirement of the Convention is that a specific group (“ethnic, national, religious, and racial”) is targeted. In some regions and societies, female persons are massively attacked. In China, India,³⁵ and Pakistan, female *infanticide* is a clear manifestation of a preference for male children. This is widespread structural violence with variation between communities and regions.³⁶ There are direct killings (e.g., poisoning, suffocation, drowning) and indirect killings (e.g., not feeding and letting the newborn girl die)³⁷ in the event that girls survive direct killings.³⁸ In China, female infanticide has a long history of up to 2,000 years. Poverty, cultural norms, kinship, and, to some extent, religious beliefs are the main factors that allowed this practice to continue.³⁹ Under communist rule, this practice slightly declined.⁴⁰ However, in the early 1980s, the practice of exterminating females returned.⁴¹ One reason for its re-emergence was China’s one-child policy. Since parents, especially city parents, were allowed only one child, families desired a son. Moreover, the method of killing also changed: it began to take place before birth by aborting the female fetus.⁴² In India, millions of girls are “missing,” too.⁴³ As such, this pre-natal killing method is not infanticide but *feticide*, thereby falling under Article 2 (d).

35 Sabu George, Rajaratnam Abel, and B. D. Miller, “Female Infanticide in Rural South India,” *Economic and Political Weekly* 27, no. 22 (1992): 1154.

36 Therese Hesketh, Li Lu, and Zhu Wei Xing, “The Consequences of Son Preference and Sex-Selective Abortion in China and other Asian Countries,” *Canadian Medical Association Journal* 183, no. 12 (2011): 1375.

37 Family structures, kinship systems, and cultural norms converge and bring about structural violence like female infanticide. See Clara Chapdelaine-Feliciati, *Feminicides of Girl Children in the Family Context* (Leiden: Brill, 2018), 18, 21ff.

38 Ram Mashru, “It’s a Girl: The Three Deadliest Words in the World,” *The Independent*, January 18, 2012, <https://web.archive.org/web/20131212082637/http://blogs.independent.co.uk/2012/01/16/it%E2%80%99s-a-girl-the-three-deadliest-words-in-the-world/>.

39 Julie Jimmerson, “Female Infanticide in China: An Examination of Cultural and Legal Norms,” *Pacific Basin Law Journal* 8, no. 1 (1990): 49–53.

40 *Ibid.*, 48.

41 Along with this policy, birth control was realized by liberal or forced abortion.

42 According to research, men outnumber women by more than 30 million in China. Human Rights Careers, “What is Gendercide?,” accessed August 10, 2022, <https://www.humanrightscarers.com/issues/what-is-gendercide/>.

43 In the past three decades, up to 12 million unborn girls have been deliberately aborted by Indian parents determined to ensure they have a male heir. See Jeremy Laurance, “The Full Extent of India’s ‘Gendercide,’” *The Independent*, May 25, 2011, <https://www.independent.co.uk/news/>

Femicide is the gendered killing of numerous females worldwide. In 2018, 50,000 women died violently within their own four walls.⁴⁴ Africa and Latin America are considered femicide “hot spots,” and Central America has the reputation of being a “death zone” due to the very high rate of female murder victims.⁴⁵ All these phenomena of gender-specific mass murder are based on deeply rooted traditional norms and patriarchal patterns of thought and behavior.

We see here two core features: a clear preference for sons/males and a strong devaluation of daughters/females. Females – whether in the womb or after birth – are attacked because of their biological/gender sex. The purpose is to reduce the number of females significantly. Yet, if the target group is women in general, Article 2 of the Genocide Convention may not apply – unless the acts of killing are directed against the women of a specific (!) national, racial, or other group. In general, femicides are attacks against female persons, regardless of their ethnic or national affiliation or social class. The violence is directed against women as such. Infanticides, neonaticides, and feticides are against the same victim group: females.⁴⁶ From a legal point of view, these gendercides are not genocides. Females are attacked as a social group, and this type of group is not mentioned in the Genocide Convention, as we have seen.

The second genocidal act is the “causing [of] serious bodily or mental harm to members of the group” (Article 2 (b)). This provision includes two alternatives – physical and psychological damage – and there must be *serious harm*. This is the case when the person is unable to lead a “normal and constructive life.”⁴⁷ This provision is particularly relevant to gender-based genocidal violence. Various sexual assaults have probably accompanied most wars and genocides. Although rapes, which evidently happened in past wars, may cause serious harm, they be-

world/asia/the-full-extent-of-india-s-gendercide-2288585.html; Sonia Vaze, “Un-Natural Selection: Female Feticide in India,” *Public Health Advocate*, April 10, 2021, <https://pha.berkeley.edu/2021/04/10/un-natural-selection-female-feticide-in-india/>.

⁴⁴ Cruschwitz and Haentjes, *Femizide*, 11–12.

⁴⁵ European Parliament, “Femicide, Its Causes and Recent Trends: What Do We Know?,” November 2021, 3–4, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI\(2021\)653655_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI(2021)653655_EN.pdf).

⁴⁶ Female persons are attacked because they are female, and about 200 million women are “missing” today. See European Parliament, “Report on Gendercide: The Missing Women?,” June 28, 2013, accessed January 10, 2023, https://www.europarl.europa.eu/doceo/document/A-7-2013-0245_EN.pdf; Adam Jones, “Gendercidal Institutions against Women and Girls”, in *Women in an Insecure World*, eds. Marie Vlachova and Lea Biason (Geneva: Centre for the Democratic Control of Armed Forces, 2005), 16–18.

⁴⁷ Tanja Altunjan, *Reproductive Violence and International Criminal Law* (Den Haag: Springer, 2021), 161.

came a topic in academic research and legal discussions only in the middle of the 20th century. After the Second World War, the military tribunals dealt with rapes and sexual enslavement as Japanese soldiers had sexually enslaved thousands of so-called “comfort women.”⁴⁸ Massive and systematic rapes also took place during the genocides in Yugoslavia and Rwanda. In Bosnia-Herzegovina, numerous “rape camps”⁴⁹ existed, causing physical and psychological harm to the female victims. NGOs like Medica Mondiale reported that over two decades after the war, most of the female rape survivors are still suffering from post-traumatic stress disorder (PTSD) and gynecological problems.⁵⁰ For the sake of completeness, it is necessary to mention that the rape of men and boys also falls under this provision. Reports show that rapes of male persons happened in Bosnia and in genocides elsewhere, but these rapes are highly stigmatized (they are “tabu in the tabu”).

Other gender-specific genocidal acts that could cause serious harm and trauma include forced impregnation, forced pregnancy, and forced abortion. These acts are reproductive crimes that target female persons because of their ability to reproduce.⁵¹ Forced impregnation and forced pregnancy are particularly dangerous for underaged girls. They are not yet ready for such a reproductive task due to their physical and mental development. The risks further increase when the perpetrators fail to provide access to adequate health care. Forced abortion as the unwanted termination of a pregnancy does not only imply the loss of the unborn itself. If it is done surgically and not according to medical standards, it may also endanger the life and health of women/girls. Some forms of abortion can impair or even destroy fertility and reproductive capacity.⁵² Article 2 (b) is also relevant for several other acts of sexual violence causing serious harm and trauma in the same way, for example, sexual slavery and (forced) prostitution as well as forced sterilization. These

48 Margaret D. Stetz, “Reframing the ‘Comfort Women’ Issue: New Representations of an Old War Crime,” in *Genocide and Mass Violence in Asia: An Introductory Reader*, ed. Frank Jacob (Berlin: De Gruyter, 2019), 62–63.

