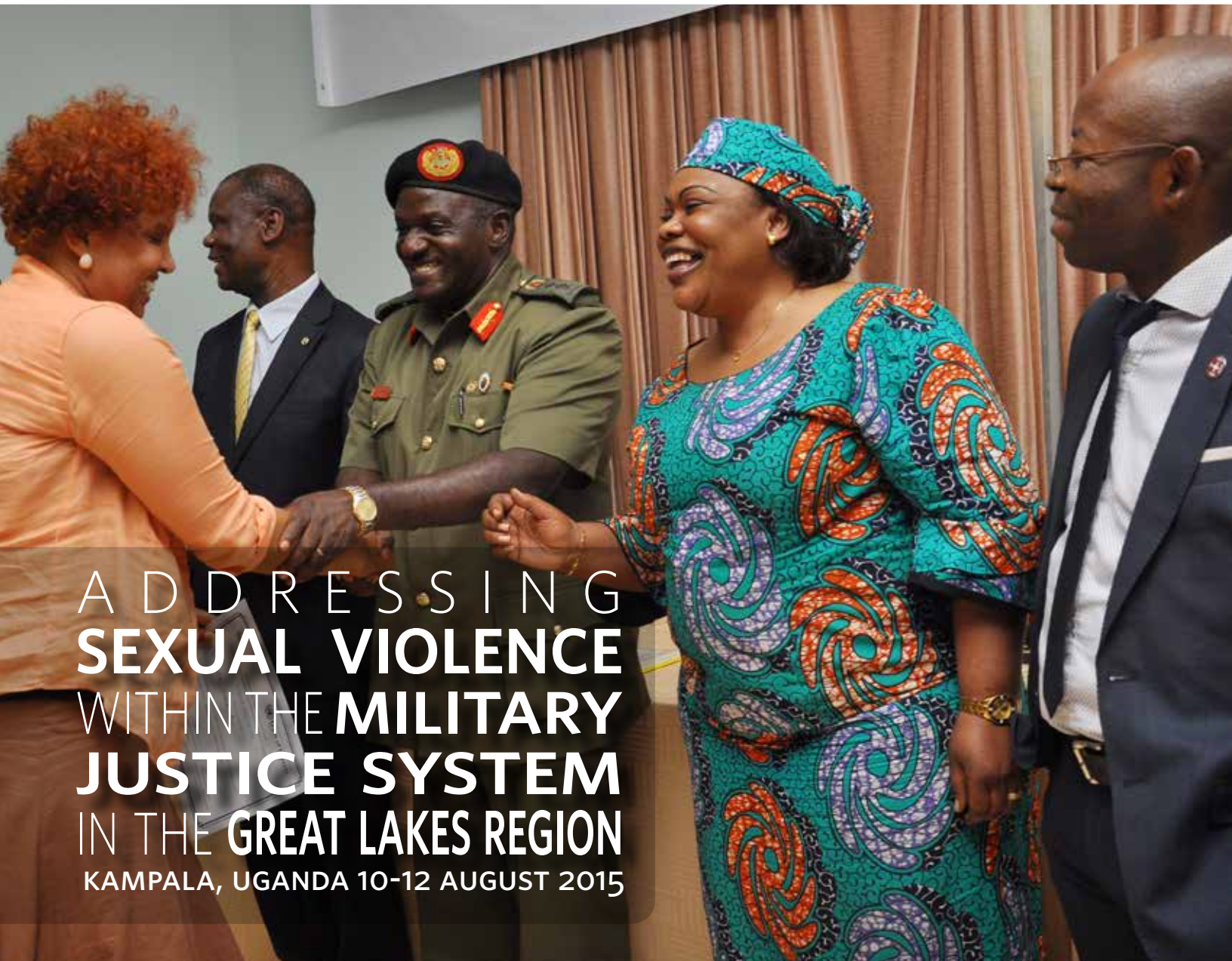




OFFICE OF THE SPECIAL REPRESENTATIVE OF THE
SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT

Team of Experts
Rule of Law/Sexual Violence in Conflict



ADDRESSING
SEXUAL VIOLENCE
WITHIN THE **MILITARY**
JUSTICE SYSTEM
IN THE **GREAT LAKES REGION**
KAMPALA, UGANDA 10-12 AUGUST 2015

TRAINING FOR MILITARY JUSTICE OFFICIALS

ORGANIZED BY: INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION &
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INTRODUCTION AND BACKGROUND



The International Conference on the Great Lakes Region (ICGLR) established a Regional Training Facility (RTF) pursuant to its Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children to “train[] and sensitiz[e] judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region.” The ICGLR-RTF became operational in 2014 to fulfill this mandate.

During that same year, in September 2014, the ICGLR and the United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) signed a protocol where the United Nations pledged to support the ICGLR-RTF through the United Nations Team of Experts on the Rule of Law/Sexual Violence in Conflict (UN Team of Experts). The ICGLR-RTF, the UN Team of Experts, and the African Union hosted the Facility's

first technical workshop in December 2014 with representatives of eleven ICGLR Member States on the appropriate use of DNA technology in sexual violence cases.

On 10-12 August 2015, the ICGLR-RTF hosted its second technical workshop in Kampala, Uganda with the support of the UN Team of Experts, which included 18 military justice officials from conflict-affected states in the region, including Central African Republic, Somalia, South Sudan, Sudan and Uganda. The technical workshop was entitled *Addressing Sexual Violence within the Military Justice System in the Great Lakes Region*.

The main goal of the technical workshop was to equip military justice officers with the requisite knowledge and skills to investigate and prosecute cases of conflict-related sexual violence effectively. Given that acts of

sexual violence can be widespread in conflict settings; and considering that members of the military justice system, such as prosecutors, police and corrections officials, are often at the forefront of preventing, prohibiting and prosecuting crimes of sexual violence, the technical workshop targeted military justice officers to enhance their capacity to prevent, investigate and prosecute crimes of sexual violence in their respective countries.

The objectives of the training included:

- Strengthening the capacity of military justice systems within selected ICGLR Member and associated States on the prosecution of cases of conflict-related sexual violence and related crimes;
- Informing military officers from selected ICGLR Member and associated States about key challenges regarding conflict-related sexual violence in the region;
- Sensitizing military officers from selected ICGLR Member and associated States on relevant global and regional instruments related to conflict-related sexual violence;
- Improving understanding on the proper collection of evidence in sexual violence cases, including medico-legal and forensic responses;
- Providing a forum for invited officials from selected ICGLR Member and associated States to share best practices and challenges on how those States investigate and prosecute conflict-related sexual violence; and
- Discussing strategies for regional cooperation on the issue of preventing and responding to conflict-related sexual violence.

The technical workshop was intended to encourage active participation and dialogue, including having a practical approach to addressing sexual violence in conflict. Special importance was placed on experience sharing, lessons learned and understanding the legal and policy frameworks in the context of conflict in the region.

After a formal introduction, participants were asked to provide presentations about conflict-related sexual violence in their countries and how such crimes are prosecuted in each jurisdiction. Training was then provided by the United Kingdom's Preventing Sexual Violence Initiative on the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*; the Physicians for Human Rights on medico-legal and forensic evidence; the International Criminal Tribunal for Rwanda on prosecuting crimes of conflict-related sexual violence internationally; and the United States Africa Command and Combined Joint Task Force – Horn of Africa on prosecuting cases of sexual violence in domestic military justice systems. The ICGLR-RTF and UN Team of Experts also provided training on international law relating to conflict-related sexual violence, relevant Security Council resolutions, practical tools for militaries to address sexual violence, and the provision of reparations for victims.

The UN Team of Experts also ensured at the end of the technical workshop, that where possible, participants were linked with senior women protection advisors located in United Nations field missions to follow up on lessons learned in the training.

The following document highlights the substance of the technical workshop and is divided by the subject matter discussed. It is designed to provide a record of the technical workshop for future use by interested individuals.

The opening session comprised remarks from representatives of the organizing institutions, government representatives, partner organizations and experts on the topic. Each one reaffirmed the need for specialized training on sexual violence for State officials to enhance protection and enforcement of international obligations and expressed the willingness to work together to achieve results in the region.

Mr. Nathan Byamukama
Acting Director, Regional Training Facility, ICGLR

The Acting Director of the ICGLR-RTF stated that the RTF was established as part of a commitment by ICGLR Member States to combat the crime of sexual violence against, largely, women and girls. He explained that the purpose of the workshop was to sensitize members of the military regarding issues surrounding conflict-related sexual violence.

He stated the main goal of the Kampala-based RTF outlined in the *ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children* (as described in the Introduction of this document). Furthermore, he noted that its long-term goal is to contribute to the reduction of sexual violence cases in the region by equipping key stakeholders with the capacity to prevent, prosecute and punish such acts effectively.

