



## Issue Brief on *Justice*

**“We know who these people are, we know them by name, by face and we know that many are still hiding in West Timor. We will not agree to live side-by-side with them in East Timor unless justice is done.”** — *Maria, an East Timorese woman.*

**“We need to hear that these atrocities are condemned to at least relieve some of the shame and the grief. It is not just a legal issue. It is about people's lives. Something must be done so the society that was affected by the conflict can invest in peace.”** — *Isha Dyfan, a lawyer, an activist for peace and women's issues, and a survivor of Sierra Leone's civil war.*

**“Our visits to conflict situations confirmed the stark reality that women are being denied justice.”** — *Assessment Report*

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### **Introduction:**

The impunity that prevails for widespread crimes against women in war must be redressed. Accountability means being answerable to women for crimes committed against them and punishing those responsible. The failure throughout history to deal with crimes committed against women in war has only recently begun to be addressed. The jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and of the Rwandan Tribunal (ICTR) have begun to treat crimes against women as war crimes and crimes against humanity. The newly established International Criminal Court (ICC) is one of the most significant examples of gender mainstreaming in an international treaty. From the ICC to regional, national and traditional justice systems, gender must be taken into account and women must have full access to the rule of law.



## Defining Terms

- **Sexual violence:** The founding statutes of the ICC and other international courts include crimes of sexual violence –rape, sexual slavery, enforced sterilization, forced pregnancy, enforced prostitution, and other forms of grave sexual violence- as crimes against humanity and/or war crimes. Rape has been defined by many national jurisdictions as non-consensual intercourse, and variations of this act can involve the insertion of objects and/or use of bodily orifices not considered to be intrinsically sexual. However, growing international jurisprudence indicates that rape cannot be captured in a mechanical description of objects and body parts. Rape is a physical invasion of sexual nature, committed on a person under coercive circumstances, but crimes of sexual violence do not require physical contact: the incident in which a victim was ordered to undress and do gymnastics naked in front of a crowd in the public courtyard, was considered sexual violence by the ICTR.

- **Sexual violence as war crime:**  
War crimes are serious violations of humanitarian law, whether customary or conventional, and include grave breaches and violations of Common Article 3 of the Geneva Conventions, which prohibits "violence to life and person," "cruel treatment," "torture" or "other outrages upon personal dignity." The Conventions explicitly require nations to prosecute persons of any nationality who commit acts such as "torture or inhuman treatment" and "wilfully causing great suffering or serious injury to body or health" against any person. Further, Article 27 of the Fourth Geneva Convention states that women should be protected against "rape, enforced prostitution, or any form of indecent assault" in times of war. Protocol II Additional to the 1949 Geneva Conventions, governing the protection of civilians in internal armed conflicts, explicitly outlaws "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault" at Article 4(2)(e). A single act of such violation can constitute a war crime.

Furundzija case: At ICTY, a paramilitary leader was convicted of outrages upon personal dignity and torture by means of rape (a violation of Common Article 3 to the Geneva Conventions) for verbally interrogating a woman in front of laughing soldiers while his colleague physically raped her.<sup>1</sup>

- **Sexual violence as crimes against humanity:**  
Crimes against humanity are acts of violence committed on a widespread or systematic basis against any civilian population, with knowledge of the attack. According to the ICTY, crimes against humanity, which can occur in war or peace time, are "serious acts of violence which harm human beings by striking what is most essential to them: their life, liberty, physical welfare, health and/or dignity. They are inhumane acts that by their extent and gravity go beyond the limits tolerable to the international community, which must perforce demand their punishment." Rape is explicitly listed among the crimes against humanity within the jurisdictions of both ad hoc tribunals (ICTY/ICTR). (Assessment Report)

Akayesu case: ICTR convicted the defendant of crimes against humanity based on the evidence that he had witnessed and encouraged rapes of Tutsi women while he was a communal leader.

- **Sexual violence as torture (war crime and/or crime against humanity):**  
The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as any act by which severe pain or suffering, whether physical



or mental, is intentionally inflicted on a person for purposes such as intimidation, coercion, punishment, or eliciting information or confessions or for any reason based on discrimination of any kind. Rape or other sexual assaults constitute torture and as such, can be prosecuted under international and national law. The Convention requires ratifying states to ensure torture is a criminal offense under domestic law and to prosecute or extradite alleged perpetrators.<sup>2</sup>

Celebici case: ICTY characterized the rape and sexual assaults committed against Bosnian Serb prisoners at the Celebici prison camp as acts of torture—as both a violation of Common Article 3 and a grave breach of the Geneva Conventions. In July 2003, Zdravko Mucic, the former commander of the camp was granted an early release after serving two-thirds of his nine-year sentence.<sup>3</sup>

- **Sexual violence as genocide:**

Under certain conditions, sexual violence can also be one of the means of committing the international crime of genocide. Genocide was first defined in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which has since passed into customary international law. Acts of genocide are committed with the specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group, by killing or causing serious bodily or mental harm to members of the group, deliberately inflicting conditions calculated to bring about destruction of the group in whole or in part, imposing measures intended to prevent births or forcibly transferring children of the group to another group. Thus, rape, sexual enslavement, forced prostitution, forced sterilization, forced abortion and forced pregnancy—impregnation with the intent of forcing a woman to give birth to the rapist's child—can all be means of conducting acts of genocide.

Akayesu case: the ICTR found the defendant guilty of genocide, based in part on evidence that he had witnessed and encouraged rapes and forced nudity of women during the genocidal campaign.<sup>4</sup>

- **International customary law:**

Unlike treaty law, international customary law is not adopted formally by governments. It is created by the common practice of States developed over a period of time and the belief of States that they are legally bound to follow that practice. That belief can be evidenced in a variety of ways, including on the basis of resolutions and declarations—on women's rights, for example—adopted by the United Nations and other intergovernmental bodies, as well as from patterns of national practice, including legislation and national court decisions. International customary law is binding on all States once the norms have been accepted or acquiesced to by the international community as a whole. The Statute of the ICC illustrates this process. According to Justice Theodor Meron of the ICTY, the crimes recognized by the ICC Statute, including the gender-specific offences, may well, "take on a life of their own as an authoritative and largely customary statement of international humanitarian and criminal law, and ... become a model for national laws to be enforced under the principle of universality of jurisdiction." Universal Jurisdiction covers grave breaches of the Geneva Conventions, certain very serious human rights violations (like torture) and genocide. All States have a duty to prosecute the perpetrators, regardless of their nationality, the nationality of the victims or where the crimes took place.<sup>5</sup>

