



# EMASCULATION: AN INSTITUTION OF INTERNATIONAL CRIMINAL LAW WITH GENOCIDAL CHARACTERISTICS

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## Abstract

*In the wars that stun the nations today, international crimes of various forms are constantly appearing. Some are the results of the evolution of the modern technicality of the tools of modern war, others are the products of the resurgence of crimes that have existed since the dawn of time. Among these, emasculation is spreading today in Africa, more particularly in the Great Lakes region. What does this emasculation consist of? How has it evolved? Knowing that by nature this criminal practice is not of Bantu essence, how did it manage to take root in Rwanda and in Africa of the Great Lakes? What is its psycho-social basis? Does it enjoy, or at least at some point in the history of Central Africa, a certain legal basis? Has it received socio-legal recognition so that its real existence can be accepted? These are the main questions that this article will attempt to answer.*

**Keywords:** Castration, eviration, emasculation, genocidal practice, Arab-Muslim slavery.

## I- Introduction

The armed conflicts, initially in Rwanda and later in the Great Lakes region of Africa, have seen a resurgence of the old criminal practice of emasculation. In the Mapping Report of the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of Congo, the investigators of the Office of the High Commissioner noted an unusual crime in international and non-international armed conflicts there (REPORT, 2003, 2010). However, it is a crime that has been known and committed for many years. In fact, since the 15th century, in all the wars of conquest undertaken by the nomadic Tutsi pastoralists, eager to graze their large cattle and with the desire to settle in the Land of a Thousand Hills, Rwanda, the Tutsi newcomers have brought with them an ignominious practice of total ablation of the organs of virility of the men, especially of the dynastic chiefs (*abahinza*) of the Hutu kingdoms. What does this act, differently called *emasculation, castration, eviration and "guca ibinyita" or "gushahura", "ablate the organs of virility"*, consist of? It is technically imperative to formulate a definition and

to note the nuances that can cause confusion between the above-mentioned concepts. The understanding of this phenomenon of emasculation can only be understood by resorting to the experiences of different civilizations in space and time, because it is a very old practice in the world. In the 15th century, Rwanda also saw this practice become ferociously embedded in its system of government. What was the course of its incrustation in Rwandan traditional practices? Progressively, it was found to be legally institutionalized in the Rwandan traditional legal system and socio-politically sacralized. The magnitude acquired by this emasculation has ceased to be an act which, at the beginning seem to be occasional or accidental, but has become by force of circumstance purely and simply a destructive act of the structures and dynastic families. It has strived to acquire the genocidal aspect of the criminal act that it was in the beginning. Its socio-political nuisance and criminal character will be one of the causes of the popular uprising of 1959 that will provoke the fall of the feudomonarchist regime. The exile of the deposed lords to neighboring countries will participate in the regionalization of this criminal act of emasculation. In all the wars that have enamelled innumerable

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inconvenient criminal acts, emasculation has carved out a majestic place for itself, such as in Katanga where an American, investigator of the United Nations, was a victim, the Masisi, Ituri, Beni, Minembwe, in the vicinity of Bukavu, in Burundi, in Uganda. Should we bow to the exasperating internationalization of this act? Its criminalization at all levels (national and international) is urgent in view of the damage it causes, the inhumanity that covers it and the discreet barbarity that crowns it!

## II- Definition of emasculation

The exploitation of a number of literature on emasculation (MOULINIER L.: 2009; Count DE MIRABEAU: 1833; RATANLAL and Alii: 2011; NAGPUR: 1896; BAXI: 2014), led us to understand that an unintentional or deliberate confusion would have been maintained to sow the misunderstanding of the phenomenon subject of our study in this article. Thus, we read on the Wikimedia website that "Most of the time, castration is limited to the removal of the testicles (partial castration or emasculation),IV- but sometimes it also involves the penis (total castration or emasculation); the people thus victimized by this inhumane act are sometimes called eunuchs" (<https://fr.wikimédia.org/wiki/casration>).

From the outset, it can be seen that this assertion collected on the internet sows confusion between emasculation and castration. Castration cannot in any way be confused with emasculation. Castration means the removal of the testicles (MOULINIER L.: 2009). The testicles can be surgically removed, i.e. the testicles are extracted or crushed from their cavities. We can also resort to the so-called chemical castration (SAULNIER J.: 2009) which consists in ingesting drugs that will trigger a decrease in the production of testosterone and thus reduce sexual impulses (<https://fr.wikimédia.org/wiki/castration>). In this situation,V- "Castration is understood as the paradigmatic state of mutilated masculinity wherein sexual and reproductive destiny of the despised male subject is arrested" (CHAKRAVARTY U.: 2003). Castration is considered illegal in most countries of the modern world.

As for emasculation, it is different from castration. Emasculation is always accompanied by the removal of the penis and testicles. In India, it "includes chopping, cutting, or amputating the penis in the context of caste or land disputes, sexual crimes, and crimes of passion (BAXI: 2014). Judicially, it is "described as squeezing the testicles, chopping the penis off, cutting the penis from its root, or amputating it" (RATANLAL and DHIRAJLAL'S: 2011). These judgments have received little attention in the work on gender-based violence in India. Ratanlal and Dhirajlal's (2011) classic commentary on the Indian Penal Code explains emasculation as "depriving a male of masculine vigor". It is in fact a practice that involves the removal of the entire male reproductive system, the penis and testicles.

