



Women's Initiatives for Gender Justice

**Report on the
10-year Review Conference
of the Rome Statute and the
International Criminal Court**

31 May – 11 June 2010 Kampala, Uganda

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the International Criminal Court (ICC) and works with women most affected by the conflict situations under investigation by the ICC.

Currently the Women's Initiatives for Gender Justice has country-based programmes in four of the five ICC Situation countries: Uganda, the Democratic Republic of the Congo, Sudan and the Central African Republic.

The strategic programme areas for the Women's Initiatives include:

- Political and legal advocacy for accountability and prosecution of gender-based crimes
- Capacity and movement building initiatives with women in armed conflicts
- Conflict resolution and integration of gender issues within the negotiations and implementation of Peace Agreements (Uganda, DRC, Darfur)
- Documentation of gender-based crimes in armed conflicts
- Victims' participation before the ICC
- Training of activists, lawyers and judges on the Rome Statute and international jurisprudence regarding gender-based crimes
- Advocacy for reparations for women victims/survivors of armed conflicts

In 2006, the Women's Initiatives for Gender Justice was the first NGO to file before the ICC and to date is the only international women's human rights organisation to have been recognised with *amicus curiae* status by the Court.

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Cover photo – R to L: Molly Kia Okello, Treasurer of Greater North Women’s Voices for Peace Network (GNWVVPN), Uganda; Joyce Asekenye, Secretary of GNWVVPN, Uganda ; Hellen Grace Tino, member of GNWVVPN, Uganda; Judith M Acana, member of GNWVVPN, Uganda; Rosalba Oywa, Activist, Uganda

Introduction

“ *The Women’s Initiatives for Gender Justice brought the largest civil society delegation to the Review Conference, with 35 women’s rights activists from armed conflict situations.* ”

The 10-year Review Conference of the Rome Statute and the International Criminal Court (ICC), from 31 May – 11 June in Kampala, hosted by the Government of Uganda, was attended by 86 States Parties to the Rome Statute and 33 observer states. Over 1200 members of civil society also participated in the official meeting and in side events held throughout the two weeks of the Conference. The Review Conference was the first global meeting on the Rome Statute since the 1998 Rome Conference, which adopted the Statute and laid the groundwork for the first permanent international criminal court with global jurisdiction for genocide, war crimes and crimes against humanity.

The two-track agenda for the Review Conference included a ‘stocktaking exercise’ held in the first week of the Conference, to evaluate the impact and progress of the Court since it came into existence in 2002, and the consideration of amendments to the Rome Statute, held in the second week of the Review process. Four priority themes were identified for the stocktaking exercise: (1) the impact of the Rome Statute system on victims and affected communities; (2) complementarity, or national efforts towards accountability; (3) state cooperation with the Court; and (4) peace and justice.¹

States Parties also considered several proposals to amend the Rome Statute, including (1) to delete Article 124 from the Statute,² (2) to adopt a definition of the crime of aggression,³ and (3) to amend the Statute to include in the list of war crimes not of an international character (Article 8(2)(e)) similar prohibitions as found in article 8(2)(b) in relation to conflicts of an international character, namely the use of certain poisons, gases, and expanding bullets.⁴

1 RC/1/Add.1, ‘Annotated list of items included in the provisional agenda’, 12 May 2010, p 4.

2 RC/WGOA/2, ‘Draft resolution on article 124’, 9 June 2010.

3 RC/WGCA/1/Rev.2, ‘Conference Room Paper on the Crime of Aggression’, 7 June 2010.

4 RC/WGOA/1/Rev.2, ‘Draft resolution amending article 8 of the Rome Statute’, 4 June 2010.

Participation of Women’s Rights Advocates

The Women’s Initiatives for Gender Justice brought to the Conference a delegation of 35 women’s rights and peace activists from ICC Situation countries (Democratic Republic of the Congo [DRC], Uganda, and Central African Republic [CAR]). This was the largest civil society delegation to participate in the Review Conference.⁵ Activists from Darfur were also expected to join the delegation, however, due to last minute threats from the Government of Sudan to Sudanese activists planning to attend the Review Conference, they were unable to travel to Kampala. During the two weeks of the conference, the Women’s Initiatives for Gender Justice organised a series of events including the Women’s Court,⁶ two press conferences,⁷ the launch of a declaration, *Advancing Gender Justice – A Call to Action*, and a reception celebrating the release of the new publication, *In Pursuit of Peace – A la poursuite de la paix*.⁸ In addition, the Executive Director of the Women’s Initiatives for Gender Justice delivered a speech to the Assembly of States Parties during the opening plenary of the Review Conference.⁹

5 For more information about the Women’s Initiatives delegation and events at the Review Conference, see <http://www.iccwomen.org/news/berichtdetail.php?we_objectID=74>.

6 For more information about the Women’s Court, see <http://www.iccwomen.org/news/berichtdetail.php?we_objectID=78>. The Programme of the Women’s Court is available at <<http://www.iccwomen.org/documents/WC-PROGRAM-Final.pdf>>.

7 For more information on the Press Conference, see <http://www.iccwomen.org/news/berichtdetail.php?we_objectID=76>. The Press Statement by Executive Director Brigid Inder is available at <<http://www.iccwomen.org/documents/Womens-Initiatives-Press-Statement-31-May.pdf>>.

8 Available at <<http://www.iccwomen.org/documents/Pursuit-ENG-4-10-web.pdf>>.

9 ‘Gender Justice and the ICC’, Brigid Inder, Women’s Initiatives for Gender Justice to the General Debate, 1 June 2010, available at <<http://www.iccwomen.org/documents/Womens-Initiatives-Statement-GeneralDebate.pdf>>.



L to R: Albertine Tonnet, President of the Women Workers Committee, Union Syndicale, CAR; Gladys Oyat, member of Greater North Women’s Voices for Peace Network, Uganda; Brigid Inder, Executive Director of Women’s Initiatives for Gender Justice; Jeanine Bandu, Director of EFIM, DRC; Susanah Sirkin, Deputy Director of Physicians for Human Rights

The Women's Court

On 1 June, the Women's Initiatives for Gender Justice held an all-day Women's Court. This followed in the footsteps of the 1993 Vienna Tribunal on Women's Human Rights and the 2000 Tokyo Women's Tribunal. These tribunals, with their compelling testimony by women victims/survivors of armed conflict, helped pave the way for international tribunals to prosecute gender-based crimes as international crimes. Like its predecessors, the aim of the Women's Court was to draw attention to the particular harms women and girls experience during armed conflict and to promote greater attention to these crimes by the ICC and national authorities. Rather than making a determination of guilt or delivering a formal 'judgement', the purpose of the Women's Court was to provide a space for women advocates and victims/survivors from four conflict Situations before the ICC to express their views and experiences as part of the Review Conference.

The Women's Court was comprised of four panels¹⁰ relating to the conflict Situations under investigation by the ICC and involved 12 presenters who shared their experience and analysis of the conflict in their countries and its impact on women.

Each session was moderated by international peace and justice advocates, including Nobel Peace Laureate Wangari Maathai; Silvana Arbia, Registrar of the International Criminal Court; Bukeni Waruzi, Lead Campaign for Gender-based Violence at Witness; and Elisabeth Rehn, Chairperson for the Board of Directors for the ICC Trust Fund for Victims.

Judge Sang-Hyun Song, President of the International Criminal Court, also attended the Women's Court and in his remarks, recognised the important contributions that women's advocates have made to the implementation of the Rome Statute, stating that 'the Court and the ASP must continue to build on and live up to the legacy you have created... Nobody has suffered more as innocent victims of conflict, and your voices should be heard.'¹¹

For a selection of testimonies from the Women's Court see page 19

See Judge Song's remarks in full on page 39

10 The four panels were on Uganda, DRC, Sudan and CAR.

11 Remarks of Judge Sang-Hyun Song, President of the International Criminal Court, available at <http://www.iccwomen.org/documents/Pres_Song_remarks_at_Womens_Court.pdf>, last visited on 5 November 2010.

Advancing Gender Justice – A Call to Action

At the press conference held on 31 May 2010, the Women’s Initiatives for Gender Justice released *Advancing Gender Justice – A Call to Action*.¹² The *Call to Action* outlines priorities for advancing gender justice through the ICC, as well as regional and national judicial systems, and through peace processes and mechanisms to end armed conflicts. These priorities emerged from six years of work by the Women’s Initiatives in country-based programmes and partnerships, advocacy initiatives with the ICC, legal filings, expert consultations and two key events¹³ held as part of the organisation’s preparation for the 10-Year Review Conference.