## Fact Sheet



- With few exceptions, perpetrators of violence against women in war are rarely held accountable for their acts, nor are women granted redress. Many state agencies are themselves guilty of gender bias and discriminatory practices.
- Many women opt not to report cases of violence to authorities because of:
  - The lack of adequate legal mechanism;
  - Fear of being ostracized and shamed by communities that tend to blame victims of violence for the abuses they have suffered;
  - Fear of reprisal;
  - The general climate of indifference towards violence against women in the society;
  - The tacit acceptance of sexual abuses as an unavoidable part of war;
  - Amnesty granted to perpetrators as a part of peace agreement.
- When women do report the cases of sexual abuse in conflict and post-conflict settings, it can often only be accomplished by long and humiliating court battles with little sympathy from authorities or the media. Victims and witnesses of sexual abuses rarely receive adequate protection and counseling.<sup>6</sup>
- Obstacles that prevent women from seeking justice include the lack of knowledge about their rights and legal process, financial difficulty to travel to a trial or the lack of ability to take time off from work or to leave their families. Also, they may be intimidated or disillusioned by the justice system, which may have collapsed or become corrupted before, during or after conflict. Support services and legal aid are rarely provided to women, and gender bias within the judicial process prevents women from receiving fair treatment as witnesses, as complainants and in investigations.
- Under-representation of women's view in judicial processes is another reason that crimes against women are prone to be unrecorded and un-addressed. Women been rarely consulted about the form, scope and modalities for seeking accountability. No more than three women have served at any one time among the 14 permanent judges of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR). In this light, the election of seven female judges among 18 judges for the ICC is a critical achievement.<sup>7</sup>
- Impunity weakens the foundation of the post-conflict societies and prolongs instability and injustice and continues to expose women to the threat of violence. Accountability on the part of states and societies for crimes against women is not just about punishing perpetrators but about establishing the rule of law and a just social and political order where such violence is illegitimated and prevented.<sup>8</sup>
- There are also cases where women are perpetrators of violence in conflicts. Though not exclusive to countries under conflict, female detainees have endured a variety of forms of physical and psychological torture by the government's law enforcement officers, targeting women's femininity and sexuality, such as rape, forced intercourse with other prisoners, foreign objects being pushed into vaginas, assault and electric shocks on pregnant women, inadequate medical care leading to miscarriages, body searches by male staff, and vaginal examinations. Women also get detained when they are not perpetrators of crimes; authorities imprison women in the guise of "protecting" them. Recently, numerous Afghan



women have been detained for not adhering to strict behaviour and dress codes or for trying to escape abusive situations, despite the demise of the Taliban.<sup>9</sup>

- Women are psychologically and economically affected by the injustice of the separation of families as well as “disappearance” of family members as a result of conflicts. The Additional Protocol I of 1977 expressly recognizes the right of families to know the fate of their relatives (Article 32 and 33). (ICRC)
- Under the social and political turbulence during conflict and in post-conflict situations further impedes women's access to justice, conflicting legal standards and judicial methods may be applied, ranging from international, military and customary laws, to national and traditional approaches to justice. Women confronted with this barrage of contradictory systems may be frustrated in their efforts to seek redress.<sup>10</sup>
- Not only do women suffer from absence of justice concerning violence against them during war, they also suffer from lack of property rights in post-conflict situation. In many developing countries, the land tenure system in rural areas is regulated by customary laws that do not recognize the capacity of women to own or inherit land and property in their own names except via a system of vicarious ownership through men – as husbands, fathers, uncles, and brothers. The same applies to applications for mortgages, loans and credit facilities. In customary land ownership, proof of title and land ownership is by means of possession and occupation. This has a significant impact on women, especially refugee or displaced women and war widows. When refugees or displaced women whose husbands are dead or who were separated from their families return to home, it is extremely difficult for them to claim the lands and property of their deceased male relations. As a result, these women become dispossessed people until they marry or remarry. Although some countries such as Rwanda introduced gender-specific legislation, which allows women's access to land and property, extensive public awareness campaign is needed in order for it to be effectively implemented against customary laws overriding the national laws on the ground.<sup>11</sup>
- The reconstruction phase, where elections are held and the government systems, institutions and legislations are reformed, is a critical opportunity to enhance women's rights in the society. Greater attention should be paid to enshrine gender equality and women's rights in the new constitution and legislation.

## Treaties and Institutions

**The Women's Caucus for Gender Justice at the International Criminal Court generated comprehensive gender analysis of:**

- The Laws of War—International Humanitarian Law<sup>12</sup>
- Jurisprudence on Sexual and Gender violence<sup>13</sup>
- International Criminal Court<sup>14</sup>

### Major international Laws related to women and armed conflicts

- Convention on the Prevention and Punishment of the Crime of Genocide (1948).<sup>15</sup>



- The Fourth Geneva Convention (1949): Common Article 3 and Article 14, 16, 17, 18, 20, 21, 23, 27, 38 (5), 50, 89, 91, and 132.<sup>16</sup>
- The Third Geneva Convention (1949): Article 14, 88, 97. Treatment of female prisoners of war.<sup>17</sup>
- Convention relating to the Status of Refugees (1951).<sup>18</sup>
- The International Covenant on Civil and Political Rights does not mention rape, but denounces all forms of slavery, torture, and inhuman or degrading treatment, and states that the right to be free of these abuses is explicitly non-derogable.<sup>19</sup>
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977): Article 70, 75.2, 76.<sup>20</sup>
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977): Article 5, 6 (4).<sup>21</sup>
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), (1979).<sup>22</sup>
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).<sup>23</sup>
- United Nations Convention on the Rights of the Child (1989).<sup>24</sup>
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).<sup>25</sup>
- Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY), (1993).<sup>26</sup>
- Statute of the International Criminal Tribunal for Rwanda (ICTR), (1994).<sup>27</sup>
- Rome Statute of the International Criminal Court (1998).<sup>28</sup>
- Special Court for Sierra Leone (16 January 2002)<sup>29</sup> and the international treaty between the UN and the government for Sierra Leone on the establishment of a special court of Sierra Leone (16 January 2002).<sup>30</sup>
- UN Transitional Authority in East Timor (UNTAET Regulation 2000/15) on the Establishment of Panels With Exclusive Jurisdiction over Serious Criminal Offences.<sup>31</sup>
- Protocol on the Rights of Women to the African Charter on Human and People's Rights (2005).<sup>32</sup>
- **International Criminal Court (ICC):**  
The ICC is the world's first permanent international tribunal to try individuals for genocide, war crimes and crimes against humanity. Its Rome Statute is one of the most significant examples of gender mainstreaming in an international treaty. It explicitly includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and sexual violence as war crimes and crimes against humanity. Trafficking is encompassed within the crime against humanity of enslavement. Also, for the first time, gender-based persecution is included as a crime against humanity. The Statute also guarantees to ensure a more