49 Altunjan, *Reproductive Violence*, 143–144.

50 Medica Mondiale, “‘We Are Still Alive’: Research on the Long-term Consequences of War Rape and Coping Strategies of Survivors in Bosnia and Herzegovina,” 2014, 35–37, accessed August 10, 2022, https://medicamondiale.org/fileadmin/redaktion/7_Service/1_Mediathek/1_Dokumente/2_English/Documentations_studies/141128_Research_We-Are-Still-Alive_CR-Medica-Zenica_medica-mondiale.pdf.

51 There are also a handful of trans men around the world who have been pregnant and given birth to children. It could well be that more trans men give birth in the future. MDR, “Können Männer Kinder austragen?,” May 29, 2019, accessed September 25, 2022, <https://www.mdr.de/wissen/schwanger-mann-gebaermutter102.html>.

52 In such a case, it is not only Article 2 (b) but also Article 2 (d) that is relevant if the intent of the perpetrator extends to the destruction of reproductive capacity. However, it may only be genocide if forced abortion aims at the prevention of births.

acts may target men or women. Forced sterilization is the removal of reproductive capacity and, as such, a severe violation of a person's integrity if the person has not given their permission, even if the operation is performed according to medical standards.⁵³ It is thus also a measure to prevent births according to Article 2 (d). With regard to mental health, we should add here that all these reproductive crimes are highly traumatizing.

The third genocidal act is “[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” (Article (c)). Lemkin and the Genocide Convention legislators had certain Nazi atrocities in mind when they included this form of genocide in the Convention. It relates to so-called “measures of slow death,” such as camp detention or forced labor. The key condition is that the measure must be able to physically destroy the group. Punishable acts that fall into that category are the imposition of “a subsistence diet” on the group, the denial of access to health services, or the “systematic eviction” of members of the group from their lands and homes. In general, this provision captures all those measures that may cause a “slow death” by denying persons food, water, sanitation, or shelter or by “subjecting members of the group to excessive work or physical exertion.”⁵⁴ Importantly, the measures must aim to destroy the group – be it biologically or physically. The “mere dissolution of the group” and even its forced relocation are not enough; these acts are “cultural genocide” and are not covered by the Genocide Convention. Women in Bosnia were held captive in various secret locations (basements, factories, hotels, etc.). Whether a group's detention was intentionally aimed to physically destroy the group is to be determined on a case-by-case basis.

The fourth genocidal act is “the imposing [of] measures intended to prevent births within the group” (Article 2 (d)). This provision is particularly relevant for sex-based genocidal violence attacking the capacity to reproduce. The targeted out-group is destroyed by removing, limiting, or irreversibly ending this capacity.

This provision covers a bundle of possible violent acts by restricting births through legal, physical, or social measures. This includes forced sterilizations (male or female persons), forced contraception, and forced abortions. Furthermore, the segregation of women and men of the out-group and enforcing prohibitions or limitations on marriages are possible acts falling under Article 2 (d); in these cases, men and women cannot come together, marry, and have children. The Nazis used sterilizations extensively as a method to prevent births among

⁵³ Altunjan, *Reproductive Violence*, 177.

⁵⁴ UN Case Law Database, “Conditions of Life Calculated to Bring about Physical Destruction,” accessed August 10, 2022, <https://cld.irmct.org/notions/show/173/conditions-of-life-calculated-to-bring-about-physical-destruction>.

people they judged unworthy of life,⁵⁵ for example, physically and/or mentally disabled people as well as non-Aryan Jews, Roma, and Sinti.⁵⁶ These genocidal acts were not unique historical events. History after 1945 shows that such measures have taken place in several countries. More than 200,000 mostly poor indigenous women were sterilized in Peru in the 1990s under Alberto Fujimori's rule.⁵⁷ Primarily Roma women were sterilized in Czechoslovakia, Hungary, and Sweden.⁵⁸ There are other examples of ongoing genocides through forced sterilization, such as the Uyghur women in China.⁵⁹ It is not necessary that the measures succeed in destroying the group: "The imposition of measures in itself . . . satisfies the *actus reus*."⁶⁰ The perpetrator must have the intention to prevent births.⁶¹

Significantly, forced impregnation and forced pregnancies may also fall within the scope of Article 2 (d). The forced impregnation of a woman of the out-group by a man of the in-group seriously violates the woman's reproductive freedom and has social consequences. For example, the child would unlikely be accepted by the out-group members because the father is a member of the in-group. This depends on the kinship system of the communities. In the case of sterilization and abortion, the situation is different. Here, the measures are aimed at preventing an out-group child from being "made" or at aborting an out-group child that has already been conceived.⁶² Preventing an out-group child may be achieved by removing or damaging the woman's reproductive capacity. Moreover, sexual violence may result in

55 With regard to eugenics and genocide, see Kenneth L. Garver and Bettylee Garver, "Eugenics, Euthanasia and Genocide," *The Linacre Quarterly* 59, no. 3 (1992): 31–33; Michael A. Grodin, Erin L. Miller, and Johnathan I. Kelly, "The Nazi Physicians as Leaders in Eugenics and 'Euthanasia': Lessons for Today," *American Journal of Public Health* 108, no. 1 (2018): 53–54.

56 Serdar Ornek and Mehlika Ozlem Ultan, "Gypsies as Victims of Crime of Crimes," *International Journal of Social Sciences* 4, no. 1 (2015): 66 and 68.

57 Ñusta Carranza Ko. "Making the Case for Genocide: The Forced Sterilization of Indigenous Peoples of Peru," *Genocide Studies and Prevention* 14, no. 2 (2020): 97; Ainhoa Molina Serra, "(Forced) Sterilization in Peru: Power and Narrative Configurations," *Revista de Antropología Iberoamericana* 12, no. 1 (2017): 37–38.

58 Center for Reproductive Rights, "Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia," 2003, 14. https://reproductiverights.org/sites/crr.civicactions.net/files/documents/bo_slov_part1.pdf. For another very insightful analysis, see David Hutt, "Die beschämende Geschichte der Zwangssterilisation von Roma-Frauen in Europa," *Euronews*, August 6, 2021, accessed September 25, 2022, <https://de.euronews.com/my-europe/2021/08/06/die-beschamende-geschichte-der-zwangssterilisation-von-roma-frauen-in-europa>.

59 Rukiye Turdush and Magnus Fiskesjö, "Dossier: Uyghur Women in China's Genocide," *Genocide Studies and Prevention* 15, no. 1 (2021): 23–24.