For a long time, emasculation was confused with eunuchism, which was defined as a "turpid act that consists of removing a person's testicles or even, in some cases, his manly member in a package" (Comte de MIRABEAU: 1833). On this subject, the count of Mirabeau tells in his *Erotika Biblion*, that the unfortunate people to whom one had all ablated, these "absolute impotents", were qualified of "eunuchs aqueducts because being deprived of the rod which carries the jet outside, they are obliged

to be useful of a conduit of supplement (*Comte de MIRABEAU: 1833*)".

This practice of emasculation deprives the man first of his apparatus of reproduction, since he will not be able any more to impregnate; he loses then his rod with which he could have used to impregnate; as a result of these losses, the pleasure which he drew from the sexual act, is torn off to him; otherwise psychologically at the same time as legally he is annihilated; and finally he is reached in all his humanity "of social man provided with the mission to make grow the society by the procreative way". In other words, he loses his right to procreate, a right that is fundamental not only for himself, but also for his entire nation.

## III- Emasculation: a very old practice.

There is every reason to believe that the practice of removing the testicles from a man to deprive him of his virility is very old, as suggested by the *myth of Cronos* depriving his father *Ouranos* of the marks of virility told in the *Theogony of Hesiod* (MUPENDANA P.C.: 2010), for example. The origin of this myth explaining the birth of Aphrodite from the severed sex of Ouranos is lost in the mists of time, but its success was long-lasting, as shown by various illustrations from the end of the Middle Ages, in Evrard de Conty's *Echecs amoureux* (JUPITER, BnF), in Boccaccio's *De casibus* (Ms, BnF), and especially in Ovid's *Metamorphoses* (Ms, BnF). But, whatever the attraction exerted by this account of the childbirth of the gods, the operation was applied to very real men, to obtain individuals who no longer had reproductive capacities, and therefore dangerous from a sexual point of view (MOULINIER L.: 2009).

We find the first proofs of the existence of emasculation since antiquity, in the Bible, in the ancient history of China, in the history of Western Europe in its commercial relations with the Muslim world and finally in the trade of African blacks by the Arabs. Some researchers attribute the invention of devirilization to the *mythical Assyrian Queen Semiramis*.

Research conducted to date leads to the conclusion that "the first to have practiced eunuchism, and therefore emasculation, are most likely the Chinese, among whom eunuchs are attested as early as the twelfth century before the Christian era. It is in the Middle Kingdom, under the Chou dynasty that the emperor Chou-Kung decreed, in 1100 BC, a code in which he stated the five modes of serious punishment to be applied under his reign: the stigmata on the forehead, the sectioning of the nose, the amputation of the ears, the hands or the feet, the *castration or eviration* and finally the capital punishment. It would therefore be the Chinese who taught the whole world the art of castration and emasculation (SHIN-SHAN H.T.: 1996; EDWARD T. and SHALMERS W., 1919).

We find other stigmata of this hideous practice in the Old Testament. Leviticus, for example, attests that the Israelites had learned the art of castrating men and animals. If they forbade offerings to God from castrated animals, it is to say that this practice was present in their society. They went even further, since they specified the procedure that had to be followed to sexually destroy them. It was said that "any animal whose testicles are retracted, crushed, torn off or cut off" is considered castrated. In other words, this book mentions in passing four methods of

operation: *by crushing, by tearing and by amputation (LEVITIC)*. Men were also mutilated. In the twelfth century, to justify the reactions that he inspired the day after his mutilation, it is this biblical passage that the unfortunate Abelard recalls in the History of his misfortunes, as well as an extract from Deuteronomy on the impediments to the priesthood, which excluded the eunuchs from the divine service (*LETTER OF ABELARD: 1996*). The Book of Numbers also evokes the existence of this institution.

In antiquity, it should not be forgotten that in cities, slavery was part of the organization of society and played a real economic role in the development of the city. For the most part, these slaves were eunuchs, from the ancient Greek *eunoukhos* meaning guardian of the marriage bed (*DE MARLIANE O.: 2011; GUILLAND R.: 1943*). It is worth remembering Aristotle (384-322 B.C.) (*ARISTOTE*) who dissociated free men and women from slaves by nature (*ARISTOTE*) who were captured as a result of wars, acts of brigandry or piracy, or by way of justice, for usurpation of citizenship or for debt. But already at the same time, the great Herodotus (484-425 B.C.) anathematizes the "infamous traffic", with purely commercial goal, of these eunuchs on the markets of Sardis and Ephesus, where they are sold at a gold price "because the fidelity of the Eunuchs makes them, at the Barbarians, more invaluable than the other men" (*HISTORY OF HERODOTUS: 1802*). At that time, these slaves were seen as people to be castrated or emasculated, whether they had been captured in wars (*MAXIME DU CAMP: 1854*) or whether they had been bought. Indeed, in Byzantium, for example, "one paid 30 solidi for a eunuch under 10 years of age, 50 solidi if he was more than 10 years old and 60 solidi if he was an artist" (*MAXIME DU CAMP: 1854*).