empowered participation and appropriate protection of victims and witnesses as well as a presence of women on the Court and gender experts among staff. A Victim and Witnesses Unit (VWU) within the ICC will provide protection, counseling and other security measures. The Rules of Evidence are designed to shield victims of sexual violence from damaging or intrusive attacks on their sexuality or credibility. The court cannot admit evidence of a victim or witness's prior or subsequent sexual conduct or require corroboration of testimony concerning sexual violence. The Rules outline principles to guide the court in handling sexual violence cases, making clear that a victim's consent cannot be inferred where the perpetrator took advantage of a coercive environment (such as a detention center), and requiring special procedures for presenting evidence of consent to acts of sexual violence. *In camera* hearings are allowed for victims and witnesses of sexual violence. With the 60th ratification in April 2002, the Statute and the Court's jurisdiction officially took into effect on 1 July 2002. In February 2003, the election of the Court's first judges was held, and among the 18 elected judges, seven are women, which is a historic achievement in light of the traditionally very low number of women serving in international tribunals. Of 260 judges serving on international and regional judicial institutions, only 49 are women.<sup>33</sup>

Under controversial Resolution 1422, later renewed as 1487 by the UN Security Council, members of UN peacekeeping missions from nations that had not ratified the Rome Statute were declared immune from investigation or prosecution. This exception is no longer valid, as 1487 was not brought up for renewal in 2004 due to mounting doubts about its legality.

- **Ad hoc tribunals: ICTY & ICTR**

The statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and of the Rwandan Tribunal (ICTR) in 1994 include jurisdiction over grave breaches of the Geneva Conventions, other war crimes, crimes against humanity and genocide. Both specify rape in the definition of acts that may constitute crimes against humanity. The statute of the ICTY included rape as a crime against humanity though not explicitly among the grave breaches or violations of the laws and customs of war (Article 5). This was the first time that rape had been explicitly codified as a crime within the jurisdiction of an international court. The Statute of the ICTR includes rape as a crime against humanity (Article 3). In addition, rape is specifically included in Article 4 among the violations of "common article 3" of the Geneva Conventions and Additional Protocol II. In addition, the reports leading up to the adoption of their respective statutes make clear that sexual assaults more broadly were contemplated as part of the "inhuman treatment" that is an element of each crime. By March 1999, the ICTY had indicted twenty-seven individuals in relation to 130 individual crimes that involved either rape or sexual assault. The ICTY's jurisdiction extends to acts of sexual violence perpetrated against civilians in Kosovo today. The ad hoc Tribunals have recognized sexual slavery, forced nudity, sexual mutilation are included within the scope of the judgments, and noted explicitly that forced impregnation, forced marriage, forced abortion and sexual humiliation are serious violations of international law, and within their jurisdiction.

Despite their achievements, the ad hoc Tribunals such as ICTY and ICTR have been hampered by serious lapses and inconsistencies. The lack of counseling, security, sensitivity of judges and prosecutors, or essential confidentiality and anonymity, as well as slow proceedings are painful for victims and witnesses of crimes of sexual and gender violence.

An assessment of women's contributions to the ICTY conducted by the Women Waging Peace Policy Commission lauded the ICTY for recognizing sexual violence against women and men as a war crime. The assessment found that while women composed only 21% of



witnesses at the court, they provided critical testimony because they saw or heard things that men did not, including mass murder and rape. Moreover, although male judges always significantly outnumbered female judges on the Tribunal, a woman was on the bench in every case that resulted in significant redress of sex crimes (against women and men). The assessment further found that ICTY staff with gender experience and local Bosnian women's organizations had an important impact on the proceedings, and local women's groups could help the ICTY to realize its potential as a mechanism for gender justice.<sup>34</sup>

**See Women's International League for Peace and Freedom fact sheets on:**

- **The War Crimes Tribunal on Rwanda**<sup>35</sup>
- **War Crimes Tribunal on Former Yugoslavia**<sup>36</sup>
- **Special Court in Sierra Leone**<sup>37</sup>
- **Special courts and tribunals:**  
Special courts and tribunals are more 'nationalized,' compared to the Chapter VII-based ad hoc international criminal tribunals. In particular, those special courts and tribunals lack the power to order the surrender of an accused located in a third state, as they do not enjoy primacy over national courts of all states like ad hoc tribunals do. At the same time, such 'nationalization' leaves space for involvement of the country's own citizens, provides a sense of ownership, and helps rebuilding the country's legal system and building local capacity.

**Special Court for Sierra Leone:**

The Special Court for Sierra Leone was created by an international treaty between the UN and the government for Sierra Leone in 2002 to provide justice for crimes committed during the war (16 January 2002).<sup>38</sup> The court involves both national and international judges and lawyers and draws upon international and national legal systems. Its statute explicitly refers to crimes of sexual violence and stipulates that "due consideration should be given in the appointment of staff, to the employment of prosecutors and investigators experienced in gender-related crimes and juvenile justice." Unlike the ICTY and ICTR, the Special Court is funded on a voluntary basis by donor countries. However, it is hoped that the hybrid nature of the Court and its location within Sierra Leone will help rebuild the domestic judicial system and make it accessible for women.

