

Remarks from the UNGA78 High-Level Side Event: “A Holistic Justice Journey For Survivors Of Conflict-Related Sexual Violence”

Co-organized by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Permanent Mission of the Democratic Republic of the Congo, the Permanent Mission of Norway, and the Permanent Mission of Sierra Leone

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Remarks by H.E. Mr. Albert Fabrice Puela, Minister of Human Rights of the Democratic Republic of the Congo

Excellence Madame la Représentante Spéciale du Secrétaire Général chargée des Violences Sexuelles en Situation de Conflit,

Excellence Monsieur/Madame le/la Représentant/e du Royaume de Norvège,

Excellence Monsieur/Madame le/la Représentant/e de la République de Sierra Leone,

Excellence Madame la Directrice Exécutive de l'UNFPA,

Mesdames et Messieurs, chers invités, tous en vos titres et qualités;

Depuis près de trois décennies, la République Démocratique du Congo, mon pays, est victime de conflits armés lui imposés pour des raisons essentiellement économiques et dans cette conquête, plusieurs crimes de masse, crimes de droit international sont commis y compris les violences sexuelles délibérément utilisés par les bourreaux comme armes de guerre.

La RDC est actuellement en train d'implémenter les mécanismes de justice transitionnelle ou justice réparatrice après 32 ans de dictature et 18 ans de graves violations de droits de l'homme et du droit international humanitaire sur toute l'étendue du pays. Ainsi, tous les piliers sont en gestation et les grandes lignes pour leur exécution déjà en marche avec un rapport final de la politique nationale sur la justice transitionnelle avec tous ses détails.

Le projet de loi sur la JT n'attend que les conclusions des consultations nationales sur la JT pour être présentée au parlement. Et faisant partie de ce processus de JT, les viols et les violences sexuelles sont pris en compte par le Ministère des Droits Humains qui lead ce processus.

Dans le souci de lutter contre ces viols et violences sexuelles surtout en période des conflits, la RDC a adopté et promulgué depuis 2006 les lois n°06/018 et 06/19 du 20 juillet 2006 relative à la répression des infractions de violences sexuelles et tout récemment la loi n°22/067 du 26 décembre 2022 portant prévention et répression de la traite des personnes, en particulier des femmes et des enfants.

Il faut également faire état de la campagne de Tolérance Zéro lancée par le Chef de l'Etat en date du 20 juin 2021 sur le crime et l'impunité de la violence basée sur le genre. Elle avait pour objet la sensibilisation du public sur toutes les formes de violence à l'égard des femmes et la vulgarisation des politiques, des stratégies et des plans y relatifs.

En outre, le Décret N°23/20 du 09 Juin 2023 modifiant et complétant le décret n° 22 /38 du 06 Décembre 2022 fixant le statut d'un établissement public dénommé **FONAREV**, spécialement dédié à la prise en charge holistique des victimes.

La loi n°22/065 du 26 Décembre 2022 fixe les principes fondamentaux relatifs à la protection et à la réparation des victimes des violences sexuelles liées aux conflits et des victimes des crimes contre la paix et la sécurité de l'humanité. Cette loi prévoit le principe de la centralité des victimes, leur prise en charge holistique, les modalités de protection des victimes ainsi que la gratuité pour tous les actes de procédures.

Si la JT se fait souvent en temps de paix dans plusieurs pays, nous sommes en train de mettre en place ce processus au moment où certaines parties du territoire national sont encore en proie à des confrontations militaires et donc nous croyons que les bourreaux des viols et violences sexuelles seront identifiés et poursuivis une fois les conditions des poursuites judiciaires sont propices pour la sécurité des victimes.

Quant aux défis:

Nous sommes un pays non post conflit mais en plein conflit, ainsi donc la chaîne entraînant à la dénonciation des violeurs, leur arrestation, leur jugement et leur condamnation pendant le conflit est une tâche extrêmement difficile pour notre gouvernement qui doit sécuriser les déplacés internes dus à tous ces conflits internes et internationaux auxquels la RDC fait face. Comment allons-nous créer une environnement propice quand la plupart des sites où tous ces crimes de masse se déroulent ne sont pas sous contrôle gouvernemental :

- Pour ce premier objectif à atteindre, nous sommes disposés à travailler comme nous le faisons déjà, avec l'écosystème de la société civile mais aussi d'autres partenaires. Toutefois, dans un environnement de conflit armé, nous croyons que vos expériences ou les expériences d'autres pays ayant vécu des situations similaires que les nôtres nous seront vraiment utiles ;
- Ensuite, nous croyons que les Nations Unies doivent comprendre que les efforts pour pacifier le pays doivent être aussi parmi leurs priorités et surtout que les causes profondes de ce conflit et les potentiels commanditaires de M23 et les autres rebellions sont clairement connus, pourquoi pas nous aider à matérialiser notre souhait et celui des rédacteurs du Rapport Mapping afin que la RDC puisse avoir sur son

sol un Tribunal Pénal International ou même dans le cadre de la JT une tribunal spécial pour la paix à la Colombienne.