Alexandre Skirda reports that human trafficking constituted in the High Middle Ages "the most important export item" from the West to the East (*SKIRDA A.: 2010*). These mostly Slavic captives stopped in Verdun, and they were not at the end of their troubles, since they discovered the local specialty there: eviration. Verdun was thus described as a "factory of eunuchs" or a "factory of eunuchs". There, the Jewish colonies, where men and young boys were transformed into eunuchs (it seems that Jewish merchants were the only ones to practice the operation) (*LACASAGNE A.: 1913*).

After having undergone emasculation or castration, they waited while dressing their wounds to be transported in merchants' caravans to the Orient. They were then transported to the eastern markets to be sold before joining the seraglio of the Byzantines and Ottomans, where they were usually assigned. Some of them were entrusted with important positions in the guard of great emirs or held high military and civil offices, while the most illiterate remained simple factotums (*CHEBEL M.: 2007*).

How can we explain the success of this human commodity? Simply because the enslaved, degraded and devilish man embodies the archetype of the perfect slave, the ideal servant, especially for the oriental peoples of the time. Unable to produce offspring, it was highly unlikely that he would plot some treacherous scheme to overthrow his master or ruler, since he would have no heir to bequeath his inheritance to. Moreover, deprived of his genitals, he could be entrusted with the surveillance of women without posing a threat to their husbands, since he was not supposed to feel any sexual desire.

As eunuchoid merchandise became scarce, the Arabs turned to Africa. More than 17,000,000 people were taken from the eastern shores of the Dark Continent.

## IV- The invasion of Africa by the practice of emasculation

The second wave of intensive emasculation took place in Africa with the Arab-Muslim slave trade where more than 17 million Africans were taken to Arab countries and where more than 80 million lost their lives during the capture (*AUSTEN R.: 1987*). Any person taken from Africa was necessarily emasculated. Research on this type of black slave trade has come up against taboos. For the time being, "wrote Bernard Lewis in 1993, "slavery in the land of Islam remains a subject that is both obscure and hypersensitive, the mere mention of which is often felt to be a sign of hostile intentions (*LEWIS B.: 1993*). Analyzing school textbooks from all over the world, Marc Ferro wrote in 1981, about an eighth grade book used in French-speaking Africa: "The hand shook, once again, as soon as it was a question of evoking the crimes committed by the Arabs [...] whereas the inventory of crimes committed by the Europeans occupies, for its part, and rightly so, entire pages (*FERRO M.: 1981*)...". Let us specify, with Janet J. Ewald, that the Arab-Muslim trade has never preoccupied Eastern intellectuals as much as European and American thinkers of the 18th and 19th centuries (*EWALD JANET.J.: 1992*).

In 652, a troop commanded by Abd ibn Sarth went far south up the Nile and seized Dongola. Despite the resistance of the Nubians, King Kalidurat had to submit by promising to build a mosque and by granting a quota of slaves every year. The agreement is formal: "You will deliver each year three hundred and sixty slaves of both sexes which will be chosen among the best of your country and sent to the iman of the Muslims" (*ALICE GRACE MALONGTE. :*). It is the treaty of Bakht preserved in the Muslim diplomatic archives. By this treaty of Bakht: The king of Nubia Kalidurat is forced to submit by promising to build a mosque, to concretize his acceptance of the new religion - Islam; and committed to grant every year a quota of slaves following the defeat of the animist Nubians who had however remarkably resisted. After the conclusion of this agreement, Abd ibn Sarth went up the Nile with his troops and seized Dongala (*DOSSIER: 1964*). From this event, it would not be wrong to assert that it was the Arab-Muslims who invented the slave trade. This agreement will be followed by the flight of many Nubians to South Sudan and the Great Lakes region of Africa. These Nubians were accompanied by a lot of cattle heads (big horned cows). They were fleeing from the practice of emasculation that came with the Arab-Muslims.

Faced with the Christian army of the kingdom of "Priest John" (present-day Ethiopia) and despite this treaty, Muslim colonization was stopped once and for all. The Nubians were however victims of raids from the Red Sea, but the Nile valley remained closed to the Muslim slave trade. As this route became closed, the Arab-Muslims felt obliged to find other routes to the heart of Africa in search of slaves. Henceforth, they would use the Red Sea, following the eastern coast of Africa for more than 5000 kilometers and setting up trading posts there, and by land, crossing the Sahara desert to go to the Bantu kingdoms located in the south, which would quickly be Islamized.



The very first trading post created, was installed on the eastern coast of Somalia. The Sultanate of Adal, was a Somali sultanate that exported Bantu slaves from East Africa (HENRI LOUIS GATES:1999). Until the Middle Ages, Bantu slaves were captured by Muslim traders along the East African coast. Thus, the present-day Mogadishu was very early an important trading post for precious stones and wood and for slaves.