**Justice in Timor Leste:**

In Timor-Leste, justice for war crimes, crimes against humanity and genocide committed since 1975 are addressed at three levels: Indonesian Ad Hoc Human Rights Court for East Timor, Serious Crimes Investigation Unit set up by the UN Transitional Administration in East Timor (UNTAET) to investigate human rights violations committed during the 1999 violence, and East Timorese Commission for Reception, Truth, and Reconciliation. The Indonesian court is established in response to the call of the UN International Commission of Inquiry on East Timor and began hearing cases in March 2002. The Indonesian court's performance has been disappointing. The UNTAET established a special Serious Crimes Panel within the Dili District Court, which consists of two foreign judges and one East Timorese judge and has exclusive and universal jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offense, and





torture that occurred between January and October 1999. On 12 September 2002, the Special Panel for Serious Crimes sentenced Francisco Soares, an East Timorese who served in the Indonesian military and as a pro-Indonesian militia leader, to 4 years' imprisonment for raping a woman in Dili in September 1999, which was the only rape conviction by the Panel. In addition to insufficient funding and staffing, the lack of cooperation of Indonesia to extradite suspects to Timor-Leste has limited the performance of the Panel, in the light that most war criminals are Indonesians.<sup>39</sup>

#### **Cambodia—Khmer Rouge Tribunal:**

Despite the nature of the humanitarian and human rights disaster of the Khmer Rouge period, a formal progress on the establishment of a justice mechanism only started in 1997 when Cambodia requested UN assistance for establishing such a mechanism. Because of the concern over the Cambodian government's interference over the independence of the judiciary, lack of capacity, and widespread corruption, the UN originally suggested an international tribunal. The Cambodian government dismissed the idea of international tribunal and proposed a mixed tribunal with a majority of Cambodian judges and co-prosecutors. After the lengthy negotiations, the UN announced its withdrawal from the negotiations in February 2002 because of the lack of good faith from Cambodia. France and Japan sponsored a General Assembly resolution to resume the negotiations, which was adopted in December 2002 (57/228A).<sup>40</sup> A draft agreement between the UN and the Cambodian government on the creation of a mixed tribunal operating on the basis of the supermajority formula was approved by the General Assembly on 13 May 2003. (57/228B).<sup>41</sup> Human Rights Watch expresses its serious concern that the agreement is "deeply flawed."<sup>42</sup>

#### **Kosovo – Regulation 64 Courts:**

In an effort to establish the rule of law and mechanisms of accountability following the war in Kosovo and rising civil disorder, the United Nations Mission in Kosovo (UNMIK) established a program of international judges and prosecutors that was the first of its kind in the world. Given the lack of sufficiently qualified and trained judges and prosecutors in Kosovo, and the discriminatory exercise of the law, UNMIK instituted special "64" panels, named after the regulation that created them (2000/64), to ensure that international judges would constitute the majority in designated cases of special gravity.<sup>43</sup>

- **National courts:**

It is difficult to get indictments for crimes against women at the national level in the post-conflict situation. Judges, lawyers and other legal experts may have fled, been killed, or been unpaid. Broad amnesty may be granted to specific individuals or groups. The national judicial systems rarely focus on violations against women because of discrimination and lack of technical capacities. However, national courts have better access to evidence and witnesses on the ground, help rebuild the judicial system, provide ownership.

**Note on customary law:** With regard to crimes against women, there is unfortunately not so sharp a difference between war and everyday life. In this sense, domestic customary law reform remains a key step in preventing gender-based violence. In many countries, marital rape is permitted. Rape goes largely unreported, prosecutions are rarely successful, and often determined by whether or not the victim was a virgin. A victim's failure to convince the state that she has a credible claim of rape may be converted into an admission of an extramarital affair, and the state can prosecute her for adultery. States may permit other customary practices which may be predicated on the rape of women. The connection between



family law during peacetime in Sierra Leone and the Democratic Republic of Congo, and the widespread use of sexual violence as a weapon of war during conflict, underscores this point.

**Note on amnesties:** The granting of amnesties to suspected perpetrators of serious crimes under international law violates the duty of states to prosecute and punish them. However, the UN and countries emerging from conflicts have faced the dilemma between justice and blanket amnesty as a part of peace deals. In the past, the grant of amnesty was accompanied by the parallel establishment of a truth commission. More recently, however, truth commissions and prosecution have come to be seen as complementary rather than as mutually exclusive mechanisms for dealing with the injustices during the war. In Sierra Leone, for example, the Lomé Peace Agreement granted a blanket amnesty to all combatants. At the same time, the Special Representative of the Secretary General had appended an oral disclaimer to his signature of the agreement on behalf of the UN, stating that the amnesty clause “shall not apply to the international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.” This view is reflected in the Statute of the Special Court for Sierra Leone, which provides that the amnesty does not bar the prosecution of crimes of the aforementioned nature. The UN Secretary General acknowledged the importance of the complementary roles of the Truth Commission established by the parliament of Sierra Leone and the Special Court.

- **Truth and Reconciliation Commission (TRC):**

Truth commissions provide a public forum for victims to express their grievances and seek reconciliation. They establish an official public record of crimes committed in war by gathering testimony and other evidence from survivors. More than 20 countries including South Africa and many Latin American countries have established truth commissions or similar processes. Generally, these have been created, vested with authority, sponsored and/or funded by governments, international organizations or both. Many TRCs have tended to ignore or underemphasize sexual violence when it is not explicitly mentioned in the mandate. For example, the South African Truth and Reconciliation Commission is criticized that women played down their own suffering and testified more about their husbands, brothers, and sons.

TRC was also established in Sierra Leone by an Act of Parliament on 10th February 2000. It directs that that TRC pays “special attention to the subject of sexual abuses” and refers to the importance of confidentiality and witness-sensitive procedures when investigating gender-based crimes. As the Act provides that the selection of Commissioners “should take into account gender representation and regional considerations,” of the four citizen and three non-citizen commissioners, one citizen and two non-citizen commissioners are women. Amnesty International warns that the lack of clarity regarding the relationship between the Special Court and the TRC could jeopardize the establishment and effectiveness of both as well as progress towards peace and reconciliation.<sup>44</sup>

- **Traditional justice:**

In post-conflict situations where weak national judicial systems may lack capacity to handle widespread atrocities, traditional and community-based approaches are viewed as a complementary system of justice. Rather than punishment, many traditional justice systems focus on addressing the problem collectively and restoring harmony to the community. A prominent example is the *gacaca* courts in Rwanda. The *gacaca* system focuses on physical injury and property destruction and does not consider “first category of offenses,” including genocide or rape. Thirty-five percent of the judges of the *gacaca* courts are women. The participation of women in the *gacaca* trials is seen by some NGOs as an



opportunity to strengthen the role of women in society, despite the fact that they do not have jurisdiction over sexual violence cases. A similar situation arises in northern Uganda, with the proliferation of a traditional justice ritual called *mato oput*.

