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**Panel series on Women, Peace and Security:
Fighting impunity for sexual and gender-based crimes**

Co-organized by the Permanent Mission of Liechtenstein to the United Nations in New York, the Liechtenstein Institute on Self-Determination (LISD) at Princeton University, and the Peace Women Project of the Women's International League for Peace and Freedom

Speech

New York

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Excellencies,

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Ladies and gentlemen,

Thank you all for being here today. Particular thanks go to the Permanent Mission of Liechtenstein, the Liechtenstein Institute on Self-Determination, and the Peace Women Project of the Women's International League for Peace and Freedom for organizing this event and for inviting me. This event is indeed a fitting tribute to our common goal: fighting impunity for sexual and gender based crimes. Prosecutions for these crimes, the importance of discussions at the highest level and policy implementation cannot be overstated in our collective efforts to advance justice and to respond to the urgency expressed by victims/survivors of sexual and gender-based crimes for recognition and accountability.

Prior to the last 20 years, women's experiences in war were all but ignored and dismissed as regrettable but unavoidable, a part of the inevitable consequences of war and a just reward for fighting soldiers. Both WWI and WWII hardly provided estimates, if any, of girls and women raped or murdered through sexualized torture and the prosecutorial initiatives following the second WW largely overlooked these crimes. Thus for much too long, perpetrators of sexual and gender-based crimes have believed there would not be any repercussions for their actions.

But now, with the commitment of States, the initiatives of the United Nations and civil society, and the work of the International Criminal Court, that has changed, and now is time for action.

Indeed, we are at a historical juncture where the investigation and prosecution of these crimes must be made a priority.

With the adoption of UN Security Council 1325 on women, peace and security and subsequent resolutions 1820, 1888 and 1960, an important

international framework has been established which recognises the need to include women as decision-makers and leaders in peace building and peace-making efforts. These resolutions also provide an additional and explicit focus on the commission of sexual violence and the need for both prevention and accountability. With the establishment, under Security Council Resolution 1960, of the special representative for sexual violence in conflict, the UN further strengthened its efforts on this issue; I would like here to pay tribute to the former SRSG, Margot Wallström, for her work, and I congratulate SRSG Zainab Bangura on her appointment and look forward to interacting with her office.

All of these Security Council resolutions are critical in the global effort to put an end to impunity and as such they complement the work of the International Criminal Court and our mandate to prosecute those responsible for war crimes, crimes against humanity and genocide.

Today, the Rome Statute explicitly recognises gender violence and gender crimes, specifically proscribing them. The Statute obliges the Office of the Prosecutor to ensure that these crimes are effectively investigated and prosecuted. We are at a historical juncture where the investigation and prosecution of these crimes must be made a priority. I have committed to doing my part in this regard and have taken various initiatives to ensure that these crimes are given the priority they deserve.

Earlier this year, I appointed Brigid Inder as the new OTP Special Gender Adviser. Brigid's appointment will help to further strengthen the strategic gender analysis and prosecutions of sexual and gender-based crimes further strengthen the institutional approach to a range of gender issues and enhance relations with critical actors, including grassroots women's organisations in the situations under our investigation.

The Office has also committed to continue to periodically and consistently revisit its policies and practices regarding sexual and gender-based crimes, making sure that all policies are effective and that they are improved as needed. In this regard, I have prioritised the development of a sexual and gender-based crimes policy to be completed by next summer. My Office and the Special Advisor are hard at work on this policy which will provide guidance and clarity regarding the ongoing and future prosecution of sexual and gender based crimes. Within this process, through a series of staff-wide consultations, we are reflecting upon our progress to date, our successes and lessons learnt. At a later stage in the process we will also involve external stakeholders and invite comment on the policy in its draft form prior to formal adoption by my Office. This policy is intended to further strengthen our work towards ending impunity for gender-based crimes, advancing global accountability and reinforcing the application of the rule of law to crimes of sexual violence.

As part of the process of improving prosecutions, the Office will also continue to provide gender related training to its analysts, investigators, and prosecutors. This training will be adjusted in accordance with new strategies and experiences.

Ladies and gentlemen,

It is my belief that the law and judicial proceedings are powerful tools to highlight the nature of these crimes, give a voice to their victims and punish their perpetrators. In time, the law will help to change behaviour. As the Prosecutor, I know that the Court has a crucial role to play as a catalyst in this sense. We must all send a clear, strong and consistent message that these are serious crimes and that they will not go unpunished.

In our first trial, against Thomas Lubanga Dyilo, we explained the gender dimension of the crime of enlisting and conscripting children under the age of 15. We took note of the reactions of civil society and their preference for

these aspects to be explicitly charged. Sexual and gender crimes were included directly in the charges in Katanga, Ngudjolo, Mbarushimana and Mudacumura cases, as well as in the additional charges presented against Bosco Ntaganda.

The case against Bemba is unprecedented in that for the first time in international justice, reports of sexual violence far outnumbered alleged killings, and this is reflected in the charges brought by the Office and in our prosecution strategy for this case.

My Office also charged President Omar Al-Bashir of committing genocide, inter alia based on the fact that thousands of civilian women, belonging primarily to the Fur, Masalit and Zaghawa groups, were subjected to rape by Sudanese forces.

Gender and sexual crimes charges were also added to our cases against the top leadership of the LRA, Harun, Kushayb and Hussein for Darfur, Laurent Gbagbo for the Cote D'Ivoire and Muthaura and Kenyatta in the Kenya cases.

All these cases represent significant opportunities to advance justice. The efforts have to be emphasized and consolidated by all actors.

As an Office, we will continue to ensure that we bring charges of sexual and gender crimes in all cases where there is evidence of the commission of these crimes. In this regard, we continue to explore innovative methods for the collection of evidence for gender crimes, such as medical evidence, cyber-investigation, and analysis of digital evidence, social media and video footage.

This work needs to be further underscored and incorporated by the other actors in the Rome Statute system, notably the States Parties, who have the primary role in investigating and prosecuting these crimes.

In this regard, it is pleasing to see the growing international impetus triggering various initiatives, including the new initiative by the United Kingdom on preventing sexual violence in conflict and post conflict situations. The UK's engagement to commit resources and to use its G8 Presidency next year to push for stronger international action on this issue and the support this is starting to attract are welcome developments in the campaign to correct the misperception that sexual violence is an unavoidable consequence of armed conflict and to ensure that such crimes are not given a lesser priority in investigations and prosecutions than other offences. This, and other complementarity initiatives by States Parties, including domestic investigations and prosecutions, cooperation for the execution of ICC arrest warrants, and political support for these issues through a range of initiatives such as this lecture series by Liechtenstein, are all critical for reinforcing the normative framework of the Rome Statute for the accountability of gender-based crimes.

Ladies and gentlemen,

Proceedings before the ICC, as a court of last resort, are essentially an exception to the norm. Through its positive complementarity approach, the OTP can and has encouraged and facilitated States to carry out their primary responsibility of investigating and prosecuting crimes.

With specific reference to gender issues, the ICC can play its part to the limited extent through cooperation at all levels with national judicial systems, and strive to transform the public response to sexual crimes in national jurisdictions worldwide.

Ultimately, establishing a complementary system is critical for a comprehensive solution to these crimes. The strength of the system lies in

the possibility of a shared responsibility and complementary action between the Court and the international community.

Please be assured of my unflinching dedication, as well as that of my Office, to this cause. I hope I can count on the support of all those present here today to continue this work, and advance this message.

I thank you for your attention.