60 Altunjan, *Reproductive Violence*, 165.

61 *Ibid.*

62 *Ibid.*, 164–170.

a psychological unwillingness or incapability to become pregnant and give birth to a child. In Bosnia, women who were raped were stigmatized within their group and were less marriageable.⁶³ State-sponsored or forced interracial marriages may have this outcome too and therefore may be genocides in the sense of Article 2 (d). An example of this is the case of Uyghur women and Han Chinese men in China.⁶⁴

The fifth genocidal act, according to Article 2 (e), is “the forcible transfer of children of the group to another group.”⁶⁵ In other words, this covers cases where children are taken away from their communities.⁶⁶ During the Second World War, the Nazis forcefully separated Polish children to “Germanize” them.⁶⁷ Greek children were transferred to communist countries, and thousands of indigenous children have been taken from their families in Australia and Canada.⁶⁸ This is not like the immediate killing of persons, but it is the only form of “cultural genocide” acknowledged by the Genocide Convention. This genocide occurs through the destruction of the out-group’s identity.⁶⁹ Children lose touch with their group, whose language(s), beliefs, and traditions are not given to them. They are enculturated and socialized according to the in-group. For their original communities, they and their descendants are “lost” or “stolen.”⁷⁰

Gendered Roles in Genocides

Having considered the five acts of genocide in detail, this section focuses on the individuals involved in the genocide. Men and women can fulfill different roles in genocides. Who are the perpetrators of genocides? Men? Women? Both? There are several dichotomies. Men mostly lead genocides, and women are mostly dis-

⁶³ *Ibid.*, 167.

⁶⁴ Turdush and Fiskesjö, “Dossier,” 29.

⁶⁵ The provision does not require the use of violence or physical force.

⁶⁶ Children are, in conformity with the Convention on the Rights of the Child, all persons under the age of 18.

⁶⁷ Richard C. Lukas, “Did the Children Cry? Hitler’s War against Jewish and Polish Children, 1939–1945,” accessed August, 10, 2022, <http://www.projectinposterum.org/docs/lucas2.htm>.

⁶⁸ In recent years, these “stolen generations” have been a constant topic in media reports and in civil society in Canada and Australia, but increasingly also in the academic world.

⁶⁹ Altunjan, *Reproductive Violence*, 170–171.

⁷⁰ Many publications use the word “stolen” to indicate the everlasting loss to the communities. Chris Cunneen, “Criminology, Genocide and the Forced Removal of Indigenous Children from their Families,” *Australian & New Zealand Journal of Criminology* 32, no. 2 (1999): 125–128 and 130–131.

proportionally victims/survivors.⁷¹ In the public sphere, genocide is associated very much with men as victims of massacre and women as victims of rape and other gendered genocidal violence.⁷² Furthermore, women are seen as “passive victims of crimes,” and men are “active perpetrators.” The propaganda measures usually lead to the formation of a group of perpetrators and a group of victims. This often follows the gendered patterns that were already relevant in the preparatory phase of the genocide. There is also a perception of women as “bodies for reproduction” and men as “bodies for fight.” The important question now is how this perspective can be combined with their classification into victims and perpetrators. The empirical data is insightful: the overwhelming majority of perpetrators are male, and the men of the in-group first attack males of the out-group. Gender-based genocidal violence perpetrated by and against males is a dynamic we find in several genocides. Some “gendercidal institutions,” as Jones names them,⁷³ are worth mentioning here: forced labor and punitive raids, lynchings, and military recruitment. Statistics clearly show how male-affecting and male-destroying these crimes are leaving “gapping gaps” of males. This prompts significant questions: Are men more inclined to violence, and to genocidal violence in particular? Are men, by their nature, more violent than women? Or is it just a question of gender roles and gendering?

In general, it is mostly men who are perpetrators, and women do not directly participate in genocides that are happening in wars and armed conflicts. They are not killed, but they are victims of other forms of genocidal violence, for example, (sexual) enslavement and (forced) pregnancies, with different consequences.⁷⁴ This basic pattern has been preserved for hundreds of years, right up to the recent past. Why was there this exclusion of women from perpetration for a long time? Some argue that women are more sensitive, compassionate, and less aggressive. Another possible explanation relates to the status of women. In many places, women have been and are assigned typical tasks and behaviors. They are to bear and raise children, be devoted to their husbands, and take care of the family. This concern is a leitmotif that clings to women around the world. This role attribution is based on patriarchal structures, which prevents their active perpetration.

71 Allan D. Cooper, *The Geography of Genocide* (Lanham, MD: University Press of America, 2009), vii.

72 It is worth mentioning some recent works here, such as Elissa Bemporad and Joyce W. Warren, *Women and Genocide: Survivors, Victims, Perpetrators* (Bloomington, IN: Indiana University Press, 2018); Sarah K. Danielsson et al., *War and Sexual Violence: New Perspectives in a New Era* (Leiden: Brill-Schöningh, 2019).

73 Jones, “Gendercide and Genocide,” 175–178.

74 Roger Smith, “Women and Genocide: Notes on an Unwritten History,” *Holocaust and Genocide Studies* 8, no. 3 (1994): 316–317.

However, in the 20th century, the role of women in genocides significantly changed. It was critical feminists who questioned the role of women in macro crimes and freed them from the thought pattern of only being helpless victims without any influence. With their studies, they showed that women might be perpetrators too. They can act at different levels of genocide: as staunch instigators and commanders or as keen supporters. In general, women are more likely to be found as supporters. In fact, in the Nazi regime, hundreds of women supported and cheered the crimes. Some women were even very willing accomplices and turned out to be real genocidal killers in a variety of ways.⁷⁵ Some of the women working in the health sector were deeply involved in “Aktion T4”, a large-scale euthanasia project to kill the mentally and physically disabled. Others were accomplices in brutally murdering Jews and Roma people.

Feminist legal historians researching the Rwandan and Yugoslavian genocides found that women were directly or indirectly involved in mass atrocities. In Rwanda, some women were directly responsible for massacres and torture, while others facilitated rapes. Agathe Habyarimana, for example, the wife of President Juvénal Habyarimana, is considered a driving force behind the planning of the genocide. Pauline Nyiramasuhuko, Minister of Family and Women’s Affairs for Rwanda in 1994, took over the logistics for the militias in Butare Province. She organized genocidal violence and ordered rapes.⁷⁶ Women were also active as journalists on the radical radio station “Radio-Télévision Libre des Mille Collines,” where they used hate speech and published death lists to call for the extermination of “cockroaches,” a synonym for Tutsi used by radical Hutu.⁷⁷ Many displaced persons sought protection in churches and monasteries, often in vain, and nuns (and priests) also took part in the genocide. Women drove the militias on with songs, provided them with beer and food, told them how to identify and find Tutsi in their area, plundered from the dead, and lured Tutsi children out of their hiding places with sugar cane.⁷⁸ These undeniable facts have not yet been adequately considered scientifically and legally. So far, only a few women have been convicted of the most serious crimes. The one-sided view of men as perpetrators often overlooks the fact that men are also vulnerable and can be victims of gendered genocidal violence too.

⁷⁵ Wendy Lower, *Hitler’s Furies: German Women in the Nazi Killing Fields* (New York: Houghton M. H., 2013), 120–122.

⁷⁶ Sara E. Brown, *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators* (Abingdon: Routledge, 2018), 32, 100.