- **People's Tribunal:**

In light that those responsible for the enslavement of at least 200,000 girls and women by the Japanese Army during World War II, as so-called "comfort women" have never been tried, grass-roots NGOs convened the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in December 2000. Seventy-five survivors attended to testify before the Tribunal. Although the outcome of the Tribunal was not legally binding, it provided the survivors with a sense of satisfaction that their stories are being heard, documented, and therefore legitimized, and that future crimes can be prevented.<sup>45</sup>

- **Reparation:**

Reparation may take the form of restitution, compensation, rehabilitation or guarantees that similar crimes will not be committed in the future. It is crucial to ensure that women are among the beneficiaries of reparations that are received by the state rather than individuals.<sup>46</sup> Unlike the ICTY, the ICC can make a reparations order, either against the accused directly, or through a Trust Fund established under Article 79 of the Rome Statute and funded by voluntary donations and all money and property collected by the Court through fines and forfeitures. Compensation and reparation awards have therapeutic potential and an important 'recognition' dimension.

## Tools & Checklists

- Amnesty International Canada provides a checklist for government accountability on torture of women, including those in armed conflicts.<sup>47</sup>
- Amnesty International. "International Criminal Court: Checklist for Effective Implementation." August 2000.<sup>48</sup>
- International Committee of the Red Cross. "Special protection for women and children in prison."<sup>49</sup>
- Canadian Department of Foreign Affairs and International Trade (DFAIT) and the United Kingdom Department for International Development (DFID). Gender and Peacekeeping Training Course: Handouts, "What is International Humanitarian Law?" released in 2000.<sup>50</sup>
- UNIFEM checklist for Iraq Needs Assessment: Local Governance and Community Driven Development and Governance and Public Management (Justice, Rule of Law, Civil Service)
  - Will the emerging political system recognize and protect women's rights and interests? Will women be enabled to influence and participate in the political process?
  - Will social sector reform address women's particular needs and concerns in an appropriate and adequate manner? Will women's capacities and skills be recognized and incorporated into the provision of social services? Will social reconstruction generate socio-economic relationships that are advantageous to women?
  - Does the security situation affect men and women differently? Are women being targeted for certain violations? Are women's and men's security issues known and



concerns being met? Do safe and accountable mechanisms for women to report and ensure redress for violations they experience exist?

- Are women included in transitional governments and planning processes? Do women occupy decision-making positions? Do constitutional committees ensure gender perspectives?
- Do election processes involve women and men? Do men and women have equal opportunity to vote and participate in elections? Are a certain percentage of seats earmarked for men or women or other groups? Are there capacity-building opportunities for women candidates in local and national elections?
- Are there efforts to build capacity of women and men so as they can participate fully in governance and legal and judicial processes?
- Is sex-disaggregated information available on participation in various committees or groups?
- Are there plans to review the relevant legislation (e.g., inheritance law, family code or credit regulations), policy (e.g., water, waste disposal housing fee subsidy policy), and institutional framework (e.g., current administrative system for concerned urban infrastructure services) and the gender implications?

## UNIFEM Action & Analysis

- Gender justice is being examined both in conflict and post-conflict societies as well as in peacetime. UNIFEM is developing a body of principles, policies and guidelines addressing constitutional, legislative, judicial and electoral processes and reform which provide the foundation for the elaboration of a set of gender justice guidelines for practitioners and policy makers. The strategy is to bridge the learning on approaches towards achieving gender justice between conflict situations and peace times in order to identify programmatic responses. UNIFEM has engaged in background research and analysis, and has pooled expert input. Comparative global research on conflict and post-conflict societies is ongoing. The focus of this research is on constitutionalism and constitutional reform as well as electoral systems and electoral reform. The research draws on specific regional and national examples, examining the ways that gender justice has been impacted (positively or negatively) or addressed in meeting national and international standards. The consultant has also been assigned research on Sierra Leone, Colombia and Somalia, as well as continued global research of a comparative nature on constitutional reform and constitutionalism, including a literature review and the development of a bibliography.
- In Rwanda, UNIFEM has been supporting the Forum of Rwandan Women Parliamentarians and the government's Legal and Constitutional Commission (LCC) to provide a framework to engender the draft of the new Rwandan Constitution and has funded the Commission to mobilize, educate and involve grassroots women in the process of drafting a new constitution throughout 2002. Sensitization workshops have been organized in two prefectures to collect women's views and to prepare a women's memorandum with recommendations to the Constitutional Commission. In November 2002, the government called a national conference to review the draft constitution. At this time, UNIFEM successfully lobbied for the increase of the percentage of women at the conference to be increased from 6% to 20%. UNIFEM also facilitated the training of 100 Gacaca judges on concepts of gender, justice, reconciliation and peace building. The training is part of an



ongoing series of trainings to build that capacity of the National Unity and Reconciliation Commission (NURC) and its partners.

- In Sierra Leone, the West African Regional Office of UNIFEM successfully lobbied for the inclusion of gender initiatives in to the Truth and Reconciliation Commission agenda. Based on the South African model, the Sierra Leonean Truth and Reconciliation Commission now includes a witness protection programme in order to encourage women to disclose sex specific abuse.
- UNIFEM CEE has conducted “gender mainstreaming” training sessions, including legal training for male and female Kosovar lawyers in order to strengthen their appreciation and utilization of CEDAW.
- In Timor-Leste, UNIFEM’s long history of support for women in politics in this region and emphasis on the importance of supporting women’s empowerment to claim their rights contributed greatly to the recognition of women’s rights and needs in the new Constitution. The Constitution includes basic provisions on Universality and Equality (Section 16), equality between women and men (Section 17, which states “Women and men shall have the same rights and duties in all areas of political, economic, social, cultural and family life.”) and the main articles of the Women’s Charter of Rights.
- UNIFEM, together with UNCHS (Habitat), UNHCR, and UNDP, convened the first Inter-Regional Consultation on Women’s Land and Property Rights in Situations of Conflict and Reconstruction in February 1998 in Kigali, Rwanda. This ground-breaking Conference brought women from across Africa, South and Central America, the Balkans, the Middle East and the Asia-Pacific region to discuss and exchange experiences on their shared problem: discrimination against women over property, land and inheritance rights and the serious implications of this during and after conflict. The report of the conference brings together case studies, testimonies, and analytical studies drawn from countries in situations of conflict and reconstruction, as well as international, regional, and national plans of action.<sup>51</sup>