The priorities and strategies identified in *Advancing Gender Justice – A Call to Action* include:

- Enhancing the institutional gender capacity of judicial bodies through the appointment of Gender Legal Advisers to senior positions within the ICC, the regional human rights courts and commissions, and national supreme courts;
- Implementation, by states, of the Rome Statute and complementarity strategies for its domestication inclusive of the gender provisions contained within the Rome Statute, the Elements of Crimes and the Rules of Procedure and Evidence;
- Domestic prosecutions of crimes potentially within the jurisdiction of the ICC should be frequent and must comply with the standards of justice outlined in the Rome Statute and its related documents. National accountability processes and their compliance with international criminal justice standards are necessary if prosecutions are to act as a deterrent to the future commission of genocide, war crimes and crimes against humanity;

12 Available at <<http://www.iccwomen.org/documents/Advancing-Gender-Justice-A-Call-to-Action-FINAL.pdf>>

13 The ‘International Justice for Women Forum’, 6-8 October 2008, Kampala, Uganda, organised by the Women’s Initiatives, brought together 155 women’s rights and peace activists, predominantly from the conflict Situations under investigation by the ICC. This meeting provided the opportunity for women directly affected by the conflict Situations before the ICC to reflect on the work of the Court in providing accountability, contributing to local expectations of justice and an end to conflict and impunity. The ‘International Gender Justice Dialogue’, organised by the Women’s Initiatives in collaboration with the Nobel Women’s Initiative, 19-21 April 2010, Puerto Vallarta, Mexico, assembled more than 50 advocates and leaders from current or recent armed conflicts as well as leaders from the fields of international criminal law, Nobel Peace Laureates, representatives of the ICC, peace mediators, women’s rights advocates, United Nations personnel, academics, communications specialists and donors to contribute to discussions about the future of gender justice and the need for a global agenda to advance this work.

- Enhancing mechanisms to ensure victims’ participation at the ICC is meaningful, including development of a more accessible legal aid scheme, policies which are responsive to the participation of victims of sexual violence among other marginalised groups, and a comprehensive security framework inclusive of victims and intermediaries;
- Increase resources and voluntary contributions to the ICC Trust Fund for Victims as it develops gender-inclusive, victim-centred guidelines for case-based reparations;
- Stronger and more consistent jurisprudence on gender-based crimes from international and hybrid criminal tribunals;
- The adoption of an amendment policy by the ICC to allow the prosecutorial process to be able to correct itself when initial indictments exclude charges for which sound evidence exists;
- Greater state cooperation in their responsibilities as to assist the ICC with arrests of suspects, freezing and seizing of assets, and promotion of universal ratification of the Rome Statute.



The *Call to Action* paper also addresses priorities for advancing gender justice through peace processes, agreements and their subsequent implementation.

These priorities include:

- The development of benchmarks for the appointment of Chief Mediators by the United Nations (UN) with no more than 45% and no less than 55% of either gender appointed as mediators or Special Envoys over a two-year cycle.¹⁴
- Peace processes and their agreements must comply with international law and UN Security Council Resolutions on women, peace and security.¹⁵
- Greater attention and resources should be provided towards building the capacity and supporting the participation of women’s organisations and advocates within peace talks and in the implementation of peace agreements.

14 To date, no women have ever been appointed as Chief Mediators to UN sponsored or cosponsored peace-processes.

15 Resolutions 1325, 1820, 1888 and 1889.

Outcomes of the Review Conference

Upon conclusion of the Review Conference, States Parties adopted two declarations and six resolutions. The high level declaration known as the ‘Kampala Declaration’, adopted by consensus, reaffirmed the commitment of States Parties to the Rome Statute and the role of the Court in promoting peace and ending impunity. It also called for full and effective domestic implementation of the Statute, universal adherence to the Statute, and enhanced state cooperation. The Declaration recognised that ‘justice is a fundamental building block of sustainable peace’,¹⁶ and it expressed the resolve of States Parties to ‘continue and strengthen our efforts to promote victims’ rights under the Rome Statute, including their right to participate in judicial proceedings and claim for reparations, and to protect victims and affected communities’.¹⁷ Finally, the Declaration acknowledges 17 July as the Day of International Criminal Justice in recognition of the adoption of the Rome Statute on that day in 1998.¹⁸

Stocktaking

The stocktaking exercise took place from 2–3 June and addressed two of the four stocktaking themes per day.¹⁹ The sessions involved panel discussions with presentations on each of the topics and allowed a question/answer session between the panellists, States Parties and civil society. Two resolutions and one declaration emerged from the stocktaking process. Expert papers prepared in advance and facilitators’ summaries of the panel discussions were also produced on several of the stocktaking topics.

16 RC/Decl.2, ‘Kampala Declaration’, 1 June 2010, para 3.

17 RC/Decl.2, para 4.

18 RC/Decl.2, para 12.

19 Review Conference Provisional Work Programme, available at <http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/RC-provisionalworkprogramme.pdf>, last visited on 3 November 2010.

Prior to the stocktaking exercise, a civil society run ‘International Symposium on Stocktaking Themes’ was held over two days in Kampala, to produce a civil society communiqué to States Parties on the stocktaking topics.

Unfortunately, while this Symposium purported to address the key issues at stake in the stocktaking exercise from a civil society perspective, the organisers of the Symposium did not include women’s rights activists in the programme or integrate gender issues within the methodology or analysis for reviewing the stocktaking themes. During the planning stages of this event, the Women’s Initiatives for Gender Justice encouraged the organisers to incorporate gender issues and specifically to include speakers on women’s rights and conflict issues, providing constructive assistance about the programme including the names of women who could provide gender expertise. While some members of the Women’s Initiatives Delegation attended the meeting and participated in the workshops, the organisers declined to address gender justice issues and did not invite any women’s rights activists to provide presentations. Subsequently, gender issues were ignored in the programme and were not addressed in the final communiqué presented to States Parties.

Disturbed by this process, women’s rights and peace activists prepared a letter critiquing the Symposium and its process and questioned the validity of the communiqué, given the exclusion of gender justice issues from its outcomes. The letter was signed by more than 40 organisations including women’s rights networks from Uganda, Sudan, the DRC and the Central African Republic. Given the impact of armed conflict on women and the high rates of sexual violence committed in each of the Situations under investigation by the ICC, the purposeful inclusion of women’s rights and peace activists in the Symposium could have contributed in substantive ways to the quality and validity of the civil society process.

Victims and Affected Communities

The stocktaking session on ‘Victims and Affected Communities’ focused on three themes: victim participation and reparations, including protection of victims and witnesses; the role of outreach; and the role of the Trust Fund for Victims.²⁰ Keynote Speaker Radhika Coomaraswamy, Under-Secretary-General and Special Representative of the Secretary-General of the UN for Children and Armed Conflict, praised the clarity provided by the Rome Statute that rape and other forms of sexual violence are war crimes.²¹ She spoke of the calls for justice from rape victims she met on a recent visit to CAR, and the need to improve on circumstances for courtroom testimony on sexual violence, based on the difficult experiences of

20 RC/ST/V/1, ‘Stocktaking of international criminal justice – Impact of the Rome Statute system on victims and affected communities: Draft informal summary by the focal points’, 10 June 2010, para 8.

21 ‘Statement by Ms Radhika Coomaraswamy, Special Representative of the Secretary-General of the UN for Children and Armed Conflict’, available at <http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/Stocktaking/RC-ST-Victims-VoiceOfVictims-UNSG-ENG.pdf>, last visited on 3 November 2010.

victims/survivors testifying at the International Criminal Tribunal for Rwanda. Under-Secretary-General Coomaraswamy called for the Court to be sensitive to the needs of victims/survivors of sexual violence, and for gender-sensitive programming in the rehabilitation of former girl-soldiers. Of the six panellists and Moderator, five were women, of whom two directly addressed gender issues – Radhika Coomaraswamy and Justine Masika Bihamba, co-founder and coordinator of *Synergie des Femmes pour les Victimes des Violences Sexuelles* in the DRC, who discussed the importance of engaging women’s organisations and victim/survivor groups in the justice and reparative processes.

The resolution that emerged from the session called for the implementation of Rome Statute provisions on victims and witnesses at the national level; discussed the need for optimising outreach and the Court’s Strategy in relation to victims; and urged States to strengthen the Trust Fund for Victims through increased pledges, visibility, and transparency.²² The Resolution includes two statements regarding the responsibility of governments and civil society to sensitise communities on the rights of victims under the Rome Statute, paying particular attention to the rights of victims of sexual violence, as well as encouraging the Court to improve the way in which it addresses the concerns of victims and affected communities, with special attention to the needs of women and children.²³

Peace and Justice

The stocktaking session on peace and justice included a Moderator and four presenters of whom one was a woman, Yasmin Sooka, who spoke in detail about gender issues in relation to Truth and Reconciliation Commissions.

Although the session did not result in a resolution or declaration, the Moderator produced a summary of the discussion in which he extracted some short- and long-term ‘lessons learned’ regarding peace and justice.²⁴ These included, for example, the acknowledgement that justice and peace are no longer mutually exclusive;²⁵ the recognition that justice, though sometimes prolonging war or conflict in the short term, in the long run prevents wars;²⁶ the recognition that justice alone is often not sufficient but that post-conflict reconciliation efforts should internalise both judicial and non-judicial mechanisms;²⁷ and the recognition that the demands of victims shift over time, ‘with an immediate goal for peace followed by a quest for justice’.²⁸ The summary did not include any

22 RC/Res.2, Advance version, ‘The impact of the Rome Statute system on victims and affected communities’, 8 June 2010.

23 RC/Res.2, Advance version, paras 2 and 4.

24 RC/ST/PJ/1/Rev.1, Advance version, ‘Moderator’s Summary’, 22 June 2010.

25 RC/ST/PJ/1/Rev.1, Advance version, para 29.

26 RC/ST/PJ/1/Rev.1, Advance version, para 32.

27 RC/ST/PJ/1/Rev.1, Advance version, para 33.

28 RC/ST/PJ/1/Rev.1, Advance version, para 34.

'lessons learned' regarding gender justice issues, the differential impact of armed conflict on women and the distinct demands of women victims/survivors, nor did it propose strategies for integrating gender provisions within formal and informal mechanisms for justice and peace.