⁷⁷ One high-ranking politician who used this word in an incendiary speech was Leon Mugesera in 1992. BBC News, “Rwanda Jails Man Who Preached Genocide of Tutsi ‘Cockroach’,” April 15, 2016, accessed September 26, 2022, <https://www.bbc.com/news/world-africa-36057575>.

⁷⁸ Brown, *Gender and the Genocide in Rwanda*, 99.

Legal Responses to Gendered Genocidal Violence

The previous sections have looked closely at Article 2 of the Genocide Convention and at gendered roles in genocide. This section explores the enforcement of the provisions of the Convention. There are two leading questions in this regard: Have genocidaires ever been convicted at all? To what extent has gender-based genocidal violence been adjudicated by international, national, and third-country national courts?

First, the Genocide Convention is legally binding for all states that signed and ratified this treaty. These states are obliged to prevent and prosecute genocidal violence. Moreover, the prohibition of genocide is part of customary international law obliging all members of the international community (*erga omnes*).⁷⁹ It has the status of *ius cogens*, which means that this fundamental principle must not be overridden by derogation under any circumstances. Second, for criminal prosecution and convictions, it is essential that there is a court. There have been notable developments in this regard in recent years. Although genocides are obviously part of human history, it was not until the 20th century that legal responses to this macro crime were found. This section focuses on judicial processing and law enforcement.⁸⁰

International Tribunals

Genocides have appeared at different times and in different places around the world. However, a new approach emerged after the Second World War. The victorious powers set up military tribunals in Nuremberg and Tokyo that started seriously prosecuting high-rank mass murder. This breakthrough came with the so-called Nuremberg Principles, which are essentially still valid today. The basic idea is that crimes against humanity trigger *direct* criminal liability under international law. However, neither “genocide” nor “sexualized” or “gendered” violence was mentioned in the two statutes. Nobody had an idea of these types of violence. The Nuremberg tribunal discussed mass rapes and Wehrmacht brothels to a minimal extent, but the judges did not classify and judge them as separate crimes. The tribunal in Tokyo was more willing in this regard since there had

⁷⁹ All states are legally bound by this, not only the contracting states.

⁸⁰ There are other ways of dealing with genocides, for example, truth commissions or village courts (like the Gacaca courts in Rwanda).

been about 20,000 rapes in the course of the conquest of the Chinese city of Nanking.⁸¹

The Nuremberg tribunal was “a revolutionary step” in the history of international criminal law,⁸² but none of the tribunals gave almost any great impetus to the prosecution of sexualized genocidal violence. The major change happened in the 1990s with two international tribunals: the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). According to their statutes, these UN tribunals had priority over national courts (Article 9 para. 2 StICTY, Article 8 para. 2 StICTR), being territorially and temporarily limited, and had judicial competence for three crimes: war crimes, crimes against humanity, and genocide.⁸³ In criminal proceedings, tangible evidence is needed for the indictment and conviction of the alleged perpetrators. The problem with an international court is that national governments or state agencies may not cooperate sufficiently, for example, by not providing documents, not making archives accessible, etc. In consequence, witness evidence is usually the main evidence in an international trial. Each of the two statutes contains a provision for the protection of witnesses (Article 22 StICTY, Article 21 StICTR), which primarily applies in cases of rape and sexual assault. That is the legal basis. The interesting question is to what extent the courts have actually succeeded in applying these norms when convicting perpetrators and considering sexualized genocidal violence in the proceedings.

The majority of the ICTR’s convictions were based on war crimes, and some of the violations were seen as torture. War crimes are committed at the bottom of the chain of command, normally by ordinary soldiers. The more difficult provisions are crimes against humanity and genocide, generally committed by high-ranking military or influential politicians, and the killing is planned or widespread. In *Prosecutor v. Jean-Paul Akayesu*, the judges found it proven that rapes were systematic and widespread in Rwanda and punished Akayesu for these rapes as crimes against humanity. This judgment was also a landmark decision with regard to gendered genocidal violence. For the first time, an international criminal court had punished violations and other sexually violent acts as genocide according to Article 2 para. 2 d) GC. The court saw enough evidence that

⁸¹ Diane Orentlicher, “The Tokyo Tribunal’s Legal Origins and Contributions to International Jurisprudence as Illustrated by Its Treatment of Sexual Violence,” *Nuremberg Academy Series* 3 (2020), 99–100.

⁸² Christian Tomuschat, “The Legacy of Nuremberg,” *Journal of International Criminal Justice* 4 (2006): 830–831.

⁸³ ICTY, “Mandate and Crimes under ICTY Jurisdiction,” accessed August 10, 2022, <https://www.icty.org/en/about/tribunal/mandate-and-crimes-under-icty-jurisdiction>.

these acts of violence were aimed at preventing births within the group. This is psychologically and physically possible, as “the person raped refuses subsequently to procreate, in the same way that members of a group can be led, through threats or trauma, not to procreate.”⁸⁴ The court added: “Sexual violence was a step in the process of destruction of the Tutsi group.”⁸⁵ Akayesu was declared guilty of inciting, ordering, and supporting sexual violence. By introducing the notion of “genocidal rape” and acknowledging its consequences in a patriarchal society, this decision was an important advance. However, the small number of people convicted shows that criminal responsibility for this serious crime can rarely be proven.⁸⁶ In view of the high number of perpetrators,⁸⁷ this minimal prosecution is, of course, very unsatisfactory and worrying.

The *Prosecutor v. Pauline Nyiramasuhuko et al.* case is remarkable because a female genocidaire was convicted of gendered genocidal violence. Nyiramasuhuko was found guilty in court for ordering the militias to rape every Tutsi woman before killing them.⁸⁸ She was the first woman to be charged with genocide in an international court and with inciting rape as a form of genocide. In *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, the court ruled that gender-specific propaganda was genocide. Ngeze was the editor of a magazine that targeted Tutsi women for propaganda purposes and spread sexist clichés. He was sentenced to life imprisonment. Nahimana and Barayagwiza had run a radio station together and were convicted of genocide for sexist propaganda.⁸⁹ Another woman had to answer to the ICTY: Biljana Plavšić, former

⁸⁴ ICTR, “Judgment Akayesu Case, ICTR-96-4,” September 2, 1998 (para. 508), accessed September 26, 2022, <https://www.refworld.org/cases,ICTR,40278fbb4.html>.

⁸⁵ Ibid.

⁸⁶ Kathrin Greve, *Vergewaltigung als Völkermord: Aufklärung sexueller Gewalt gegen Frauen vor internationalen Strafgerichten* (Baden-Baden: Nomos, 2008), 304.

⁸⁷ In 2000, well over 120,000 alleged perpetrators were still in prison in Rwanda. See Ingrid Müller, “Sechs Jahre nach dem Völkermord sind 125000 Täter eingesperrt,” *Tagesspiegel*, February 7, 2000, accessed September 26, 2022, <https://www.tagesspiegel.de/politik/sechs-jahre-nach-dem-voelkermord-von-ruanda-sind-125-000-taeter-eingesperrt/121556.html>.