The major challenge is that despite the existence of legal mechanisms to curb sexual violence crimes in ICGLR Member States, sexual violence in conflict situations continue to be registered at an alarming rate in the region. The fact that the sexual violence is still prevalent even where there is a desire to prosecute such crimes, implies capacity is still required to respond swiftly, effectively and adequately and with the required sensitivity to the needs of victims when

cases do occur. This is the gap that the RTF is set to fill. Mr. Byamukama noted that the RTF was born out of recognition of the need to equip ICGLR Member States with the necessary sensitivity, skills and knowledge to prevent, protect and respond in a timely fashion to conflict-related sexual violence. The ICGLR therefore launched the RTF, which is developing a rigorous training curriculum for key actors, specifically military and police officers, members of the judiciary and social workers, to ensure that the laws protecting victims from sexual violence are effectively applied.

Through on-going, specialized training, the RTF therefore has the potential to have a long-term and meaningful impact on reducing sexual violence in the region. Equally, with adequate resources and support from Member States and its committed partners, the RTF is uniquely positioned in the region to achieve the protection goals set out in the ICGLR Protocol.

Mr. Innocent Zahinda
Team Leader, UN Team of Experts

The Team Leader of the UN Team of Experts began his remarks by emphasizing the importance of combating sexual violence crimes committed by the military, and the response of the military justice system. Military forces are among the leading perpetrators of conflict-related sexual violence, and at the same time, militaries have the tools—codes of conduct, legal frameworks, training and programmes—to address these crimes. Consequently, the military is not only part of the problem, but also part of the solution as it plays a key role in responding to conflict-related sexual violence.

He outlined a number of practical approaches that can be used to address conflict-related sexual violence, including:



- Strengthening legal frameworks relating to sexual violence;
- Review of existing criminal and procedural codes;
- Enactment of dedicated laws regarding sexual violence; and
- Harmonization between statutory justice and customary justice systems.

Mr. Zahinda also noted that action plans by the military addressing conflict-related sexual violence are also critical for prevention, deterrence, accountability, and capacity building. Sensitization is required to raise awareness about sexual violence so that attitudes, perceptions and behaviors at the root of the problem are changed. Legal aid for survivors and defendants are also vitally important.

**Mr. James Mugume
National Coordinator, ICGLR in Uganda and
Permanent Secretary, Ministry of Foreign Affairs**

The National Coordinator welcomed the participants and recognized the importance of the technical workshop, stating that it would significantly contribute to ending widespread impunity and ensure accountability for sexual violence crimes in the region. He also stated that the technical workshop will create a common understanding on the proper collection and preservation of evidence of sexual violence cases and the application of relevant global and regional instruments. He expressed his hope that during this workshop, participants would develop strategies for implementing relevant legal tools at the national level as well as develop strategies for regional cooperation in addressing crimes of conflict-related sexual violence.

**H.E. Ms. Alison Blackburne
British High Commissioner to the Uganda**

The British High Commissioner to Uganda reiterated her country's commitment to assist in the fight against sexual violence in conflict situations. She stated that preventing conflict-related sexual violence and the attendant impunity of its perpetrators were a priority for her country. As such, the United Kingdom hosted a global summit on the conflict-related sexual violence in 2014 and led the development of the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*. The United Kingdom also sent a team of experts to various countries in conflict such as Iraq, Democratic Republic of the Congo and Mali to assist in the fight against impunity. The High Commissioner observed that the military was a critical partner in combating sexual violence in conflict as they are typically first responders. The High Commissioner further observed that within the Great Lakes region rape has been used as a tactic of war by both government soldiers as well as rebels. She stated that military judicial systems have a key role in combating crimes of sexual violence.

**H.E. Mr. Urban Andersson
Ambassador of Sweden to Uganda**

The Swedish Ambassador to Uganda stated that it is a long standing commitment of the Swedish government to end the use of rape and all forms of sexual and gender based violence, as a tactic of war or tactic of terrorism. He acknowledged Uganda's contribution in fighting the crime and reiterated that peace in the region would be the best way of preventing conflict-related sexual violence. He concluded by reaffirming his Government's support to concrete efforts to end conflict-related sexual violence and impunity wherever they occur.



**ICGLR Rep-Ambassador Vincent Muanda
Deputy Executive Secretary, International Conference
on the Great Lakes Region
(On behalf of Executive Secretary, International
Conference of the Great Lakes Region)**

The Representative of the Executive Secretary of the ICGLR made reference to the Kampala Declaration that focused on preventing and ending sexual and gender-based violence, including provisions mandating support to the victims of these crimes while holding the perpetrators accountable. He stated that there was regional commitment to respond to and end conflict-related sexual violence and that the RTF will assist in capacity building to prosecute the perpetrators of the crime. He committed the ICGLR to supporting the RTF and ensuring that it becomes a centre of excellence.

**Hon. Frederick Ruhindi
Attorney General, Ministry of Justice & Constitutional
Affairs
(On behalf of the Prime Minister)**

Uganda's Attorney General reminded delegates of the commitments made in the *Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children* and the duty to take measures to end conflict-related sexual violence, as well as recognizing its threat to peace and security in the region. He reiterated Uganda's position of prosecuting such crimes and its ability to respond with speed to investigate, prosecute and punish such acts in accordance with the Constitution and Uganda-Peoples' Defence Force (UPDF) Act. He challenged the delegates to translate what they learned during the workshop into action and affirmed that they had a significant role to play in combating conflict-related sexual violence in the region. He also drew the link between sexual violence and conflict and the need to use diplomacy to prevent conflict from occurring.



3 SETTING THE SCENE AND COUNTRY BASELINES

Prior to the formal training, members of the ICGLR-RTF and the United Nations set out the international legal and practical baseline for participants regarding the prohibition on conflict-related sexual violence, including through the use of international and domestic instruments.

Overview of the International, Regional and Sub-regional Instruments Regarding Conflict-Related Sexual Violence

The Acting Director of the ICGLR-RTF, took the participants through the international, regional and sub-regional instruments protecting individuals from sexual violence. The presentation discussed provisions under international human rights law, international humanitarian law, international criminal law, international refugee law, universal non-treaty standards, and regional standards. Within each area of law, specific instruments were discussed, including CEDAW, CAT, CRC, ICCPR and ICESCR, the four Geneva Conventions, the Rome Statute, and the African Charter on Human and Peoples' Rights. The Acting Director explained the definition of sexual violence and its different forms. Specialized instruments protecting women from sexual violence in conflict were also discussed, including the UN Declaration on the Protection of Women and Children in Emergency and Armed conflict and UN Security Council resolutions 1325, 1820, 1960, 2016 and 2122 all taking increasingly protective measures for the benefit of women and girls from Sexual and Gender Based Violence in situations of armed conflict. The presentation concluded with a reminder of the State's obligation to investigate, prosecute and punish such crimes and the need for enforcement of the relevant mechanisms to have an impact in the region. This included the legal framework established by ICGLR Member States.

Conceptual framing of Conflict-Related Sexual Violence

Mr. William Lifongo, Program Officer at the UN Office of the SRSO-SVC, presented on the United Nations' Analytical & Conceptual Framing of Conflict-Related Sexual Violence (2011) and began by providing a comprehensive definition of sexual violence and when it can be considered an international crime. He emphasized that sexual violence can constitute a war crime, a crime against humanity, a form of torture or as an element of genocide depending on the circumstances of how it was committed. He also took participants through an analysis of the circumstances in which sexual violence can be considered conflict-related. He quoted from UN Security Council resolution 1820 which discusses the "tactic of war" principle, stating that the use of sexual violence as a tactic of war is just one way in which sexual violence manifests in wartime. He noted that the UN Analytical & Conceptual Framing of Conflict-Related Sexual Violence specified that:

"Sexual violence need not ... be explicitly orchestrated for military gain to be considered as relevant to the Security Council's remit. The definition is broader and centers on a combination of who (the profile of victims and perpetrators), what (the elements of the offence), how (the method) and why (the motive)."

Mr. Lifongo concluded by emphasizing the importance of national jurisdictions adopting international legal frameworks and concepts so that such crimes take on an international character at the domestic level and are prosecuted and punished accordingly. He stated that this was an important step for domestic jurisdictions to take in addressing and punishing sexual violence crimes.



Practical Approaches to Addressing Conflict-Related Sexual Violence in the Military

The Team Leader of the UN Team of Experts, addressed the practical mechanisms in handling sexual violence cases in conflict situations. He explained that the military is a key stakeholder because the military is often part of the problem. He gave examples of DRC, Liberia and Sierra Leone, where at the height of the wars in these countries, the national armies were involved in sexual violence.

Mr. Zahinda spoke about practical approaches for militaries addressing conflict-related sexual violence, based on the UNTeam of Experts' experience over the past five years. The start of all efforts must be strengthening legal frameworks, both substantive and procedural, and the creation of devoted legislation to sexual violence. There also must be harmonization of different legal frameworks, such as statutory, customary and religious laws.