Members of the Women's Initiatives for Gender Justice delegation to the ICC Review Conference: L to R: Joséphine Malimukono, Coordinator of LSE, DRC; Albertine Tonnet, President of the Women Workers Committee, Union Syndicale, CAR; Adja Silla, Head of AFMC ATAOPA, CAR; Emérite Tabisha Mongelwa, Coordinator of AFD, DRC

Complementarity

The panel on Complementarity addressed the practical application of complementarity under the Rome Statute system and outlined various concepts of positive complementarity and the practical considerations regarding implementation of these ideas. In addition to the Moderator, there were five speakers on the panel of whom two were women, Navanethem Pillay, UN High Commissioner for Human Rights, and Geraldine Fraser-Moleketi, Director of United Nations Governance Group. Following the panel, ICC President Judge Song and the Prosecutor, Luis Moreno-Ocampo, also addressed the panel and participants regarding their views on complementarity.

The Resolution on complementarity reaffirmed 'the primary responsibility of States to investigate and prosecute the most serious crimes of international concern'.²⁹ It calls for additional measures to assist implementation of the Rome Statute provisions at the national level and for states to 'assist each other in strengthening domestic capacity to ensure that investigations and prosecutions of serious crimes of international concern can take place at the national level'.³⁰ To that end, States Parties also requested the Secretariat of the ASP to serve as the facilitator of the exchange of information between States Parties, the Court, and other stakeholders. The Resolution did not include any gender provisions on this issue nor were such issues raised by the panel.

29 RC/Res.1, Advance version, 'Complementarity', 8 June 2010: para 1.

30 RC/Res.1, Advance version, para 5.

Cooperation

The panel on Cooperation addressed the need for individual States Parties to introduce implementing legislation; the challenges faced by States in relation to requests for cooperation and how to overcome these; and cooperation with the United Nations and intergovernmental bodies. In addition to the Moderator, there were six speakers on the panel of whom two were women: H.E. Amina Mohammed, Permanent Secretary in the Ministry of Justice, National Cohesion and Constitutional Affairs in Kenya and H.E. Patricia O'Brien, United Nations Under-Secretary-General for Legal Affairs.

A Declaration on cooperation reaffirmed the importance of state cooperation with the Court in passing implementing legislation, executing arrests, complying with other requests from the Court, and making financial pledges to support the Court.³¹ It also called on all stakeholders to share experiences and provide assistance using innovative methods to enhance cooperation. The Declaration did not address gender provisions in relation to this issue nor were such issues raised by the panel.

Finally, the States Parties adopted another Resolution aimed at strengthening international cooperation regarding the enforcement of sentences.³²

Overall, 43% of panellists and speakers who presented during the stocktaking sessions were women. Just over 38% of panellists referred to gender issues in some manner, mostly in brief references, with only 14% addressing gender issues in a substantive way. One Declaration included a reference to gender issues within the stocktaking themes.³³

Amendments

Crime of Aggression

The most high-profile and controversial item on the agenda at the Review Conference was the adoption of a definition of the crime of aggression. The crime of aggression was included in the jurisdiction of the Court in Article 5 of the Rome Statute in 1998, with the provision that the jurisdiction could only be exercised once the crime had been defined and conditions set out.³⁴ Leading up to the Review Conference, the ASP had convened a Special Working Group on the Crime of Aggression (SWGCA), chaired by Ambassador Christian Wenaweser (Liechtenstein), President of the ASP, and engaged in discussions on the definition and conditions for the exercise of jurisdiction over this crime.³⁵

31 RC/Decl.2, Advance version, 'Declaration on Cooperation', 8 June 2010.

32 RC/Res.3, Advance version, 'Strengthening the enforcement of sentences', 8 June 2010.

33 Victims and Affected Communities Stocktaking Theme. RC/Res.2, Advance version, para 4.

34 Rome Statute Article 5(2).

35 For more information see <<http://www.icc-cpi.int/Menus/ASP/Crime+of+Aggression/>>.

Since 2005, the SWGCA has held seven meetings and has produced reports subsequent to each session.³⁶ The SWGCA also convened three inter-sessional meetings³⁷ chaired by Ambassador Wenaweser.³⁸ Pursuant to the recommendation of the 7th ASP meeting that the time between the conclusion of the work of the SWGCA³⁹ and the Review Conference should be used for further consultations,⁴⁰ a fourth inter-sessional meeting on the Crime of Aggression was convened in June 2009. H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan) chaired this meeting. The Working Group on the Crime of Aggression at the Review Conference in Kampala was also chaired by H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein.

In Kampala, after more than a week of final negotiations, States Parties amended the Rome Statute to include a definition and elements of the crime of aggression as well as conditions under which the ICC would be able to exercise its jurisdiction for this crime. States based the definition of the crime of aggression on United Nations General Assembly Resolution 3314 (14 December 1974), which criminalises conduct by individuals in positions of political or military leadership who plan or execute an act of aggression over another state. According to the final definition, the crime of aggression means:

the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.⁴¹

An act of aggression 'means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations'.⁴² The amendment to Article 8 includes a number of enumerated acts that qualify as an act of aggression, such as the invasion or attack by the armed forces of a State of the territory of another State, or a blockade of another State's ports.⁴³

The amendment to Article 15 provides for the Court's exercise of jurisdiction over the crime of aggression (i) in the case of state referral, (ii) on the basis of the Prosecutor's exercise of his *proprio motu* powers, or (iii) through a referral from

36 December 2005, November 2006, February 2007, December 2007, June 2008, November 2008, February 2009.

37 The Inter-sessional Meetings were held at the Liechtenstein Institute on Self Determination, Woodrow Wilson School, Princeton University, New Jersey, United States.

38 The Inter-sessional meetings were held on 13–15 June 2005, 8–11 June 2006 and 11–14 June 2007.

39 The ASP at its 6th session had decided that the Special Working Group on the Crime of Aggression was to conclude its work at least 12 months prior to the Review Conference, making the 2007 inter-sessional meeting the last meeting of the SWGCA. ICC-ASP/6/SWGCA/INF.1, p 16.

40 ICC-ASP/7/20, para 42.

41 Rome Statute Article 8bis, as stated in RC/Res.6, 'The Crime of Aggression', 11 June 2010.

42 RC/Res.6, Advance version, 11 June 2010, Annex 1 'Amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression'; See also Resolution 3314, 'Definition of Aggression', UNGA, 29th session, 2319th mtg, A/RES/29/3314, 14 December 1974.

43 RC/Res.6, Advance version, Annex 1.

the Security Council.⁴⁴ However, the conditions that apply to the Court's exercise of jurisdiction differ depending on which trigger mechanism applies. The States Parties placed two limitations on the exercise of jurisdiction when the investigation is triggered by the Prosecutor or referred by a State. First, the Court may not exercise its jurisdiction over the crime of aggression that occurred on the territory of or was committed by nationals from non-State Parties to the Statute.⁴⁵ Therefore, the crime of aggression applies only to acts of aggression that occur between States Parties. Second, the States Parties have inserted an opt-out clause: if State Parties have lodged a declaration with the Registrar refusing to accept the Court's jurisdiction over the crime of aggression committed on its territory or by its nationals, the Court may not proceed with an investigation.⁴⁶ These limitations do not apply in the case of UN Security Council referrals of the crime of aggression to the ICC; Article 15ter states that in this case, the same conditions apply to the crime of aggression as to other crimes, in accordance with Article 13(b).⁴⁷

Furthermore, the States Parties put in place a Security Council 'filter' on the initiation of an investigation of aggression by the Office of the Prosecutor *proprio motu* or on the basis of a state referral. In such a case, when the Prosecutor decides to proceed with an investigation, he or she shall first determine whether the Security Council has made a determination as to the existence of an act of aggression.⁴⁸ If the Security Council has made an affirmative determination, the Prosecutor may proceed with his or her investigation.⁴⁹ In case the Security Council has *not* made such a determination within six months after having been notified of the Prosecutor's intentions, the Prosecutor shall seek the authorisation of the Pre-Trial Division pursuant to Article 15.⁵⁰ The Security Council may still halt the investigations where it deems necessary under Article 16.⁵¹ Such determination of aggression by either the Security Council or the Pre-Trial Division will not prejudice the Court's own findings of aggression.⁵²

There are two preconditions on the exercise of the Court's jurisdiction over the crime of aggression in the amendment to Article 15 that are distinct from the preconditions required for other crimes under Article 12 of the Rome Statute. First, there is a one-year waiting period after the ratification of the amendments by States Parties before the Court may exercise its jurisdiction over the crime of aggression. Second, the Court may only exercise its jurisdiction over aggression after the States Parties decide to activate the jurisdictional regime they agreed to at the Review Conference by the same majority (two-thirds majority or consensus)

44 RC/Res.6, Advance version, Annex 1, paras 3-4: Article 15bis (on state referral and *proprio motu* investigations) and Article 15ter (on Security Council referral).

45 RC/Res.6, Advance version, Annex 1, para 3: Art. 15bis(5).

46 RC/Res.6, Advance version, Annex 1, para 3: Art. 15bis(4).

47 RC/Res.6, Advance version, Annex 1, para 4: Art. 15ter(1).

48 RC/Res.6, Advance version, Annex 1, para 3: Article 15bis(6).

49 RC/Res.6, Advance version, Annex 1, para 3: Article 15bis(7).

50 RC/Res.6, Advance version, Annex 1, para 3: Article 15bis(8).

51 RC/Res.6, Advance version, Annex 1, para 3: Article 15bis(8).

52 RC/Res.6, Advance version, Annex 1, para 3: Article 15bis(9).

at a meeting after 1 January 2017. Both conditions must be met before the Court will be able to exercise its jurisdiction over aggression.