Later, after having taken the Red Sea route, the majority of slaves that these Arab-Muslim slavers captured were Bantus. The Somalis did not sell their brothers, but only sought out Zengis of Bantu descent. They were collected in South Sudan or on the East African coast. A new name was thus given to them by the term of Zanj or Zendj . Sudan was then named in Arabic the "country of the blacks" (bilād as-sūdūn) (LOMBARD M.: 1980). The Islamization of Africa was thus deliberately curbed in order to keep a catchment area for non-Muslim slaves ([https://fr.wikipedia.org/wiki/esclavage\\_dans\\_le\\_monde\\_arabo-musulman#cite\\_note-2-33](https://fr.wikipedia.org/wiki/esclavage_dans_le_monde_arabo-musulman#cite_note-2-33) ).

Thus, as soon as a black Bantu was captured and entered into the chains of the Arab-Muslims, he became a "Zendj" or "Zanj" by this very fact. Zanzibar, etymologically, is therefore the "city of the Bantu slaves" and the latter arrived at the coast from the African hinterland inhabited mainly by the Bantu.

The Arabs-Muslims, in order to have easy access to their raw material, had strategically installed in the interior of East Africa pawns, small traders, and itinerant salesmen, whose mission was to corrupt certain local chiefs, to identify families and people who could be easily captured. The cost of each person captured was immediately paid. In addition, some Arabs were installed in trading centers where they sold exotic products. Elsewhere, "Arab, Swahili or Islamicized Black traders opened roads and raided the populations of the interior, less used to firearms than those of the coast. Entire regions were sacked, first as far as the Great Lakes, then well beyond, as the traders moved up the Congo River. The raids could last more than a year (SLAVERY: 2008). In this way, the "new" and "old" forms of trade were created, and the "new" forms of trade were developed. The others were driven north through the desert" (PETRE GRENOUILLEAU: 2010).

The transatlantic slave trade has been qualified and rightly recognized as a crime against humanity. How then should we qualify the one practiced by the Arab-Muslims? It is truly a genocide because the fate reserved for the African captives appears today, with the benefit of hindsight, as a kind of racial extinction, but programmed by massive emasculation and castration. We know today that they have practically all disappeared despite the enormous masses of Africans deported to Arab-Muslim countries, hence the use of the term genocide. If you have 80 million blacks deported since the 7th century and that by the massive castration, you have only a minority of blacks who managed to survive in the land of Islam while on the other side (transatlantic) we have 70 million individuals who are descendants or half-breeds of Africans and who today populate the American continent, from the United States to Brazil through the islands of the Caribbean at the time when in the Arab-Muslim countries we find more traces of them, what should we conclude?

On this subject, Tidiane N'DIAYE (2008), author of "*Le génocide voilé*" (The Veiled Genocide), specifies that "most of the millions of men they deported disappeared because of the

inhumane treatment and the generalized and massive castration that these poor African captives underwent. And the saddest part of this tragedy is that most of the deportees never ensured offspring, due to the massive castration that the Arabs practiced. Finally, "observers have noted that in order to hunt and forcibly remove five hundred thousand individuals, it was necessary to kill nearly two million others (resisters or escapees). Therefore, with 17 million killed, it is not easy to determine approximately the number of those who died at the time of capture. The American Ralph Austen, one of the best specialists on the subject, concludes in his research by writing that 17 million people were deported by Muslim slave traders between 650 and 1920 and adds that. He adds that more than 80 million would have been killed (AUSTEN R: 1987).

It is high time that the genocidal Arab-Muslim slave trade be examined in the same way as the transatlantic slave trade, because it is a bridge in history that is ignored, voluntarily hidden and obscured. This voluntary amnesia on the part of Black elites on the question is explained by the fact that many researchers still have difficulty in moving from an emotional memorial vision of this history, obviously for questions of religious solidarity, to a distanced and scientific approach of a history that deals only with proven facts (AFRIKHEPRI FOUNDATION).

Tidiane N'Diaye resorts to a gentle concept, which hardly reflects the animosity with which the Arab-Muslims stripped the deported Africans of their humanity, their virility, their dignity. They not only castrated them, they removed their organs of manhood; they emasculated them. Funny thing is, some historians dare to deny the reality of the facts and blame them on others. This is the case of the pseudo-historian Olivier Pétré-Grenouilleau. Speaking of the way in which the castration of captured blacks was carried out, he endorses the Jews and Christians (HEERS J.: 2001; DE MARLIAVE O.: 2011; CHEBEL M.: 2007) for the fact that: "castration was practiced without anesthesia, more than 60% did not survive the procedure and were left for dead, bleeding to death" and that "to stop the hemorrhaging, the Arabs used burning coal placed directly on the bare wound". And to add that "Africans were castrated to be Eunuchs (servants ...) (HISTORY CASTRATION: 2019)". In his article "*L'esclavage arabo-musulman était-il raciste?*" (PETRE-GRENOUILLEAU O.: 2004), he denies any racism in the acts of the Arab-Muslims and goes so far as to assert that it was not Arabs who emasculated black slaves, but Christians and Jews, and moreover dares to declare with arrogant cynicism that slaves were voluntarily castrated. There is nothing more inhumane and demeaning for a so-called scientist than to remove his shame from his face and declare that a man he recognizes as having an excessive libido has agreed to be castrated (N'DIAYE, T.: 2006). He does not specify, however, whether this slave does it voluntarily or if he is forced to do so. "In any case, if he is castrated, it is because he is personally willing to do so," he says. This statement is in itself silly, illogical and foolish. Logically, a normal man could never do it; even an animal or a being without reason would never do it. What will be said about the person who utters these tricks?

