



A Partnership of the American Bar Foundation
and the University of Illinois College of Law

FOR IMMEDIATE RELEASE

Contact: Lucinda Underwood
E-mail: lunderwood@abfn.org
Phone: 312.988.6573
Fax: 312.988.6579
Online: www.lexglobal.org

Contact at The Hague: Charlotte Ku: chku@law.illinois.com

**INTERNATIONAL CRIMINAL COURT PROSECUTOR AND U.N. HIGH
COMMISSIONER ON HUMAN RIGHTS: THE WORLD COMMUNITY DENIES
SEVERITY OF RAPE AS WAR CRIME**

CHICAGO, IL- June 17, 2009 - In a rare joint appearance at an international conference on sexual violence and international law, U.N. High Commissioner for Human Rights, Navanethem Pillay, and the International Criminal Court Prosecutor, Luis Moreno-Ocampo, agreed that international criminal law does not yet have the teeth to protect women in war. Great strides have been made by international courts in recognizing rape as a crime against humanity and a part of genocide. Yet, Pillay said in her keynote

remarks, “International law needs to incorporate crucial differences in the ways men and women experience war.”

The joint appearance was the keynote of a conference gathering world experts on international law, global health, and social science and human rights to focus on developing evidence for the prosecution of cases of systematic sexual violence: **Sexual Violence as International Crime: Interdisciplinary Approaches to Evidence**, June 16-18, The Hague, the Netherlands. Conference topics include the development of evidence in relation to charges ranging from sexual slavery to crimes against humanity and genocide, procedural differences involved in prosecuting sexual victimization in domestic versus international courts, and the development of new social scientific, archival and medical data collection techniques to assist in the prosecution of these crimes.

The conference was convened by the [Center on Law and Globalization](#) co-director [John Hagan, PhD](#), recipient of the 2009 Stockholm Prize in Criminology for his work on the causes and prevention of genocide in Darfur and the Balkans, and co-director [Charlotte Ku, PhD](#), University of Illinois College of Law, in cooperation with the Grotius Center for International Legal Studies, Leiden University Campus/The Hague and The International Victimology Institute, Tilburg (INTERVICT), Tilburg University.

In the conference keynote address, ICC Prosecutor Moreno - Ocampo said that the damage to women in armed conflicts is too little acknowledged and too seldom acted

upon. The world does not recognize that one-third of rapes in Darfur are of children. The majority of rapes are committed publicly and in gangs with no fear of repercussions because their superiors approved of their actions. In a case currently before the court, said Moreno-Ocampo, "We are charging that sexual violence is part of child recruitment and the fate of girl soldiers who are forcibly enlisted." He added, "Child soldiers are subjected to sexual violence. Boys are instructed to rape. Girls are used as sexual slaves. One minute they carry a gun, the next they serve meals, and in the next they are raped. They are killed if they refuse. Many were selected as forced wives." He said that "these girl soldiers are left on the margins. Girl combatants too often are invisible. In our court, these girls will not be invisible."

Pillay stated that there has been a quantum leap forward in actions by international tribunals since the later 1990s. "This is a triumph for women who had previously been considered 'collateral damage' in wars." But more has to be done, she said, even in situations where women cannot identify perpetrators. This mission is now on the agenda of the U.N. High Commissioner.

"How women are treated in the courtroom also is critical for women," stated Pillay. She added, "We must consider the impact on the willingness of women to come forward. We must strive for an outcome that does not re-traumatize the victim." She asserted that this will mean taking a new look at "consent" in rape cases in international law. Classically in rape cases women themselves are effectively put on trial. They are often questioned if they consented to the act. However, she argued that the idea of consent during ethnic

cleansing and genocide does not make sense: “We must devise procedures protective of victims,” and argued that society must at the same time shift stigmatization from the victim to the perpetrator.

Pillay concluded her remarks by warning that international justice must also go further in establishing command responsibility, that it is not enough to convict soldiers who actually committed the assaults. “It is important to show that anyone who was in a superior position, who knew crimes were about to be perpetrated or had been perpetrated, be brought to justice. Ways to show culpability, directly or indirectly, must be established.” Moreno-Ocampo agreed. “My office will find those who made the policies, who financed them,” he said.

Moreno-Ocampo also said that it is critical to capture the gender component of the conflict in Darfur. “How is it possible,” he asked, “That the international community does not recognize that rape is a part of the crimes committed in Darfur?” His office, he stated, “has a duty to prevent gender crimes among the most vulnerable.

About the Center on Law and Globalization

The Center on Law and Globalization is a Partnership of the [American Bar Foundation](#) and the [University of Illinois College of Law](#). The Center brings together the top legal officials of international organizations, key journalists, and academic experts to understand behavioral and legal dimensions of critical global issues, to stimulate well-informed global policy choices, to advance empirical research on globalization and law

and to advance the effective use of the law. To access the Center's Smart Libraries – clustering the leading scholarship on globalization- visit www.lexglobal.org.

Editors Note: Reporters are invited to attend all sessions. Please register online at grotiuscentre@campusdenhaag.nl. Please provide your email address and indicate the dates you plan to attend. Please have credentials present at all times.

###