In addition, the States Parties included numerous ‘Understandings’ in the Resolution adopting the crime of aggression, including an understanding that the Security Council must consider the three components of ‘character, gravity and scale’, when it debates whether an act of aggression has occurred.⁵³

Prior to the unanimous adoption of the Crime of Aggression, the Japanese Delegation read a statement expressing their concerns regarding the ‘legal integrity of the amendment’, in particular that the resolution ‘unjustifiably solidifies blanket and automatic impunity of nationals of non-state parties: a clear departure from the basic tenet of Article 12 of the Statute’.⁵⁴ However, Japan stated that it would not stand in the way of consensus if all other delegations were prepared to support the proposed draft resolution.

Other amendments

Article 124 is a controversial provision in the Rome Statute that allows a State to declare at the time of ratification that it does not accept the jurisdiction of the Court with respect to certain war crimes committed by its nationals or on its territory for a period of seven years. This provision was included as a compromise measure in the Rome Statute, with a clause stating that its provisions shall be reconsidered at the Review Conference. In Kampala, States Parties decided to retain Article 124 in order to increase ratifications of the Rome Statute, but they placed a ‘sunset’ provision on it to be revisited at the 14th meeting of the ASP.⁵⁵

States Parties approved without controversy the Belgian proposal to extend the jurisdiction of the Court over crimes not of an international character to include certain crimes already included in Article 8 with respect to crimes of an international character.⁵⁶ These include the war crimes of: employing poison or poisoned weapons (Article 8(2)(b)(xvii)); employing asphyxiating, poisonous or other gases, and all analogous liquids, materials and devices (Article 8(2)(b)(xviii)); and employing bullets which expand or flatten easily in the human body (Article 8(2)(b)(xix)).

53 RC/Res.6, Advance version, Annex 3, para 7.

54 Statement presented by H.E. Ichiro Komatsu, Head of the Delegation of Japan to the ICC Review Conference, 11 June 2010, available at <http://www.mofa.go.jp/policy/i_crime/icc/pdfs/before_adoption_1006.pdf>, last visited on 5 November 2010.

55 RC/Res.4, Advance version, ‘Article 124’, 10 June 2010.

56 ICC-ASP/8/Res.9/Annex.VIII-ENG.



L to R: Wangari Maathai, Nobel Peace Laureate; Jane Akwero Odwong, Chairperson of the Greater North Women's Voices for Peace Network, Uganda; Lily Apio, Member of the Greater North Women's Voices for Peace Network, Uganda

Advance Collection of Testimonies from the Women's Court

1 June 2010 Kampala, Uganda

Uganda

Jane Akwero Odwong

Greater North Women Voices for Peace Network

Concerned Women's Organisation for Peace and Development

“ For 21 agonising years, the Greater North of Uganda was engulfed in armed conflict between the Government ... and the LRA ... Almost two million people were displaced to camps. ”

For 21 agonising years, the Greater North of Uganda was engulfed in armed conflict between the Government of Uganda and the Lord's Resistance Army (LRA) rebels (known for random and gruesome attacks, and campaigns of terror against civilians) in the sub-regions of Acholi, Lango, Teso, and some parts of West Nile.

Almost two million people were displaced to camps. About 90% of the Acholi population were in these camps and lived on food aid. The epicentre of the conflict was in the Acholi sub-region.

Although earlier efforts were made to bring the Government of Uganda and the LRA to peaceful dialogue to resolve the conflict, certain developments and the current peace talks have presented a real move towards realisation of meaningful peace in Northern Uganda.

Certain developments in the external environment such as:

- The peaceful settlement of the conflict in Sudan and the establishment of the Government of Southern Sudan;
- Increased internal focus from the United Nations (i.e. the regular visits paid by Jan Egeland, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator);
- The indictment of five top LRA commanders by the International Criminal Court (ICC);
- Heightened military operations by the Uganda People's Defence Forces (UPDF).

“ It was estimated that in the then districts of Kitgum and Gulu, over 4000 civilians, most of them women and children, had their noses, ears, mouths, breasts and limbs cut off by the LRA rebels. ”

All the above combined to exert pressure on the two parties to ensure resolution of the peace talks to the level at which they are today. Northern Uganda is presently peaceful with most of the IDP camps demolished, and people living again in their original villages.

During the armed conflict women and children were the most affected. Often defenceless, women and girls became victims of rape and other forms of abuse carried out by both the rebels and the National Resistance Army (NRA) soldiers. It was estimated that in the then districts of Kitgum and Gulu, over 4000 civilians, most of them women and children, had

their noses, ears, mouths, breasts and limbs cut off by the LRA rebels.¹ Very often, women and children trying to flee from the fighting were kidnapped, detained or killed by the rebels or counter-insurgent forces. Some women who were interviewed confirmed that in such counter-insurgency operations, government soldiers sometimes used sexual abuse to extract information from women suspected of involvement in the armed opposition, or even punished women who lived in areas known to be sympathetic to the rebels. Such practices were rampant between 1986-1987 (in the early stage of the insurgency), and committed especially by soldiers of the former Uganda Freedom Movement (UFM) and the Federal Democratic Movement of Uganda (FEDEMU) who were integrated into the National Resistance Movement.



Jane Adong Anywar, Legal Officer Uganda for the Women's Initiatives for Gender Justice

Forms of violations/atrocities suffered

Throughout the duration of the war, numerous violations were suffered by women and children in the community. They include but are not limited to the following:

- Mass murder;
- Sexual slavery and violence;
- Mutilations;
- Gang rape;
- Abduction of both children and adults;
- Destruction of property;
- Loss of land;
- Physical torture;
- Forced marriage;
- Forced labour, as abductees were forced to carry heavy loads over long distances, which sometimes included lit charcoal stoves;
- Forced necrophilia, ie sexual activity with a corpse;
- Boiling people in pots;
- Forcing people to drink blood as initiation into rebel groups;
- Forced incest;
- Forcing parents to kill their own children (as was done to a woman in Mucwini);
- Setting up ambushes (on roads, near wells, etc);
- Use of land mines; and
- Food insecurity leading to famine.

“... women and children trying to flee from the fighting were kidnapped, detained or killed by the rebels or counter-insurgent forces.”

The perpetrators of these atrocities were:

- The Lord's Resistance Army;
- Uganda People's Defence Forces personnel;
- Karamojong cattle rustlers;
- Uganda People's Alliance (UPA);
- National Resistance Army; and
- Male community members who took advantage of the situation.

1 *The New Vision*, April 1992.

Consequently these violations led to death, abject poverty, physical trauma, psychological torture and trauma, and the creation of widows and orphans. These were manifested in the following ways:

- Women and girls were subjected and exposed to gender-based violence in situations of displacement and denial of access to services. They were, and are still, marginalised and unprotected as reflected by the rampant cases of domestic violence;
- Teenage pregnancies were, and are still, common practice because of the breakdown of security, societal values and morals;
- Vulnerability to sexual abuse and exploitation which has led to long term adverse effects on women's reproductive health and increased the spread of HIV/AIDS;
- Internal displacement and forced migration; and
- Female ex-combatants are victims of hostility, suspicion, outright rejection and discrimination.

“... government soldiers sometimes used sexual abuse to extract information from women suspected of involvement in the armed opposition, or even punished women who lived in areas known to be sympathetic to the rebels.”

Accountability

Women victims, survivors and their communities are demanding justice and accountability which entails:

- Formal justice systems (through the ICC and domestic courts in Uganda and other countries);
- Alternative dispute resolution systems; and
- Traditional justice systems.

However, our expectations of the ICC to provide the opportunity for accountability are very high because we know that:

- Victims will have the chance to participate in the proceedings;
- The provisions for the rights of the accused and the role of the Defence counsel under the Rome Statute of the ICC are better than presently available under domestic laws in Uganda;
- There is no death penalty;
- The judicial process/procedure under international law is more transparent; and
- Semblance of truth telling.

We further expect the ICC to carry out investigations into all crimes and parties involved in the conflict, because of its crucial capability in addressing the most serious crimes including gender-based crimes committed by the top commanders.

As much as the ICC has been mindful of the ongoing peace negotiations and allowed time for them to lead to some agreements in order to end all hostilities in Northern Uganda, women had envisaged that by now, this year 2010, the ICC would have:

- Arrested and prosecuted those charged with war crimes and crimes against humanity in Uganda;
- Brought those responsible for atrocities in Northern and North-East Uganda to trial;
- Demonstrated impartiality and fully investigated the crimes within the courts of judicature – the crimes committed by all parties to the conflict; and
- The Amnesty Act and pardon granted to former rebels has denied justice to victims of violence including women and girls (this doesn't really fit with the expectations).

Conclusion

In my analysis, I have come up with the following recommendations:

- There is a need for continuous collection of information on violations;
- Women and communities ought to be trained on their rights and necessary mechanisms;
- There should be equitable resource mobilisation;
- Prioritising of activities for collective activism for gender justice; and
- Provision of legal literacy and legal aid.

