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## **Genocide and global queer politics**

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Dr. Matthew Waites is Senior Lecturer in Sociology at the University of Glasgow. He is author of *The Age of Consent: Young People, Sexuality and Citizenship* (Houndmills: Palgrave Macmillan, 2005); and co-editor (with Corinne Lennox) of *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalisation and Change* (London: School of Advanced Study). He is co-editor with Patricia Hynes, Michele Lamb and Damien Short, of three special issues on sociology and human rights, including issues of the *International Journal of Human Rights* in 2010 ('Sociology and Human Rights: New Engagements') and 2012 ('New Directions in the Sociology of Human Rights'), and a special issue of *Sociology* 'The Sociology of Human Rights' in October 2012. He also co-edited (with Kelly Kollman) 'The Global Politics of LGBT Human Rights' special issue of *Contemporary Politics* (Vol.15, no.1, March 2009). A recent article in *Sociological Review* is titled 'LGBTI Organisations Navigating Imperial Contexts: The Kaleidoscope Trust, the Commonwealth and the Need for a Decolonizing, Intersectional Politics.'

## **Abstract**

This article presents a critical analysis of the relationship between the concept genocide and global queer politics, offering an original mapping and examination of the discourse of genocide in this respect. Starting from the beginnings of genocide discourse with Lemkin and the Genocide Convention, existing literature is analyzed to reveal circumscribed usage in relation to non-heterosexual lives. The methodology combines analysis of genocide discourse with case studies. The article maps and analyzes the historically shifting form of genocide discourse, including through attention to the International Criminal Tribunal for Rwanda, and demonstrates how the patriarchal and heteronormative origins of this discourse continue to have effects which exclude queer people. This analysis is developed, in particular, in relation to the absence of sexuality, gender, sexual orientation or gender identity as group categories in the United Nations Genocide Convention. Interwoven with this analysis of discourse, case study analysis is used in relation to

Nazi Germany, Uganda and The Gambia to establish genocidal processes focussed on homosexuality in each. The scope of claims for anti-homosexual genocide is thus extended in Nazi Germany and Uganda, and such a claim is initiated in The Gambia—while appreciating the complex relation of ‘homosexuality’ to African identities. It is also argued that new definitions of groups from the Rwanda Tribunal represent openings for some kinds of queer politics. The concluding section then draws on the discourse analyses of Foucault and postcolonial studies to initiate discussion of the potential discursive effects of invoking genocide in relation to homosexuality or queer politics, in particular contexts. It is argued that a greater consciousness of genocide in queer analysis and politics would be desirable, even while the existing terms of genocide discourse must be contested.

**Keywords:** Queer, Homosexual, Holocaust, Uganda, Gambia

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## **Introduction: the question of genocide**

When should we speak of genocide in global queer politics?<sup>1</sup> This analytical and political question emerges in the context of current persecution by states predominantly framed as ‘anti-homosexuality’, affecting non-heterosexuals including lesbian, gay bisexual, transgender and intersex (LGBTI) people. In certain African states such as Uganda and The Gambia, discussed hereafter, the level of both state oppression and wider social discrimination can be argued to have escalated to practices seeking eradication of homosexuals as a group, through silencing, imprisonment, threats and violence. In Uganda, the Anti-Homosexuality Bill from 2009 proposed the death penalty for the offence of ‘Aggravated homosexuality’, and the Anti-Homosexuality Act subsequently passed in 2014 included life imprisonment for ‘the offence of homosexuality’, though was thankfully struck down by the Supreme Court.<sup>2</sup> Meanwhile in The Gambia, President Jammeh promised ‘I will slit your throat’,<sup>3</sup> as the UN reported National Intelligence Agency officers ‘conducting door to door enquiries to identify, arrest and detain individuals believed to be homosexual’.<sup>4</sup> Responding to this, in the context of current legal action by Sexual Minorities Uganda (SMUG) accusing US evangelical pastor Scott Lively of ‘crimes against humanity’,<sup>5</sup> Executive Director Dr. Frank Mugisha commented:

the anti-gay law when first introduced, its aim was to wipe out any of us who was LGBT; ... we’ve been talking to experts who have done work on genocide, and ... they said its clear that its early warning signs of genocide. Had this not been affected the way it was, definitely it would have been genocide.<sup>6</sup>

To develop understanding of these developments, this article offers an analysis of the relationship between the concept genocide and global queer politics, via investigation of what is here conceptualized as the discourse of genocide. To be clear from the outset, the aim is not to demonstrate that genocide in current contexts has been carried out against homosexuals as a whole

group. Rather, the aim is to present an analysis of how the discourse of genocide relates to same-sex sexualities and queer politics, and then to examine evidence that genocidal threats and practices ('genocidal action'<sup>7</sup>) have occurred in Uganda and The Gambia, affecting relevant groups 'in part'—which, for other groups, falls within the UN's definition.

Genocide is often referred to as 'the ultimate crime' or 'the crime of crimes'<sup>8</sup>; yet from its conception it has referred to acts to destroy only particular kinds of group. The 'discursive formation' of genocide may be broadly conceptualised, in a manner after Foucault, as existing when 'between objects, types of statement, concepts, or thematic choices, one can define a regularity'.<sup>9</sup> In such light it involves a central signifier with competing signifieds; it is defined with reference to material objects such as bodies, as well as other linguistic elements. It includes sub-discourses which are legal, academic, movement, and so forth. By developing analysis of the discourse of genocide and its relation to discourses and social practices of homosexuality, and gender and sexualities generally, the present contribution examines power relations. This will provide a basis for discussing whether invoking genocide is appropriate.

The analytical approach here involves a critical social analysis which is interdisciplinary, emerging after sociological works including Bauman's *Modernity and the Holocaust* and Powell's critical sociology of genocide, but here focussed on the discourse of genocide.<sup>10</sup> The methodology brings together two processes of analysis into an exploration of the discourse of genocide from its inception, in relation to the practice of genocide against non-heterosexual people. The first is to specify key features of this discourse and hence map it, drawing on primary and secondary sources—with attention to structural features influenced by post-structuralism including Laclau and Mouffe.<sup>11</sup> To pose the issue in these terms: what are the conditions in which the concept 'genocide' can become 'articulated' with concepts such as 'homosexuality', 'sexual orientation' or 'gender identity', and what are the discursive effects of this? Here we can use Laclau and Mouffe's conception of 'articulation' as 'any practice establishing a relation among elements such that their identity is modified as a result'.<sup>12</sup> Stuart Hall has usefully highlighted the double meaning of

articulation, implying both ‘utter’/‘speak forth’ and the forming of a ‘connection’, conjoining elements.<sup>13</sup> So generally the issue of concern is: have sexual or gender identity concepts been used—spoken, written, signified—in connection to the concept genocide, and what have been the social and power relations influencing this?

The second aspect of the methodology involves case study analysis of the persecution of perceived sexual degenerates by Nazi Germany, and recent developments in Uganda and The Gambia. The case selection criteria were defined as including the most established case of anti-homosexual genocide in existing literature—Nazi Germany—with cases in Africa perceived as the most extreme anti-homosexual state persecution of 2004-14 (any possible parallels in other contexts such as the Islamic State of Iraq and the Levant are beyond this article’s scope). Primary documentary and online sources are used in each section. The analytical process involves applying criteria for genocide to examine whether threats or practices of genocide have occurred; also with an element of comparison, though more importantly contributing to an overall mapping and analysis of genocide discourse.

The article thus facilitates reflection on the persecution of non-heterosexuals in Africa in light of Nazi Germany’s persecution, in a context where queer people, with our allies, need to learn from our history. However, the focus is on the processes through which earlier history’s meaning has been contested. While the pink triangle literature is examined, the analysis widens to Nazi Germany beyond the concentration camps, re-reading Holocaust literature through the prism of genocide. Comparisons to Uganda and The Gambia through that analytical lens do not imply drawing broader parallels.

A significant context is Foucault’s conception of ‘bio-power’, ‘power over life’ working both on the individual subject and overall population; and discussion also somewhat relates to analysing ‘necropolitics’ involving ‘subjugation of life to the power of death’ to create ‘death worlds’, by Mbembe, Puar, and Haritaworn et al.<sup>14</sup> The analytical framework also develops from previous work in the sociology of human rights, and on human rights issues in ‘global queer politics’<sup>15</sup>; and

Spurlin's queer Holocaust scholarship.<sup>16</sup> The analysis seeks to illuminate power relations influencing non-use of the concept genocide in transnational discussions of homophobia in Africa.

To outline what follows: the next section 'The meaning of genocide' discusses how work of Raphael Lemkin was interpreted to create the United Nations Genocide Convention (1948), and reviews debates over the contested definition of genocide. 'Nazi Germany and the eradication of homosexuality' then considers Nazi persecution, examining existing literature to analyse on what terms non-heterosexual people have been represented in discourses of the Holocaust and genocide. 'Expanding genocide: the International Criminal Tribunal for Rwanda' examines case law to consider shifting understandings concerning gender, sexual violence and group categories. Next in 'Anti-homosexuality in Uganda and The Gambia', two state cases are examined via qualitative analysis of key state documents and LGBTI movement sources (in English, an acknowledged limitation). The final section 'Genocide in global queer politics' offers an integrative theoretical and political analysis of genocide discourse.

Important in this discussion is engagement with postcolonial thinking,<sup>17</sup> while keeping international LGBTI politics in mind. Over the past decade, Western LGBTI activists and governments including the UK have raised increasing concern over state attacks on LGBTI people's human rights in Africa, at times suggesting deployment of development aid conditionality.<sup>18</sup> It is thus important to consider how these postcolonial power dynamics are influencing whether genocide and human rights are spoken of. Rao has offered insightful analysis of hierarchical mappings of the 'locations of homophobia' which essentialize Ugandan culture, rather than seeing anti-homosexuality as being deployed by state elites through scapegoating.<sup>19</sup>

Yet while approaching issues with consciousness that genocide-claims risk political co-optation into problematic Western political discourses,<sup>20</sup> the genocide issue needs to be broached in academic analysis—not least because it is being considered by the African LGBTI movement Sexual Minorities Uganda (previously quoted), now working with the Center for Constitutional Rights.<sup>21</sup> Genocide has been invoked on behalf of indigenous peoples, including by southern

intellectuals, suggesting a southern movement's genocide discourse can be valid, and posing the questions of when this applies—and who can make the claim?<sup>22</sup> It should be noted, therefore, that versions of this article were presented at international conferences, and particularly at the University of Glasgow on 25 February 2015, with an audience including approximately eight invited LGBT-identified asylum seekers from The Gambia and other African states, and there were no objections to the argument for genocide as a relevant category in analysis of The Gambia and Uganda. However, one must appreciate how possibilities for migrants speaking are structured by global geopolitics,<sup>23</sup> and the arguments remain the author's responsibility.