## UN Documents

International Humanitarian Law, International Criminal Law, International Criminal Court: A training module for advanced classroom instruction on the ICC.<sup>52</sup>

Sexual Violence and Armed Conflict: United Nations Response.<sup>53</sup>

Beijing Declaration and Platform for Action (1995).<sup>54</sup>

### Security Council Resolutions:

- **1497 (1 August 2003):** The situation in Liberia. The Security Council authorizes Member States to establish a Multinational Force in Liberia to support the implementation of the 17 June 2003 ceasefire agreement, ... decides that current or former officials or personnel from a contributing State, which is not a party to the Rome Statute of the International Criminal Court, shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the Multinational Force or United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State.



- **1487 (12 June 2003):** Renewal of resolution 1422.
- **1422 (12 July 2002):** The Security Council requests that the ICC not commence or proceed with investigation or prosecution of peacekeepers from a contributing State not a Party to the Rome Statute for 12 months.
- **1325 (31 October 2000):** Reaffirming the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts, the Security Council calls on all actors involved to adopt a gender perspective, including, inter alia: measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary. The Security Council calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women on 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court. The Security Council emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions.
- **1315 (14 August 2000):** The Security Council deeply concerned at the very serious crimes committed within the territory of Sierra Leone against the people of Sierra Leone, the UN and associated personnel and at the prevailing situation of impunity, requests the UN Secretary-General to negotiate an agreement with the government of Sierra Leone to create an independent special court to prosecute people who bear the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law during Sierra Leone's civil war.
- **955 (8 November 1994):** The Security Council decides to establish the International Criminal Tribunal for Rwanda and adopt the Statute of the Tribunal.
- **827 (25 May 1993):** The Security Council decides to establish the International Criminal Tribunal for the former Yugoslavia and adopt the Statute of the Tribunal.

### Secretary-General

- **4 October 2000:** On the establishment of a Special Court for Sierra Leone. A draft agreement between the UN and the Sierra Leone government and a draft Statute for the court are attached.
- **12 January 2001:** S/2001/40, Letter dated 12 January 2001 from the Secretary-General addressed to the President of the Security Council.

### General Assembly

- **57/23 (3 February 2003):** A/RES/57/23, Establishment of the International Criminal Court.



- **48/104 (23 February 1994):** A/RES/48/104, Declaration on the Elimination of Violence against Women.
- **3318(XXIX) 14 December 1974:** Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

## **Recommendations on Women and Displacement in Conflict Situations made by the Independent Experts and other Actors, Institutions and Organizations:**

The UNIFEM-appointed Independent Experts called for:<sup>55</sup>

- **The Secretary-General to appoint a panel of experts to assess the gaps in international and national laws and standards pertaining to the protection of women in conflict and post-conflict situations and women's role in peace-building.**

**Explanation of this Recommendation:** Despite the fact that the Rome Statute of the International Criminal Court has significantly raised the standard of international humanitarian laws as they relate to crimes against women, many of the human rights laws have loopholes that undermine the protection of women in times of emergency. The review will identify the gaps and emerging issues in legal protection of women.

**Entities Responsible:** Secretary-General; technical and administrative secretariat.

**Ideas for Implementation:** The panel should be made up of legal, military and gender experts. Background information and analysis should be generated for the panel by an independent secretariat. Recommendations made by the panel should be widely disseminated and submitted to the General Assembly 6th Committee for the consideration by the world's governments. UNIFEM can provide technical assistance to review the relevance and adequacy of existing international standards for the protection of women in conflict and post-conflict situations, including CEDAW, the Geneva Conventions, etc. Through its gender justice program, UNIFEM will convene an expert meeting to identify gaps, emerging issues, and need for technical and operational support for the protection of women in conflict and post-conflict situations through supporting gender equality in transitional and post-conflict legal reforms. UNIFEM to provide support and staff to the Special Court in Sierra Leone and submit findings to the panel. The issue of the Rule of Law is enjoying more attention. The UN Executive Committee on Peace and Security have established a task force on the subject; however, there is a need for much more research on gender and the rule of law, which should also feed into the panel.

- **State Parties to the Statute of the International Criminal Court to undertake national law reform to ensure compatibility with the Statute as a matter of priority, with particular attention given to the substantive and procedural provisions regarding crimes against women.**

**Explanation of this Recommendation:** Those states that have ratified the Rome Statute of the International Criminal Court are required to harmonize their national laws to the standards found in the Statute. This means altering national laws to recognize and punish crimes against women, in many cases significantly increasing the rights enjoyed by women to live free of violence.



**Entities Responsible:** National governments; NGOs, in particular the network of organizations working with the Women's Caucus for Gender Justice.

**Ideas for Implementation:** As the ratification process continues, an up to date manual of the amended laws should be provided to those that have not yet ratified to accelerate the process. In many countries women's organizations and advocates are placing pressure on their legislatures for legal reform. Such organizations often have a great deal of expertise and should be consulted by governments as the laws are upgraded to the standards found in the ICC Statute.

- **National legal systems to penalize and remedy all forms of violence against women in conflict and post-conflict situations. Specially trained police units should be established to investigate crimes against women and law enforcement officials, including judges, police and armed forces, should be sensitized about such crimes. Women's access to justice should be ensured through legal literacy programmes, support services and legal aid.**

**Explanation of this recommendation:** This recommendation reinforces the need for national legal systems to harmonize their national laws to the highest international standards. Women's groups are working with the judiciary to sensitize judges and lawyers about gender issues. But much more can and must be done. Legal literacy programmes can help raise women's awareness about the operation of courts and the judicial system. Police units trained to recognize and investigate crimes against women can improve the chances of fair redress. Counselling programmes can advance the process of healing and reconstruction. States can ensure that when reparations are provided, women benefit through medical assistance, psychosocial counselling, vocational training or financial compensation.