⁸⁸ ICTR, “Judgment and Cases, Case No. ICTR-98-42-T,” June 24, 2011, para. 6200–6209, 1455–1456, accessed September 26, 2022, <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-98-42/trial-judgements/en/110624.pdf>.

⁸⁹ ICTR, “Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Trial Chamber I, Summary of Judgment,” December 3, 2003, ICTR-99-52-T, § 31, 28–31, accessed September 27, 2022, https://adsdatabase.ohchr.org/IssueLibrary/ICTR_Prosecutor%20v.%20Ferdinand%20Nahimana.pdf.

co-president of Republika Srpska, was accused of genocide,⁹⁰ among other things, but not gender-based violence. She was ultimately convicted of war crimes.⁹¹

National Courts

Guatemala is one of the few countries where gendered genocidal violence was the subject of legal proceedings. The armed conflict there, lasting from 1960 to 1996, was waged ideologically and ethnically. Indigenous people, who were already considered backward and inferior due to deep-rooted racism, came under particular scrutiny due to their alleged support of the guerrillas. In this way, a powerful image of the enemy was constructed – that of the “indigenous *guerrillero*.”⁹² Indigenous Maya civilians in rural areas were the main target of massive violence and, above all, genocidal attacks. State terror intensified when General José Efraín Ríos Montt imposed a “scorched earth” policy (*tierra arrasada*). A useful means was the militarization of the civil population by so-called civil self-defense patrols (Patrullas de Autodefensa Civil, henceforth PAC),⁹³ which carried out a large part of the “extermination work.” The two Guatemalan truth commissions⁹⁴ documented the causes, course, and crimes of the war in detail and concluded that in the genocide that had taken place, over 80 percent of the victims were Maya. In fact, the state and the PACs were held responsible for over 90 percent of the crimes, including more than 600 massacres.⁹⁵ The Guatemalan genocide included brutal gendered violence. Many Maya women and children were targets of terrible sexualized violence, widespread rapes, and cruel killings, among other crimes.⁹⁶ It is likely that most of this violence is yet to be fully docu-

90 ICTY, “Indictment,” Case No. IT-00-40-I, April 3, 2000, accessed September 27, 2022, <https://www.icty.org/x/cases/plavsic/ind/en/pla-ii000407e.pdf>.

91 Izabela Steflja and Jessica Trisko Darden, *Women as War Criminals* (Stanford: Stanford University Press, 2020), 17–19.

92 Matthias Epe, *Das Konzept des inneren Feindes in Guatemala: Aufstandsbekämpfung, Menschenrechtsverletzungen und Sicherheitspolitik im Zeitalter der neuen Kriege* (Berlin: Springer, 2017), 58.

93 CEH Guatemala, *Memoria del Silencio 1999*, Capítulo 2, VI, 181–183.

94 REMHI (Recuperación de la Memoria Histórica, in English: Recovery of Historical Truth) and CEH (Comisión para el Esclarecimiento Histórico, in English: Commission for Historical Enlightenment).

95 CEH, “Conclusions and Recommendations,” 1999, 33–35, accessed September 27, 2022, <https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf>; CEH Guatemala, *Memoria del Silencio 1999*, Capítulo 2, XXI, 314–316.

96 Victoria Sanford, Sofía Duyos Álvarez-Arenas and Kathleen Dill, “Sexual Violence as a Weapon during the Guatemalan Genocide,” in *Women and Genocide: Survivors, Victims, Perpetrators*, eds. Elissa Bemporad and Joyce W. Warren (Bloomington, IN: Indiana University Press, 2018), 207–208.

mented. To this day, many women have not spoken about this highly stigmatizing and traumatizing form of violence.

However, Guatemala is one the few countries where – under Attorney General Claudia Paz y Paz Bailey⁹⁷ – a window of opportunity opened to punish genocidal and gendered violence. The first important criminal case was that of the Dos Erres massacre. The process began in 1994 and lasted 17 years.⁹⁸ Special forces called “Kaibiles”⁹⁹ were accused of having massacred over 200 people within three days in the village of Dos Erres in December 1982. Before the killings, women and girls were cruelly raped. Pregnant women were kicked to cause a miscarriage.¹⁰⁰ In August 2011, four military men were sentenced to 6,060 years imprisonment each.¹⁰¹ In March 2012 and November 2018, two other soldiers (Pedro Pimentel Ríos and Santos López Alonzo) who participated in that massacre were sentenced.¹⁰² In another trial, those responsible for violence against indigenous women were brought to justice. Another case relates to the Plan de Sánchez massacre, which took place in July 1982 in the village of Plan de Sánchez. Soldiers and PAC members mistreated and murdered over 250 Maya Achi, most of whom were women and children. In March 2012, a former military commissioner and four former members of the PAC were sentenced to 7,710 years imprisonment each.¹⁰³ The judges stated that the five defendants were responsible for the murder of 256 persons as well as for the systematic abuse and rape of women and children. The statements of the witnesses and experts revealed that the perpetrators had acted wilfully and cruelly.¹⁰⁴

The Ixil-Maya genocide trial raised the issue of violence against indigenous women. Members of the Ixil indigenous group were tortured, raped, and murdered by the thousands in the 1970s and 1980s. Ríos Montt and former secret ser-

97 Paz y Paz Bailey took office in 2010 and was determined to hold those responsible for civil war violence accountable.

98 The Guatemalan authorities had dragged out the proceedings for years; they could only be continued and completed after the Inter-American Court ordered Guatemala to act.

99 The Kaibiles (an elite army unit) had the reputation for being “killing machines” during the civil war. Seventeen Kaibiles carried out the massacre in Dos Erres and were supported by 40 soldiers who cordoned off large parts of the area.

100 CEH Guatemala, *Memoria del Silencio 1999*, Capítulo 3, II, 53.

101 The long prison sentences are only symbolic. According to Guatemalan law, the prison sentence would end after 50 years.

102 “Corte da 6,060 años de prisión a ex kaibil,” *El Economista*, March 15, 2012.

103 “Exparamilitares guatemaltecos condenados a 7.710 años de prisión por matanza,” *El Economista*, March 20, 2012.

104 La República, “Guatemala confirma sentencia de 7.710 años de cárcel para exparamilitares,” October 22, 2012, accessed August 10, 2022, <https://www.larepublica.ec/blog/2012/10/22/guatemala-confirma-sentencia-de-7-710-anos-de-carcel-para-exparamilitares/>.

vice chief José Mauricio Rodríguez Sánchez were accused of being responsible for the deaths of 1,771 people and over 1,400 rapes. Dozens of Ixil testified in court and gave evidence on how the massacre happened in 1982. Experts also had their say in court; for example, lawyer Paloma Soria stated that the massive rapes were not isolated instances but a war strategy aiming at the destruction of the social and cultural structure of the Maya community.¹⁰⁵ In fact, women were not only raped in the villages and hamlets but were also abducted to military bases where they had to serve as sex slaves.¹⁰⁶

In May 2013, Ríos Montt was sentenced to 80 years in prison: 50 years for genocide and 30 years for war crimes. The court found that it was the dictator's objective to exterminate the Mayan population and considered it proven that Ixil women were the victims of the most atrocious crimes¹⁰⁷ and that Ríos Montt had full knowledge of the deeds.¹⁰⁸ What is special about this historic decision is the "centrality of gendered war crimes as part of the genocide."¹⁰⁹ The court linked the strategy of the destruction of the indigenous Ixil with sexual violence, creating "a judicial precedent that will likely be important in future international legal discussions of these types of crimes."¹¹⁰ The historical significance of this judgment remains, even if the decision was overturned by the Guatemalan Supreme Court a short time later due to procedural errors.