Mr. Zahinda noted the use of action plans by militaries as contributing to the prevention of conflict-related sexual violence. He noted that these plans should be constructed around three main axes: (i) prevention; (ii) deterrence; and (iii) accountability. To foster prevention, Mr. Zahinda noted, soldiers must be sensitized regarding sexual violence and the attitudes and behaviours that contribute to it. Codes of conduct must be issued with strict zero tolerance policies, and there must be vetting at every level of the military. Command orders and undertakings ensure that command responsibility is clearly established. Oversight (including civilian oversight), investigations, and prosecutions of all sexual violence cases must be conducted swiftly and with due process of law.

Finally, he noted several examples of national judicial mechanisms investigating crimes of the military with international support. This included the Panel of Judges in Guinea and the United Nations Prosecution Support Cells to assist military justice in the DRC.

“ ... soldiers must be sensitized regarding sexual violence and the attitudes and behaviours that contribute to it. Codes of conduct must be issued with strict zero tolerance policies, and there must be vetting at every level of the military. ”



COUNTRY-LED
PRESENTATIONS

4

COUNTRY-LED PRESENTATIONS

In an effort to establish the particular domestic legal baseline regarding the crime of sexual violence in their home States, each participating country-team was asked to deliver a group presentation about the laws on sexual violence in their country, the procedure to investigate, prosecute and punish these crimes, and to relate any emblematic cases to date that brought out the challenges and achievements in prosecuting sexual violence in their respective countries.

Sudan

A delegate from Sudan explained that the country's penal code prohibits sexual violence and that the law can be applied in military situations, along with military rules and regulations. The laws in Sudan also prohibit genocide as well as human trafficking. Sudan also supports the Geneva Conventions and their application to those who commit sexual violence, including forced marriage. The army in Sudan offers training against sexual violence in all its military colleges. The Sudanese delegate asserted that those who commit the crime of sexual violence are prosecuted.

Somalia

Although Somalia is not currently an ICGLR Member State, the country was invited to participate in the technical workshop given the country's importance to regional peace and stability, and to foster inter-regional ties.

Delegates from Somalia gave presentations on both the civilian criminal process as well as the military process regarding sexual violence. On the civilian side, the delegates noted that there had been little protection of women against criminal activities and prosecutions against those who perpetrated crimes against women since civil war broke out in 1990. They stated the situation has not improved.

When cases of sexual violence are reported to the police, they are forwarded to the Office of the Prosecutor



where they are analysed. Those accused of sexual violence are investigated and thereafter prosecuted

There have been cases of sexual violence involving victims ranging from the age of one year to eighteen years, and have included men. Victims of rape have included refugees and IDPs, although these survivors suffer from trauma they have no access to assistance. There is also stigma against victims and their families prefer to hide them. Starting in 2015, efforts have been made to prevent rape by raising awareness about it and encouraging victim to report the crime to the police.

The delegate from Somalia stated that there are many challenges in addressing sexual violence crimes including societal stigma (which discourages reporting), psychological and physical trauma; and victims being infected with sexually transmitted diseases. The delegates stated that changes are needed in the country to prevent sexual violence, including law reform.

Military justice officials noted the length of the conflict in Somalia and how this has exacerbated the prevalence of sexual violence in the country. They also described cultural taboos that impact investigation and prosecution. These delegates noted five convictions for sexual violence with perpetrators sentenced between 5-15 years imprisonment. There are efforts to implement revised laws against sexual violence in the country.

South Sudan

The delegates from South Sudan noted that the country has internalized relevant international treaties on sexual and gender-based violence. They added further that the South Sudan 2011 Transitional Constitution provides that the national armed forces (SPLA) shall respect basic human rights and fundamental freedoms. In addition, the SPLA Rules prohibit the crime of rape and the detention of a person for sexual purposes. The South Sudanese Penal Code prohibits the crime of rape and perpetrators face penalties of up to fourteen years of imprisonment for the offence. The SPLA also prosecutes other offences of sexual violence, which are punishable by seven years imprisonment. The Penal Code also prohibits kidnapping or abducting women to force them into marriage. However the laws do not cover the rape of males.

The delegation from South Sudan noted that the military is both a cause of sexual violence as well as the one to address the crime. While soldiers commit sexual violence crimes, the military justice system disciplines errant soldiers. Cases of sexual violence involving a military perpetrator can also be referred to civilian courts.

Cases of rape are rarely reported for fear of stigmatization even by the victim's family members. The SPLA representatives stated that they become aware of cases of sexual violence through rumors and the media and this makes it hard to identify the victims or the perpetrators.

The South Sudanese army faces challenges addressing sexual violence, including:

- Cases of rape are reported long after the fact, making it more difficult to obtain to evidence;
- The SPLA Act provides for sexual violence crimes to be handled through customary or traditional system at the request of the victim. It is difficult to administer where there are 64 tribes with different customs and traditions; and
- Lack of resources, as there is a small team responsible for handling sexual violence cases.

Central African Republic

The delegates of the Central African Republic began by reminding participants that it is a country in conflict. The military justice system is administered by a permanent military court, which includes prosecutors. There is no code of military justice, but there is one in draft form that is pending.

There is no specific law outlawing conflict-related sexual violence at the domestic level.

The laws addressing sexual violence that can be applied at the national level include the International CCPR, CEDAW, the African Charter on Human and Peoples Rights and other Regional Treaties. Therefore, international treaties are used to address conflict-related sexual violence in the absence of specialized domestic legislation. There is however a Transitional Constitution which includes provisions for the enactment of laws dealing with sexual violence against women such as rape and sexual mutilation.

Despite the lack of a specialized law on sexual violence, the Penal Code can be used to prosecute sexual violence cases during conflict such as forced sex (rape, sexual slavery) or sexual mutilation. The prosecution of sexual violence starts when the police complete the investigation and send the report to the prosecutor.

Challenges in addressing sexual violence crimes include:

- Parts of the country are inaccessible because of the ongoing armed conflict;
- Because of stigmatization victims do not report that they had been subjected to sexual violence;
- The country is host to several foreign armies which are assisting with the country's security. It is not clear if the national laws would apply to members of these armies;
- The armed conflict in the country destroyed records that could assist in prosecuting conflict-related sexual violence cases;



- There is no procedure for protecting victims who are reluctant to report sexual violence;
- There is lack of physical infrastructure (buildings) for the military courts; and
- There is need for training support for the national army on conflict-related sexual violence.

Uganda

The delegates from Uganda stated that the army has a constitutional obligation to be professional, disciplined and to foster good relationships with civilians. The UPDF Act and the Code of Conduct govern military officers conduct and provide for necessary disciplinary measures and procedures. The UPDF Act establishes criminal offenses, including sexual violence. The UPDF Act also establishes military courts which try those who commit offenses under the Act. The military courts begin their process in Divisional Court Martial and end in Court Martial Appeal Court. The military justice system ensures that investigators, prosecutors and courts are deployed at all levels including operational areas to try crimes on the scene, where possible.

All levels of the military courts are staffed by qualified lawyers who are members of the UPDF.

The system also provides for the Inspector of Military Courts, Director of Prosecutions and Director of Legal Aid, all of whom strengthen the military justice system.

Sexual violence crimes such as rape and defilement are specifically covered by the UPDF Act. The UPDF Act also creates the offense of “conduct prejudicial to good order and discipline”, which fills any gaps in the law regarding crimes of sexual and gender-based violence.

The challenges facing the UPDF justice system regarding sexual violence include:

- A culture of covering up rape and other sexual violence cases (leading to failure to prosecute and punish such crimes);
- Settlement of crimes out of court which is largely influenced by family members; and
- Insufficient medical evidence to prove elements of the crime, due to the lack of adequate forensic medical personnel and facilities.



INVESTIGATION OF CONFLICT-RELATED SEXUAL VIOLENCE

After establishing country-base lines, the workshop began its substantive component, which focused on two issues: (i) the investigation of crimes of sexual violence and (ii) their prosecution. The investigation portion of the workshop included training on the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*; a presentation on medical forensic evidence; and a short presentation of criminal investigations of sexual violence in domestic military settings. These sessions are described in more detail below.

A. The International Protocol

An expert from the United Kingdom's Preventing Sexual Violence Initiative presented on the investigation and documentation of conflict-related sexual violence by taking participants through the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* and its implementation (the International Protocol). The International Protocol was launched in June 2014 at the *Global Summit to End Sexual Violence* in London and is now moving into its implementation phase, including trainings with national actors.

The training session focused on planning the investigation of conflict-related sexual violence crimes and identifying the legal requirements to be proven. The expert explained that sexual violence is often ignored and overlooked and that practitioners do not always know how to investigate these crimes safely and effectively.

The workshop discussed the challenges faced by the delegates in dealing with conflict-related sexual violence and what the delegates' expected from the workshop. The challenges identified included contradictions between the law and religious and cultural traditions and the absence of law and order in conflicts areas. The delegates' expectations included learning about the documentation of sexual violence in conflict situations to improve their work.

The purpose of the International Protocol is to increase accountability and improve the standards of investigating sexual violence in conflict situations. It was also explained that the Protocol was a practical guide that sets the minimum standards that investigators should abide by; the Protocol is not legally binding and its use is voluntary. The Protocol can be used by anyone including investigators, judicial officers and human rights monitors.