Overall, the case will be made that the discourse of genocide has been shaped by patriarchal power and heterosexuality, and that the absence of naming of practices as genocidal can be partly explained via reference to heterosexism and heteronormativity. The case studies will show that attempts at eradication have focused on 'homosexuality' as a group identity category, rather than 'bisexuality' for example; yet the wider analysis demonstrates that anti-identitarian forms of queer theory and queer politics pose questions about the reproductive group structure of genocide discourse, and hence about whether to claim inclusion through categories defining groups, or use more destabilizing strategies. It will be demonstrated that the structure of the discourse of genocide continues to present constraints for any LGBTI or queer attempts to seek inclusion, and the conceptual issues raised by anti-identitarian forms of queer theory and politics are engaged. Nevertheless, it will be argued that engaging the discourse of genocide in queer political analysis presents potentialities. These potentialities are important; but the cautious broaching and investigation of the issues offered with humility here is addressed to the analytical realm, leaving wider political implications to be debated.

### **The meaning of genocide**

It is first necessary to consider the original meaning of genocide, and then review existing genocide literature to establish the limits of its engagements with sexual politics. As is well known, genocide

was prohibited by the United Nations' *Convention on the Prevention and Punishment of the Crime of Genocide* (1948).<sup>24</sup> Article II defined genocide as 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such'. For the present purpose it is significant that these were specified as including not only 'Killing members of the group', but also 'Causing serious bodily or mental harm to members of the group' and 'Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part'. Also covered were measures to 'prevent births within the group', or 'Forcibly transferring children'.

The concept 'genocide' had first been proposed in 1944 by the law scholar Raphael Lemkin in *Axis Rule in Occupied Europe*, first articulating the 'new word' with its initial meaning: 'By "genocide" we mean the destruction of a nation or ethnic group'.<sup>25</sup> He subsequently contributed to drafting the *Convention*. Crucially in terms of etymology, the concept combined two linguistic elements: 'the ancient Greek word *genos* (race, tribe), and the Latin *cide* (killing)'. Yet in Lemkin's original discussion the focus was on a wider range of acts than direct killing: 'It is intended ... to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves'.<sup>26</sup> Lemkin elaborated 'techniques of genocide in various fields': political, social, cultural, economic, biological, physical, religious, moral'; examples given included confiscation of property, dissolution of political parties, legal changes, control of cultural activities, and prohibition of marriages.<sup>27</sup> Within this approach, it is helpful to note here that long term imprisonment—of particular relevance for the following analysis—can be understood as genocidal within existing case law when accompanied by poor diet or inadequate medical care to imply 'Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction'. Case law from the International Criminal Tribunal for Rwanda covers 'conditions of life' including 'a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement'.<sup>28</sup> These understandings inform the following analysis.

While Lemkin translates *genos* as ‘race’ or ‘tribe’, others now translate it as ‘race, stock family’, which has a greater connotation of biological connection through race or kinship; and although Short has argued that for Lemkin ‘culture is the social fabric of a genus’,<sup>29</sup> the formulation using *genos* shows a tendency to biologizing associations and racialisation that persists in the age of genetics. Miles and subsequent critical race theorists are correct that race in biological terms is a fiction,<sup>30</sup> so this biologizing language has enduring implications. While Short is right that culture is central for Lemkin, Lemkin’s conception of a cultural group emerges through an old-fashioned metaphorical prism of race and kinship, yielding unrealistically essentialized ethnicities and nations infused with reproductive ideology. Genocide was defined to only include certain kinds of groups: in the UN definition delimited to ‘national, ethnical, racial or religious’ groups. The concept genocide’s racializing and tribalizing inferences associated with reproduction have contributed to homogenising and stabilising conceptions of such groups. One can nevertheless agree with social definitions of genocide, such as emphasising ‘social-destructive aims’ to destroy groups’ ‘social power’<sup>31</sup>, or as the forcible breaking down of ‘a social figuration which forms a comprehensive culture’<sup>32</sup>. More specifically, in the ongoing debates, Moses has been right to problematize the way Lemkin ‘equated national culture with high culture’, and to support a broader conception.<sup>33</sup>

Meanwhile, the fact that the *Convention* does not cover other kinds of groups, such as cultural or gender groups, has been criticized in the field of genocide studies.<sup>34</sup> Issues of gender and sexuality, and more particularly sexual orientation and gender identity, are not directly covered by *Convention*. Jack Nusan Porter referred to genocide against ‘sexual groups’ as a gap in the *Convention* from 1982, referring to the Nazi ‘attempt to exterminate homosexuals’.<sup>35</sup> Since 2000 scholars such as Palmer and Straus have criticized the *Convention* for excluding homosexuals.<sup>36</sup> Feindel in 2005 argued for a redefinition of genocide to include ‘sexual orientation’.<sup>37</sup> A legal extension of group categories seems necessary to consider; moreover the social meanings of genocide are not reducible to law.

What remains missing from existing literatures concerning sexualities, genocide or human rights, is a critical analysis of the relationship of genocide discourse to queer politics. This can in turn inform new analysis of whether it is desirable to contest the meaning of genocide in order to include persecution of groups defined by sexuality and gender, for example with respect to ‘sexual orientation’ and ‘gender identity’—whether as influentially defined in the Yogyakarta Principles, or as critically reconceptualised elsewhere.<sup>38</sup> Given that laws in Uganda and The Gambia have been reformulated with reference to ‘homosexuality’, discussion here will focus on ‘homosexuality’ as well as sexual orientation and queer politics, with brief reference to transgender people. A discussion centrally focussed on gender identity is desirable in the future.

The development of the *Journal of Genocide Research* from 1999 embodies the growth of genocide studies, as it has emerged to question conceptions of Holocaust uniqueness that shaped Holocaust studies, and to facilitate contestation of the meaning of genocide.<sup>39</sup> Yet tellingly homosexuality was absent from a survey of twentieth century genocides in the first issue.<sup>40</sup> As a review shows, discussion emerged over the concept of ‘gendercide’ introduced by Warren in 1985 and adopted by Jones to mean ‘gender-selective mass killing’.<sup>41</sup> Jones advanced a conception wider than the *Convention* with respect to groups covered. However, it is striking that although homosexuality fleetingly entered discussion where Jones approved the argument by Katz that ‘homosexuals or women could ... be the targets of genocide’, this observation was accompanied by Katz’s overt denial that homosexuals were ‘victims of genocide in WWII’.<sup>42</sup> This was because Katz—not a scholar representative of genocide studies—used criteria requiring actualized intent for totality of group destruction; but noticeably Jones did not linger to discuss evidence.

Jones, however, led development of research, including a special issue on gendercide<sup>43</sup> with Holter considering both women and men as victims.<sup>44</sup> Rixecker, furthermore, made a ground-breaking queer intervention in the journal, commencing discussion of queer politics and genocide, and introducing ‘biopolitics’ though surprisingly without reference to Foucault.<sup>45</sup> Yet Rixecker’s contribution, which is still the only article in this journal to have taken homosexuality or queer

sexualities as its theme, notably focused on genetic engineering—rather than genocide against living non-heterosexuals. At the special issue’s conclusion Jones referred to Rixecker on homosexuality<sup>46</sup>; but there have still been no articles in the journal engaging queer theory with genocide against those currently alive. This review of the journal is only indicative of the field, however, and should not distract from comments elsewhere by pioneer Jones who, following Carver, has begun exploring ‘heteronormativity’<sup>47</sup>, noting ‘inattention to the vulnerabilities of gay men and other sexual ‘dissidents’ represents a major gap in the genocide literature’.<sup>48</sup>

It is also striking that in genocide studies some have continued to regard intent or practice of ‘mass killing’ as a core characteristic of genocide,<sup>49</sup> despite the *Convention* being clearly more open in scope with references to ‘mental harm’ or measures ‘to prevent births’. However many commentators propose a more open conception. Damien Short has emphasised that cultural identity was within Lemkin’s conception: ‘There is insufficient serious discussion of culturally destructive processes, which do not involve killing or violence’.<sup>50</sup> Reflecting this, Spivey and Robinson have argued that the US ex-gay movement has genocidal intentions.<sup>51</sup>

Another significant issue to emerge from genocide studies is the increasing view that ‘it is in fact the perpetrator that defines the victim group’; although Short suggests Lemkin’s conception of a shared culture remains the appropriate criteria.<sup>52</sup> Both approaches have implications for conceptualising genocide with queer theory. They beneficially make the concept incompatible with biologically essentialist views; but while the first could risk perspectivism, the second could risk cultural essentialism.

Increasingly it can be seen that what is understood as genocide is established through the contestation of collective memory.<sup>53</sup> Conflicts over the definition of genocide and its relationship to sexually-defined groups form part of such contestations. In this light, following sections will review evidence from Nazi Germany, and contemporary Uganda and The Gambia, to consider in relation to criteria for genocide, while also enabling analysis of genocide discourse with respect queer

inclusion or exclusion. We will consider whether threats of genocide, or genocidal acts or processes, have occurred.

Comparative methodology requires reference to shared criteria for comparison. For the purpose of a methodology, the UN *Convention* will be the central point of reference, but interpretation requires consideration. Straus<sup>54</sup> ‘proposes that five dimensions serve as a basis for comparing definitions of genocide’, indicating implications of using the UN definition. Regarding (1) ‘Intentional group annihilation as a core idea’, partial annihilation of a group is sufficient. Regarding (2) ‘Formulation of intent’, intent does not require Lemkin’s ‘coordinated plan’. Regarding (3) ‘Mode of annihilation’, killing is not the only mode—others include ‘harm, destructive conditions, birth preventions and forcible child transference’. Regarding (4) ‘Agent of annihilation’, the agent need not be a state. Finally, regarding (5) ‘Target of annihilation’, the *Convention* specifies ‘national, ethnical, racial or religious group’. However, the methodology here will instead use ‘group... defined by the perpetrator’,<sup>55</sup> open to groups of any kind. This decision corresponds to the view in much queer theory that does not recognise any pre-discursive ontology of sexual identities, or shared culture between all queer people. These five criteria, then, will serve for analysing cases of Nazi Germany, Uganda and The Gambia. An understanding of destructive conditions erasing cultural identity as previously suggested, going beyond current case law, must be considered.