In the areas of transitional justice, such as war crimes tribunals and Truth and Reconciliation Commissions (TRCs), UNIFEM is increasingly asked to provide technical assistance (i.e. MOU with Sierra Leone TRC), the area in which UNHCHR may already have developed some capacity. HRHR-UNIFEM partnership in this area could strengthen the gender dimension of transitional justice. Similarly, UNIFEM has been providing small-scaled support through the Trust Fund for the training of judges and the police, and HCHR-UNIFEM collaboration could upscale the lessons learned to the training of peacekeeping forces, judges, etc. that HCHR is supporting in post-conflict situations.

**Entities Responsible:** National judiciary; women's organizations and legal experts; police and military; psychosocial and counseling experts; academics and research institutions.

**Ideas for Implementation:** UNIFEM has scanned the world's national legal systems as they relate to violence against women. Much more should be done to strengthen national legal frameworks and practices, and to train the judiciary, the police and military as to the standards pertaining to gender justice. UNIFEM-UNHCHR partnership could involve:

- › UNIFEM's participation and technical input to the training of peacekeepers on gender and human rights (currently provided by UNHCHR)
- › Training of judges, prosecutors, and police personnel on gender dimensions of war crimes tribunals, truth and reconciliation commissions, and national and international standards in support of gender equality and women's rights.





- Academic institutions working with governments should design outreach materials such as fact sheets and explanations of rights and services which should be made available to women at a community level.
- **Gender equality in constitutional, legislative and policy reforms. The principle of gender should be integrated into all relevant constitutional clauses, reaffirming the principles of non-discrimination, equality, affirmative action, freedom and security. Special attention should be given to family, civil and labour laws and land reforms.**

**Explanation of this recommendation:** In order to ensure that laws are applied equally to women and men, broad and deep reform is required of the language used, and interpretation of constitutions, laws and relevant policies. Legal conditions protecting and explaining both rights and responsibilities create an enabling environment for democracy, and provide an equal foundation upon which to build a post-war society. This recommendation reinforces the need for national legal systems to harmonize their national laws to the highest international standards. Women's groups are working with the judiciary to sensitize judges and lawyers about gender issues. But much more can and must be done. Legal literacy programmes can help raise women's awareness about the operation of courts and the judicial system. Police units trained to recognize and investigate crimes against women can improve the chances of fair redress. Counselling programmes can advance the process of healing and reconstruction. States can ensure that when reparations are provided, women benefit through medical assistance, psychosocial counselling, vocational training or financial compensation.

**Entities Responsible:** National judiciary; legal experts and academics; women's organizations and advocates.

**Ideas for Implementation:** National commissions of legal, judicial, constitutional and law enforcement experts should review the national frameworks used to guarantee rights and responsibilities. Training of judicial, legal, constitutional and electoral personnel on how to uphold the standards of non-discrimination, equality, affirmative action, freedom and security as they relate to gender. UNIFEM to advocate, partner with professional associations (i.e. female lawyers' groups and local women's groups) and ensure that gender is taken into full account in all areas of transitional justice, including constitutional reforms, war crimes tribunals, and truth and reconciliation commissions. Training of judicial, legal, constitutional and electoral personnel on how to uphold the standards of non-discrimination, equality, affirmative action, freedom and security as they relate to gender.

- **Rapid establishment by the UN of interim judicial systems capable of dealing effectively with violations against women by family members and society at large. Rape and sexual violence should be addressed by post-conflict truth- and justice-seeking mechanisms at national and local levels. The treatment of crimes against women in traditional mechanisms should be consistent with international standards.**

**Explanation of this Recommendation:** One of the functions of the United Nations Funds and Programmes is to help reestablish the rule of law. The UN's Executive management team on Peace and Security has recently begun to analyze and contemplate recommendations on this issue, in an effort to improve this service to member states. This recommendation places emphasis upon the rapid establishment of a body of knowledge and a team of qualified people working for the United Nations who can assist national



governments reconstruct the legal, judicial, electoral and constitutional contours of their society. Recognizing that violence against women is rampant in conflict and post-conflict societies, this knowledge base and personnel must include gender experts, on the impact of armed conflict on women and women's role in peace-building.

**Entities Responsible:** Secretary General, Office of the Legal Adviser; ECPS; IASC.

**Ideas for Implementation:** When the UN is responsible for nation building, as it was in East Timor, it takes on a wide range of responsibilities that determine everything from a population's access to water, energy and sanitation, among other resources, to defining legal status, constitutional guarantees and creating an electoral framework – all of which have a direct effect on women. Efforts to integrate gender into pre-existing materials and guidance generated in this field should include reviewing and updating the assumptions underlying and lessons learned from this work to date as it relates to gender.

- **National electoral laws and international electoral assistance to establish quotas to achieve gender parity in decision-making positions, beginning with a minimum of 30 per cent, to ensure voter registration and education for women, to increase the ratio of women in electoral commissions and observer missions and to provide training for women candidates.**

**Explanation of this Recommendation:** Tradition and cultural practices can present formidable obstacles to the inclusion of women in peace processes or post-war governance unless a formal mechanism is in place to support this. To date, the use of quotas to establish a minimum of women at any decision-making table has been one of the most successful methods for guaranteeing a minimum percentage of women in official negotiations as well as in government positions. There are several instances where the use of quotas has been extremely successful in bringing women into the political process. The Somalia peace process and the national governments of Mozambique and South Africa have shown how rapidly the gender landscape can change in political institutions after the advent of the quota.

**Entities Responsible:** National legal and political mechanisms; women's organizations and advocates.

### **The Women Waging Peace Policy Commission recommends:** <sup>56</sup>

To improve the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court, and future war crimes tribunals, the following are recommended:

- In war and criminal tribunals, women must be equally represented at all levels – as judges, prosecutors, defense attorneys, and investigators – and gender expertise must be valued and integrated.
- All professional court employees should be briefed on gender issues; for example, war crimes investigators must be trained to deal with rape and sexual assault. Local women's organizations are well poised to provide such training, drawing on their understanding of the local cultural context(s).



- Witness protection programmes should ensure adequate counseling and provide more extensive family protection and resettlement packages.
- Internationally mandated courts such as the ICTY should proactively establish links with local communities to ensure that:
  - local populations understand the nature and function of the court;
  - international justice contributes to collective healing; and
  - organizations that collect testimony, identify witnesses, and promote reconciliation are financially and technically supported.