The Protocol explains the meaning of sexual violence. It also covers planning and conducting interviews and documenting and safeguarding evidence. As such, investigators should identify the legal elements that must be proven to hold the perpetrator accountable for sexual violence as a crime under international law. It is also important that the process ensures a chain of custody of evidence. It is critical that investigations of sexual violence be conducted in a sensitive, respectful and confidential manner.

Under international law, victim testimony alone is enough to prove the crime of sexual violence as a war crime, crime against humanity, or genocide. As with other international crimes, there is no requirement that the victim's evidence be corroborated by a witness or by physical evidence. This is partly due to the fact that in a conflict situation other forms of evidence are unlikely extant and accessible, due to the passage of time between the commission of the crime and when the investigation occurs.

The session was designed to counter myths and stereotypes such as that victims are to blame for the sexual violence, all victims are traumatized or are ashamed and unwilling to talk about the crime. The session further covered how to demystify myths and stereotypes. It was also explained that sexual violence victims and perpetrators can include persons of both sexes. Participants reviewed examples of patterns of sexual violence including its use terrorizing civilian populations, as a method of interrogation or



punishment, using sexual violence to target particular political, ethnic or religious groups and taking advantage of other coercive or lawless environments.

There might be certain “red flags” that may indicate the existence or occurrence of sexual violence in conflict situations. These include the use of propaganda and hate speech, raids by armed groups, injecting ethnicity into the conflict, a high number of girls who become pregnant and the separation of men and women.

The expert explained that the investigator, when documenting conflict-related sexual violence, must consider whether the reported violation constitutes an international crime - a war crime, crime against humanity or a constituent act of genocide. It was noted that sexual violence can constitute an international crime under any of these three categories of international crimes and individuals can be directly or indirectly held accountable for such violations. An investigator should also establish, a minimum of three elements: what happened, under what circumstances, and who is responsible.

The expert provided examples of what is required to prove that a violation constitutes an international crime under each of the three categories. Participants walked through what is required to prove the elements of a rape case as an international crime.

The session also discussed various modes of liability and the concept of command responsibility.

It was noted that an investigator should consider in the course of conducting investigations of conflict-related sexual violence cases the following:

- Being aware of the investigator’s own prejudices and biases towards sexual violence and how it might impact how he or she handles the investigation;
- Realizing that an investigator has the ability and responsibility to empower witnesses through empathy, respect and sensitivity;
- Understanding that sexual violence against men is underreported and a conscious effort should be made to detect it;
- Knowing that the victim is the best source of evidence and his or her testimony is critical; and that many cases in international courts have been successfully prosecuted based on victim testimony;
- Ensuring that if a violation constitutes an international crime that it is prosecuted as such; and
- Guaranteeing that specific, contextual and linkage elements of an alleged crime of sexual violence are investigated and documented to have a successful prosecution.



MEDICAL AND FORENSIC EVIDENCE IN CONFLICT-RELATED SEXUAL VIOLENCE CASES

Ms. Christine Alai, the Kenya Coordinator for Physicians for Human Rights presented on the collection of medical and forensic evidence in conflict-related sexual violence cases.

Medical evidence was described as a health assessment for the purpose of treating a patient while medical forensic evidence is collected for legal or judicial proceedings. While forensic medical evidence is not required in prosecuting a case of conflict-related sexual violence, it is important when it is available. It was acknowledged at the outset that in conflict situations it may be unlikely that victims would have access to health facilities or be able to preserve evidence since the victim might be only able to report the matter long after the violation took place.

With those caveats, forensic medical evidence can link the victim and perpetrator to a crime scene. It can also indicate the circumstances of the crime such as the use of force which can assist corroborating the victim's testimony about the crime.

Lack of technical capacity by medical staff, equipment and poor documentation were identified as potential roadblocks to securing medical evidence. A possible solution includes multi-sectoral coordination between the medical sector, law enforcement and judiciary.

Participants were presented with the medical certificate included in the International Protocol, which was designed by Physicians for Human Rights. A demonstration was provided on how it can be used to capture essential information about the victim such as his/her account of what happened, his/her medical condition as well as information about the suspect. The form also requires the health worker to evaluate his/her findings and a conclusion – such as if there was a sexual assault and to what extent.

The information documented in this form can assist in establishing elements of the crime and to identify the perpetrator. The session also focused on proper storage of evidence and maintaining chain of custody.

It was emphasized that after medical evidence is collected it should be analysed by competent professionals. The session covered other new and potential useful tools to enhance the role of medical evidence in investigating and prosecuting sexual violence such as the use of technology to upload the medical certificate on a mobile device so that health practitioners can access and update medical information from remote parts of a country. The moderator addressed the issue of some medical personnel's reluctance to testify in court. This can be resolved if there is multi-sectoral collaboration between medical practitioners, law enforcement agents and prosecutors. This coordination ensures medical practitioners understand that they are key partners in securing justice for patients who were victims of sexual violence crimes.

Investigating Sexual Violence in Domestic Military Justice Systems

Mr. Leonard Blue, Special Agent of the U.S. Naval Criminal Investigative Service presented on the investigation of sexual offences committed by sailors or marines in the U.S. Navy.

Most allegations of sexual violence come through commanders. The reported offense is then investigated, usually starting with interviewing the victim. Even at this stage there are challenges: as a male investigator, victims of sexual offenses, who are usually females, are sometimes reluctant to speak to him. The Navy uses advocates to assist victims in the process.



The second step in the investigation is to visit the crime scene and ensure that the scene is intact and then safeguard the integrity of the evidence. Photographs of the scene area taken and sketches of the scene are also drawn sometimes using GPS technology. These steps should be taken before touching anything at the scene and thus contaminating the evidence.

A major challenge is that in a conflict zone, the scene may be dangerous. In such a case the investigator will need armed escorts to provide security while the investigator is at the crime scene. The next step is to interview the suspect and in accordance with applicable law. Thereafter the case is turned over to a judge advocate to determine whether to bring charges.

He reminded participants that an investigator has to establish the elements of each offence to have a successful prosecution.

One of the challenges faced during investigations by the U.S. Navy include access to laboratories to analyse evidence because of backlogs.

It is, therefore best practice to keep victims informed about any delays in proceeding with a sexual violence case. It is also prudent to maintain good communication between the investigator and the prosecutor so that any difficulties can be addressed and also devise the best way of working together in order to achieve the common objective of ensuring that justice is served.

FORENSIC MEDICAL EVIDENCE CAN LINK THE VICTIM AND PERPETRATOR TO A CRIME SCENE. IT CAN ALSO INDICATE THE CIRCUMSTANCES OF THE CRIME SUCH AS THE USE OF FORCE WHICH CAN ASSIST CORROBORATING THE VICTIM'S TESTIMONY ABOUT THE CRIME



PROSECUTION OF CONFLICT-RELATED SEXUAL VIOLENCE

After a discussion with participants about the proper investigation of conflict-related sexual violence, the workshop then moved onto prosecution of sexual violence crimes at both the international and domestic level.

Prosecution of Conflict-Related Sexual Violence at the International Level

Ms. Thembile Segoete, Appeals Counsel at Office of the Prosecutor at the International Criminal Tribunal for Rwanda (ICTR), gave a detailed account of the investigative and prosecutorial procedures, challenges, and lessons learned at the ICTR for prosecuting crimes of conflict-related sexual violence at the international level. The presentation covered the pre-trial, trial, post-trial, sentencing and the appeal stages of the justice process.

Ms. Segoete began by stating that initially the ICTR had a low success rate (30%) in convicting defendants for sexual violence crimes. As a result the ICTR developed Draft Guidelines regarding the investigation of conflict-related sex crimes. While sexual violence crimes had always been part of other conflict-related crimes, they were not always given priority during investigations.

The pre-trial/investigation process includes evidence gathering, identification of witnesses and victims and interviewing witnesses who may be called to testify in court. The investigator should liaise with NGOs and local authorities who can assist in identifying or locating witnesses. The investigator should not interview a few witnesses whom s/he thinks would be enough. In case some of those (key) witnesses interviewed are not available or able to testify the prosecutor can rely on the additional witnesses interviewed. At this stage the victim, witnesses, the investigator, a nurse/trauma counselor or psychologist and a trial lawyer will be involved. The role of each of these parties was discussed.

With respect to evidence gathering, it is important to know the history, nature and context of the conflict.

In the case of Rwanda, ethnicity was a key factor in the conflict. Understanding the history, nature and context of the conflict ensure the recognition of sexual violence as an element of genocide, and not merely an isolated crime. It is also important to understand the cultural implications of sexual violence as this will assist with investigation planning and how to approach and interview witnesses.

Ms. Segoete advocated for a crime-based investigation rather than a target based investigation. In the former, the investigation is driven by the crimes committed even though the perpetrators may not be known while in the latter the investigation focuses on the perpetrator.