Regarding the relationship of the Nazi Holocaust—characterised by Bauman as a product of modernity—to present day Africa, many sociological and critical accounts of mass killings in Rwanda have emphasised that it was a modern genocide. Contrary to colonial distinctions between European civilisation and African barbarism, Rwanda experienced an institutionally organised genocide, structured by Belgian colonialism’s ethnic categories.<sup>56</sup> Similarly it could be useful in future to consider the extent to which anti-homosexual persecution processes in African states share causes and social characteristics associated with modern societies. However, the following analysis

focuses on considering the applicability of genocide in several case studies and hence developing an analysis of genocide discourse.

### **Nazi Germany and the eradication of homosexuality**

The name ‘Holocaust’ has come to be given to the historically unique social phenomena for which Nazi Germany was responsible. Derived from the nonspecific ‘holocaust’, this took its meaning from the Greek *holókaustos*, combining *hólos*, ‘whole’ and *kaustós*, ‘burnt’. The Jews also used the word Shoah from the Hebrew *HaShoah*, ‘the catastrophe’. Regarding ‘holocaust’, while some scholars have emphasised ‘religious/sacrificial overtones’<sup>57</sup>, established secular usages leave the linguistic meaning more open to inclusion of other groups.<sup>58</sup>

The Nazi killing of six million Jews was more extensive than of any group, yet eradication of other groups was also attempted. While Laqueur recently commented that ‘Jews were the sole category of the sub-human targeted for complete annihilation’,<sup>59</sup> others like Hancock suggest this was also true of policies towards Gypsies.<sup>60</sup> Many like Stone define the Holocaust as ‘the genocide of the Jews’, in his case attributing parallel genocide to Roma people but not homosexuals, who ‘suffered terribly’ but receive no further mention.<sup>61</sup> Gilbert’s respected study *The Holocaust*, subtitled *The Jewish Tragedy*, only briefly commented on homosexuality, without reference to genocide.<sup>62</sup> Bauer, in *Rethinking the Holocaust*, emphasised ‘the Jews were, for the Nazis, the central enemy’ without recognising anti-homosexual genocide.<sup>63</sup> More recently Berger uses the Holocaust to specify the unique ‘Final Solution’ against Jews from 1942;<sup>64</sup> yet it is striking that even the possibility of genocide against homosexuals remains absent from such an otherwise impressive sociological study on contestation of collective memory. Berger is a rare example of including homosexuals.<sup>65</sup> Given the present focus on ‘genocide’, fuller discussion of ‘holocaust’ cannot be developed, but it is important to appreciate these overlapping debates.

While homosexuality was omitted from initial accounts of the Holocaust, over time there has been documentation of the pink triangle’s use to label perceived sexual deviants—particularly

male homosexuals, though police had also been told to ‘pay special attention to transvestites’.<sup>66</sup> The first published analysis of Nazi treatment of homosexuals was by Harthausen in 1967, while individual accounts included that of Heger.<sup>67</sup> Lautmann’s first statistical and sociological analysis in 1977 used data including group statistics from eleven camps, survivor interviews, and 1,572 dossiers to provide a complete survey<sup>68</sup>; though this underestimated lesbian victims, sometimes labelled ‘asocials’ with black triangles.<sup>69</sup> Later books included Rector’s *The Nazi Extermination of Homosexuals*, Plant’s authoritative *The Pink Triangle*, and works by Porter and Spurlin previously cited.<sup>70</sup> The film *Paragraph 175* uniquely shows interviews with pink triangle survivors.<sup>71</sup> However the place of non-heterosexuals in mainstream conceptions of the Holocaust and genocide remains contested and deserves further consideration, which will be undertaken through analysis of evidence relative to criteria in the *Convention*.

Persecution occurred under paragraph 175 of the German Penal Code (1871), extended in 1935 to cover all ‘unnatural vice’ and ‘indecent activities’ between men.<sup>72</sup> The death penalty formally commenced from 1942.<sup>73</sup> Importantly the law did not use ‘homosexual’, so encompassed all males practicing same-sex sexual activity.

Fernbach has commented that: ‘The general fate of homosexual prisoners was to be worked to death, or to die of brutality in the process’.<sup>74</sup> ‘Annihilation through labour’ was official policy.<sup>75</sup> From 1933 concentration camps became sites of organized torture and murder; death rates for homosexuals were higher than for Jehovah’s Witnesses or political prisoners.<sup>76</sup> In Heger’s account: ‘the lowest of the low in this “scum” were we, the men with the pink triangle’.<sup>77</sup>

The brick works at Sachsenhausen, where homosexuals were sent en masse, were according to Heger ‘famed and feared ... as a factory of human destruction’.<sup>78</sup> From 1942 this became the ‘final solution’ for the homosexuals according to H-G. Stumke and R. Winkler.<sup>79</sup> Pseudo-medical experiments were also conducted.

Importantly, ‘A distinction must be made between the concentration camps ... and the extermination camps proper’.<sup>80</sup> Extermination camps were sites of gas chambers, so most who died

were not in concentration camps. Fernbach commented: ‘At no time were homosexuals as such sent directly en masse to Auschwitz’.<sup>81</sup> However Lautmann noted ‘a report from Sachsenhausen that homosexual inmates were made the special targets of transports to the gas ovens’.<sup>82</sup>

Regarding numbers incarcerated, Plant suggests 50-63,000 homosexuals were convicted (1933-44); though he is careful to note that ‘Homosexuals constituted a very small minority’ of those who died in camps.<sup>83</sup> Lautmann’s research estimates 10,000 were ever incarcerated in camps, within a possible range of 5-15,000—not including homosexuals who died in the German military when summarily shot. Lautmann notes variations, but that overall ‘the homosexual prisoners remained at the bottom of camp stratification’.<sup>84</sup> Survivor Pierre Seel echoes this in *Paragraph 175*, though we should keep in mind Primo Levi’s comment: ‘We, the survivors, are not the true witnesses’.<sup>85</sup> Many homosexual survivors were re-imprisoned after the war.<sup>86</sup>

It is important to also emphasise that in military service all homosexuality was punished, while from 1941 in the SS and police homosexuals were to be ‘punished with death’.<sup>87</sup> From 1943, Himmler proposed that all army men regarded as homosexuals by inclination would be put under control of the Gestapo. This led to new ‘Guidelines’ whereby offenders with ‘a predisposition’ or ‘incorrigible drive’ could receive ‘long sentences’ leading to the camps, and the death penalty became an option, though these measures were not much practiced due to the war’s turning tide.<sup>88</sup> The Guidelines are nevertheless significant for defining a genocidal context, since in later stages all able adult men within a wide age range were required to participate, under such threat of execution. Due to existing literature focusing on the camps, and in relation to the Holocaust, this has not previously been considered part of genocide. The limiting effect of the Holocaust framing, relative to potential genocide framings, is a centrally important finding.

In analysing the Nazi persecution of males identified with deviant same-sex sexualities, it is clear that this fulfils four of the five definitional criteria for genocide previously proposed—and hence this was genocide, if we include sexuality to define a group. Regarding (1) ‘intentional group annihilation’, and the extent of this, the practice of imprisoning known male homosexuals in camps

indefinitely, beginning in 1933, itself constituted the removal of a growing majority of identifiable members of the social group from society; legal and cultural features of genocide included outlawing of gay organisations. The later threat of execution in the military implied the large majority of men were subject to immediate execution. A substantial part of the group were targeted and suffered. Regarding (2) 'Formulation of intent', there was an intent to destroy seeking total eradication of the group from mainstream society, particularly from Himmler who 'expressly stipulated that ... homosexuals, were to be worked to death'.<sup>89</sup> Regarding (3) 'Mode of Annihilation', Himmler's aim of mass killing was only achieved in part, but it remains clear that a substantial part of the group of male homosexuals was destroyed. In any case other modes of annihilation such as harm and destructive conditions, including incarceration and army prohibition, clearly show genocide. Regarding (4) the 'Agent of annihilation' was the Nazi state. Regarding (5) 'Target of annihilation', concerning group definition, it is absolutely clear that homosexuals, and other queer people such as bisexual and transgender people to varying degrees, were targeted because of their identities. Hence overall genocide should be recognised.

But to what extent has there been such a definition in existing literature? Notions of a final solution or 'homocaust' for homosexuality have been disputed, for example by Grau:

Himmler's ... aim was not to wipe out every single gay man who was arrested for a 'sex offence'. ... '...what he had in his sights was the homosexual type' ... If a homosexual man could convincingly demonstrate under Gestapo questioning that he was not homosexually active ... he would escape prosecution'.<sup>90</sup>

However Grau here omits to engage the definition of genocide in the *Convention*. Pressure on men to desist and change identity, or to be castrated and accept hormone treatments, falls within points b, c, and d in the *Convention's* definition; and in relation to Lemkin's original definition, genocide is even more apparent. Moshman's argument that 'Holocaust-based conceptions of

genocide' based on Nazi Judeocide 'have hindered our ability to recognize and understand other genocides' partly explains why Nazi genocide against homosexuals is not perceived.<sup>91</sup>

The definitional questions remain publicly debated. Present public discourses do not specify that those defined as sexually deviant were direct subjects of the Holocaust, or a genocide. This can be seen in the careful wording of UK Prime Minister David Cameron's statement on Holocaust Memorial Day in 2015: 'A day to remember the victims of the Holocaust, as well as the gay people, disabled people and Roma who suffered alongside the Jewish people'.<sup>92</sup>

However here we can provide a new analysis from surveying whether and how the concept 'genocide' has been used in literature on Nazi persecution. There is an absence of naming genocide in first hand accounts, and in most key analyses.<sup>93</sup> A groundbreaking but essentialist chapter on 'Gay Genocide' by Crompton lacked mention of the *Convention* or focus on group destruction criteria, while invoking a transhistorical understanding of homosexuality that is problematic for queer theory.<sup>94</sup> Only in 1981 did Rector in *The Nazi Extermination of Homosexuals* unambiguously claim genocide in a book length study, also titling a chapter 'Gay Genocide', and once appropriating 'Final Solution'. Yet while genocide is used several times, there is no reference to the UN *Convention*, or its criteria not including gender or sexuality.<sup>95</sup> Porter mentioned genocide against sexual groups from 1982, with a full study in 1991, but this understood genocide only as killing and decided 'persecution of the gays during the Holocaust was not a genocide in the true sense of the word'; genocide was still rejected in 2006 especially because 'there was no intention [...] of Himmler to kill every homosexual in Europe'.<sup>96</sup> Plant's *The Pink Triangle* is more cautious, using as subtitle *The Nazi War Against Homosexuals* and avoiding reference to genocide (absent from the index).<sup>97</sup> Spurlin occasionally mentions genocide but without definition.<sup>98</sup> Thus overall, genocide is claimed very rarely and equated with mass killing, by researchers lacking focus on definitional criteria.