In this regard, we women wish to pay special tribute to the Women's Initiatives for Gender Justice, ISIS – Women's International Cross Cultural Exchange, United Nations Development Fund for Women and other national and regional women's organisations for their support to the grassroots women's organisations in the North and North-eastern Uganda. Thank you for being there at our time of greatest need; when our voices needed to be heard, when our confidence wavered — because you made our situations known. Justice and accountability still demand that our advocacy partnership be made even stronger.

Thank you for listening to what I have to say.

Sudan

Amira Khair
Women's Initiatives for Gender Justice

“ In research I conducted and coordinated in 2005 in South and North Darfur, we found that in about 600 cases randomly selected from different camps, every woman had been a victim of gender-based crimes and over 55% had been raped. ”

The effect of the Darfur conflict on women

A recent report by UNICEF states that the estimated population affected by the conflict in Darfur is 2.74 million, of which 1.64 million, or over 60%, are women and children.²



L to R: Amira Khair, Sudan Programme Officer for the Women's Initiatives for Gender Justice; Elisabeth Rehn, Chairperson of the Board of Directors of the ICC Trust Fund for Victims

In research I conducted and coordinated in 2005 in South and North Darfur, we found that in about 600 cases randomly selected from different camps, every woman had been a victim of gender-based crimes and over 55% had been raped. This clearly indicates that violence against women is increasing on a daily basis, and it is used as weapon of war and a tool to destroy communities.

Women victims/survivors are also re-victimised by Sudanese laws. Under the rape law, a woman reporting a rape is considered to be confessing sexual intercourse out of wedlock unless she is able to have her allegation supported by four male witnesses. This directly impacts on women's access to treatment and rehabilitation, as well as access to justice.

Darfurian women are famous for playing a very important role in the economic life of their families. Women from Darfur are known to work in areas that in other communities and tribes of Sudan are carried out by men such as construction, in particular carrying construction materials. Before the war started, women used to work in the production and selling of handicrafts, in agriculture, and selling fruits, vegetables etc. But when the conflict started, women lost all their sources of income and started to depend on fetching firewood, an activity that exposes them to the danger of being attacked, as it requires them to leave the camp.

“ ... violence against women is increasing on a daily basis, and it is used as weapon of war and a tool to destroy communities. ”

2 UNICEF, *The Effects of Conflict on Health and Well-being of Women and Girls in Darfur*.

“Darfur women and affected communities are looking for the cooperation of the international community and of the States Parties to the Rome Statute to implement all the arrest warrants related to the Darfur situation before the ICC.”

In their testimonies as victims/survivors, women spoke about their experiences during the attack and about the different types of harm they suffered or witnessed, including killing, rape, torture, beating, miscarriages, verbal abuse, loss of family members. From the testimonies it is clear that these abuses are systematic.

At the same time, women are looking forward to being included in the peace negotiations and peace process from the beginning through the activation of UN Security Council Resolutions 1325 and 1820.

This would have a big impact on the outcome of the peace talks. Women always state their interest in sitting and discussing accountability through the peace process, as well as through different legal mechanisms, including international ones. Women are fighting to see an end to impunity, and would like to witness the prosecution of the perpetrators at different levels; meanwhile they expect that considerable measures will be taken for their protection. Women will not support any agreement that does not include accountability.

Darfur women and affected communities are looking for the cooperation of the international community and of the States Parties to the Rome Statute to implement all the arrest warrants related to the Darfur situation before the ICC.

The UN should take a clear position and avoid creating confusion within the Sudanese affected community. For example, the UN participation in the inauguration of the new mandate of Omar Al’Bashir as President of Sudan was quite controversial since victims/survivors are aware that the Darfur conflict was referred by the UN Security Council to the ICC, and that Al’Bashir has been indicted by the Court for war crimes, crimes against humanity and genocide.



Betty Murungi, Member of the Board of the ICC Trust Fund for Victims



Elisabeth Rehn, Chairperson of the Board of Directors of the ICC Trust Fund for Victims

République Démocratique du Congo

Emérite Tabisha Mongelwa
AFD (Action de Femmes pour le Développement)

Etat des lieux et apprehensions des communautés des provinces du nord et sud Kivu concernant la paix et la sécurité sous la justice nationale et internationale

La RDC est devenue le dépotoir des groupes armés régionaux, le FNL du Burundi, les FDLR du Rwanda, le LRA de l'Ouganda, les MBORORO de la Somalie. Ceci constitue un danger pour l'Afrique Centrale. Un pays agissant seul n'aura rien de dissuasif; il faut une implication volontaire de la Communauté Internationale et de l'Union Africaine pour une paix durable.

La situation des communautés et de la femme au Sud Kivu est très déplorable compte tenu du concours des faits et événements multiplicateurs de l'insécurité dans la Province du Sud Kivu. Ces faits et événements sont les suivants :

- Les guerres, conflits permanents entre 1996 et 2002 ;
- La présence des groupes armés tant nationaux qu'étrangers (FDLR) ;
- Les opérations de traque des FDLR, notamment Umoja Wetu, Kimya 1, Kimya 2 et Amani Leo ;
- La circulation massive des armes, et leur détention par les personnes non contrôlées.



Emérite Tabisha Mongelwa, Coordinator of AFD, RDC

Le concours de ces éléments crée un terrain propice aux conflits et leur pérennisation, ayant des conséquences néfastes pour les êtres vulnérables, notamment les femmes et les enfants. Dans les provinces du Nord et Sud Kivu, les communautés sont encore gérées suivant des pratiques coutumières discriminatoires, même si ces dernières sont réprimées par la loi. La législation Congolaise (Code de Famille) contient encore des lois

discriminatoires. La société considère que la femme doit supporter, et endurer, sans porter plainte, ni au niveau familial, ni au niveau de la justice. On lui inculque d'abord la morale, les us et coutumes, ensuite, la minimisation et la banalisation de ses problèmes, pour enfin l'encourager à supporter, ou à laisser faire. En milieu rural, une femme qui se présente devant la justice tique la population et souvent les commentaires tendent au négatif malgré son problème.

Pour les cas de viol, corruption, et impunité, la problématique des preuves et des réparations, ainsi que la non-indemnisation des victimes, renforcent cet état coutumier ; les arrangements à l'amiable, qui bénéficient plus à la famille ou à l'époux qu'à la victime, prennent de l'ampleur. La banalisation du viol, de la pension alimentaire, des droits de la veuve, de l'héritage de la fille et femme (la fille est considérée comme un passant par sa famille, et comme un étranger par sa belle-famille). Lorsque les auteurs du viol font partie du personnel du Système des Nations Unies et des casques bleu, ils sont rapatriés pour être jugés dans leur pays respectifs, et la victime et la communauté ne sont pas tenues informées de la justice rendue. Les amendes qui sont infligées après jugement bénéficient aux pays des ressortissants coupables, et aucun programme n'a été mis en place pour la prise en charge des enfants qu'ils laissent en RD Congo.

Voici quelques statistiques de cas de viols, rapportés par les ONG tant locales qu'internationales intervenant sur le terrain, et de la justice rendue à leur égard :

2004 (Sud-Kivu) :

- 40,000 cas enregistrés par les ONG locales ;
- 9% avec VIH Sida ;
- 94,4% viols collectifs (± 6 auteurs pour une victime) ;
- 12%, introduction d'objets dans les organes génitaux ;
- Age des victimes de 4 – 80 ans.

2007 :

- 16,854 cas identifiés pour le Nord et Sud Kivu ;
- 39% des mineurs ;
- 22% avec VIH/SIDA ;
- 44 cas jugés.

2008 :

- Sud Kivu – 5,010 cas ; 102 cas jugés (2 %)
- Nord Kivu – 4,825 cas ; 96 cas jugés (2,4 %)
- Province Orientale – 1,116 cas ; 135 cas jugés (11,7 %)

2009 (Sud – Kivu) :

- 5,650 cas de viol enregistrés ;
- 34% mineurs (de 4 à 17 ans) ;
- 528 cas de fistules vaginales réparées ;
- 705 dossiers déposés à la justice ;
- 252 jugés ;
- Aucun dossier n'a donné lieu à indemnisation.

“ La société considère que la femme doit supporter, et endurer, sans porter plainte, ni au niveau familial, ni au niveau de la justice. On lui inculque d'abord la morale, les us et coutumes, ensuite, la minimisation et la banalisation de ses problèmes, pour enfin l'encourager à supporter, ou à laisser faire. ”

Conclusion

Les données identifiées sur toute l'étendue de la RDC font état de :

- 13230 cas en 2007 ;
- 15314 cas en 2008 ;
- 15297 cas en 2009.

Le taux national de prévalance du VIH/SIDA pour les cas de viol et violences sexuelles était de 4,5% en 2009. Aucun cas n'a donné lieu à une indemnisation.

D'une manière générale, les conséquences du conflit sur les populations civiles sont :

- Les massacres à grande échelle ;
- La naissance de groupes armés de résistance communautaire ;
- Les phénomènes des enfants soldats et enfants de la rue, ainsi que fendeurs ;
- Les menaces et tueries ciblées sur des activistes des droits humains, et journalistes, par des inconnus ;
- La constitution de filières de bandits locaux et étrangers ;
- La destruction des infrastructures de base ;
- La circulation massive des armes ;
- L'augmentation des veuves, des filles-mères ainsi que des femmes chefs-de-ménage ;
- Les enfants nés des viols (par les nationaux, les FDLR et le personnel des Agences du Système des Nations Unies) abandonnés, leurs mères en majorité très vulnérables ;
- La recrudescence de la propagation du VIH/SIDA ;
- L'insécurité généralisée ;
- La corruption, les arrestations arbitraires et la détention illégale, l'extorsion ;
- Le pillage de ressources ;
- Le renforcement de la pauvreté et de la surcharge chez la femme ;
- Les vols à main armée, sporadiques et permanents ;
- Le déplacement massif des populations civiles tant à l'intérieur qu'à l'extérieur de la Province ;
- La faible production des communautés en produits de subsistance due aux difficultés d'accès aux champs, aux marchés, etc ;
- La faible santé des survivantes de viol (mutilation, fistules vaginales) ;
- Les tueries sporadiques et permanentes ;
- L'impunité et protectionnisme des auteurs de violations des droits humains ;
- L'importation de cultures de violence (viol, tuerie) ;
- La cassure des relations intra et inter communautaires.