Sexualized violence within the Guatemalan genocide was the main subject of the Sepur Zarco trial. In Sepur Zarco, a small Maya village in eastern Guatemala, the army set up an outpost for recreation in 1982 and enslaved over 70 women from surrounding villages. The women had to live near the barracks to provide various services at the military post, including cooking, cleaning, and sexual services. Sometimes they got something to eat for themselves and their children, but hunger and cold determined their daily existence. The captivity and sexual ex-

105 Matt Eisenbrandt, "Prosecution Experts Testify on Psychological, Cultural, Statistical and Gender Issues," *IJM (International Justice Monitor)*, accessed August 10, 2022, <https://www.ijmonitor.org/2013/04/prosecution-experts-testify-on-psychological-cultural-statistical-and-gender-issues/>.

106 FIDH (Federación Internacional de Derechos Humanos), "Genocidio en Guatemala: Ríos Montt culpable," 2013, 18, accessed August 10, 2022, https://www.fidh.org/IMG/pdf/informe_guatemala613esp2013.pdf.

107 Ixil women were particularly vulnerable to reproductive violence, including sexual slavery, forced abortions, fetal killing, etc.

108 FIDH, "Genocidio en Guatemala," 17–18.

109 Elizabeth Oglesby and Diane M. Nelson, "Guatemala's Genocide Trial and the Nexus of Racism and Counterinsurgency," *Journal of Genocide Research* 18, no. 2–3 (2016): 138.

110 *Ibid.*

plotation of women did not end until 1993.¹¹¹ It took almost another two decades for criminal proceedings to be initiated. In September 2011, 15 previously enslaved women raised their voices and filed a complaint. More than four years later, a court declared that there had been a “*femigenocidio*”¹¹² in Sepur Zarco and sentenced the two military officers accused to long prison sentences for (sexual) slavery, murders, and enforced disappearances.

Third-Country National Courts

Gender-specific acts of genocide may also be the subject of proceedings before the courts of third-country states with no connection to the genocidal state. These courts judge according to the so-called principle of universal jurisdiction. Genocidal acts committed in Guatemala during the civil war were tried in Spanish courts, but these trials did not result in a verdict. The first court to punish sexualized violence against women as part of a genocidal enterprise was the Frankfurt Higher Regional Court, which had to judge on a case of genocide against the Yazidi people.¹¹³ On 30 November 2021, the judges convicted Taha Al J., an Iraqi member of the Islamic State (IS), to lifelong imprisonment for buying a Yazidi girl and her five-year-old daughter as slaves in 2015, keeping them captive in his household and abusing them. He let the child die of thirst in the presence of the mother. Therefore, he and others were found guilty of genocide and crimes against humanity resulting in death.¹¹⁴ The judges also subjectively regarded the criminal offense of genocide as fulfilled. With this enslavement, Taha Al J. acted in the interests of IS; he acted with the intention of destroying the Yazidi religious minority.

111 MDPL (Movimiento por la Paz), “Caso Sepur Zarco, la lucha de las mujeres por la justicia,” 2014, accessed August 10, 2022, <https://www.mpd.org/sites/default/files/160210-dossier-alianza-rompiendo-silencio.pdf>.

112 Judgment Sepur Zarco case, High Risk Tribunal, February 26, 2016, C-01076-2012-00021 OF.2°, 34, accessed September 27, 2022, https://mujerestransformandoelmundo.org/wp-content/uploads/2020/07/sentencia_caso_sepur_zarco.pdf.

113 This was not the first genocide trial in Germany, but it was the first on the Yazidi genocide that took gender-based violence into account. The first genocide trial in Germany was against Onesphore Rwabukombe in 2014 and 2015. Judgments of the Higher Regional Court of Frankfurt, February 18, 2014, Az. 5-3 StE 4/10 – 4 – 3/10 and Judgment of the Higher Regional Court of Frankfurt, December 29, 2015, Az. 4-3 StE 4/10 – 4 – 1/15.

114 Judgment of the Higher Regional Court of Frankfurt, November 30, 2021, Az. 5-3 StE 1/20 – 4 – 1/20, accessed September 27, 2022, <https://ordentliche-gerichtsbarkeit.hessen.de/pressemitteilungen/higher-regional-court-frankfurtmain-sentences-taha-al-j-to-lifelong-imprisonment>.

Conclusion

In a way, the history of mankind is a history of genocides. There is hardly a place on Earth that has been spared from this devastating violence. Many scholars of various disciplines have provided detailed looks at various genocidal enterprises and identified the specifics of the most inhuman crime. While the Genocide Convention as a core legal document gives quite a practical definition, socio-political and historical research has shown that genocide may go far beyond direct bloodshed. Genocide may include indirect forms of “slow and silent death.” Furthermore, it does not have to take place as a single event but can manifest as a process.

Genocide research has provided significant insights since the 1990s. In addition, Gender Studies, having an upswing at that time too, provided a new approach to the analysis of genocidal violence: the gender perspective. Seeing genocidal violence through a gendered lens became a useful tool to better understand the roots, forms, and consequences of such violent eruptions within specific situations that intensify the chances that violence is committed along the lines of existent or imagined gender identities. In fact, genocides reveal gender-based strategies and targets as well as actions, and a new term subsequently found its way into the political and academic world: gendercide. The extermination of battle-age men of the out-group is often the prelude to political-military genocide. Then, more vulnerable people (women and children) are attacked. In armed conflicts, female persons or femininities are particularly vulnerable to sexual and reproductive crimes committed through rape and other forms of sexualized violence. However, many genocides against females do not occur as events in wars but are committed almost daily and in a normalized manner in “peacetime.” This is the case with the widespread and ongoing femicides, infanticides, and feticides. The problem with this is that many of these mass killings hardly fall under the Genocide Convention’s definition of a group because women are attacked as a group on the basis of their gender – not as members of a national, racial, religious, or ethnic group.

Works Cited

- Ainsworth, Claire. “Sex Redefined.” *Nature* 518 (2015): 288–291.
- Altunjan, Tanja. *Reproductive Violence and International Criminal Law*. Den Haag: Springer, 2021.
- Austin, John L. *How To Do Things with Words*. Cambridge, MA: Harvard University Press, 1962.
- BBC News. “Rwanda Jails Man who Preached Genocide of Tutsi ‘Cockroach’.” April 15, 2016. Accessed August 10, 2022. <https://www.bbc.com/news/world-africa-36057575>.
- Bemporad, Elissa, and Joyce W. Warren. *Women and Genocide: Survivors, Victims, Perpetrators*. Bloomington, IN: Indiana University Press, 2018.