What is even funnier is the fact of wanting to stick these animalities to "Jews and Christians". But alas, the testimonies prove that most of these sexual ablations were done in the Sahara. Did these Jews and Christians follow them? How could an Arab Muslim, fanatic by nature, entrust this hideous and costly task to a

Christian? How could a specialist, wanted in Verdun and Prague, travel all these distances in the Sahara for such cheap operations? Were the surgeons of the 20th century so poor that they could do such a dangerous job? How many surgeons were there to be able to emasculate more than 17 million men? With all the honor and scientificity that we owe to Olivier Pétré-Grenouilleau, let us admit to him that his croaking is intoxicating our intellectual senses.

Other witnesses affirm that it is important to recognize that this genocide was accompanied by inhuman and ignoble barbaric acts. First, there was a screening of black African men and women who were subjected to inhumane treatment before being subjected to conditions that made them almost all disappear. Here we are not talking about dozens of people, but rather tens of millions of human lives. Seventeen million arrived and were decimated in the Arab countries; more than 80 million died during the processes of slave capture. This mass killing was committed voluntarily. This probably explains why the inhumane treatment and widespread mutilation of black captives was voluntarily applied to slaves. Moreover, it was a convenient way to prevent these "animals" from proliferating in their places of deportation. The result is that nowadays, they have almost all disappeared in Turkey, Yemen, Iraq and very few are found in the Maghreb or Saudi Arabia" [...] (N'DIAYE, T.: 2006).

Comparing the transatlantic trade and the Arab-Muslim trade, we find the following: "two out of three slaves taken to America were men; almost all slaves taken to America were employed in agriculture; slaves in America made many children with millions of descendants now citizens of Brazil and the United States; most slaves in America were able to marry and have children; marriages between Blacks and Whites were possible. In relation to those taken to Arab countries, the ratio was two females to three males for the Arab-Muslim slave trade; the majority of female slaves in the Middle East were destined for sexual exploitation in harems, while the males served much more in the military than in agriculture; very few descendants of Middle Eastern slaves were able to survive; most male slaves in the Middle East were castrated or emasculated; almost all children born to female slaves were killed at birth. The above statistics and reports are taken from logbooks of slave ships and ports, observations of travelers and eyewitnesses, etc. (N'DIAYE, T.: 2006)

Another obscene feature that demonstrates the purely genocidal nature of the Arab-Muslim slave trade is the total decimation of all offspring of black spouses. Arab-Muslim slaveholders were guilty of infanticide. This was justified by the fact that these slaves should not leave their offspring in the Arab-Muslim world (KODJO-GRANDVAUX S.: 2017). This element shows once again that the Arab-Muslims nourished this idea of extermination and racism towards the black race that they traded.

Finally, a last characteristic that can qualify the slavery of the Zndjs as genocide is the almost general emasculation and castration that was inhumanly imposed on them. The castration and emasculation was carried out on boys between the ages of 8 and 12 by cutting off their entire scrotum and penis to prevent them from reproducing. The operation of castration and emasculation was performed without anesthesia, more than 60% did not survive the procedure and were left for dead, bleeding to death. In order to stop the hemorrhage, the Arabs used charcoal placed directly on the bare wound (HEERS J.: 2001; CHEBEL M.: 2007; DE

MARLIAVE O.: 2011). The objective of these operations was to prevent these blacks (DE LA RONCIERE CH.: 1927; MAUNY R.: 1961) from having children in Arab-Muslim territories. In addition, the slavers wanted to ensure that when the black slaves reached old age, they could not leave behind any offspring. Otherwise, their intention was to exploit them, suck them off and totally annihilate them, leaving no trace behind (N'DIAYE T.: 2008; KODJO-GRANDVAUX S.: 2017). In certain circumstances, according to the United Nations, genital mutilation was likely to cause, among other things, cancer of the bone marrow and was the cause of very post-traumatic conditions. Hence, according to the Rome Statute, emasculation and castration are considered a crime against humanity.

In relation to this situation in general, in "Alert in the Tropics", Cheikh Anta Diop rightly raises another crucial problem: "... After the West, it is the second force that seeks to rule the Black World. Since the seventh century, the center of gravity of the Arab world has slowly shifted from Asia to Africa. Although there is no natural unity outside of culture between North Africa, Libya and Egypt on the one hand, and the Arab states of the Middle East on the other, an Arab League has nonetheless been created encompassing all of these countries. As long as the Arabs living in Africa feel more attached to their racial brothers in the Near East than to the rest of Black Africa, we have the duty and the right to defend ourselves against their racist attitude" (CHEICK ANTA DIOP). This remark is legitimate and must be resolved if we want to preserve peace and understanding between peoples. It seems therefore that the intellectual world must agree to cross the Rubicon to speak objectively about this historical problem likely sooner or later to raise the issue between the Arab world and Black Africa. Talking about it now would be tantamount to establishing a basis for mutual understanding, a foundation for universal solidarity and a path towards the fight against racism and all forms of discrimination.

