

International Protocol on the Documentation and Investigation of Sexual Violence in Conflict

REDRESS welcomes new international protocol to investigate sexual crimes; urges states to end impunity and afford reparation to victims

REDRESS welcomes the launch of a new International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, a new tool in the fight against impunity that will be presented on Wednesday at a global summit in London.

The Protocol sets out best practice standards for documenting and investigating sexual violence in conflict zones. It is aimed at increasing the number of successful prosecutions by ensuring that the strongest possible evidence is collected and survivors receive proper support.

The Protocol was developed by the UK government with input from expert organisations from all over the world, including REDRESS, with the hope that it becomes a powerful tool to end these crimes that remain an all too common feature of conflicts.

“There is a pervasive culture of impunity surrounding sexual violence in conflict”, said Carla Ferstman, Director of REDRESS.
“One of the main challenges to successfully prosecuting these crimes is changing the mindset that the evidence will be

waiting for you like a smoking gun. People may not want to come forward for many reasons, including the social stigma about sexual violence in many societies; victims' fear of reprisals and the lack of trust in a broken or weak justice system. All these factors are important when considering the best way to get enough evidence for a conviction. It is not impossible to do but it requires a shift in approach: Strategies need to be victim-centred and gender-sensitive; investigations should be systematic and leave no stones unturned.”

This need to strengthen investigations is evident, for example, at the International Criminal Court, where to date, the only two judgements issued – both of which concerned crimes committed in Eastern Democratic Republic of the Congo where sexual violence has reached epic proportions – have failed to address crimes of sexual violence.

In the first case against Thomas Lubanga, calls on the ICC Prosecutor to add sexual violence to the list of charges were not heeded. In the second case against Germain Katanga, rape and sexual slavery formed part of the charges but the judges found that insufficient evidence was put forward to connect the crimes to Mr Katanga. More needs to be done to ensure that the evidence is collected to support prosecutions. Recently, the ICC Prosecutor has adopted a policy document on the investigation and prosecution of sexual and other gender based violence – this is an important first step.

Sexual violence prosecutions are scarce in all parts of the world, whether these crimes occur during or outside of conflict. This is due to insufficient support for victims to come forward, half-hearted investigations and the continued application of gendered stereotypes and rape mythologies that still blame the victim for sexual abuse. Even in those instances when prosecutions have been lodged and judgments ordered, the problems do not end there.

Some states have failed to enforce judgments against convicted perpetrators; sentences have been cut short and much needed reparations to victims have been ignored. This problem is starkly evidenced in the DRC, by the continued failures to achieve accountability for sexual crimes committed by both state and non-state armed actors. See our 2013 report to the UN Committee on the Elimination of Discrimination against Women on DRC.

There are many other examples of impunity. Below are some cases we are involved in:

□ Nepal: Purna Maya claims that she was kidnapped, gang-raped and forced to drink urine by Army officers in 2004, during the conflict between Maoist and State forces.

□ Uzbekistan: Mutabar Tadjibayeva, a human rights defender and Nobel Prize nominee alleges she was forcibly sterilised while serving an eight-year prison sentence for her human

rights activities.

□ Sudan: Safia Ishaq Mohammed Issa says that she was kidnapped, beaten and gang raped by state agents in 2011 after participating in pro-democracy youth rallies. She has had to flee Sudan.

□ Sri Lanka: Rita Jasudasan, a national of Tamil origin who was 17 years old when she claims she was raped by two men on her way home from school in 2001. She has been waiting for justice for over 13 years.

□ Egypt: Samira Ibrahim Mohamed Mahmoud and Rasha Ali Abdel Rahman allege that they were arrested, beaten and subjected to genital examinations amounting to torture by military officers after participating in a rally during the Egyptian uprising.

□ Peru: Luis Alberto Rojas Marín was allegedly raped in detention with a rubber baton by three national policemen in 2008. He says he was targeted because of his sexual orientation.

All of these individuals – survivors of the most horrific forms of abuse – deserve justice. Their perpetrators need to be prosecuted, the harm that was done to them needs to be acknowledged, and they need reparations – not later, not after a peace process, not in 20 years – but now.

“The call for justice is not a simple wish, it is urgent and necessary. The crimes won’t stop unless justice prevails, it is that simple. The victims deserve nothing less. In fact, they deserve much more: Societies need to be transformed so that the contexts of complacency which allowed these crimes to occur in the first place are no longer tolerated,” said Ferstman. “The new International Protocol and the global commitment to this cause is an important step which must now lead to action. We call on states to re-double their efforts and to end this scourge once and for all.”

For further information please contact Eva Sanchis, REDRESS’ Communications officer on eva@redress.org or +44 (0) 20 7793 1777.

About REDRESS: REDRESS has been helping torture survivors obtain justice and reparation since 1992. It works in partnership with like-minded organisations around the world to end impunity and eradicate the practice of torture worldwide. REDRESS has intervened in a range

of leading torture cases in the UK and abroad. More information [about our work is available](#)
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Ending torture, Seeking justice for survivors

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