Sexual violence crimes are often difficult for victims to recount and every effort should be made to ensure that a victim or witness is not re-traumatized during the interview or the trial. For example, only victims or witnesses that will be needed in the prosecution should be interviewed. Similarly, if an additional statement is required, this must be carefully considered and weighed against having the victim or witness re-live the experience. If the victim or witness has to be re-interviewed, this should be restricted to areas that need clarification.

Before approaching a victim or witness for an interview, the investigator should assess whether the interview is necessary. Victims and witnesses should be approached discreetly and interviews should take place in an appropriate (private and secure) location. It is critical that the interview is conducted in a respectful and sensitive manner – this will lead to a successful investigation and the subsequent prosecution. Care should be taken to ensure a balance between re-traumatizing the victim or witness and obtaining necessary information. Questions should be framed sensitively; the right not to be re-traumatized overrides the need to get evidence from the witness.



Before a victim or witness is brought to court to testify, he or she should be familiarized with the court set-up as some may never have been to court and this can ease them into the process. A victim or witness should also be advised that the accused person will be in court and that the defense lawyer will cross-examine them. Counsellors or victims' advocates should be available to the witnesses during the process. The trial should start with ice breaking questions before leading the witness into details of crime. The prosecutor should also protect the witness from inappropriate questions from defense counsel.

Ms. Segoete reaffirmed that in international criminal law, the evidence of one witness can be sufficient to lead to a conviction – there is no need for corroboration.

After the trial, lawyers, investigators and counselors should keep in touch with victims or witnesses who

might otherwise feel used and then abandoned. If this happens they may refuse to return to court and testify in other cases in which they are witnesses. Ms. Segoete also discussed the substantive elements of sexual violence crimes before international courts.

Finally, modes of liability were discussed. Principal liability applies to the individual who planned and committed the crime. In contradistinction, a co-perpetrator is a person who significantly contributed to the commission of the crime. For example, a commander who orders soldiers to commit a crime or supplied them with weapons to commit the crime. A co-perpetrator may also be a person who planned to commit a crime when it was reasonable to know that the commission of that crime might lead to the commission of another crime. In cases of aiding and abetting the accused must have significantly contributed to the commission of the crime.



ADDRESSING CONFLICT-RELATED SEXUAL VIOLENCE IN DOMESTIC MILITARY JUSTICE SYSTEMS

Mr. John Rawcliffe, Lieutenant Colonel, Judge Advocate in the United States Army and Deputy Counsel at U.S. Africa Command gave an overview of the procedures for investigation and prosecution of the crime of sexual violence within the U.S. military as an example of a domestic military justice system dealing with the issue.

Lieutenant Colonel Rawcliffe began by providing an overview of the military justice system in the U.S. and how it deals with sexual assault. The military justice system in the U.S. is premised on balancing the interest of the victim, the defendant and society. The system has the additional need to maintain good order, which is the responsibility of the military command. The system is based on rules such as the Uniform Code of Military Justice. The military justice system applies worldwide and has no geographic limitation. Another key tenet of the military justice system is ensuring a defendant's rights during all aspects of the proceedings. Civilian control of the military is ensured during the appellate stages of the criminal process.

In the U.S., there are three types of military court martial: (i) summary court martial, which tries minor offenses and can impose up to 30 days imprisonment; (ii) special court martial, which can impose up to one year imprisonment; and (iii) general court martial which can impose the maximum allowable sentence. The prosecutors, defense counsel and judges in the general court martial do not report to local commanders.

Sexual assault cases are broken down into two types; non-combat and combat. Most sexual offenses in the U.S. military happen in non-combat situations. This could be during recruitment or basic training. Sexual assault also occurs after training, often in social settings and this is where most of the incidents occur for the U.S. military.

The process of dealing with sexual assault cases includes investigations, pre-trial, trial and post-trial stages. The investigation stage includes determining when the offense occurred and where. If the offense took place within the U.S. it becomes easier to investigate. A crime occurring in a combat area outside the U.S. poses greater challenges as the scene of crime may need to be secured before it is viewed by both the investigator and defense counsel.

Lieutenant Colonel Rawcliffe advised that when a crime occurs in a combat area, it is advisable to have the matter investigated and tried as soon as possible. Prompt investigation will ensure that there is access to witnesses and other evidence.

Lieutenant Commander Stella Lane, a judge advocate with the U.S. Navy based in Djibouti also presented to participants on trying cases of sexual violence in domestic military justice systems. In her presentation, she focused on admissibility of evidence and illustrated these issues through describing a case of sexual violence on a military vessel and walking participants through the presentation of evidence in that case.

“ ... when a crime occurs in a combat area, it is advisable to have the matter investigated and tried as soon as possible. Prompt investigation will ensure that there is access to witnesses and other evidence. ”



SECURING REPARATIONS FOR VICTIMS OF CONFLICT-RELATED SEXUAL VIOLENCE

The session on prosecutions concluded on the topic of reparations for victims of conflict related-sexual violence as a part of the penalty for such crimes. Instruments that dealt with State and individual responsibility for reparation were presented such as the *Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power* (1985); the International Law Commission's *Articles on State Responsibility* (2001); the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (2005); and ICGLR instruments that guaranteed reparation from perpetrators. *The Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* (2014) was also provided to participants.

Participants were introduced to the various forms of reparation including: (i) restitution; (ii) compensation; (iii) rehabilitation; (iv) satisfaction; and (v) guarantees of non-repetition.

Participants were instructed on considering the economic consequences of conflict-related sexual violence and how prosecuting attorneys and investigators can build reparative strategies into prosecutions from the outset.

Reparation includes:
restitution, compensation,
rehabilitation, satisfaction; and
guarantees of non-repetition.





THE WAY FORWARD TO STRENGTHEN INVESTIGATION AND PROSECUTION OF CONFLICT-RELATED SEXUAL VIOLENCE

Ms. Alison Hayes, a member of the UN Team of Experts, facilitated a discussion on key steps needed to achieve a fair, impartial system of justice for victims and defendants alike, drawing on the participants own experiences and the training.

The following key areas were identified as lessons to be brought back to the participants own country:

1. Investigations

- Training need for investigators:
 - mandatory military training for all personnel specifically on sexual violence;
 - specific training aimed at the uniformed military lawyers responsible for prosecuting and defending sexual assault charges; and
 - mentoring of both military prosecutors and defense counsel.
- Conceptual Framework of Conflict-Related Sexual Violence: Keep in mind the conceptual framing of Conflict-Related Sexual Violence.
- Use of the International Protocol as a practical tool.

2. Prosecutions

- Public Defender Offices and Public Prosecution Offices: They may have best practices in their sexual violence training that can be templates for improving military training.
- Prosecution: Training topics, taught by prosecutors for prosecutors, should include things like the rules of evidence and procedure, constitutional rights, conducting basic investigations.
- Importance of Defence: This process includes learning how to interview witnesses, and how to

work with investigators (if they are available), and how to cross-examine police officers.

- Respect and honor the presumption of innocence that each accused enjoys in the military.
- Close cooperation needed between investigators and prosecutors during investigations of a case.
- Need more training on the protection of victims and witnesses.
- Need more training on constituent elements of crimes.
- Keep in touch with the victim after trial.

3. Practical Tools

- Action Plans for the military
 - Prevention:
 - Sensitization required to raise awareness about sexual violence so that attitudes, perceptions and behaviors that are at the root of this problem are changed;
 - Codes of conduct; and
 - Vetting (former combatants, new recruits, etc).
 - Deterrence:
 - Joint Communiques by Heads of States, Presidents, Prime Ministers (strong messages, everyone to follow);
 - Command orders by military hierarchy (Ministry of Defense, Chief of Staff);
 - Signing of undertakings by commanders; and
 - Undertakings by elements under each commanders.



- Accountability:
 - Oversight mechanisms;
 - Alert mechanisms;
 - Establishment of databases for cases in the judicial system; and
 - Judicial monitoring.
- Capacity building:
 - Formal training (academies);
 - On the job mentoring or re-training; and
 - Available tools, guidance.
- Legal aid:
 - For survivors; and
 - For defendants (alleged perpetrators).

4. Medical and Forensic Evidence

- Understanding the intrinsic value of forensic evidence: while not mandatory (vis-à-vis international standard waiving requirement for corroboration on facts related to the direct act), every effort should be made to support collection of forensic evidence to support the survivor to present a compelling case.
- Need for enhanced capacity: imperative to empower medical practitioners (in collaboration with law enforcement, legal and judicial actors) with forensic knowledge and skills on proper and

effective procedure and techniques for collection, documentation, handling and presentation of forensic evidence.

- Importance of consideration of what is feasible in low resourced settings: through a comprehensive forensic examination, clinicians can actually obtain significant forensic evidence through history taking, physical examination and psychological examination. This is particularly critical in the case of CRSV where victims are often unable to identify their assailants – so that history taking, for instance, becomes very important to establish contextual elements. At a second level, clinicians can obtain samples e.g. of blood, body fluid – semen etc. and subject these to analysis to link (or exclude) the suspect to survivor. Analysis can happen at a health facility level and/or at a government chemist facility.
- As such, while DNA evidence may be desired, it is not essential in all cases (although it might be the only form of proof in a given case e.g. where survivor conceived as a result of sexual violence).
- Imperative of proper and standardized documentation: comprehensive examination without documentation is useless to a judicial proceeding. Haphazard documentation can be detrimental to a survivor’s case.