## V- Incrustation of the practice of emasculation in Rwanda and in Africa of the Great Lakes.

Emasculation is a new fact in contemporary African international relations. In the history of Rwanda, it is easy to notice that this abominable practice appeared there only with the arrival of the third component of the Rwandan society - the TUTSI. It is curious to note that, although the traditional institution of holding royal drums is of Bantu essence and origin, never had a royal drum been adorned by the organs of virility. This socio-political phenomenon will only be known and evolve with the beginning of the conquest of the Hutu kingdoms by the Tutsis.

A more documented analysis confirms that emasculation is purely of Tutsi origin. And any attack on a sexual organ is not part of the Hutu or Bantu culture. This practice would find its distant origins in the slave trade practiced by the Arabs from the 7th century (TRABELSI S.: 2010; CHEBEL M.: 2007; N'DIAYE T.: 2008; HISOIRE CASTRATION: 2019; DE MARLIAVE O.: 2011) and would have arrived in Rwanda with the search for pastures in Africa of the Great Lakes before the 15th century. By contrasting the link between the origin of the Tutsi and the practice of emasculation, we find that they came from Somalia. In his writings, the Rwandan philosopher and historian, Mgr Alexis Kagame, affirms that the Tutsis are Hamites (KAGAME A.: 1952),

who "come from Abyssinia and Somalia (KAGAME A.: 1943)". This assertion is supported by a correspondence that he had with a Somali national in 1943. He writes as follows:

*"The Banyiginya came from Abyssinia like the other Batutsi. If we were people who could travel everywhere like those who have nothing to do, or if we had some provisions and could go to Abyssinia, we would surely find many things there which are like home and which would prove to us that the Batutsi really came from there. Apart from what we read in books that tell us that the Batutsi here resemble those of Abyssinia as well as other human groups that originated there such as the Somalis and the Massais, I have a letter from young Dominique Rama, a Rwandan from Bufumbira who went to fight in Kenya.*

This letter of April 4, 1943, says this: in Somalia only the Somalis live; they resemble the Bahima and the Batutsi in their physiognomy. Their behavior and way of life are the same as those of the Bahima of Nkore. The Somalis are people who know the Batutsi well and who love them very much... (KAGAME A.: 1943).

This fact sheds light on the search for the origin of emasculation in Central Africa and especially in Rwanda. Rwanda is today inhabited by three ethnic groups: the Pygmies called ABATWA, who are the very first occupants of Rwanda and have never been organized in a socio-political community with rudimentary political institutions; the Hutus belonging to the BANTU race, who have constituted monarchical structures with Bahinza (kings) at the head, having a drum as the emblem of royalty. This drum (ingoma) represented the "reign". Thus, one would say "ku ngoma ya Mashira" to say "under the reign of Mashira". Gradually, this word was extended in meaning: power, sovereignty, regime. This drum became a symbol of royal power and was maintained with great care and respect (LE RWANDA: 1976; MUPENDANA P.C.: 1990; MUPENDANA P.C.: 2020b). The third group is that of the Hamites known as ABATUTSI (HEREMANS R.: 1971; VANHOVE J.: 1941; BOURGEOIS R.: 1954; PAGES R.: 1932; D'ARIANOFF A. 1952; SANDRART G.: 1936; VANSINA J.: 1962; REVUE: 1955; JANNIERE A.: 1984) who came from Somalia and Abyssinia.

Fleeing the slave raids set up since the 7th century by the Arab Nations (HENRY LOUIS GATES: 1999), the Tutsis took the road to the Africa of the Great Lakes, taking with them their herds of cows and all the socio-legal and political practices imposing violence as a form of domination and imposition of power, such as war, raids, emasculation, and seizure by tying, which the natives had ignored up to then. They had learned them well from the Arabs who were chasing them. They settled in Rwanda progressively from the 15th century. In their mission of conquest, they resorted to these practices to make themselves feared, in order to dominate the indigenous peoples through terror. Their objective, for the Bantu kings that they reduced to decay, was to put an end to any form of velleity to seek to regain power by their descendants or their parents by emasculating them. It is a form of total and definitive eradication of the fallen reigning dynasty. This emasculation was practiced without anesthesia, no one survived;

the victim was left for dead, bleeding to death. Like the Arabs who invented this torture, they completely ripped out the victim's virility organs (HEERS J.: 2001; DE MARLIAVE O.: 2011; CHEBEL M.: 2007; HISTOIRE-CASTRATION: 2019).

Thus, by knowing the origins of the people and by establishing a causal link between these people and emasculation, we can understand that this inhuman custom arrived with the wave of the last arrivals in Rwanda. In other words, there is a strong link between the person who commits this crime and the crime itself. Why then can men of reason feel such honor and bravery in cutting off the organs of manhood of other men? This is the fundamental problem to which an explanation must be found.

## VI- Socio-political basis of emasculation in Rwanda and in Africa of the Great Lakes.

Speaking of emasculation, we are in front of another form of extermination worse than genocide. As the ultimate act of human barbarism at the top of the state hierarchy, the organs of virility of any king who was killed had to be savagely torn out and thus serve as decoration or adornment of the emblematic drum: the KALINGA (KAGAME A.: 1943). What is its socio-political significance?