Hence 'genocide' is an infrequent, definitionally insecure and delimited part of queer analysis of Nazism. This contributes to a discursive effect whereby mass killing is recalled in LGBT

communities, but against homosexuals who are represented as a group only as dehumanised victims with a shared essential condition, not as having shared culture or identities. Lack of reference to genocide as conceived in recent genocide studies, with reference to social processes of group-formation, both derives from and contributes to reproducing an invisibilization of queer culture, social identities and collectivities.

Moreover, while Foucault's lectures of 1975-76 mention genocide, this is related to racism and colonialism, and he characterises the Nazi final solution as an elimination of races without mention of homosexuality: 'In the biopower system ... race or racism is the precondition that makes killing acceptable'.<sup>99</sup> In biopower, sexuality thus has a secondary status. Similarly in *The History of Sexuality Volume 1* both 'genocide' and 'holocausts' are mentioned, but not applied to homosexuals, partly because 'Foucault equates genocide with physical extermination'.<sup>100</sup> The unspoken implication would seem to be that male homosexuals were seen as biologically degenerate within the Aryan race, and/or as non-reproductive of the race, yet this framework seems inadequate when we consider lesbians were generally not sent to the camps. Where is gender? Contrastingly, Powell's critical sociology of genocide does note sexuality as a basis for 'extermination under the Third Reich', but such genocide is still not demonstrated.<sup>101</sup>

The central contributions in this section can be now synthesised. First, while only Feindel from a law perspective has previously offered a systematic empirically-based demonstration that Nazi persecution of male homosexuals fulfilled genocide criteria, that contribution is affirmed and elaborated here. Nazi persecution of men defined as congenital homosexuals should indeed be understood in such terms. Furthermore it has been demonstrated that English language academic literatures on Nazi Germany<sup>102</sup> either do not utilise the concept genocide in application to homosexuality, or do not demonstrate application beyond the camps.

Hence overall the discourse of genocide continues to exclude queers, and existing literature has insufficiently secured the relation of 'genocide' to homosexuality or queer people. Therefore the naming of Nazi persecution of homosexuals as genocide—that is, the *articulation* of genocide with

homosexuality and queer experience—is important, and never more so than when new threats are being made.

### **Expanding genocide: The International Criminal Tribunal for Rwanda**

Next we turn to how aspects of gender and sexuality have been brought within genocide, particularly through feminist engagements and rulings from the International Criminal Tribunal for Rwanda. In relation to violence against women, feminist Catherine Mackinnon has given leadership in seeking recognition of sexual violence as an element of genocide, thus contesting patriarchal aspects of genocide discourse. Responding to wars in the former Yugoslavia from 1991, Mackinnon as a radical feminist activist, academic and legal practitioner sought to include sexual violence against women within the scope of genocide and crimes against humanity, in war crimes trials.<sup>103</sup> Representing Bosnian women survivors of Serbian sexual violence, Mackinnon won the first legal recognition of rape as an act of genocide, in 2000.<sup>104</sup> The International Criminal Court was created with genocide as one of its core crimes, and in 2008 appointed Mackinnon as Special Gender Advisor. The United Nations Security Council adopted resolution 1820 stating ‘rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide’.<sup>105</sup> However the violence against women framing of Mackinnon’s engagements has implied limitations and exclusions for queer politics.

The Rwanda genocide in 1994, in which members of the Hutu majority group massacred over half a million Tutsi people,<sup>106</sup> became a further focus for legal and political debate over the relationship of gender, sexuality and sexual violence to genocide. At the International Criminal Tribunal for Rwanda, previous feminist activism influenced legal actors. There is now considerable literature on gender, rape and sexual violence in the Rwandan genocide, including on female perpetrators.<sup>107</sup> Furthermore, the Akayesu case conviction of a male perpetrator in 1998 was crucially the first time that an individual was found guilty of committing genocide. This opened up more potential for the *Convention* to be operationalised.

The Akayesu case also had a more specific relation to gender and sexual behaviour, which is pivotal. As Eboe-Osuji states: ‘One of the most significant developments in the jurisprudence of modern international criminal law is the determination ... that rape can be an act of genocide’.<sup>108</sup> The basis for this was the UN *Convention*’s definition including ‘serious bodily or mental harm’. Yet crucially genocide continues to be defined via the *Convention*, so still not against a group defined by gender or sexuality.

There are clearly implications for queer politics. There is scope to define sexual or other acts as genocidal, when against people of a particular sexual orientation, if they cause ‘serious bodily or mental harm’ or fulfill the UN definition. Anti-gay violence could thus hypothetically be included. But this would only be the case if and when such acts were oriented to destruction of a national, ethnic, racial or religious group.

Meanwhile the Akayesu judgment was also significant in offering the first definitions of national, ethnic, racial and religious groups, in a manner which innovatively interpreted the *Convention* to suggest other kinds of groups could be included. The Tribunal examined ‘the intention of the drafters of the Genocide *Convention*, which ... was patently to ensure the protection of any stable and permanent group’.<sup>109</sup> The criterion was to become a member ‘in a continuous ... manner’ in contrast to ‘mobile’ groups. One legal commentator has argued Akayesu ‘lays the foundation for extension of the target groups by analogical interpretation’, including to ‘sexual orientation’, though Nersessian argues the legal basis is highly doubtful.<sup>110</sup> In a later judgement, an ethnic group was defined as ‘one whose members share a common language and culture; or, a group which distinguishes itself as such (self identification); or, a group identified as such by others, including perpetrators’.<sup>111</sup> For LGBTI politics this could be a future opening for groups related to gender or sexual identities to define themselves as ethnic groups and claim inclusion. But for queer politics the renewed emphasis on being a ‘stable and permanent’ group has clear limitations with respect to those who live such transgression; ‘crimes against humanity’ might seem preferable.

Here we have extended analysis of the discourse of genocide, particularly the manner in which it has features of openness which might enable circumscribed forms of inclusion, yet is exclusive towards queer peoples in other ways. The open features could enable innovative new legal, political and normative deployments to serve certain LGBTI politics, though whether this could serve queer or postcolonial agendas is more doubtful. This will be further explored, following analysis of Uganda and The Gambia as further case studies.

### **Anti-homosexuality in Uganda and The Gambia.**

Societal specificities within Africa are important, but there has been a pattern of rising anti-homosexual political discourse in many sub-Saharan states over the past two decades, much explained by ‘political homophobia’ used by state leaders.<sup>112</sup> Discussion here focuses on two state cases: Uganda, which has been widely discussed in the western media and academia; and The Gambia, which has received less attention. The focus is on providing an initial assessment of whether criteria for genocide are met. The critical sociology of genocide calls us to look more carefully at the ‘fuzziness of definitional boundaries’.<sup>113</sup>

The dominant political and legal discourse in both states has focussed on ‘homosexuality’, but assuming ‘homosexuals’ as the methodological focus could obfuscate indigenous sexual cultures. There is a central conceptual problematic of sexual identity categories, whereby potential categories from western discourse such as the homosexuality now also deployed in African political homophobia (or sexual orientation, or LGBTI), are noted in postcolonial approaches to not correspond to local cultures. The concern here is that use of English language group categories in an expanding genocide discourse could be part of wider discursive processes contributing to erasure of distinctively African ways of being and identities such as *kuchu* in Uganda, or *gor-jigen* or *ibis* for Gambian men<sup>114</sup>. Here it is useful to reflect on a comment of Africa analyst Epprecht:

I began to suspect that Mugabe was right to a certain extent: there were no “homosexuals” in Africa prior to the coming of the whites. “Homosexuality” as it unfolded in the discourse around crime, health, morality, respectability, and latterly gay rights, was largely imported straight from the West with little reference to local histories or cultures.<sup>115</sup>

However, the LGBTI self-definition of the Sexual Minorities Uganda coalition shows that in Uganda at least such discursive unfolding has extensively occurred; and while homosexuality or LGBTI in Gambia may emerge as self-identity that can only be expressed through occasional sexual practice rather than social relationships or networks, research by Nyanzi (cited above) does suggest that for a minority such self-identities have emerged. Hence there is a need to analyse attempts at their eradication.

### *Uganda*

The increasing persecution of same-sex love and lives has been highly prominent in Uganda. With Rwanda adjacent, extensive violence related to gendered power has to be considered as a real cultural possibility. From 2009 LGBTI people (to use the acronym deployed by the main activist coalition Sexual Minorities Uganda) began suffering under the shadow of the Anti-Homosexuality Bill when introduced in the Ugandan parliament. In a context where much same-sex activity was already criminalized with potential life imprisonment through the legacy of British colonial law,<sup>116</sup> the Anti-Homosexuality Bill introduced by David Bahati MP initially proposed life imprisonment for any same-sex sexual behavior, and the death penalty for repeated same-sex acts, or for any by HIV positive people. In 2010 *Rolling Stone* newspaper published ‘100 Pictures of Uganda’s Top Homos’, demanding ‘hang them’.<sup>117</sup> Rahul Rao has provided a strong critical analysis, displacing homogenising narratives of Ugandan homophobia in favour a focus on how homophobia is deployed by political elites.<sup>118</sup>

In December 2013, the Ugandan parliament finally passed the Bill, and despite an international outcry President Museveni passed this into law as the Anti-Homosexuality Act on 24 February 2014, although it was later ruled invalid by the Constitutional Court on 1 August 2014.<sup>119</sup> The act was subtitled: ‘An Act to prohibit any form of sexual relations between persons of the same sex; prohibit the promotion or recognition of such relations and to provide for other related matters’. Other forms of regulation have since been proposed<sup>120</sup> and in 2015 Museveni noted the colonial law remains.

Like most African states, Uganda was missing for a long time from the international academic literatures on LGBT and queer social experience, with few contributions.<sup>121</sup> However the literature has expanded for example with the *Queer African Reader*.<sup>122</sup> Much work has focussed on experiential, activist and anthropological analysis of sexualities and genders, with scope for deepening political sociology.