- Standardized documents such as the Physicians for Human Rights Medical Certificate and Kenyan Post Rape Care form ensure that clinicians are able to document evidence at all stages of the medical examination and ensure its presentation in court in a uniform manner.
- Multi-sectoral coordination and collaboration: health professionals working together with law enforcement and legal/judicial actors provides opportunity for understanding and clarification of each sector's roles, shared language (lawyers/judges understanding clinicians' documentation of findings and clinicians understanding the specific elements that must be proved in relation to sexual violence crimes and how the evidence they obtain can support investigations and prosecutions).
- Necessary resources to support effective collection and documentation of forensic evidence: laws, protocols and guidelines; pre-service and in-service training; access to health facilities (including potential of mobile clinics in conflict settings and one stop centres for centralized and victim-sensitive services); equipment and resources for examination (e.g. speculum), collection of evidence (swabs, packaging bags etc.), and analysis (including lab facilities).
- Victims' needs and security is always paramount: ensure safety (do no harm principle), respect, confidentiality, and need to always secure informed consent.

5. Reparation:

- Reparations can take on five forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Reparations must so far as possible wipe out the consequence of an illegal act but reparations do not need to be exclusively monetary, especially in low capacity environments. Thus, reparations can include real property or other goods.
- The right to reparation is a distinct obligation under international law and is a complement to and not a replacement for accountability mechanisms. Indeed, accountability mechanisms can, and should, build in processes of restitution and compensation from perpetrators of grave international crimes during sentencing.



11 HIGHLIGHTS FROM CLOSING SESSION

The workshop was officially closed by Uganda's Chief of Defense Forces and the State Minister for Labour in charge of Industrial Relations. The two dignitaries also presided over the delivery of the workshop certificates to participants.

General Katumba Wamala, Chief of Uganda's Defense Forces

The Chief of Defense Forces stated that sexual violence is one of the most traumatic experiences one can endure and that when committed by the military is the worst form of indiscipline. He acknowledged the challenges such as fear of stigmatization of the victims is often compounded by a sense of futility stemming from the limited services available and painfully slow justice system. He stressed that the UPDF is committed to upholding international treaties against sexual violence and that when sexual violence is reported, it does not go unpunished. He also appealed to the delegates to form and maintain a regional network for combating sexual violence. He welcomed the establishment of the RTF to prevent sexual violence through training and sensitization of key stakeholders.

Hon. Minister Muruli Mukasa, Minister of Gender, Labour and Social Development

The Minister stated that Uganda takes sexual violence seriously as demonstrated by the various relevant international Instruments to which Uganda is party. He reaffirmed Uganda's tough stance on impunity for such crimes. He stated that it was therefore crucial that the region improve its evidence gathering skills and capacity to prosecute and punish these crimes effectively. He reminded delegates that the training that they had received would only be meaningful if what they learned is put into practice. He concluded emphasizing the delegates' duty to combat sexual violence.

Closing Remarks by:

Mr. Nathan Byamukama
Acting Director, RTF, ICGLR

Ms. Alison Hayes
UN Team of Experts

Mr. Benoit Narciss Foukpio
Magistrate, Central African Republic, Vote of Thanks





ANNEX I: THE ORGANIZERS



The Regional Training Facility of the ICGLR

The Regional Training Facility on the Prevention and Suppression of Sexual Violence in the Great Lakes Region was officially opened on 18 February 2014 in Kampala, Uganda and is the first of its kind to offer specialized training on this subject in the region. Its mandate is derived from the ICGLR Protocol on Prevention and Suppression of Sexual Violence against Women and Children (art 6(9)). ICGLR Member States adopted a decision to establish the RTF in response to the pervasive problem in the region of sexual violence and, particularly, sexual violence in conflict. The main goal of the RTF is “to train and sensitize judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region.” The long-term goal is to contribute to the reduction and sexual violence cases in the region by equipping key stakeholders with the ability to prevent and respond to such acts.

UN Team of Experts on the Rule of Law/Sexual Violence in Conflict

United Nations Team of Experts on the Rule of Law/Sexual Violence in Conflict, created to assist governments in conflict and post-conflict situations by strengthening their capacity to address impunity for conflict-related sexual violence. The UN Team of Experts was established by Security Council resolution 1888 (2009) to contribute to enhancing national efforts to address challenges with regard to accountability for this crime. Building upon the principles and obligations of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security, operative paragraph 8 of resolution 1888 calls upon the Secretary-General of the United Nations to take measures to identify and deploy a team of experts “to situations of particular concern with respect to sexual violence in armed conflict . . . to assist national authorities . . . to strengthen the rule of law.”

The UN Team of Experts became operational in early 2011, with experts from the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner

for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), which serve as co-lead entities.

The UN Team of Experts has noted that countries facing the challenge of conflict-related sexual violence lack adequate national capacity and expertise to investigate and prosecute these crimes. Capacity constraints remain therefore one of the main impediments to addressing impunity and improving access to justice for survivors. In addressing this challenge, the UN Team of Experts focuses its efforts on strengthening the capacity of national rule of law actors, including the police and the judiciary, to address impunity for sexual violence crimes. The UN Team of Experts helps build strong legal frameworks in relation to conflict-related sexual violence. Through mentoring, training, advice and provision of tools, the UN Team of Experts assists national actors in conducting investigations, collecting and preserving evidence, building cases, prosecuting crimes, and protecting witnesses and victims. The UN Team of Experts also assists governments to help ensure that survivors of sexual violence have access to effective remedies and reparation, so that they can begin the process of rebuilding their lives and communities.

Within the broader objective of strengthening the rule of law with respect to conflict-related sexual violence, the UN Team of Experts: (i) works closely with national legal and judicial officials and other personnel in the relevant governments’ civilian and military justice systems to address impunity, including by strengthening national capacity and drawing attention to the full range of justice mechanisms to be considered; (ii) identifies gaps in national response and encourages a holistic national approach in addressing conflict-related sexual violence, including by enhancing criminal accountability, judicial capacity, and responsiveness to victims (such as reparations mechanisms); (iii) makes recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address conflict-related sexual violence; and (iv) acts in conjunction with a variety of UN mechanisms towards the full implementation of resolutions 1820 (2008) and 1888 (2009).



ANNEX II: LIST OF PARTICIPANTS

Benoît Narcisse Foukpio	Central African Republic	Angelina John Yot	South Sudan
Dangavo Gbeï Grégoire	Central African Republic	Augustino Abdalla Chol	South Sudan
Gislaine Léa Yangongo	Central African Republic	Bullen Keleopas Takuru	South Sudan
Daniel Yetinzapa	Central African Republic	Ahmed Ibrahim Ombada Ahmed	Sudan
Safia Yusuf Ali	Somalia	Elsanosi Salih Mohamed Omer	Sudan
Samira Hussein Daud	Somalia	Godard Busingye	Uganda
Mohamed Hassan Matan	Somalia	Kangume Kate Kiconco Elizabeth	Uganda
Abshir Mohamed Aadan	Somalia	Asha Patra	Uganda
Natalina Musa Fernsio	South Sudan	Gevavivian Ganza	Uganda





ANNEX III: BIOGRAPHIES

Mr. Innocent Balemba Zahinda

TEAM LEADER UN TEAM OF EXPERTS ON THE RULE OF LAW/
SEXUAL VIOLENCE IN CONFLICT

Mr. Innocent Balemba Zahinda, a national of the Democratic Republic of Congo (DRC), is the Director of the United Nations Team of Experts on Rule of Law/ Sexual Violence in Conflict in New York. The UN Team of Experts was established by UN Security Council resolution 1888 (2009) and composed of Experts from UNDP, UN DPKO and UN OHCHR.

For over 25 years, Innocent has worked at technical and at senior level on human rights monitoring and reporting, support to national institutions and civil society organizations, and the rule of law. Mr. Zahinda previously served as: Country Representative of the OHCHR in Chad; Head of the UN Human Rights Office in West and in Southern Darfur (Sudan); Head of Amnesty International's Africa Regional Office (Kampala), Amnesty International's Development Coordinator for Africa (London); and Director of Héritiers de la Justice (NGO) in eastern DRC.

Mr. Nathan Mwesigye Byamukama,

ACTING DIRECTOR, ICGLR-RTF

Mr. Nathan Mwesigye Byamukama is currently the Acting Director of the Kampala-based ICGLR-RTF on the Prevention and Suppression of Sexual and Gender Based Violence. The RTF is a unique institution whose mandate is to train and sensitise judicial officers, social workers, medical officers, police units and all those that handle cases of sexual violence in the Great Lakes Region of Africa. Previously, Mr. Byamukama worked with the Uganda Human Rights Commission for 10 years leaving the institution at the rank of Director for Human Rights Treaty Monitoring.

