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RAPE AS A TOOL OF WAR: EXAMINING THE CULPABILITY OF THE STATE

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ABSTRACT

The goal of this study is to evaluate the culpability of the State in the commission of rape in armed conflict using the Rwanda conflict as case study. There is a growing alarm worldwide over the use of rape as a tool of war. Prosecuting only individuals alleged to be responsible has not served the desired deterrent effect. This study investigates the widespread commission of the offence in Rwanda vis a vis alleged use of State machinery to create an enabling environment for its commission and the deliberate failure of the State to stop it. The study hypothesis that rape committed in the Rwanda conflict was precipitated by deliberate State policy of genocide. The study concludes that wars are prosecuted by States and the only way to stop rape from being used as a tool of war is to, in addition to prosecuting the individuals involved, prosecute the State also.

Keywords: State, Criminal Responsibility, Rape, Prosecution, Armed Conflicts.

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