The case that the attempt to enact the death penalty was genocidal has been made by de Jong and Long, though they restrict this analysis to a focus on capital punishment<sup>123</sup>. Ward’s analysis of religious dynamics, like the film *God Loves Uganda*, places heavy responsibility on US Pentecostal churches for exporting homophobia. Jjuuko has provided an excellent analytical discussion of strategies in the LGBTI movement struggle, noting an ‘incremental approach’ to selective rights-claims differs from the idealist emphasis on the indivisibility of rights—for example the choice not to initiate a decriminalization case.<sup>124</sup> This helps explain why the Ugandan movement has not publicly claimed a genocidal attack.

Significantly the Anti-Homosexuality Act—previously described as a threat of genocide<sup>125</sup>—used the concept ‘homosexuality’ in its title and throughout. This can usefully be interpreted with reference to Moran’s *The Homosexual(ity) of Law*<sup>126</sup> which notes how the concept ‘homosexual act’ in the Sexual Offences Act 1967 in England and Wales conjoined the identity ‘homosexual’ with same-sex sexual acts. In Uganda’s Anti-Homosexuality Act, similarly, the concept homosexuality became used very extensively, and without other terms such as gay, lesbian,

bisexual, or queer. This reflected a wider discourse across much of Africa from the 1990s, of ‘homosexuality’ as a western import, as in Robert Mugabe’s comments.<sup>127</sup>

The Anti-Homosexuality Act contained various offences which can be quickly surveyed to capture the attempt to eradicate homosexuality. Section 2 ‘The offence of homosexuality’, enabled sentences up to life imprisonment. Section 3 ‘Aggravated homosexuality’ referred to acts involving a person under eighteen, an offender ‘living with HIV’, an offender who is ‘parent or guardian’, a person with a disability, a ‘serial offender’, or use of a drug—with a sentence of life imprisonment (the death penalty in an earlier draft). Section 4 ‘Attempt to commit homosexuality’ carried a sentence of seven years, or maximum life for attempt to commit ‘aggravated homosexuality’. Section 7 outlawed ‘Aiding and abetting homosexuality’; Section 8 outlawed ‘Conspiracy to engage in homosexuality’; and so on. Section 13 ‘Promotion of homosexuality’ illustrated comprehensive public regulation: this outlaws funding or sponsoring homosexuality, disseminating pornography, offering premises for homosexuality, using internet or mobile phones for purposes of homosexuality, and so forth, with a maximum sentence of seven years, plus fine. It is thus clear that life imprisonment for any sexual act of ‘homosexuality’, with other provisions, represented a new attempt to totally destroy the identity and culture of homosexuality.

Leading Ugandan gay activist David Kato Kisule was murdered in January 2011. Sexual Minorities Uganda has since published research recording 162 reported incidents of persecution against LGBTI people from 20 December 2013 to 1 May 2014, thirty per cent involving threats of or actual physical violence (including torture), emphasizing this is probably ‘the tip of the iceberg’.<sup>128</sup> Homosexuality is so stigmatized that being identifiable for attack is rare.

This context can now be considered with reference to the five criteria for genocide specified earlier. Regarding (1) ‘intentional group annihilation’, political and legal acts by MPs instigating the Anti-Homosexuality Act have made manifest efforts to destroy the entire group. Regarding (2) ‘formulation of intent’, the passing of the act represented a serious attempt to actualize intentions by dominant political actors. Regarding (3) ‘Mode of annihilation’, the laws forbidding public

‘promotion of homosexuality’ quoted above, together with acts by police of harassment illustrate acts to destroy homosexuality. Regarding (4) ‘Agent of Annihilation’, given the roles of President Museveni and the government, these can be identified as agents. Thus if criteria (5) ‘Target of annihilation’ could be extended beyond the *Convention*’s terms to include sexual orientation, then DeJong and Long are correct that the proposed death penalty threatened genocide. Moreover if destruction of cultural identity is allowed as genocidal, then the passing of the 2014 law including life imprisonment, and targeting ‘Promotion of Homosexuality’, was a genocidal act.

### *The Gambia:*

In The Gambia, there is a context that is much less well known internationally, although gradually receiving more coverage through media, and Nyanzi’s groundbreaking research.<sup>129</sup> Same-sex acts between men were already illegal in the Criminal Code 1965, influenced by the British colonial legacy. However following amendment in 2005 Article 144 of the Criminal Code, ‘Unnatural Offences’ included ‘any homosexual act’, thus including a wider range of acts between men than previous ‘carnal intercourse’, and acts between women.<sup>130</sup> The (then) President Yahya Jammeh subsequently made increasingly disturbing public statements criticising homosexuals. In 2008 he demanded that gay people leave the country and threatened to ‘cut off the head’ of any homosexual caught in his country.<sup>131</sup> In 2013 he used his speech to the opening of parliament to state that, ‘Those who promote homosexuality want to put an end to human existence. It is becoming an epidemic and we Muslims and Africans will fight to end this’.<sup>132</sup>

On 25 August 2014 the Parliament approved the Criminal Code (Amendment) Act 2014 which came into effect on 9 October 2014 and punishes ‘aggravated homosexuality’ with imprisonment for life.<sup>133</sup>

#### 144a Aggravated homosexuality

(1) A person commits the offence of aggravated homosexuality where the:

(a) person below the age of 18 years is below the age of eighteen years

- (b) offender is a person living with HIV
  - (c) offender is a parent or guardian of a person against whom the offence is committed
  - (d) offender is a person in authority over the person against whom the offence is committed
  - (e) victim of the offence is a person with disability
  - (f) offender is a serial offender
  - (g) offender applies, administers or causes to use, by any man or woman, any drug, matter this with intent to stupefy him or her, so as to enable any person to have unlawful carnal connection with any person of same sex.
- (2) A person who commits the offence of aggravated homosexuality is liable on conviction to imprisonment for life.’

Following this, the United Nations OHCHR issued a statement:

UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein ... expressed alarm at reports of a wave of arbitrary arrests and detention of individuals perceived to be homosexual in The Gambia. ... “This law violates fundamental human rights – among them the right to privacy, to freedom from discrimination and freedom from arbitrary arrest and detention”. ... Since the new law was approved, representatives of The Gambia’s National Intelligence Agency have been reportedly conducting door-to-door enquiries to identify, arrest and detain individuals believed to be homosexual, and some of those detained have allegedly also been subjected to violent attacks and mistreatment.<sup>134</sup>

What needs to be focussed on is the organized process of state activity, with the National Intelligence Agency ‘conducting door-to-door enquiries’, with its interrogating and spies also noted by Nyanzi. In such a context, families perceived to harbour a homosexual will risk social sanctions. Perhaps indicatively, Scotland’s LGBT Unity group for asylum seekers now reports eight of its forty-five members from Gambia, a state of only two million.<sup>135</sup>

If we consider the five criteria for genocide previously outlined it is clear that: (1) threats are addressed to the entire homosexual group, as in Uganda; (2) intent is manifest from the President and government; (3) the ‘Mode of Annihilation’ is clearer in practice than in Uganda, from UN reports of the National Intelligence Agency activities; (4) the ‘agent of annihilation’ is not only the government but also the National Intelligence Agency. Regarding (5), if sexual orientation were a group definition in the UN Genocide Convention, this would certainly imply genocidal acts.

What is clear generally in the evidence from both Uganda and The Gambia is that what has been occurring is not a fully actualized successful systematic process of genocide against a group as a whole; yet in both there are examples of persecution by state agents. The Sexual Minorities Uganda coalition of NGOs resists and now reports an ability to engage with some police,<sup>136</sup> despite a police raid on Pride Uganda 2016. However The Gambia has more resembled a genocidal situation, at least until the departure of Jammeh on 21 January 2016. Mass graves are now being discovered but LGBTI NGOs don’t exist to identify bodies.<sup>137</sup> Genocidal practices appear to have been effective.

### **Conclusion: genocide in global queer politics**

We can now draw together the contributions made in this first systematic critical analysis of genocide with respect to queer politics. The discussion commenced by identifying the initial absence of gender and sexuality from genocide discourse, and noting the claim for the inclusion of sexual orientation made in legal literature. A case was made via the Genocide Convention that, if sexual orientation were allowed as a group category, there was a specific genocide in Nazi Germany

against perceived ‘congenital’ male homosexuals. Whereas others have claimed genocide in the camps, here the genocide claim is widened across German society, referring to both the military’s death penalty, and cultural erasure. Queer theory also highlights genocidal processes against ‘opportunistic’ homosexuals.

It was next argued that successful feminist claims for recognition of sexual violence, still work within the exclusionary structure of the *Convention*; yet the Rwanda tribunal judgements also proposed extending protection to any groups sharing a ‘culture’. This is argued to be an opening in the structure of genocide discourse for some forms of queer politics. Turning to Uganda and The Gambia it was demonstrated that recent developments embodied a threat of genocide. In Uganda the argument moved beyond a focus on the death penalty by associating the Anti-Homosexuality Act 2014’s life imprisonment and silencing with genocidal processes. In relation to The Gambia, the proposition that genocidal processes have been occurring through law and intimidation is made for the first time, though whether a genocide has been completed is not possible to determine from limited accessible evidence.

It can also be argued that specification of key features in genocide discourse through the article generates a map for analysis. It now becomes possible to engage discourse analysis. Drawing on Foucault’s discourse methodology,<sup>138</sup> without endorsing the strong anti-realism of genealogy, leads us to consider the effects of engaging the discourse of genocide. Such analysis needs to occur in light of wider discursive formations that are socially and institutionally embedded, contributing to the constitution of subjects, knowledge and power. This analysis, which can only be partially developed here, can throw into relief the political question of whether it would be wise for any political movement to name practices as genocidal.

The map of genocide discourse that has emerged is still primarily contoured by the borders of group categories. These central structural features, when viewed through a post-structuralist lens, can be seen to be re-drawn by the Rwanda tribunal, with certain new openings, overlaps and

blurrings of group definitions. Diverging foundational and anti-foundational genocide discourses are emerging.

Generally, the question of whether to invoke genocide in relation to Uganda or The Gambia returns us to central postcolonial dilemmas, particularly Spivak's question 'Can the subaltern speak?'.<sup>139</sup> The postcolonial objection would be that genocide, like human rights, could be a discourse of the West, or North. Yet the situation of queer subjects in The Gambia, where no LGBT NGO exists, brings to mind Spivak's initial conclusion that 'the subaltern cannot speak'.<sup>140</sup> In such conditions, and since other southern movements invoke genocide, it would seem wrong to dismiss any possibility of such claims.