Mr. Byamukama is trained in human rights law, political science, and international relations. He has written and made presentations on human rights, peace and security, conflict resolution, gender issues, democracy and good governance, regional integration and humanitarian concerns in the Great Lakes Region. In addition he has also written about constitutionalism, human rights (and human rights based approach to development), sexual violence and conflict, HIV/AIDS and poverty eradication among others. Mr. Byamukama previously taught at the University of Zimbabwe and worked with research institutions in Zimbabwe and Brussels (Belgium). He studied in Uganda, Tanzania and Zimbabwe. He is married with four children.



ANNEX III: BIOGRAPHIES

Mr. Marcel Akpovo

CHIEF OF HUMAN RIGHTS AND PROTECTION, UNMIL AND REPRESENTATIVE OF OHCHR IN LIBERIA

Mr. Marcel Akpovo is a human rights lawyer and security sector reform specialist with twenty-two years' experience. He has worked extensively on or in the Great Lakes Region of Africa including in the DRC, Burundi, Rwanda, Uganda, and Somalia on a wide range of issues including DDR processes, SSR reforms, SGBV and accountability, and economic exploitation in armed conflict. Since February 2013, Mr. Akpovo has served as Chief of Human Rights and Protection in UNMIL and Country Representative of OHCHR in Liberia, supporting the Liberian Government's implementation of a comprehensive transitional justice programme and an integrated national plan to combat SGBV including criminal accountability for SGBV crimes.

Prior to his work with UNMIL, Mr. Akpovo worked as Head of UNAMID's Human Rights Operations in South Darfur and Head of the Khartoum Human Rights Liaison Office. Mr. Akpovo later served as Chair of the Commission of Human Rights, Voluntary Return of IDPs & Refugees in the Doha Peace Process on Darfur (Doha, Qatar). Mr. Akpovo has also served as Country Representative of OHCHR in Mauritania on anti-slavery and justice sector reforms. He further supported the UN Country Team on the Malian and Libyan crises.

Mr. Akpovo holds a degree in literature from the University of Benin and a Master's degree in human rights law from Nantes University. He also holds a Master's degree in international security and defence from Grenoble University.

Ms. Christine Alai

KENYA COORDINATOR, PROGRAM ON SEXUAL VIOLENCE IN CONFLICT ZONES, PHYSICIANS FOR HUMAN RIGHTS

Ms. Christine Alai is responsible for the advancement of the Program on Sexual Violence in Conflict Zones in Kenya for the NGO, Physicians for Human Rights. Amongst other activities, she represents Physicians for Human Rights to government, local, and international partners and leads forensic trainings to influence collaboration among medical, legal, and law enforcement personnel with the goal of enhancing prosecutions and accountability for sexual violence.

Ms. Alai has devoted her career to human rights. She recently undertook a Leadership and Advocacy for Women in Africa Fellowship at Georgetown University Law Center, focusing her thesis on accountability and reparations for sexual violence crimes committed in Kenya during the 2007 to 2008 post-election crisis. Prior to joining Physicians for Human Rights, Ms. Alai served as interim head of office and program associate at the International Center for Transitional Justice's Kenya Office, where she steered technical assistance programs to support truth-seeking, accountability, and reparations for systemic human rights violations and massive atrocities committed in Kenya.

Ms. Alai has worked with the government-established Kenya National Commission on Human Rights, the non-governmental Kenya Human Rights Commission, and the 2005 Constitution of Kenya Review Commission. She also serves as a trustee and member of the board of directors of the East African Centre for Human Rights.

Ms. Alai holds an LLM in international legal studies from Georgetown University, a post-graduate diploma in legal studies from the Kenya School of Law, and an LLB from the University of Nairobi.

Special Agent Leonard Blue

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
U.S. COMBINED JOINT TASK FORCE – HORN OF AFRICA

Special Agent Leonard Blue is a civilian federal agent with the Naval Criminal Investigative Service (NCIS), Washington, D.C. Field Office. He is charged with investigating allegations of serious criminal offenses, including homicide and sexual assault, involving the United States Navy and Marine Corps. Special Agent Blue is currently deployed to Djibouti where he conducts multiple criminal investigations, including sexual assault offenses, involving United States military commands throughout the region.

Before his deployment to Djibouti, Special Agent Blue was a member of the Special Victims Unit (SVU) in the Norfolk, VA Field Office from January 2012 through September 2014. As an SVU team member, Special Agent Blue primarily investigated adult sexual assault offenses either conducted by or against Department of Navy personnel. During that time, he concurrently served on the Major Case Response Team, conducting immediate crime scene processing and evidence collection on a variety of criminal offenses. Special Agent Blue was also a member of the field office's Special Operations squad, conducting undercover narcotics and criminal suppression operations.

Prior to his tenure with NCIS, Special Agent served as a police officer in metropolitan Atlanta, GA for six years. Special Agent Blue has a Bachelor of Science degree in Criminal Justice from the University of South Carolina, and is a candidate for the Master of Arts degree in National Security and Strategic Studies from the Naval War College.

Mr. James Freda

UN TEAM OF EXPERTS ON RULE OF LAW/
SEXUAL VIOLENCE IN CONFLICT

Mr. James Freda is an international lawyer based in United Nations Headquarters in New York as a member of the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict. Prior to joining the UN Team of Experts, Mr. Freda acted as counsel in the private sector on many of the world's largest international legal disputes in varied forums from the European Court of Human Rights to World Bank arbitral tribunals. Mr. Freda's international human rights work has included providing legal advice to international NGOs, governments and victims of human rights abuses on reparations for victims, international criminal law (and particularly crimes of sexual violence), public international law, and the U.S. death penalty and consular relations. He is also a published author with articles appearing in scholarly journals such as the Columbia University Journal of Transnational Law and the Journal of International Arbitration. Mr. Freda received his juris doctor degree from Cornell University Law School and his bachelor of arts degree from Boston College. He is admitted to practice law in the State of New York.



ANNEX III: BIOGRAPHIES

Ms. Alison Hayes

UN TEAM OF EXPERTS ON RULE OF LAW/
SEXUAL VIOLENCE IN CONFLICT
UK PREVENTING SEXUAL VIOLENCE INITIATIVE

Ms. Alison Hayes has worked on peace and security issues in the context of humanitarian responses and UN peacekeeping operations for many years. She has lived in many conflict and disaster-affected areas, including Haiti, Darfur/Sudan, Pakistan, Mali and Bosnia. Ms. Hayes is a member of the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, based in New York. She works alongside governments, security sector actors and civil society representatives to strengthen national policy and practice in relation to conflict-related sexual violence. Ms. Hayes is also member of the UK's Preventing Sexual Violence in Conflict Initiative, on behalf of whom she lived with the Malian army in 2013 as part of the European Union Training Mission, to create and manage its training programme on sexual violence in conflict. In addition, Ms. Hayes evaluated of the UK's National Action Plan to implement UN Security Council Resolution 1325.

Building upon her Protection of Civilians experience whilst Special Assistant to the SRSG of UNMIS between 2007-2009, Ms. Hayes moved to UN Headquarters in 2010 to help establish the Protection of Civilians Unit at the UN Department of Peacekeeping Operations. Prior to that, Ms. Hayes led Oxfam's policy and advocacy strategy in Darfur and their post-earthquake response in Haiti. Ms. Hayes worked at the UK's House of Lords (2004-2007) as a Parliamentary Legal Adviser, reviewing and drafting legislation to strengthen to UK's human rights commitments. Originally qualifying as a lawyer with Freshfields Bruckhaus Deringer in London (2001), she has a Masters in Global Governance and International Security and a degree in Law with European Law.

Lt. Commander Stella J. Lane

DEPUTY STAFF JUDGE ADVOCATE, U.S. NAVY
U.S. COMBINED JOINT TASK FORCE - HORN OF AFRICA

Ms. Stella Lane is a Deputy Staff Judge Advocate based in Djibouti as part of the U.S. Combined Joint Task Force - Horn of Africa. Since her commission to the U.S. Navy in 1999 she has served in various capacities as both trial and appellate counsel in military and civilian courts, including on cases of sexual violence. Ms. Lane's practice has included work both as a military prosecutor and as a defence attorney.

Ms. Lane received a juris doctor degree from the Loyola Law School in Los Angeles, California and received her Bachelor of Arts degree cum laude from the University of Southern California, Los Angeles. She is a member of the California and Florida bars.

Mr. William Lifongo

PROGRAM OFFICER
OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-
GENERAL ON SEXUAL VIOLENCE IN CONFLICT

Mr. William Lifongo is an international human rights lawyer from Cameroon. Throughout his career in the United Nations, he has been involved in ensuring the respect of human rights in conflict and post-conflict countries by providing technical assistance, mentoring to and capacity building of national institutions/ authorities and other relevant stakeholders. He has been particularly involved in the investigation and monitoring of complex human rights violations in differing conflict situations across the African continent and helped countries develop and implement frameworks on facilitating access to justice and the protection of women and children. He currently works as an Adviser to the United Nations Special Representative of the Secretary General on Sexual Violence in Conflict in New York. Prior to his current post, Mr. Lifongo worked as a Human Rights Officer in conflict and post-conflict situations in Burundi, Sierra Leone, Chad, Côte d'Ivoire, Uganda and the DRC. He also worked with Amnesty International and the International Criminal Tribunal for Rwanda in Arusha-Tanzania.