Néanmoins, le gouvernement a entrepris certaines initiatives de paix dans le but d'atténuer ou d'arrêter ces méfaits des conflits armés. Il s'agit notamment des accords de paix de Goma pour les Provinces de Nord et Sud Kivu, et de la normalisation des relations avec les pays voisins (Rwanda, Ouganda et Burundi).

Malheureusement, le constat fait après ces initiatives de paix ne présente guère une amélioration des situations ci-haut précitées. Ces mêmes phénomènes multiplicateurs continuent à se perpétuer au vu et au su de la communauté internationale, et de la MONUC. L'action de la communauté internationale n'a pas encore eu les résultats attendus par la population bien que certains aspects ont connu un début d'amélioration.

Les auteurs des crimes continuent à se mouvoir librement et à en perpétrer d'autres, comme les FDLR et le LRA. Ces derniers n'ont pas encore réussi, non plus, à protéger les populations civiles contre les criminels. La communauté

internationale demeure silencieuse sur la question des FDLR, malgré les atrocités qu'ils commettent. C'est ainsi que les FDLR se livrent activement à des tueries, massacres, barrages routiers, enlèvements de filles et femmes afin de leur faire endurer sévices sexuelles, viols (collectifs, massifs, exigés entre deux membres directs de la famille - fille et son père ou garçon et sa mère- et/ou avec meurtres), incendies de maisons, commerce d'armes légères, et stupéfiants avec leurs collaborateurs locaux.

La justice paraît illusoire lorsque ce sont seuls les pauvres citoyens et les petits militaires qui se retrouvent en prison, alors que les auteurs jouissant d'un pouvoir ou d'un parapluie sont protégés, en dépit des textes légaux répressifs existants.

Dans ces provinces, l'accès de la femme à la justice, coutumière, matrimoniale, tant civile que pénale, reste encore un grand défi. La banalisation de la problématique liée à la femme et du genre est observable quotidiennement à tous les niveaux, et dans tous les secteurs de la vie.

Puisque la justice est l'ombre de la paix, l'impunité notoire des responsables d'actes commis actuellement contre les femmes, victimes, et communautés, pérennisent leurs actes, et favorise la propagation des conflits sur des vastes étendues, tant nationales que de pays voisins. Ceci place les femmes et les communautés dans une situation déplorable, inhumaine et dégradante perpétuelle.

La justice paraît illusoire lorsque ce sont seuls les pauvres citoyens et les petits militaires qui se retrouvent en prison, alors que les auteurs jouissant d'un pouvoir ou d'un parapluie sont protégés, en dépit des textes légaux répressifs existants.

Quand et par quel système la femme Congolaise retrouvera t'elle sa dignité ?

L'impact de la CPI sur nos communautés et sur les victimes en province du Sud Kivu

La population en milieu rural est caractérisée par une pauvreté extrême, l'analphabétisme, l'ignorance criante des droits, l'inaccessibilité à l'information ; tout ceci aggravé par des guerres et conflits de toute nature.

Nous, communautés et victimes, sommes sous-informées au sujet de la CPI, car les sensibilisations se font uniquement dans de grands centres urbains aux moyens des conférences, ateliers, télévision, journaux, radio, et autres.

Il est pourtant évident que plus de 80% de nos populations vit en milieu rural, et c'est dans ces milieux que se commettent la majorité des atrocités et violences. Avoir un poste radio est un luxe, et ceux qui en possèdent connaissent de grandes difficultés pour en payer régulièrement les piles. L'information/communication passe, dans la majorité des cas, de bouche à oreille.

Les mots CPI sont à peine arrivés à quelques oreilles avec les arrestations de Thomas **Lubanga** et de Jean Pierre **Bemba**. On sait que la CPI est une justice internationale pour des crimes, mais rien du tout sur ses activités. Les habitants de la province du Sud Kivu, porte d'entrée de toutes les guerres en RDC et bastion des atrocités massives et multiples (enterrement vivant des femmes, massacres à grande échelle des populations civiles, etc) s'étonne de voir, que malgré le degré des horreurs et crimes indescriptibles, malgré les guerres répétitives d'une violence sans seuil, le mot **genocide** est réservé pour ailleurs, et que jusqu'à présent, aucun auteur de ces crimes n'a été arrêté dans leur province.

Néanmoins, ces deux arrestations précitées ont donné l'espoir aux attentes de la population de voir les auteurs des crimes être jugés un jour ou l'autre. Celles-ci ont eu un impact positif, notamment :

- Les exactions, les violations massives des droits humains tendent à la baisse ;
- Le comportement des seigneurs des guerres (les groupes armés, les chefs militaires) a fléchi dans le processus de la paix ;
- Le moral des victimes et des communautés est rehaussé avec l'espoir de voir leurs bourreaux jugés;
- L'éloignement ou la relégation des auteurs des crimes.

En bref, ces arrestations ont eu des effets dissuasifs et psycho-sociaux positifs sur l'Etat, les groupes armés, et leurs collaborateurs. Mais malgré ces espoirs suscités, vivant l'état de l'impunité au niveau national et local, les communautés et les victimes soulèvent au fur et à mesure certaines inquiétudes quant :

- A la date du 1er Juillet 2002, qui déçoit car de grandes et massives violences commises au Sud Kivu ont eu lieu avant cette date ;
- A l'impatience due au retard d'enquêtes au Sud Kivu ;
- Aux seuls leaders répondant aux crimes en lieu et place des vrais auteurs ;
- A la non condamnation d'un des prévenus de la RDC transféré à la CPI il y a 6 ans ;
- Au fait qu' aucun membre étatique n'a été arrêté et transféré à la CPI.

En un mot, les attentes, au vu de tout cela, commencent à s'effriter, laissant ainsi place à la désolation, aux doutes, et aux présomptions suivantes :

- la politisation, le protectionnisme (**Bosco** et **Nkunda** protégés) et la partialité (**Lubanga** et **Bemba** livrés).

Les communautés et victimes se posent les questions suivantes :

- Devant quelle juridiction les FDLR devront-ils répondre pour tous ces crimes commis sur le territoire Congolais ?
- A quand l'indemnisation des victimes, et la prise en charge des enfants issus des viols commis par le personnel du système des Nations Unies en RDC ?
- A quand le jugement des Congolais transférés à la CPI ?
- Existe-t-il un service genre autour du Procureur pour conseiller et attirer l'attention du Procureur sur les violences faites aux femmes ?
- La CPI, une institution mondiale des colonies et métropoles, des riches et des pauvres, des noirs et blancs, est-elle démocratisée ?
- Quel seuil d'atrocité et de nombre de victimes la CPI attend-t-elle pour lancer les enquêtes au Sud Kivu ?
- Quel est le statut des acteurs engagés à accompagner les victimes dans la procédure ?
- La CPI étant éloignée, quelle sera la prise en charge des dépendants des victimes dont la plupart sont chefs de ménage, lors de la procédure ?

De ce qui précède, nous croyons que les Etats devront impérativement intégrer les dimensions des causes tant régionales qu'internes de l'instabilité de la RDC, telles que la faible ou mauvaise gouvernance, dans leurs conclusions, et se prononcer sur les crimes d'agression et de génocide, ainsi que les crises internes du Rwanda (FDLR) et de l'Ouganda (LRA).

Ainsi, nous recommandons à la CPI :

- D'appuyer les ONG basées en milieux ruraux pour la sensibilisation, la vulgarisation et l'information permanente de leurs communautés, ainsi que d'intensifier l'information et la formation des acteurs ;
- D'accélérer la procédure et de juger dans un temps relativement court (± 6mois) ;
- D'avoir des effets dissuasifs même du côté étatique ;
- De reconnaître le statut d'intermédiaires pour les acteurs qui accompagnent les victimes ;
- De pousser les Etats, dans le cadre diplomatique, à respecter les prescrits de la CPI ;
- De mener un plaidoyer pour la justice de genre aussi au niveau des états que du Conseil de Sécurité des Nations Unies.
- De faire un plaidoyer auprès de la communauté en vue du rapatriement des FDLR et des LRA dans leurs pays respectifs par l'organisation de l'Opération **Turquoise II**.



L to R: Emérite Tabisha Mongelwa, Coordinator of AFD, RDC; Silvana Arbia, Registrar of the International Criminal Court; Claudine Bela Badeaza, Parlons SIDA, RDC

Exclusion des femmes du processus de paix et de la prise de décision.

Permettez-moi que je commence par un titre-rappel. « **Qu'est-ce que c'est une femme ?** »

- Etre de sexe féminin, digne de respect et de la vie ;
- Protectrice et procréatrice de la vie ;
- Pourvoyeuse ;
- Educatrice ;
- Coeur de la famille et des communautés ;
- Conservatrice des valeurs ;
- Soucieuse de l'avenir de sa progéniture ;
- Élément d'alliance familiale, communautaire, tribale, antagoniste ;
- Mère de la nation.