- Brown, Sara E. *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators*. Abingdon: Routledge, 2018.
- Buisson, Patrick. *La grande histoire des guerres de Vendée*. Paris: Perrin, 2017.
- Butler, Judith. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory." *Theatre Journal* 40, no. 4 (1988): 519–531.
- Carranza Ko, Ñusta. "Making the Case for Genocide: The Forced Sterilization of Indigenous Peoples of Peru." *Genocide Studies and Prevention* 14, no. 2 (2020): 90–103.
- CEH. "Conclusions and Recommendations." 1999. <https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf>.
- Center for Reproductive Rights. "Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia." 2003. Accessed August 10, 2022. https://reproductiverights.org/sites/crr.civicaactions.net/files/documents/bo_slov_part1.pdf.
- Chapdelaine-Feliciati, Clara. *Femicides of Girl Children in the Family Context*. Leiden: Brill, 2018.
- Cooper, Allan D. *The Geography of Genocide*. Lanham, MD: University Press of America, 2009.
- "Corte da 6,060 años de prisión a ex kaibil." *El Economista*, March 15, 2012. <https://www.eleconomista.com.mx/internacionales/Corte-da-6060-anos-de-prision-a-ex-kaibil-20120314-0094.html>.
- Council of Europe. "Sex and gender." Accessed August 10, 2022. <https://www.coe.int/en/web/gender-matters/sex-and-gender>.
- Cruschwitz, Julia, and Carolin Haentjes. *Femizide: Frauenmorde in Deutschland*. Stuttgart: Hirzel, 2022.
- Cunneen, Chris. "Criminology, Genocide and the Forced Removal of Indigenous Children from their Families." *Australian & New Zealand Journal of Criminology* 32, no. 2 (1999): 124–138.
- Danielsson, Sarah K., ed. *War and Sexual Violence: New Perspectives in a New Era*. Leiden: Brill-Schöningh, 2019.
- Eisenbrandt, Matt. "Prosecution Experts Testify on Psychological, Cultural, Statistical and Gender Issues." *IJM (International Justice Monitor)*, 2013. Accessed August 10, 2022. <https://www.ijmonitor.org/2013/04/prosecution-experts-testify-on-psychological-cultural-statistical-and-gender-issues/>.
- Epe, Matthias. *Das Konzept des inneren Feindes in Guatemala: Aufstandsbekämpfung, Menschenrechtsverletzungen und Sicherheitspolitik im Zeitalter der neuen Kriege*. Berlin: Springer, 2017.
- European Parliament. "Femicide, Its Causes and Recent Trends: What Do We Know?" 2021. Accessed August 10, 2022. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI\(2021\)653655_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI(2021)653655_EN.pdf).
- European Parliament. "Report on Gendercide: The Missing Women?" June 28, 2013. Accessed January 10, 2023. https://www.europarl.europa.eu/doceo/document/A-7-2013-0245_EN.pdf.
- "Exparamilitares guatemaltecos condenados a 7.710 años de prisión por matanza." *El Economista*, March 20, 2012. Accessed January 12, 2023. <https://www.eleconomista.es/legislacion/noticias/3835601/03/12/Exparamilitares-guatemaltecos-condenados-a-7710-anos-de-prision-por-matanza.html>.
- FIDH (Federación Internacional de Derechos Humanos). "Genocidio en Guatemala: Ríos Montt culpable." 2013. Accessed August 10, 2022. https://www.fidh.org/IMG/pdf/informe_guatemala613esp2013.pdf.
- Garver, Kenneth L., and Bettylee Garver. "Eugenics, Euthanasia and Genocide." *The Linacre Quarterly* 59, no. 3 (1992): 24–51.
- George, Sabu, Rajaratnam Abel, and B. D. Miller. "Female Infanticide in Rural South India." *Economic and Political Weekly* 27, no. 22 (1992): 1153–1156.
- Glöckner, Olaf, and Roy Knocke. *Das Zeitalter der Genozide: Ursprünge, Formen und Folgen politischer Gewalt im 20. Jahrhundert*. Berlin: Duncker & Humblot, 2017.

- Goldstein, Joshua. *War and Gender*. Cambridge: Cambridge Univ. Press, 2001.
- Greve, Kathrin. *Vergewaltigung als Völkermord: Aufklärung sexueller Gewalt gegen Frauen vor internationalen Strafgerichten*. Baden-Baden: Nomos, 2008.
- Grodin, Michael A., Erin L. Miller, and Johnathan I. Kelly. "The Nazi Physicians as Leaders in Eugenics and "Euthanasia": Lessons for Today." *American Journal of Public Health* 108, no. 1 (2018): 53–57.
- Harvard Divinity School. "The Third Gender and Hijras." Accessed August 10, 2022. https://hwpi.harvard.edu/files/rpl/files/gender_hinduism.pdf?m=1597338930.
- Hesketh, Therese, Li Lu, and Zhu Wei Xing. "The Consequences of Son Preference and Sex-selective Abortion in China and other Asian Countries." *Canadian Medical Association Journal* 183, no. 12 (2011): 1374–1377.
- Human Rights Careers. "What is Gendercide?" Accessed August 10, 2022. <https://www.humanrightscarers.com/issues/what-is-gendercide/>.
- Hutt, David. "Die beschämende Geschichte der Zwangssterilisation von Roma-Frauen in Europa." *Euronews*, August 6, 2021. Accessed August 10, 2022. <https://de.euronews.com/my-europe/2021/08/06/die-beschamende-geschichte-der-zwangssterilisation-von-roma-frauen-in-europa>.
- Jimmerson, Julie. "Female Infanticide in China: An Examination of Cultural and Legal Norms." *Pacific Basin Law Journal* 8, no. 1 (1990): 47–79.
- Joeden-Forgey, Elisa von. "Gender and Genocide." In *The Oxford Handbook of Genocide Studies* edited by Donald Bloxham and A. Dirk Moses, 61–80. Oxford: Oxford University Press, 2012.
- Jones, Adam. "Gendercide and Genocide." *Journal of Genocide Research* 2, no. 2 (2000): 185–211.
- Jones, Adam. "Gendercide: Examining Gender-based Crimes Against Women and Men." *Clinics in Dermatology* 31 (2013): 226–229.
- Jones, Adam. "Gendercidal Institutions against Women and Girls." In *Women in an Insecure World*, edited by Marie Vlachova and Lea Biason, 15–25. Geneva: Centre for the Democratic Control of Armed Forces, 2005.
- Jones, Adam. *Genocide: A Comprehensive Introduction*. London: Routledge, 2006.
- Jordan, Jan. "Gender and Victimology: A Necessary Pairing." In *Women, Crime and Justice in Context*, edited by Anita Gibbs and Fairleigh Evelyn Gilmour, 27–43. New York: Routledge, 2022.
- La República. "Guatemala confirma sentencia de 7.710 años de cárcel para exparamilitares." October 22, 2012. Accessed August 10, 2022. <https://www.larepublica.ec/blog/2012/10/22/guatemala-confirma-sentencia-de-7-710-anos-de-carcel-para-exparamilitares/>.
- Laurance, Jeremy. "The Full Extent of India's 'Gendercide'." *The Independent*, May 25, 2011. <https://www.independent.co.uk/news/world/asia/the-full-extent-of-india-s-gendercide-2288585.html>.
- Lower, Wendy. *Hitler's Furies: German Women in the Nazi Killing Fields*. New York: Houghton M. H., 2013.
- Mashru, Ram. "It's a Girl: The Three Deadliest Words in the World." *The Independent*, January 18, 2012. <https://web.archive.org/web/20131212082637/http://blogs.independent.co.uk/2012/01/16/it%E2%80%99s-a-girl-the-three-deadliest-words-in-the-world/>.
- Lukas, Richard C. "Did the Children Cry? Hitler's War against Jewish and Polish Children, 1939–1945." Accessed August, 10, 2022. <http://www.projectinposterum.org/docs/lucas2.htm>.
- McGowan, Mark G. "The Famine Plot Revisited." *Genocide Studies International* 11, no. 1 (2017): 87–104.
- MDPL (Movimiento por la Paz). "Caso Sepur Zarco, la lucha de las mujeres por la justicia." 2014. Accessed August 10, 2022. <https://www.mpd.org/sites/default/files/160210-dossier-alianza-rompiendo-silencio.pdf>.
- MDR. "Können Männer Kinder austragen?" May 29, 2019. <https://www.mdr.de/wissen/schwanger-mann-gebaermutter102.html>.