In the transnational politics of sexual orientation, gender identity and intersex, many African LGBTI activists are concerned about escalations of western state discourse on human rights. Many homophobic African state leaders observe that human rights discourse can be a tool deployed selectively by western governments. In this context, introducing the concept of genocide into transnational public debates could risk appropriation into nationalist and right-wing views of uncivilized Africa. But there may be different issues concerning the value of invoking the concept as part of a legal, moral or social analysis, and in different transnational, national and local contexts.

Two central problematics emerge from considering postcolonial and decolonial analyses. The first is that western originating concepts like sexual orientation may not fit African cultures or experiences. But while queer postcolonial scholars are right to emphasise the contextual formation of sexual identities, as Spurlin argues we simultaneously need to recognise where LGBT-identified people exist in Africa.<sup>141</sup> Moreover, queer analysis has noted the inclusiveness of the definition of sexual orientation used in the Yogyakarta Principles, and its openness to contestation for extension.<sup>142</sup> Broader group categories of sexuality or gender could also be used. While postcolonial analysts have tended to argue human rights discourse assumes an essentialist identitarianism, the analysis from the ICTR has demonstrated an important current of genocide discourse is becoming

anti-foundational in its definition of groups and cultures. Hence definitive repudiations or predictions are not appropriate; we have a new realm of contestation.

The second problem raised is a more general concern with applying the symbolic power of the category genocide. Here the concern is with the pathologizing discursive effects in locating homophobia,<sup>143</sup> if genocide discourse were deployed from the North or the United Nations. One can note increasing critical affirmation of human rights; the question is more whether genocide discourse has a specific nature which makes it inappropriate. In response, our review of genocide studies illustrates redefinitions of genocide across various social contexts, suggesting earlier meanings cannot be assumed. Moreover, the audacious transnational invocation of crimes against humanity by Sexual Minorities Uganda shows one important southern LGBTI movement is within range of this discursive territory.

A further problem in relation to queer theory is that genocide discourse is invested in the 'reproductive futurism' associated with heterosexuality that is challenged by Lee Edelman.<sup>144</sup> The idea of genocide was founded with implied application to groups which can and should reproduce and multiply themselves in a manner understood heteronormatively as both natural and good. Such attitudes have been apparent in genocide studies definitions of relevant groups: 'Organic collectivity indicates that a group is seen as a natural, interconnected unit with reproductive capacity and biological qualities'.<sup>145</sup> Yet particularly with new reproductive technologies, queerness overlaps with reproductivism.

More generally, forms of radical queer theory emphasizing transgression might be interpreted as indicating genocide discourse, with its group categories, should be avoided. But entirely transgressive politics provide no basis for responding to attacks. More contextual postcolonial queer and sociological analyses provide the credible basis for understanding and politics. As in debates over sexual citizenship, for example with respect to partnership rights, perhaps LGBT claims of genocide might not simply work for inclusion, but rather contribute to transforming the meaning of the category.

In intersectional LGBTI and queer political discourses and cultures the structural context of postcolonial relations has led to understandable wariness to engage genocide from both North and South. This requires further consideration in analytical research. In particular, this analysis points to the need for comparison of southern movements deploying the discourse genocide—in order to better establish the discursive effects of invoking genocide from the South.

The present article has demonstrated the value of academic and critical reflection on the social, moral and legal forms of genocide discourse, which for queer people can enable consideration of when to claim and represent genocide. In that sense there is a need for a collective coming-to-terms among LGBTI and queer peoples, communities and movements, and allies, with the idea that what has been taking place have been genocidal threats and practices. Genocide is a concept that we should share, debate, contest and re-imagine in our political movements. Such consciousness need not, however, imply uncritical acceptance of the existing terms of genocide discourse.

The analysis of homonationalism by Puar communicates a scepticism about human rights claims in transnational contexts structured by racism and imperialism, and might imply a scepticism about invocations of genocide through global institutions and discourses in application to African states.<sup>146</sup> However, the analysis presented here of the historical (European) experience of genocide against homosexuals illuminates in different ways the recent developments in Uganda and The Gambia. Avoiding genocide might hinder development of a queer politics, including queer necropolitics.<sup>147</sup> It has thus been necessary to commence analysis of where and why avoidances of the discourse of genocide persist in global queer politics.

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## Endnotes

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<sup>1</sup> For the origin of “global queer politics,” see Matthew Waites “Critique of ‘Sexual Orientation’ and ‘Gender Identity’ in Human Rights Discourse: Global Queer Politics beyond the Yogyakarta Principles,” *Contemporary Politics* 15, no.1 (2009): 137–56. This refers here to a politics challenging the privileging of heterosexuality, including associated sex and gender binaries. For queer theories: Donald E. Hall and Annamarie Jagose, eds., *The Routledge Queer Studies Reader* (Abingdon: Routledge, 2013).

<sup>2</sup> Anti-Homosexuality Act (2014), [http://chapterfouruganda.com/sites/default/files/downloads/The-Anti-Homosexuality-Act-2014\\_0.pdf](http://chapterfouruganda.com/sites/default/files/downloads/The-Anti-Homosexuality-Act-2014_0.pdf) (accessed 10 June 2017). BBC, “Uganda Court Annuls Anti-homosexuality Law”, 1 August 2014, [www.bbc.com/news/world-africa-28605400](http://www.bbc.com/news/world-africa-28605400) (accessed 10 June 2017).

<sup>3</sup> Kayla Ruble, “Gambian President Says He Will Slit Gay Men’s Throats in Public Speech,” Vice News, 11 May 2015, <https://news.vice.com/article/gambian-president-says-he-will-slit-gay-mens-throats-in-public-speech> (accessed 10 June 2017).

<sup>4</sup> United Nations Office of the High Commissioner for Human Rights, *The Gambia: Zeid Criticizes Harsh Legal Amendment, Violence and Arrests Targeting Gay Men and Lesbians* 20 November 2014, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15318&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15318&LangID=E) (accessed 10 June 2017).

<sup>5</sup> Center for Constitutional Rights, *Sexual Minorities Uganda v. Scott Lively*, <https://ccrjustice.org/home/what-we-do/our-cases/sexual-minorities-uganda-v-scott-lively> (accessed 10 June 2017).

<sup>6</sup> Frank Mugisha, *The Present Situation for LGBTI People in Uganda* (audiorecording of lecture & conversation, University of Glasgow, Glasgow, 16 June, 2015)

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www.gla.ac.uk/research/az/glasgowhumanrightsnetwork/events/pastevents/lecturesandseminars/headline\_400528\_en.html (accessed 10 June 2017).

<sup>7</sup> Martin Shaw, *What is Genocide?* (Cambridge: Polity Press, 2007), 154.

<sup>8</sup> Payam Akhavan, *Reducing Genocide to Law: Definition, Meaning and the Ultimate Crime* (Cambridge: Cambridge University Press, 2012); William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2<sup>nd</sup> ed. (Cambridge: Cambridge University Press, 2009).

<sup>9</sup> Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 1972), 38.

<sup>10</sup> Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity Press, 1989); Christopher Powell, *Barbaric Civilization: A Critical Sociology of Genocide* (Montreal: McGill-Queen's University Press, 2011); Damien Short, "Cultural Genocide and Indigenous Peoples: A Sociological Approach," *International Journal of Human Rights* 14, no.6 (2010): 833-48.

<sup>11</sup> Michel Foucault, *The History of Sexuality, Volume 1: An Introduction* (London: Pelican Books, 1981).

<sup>12</sup> Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy* (London: Verso, 1985), 105.

<sup>13</sup> Stuart Hall, "On Postmodernism and Articulation: An Interview with Stuart Hall," *Journal of Communication Inquiry* 10, no.2 (1986): 53; Matthew Waites, "Human Rights, Sexual Orientation and the Generation of Childhoods: Analysing the Partial Decriminalisation of 'Unnatural Offences' in India," *International Journal of Human Rights* 14, no.6 (2010): 973.

<sup>14</sup> Foucault, *The History*, 137-43; Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-78* (Houndmills: Palgrave Macmillan, 2007); Achille Mbembe, "Necropolitics," *Public Culture* 15, no.1 (2003): 39-40; Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007): 33; Jin Haritaworn, Adi Kuntsman and Silvia Posocco, eds., *Queer Necropolitics* (Abingdon: Routledge, 2015).

<sup>15</sup> Patricia Hynes, Michele Lamb, Damien Short and Matthew Waites, eds., "Sociology and Human Rights: New Engagements," special issue, *International Journal of Human Rights* 14, no.6 (2010);

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Patricia Hynes, Michele Lamb, Damien Short and Matthew Waites, eds., “The Sociology of Human Rights,” special issue, *Sociology* 46, no.5 (2012); Kelly Kollman and Matthew Waites, eds., “The Global Politics of LGBT Human Rights,” special issue, *Contemporary Politics* 15, no.1 (2009); Corinne Lennox and Matthew Waites, eds., *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalisation and Change* (London: School of Advanced Study, University of London, 2013), open access

<http://commonwealth.sas.ac.uk/resources/publications/house-publications/lgbt-rights-commonwealth> (accessed 10 June 2017).

<sup>16</sup> William J. Spurlin, *Lost Intimacies: Rethinking Homosexuality under National Socialism* (New York: Peter Lang, 2009).

<sup>17</sup> Raewyn Connell, *Southern Theory* (Cambridge: Polity Press, 2007).

<sup>18</sup> BBC, “Cameron Threat to Dock Some UK Aid to Anti-gay Nations”, 30 October 2011, [www.bbc.co.uk/news/uk-15511081](http://www.bbc.co.uk/news/uk-15511081) (accessed 10 June 2017).

<sup>19</sup> Rahul Rao, “The Locations of Homophobia,” *London Review of International Law* 2, no.2 (2014): 169-99.

<sup>20</sup> Edward S. Herman and David Peterson, *The Politics of Genocide* (New York: Monthly Review Press, 2010); Alex de Waal “Writing Human Rights and Getting it Wrong,” *Boston Review*, 6 June, 2016.

<sup>21</sup> Center for Constitutional Rights, *Sexual Minorities Uganda*.

<sup>22</sup> Mohamed Adhikari, “A Total Extinction Confidently Hoped For: The Destruction of Cape San Society under Dutch Colonial Rule, 1700-1795,” *Journal of Genocide Research* 12, nos.1-2 (2010): 19-44; Damien Short, “Australia: A Continuing Genocide?,” *Journal of Genocide Research* 12, nos.1-2 (2010): 45-6, 60-3; Damien Short *Redefining Genocide: Settler Colonialism, Social Death and Ecocide* (London: Zed Books, 2016).

