
“Sexual and Gender-Based Crimes in Conflict Must End”

Hosted by Prosecutor Fatou Bensouda

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Remarks of SRSR Zainab Hawa Bangura

Madam Prosecutor, Her Excellency Madame Catherine Samba-Panza, Phumzile of UN Women, High Commissioner Zeid, Ms. Brigid Inder, Excellencies, Ladies and Gentlemen, good evening.

My congratulations to the ICC Office of the Prosecutor on the **launch of its *Sexual and Gender-based Crimes Policy*** – the first policy of its kind for any international court or tribunal – and my deep thanks for the opportunity to join this timely discussion.

We meet at a **moment of overlapping global challenges**. From sexual slavery and forced marriages imposed by Islamic State militants in **Iraq**, to women facing sexual exploitation in the very camps where they seek refuge in and around **Syria**, to Boko Haram abducting hundreds of girls from their schools with impunity in **Nigeria**.

The **confluence of crises** that characterize this moment in history – from **rising violent extremism** to **levels of civilian displacement not seen since the Second World War** – cannot divert our commitment to the pursuit of justice. Rather, the urgency of preventing and deterring the threats posed to women’s *lives and livelihoods* must capture the world’s attention anew.

In this respect, the presence of a permanent International Criminal Court **casts a long shadow** and can have a **powerful restraining influence** on the behavior of belligerents – including those who *commit, command or condone* crimes of sexual violence.

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As United Nations Special Representative on Sexual Violence in Conflict, I hear – *everyday* – the **harrowing stories of survivors of warzone rape**.

In October, I conducted my first visit to **South Sudan**. What I witnessed was a **combination of chronic insecurity, inhuman living conditions, and rampant sexual abuse that shocked me to my core**. As one survivor told me: *“It is not just about rape; this is done to **break your dignity**.”* What’s more, rape cases are generally settled under systems of customary law, most often to the detriment of the survivor. As a local woman explained: *“Here, we live under the rule of men, not under the rule of law”*.

In the **DRC**, I have met mothers and grandmothers reeling from the shock of brutal sexual assaults. I have spoken with a 12-year-old girl, forced to drop out of school and abandon her dream of studying to someday become a doctor, due to the stigma she faced as a rape victim. And I have held in my arms the **children born of rape** – babies who have been abandoned and orphaned as the living, breathing reminders of brutality.

So this is what’s at stake: *real lives, families and futures*.

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We know that **women’s rights don’t end when wars begin**. Yet it is clear that conditions of insecurity, forced displacement, arms proliferation, and the breakdown of law and order, aggravate violence against women and girls. In the absence of formal accountability, it is the victims who bear the *blame and shame* of rape; they are the ones *sentenced to social and economic exclusion*. This official neglect means that survivors are **twice victimized**: once by the crime itself, and again by the legal systems that trivialize their trauma.

My mandate from the United Nations Security Council, and the work of the ICC Prosecutor, are **complementary levers for action and accountability**. Our efforts to combat impunity are distinct, but **mutually-reinforcing**.

As a **political advocate**, I can **raise a red flag** about these crimes and remind national governments that they bear the primary responsibility for protecting human rights. Since the creation of my Office, **Joint Communiqués**, reflecting key commitments at the highest level of government, have been signed by national authorities in the **DRC, Central African Republic, Guinea, Somalia and South Sudan**. Further to these agreements, the President of the **DRC** has appointed a

dedicated Special Representative to fight sexual violence; and the President of Somalia has personally committed to establishing a specialized crimes unit to deal with these cases.

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A particularly striking example is that of **Guinea**, where we have seen real progress in the prosecution of politically-motivated mass rape. On 28 September 2009, a peaceful gathering at the national stadium in Conakry was violently suppressed by security forces, who committed acts of rape, sexual mutilation and sexual slavery. National investigations were impeded by security concerns and logistical constraints. In response, the Team of Experts on the Rule of Law, based in my Office, provided advice and support to a nationally-appointed Panel of Judges. Today, **over 200 victims** of sexual violence have had the chance to be heard, and high-level government and military officials have been indicted and summoned for interview.

In the words of the Guinean Panel of Judges themselves, and I quote: *“The collaboration with the Team of Experts, through the **deployment of a Judicial Advisor**...has emboldened the Members of the Panel, positively contributed to the quality of [our] work, and provided renewed hope to victims”*.

This sends an important signal that Guinea is starting a new chapter in its history: one in which no political or military official is *above the law*, and no woman or girl is *below it*. Let me take this opportunity to praise the efforts and commitment of the **Guinean Minister of Justice, His Excellency Cheick Sako**, who is here with us tonight, and to also acknowledge the presence of **Mr. Ahmedou Tidjane Bal**, the Judicial Advisor from the Team of Experts who has provided invaluable support to the Panel of Judges since 2012.

Guinea is also a *positive case of positive complementarity*: that is, using the *Rome Statute* system to **accelerate the pace of national prosecutions**. The Office of the Prosecutor has conducted 9 follow-up missions to Guinea since the atrocities occurred, which has helped to **keep the searchlight of international scrutiny on these crimes**. The Prosecutor and I have **spoken out publicly with one voice** to say that although justice has been *delayed*, it cannot be *denied*.

Indeed, the best way to disarm the weapon of rape is to **shatter the silence** that surrounds it and **signal that the world is watching**. The ICC has played a pivotal role in ensuring that rape is no longer the “**world’s least-condemned war crime**”, or **relegated to the bottom of a false hierarchy of wartime horrors**. It is, at last, understood as both a *crime against the victims*, and a *crime against humanity*.

In particular, a trial like that of **Jean-Pierre Bemba**, centered on command responsibility for rape, may appear to concern just one perpetrator, but it **gives voice to more than a thousand victims who courageously applied to participate** in the process. It is also a cautionary tale to all would-be perpetrators that campaigns of sexual terror against civilians will lead **not to the corridors of power**, but to the **cells of a prison**. For generations that have known nothing but “*might makes right*”, justice through due process can help to restore faith in a system of laws.

The past decade has seen **greater progress to end the use of rape as a tactic of war, than the rest of human history combined**. I believe we are on the brink of converting a *centuries-old culture of impunity* into a *culture of deterrence*.

The new ICC Gender Policy will help to systematize the prosecution of these crimes from the *outset* of investigations, not as an *afterthought*. It is often said that “*Justice is Blind*”, but it will not be “*gender-blind*” at the ICC! That sets a powerful example for other courts to follow – an example that can **transform the culture and practice of judicial institutions**. After all, rape as a weapon of war is *powered by*, and *perpetuates*, gender discrimination. So **building gender-responsive justice systems is a critical pillar of social change**.

But ultimately, our goal is not just to change *policies* and *practices*. *Our goal is to change lives*, and that is only possible with unity of purpose, cooperation and determination that is equal to the scale of the challenge.

Thank you

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