- Medica Mondiale. "‘We Are Still Alive’: Research on the Long-term Consequences of War Rape and Coping Strategies of Survivors in Bosnia and Herzegovina." 2014. Accessed August 10, 2022. https://medicamondiale.org/fileadmin/redaktion/7_Service/1_Mediathek/1_Dokumente/2_English/Documentations_studies/141128_Research_We-Are-Still-Alive_CR-Medica-Zenica_medica-mondiale.pdf.
- Molina Serra, Ainhoa. "(Forced) Sterilization in Peru: Power and Narrative Configurations." *Revista de Antropología Iberoamericana* 12, no. 1 (2017): 31–52.
- Moshman, David. "Conceptions of Genocide and Perceptions of History." In *The Historiography of Genocide*, edited by Dan Stone, 71–92. Basingstoke: Palgrave Macmillan, 2008.
- Müller, Ingrid. "Sechs Jahre nach dem Völkermord sind 125000 Täter eingesperrt." *Tagesspiegel*, February 7, 2000. <https://www.tagesspiegel.de/politik/sechs-jahre-nach-dem-voelkermord-von-ruanda-sind-125-000-taeter-eingesperrt/121556.html>.
- O'Dowd, Niall. "Famine Movie on its Way but Was It Genocide by the British?" *Irish Central*, August 20, 2018. <https://www.irishcentral.com/news/irish-famine-genocide-british>.
- Oglesby, Elizabeth, and Diane M. Nelson. "Guatemala's Genocide Trial and the Nexus of Racism and Counterinsurgency." *Journal of Genocide Research* 18, no. 2–3 (2016): 133–142.
- Orentlicher, Diane. "The Tokyo Tribunal's Legal Origins and Contributions to International Jurisprudence as Illustrated by Its Treatment of Sexual Violence." *Nuremberg Academy Series* 3 (2020), 85–101.
- Ornek, Serdar, and Mehlika Ozlem Ultan. "Gypsies as Victims of Crime of Crimes." *International Journal of Social Sciences* 4, no. 1 (2015): 62–70.
- Radford, Jill, and Diana E. H. Russell. *Femicide: The Politics of Woman Killing*. New York: Twayne Publishers, 1992.
- Randall, Amy E. "Introduction: Gender and Genocide Studies." In *Genocide and Gender in the Twentieth Century: A Comparative Survey*, 2nd ed., edited by Amy E. Randall, 1–24. London: Bloomsbury, 2021.
- Regitz-Zagrosek, Vera. "Why Do We Need Gender Medicine?" In *Sex and Gender Aspects in Clinical Medicine*, edited by Sabine Oertelt-Prigione and Vera Regitz-Zagrosek, 1–4. London: Springer, 2011.
- Saikia, Nandita et al. "Trends in Missing Females at Birth in India from 1981 to 2016: Analyses of 2.1 Million Birth Histories in Nationally Representative Surveys." *Lancet Global Health* 9 (June 2021): 813–821.
- Sanford, Victoria, Sofía Duyos Álvarez-Arenas, and Kathleen Dill. "Sexual Violence as a Weapon during the Guatemalan Genocide." In *Women and Genocide: Survivors, Victims, Perpetrators*, edited by Elissa Bemporad and Joyce W. Warren, 207–222. Bloomington, IN: Indiana University Press, 2018.
- Sionneau, François. "Guerre de Vendée: 'Il n'est pas possible de parler de 'génocide'.'" *L'Obs*, November 24, 2017. <https://www.nouvelobs.com/histoire/20171124.OBS7800/guerre-de-vendee-il-n-est-pas-possible-de-parler-de-genocide.html>.
- Smith, David Michael. "Counting the Dead: Estimating the Loss of Life in the Indigenous Holocaust, 1492–Present." <https://portal.usask.ca/index.php?sid=533529724&id=67397&t=details>.
- Smith, Roger. "Women and Genocide: Notes on an Unwritten History." *Holocaust and Genocide Studies* 8, no. 3 (1994): 315–334.
- Staub, Ervin. *The Roots of Evil: The Origins of Genocide and Other Group Violence*. Cambridge: Cambridge University Press, 1989.
- Steflja, Izabela, and Jessica Trisko Darden. *Women as War Criminals*. Stanford: Stanford University Press, 2020.

- Stetz, Margaret D. "Reframing the 'Comfort Women' Issue: New Representations of an Old War Crime." In *Genocide and Mass Violence in Asia: An Introductory Reader*, edited by Frank Jacob, 61–77. Berlin: De Gruyter, 2019.
- Tomuschat, Christian. "The Legacy of Nuremberg." *Journal of International Criminal Justice* 4 (2006): 830–844.
- Turdush, Rukiye, and Magnus Fiskesjö. "Dossier: Uyghur Women in China's Genocide." *Genocide Studies and Prevention* 15, no. 1 (2021): 22–43.
- UN Case Law Database. "Conditions of Life Calculated to Bring about Physical Destruction." Accessed August 10, 2022. <https://cld.irmct.org/notions/show/173/conditions-of-life-calculated-to-bring-about-physical-destruction>.
- UN General Assembly. "Convention on the Prevention and Punishment of the Crime of Genocide." December 9, 1948. Accessed August 10, 2022. <https://www.un.org/en/genocideprevention/genocide-convention.shtml>.
- UN General Assembly. "The Crime of Genocide." December 11, 1946. Accessed August 10, 2022. <https://www.refworld.org/docid/3b00f09753.html>.
- Vaze, Sonia. "Un-Natural Selection: Female Feticide in India." *Public Health Advocate*, April 10, 2021. <https://pha.berkeley.edu/2021/04/10/un-natural-selection-female-feticide-in-india/>.
- Warren, Mary Anne. *Gendercide: The Implications of Sex Selection*. Totowa: Rowman & Allanheld, 1985.
- WHO. "Gender and Health." Accessed August 10, 2022. https://www.who.int/health-topics/gender#tab=tab_1.

