



PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN



PERMANENT MISSION OF FINLAND
GENEVA

Prevention, Accountability and Gender – International Responses and Fighting Impunity by Investigating and Prosecuting Sexual and Gender-Based Violence

Co-hosted by Permanent Mission of Finland and Permanent Mission of Liechtenstein

Tuesday 7 November 2017, 12:30–14:00, Room IX Palais des Nations

Justice requires both redress for victims and accountability of perpetrators. Both are crucial in contributing to sustainable peace and preventing recurrence. The Security Council's landmark resolution 1325 on Women, Peace and Security reaffirms the important role of women in the prevention of conflicts, calls for special measures to protect women and girls from gender-based violence in armed conflict and emphasizes the responsibility of States to put an end to the impunity for the perpetrators. This event will focus on international initiatives, developments and jurisprudence in investigating and prosecuting sexual and gender-based violence.

States have the primary responsibility to hold accountable perpetrators of genocide, crimes against humanity, and war crimes, including those relating to sexual and gender-based violence. Where state authorities fail to assume this responsibility, the international community has a responsibility to fill this gap. The International Criminal Court (ICC) and other international criminal tribunals are there to complement national efforts and to investigate and prosecute those most responsible. Notably, the Rome Statute is the first international instrument to expressly include a list of sexual and gender-based crimes as crimes against humanity and as war crimes relating to both international and non-international armed conflict. With the required intent, sexual and gender-based crimes may also be considered as acts of genocide.

There are many challenges to the effective investigation and prosecution of sexual and gender-based crimes. Firstly, such violence is almost universally underreported. Secondly, the fear of social stigma and reprisals, lack of readily available evidence, limited support at the national level and other challenges alike create hurdles along the way. In his report on Sexual Violence in Conflict, the Secretary General stated already in 2013 that "crimes of sexual violence should be incorporated at the outset into the investigation and prosecution strategy". From the preliminary examination to the prosecution, gender perspective must be kept in mind. Specific challenges are also posed by sexual and gender-based violence against men and boys.

In the armed conflict in the Syrian Arab Republic – a conflict which has been characterized by systematic violations and abuses of international human rights and violations of international humanitarian law – sexual violence has also been one of its characteristics from the very beginning. The Independent International Commission of Inquiry on Syria, established by the Human Rights Council, and the civil society have already collected extensive information on said violations and abuses. In seeking to help ensure accountability for these crimes, in December 2016, the General Assembly established the International, Impartial and Independent Mechanism (IIIM) through resolution 71/248. The IIIM's role is to assist in the investigation and prosecution of those responsible for the most serious crimes committed in the Syrian Arab Republic since March 2011 by securing and consolidating evidence and preparing it for criminal trials in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes.

As regards providing help to actors on international, regional and national level in their efforts to address sexual and gender-based crimes specifically, the Office of the Prosecutor of the ICC has lead the way and published a

policy paper on sexual and gender-based crimes in 2014. The ICC's recent case law also includes important precedents in this regard. In 2016, Mr. Jean-Pierre Bemba Gombo was convicted by the Trial Chamber, *inter alia*, for the crimes of rape committed by his troops in the Central African Republic under his command and control. This represented a critical test case for the principle of command responsibility for sexual violence as a war crime and a crime against humanity. In the recent case of Mr. Ntaganda, the Appeals Chamber of the ICC confirmed the Trial Chamber's conclusion that the war crime of rape and sexual slavery could also pertain to acts committed by members of an armed group against other members of the same armed group. These decisions will surely guide the future work of both international and national courts.

Whether it is the new IIIM, commissions of inquiries and fact-finding missions established by the Human Rights Council, such as the COI in the case of Syria, or the judgments by the ICC, these mechanisms are needed to prevent international crimes from reoccurring and to seek justice for victims of ongoing and past conflicts. To create a culture of accountability, we all must come together to seek justice and peace. This event will provide a space for a multi-stakeholder discussion and interactive dialogue to deepen our understanding of past achievements and the challenges of today and beyond in investigating and prosecuting sexual and gender-based violence.

Moderator and welcoming remarks: H.E. Mr. Peter C. Matt, Permanent Representative of Liechtenstein

Opening statement: H.E. Ms. Terhi Hakala, Permanent Representative of Finland

Panellists:

1. Ms. Catherine Marchi-Uhel, Head of the Mechanism, International, Impartial and Independent Mechanism (IIIM)
2. Ms. Dianne Luping, Trial Lawyer, Office of the Prosecutor of the International Criminal Court (ICC)
3. Mr. Andras Vamos-Goldman, Executive Director, Justice Rapid Response (JRR)

Q&A