« Pendant les guerres, la femme reste le bouclier communautaire, et pilier du tissu socio-économique après les guerres. Lors des processus de paix, la femme congolaise est toujours exclue dans les assises de prise de grandes décisions, or elle est la plus victime des conséquences des guerres et conservatrices des valeurs communautaires. Sa place dans l'espace des assises des grandes décisions de recherche de paix n'est pas encore effectivement reconnue. »

La femme Congolaise continue à lutter activement contre toutes les formes de discrimination à son égard, et la tâche est encore difficile, mais non impossible. La question de paix et de justice semble encore être une affaire d'hommes malgré les valeurs divines et naturelles de la femme, les bonnes contributions pour la paix, la parité consignée dans la constitution, et plusieurs dispositions des lois existantes ainsi que des discours théoriques en faveur des femmes.

Pendant les guerres, la femme reste le bouclier communautaire, et elle demeure le pilier du tissu socio-économique après les guerres. Lors des processus de paix, la femme Congolaise est toujours exclue des assises de prise de grandes décisions, alors qu'elle est souffrir le plus victime des conséquences des guerres, et des atteintes aux valeurs communautaires qu'elles impliquent. Sa place dans l'espace des assises des grandes décisions de recherche de paix n'est pas encore effectivement reconnue.

Cet état des choses date de longtemps; il s'améliore à une vitesse de caméléon. La femme est moins impliquée à tous les niveaux, et pourtant les différents processus font allusion à la réconciliation des fils et filles du pays, et au rétablissement d'un Etat de droit.

Le grand penseur Ghandi a dit : *faire quelque chose pour moi sans moi, c'est le faire contre moi.*

L'histoire orale et les archives prouvent l'exclusion observable du genre, notamment :

- La table Ronde du 20 Janvier 1960 : la Belgique n'a pas pensé aux femmes dans les discussions sur l'indépendance de la RDC ;

- Les Accords de Sun City en 2003, pour la Transition de la RDC après les guerres : les femmes Congolaises n'étaient pas officiellement invitées. Par leurs pressions et présence forcée, elles ont obtenu une place pour la déclaration finale ;
- La Commission Vérité et Réconciliation (CVR) en 2004, et la Commission Electorale Indépendante (CEI) en 2006 : aucune femme n'a figuré au sein de l'équipe des animateurs au niveau national ;
- Le Communiqué Conjoint de Nairobi 2007 sur la problématique des FDLR : aucune femme n'était présente dans les assises ;
- La Conférence sur la Paix, Sécurité et le Développement des Provinces du Nord et Sud Kivu, en Janvier 2008 qui donna naissance au Programme Amani Leo : aucune femme parmi les animateurs au niveau national ;
- la Conférence de Nairobi sur les accords entre gouvernement et CNDP en 2009 : une femme du côté CNDP ;
- Dans le Comité National de Suivi des Accords de paix en 2009 : trois femmes politiques du côté gouvernement ;
- Dans la loi sur la Commission Electorale Nationale Indépendante (CENI) en 2010, pour les prochaines élections en 2011, il y a exclusion du genre. Les femmes et la société civile plaident pour leur présence, le débat est en cours.

Nous nous demandons, par la suite, quel est le nombre de femmes présentes aux assises des Etats au Conseil de Sécurité des Nations Unies ?

Dans plusieurs cultures Africaines, la femme n'égorge pas des bêtes, car l'on dit qu'elle est donneuse de vie; elle ne peut donc l'enlever. Elle est quasi absente dans les groupes armés et moins présente dans la politique.

Les médiateurs et facilitateurs internationaux, les belligérants (gouvernements et groupes armés) ne s'intéressent qu'à deux parties, belligérantes, alors que la présence de la femme, élément neutre et souffrant le plus, ne les préoccupe guère. Les femmes de la société civile qui bousculent l'ordre des choses, pour y prendre part, sont subies comme une interférence.

Cette attitude, issue du poids des coutumes, de l'égoïsme de l'homme en général, est un frein à l'épanouissement de la femme tant au niveau familial, communautaire, national qu'international. Les décisions de paix sont souvent mises en oeuvre de manière à compliquer l'atteinte des résultats escomptés, et les résultats sont souvent négatifs; d'où le cycle de conflits armés persistants, et la lenteur vers le développement des entités et du pays.

Les femmes Congolaises à l'Est de la RDC (Provinces Nord Kivu, Sud Kivu, Orientale) sont très actives dans les processus de paix en dépit des moyens financiers et techniques, qui sont très limités, de la place et de l'espace très réduits que les hommes et le système leur offrent.

Si vous vous sentez encore individuellement engagées parmi ceux qui militent pour la promotion de la paix et des droits des femmes, veuillez le manifester en applaudissant pendant seulement 30 secondes.

Que l'éternel dieu benise la paix dans le monde.

Je vous en remercie.

République Centrafricaine

Lewis Alexis Mbolinani

JUPEDEC (Jeunesse Unie pour l'Environnement et le Développement Communautaire)

Effets de la Rebellion LRA (Lord's Resistance Army) et d'autres groupes armes, sur les femmes et les communautés de base en République Centrafricaine: Le cas de la région du Sud-est



Lewis Alexis Mbolinani
JUPEDEC, RCA

Objectifs de la Présentation

- Expliquer la définition de violence sexiste et de violence sexuelle;
- Décrire le lien entre la violence sexuelle et la violation des droits humains;
- Etablir les causes profondes, les facteurs de risque et les conséquences de la violence sexiste sur les femmes et les communautés de base;
- Comprendre que la prévention et la réaction face à la violence sexiste exigent une action multisectorielle et interinstitutionnelle.

Définitions

- A cause de sa nature très «sensible», il manque une définition consensuelle;
- Les agences humanitaires n'ont pas non plus de définition précise de «violence sexiste», «violence de genre», «violence contre les femmes»;
- Définition de l'IASC (Inter-Agency Standing Committee): «terme générique désignant tout acte préjudiciable perpétré contre la volonté d'un individu (sans consentement), et qui est fondé sur des différences (genre) attribuées par la société entre hommes et femmes».

Contexte général

- a Localisation;
- b Les potentialités féminines;
- c Les problèmes sociaux.

Localisation

- Dans le Nord, frontière avec le Tchad;
- Nord Est, frontière avec le Soudan (Darfour);
- Sud Est, frontière avec la RDC (Ex Zaïre).

Les potentialités féminines

- Femmes : mères et responsables des foyers ménagers;
- Actrices du développement social et économique (petit commerce);
- Agent de développement cultural et agricole;
- Réconciliatrices des clans en conflits (voir l'histoire des Biri et leurs alliés Bassiri);
- Consolatrice en temps de crise.

Les problèmes sociaux

- Eloignement de la Capitale Bangui (échanges et communications difficiles);
- Tabous (poids de la tradition, ou pesanteurs sociaux);
- Analphabétisme chronique (niveau très bas, minimum Classe de CE2 ou rien);
- Tendance au mariage sous influences parentales ou crise sociales;
- Harcèlement et violences sexuelles suivis de grossesses précoces et infections;
- Violences sexuelles orchestrées par les rebelles du LRA en RCA;
- Honte et peur de mobilisation publique;
- Niveau de vie sociale très bas.



L to R: David Koller, International Criminal Court; Judge Sang-Hyun Song, President of the International Criminal Court; Elisabeth Rehn, Chairperson of the Board of Directors of the ICC Trust Fund for Victims

Les conflits et leurs perspectives

- a L'avènement rebelle;
- b Les conséquences ou impact;
- c Perspectives de solutions.

L'avènement rebelle

- Braquages et quêtes de ravitaillement alimentaire par force ;
- Viols fréquents des femmes et des mineures;
- Phénomène d'Enfants Soldats ou esclaves modernes EAFGA (enfants associés aux forces et groupes armés);
- Femmes victimes d'esclavage sexuel;
- Déportation de femmes;
- Destructures des cultures, champs dévastés et greniers brûlés;
- Réfugiés Congolais en RCA;
- Personnes Déplacées Internes (IDPs);
- Assassinats de personnes âgés ou jeunes et adultes « récalcitrants»;
- Personnes Déplacées Internes (IDPs), femmes et enfants très majoritaires, succombant par la fatigue, la faim et les maladies;
- Assassinats crapuleux.

Les conséquences ou impact

- Stigmatisation sociale de la femme;
- Régression de la population affaiblie;
- Insertion féminine négligée;
- Enfants abandonnés, orphelins et non prise en charge;
- Economie locale toujours en régression (basses productions);
- Disette et famine locales accrues;
- Paupérisation de la Population;
- Populations isolées de toute activité participatives ;
- Certains des 111 centrafricains et centrafricaines kidnappés en mars 2008 et déportés en RDC, puis s'étant rescapés lors de « l'Opération Tonnerre », et ayant été accueillis par des familles Congolaises, se sont retrouvés victimes une seconde fois du LRA/d'autres groupes armés, avec les familles d'accueil en RDC. Plus de 7000 réfugiés Congolais sont accueillis en RCA depuis le 19 Juin 2009 à nos jours.