<sup>23</sup> A. Arondekar and G. Patel, eds., “Area Impossible: The Geopolitics of Queer Studies,” special issue, *GLQ* 22, no. 2. (2016); Rao, “The Locations”.

- 
- <sup>24</sup> United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide* (1948); in *United Nations Treaty Series* Volume 78 (1951), 277-322, <https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf> (accessed 10 June 2017).
- <sup>25</sup> Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington: Carnegie Endowment for International Peace, 1944), 79-95.
- <sup>26</sup> Lemkin, *Axis Rule in Occupied Europe*, 79.
- <sup>27</sup> Short, "Cultural Genocide."
- <sup>28</sup> *Prosecutor v. Akayesu* (Case No. ICTR-96-4-T), Judgement, 2 September 1998, para.505; Schabas, *Genocide*, 190.
- <sup>29</sup> Short, "Cultural Genocide", 27.
- <sup>30</sup> Robert Miles and Malcolm Brown, *Racism*, 2nd ed. (London: Routledge, 2003).
- <sup>31</sup> Shaw, *What is Genocide?*, 155-56.
- <sup>32</sup> Short, "Cultural Genocide," 34.
- <sup>33</sup> A. Dirk Moses, "Raphael Lemkin, Culture and the Concept of Genocide," in Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2010), 29; Shmuel Lederman, "A Nation Destroyed: An Existential Approach to the Distinctive Harm of Genocide," *Journal of Genocide Research* 19, no.1 (2017): 112-32.
- <sup>34</sup> Stuart Stein, "Geno- and Other Cides: A Cautionary Note on Knowledge Accumulation," *Journal of Genocide Research* 4, no.1 (2002); Sonali B. Shah, "The Oversight of the Last Great International Institution of the Twentieth Century: The International Criminal Courts Definition of Genocide', *Emory International Law Review*, no.16 (2002): 351.
- <sup>35</sup> Jack Nusan Porter, *Genocide and Human Rights* (Lanham MA: University of America Press, 1982), 8; Rudiger Lautmann, Erhard Vismar and Jack Nusan Porter, *Sexual Politics in the Third Reich* (Newton MA: The Spencer Press, 1991), vi.

- 
- <sup>36</sup> Alison Palmer, *Colonial Genocide* (London: Crawford House Publishing, 2000), 25; Scott Straus, "Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide," *Journal of Genocide Research* 3, no. 3 (2001): 349-75.
- <sup>37</sup> Alycia T. Feindel, "Reconciling Sexual Orientation: Creating A Definition Of Genocide That Includes Sexual Orientation," *Michigan State Journal of International Law* 13 (2005): 197-225.
- <sup>38</sup> Sonia Corrêa and Vitit Muntarbhorn, *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (2007), [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org) (accessed 10 June 2017); Waites, "Critique."
- <sup>39</sup> Stein, "Geno- and Other Cides".
- <sup>40</sup> Christian P. Scherrer, "Towards a Theory of Modern Genocide. Comparative Genocide Research: Definitions, Criteria, Typologies, Cases, Key Elements, Patterns and Voids," *Journal of Genocide Research* 1, no. 1 (1999): 13-23.
- <sup>41</sup> Mary Anne Warren, *Gendercide: The Implications of Sex Selection* (Totowa, NJ: Rowman & Allanheld, 1985); Adam Jones, "Gender and Genocide," *Journal of Genocide Research* 2, no.2 (2000): 185, 198.
- <sup>42</sup> Steven T. Katz, *The Holocaust in Historical Context*, vol. 1; *The Holocaust and Mass Death Before the Modern Age* (New York: Oxford University Press, 1994), 132; Jones, "Gender and Genocide," 198.
- <sup>43</sup> Adam Jones, "From the Guest Editor," *Journal of Genocide Research* 4, no.1 (2002): 9.
- <sup>44</sup> Øystein Gullvåg Holter, "A Theory of Gendercide," *Journal of Genocide Research* 4, no.1 (2002): 11-38.
- <sup>45</sup> Stefanie S. Rixecker, "Genetic Engineering and Queer Biotechnology: The Eugenics of the Twenty-first Century," *Journal of Genocide Research* 4, no.1 (2002): 109-26.
- <sup>46</sup> Adam Jones, "Problems of Gendercide-Genocide Studies and Future Agendas: A Comparative Approach," *Journal of Genocide Research* 4, no.1 (2002): 133.

- 
- <sup>47</sup> Adam Jones, "Straight as a Rule: Heteronormativity, Gendercide and the Noncombatant Male," *Men and Masculinities* 8, no.4 (2006): 451-69.
- <sup>48</sup> Adam Jones "Gender and Genocide," in *The Historiography of Genocide*, ed. Dan Stone (Houndmills: Palgrave Macmillan, 2008), 247; Adam Jones, "Gendering Genocide," in *Genocide: A Comprehensive Introduction*, 3<sup>rd</sup> edn. (Abingdon: Routledge, 2017), 637-9.
- <sup>49</sup> Stein, "Geno- and Other Cides," 48; Stuart Stein, "Conceptions and Terms: Templates for the Analysis of Holocausts and Genocides," *Journal of Genocide Research* 7, no.2 (2005): 171-203.
- <sup>50</sup> Short, "Cultural Genocide," 23.
- <sup>51</sup> Sue E. Spivey and Christine M. Robinson, "Genocidal Intentions: Social Death and the Ex-Gay Movement", *Genocide Studies and Prevention* 5, no.1 (2010): 68-88.
- <sup>52</sup> Short, "Cultural Genocide," 24, 28-9.
- <sup>53</sup> Ronald J. Berger, *The Holocaust, Religion and the Politics of Collective Memory: Beyond Sociology* (New Brunswick: Transaction Publishers, 2013), 21-3.
- <sup>54</sup> Straus, "Contested Meanings".
- <sup>55</sup> Quoted in Straus, "Contested Meanings," 351.
- <sup>56</sup> Powell, *Barbaric Civilization*, 275-300.
- <sup>57</sup> Jon Petrie, "The Secular Word HOLOCAUST: Scholarly Myths, History, and 20<sup>th</sup> Century Meanings," *Journal of Genocide Research* 2, no.1 (2000): 31-2.
- <sup>58</sup> Berger, *The Holocaust, Religion and the Politics of Collective Memory*, 196; Feindel, "Reconciling," 209.
- <sup>59</sup> Thomas Lacqueur, "Devoted to Terror - KL: A History of the Nazi Concentration Camps by Nikolaus Wachsmann", *London Review of Books*, 24 September, 2015, 9-16.
- <sup>60</sup> Powell, *Barbaric Civilization*, 89.
- <sup>61</sup> Dan Stone, *Histories of the Holocaust* (Oxford: Oxford University Press, 2010), 1-2.
- <sup>62</sup> Martin Gilbert, *The Holocaust* (New York: Henry Holt and Company, 1986), 36, 827, 824.
- <sup>63</sup> Yehuda Bauer, *Rethinking the Holocaust* (New Haven: Yale University Press, 2001), 63.

- 
- <sup>64</sup> Berger, *The Holocaust*, 1.
- <sup>65</sup> Doris L. Bergen, *War and Genocide: A Concise History of the Holocaust*, 2nd rev. ed. (Lanham, MD: Rowman and Littlefield, 2009).
- <sup>66</sup> Rüdiger Lautmann, “The Pink Triangle: The Persecution of Homosexual Males in Concentration Camps in Nazi Germany,” *Journal of Homosexuality* 6, nos.1-2 (1980-1): 142.
- <sup>67</sup> Wolfgang Harthaus, “Der Massenmord an Homosexuellen im Dritten Reich,” in Willhart S. Schlegel, ed., *Das Grosse Tabu: Zeugnisse und Dokumente Zum Problem der Homosexualitdt* (Munich; Rütten und Loening, 1967), 7-37; Heinz Heger, *The Men With The Pink Triangle* (London: Gay Men’s Press, 1980).
- <sup>68</sup> Rudiger Lautmann, ed., *Seminar: Gesellschaft und Homosexualitdt* (Frankfurt am Main: Suhrkamp, 1977); cited in Lautmann, “The Pink Triangle”.
- <sup>69</sup> Spurlin, *Lost Intimacies*, 57-61.
- <sup>70</sup> James D. Steakley, *The Homosexual Emancipation Movement in Germany* (Salem: Ayer Company, 1975); Frank Rector, *The Nazi Extermination of Homosexuals* (New York: Stein and Day, 1981); Richard Plant, *The Pink Triangle: The Nazi War Against Homosexuals* (Edinburgh: Mainstream Publishing, 1987); Günter Grau, ed., *Hidden Holocaust? Gay and Lesbian Persecution in Germany 1933-45* (London: Cassell, 1995); Rainer Schulze, ed., ‘The Pink Triangle’, special issue, *The Holocaust in History and Memory* 4 (2011).
- <sup>71</sup> *Paragraph 175*. Directed by Rob Epstein and Jeffrey Friedman. Germany: Telling Pictures, 2000.
- <sup>72</sup> German Reich, *Paragraph 175 of the German Penal Code (Nazi Version)(Jan. 28 1935)*, in Mark Blasius and Shane Phelan, eds., *We Are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics* (New York: Routledge, 1997), 178.
- <sup>73</sup> Fernbach, “Introduction,” 11, 13.
- <sup>74</sup> Fernbach, “Introduction,” 12-13.
- <sup>75</sup> Lacqueur, “Devoted to Terror,” 12.
- <sup>76</sup> Lautmann, “The Pink Triangle,” 156.

---

<sup>77</sup> Heger, *The Men*, 32-33.

<sup>78</sup> Heger, *The Men*, 38.

<sup>79</sup> H-G. Stumke and R. Winkler, *Rosa Winkel-Rosa Listen* (Hamburg: Rowohlt, 1981), quoted in Plant, *The Pink Triangle*, 173, 175-9.

<sup>80</sup> Fernbach, "Introduction," 13.

<sup>81</sup> Fernbach, "Introduction," 13.

<sup>82</sup> Lautmann, "The Pink Triangle," 156.

<sup>83</sup> Plant, *The Pink Triangle*, 149, 153.

<sup>84</sup> Lautmann, "The Pink Triangle," 146, 158-9.

<sup>85</sup> Primo Levi, *The Drowned and the Saved* (London: Abacus, 1988), ix.

<sup>86</sup> Plant, *The Pink Triangle*, 181.