The logic of violence in Rwanda is so deeply rooted in mentalities and institutions that it sometimes even defies all analytical categories and becomes unclassifiable. It is an "anti-civilizational" value and correctly translates barbarism. It is deeply rooted in Rwandan society. Thus, for example, the "mutilation of the enemy" or the emasculation of the killed enemy, which is always uttered by young people and adolescents, "*ndagushahura*" (I will cut off your manhood organ) or "*ndagashahurwa*" (cut off my genital organ), is such an imperative institution that it was even necessary to find victims - substitutes in case of military failure. In principle, it is not true to say that only "foreign kings and kinglets" could be emasculated; even ordinary citizens were not spared.

Rwandan history tells us about the creation of the Abashahuzi Militia (those who cut off the virile limbs of the enemy killed on the battlefield) under Yuhi III Mazimpaka around 1698, "the severed limb was, after the battle, the indisputable proof of the victory won. In view of this proof, the army chief allowed the warrior to bend the upper iron of his javelin, a sign by which, during the victory parade at court, one could recognize those who had slain enemies (BOURGEOIS R.: 1954).

Contrary to what A. Kagame asserts, even nationals were victims of this barbarity. The Germans were already in Rwanda at the beginning of the 20th century. Czekanowsky reports that the royal troops, in their offensive against the Mutwa Basebya, having had no victory and therefore no trophies (heads and genitals) of the Batwa to display in their parade once they returned to the royal court, killed a good number of peaceful peasants in order to have heads and genitals in their baskets and thus to camouflage their defeat. The genitals of the enemy chiefs thus mutilated were hung on the royal Kalinga drum (CZEKANOWSKI J.: 1917).

In any case, emasculating a man and adorning the Kalinga with his organs of virility with the simple aim of proving



that one has won the battle, does not justify this barbarity. There is another element to discover that guided this animality.

To better understand it, we must go back to article 196 of the Code of Political Institutions of pre-colonial Rwanda. As we have already seen, any conquest had to be aimed at "radically extinguishing the lineage of the defeated King or Kinglet, because the complete extermination of all the direct descendants of the last reigning King or Kinglet makes it impossible for the country to legally resurrect its dynasty.

This provision is therefore significant. The defeated King had to be killed, his head cut off, but the important thing was to cut off his organs of virility. Why? Because, in this way, the Rwandans were sure that he was really dead, that he could no longer be considered a progenitor. When one or more of the victim's wives were pregnant, they were killed after being disemboweled and the fetus was finished immediately. Thus, it is understandable that this legal provision was intended to extinguish the entire family forever. This is no different from the consummation of the act of genocide. It was for this purpose that King Ruganzu II Ndoli was sent into exile for fear of the application of this provision (KAGAME: 1952).

Moreover, it would seem that in the history of Rwanda, in one of his expeditions, a Tutsi King thought he had finished off a Wren. The latter, having miraculously saved his life because he had not been finished off, his entire lineage having been radically exterminated, took refuge in the home of one of his friends, a wren like himself. There he was cared for, took wives in marriage and had several boys. As teenagers, after the death of their father, they were heavily trained in the use of weapons in order to reclaim their kingdom and their royal lineage. The friendly Kinglet lent them troops and they achieved their goal. Since then, the Tutsi conquerors are said to have decided to emasculate any male victim killed by them on the battlefield. There are currently thousands of cases of this barbarity in the wars that plague the Great Lakes region of Africa. For example, the Special Rapporteur has received numerous complaints of sexual mutilation and in at least one case he was able to verify the validity of the complaint. During his February 1997 mission, he was presented with an 18-year-old man who had been arrested with a companion by Rwandan Tutsi soldiers in a village in South Kivu on suspicion of collaborating with the Mai Mai. He had his sex cut off and was abandoned in the forest; he was later rescued but irreparably mutilated. Next to him, his companion was killed by having his heart ripped out (NU-DRC: 2000).

## VII- Legal scope of emasculation.

To be convinced that violence was instituted in Rwanda and that taking human life meant nothing in that society, one only has to look at the Code of Political Institutions of pre-colonial Rwanda, especially in the part relating to the Military Code. Indeed, articles 188b, 190 and 193a provided for rewards and decorations for any person who was able to kill the greatest number of men. The proof of these murderous acts was "the organs of manhood which the warrior took to the public" during the ceremony of declaration of high deeds.

Article 188, litera b stated:

*"Any warrior who has slain a seventh enemy shall receive the honorific called umudende (necklace of the septaine)."*

Indeed, this Umudende decoration was an iron collar from which hung an even number of bells: 2, 4 or 6, at chest height (KAGAME A.: 1952).