Lt. Colonel John T. Rawcliffe

DEPUTY COUNSEL, JUDGE ADVOCATE
U.S. ARMY U.S. AFRICA COMMAND

Mr. John Rawcliffe is a Lieutenant Colonel and Judge Advocate in the U.S. Army and is currently serving as Deputy Legal Counsel for U.S. Africa Command based in Stuttgart, Germany. He has previously acted as a prosecutor and senior prosecutor for the U.S. Army in Fort Carson, Colorado, as Chief of Operational Law for Combined Joint Special Operations Task Force North, in Northern Iraq, and as a Professor of International and Operational Law at the Judge Advocate General's Legal Center and School in Charlottesville Virginia. Prior to his current position, he served as Staff Judge Advocate for the Joint Task Force Civil Support Unit of U.S. Northern command, which deploys rapidly in case of chemical/biological/nuclear or other hazards.

Mr. Rawcliffe has published articles in the Operational Law Handbook and in the Army Lawyer regarding child soldiers. He holds a Bachelor's of Science degree from North Carolina State University, a Juris Doctor degree from the University of Colorado Law School, and an LLM degree from the U.S. Judge Advocate General's School.

Ms. Thembile M. Segoete

APPEALS COUNSEL, OFFICE OF THE PROSECUTOR
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Ms. Thembile Segoete is an Appellate Counsel in the Office of the Prosecutor (OTP) of the International Criminal Tribunal for Rwanda (ICTR). Thembile has nineteen years' experience in the prosecution of criminal cases including sexual violence cases, both at the national and the international level. Before joining the ICTR in 2006, she was a prosecutor in the Kingdom of Lesotho for ten years.

Ms. Segoete chairs the Sexual Violence Committee in the OTP. In this capacity, she has contributed to and supervised the drafting of the "Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions: Lessons Learned from the Office of the Prosecutor for the International Criminal Tribunal for Rwanda." As part of the ICTR's capacity building efforts to support the Rwandan justice

sector, Ms. Segoete has conducted several training programs in Rwanda. She has also presented papers on preventing sexual violence and witness protection at international conferences and workshops. Ms. Segoete holds an LLM from the Warwick University in the United Kingdom.

Ms. Danaé van der Straten Ponthoz

UK PREVENTING SEXUAL VIOLENCE INITIATIVE/
TRIAL (TRACK IMPUNITY ALWAYS)

Ms. Danaé van der Straten Ponthoz is a legal expert specialising in sexual violence in conflict with extensive experience investigating serious human rights violations and promoting accountability for sexual and gender based crimes. She acts as a Gender Adviser for TRIAL (Track Impunity Always), a Swiss-based non-profit legal organisation specialising in the fight against impunity.

Ms. van der Straten Ponthoz is also a member of the Expert Working Group appointed by the UK Foreign & Commonwealth Office to draft the text of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, which is part of the Preventing Sexual Violence Initiative launched in 2012 by former British Foreign Secretary William Hague.

Her experience working with the military includes strengthening the capacity of the Malian Armed Forces to protect civilian from human rights violations and prevent sexual violence as part of the European Union Training Mission in Mali as well as a pilot project aimed at enhancing the capacity of military justice officials, lawyers and human rights defenders to combat impunity for sexual violence in South Kivu, Democratic Republic of the Congo.

Ms. van der Straten Ponthoz holds a Licence en Droit from the University of Geneva School of Law and an LLM (Master of Laws) from Columbia University School of Law. She is a certified trainer and investigator on conflict-related SGBV by the Institute for International Criminal Investigations. She is admitted to the Geneva and New York bars and qualified to practice as a solicitor in England & Wales.



ANNEX IV: FRAMEWORK OF COOPERATION

Framework of Cooperation Between the International Conference on the Great Lakes Region and The United Nations Office of the Special Representative of the Secretary-General

1. The International Conference on the Great Lakes Region (ICGLR), and the United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), building on prior positive collaboration, in accordance with the 2006 ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children; the Kampala Declaration on Sexual and Gender-Based Violence (the 'Kampala Declaration') of 15 December 2011; United Nations Security Council Resolutions 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013); and in alignment with the Framework of Cooperation between the Office of the SRSG-SVC and the African Union Commission of 31 January 2014; agree to enter into a Framework of Cooperation (the 'Framework') to collectively address conflict-related sexual violence in the Great Lakes Region.

2. Under this Framework, ICGLR recognizes the Office of the SRSG-SVC as its primary interlocutor/focal point within the UN system on issues related to conflict-related sexual violence and the Office of the SRSG-SVC recognizes ICGLR as its primary interlocutor/focal point in the Great Lakes Region on issues concerning conflict-related sexual violence at Great Lakes regional level.

3. Under this Framework, the two parties agree to collaborate in a number of overarching priority areas including: combating impunity and promoting accountability as a critical aspect of deterrence and prevention; fostering political leadership and action; enhancing information on sexual violence as a basis for action at all levels; undertaking capacity building and training to enhance response at all levels; fostering

better coordination at all levels; fostering national ownership, leadership and responsibility; and emphasizing multi-sectoral services for survivors; empowering women and girls; and countering the stigma of survivors. In this regard, the Office of the SRSG-SVC and ICGLR agree to join efforts on eradicating conflict-related sexual violence, including, inter alia:

a. Cooperating in advocacy efforts with Member States of the ICGLR to combat impunity for conflict-related sexual violence through the ICGLR Secretariat;

b. Supporting advocacy efforts with Member States of the ICGLR to increase the visibility of efforts to address conflict-related sexual violence, including through the expression of political will, provision of means, and taking concrete action at the highest level to eradicate this crime;

c. Supporting efforts to enhance national and regional policies, legislation and institutions working on conflict-related sexual violence;

d. Advocating for the integration of conflict-related sexual violence prevention safeguards and concerns in mediation and conflict-resolution efforts in ICGLR countries, and ensuring the participation of women in such efforts;

e. Preventing and monitoring, with the support of the UN and ICGLR Member States, conflict-related sexual violence in the Great Lakes Region, and promoting more systematic reporting and regular exchanges of information and analysis on conflict-related sexual violence in the region;

f. Cooperating in the promotion of key ICGLR instruments on addressing sexual violence, including the Kampala Declaration (2011) and the ICGLR

Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children (2006);

g. Promoting joint messaging on situations of concern involving the use of sexual violence as a tool of war in the Great Lakes Region;

h. If the need arises, and when possible, facilitating access of the Special Representative of the SRSB-SVC to parties to conflict credibly suspected of committing acts of conflict-related sexual violence to seek commitments for prevention and response, in line with UN Security Council resolutions 1888 (2009), 1960 (2010), and 2106 (2013);

i. Collaborating in the delivery of training for relevant actors, the production, harmonization and standardization of training materials; through the ICGLR sexual violence training initiatives, to enhance the capacity in the region to address sexual violence;

j. Supporting the consolidation of the Kampala-based Regional Training Facility (RTF)'s capacity and strengthening its competencies, including through provision of expertise, sharing of knowledge, experiences and information, in order to enhance joint efforts to build the capacity of actors in the region to address sexual violence;

k. Collaborating in training of peacekeeping units deployed in operations in the Great Lakes Region, as well as national security forces to prevent and respond to conflict-related sexual violence, in cooperation with relevant partners such as the Kofi Annan International Peacekeeping Training Center and other training institutions and centres of excellence;

l. Enhancing capacity of the criminal justice system of conflict and post-conflict countries in the Great Lakes

Region to respond to suspected cases of conflict-related sexual violence, including through supporting special court sessions;

m. Cooperating in the mobilization of resources to support the implementation of agreed actions to prevent and respond to conflict-related sexual violence in the Great Lakes region; and

n. Cooperating to strengthen health systems to provide services to victims including medical, psychosocial and legal.

4. To facilitate this cooperation, the Office of the SRSB-SVC and the ICGLR will each designate institutional focal points through which communication may be channelled. In addition, the ICGLR and the Office of the SRSB-SVC agree to develop an implementation plan annually, around key priorities mentioned in this framework.

5. In case of disputes arising from the application, implementation or interpretation of this Framework, the Parties shall settle the dispute amicably by negotiations.

6. This Framework agreement may be amended upon mutual consent by both Parties.

7. This Framework may be terminated by either of the parties, following two-month prior written notification. In the event of a renunciation of the Framework, the obligations of the Parties with regard to on-going projects shall continue to be honoured in accordance with the provisions of this Framework until their completion.

8. This Framework shall enter into force on the date of its signing by the Office of the SRSB-SVC and ICGLR.

This Framework of Cooperation was signed on 23 September 2014



Team of Experts

Rule of Law/Sexual Violence in Conflict