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Perspectives de solutions

Sur le plan social

- Initier des actions en faveur des IDPs ou réfugiés dans d'autres pays;
- Restaurer la mobilisation sociale en faveur des femmes et des enfants victimes d'exactions;
- Appui aux organisations de la Société civile engagées dans la prévention de conflits et la prise en charge des victimes de SGBV;
- Associer les femmes aux négociations et prise de décisions par rapport à la prévention, la gestion et résolution de conflits;
- Scolariser massivement les femmes, les enfants puis les former selon leurs capacités et les besoins de la société.

Sur le plan institutionnel

- Restaurer la sécurité en mobilisant les moyens y afférents;
- Veiller à l'application des lois régissant la vie des personnes vulnérables;
- Impliquer cette population dans l'application et le suivi des Pactes de la Cour Pénale Internationale (CPI);
- Création d'un Département de Genre (opérationnel) au sein du Statut de Rome;
- Sensibiliser les autorités et populations locales sur les biens fondés du Statut de Rome;
- Favoriser un échange de communication avec les autres régions (désenclavement);
- Mobiliser les forces de protection permanentes et d'interventions inter-régionales rapides en faveur des populations vulnérables;
- Stimuler les représentations locales des femmes et des enfants auprès des pouvoirs centraux (Chambres institutionnelles, Organisations humanitaires, séminaires de formation, Sessions internationales, etc.);
- Renforcer le partenariat entre les ONG Internationales et les ONG Nationales.

Recommandations

- Mettre une synergie sous-régionale d'intervention en place afin d'arrêter Joseph Kony et tous ses associés;
- Qu'une justice internationale rigoureuse soit faite;
- Mener une étude approfondie sur les conséquences de la LRA sur les femmes, les enfants et les communautés de base;
- Que les victimes obtiennent réparations.



Bukeni Waruzi, Program Manager Africa and the Middle East for WITNESS

Recommandations : mettre une synergie sous régionale d'intervention afin d'arrêter Joseph Kony et tous ses associés; qu'une justice internationale rigoureuse soit faite; mener une étude approfondie sur les conséquences de la LRA sur les femmes, les enfants et les communautés de base; que les victimes obtiennent réparations.



L to R: Brigid Inder, Executive Director of the Women's Initiatives for Gender Justice; Jeanine Bandu, Director of EFIM, DRC

Transcripts of presentations delivered at the Women's Court and the ICC Review Conference

1 June 2010 Kampala, Uganda

Women's Court – Opening Remarks by Judge Sang-Hyun Song

President of the International Criminal Court
1 June 2010 Kampala, Uganda

I would like to thank the organisers of today's event, the Women's Initiatives for Gender Justice, for the invitation and allowing me the great pleasure to address the participants, contributors and observers of the Women's Court.

I am especially pleased to see so many activists and NGOs from Uganda, the Congo, Central Africa, Sudan coming together for this important event.

Women's rights organisations were very active in Rome, and it is therefore entirely appropriate and necessary that you are here in full force at the Review Conference.

We can see the fruits of your efforts in Rome throughout the Statute.

- The Rome Statute is the first statute of an international court to recognise a range of acts of sexual and gender violence as among the most serious crimes under international law.

These offences include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other grave forms of sexual violence. They are classified as war crimes and crimes against humanity.

In addition, trafficking and gender-based persecution are also included as crimes against humanity. The Statute specifically stipulates, for the first time, the recognition of gender as a basis for persecution.

- The Statute also specifically addresses the need for expertise in dealing with victims of sexual violence or violence against women and children.

The Court and the ASP must continue to build on and live up to the legacy you have created.

- I take particular pride that out of the 18 judges of the Court now, 11 are women.
- The men are in the minority for what is very probably the first time in an international court!
- We continue to take care to listen to the voices and concerns of women and of organisations like the Women's Initiatives.
- Nobody has suffered more as innocent victims of conflict, and your voices should be heard.
- I hope that this Women's Court will add an important voice which will reverberate throughout the Review Conference.
- I thank you again and I wish you good luck!



Judge Sang-Hyun Song, President of the International Criminal Court

Gender Justice and the ICC – General Debate

Brigid Inder

Executive Director, Women's Initiatives for Gender Justice

ICC Review Conference, 1 June 2010

Thank you Mr President, Honourable State Delegates and other esteemed participants to this very important 10-year review of the Rome Statute, and of the work of the ICC as a mechanism for justice, a deterrent for crimes and a beacon of hope for victims/survivors around the world.

My name is Brigid Inder, I am the Executive Director of the Women's Initiatives for Gender Justice. We are an international women's human rights organisation advocating for the prosecution of gender-based crimes, where there is evidence such crimes have been committed, in each Situation under investigation by the ICC. We work closely with women most affected by the conflicts before the Court and as such we have extensive country-based programmes in Uganda, the Democratic Republic of the Congo (DRC), Sudan, and the Central African Republic (CAR).

The Women's Initiatives for Gender Justice has a long history with the ICC, with the involvement of our predecessor, the Women's Caucus for Gender Justice, in the negotiations of the Rome Statute and the integration of gender issues within this seminal global treaty.

Since 2004 the Women's Initiatives has been working closely with the ICC in monitoring its institutional and substantive progress from a gender perspective, advocating for the prosecution of gender-based crimes, providing gender training for various divisions of the Court, and supporting assistance for women through the work of the Trust Fund for Victims. In 2006 we were the first NGO to file before the Court and we are to date the only international women's human rights organisation to have been recognised with *amicus curiae* status by the ICC.

So, this is a Court we know well, an institution we care about deeply with a mandate whose integrity and possibilities we value.

Over the last six years the Women's Initiatives has held many workshops with women's rights activists, victims/survivors and peace advocates in four situations under ICC investigation. From Bangui to Goma, from Pader to Nyala, women most affected by these conflicts speak about the need for justice as a means to improve their lives, restore their communities and transform their countries.

Women want prosecutions, implementation, prevention and a voice in all of it.

What do we mean by that?

Women want domestic and international prosecutions for gender-based crimes, implementation of the Rome Statute by their own governments as well as the ICC, prevention of conflict and violence against women, and a voice at the table for Peace Talks, as well as acceptance as key stakeholders, key partners, and full citizens in the implementation of peace agreements.

Women have had enough of peace-related impunity. We want justice with peace, with reconciliation, with reparations, we want accountability including forms which can be transformative — where the finding of guilt or innocence is accompanied by efforts to transform both communal and gender relations.

The work of the ICC is considered paramount. Because for many it is their greatest hope, for some perhaps their only chance for justice, for someone to be held accountable for what happened to them, with the hope that this should not happen to others.

Gender-based crimes have been charged by the Office of the Prosecutor (OTP) in four situations under investigation and in five out of eight cases brought by the OTP. In the three cases with charges so far confirmed, two have included some charges for gender-based crimes.

Gender-based crimes are being investigated and charged, but these crimes, unlike others charged by the Court, are facing challenges. In the two cases where confirmation hearings have been held and gender-based crimes have been charged, 60% of the gender-based charges have been confirmed, with significant charges dropped and some charges confirmed by a majority of the Judges, not by unanimous decisions.

There is no other category of charges which has faced these challenges. It would appear the strategy underpinning these charges is still in development and not yet robust enough to sustain the charges and that perhaps modest judicial concepts of gendered violence are being applied in their interpretation.

Complementarity

Women around the world are among the strongest supporters of this Court, this is particularly true in situations where women have limited legal rights and where the Court could exercise its jurisdiction under the principle of complementarity.

In many of the countries within which the ICC is currently working or could open operations, women have limited human and legal rights especially in relation

to physical integrity and the prevention of violence. The absence of relevant or effective legislation preventing violence against women, laws which actively condone forms of gender-based violence, the low numbers of convictions for rape and other forms of sexual violence, discriminatory requirements for corroboration in relation to rape, masculinised interpretations of 'consent' and 'coercion', inadequate police investigations, discriminatory attitudes on the bench ... can all conspire to create a state of unwillingness and inability to genuinely prosecute gender-based crimes.

In such circumstances, the commission of gender-based crimes in the absence of a legal system able, willing and likely to prosecute these crimes, is a justifiable criteria on its own, for the ICC to open an investigation under the principle of complementarity.

The prosecution of rape and other forms of violence against women by the ICC in these situations would be particularly significant because it would demonstrate that the Court recognises the legal rights of women even when they are denied by the laws and practices of their own country and it would also assist with future domestic prosecutions of non-conflict related rape and other forms of violence.

State Responsibility

The ICC maybe the most important Court in the world for women in armed conflict situations, why? Because it is the only Court in the world with the explicit mandate and positive obligation to prosecute gender-based crimes, in every conflict situation, without exception, every time.

But the weight of this responsibility lies first and foremost with states, with our governments, with those whom we elect or those who assume to govern. Domestic prosecutions of crimes potentially within the jurisdiction of the ICC should be frequent and should always comply with the standards outlined in the Rome Statute. Such compliance must include not only the Statute but also its related documents specifically the ICC Elements of Crimes and Rules of Procedure and Evidence. This set of Statute documents together embodies the legal standards and intentions of equality before the law.

National compliance with the highest standards of international criminal justice for victims, communities, witnesses and accused is vital if universality is to be achieved and if prosecutions are to act as a deterrent to the future commission of acts of genocide, war crimes, crimes against humanity and possibly aggression.

While the ICC must provide the models, and needs to forge the global benchmarks for prosecuting these acts including gender-based crimes, it is states which must provide an end to the day-to-day experience of impunity.

Thank you.