

Security Council Open Debate on Sexual Violence in Conflict, June 24th 2013, Security Council Chamber

Statement by Ms. Jane Adong Anywar, Women's Initiatives for Gender Justice.

I represent the Women's Initiatives for Gender Justice, where I work as a legal monitor in our Ugandan programme assessing the progress and challenges in establishing an effective national mechanism to try conflict-related crimes, including sexual violence, in the Ugandan context.

The Women's Initiatives for Gender Justice is an international women's human rights organization that advocates for gender justice through the International Criminal Court (ICC) and domestic mechanisms. In addition, we also advocate for the participation of women and the integration of gender provisions within peace processes and reconciliation efforts from the perspective of victims/survivors and women's rights activists in armed conflict situations.

The paucity of domestic prosecutions for crimes of sexual violence, the limited volume of international prosecutions for these crimes and the scale worldwide of crimes of sexualized violence, particularly in situations of armed conflict, continue to leave an impunity gap so distinct that in recent years it has become the focus of several Security Council resolutions. The attention given by the Council to sexual violence is necessary and urgent, and with developments such as the United Kingdom's Preventing Sexual Violence Initiative, the United Nations Action against Sexual Violence in Conflict and the work of the International Criminal Court, attention to this issue is becoming increasingly strategic.

Over the past 27 years, northern Uganda and several of its neighbouring countries, including South Sudan, the Central African Republic and the Democratic Republic of the Congo, have been subjected to armed conflict, instability, displacement of the population and widespread and brutal forms of sexual and gender-based crimes committed by a range of perpetrators, including armed forces, militia groups and the Lord's Resistance Army (LRA).

In the past decade of our work, the Women's Initiatives for Gender Justice has worked with thousands of victims/survivors of sexual and gender-based violence and monitored accountability for such crimes in several conflict or post-conflict countries. With more than 6,000 grass-roots members and partners within armed conflict situations, we are aware of the demand from local communities for a reduction in impunity and more frequent domestic trials for perpetrators responsible for committing sexual violence and other grave crimes. Drawing on all of this work, there are three observations I would like to offer today regarding accountability for sexual violence in armed conflicts.

The first is that it is well documented that the commission of rape and other forms of sexual violence intensify and increase during times of civil war and armed conflicts, and yet too often impunity for these crimes continues to be guaranteed through amnesty laws. Let me provide an example from Uganda.

Under the Ugandan Amnesty Act of 2000, complete amnesty was extended to members of the LRA on the condition that they report to a designated area, surrender their weapons and make a declaration renouncing and abandoning involvement in the war or armed rebellion. Unfortunately, there were no conditions regarding truth-telling; individuals were not required to make a full declaration of the acts they had committed or the incidents they might have witnessed; and no crimes, including sexual violence, were excluded from qualification under the amnesty regime. Victims did not even receive an apology through this process. The granting of amnesty guaranteed impunity and therefore did not shift the stigma of shame away from the survivors to the perpetrators

of these crimes. The pardoning facility under the Amnesty Act was dissolved last year, but while in existence, it provided blanket immunity from prosecution for sexual violence and other crimes for the entire period of the Ugandan LRA conflict.

The second observation we would like to make is that leadership on accountability for conflict-related crimes, including sexual violence, must be provided at the national level, with priority given to resourcing, adequate legislation prohibiting acts of sexual violence and capacity-building for police, investigators, lawyers and judges regarding the adjudication of these crimes. The inclusion of credible national prosecutions for conflict-related crimes, including acts of sexual violence, within the basket of accountability and reconciliation initiatives is crucial for locating justice in proximity to victims. Just as crucial is that domestic courts prosecuting these international crimes do so in compliance with the established international standards.

Let me again draw on our experience in Uganda. In 2011, the International Crimes Division within Uganda became operational, with the jurisdiction to prosecute war crimes, crimes against humanity and genocide in compliance with the Rome Statute of the International Criminal Court. The creation of that domestic war crimes court was welcomed by large sections of the community, in particular women's rights and peace advocates, who described the court as comforting for victims and a milestone in raising hopes and expectations for the realization of justice and meaningful peace.

Since then, the Ugandan court has adopted some of the procedures practiced by the ICC, including the use of redacted statements to support witness safety in proceedings and in the practices regarding the disclosure of evidence. These processes are new under the Ugandan rules of procedure and are helping to strengthen the understanding that successful witness and victim protection is at the core of any efficient investigation and prosecution.

However, there are also challenges at the national level when attempting to prosecute conflict-related crimes, including sexual violence. These can include lack of jurisdiction for the prosecution of war crimes and crimes against humanity, perhaps a lack of familiarity of the judiciary with the provisions relating to sexual violence, ongoing myths regarding sexualized violence and, sometimes, one-sided prosecutions depending on the outcome of the conflict. There can also be challenges related to the practice and administration of justice, and in Uganda, this has meant a lack of court reporters, professional interpreters and the management of transcripts.

Some of these issues are resource and capacity-related, which leads me to my third observation, which is that the scale of sexual violence crimes committed during armed conflict is beyond the capacity of any national judicial system to address on its own.

Domestic efforts must be complemented by effective international prosecutions; United Nations interventions empowered to engage militias and other perpetrators of these crimes; effective protection mechanisms for civilians, including those targeting sexual violence; cooperative regional bodies; and, above all, compliance by the United Nations and Member States with their collective resolutions and recommendations on security, women, peace and the prevention of and response to acts of sexual violence.

Implementing the existing resolutions regarding the commission of sexual violence in armed conflict, highlighting its impact on those targeted by these crimes, especially girls and women, and addressing the purpose of this particular form of violence are essential steps for effecting change in this crisis.