Article 190, litera (a) and (b) provided:

*"The warrior who has killed his fourteenth enemy in the prescribed conditions, will receive the distinction called Impotore (twist). This consists of a bracelet made of an iron rod and a brass rod rolled together in a regular twist.*

Finally, article 193, litera (a) and litera (b) stated:

*"The warrior who has slain his twenty-first enemy, under the same conditions, will be the object of the grandiose ceremony known as the "Cremation of the Javelin" and will thus become a national hero. The cremation of the Javelin (Gucana uruti) is decreed by the King and its ceremonial takes place on the highest mountain in the region where the hero lives.*

Psychologically and legally speaking, decorating the killers could only create, maintain and reinforce in Rwandan citizens a spirit that predestined them to be bloodthirsty. Nowhere, but nowhere else, was there a ceremony where the person was awarded for killing many people. Although the law provided that the seven killed should be strangers, the killed should exhale the last breath on the battlefield, and not elsewhere, as a result of the wounds, sometimes during the expedition, the Army experienced a defeat. To hide the military failure and not to become the laughing stock of the court because of the lack of trophies, the warriors, on their return, killed a good number of peaceful peasants (usually Hutus) who had to provide their heads and genitals for the triumphal parade of the troops to the capital. Based on these kinds of trophies, they tried to kill the enemy in battle and not take prisoners (CZEKANOWSKI J.: 1917). Is it not barbaric to cut off the organs of virility from a man after killing him?

This practice of emasculating men was confirmed by articles 176 and 197-(a) of the Code of Political Institutions of pre-colonial Rwanda. Indeed, according to article 197-(a):

*"The trophies taken from the remains of foreign kings must adorn, as a souvenir of the victories won, the drums - emblems of the dynasty".*

Article 176 repeats almost exactly this same provision. It should be noted that the drums - emblems of the dynasty referred to in these two articles were those that symbolized sovereignty, the supreme authority in Rwanda as well as among the surrounding peoples of Central-Eastern Africa.

In view of the above, why would we not qualify these practices as acts of genocide. Indeed, it is an act of genocide, because it meets the definition given by the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and includes the three elements required for genocide:

- The material element: ablation of the sexual organ of the man (emasculation) with the aim of depriving him of life, of torturing him physically and of depriving him of any capacity to procreate.

- The moral element which supposes an intention to destroy, in whole or in part, a family, a group... as such. Indeed, this emasculation aims at preventing the victim to reproduce, him and his descendants. This emasculation was intended, as it was legally instituted by the Tutsi Royal Court.
- A particular target: the ethnic group that was targeted was the Hutu, in its dynastic fringe. A population whose entire ruling class is exterminated, is it not itself doomed to disappear? Killing the members of the ruling class meant the extermination of all Hutus who participated in the management of power.
- A last characteristic that concerns the emasculation is its specificity to be a torture that extends over a long period, a torture that is at the same time physical, psychological, moral and social. It is a crime that uproots the individual socially because he can no longer beget for her. It is a crime that makes the victim vegetate, because this last one feels useless among the members of its society of origin. It is a crime that makes the victim suffer physiologically for a long time. Finally, it is abominable denying all the rights of the victim.

### VIII- Popular recognition of emasculation

Curiously, these four elements are found in many situations before colonization, and even after it. It is these premises that have favored the proliferation of genocidal acts in this Rwanda governed even today by the Tutsis.

History reveals that the commission of genocide has been a specialty of Tutsi governance since the 15th century. To deny this truth would be to distort the historical realities of this country.

The table below shows how the Nyiginya dynasty has always promoted a bloody, exterminating, not to say genocidal, vengeful and domineering policy. We see this in the nom de guerre or nicknames attributed to Rwandan Tutsi monarchs since the 15th century.

The poem 123 "Royalty is the privilege of one lineage" declares the Tutsi race as a race of God called to dominate the other races. Moreover, he does not hide the determination of the Tutsis to continue their extermination policy. He does not forget to emphasize that every defeated Hutu king must be emasculated and his organs of virility must adorn the Royal Kalinga Drum. Could this policy of extermination of all Hutu kings, their families and all members of the dynastic administration guarantee the prevention of the crime of genocide? This dynastic poem clarifies the genocidal ideology:

*"Royalty is the privilege of one lineage,  
O Race of God!  
The deluded, deprived of this royal prerogative of birth,  
This fortunate one has exterminated them,  
And with their spoils the Kalinga is adorned.  
(SINDAYIGAYA: 1945)" ...  
Nowhere do I hear of kinglets:  
This scourge of the enemies has exterminated them  
And with their trophies the drums are adorned.*

*When he thinks of the independent princes,  
He cannot rest nor sleep;  
He cannot pass a day without taking them;  
And without making a massacre of extermination of them.  
  
When there is an offspring left of them,  
He will not let it grow up and risk to rise again:  
He inquires about the place of its hiding place and goes  
there to uproot it..." (SINDAYIGAYA: 1945)*

In this poem, we see that the power held by a dynasty must belong and remain only in its hands. The very title of the poem affirms this as a principle. For that, this dynasty must use all the means to maintain it. It succeeds by exterminating all those who would covet the management of the power. It exterminates them up to the little baby and must reassure itself that the killed pretender will not have any more heir; it emasculates him and keeps his testicles in a sacred and much protected place. With such a political philosophy, is it possible to dream one day of establishing a society free of all forms of crime?

It is therefore not surprising that this criminal act is widespread today in Africa's Great Lakes. It has had time to be learned and mastered by Arab-Muslim slavers. It has had time to be practiced and experimented with in Rwanda and in Africa's Great Lakes. Today, it is expanding outside the region. It is therefore urgent, in a general awakening, to rise up to severely repress this genocidal practice, at the risk that tomorrow it will become internationalized.

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