**Amnesty International recommends:<sup>57</sup>**

- States to ensure that prompt, thorough and impartial investigations are conducted into all reports of violence against women.
- States to ensure that women who have suffered abuses are not subjected to further abuses in the process of seeking redress because of laws insensitive to gender considerations, because of enforcement practices or because of other interventions by state officials.
- States to provide training to all police, both veterans and new recruits, to enable them to deal effectively with allegations of violence against women. An adequate number of women police officers should be recruited.
- States to remove immediately gender-discriminatory provisions which do not allow women to testify in court or do not give full weight to women's testimony.
- States to provide specific training to all judges and lawyers to enhance understanding of violence against women, its causes and consequences. An adequate number of women judges should be appointed.
- Courts at all levels should identify specialized prosecutors to handle cases of sexual abuse and rape, who should receive additional training in the issues surrounding gender violence.
- Victims of violence and their dependants should be entitled to obtain reparation, including compensation, medical care and rehabilitation.
- Female detainees and prisoners must be held separately from male detainees and prisoners, and must not share bathing or toilet facilities (in accordance with UN Standard Minimum Rules for the Treatment of Prisoners, rule 8(a)).
- In line with UN Standard Minimum Rule 53, female security personnel should be present during the interrogation of women detainees and should be solely responsible for conducting body searches of women detainees. There should be no contact between male guards and female prisoners without the presence of a female guard.
- Any female detainee or prisoner who alleges that she has been raped or sexually abused must be given an immediate medical examination, preferably by a female.



- States should ratify immediately the Rome Statute of the ICC and ensure that their national legislation is in line with the ICC's requirements.
- States should implement the principle of universal jurisdiction. All states also have the obligation to cooperate in the detection, arrest, extradition and punishment of people implicated in these crimes.
- States should implement a gender-sensitive approach to refugee determination procedures and refugee protection. International protection should be given to those whom their own state is unwilling or unable to protect from abuses, including abuses committed by armed groups and private individuals.

### Women's Caucus for Gender Justice recommendations:

- Recommendations and Commentary on the Establishment of the International Criminal Court, 1997.<sup>58</sup>
- Summary of recommendations on the composition and administration of the International Criminal Court, Crimes Against Humanity.<sup>59</sup>

### **ENDNOTES:**

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<sup>2</sup> Human Rights Watch, Kosovo Focus on Human Rights: Sexual Violence as International Crime, op. cit.  
Amnesty International, *Broken Bodies, Shattered Minds: Torture and Ill-treatment of Women*, op. cit.

<sup>3</sup> Human Rights Watch, Kosovo Focus on Human Rights: Sexual Violence as International Crime, op. cit.

<sup>4</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, op. cit.

Human Rights Watch, Kosovo Focus on Human Rights: Sexual Violence as International Crime, op. cit.

<sup>5</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, op. cit.

<sup>6</sup> Amnesty International, "Violence Against Women: A Fact Sheet," [http://www.amnestyusa.org/women/fact\\_sheets/violence\\_against\\_women.html](http://www.amnestyusa.org/women/fact_sheets/violence_against_women.html).

<sup>7</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, op. cit.

<sup>8</sup> Ibid.

<sup>9</sup> Charlotte Lindsey, "Women and War: The Detention of Women in Wartime," *International Review of the Red Cross*, No. 842, 30 June 2001, p. 505-520, [http://www.icrc.org/WEBGRAPH.NSF/Graphics/505-520\\_Lindsey.pdf/\\$FILE/505-520\\_Lindsey.pdf](http://www.icrc.org/WEBGRAPH.NSF/Graphics/505-520_Lindsey.pdf/$FILE/505-520_Lindsey.pdf).

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<sup>11</sup> UNIFEM, *Women's Land and Property Rights in Situations of Conflict and Reconstruction: A Reader Based on the February 1998 Inter-regional Consultation in Kigali, Rwanda*, Alfred Buregeya, Marguerite Garling, Jill Craig and Barbara Harrell-Bond, eds., 2001, [http://www.unifem.org/index.php?f\\_page\\_pid=69](http://www.unifem.org/index.php?f_page_pid=69).



- <sup>12</sup> Women's Caucus for Gender Justice, "The Laws of War—Also Known as International Humanitarian Law," Fact sheet, <http://www.peacewomen.org/un/icj/warlaw.html>.
- <sup>13</sup> Women's Caucus for Gender Justice, "Jurisprudence on Sexual and Gender Violence," Fact sheet, <http://www.peacewomen.org/un/icj/sexcrimes.html>
- <sup>14</sup> Women's Caucus for Gender Justice, "International Criminal Court," Fact sheet, <http://www.peacewomen.org/un/icj/icc.html>
- <sup>15</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, [http://www.unhchr.ch/html/menu3/b/p\\_genoci.htm](http://www.unhchr.ch/html/menu3/b/p_genoci.htm)
- <sup>16</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949, <http://www.unhchr.ch/html/menu3/b/92.htm>
- <sup>17</sup> Geneva Convention relative to the Treatment of Prisoners of War, 12 August 1949, <http://www.unhchr.ch/html/menu3/b/91.htm>
- <sup>18</sup> Convention relating to the Status of Refugees, 28 July 1951, [http://www.unhchr.ch/html/menu3/b/o\\_c\\_ref.htm](http://www.unhchr.ch/html/menu3/b/o_c_ref.htm)
- <sup>19</sup> International Covenant on Civil and Political Rights, entered into force 23 March 1976, [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).
- <sup>20</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, <http://www.unhchr.ch/html/menu3/b/93.htm>
- <sup>21</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, <http://www.unhchr.ch/html/menu3/b/94.htm>
- <sup>22</sup> Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
- <sup>23</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, [http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)
- <sup>24</sup> Convention on the Rights of the Child, 20 November 1989, <http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>
- <sup>25</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_traff_eng.pdf)
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- <sup>27</sup> Statute of the International Criminal Tribunal for Rwanda, <http://www.ictt.org/ENGLISH/basicdocs/statute.html>
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- <sup>29</sup> Statute of the Special Court for Sierra Leone, <http://www.sierra-leone.org/specialcourtstatute.html>
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