<sup>87</sup> Grau, *Hidden Holocaust?*, 192-4.

<sup>88</sup> Plant, *The Pink Triangle*, 104, 145; Grau, *Hidden Holocaust?*, 164, 176.

<sup>89</sup> Fernbach, "Introduction," 13; Plant, *The Pink Triangle*, 72, 101.

<sup>90</sup> Grau, *Hidden Holocaust?*, 6; quoting B. Jellonek, *Homosexuelle unter dem Haenkreuz* (Paderborn: Schöningh, 1990).

<sup>91</sup> David Moshman, "Conceptual Constraints on Thinking About Genocide", *Journal of Genocide Research*, 3, no.3 (2001): 439.

<sup>92</sup> David Cameron, 'David Cameron Remembers Gay Victims of the Nazis on Holocaust Memorial Day', 27 January 2015. [www.pinknews.co.uk/2015/01/27/david-cameron-remembers-gay-victims-of-the-nazis-on-holocaust-memorial-day/](http://www.pinknews.co.uk/2015/01/27/david-cameron-remembers-gay-victims-of-the-nazis-on-holocaust-memorial-day/) (accessed 10 June 2017).

<sup>93</sup> Heger, *The Men*; Steakley, *The Homosexual*; Plant, *The Pink Triangle*; Grau, *Hidden Holocaust?*; Lautmann, 'The Pink Triangle', 159.

<sup>94</sup> Louis Crompton, "Gay Genocide: From Leviticus to Hitler," in *The Gay Academic*, ed. Louie Crew (Palm Springs, CA: ETC Publications), 67-91.

<sup>95</sup> Rector, *The Nazi Extermination*, 25, 103, 118.

- 
- <sup>96</sup> Porter, *Genocide*, 8; Lautmann et al, *Sexual Politics*; Jack Nusan Porter, *The Genocidal Mind: Sociological and Sexual Perspectives* (Lanham: University Press of America, 2006), 117.
- <sup>97</sup> Plant, *The Pink Triangle*.
- <sup>98</sup> Spurlin, *Lost Intimacies*, 4, 13, 34, 46.
- <sup>99</sup> Michel Foucault, *Society Must be Defended. Lecture at the Collège de France 1975-1976* (London: Penguin, 2004), 256, 257, 260.
- <sup>100</sup> Foucault, *The History*, 137, 150; Powell, *Barbaric Civilization*, 109.
- <sup>101</sup> Powell, *Barbaric Civilization*, 75, 83.
- <sup>102</sup> For a review covering non-English and minor texts, see: Warren Johansson and William Percy, "Homosexuals in Nazi Germany," in Simon Wiesenthal Center *Annual Volume 7*, (1997), <http://motlc.wiesenthal.com/site/pp.asp?c=gvKVLcMVIuG&b=395203> (accessed 10 June 2017).
- <sup>103</sup> Catherine Mackinnon, "Rape, Genocide and Women's Human Rights," *Harvard Women's Law Journal* 17, no. 4 (1994): 5-16.
- <sup>104</sup> C. A. Mackinnon, "Catherine A. Mackinnon" [www.law.umich.edu/FacultyBio/Pages/FacultyBio.aspx?FacID=camtwo](http://www.law.umich.edu/FacultyBio/Pages/FacultyBio.aspx?FacID=camtwo) (accessed 10 June 2017).
- <sup>105</sup> United Nations Security Council, *Resolution 1820*, S/RES/1820, 19 June 2008.
- <sup>106</sup> Powell, *Barbaric Civilization*, 275-300.
- <sup>107</sup> Sara E. Brown, "Female Perpetrators of the Rwandan Genocide," *International Feminist Journal of Politics* 16, no.3 (2014): 448-69.
- <sup>108</sup> Chile Eboe-Osuji, "Rape as Genocide: Some Questions Arising," *Journal of Genocide Research* 9, no.2 (2007): 251-173.
- <sup>109</sup> *The Prosecutor v. Jean-Paul Akayesu*, Judgement, ICTR-96-4-T, 2 September 1998; Yusuf Aksar, "The "Victimized Group" Concept in the Genocide Convention and the Development of International Humanitarian Law Through the Practice of *ad hoc* Tribunals," *Journal of Genocide Research* 5, no.2 (2003): 211-24.

- 
- <sup>110</sup> Johan D. van der Vyver, "Prosecution and Punishment of the Crime of Genocide," *Fordham International Law Journal* 23, no.2 (1999): 305-6; David L. Nersessian, "The Razor's Edge: Defining and Protecting Human Groups under the Genocide Convention," *Cornell International Law Journal* 36, no.2 (2003): 293-327.
- <sup>111</sup> *The Prosecutor v Kayishema and Ruzindana*, ICTR-95-1-T, 21 May 1999.
- <sup>112</sup> Meredith L. Weiss and Michael J. Bosia, eds., *Global Homophobia* (Urbana: University of Illinois Press, 2013).
- <sup>113</sup> Powell, *Barbaric Civilization*, 92.
- <sup>114</sup> Stella Nyanzi, "Rhetorical Analysis of President Jammeh's Threats to Behead Homosexuals in the Gambia," in *Sexual Diversity in Africa: Politics, Theory, Citizenship*, ed. S.N. Nyeck and Marc Epprecht (Montreal & Kingston: McGill-Queen's University Press, 2013), 67-87.
- <sup>115</sup> Marc Epprecht, "Transnationalism in Sexuality Studies: An 'Africanist' Perspective," in *Understanding Global Sexualities: New Frontiers*, eds. Peter Aggleton, Paul Boyce, Henrietta L. Moore and Richard Parker (London: Routledge, 2012), 191.
- <sup>116</sup> Human Rights Watch, *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism* (New York: Human Rights Watch, 2008).
- <sup>117</sup> Investigating Team "100 Pictures of Uganda's Top Homos," *Rolling Stone* 1, no.5, 2 October 2010, 1-2.
- <sup>118</sup> Rao, "The Locations."
- <sup>119</sup> Anti-Homosexuality Act, 2014; BBC, 'Cameron Threat'; Sexual Minorities Uganda, *Expanded Criminalisation of Homosexuality in Uganda: A Flawed Narrative* (Kampala: Sexual Minorities Uganda, 2014).
- <sup>120</sup> Mugisha, "The Present."
- <sup>121</sup> Peter Drucker, ed., *In a Different Voice* (London: Millivres, 2000).
- <sup>122</sup> Sokari Ekine and Hakima Abbas, eds., *Queer African Reader* (Nairobi: Pambazuka Press, 2013).

- 
- <sup>123</sup> Christina DeJong and Eric Long, “The Death Penalty as Genocide: The Persecution of ‘Homosexuals’ in Uganda,” in *Handbook of LGBT Communities, Crime and Justice*, ed. Dana Peterson and Vanessa R. Panfil (New York: Springer, 2014).
- <sup>124</sup> Adrian Jjuuko, “The Incremental Approach: Uganda’s Struggle for the Decriminalisation of Homosexuality,” in Lennox and Waites, *Human Rights*, 381-408.
- <sup>125</sup> Matthew Waites, “Claiming LGBTI Human Rights in the Commonwealth After Empire,” *Discover Society*, 16, (2015), <http://discoversociety.org/2015/01/03/claiming-lgbti-human-rights-in-the-commonwealth-after-empire/> (accessed 10 June 2017).
- <sup>126</sup> Leslie J. Moran, *The Homosexual(ity) of Law* (London: Routledge, 1996).
- <sup>127</sup> Oliver Phillips, “Zimbabwean Law and the Production of a White Man’s Disease,” in *Sexualities and Society: A Reader*, ed. Jeffrey Weeks, Janet Holland and Matthew Waites (Cambridge: Polity Press, 2003), 162-73.
- <sup>128</sup> Sexual Minorities Uganda, *From Torment to Tyranny: Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act* (Kampala: Sexual Minorities Uganda, 2014).
- <sup>129</sup> Nyanzi, “Rhetorical”.
- <sup>130</sup> Criminal Code Amendment Act 2005; [www.ilo.ch/dyn/natlex/docs/SERIAL/75299/78264/F1686462058/GMB75299.pdf](http://www.ilo.ch/dyn/natlex/docs/SERIAL/75299/78264/F1686462058/GMB75299.pdf) (accessed 10 June 2017).
- <sup>131</sup> Matthew Jenkin, “Police Testify Against Gay Men Arrested in Gambia,” 19 July 2012, <http://www.gaystarnews.com/article/police-testify-against-gay-men-arrested-gambia190712/#gs.YzYVjrY> (accessed 10 June 2017).
- <sup>132</sup> Michelle Nichols, “Gambian President Says Gays a Threat to Human Existence,” 27 September 2013, <http://www.reuters.com/article/2013/09/27/us-unassembly-gays-idUSBRE98Q19K20130927> (accessed 10 June 2017).
- <sup>133</sup> Criminal Code (Amendment) Act 2014, [www.refworld.org/docid/54759cd04.html](http://www.refworld.org/docid/54759cd04.html) (accessed 10 June 2017).

- 
- <sup>134</sup> United Nations Office of the High Commissioner for Human Rights, “The Gambia”.
- <sup>135</sup> Email from Ebrima Kalleh (Co-Convener), 3 September 2016, cited with consent.
- <sup>136</sup> Mugisha, “The Present.”
- <sup>137</sup> West Africa Democracy Radio, “WADR’s Lamin Cham Reports on the Discovery of Bodies in a Secret Gambian Grave,” 2017, <https://soundcloud.com/westafricademocracyradio/wadrs-lamin-cham-reports-on-the-discovery-of-bodies-in-a-secret-gambian-grave> (accessed 10 June 2017).
- <sup>138</sup> Foucault, *The History*.
- <sup>139</sup> Gayatri Chakravorty Spivak, “Can the Subaltern Speak?,” in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Basingstoke: Macmillan Education), 271-313.
- <sup>140</sup> Spivak, “Can the Subaltern Speak?” 104.
- <sup>141</sup> Spurlin, *Lost Intimacies*, 8, 18-9, 66, 102.
- <sup>142</sup> Waites, “Critique,” 151-3.
- <sup>143</sup> Rao, “The Locations.”
- <sup>144</sup> Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham: Duke University Press, 2004), 2; Spurlin, *Lost Intimacies*, 114.
- <sup>145</sup> Straus, “Contested Meanings,” 366.
- <sup>146</sup> Puar, *Terrorist Assemblages*.
- <sup>147</sup> Haritaworn et al, *Queer Necropolitics*.