- Un autre défi pour lequel nous faisons un plaidoyer est celui qui concerne le renforcement des capacités auprès de tous les acteurs qui doivent œuvrer dans la chaîne de prise en charge judiciaire des victimes en RDC.

Le personnel, de l'OPJ aux magistrats du parquet comme du siège mais aussi des représentants des associations des victimes ou des représentants des associations d'aide aux victimes, n'est pas suffisamment outillé ou équipé pour travailler dans ce domaine combien sensible et délicat afin d'éviter une double stigmatisation ou remuer des plaies encore béantes auprès de toutes ces victimes.

Le Ministère des DH a le plus petit budget de tous les Ministères du Gouvernement mais vous comprendrez avec moi que les défis auxquels ce ministère transversal fait face sont largement au-delà de nos moyens, raison pour laquelle, étant donné que les crimes pour lesquels nous nous entretenons cet après-midi sont des crimes internationaux parce qu'ayant choqué la conscience congolaise et internationale, nous plaidons pour une grande levée de fonds au niveau international pour que nous faisions face à tous ces différents challenges et réussir à mettre les victimes des violences sexuelles de la RDC en confiance pour qu'elles ne gardent plus silences parce que ne trouvant pas en face un personnel digne de confiance, un Etat suffisamment capable sur tous les plans de prendre en charge tous les volets pour une prise en charge holistique de celles-ci.

Remarks by Ms. Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict

Your Excellency, Mr. Albert Fabrice Puela, Minister of Human Rights of the Democratic Republic of the Congo,

Your Excellency Madame Denise Nyakéru Tshisekedi, First Lady of the Democratic Republic of the Congo,

Your Excellency, Madame Maada Bio, First Lady of the Republic of Sierra Leone,

Thank you for your presence here today and for your words of solidarity and support for survivors.

Excellencies, distinguished guests: conflict-related sexual violence is not a cultural phenomenon, not an inevitable consequence of war, and not a lesser crime.

While States bear the legal responsibility to end impunity and to prosecute all those responsible for crimes of conflict-related sexual violence, to date, we have seen very few perpetrators ever brought to justice. *Impunity thus remains the global norm and accountability the rare exception.*

While the consistent, rigorous prosecution of these crimes can translate into prevention and deterrence, lack of political will to enforce applicable law sends the opposite signal, emboldening perpetrators and demoralizing survivors by implying it is futile, and even dangerous, to report. *Unpunished crime is repeated crime.* We know that sexual violence offences have the *highest rates of impunity and recidivism.*

Yet, the normative framework is clear and categorical, and the institutional architecture well-established. The United Nations Security Council has affirmed the importance of delivering a "survivor-centered approach" that respects the rights and prioritises the needs of survivors, ensuring they receive the requisite care without adverse discrimination. Measures must be taken to mitigate the risk of stigmatization and to support their socioeconomic reintegration.

Security Council Resolution 2467 of 2019 calls for stronger, more comprehensive legislation; for investigation to be enhanced, including through specialised police units and courts; for the provision of legal aid; the prompt investigation, prosecution, and punishment of perpetrators in a manner consistent with fair trial guarantees; and the provision of reparations to victims. All of these measures must be in place to create an enabling environment in which survivors can come forward to report and seek justice.

The challenge before us is to translate *commitments on paper* into *compliance in practice* to bridge our *highest legal obligations and policy aspirations* with *operations on the ground*. To do so, we are compelled to ask: *What does a "survivor-centered approach" to justice mean right now for:*

- The seven-year-old girl who was raped during the conflict in **Sudan** and forced to flee to South Sudan with her grandmother, where they now live as refugees and lack the financial means to pursue the case despite their thirst for justice?
- A political activist in **Myanmar** who protested the coup in her country and was targeted for sexual violence as a form of reprisal to silence her dissent?
- A girl who was gang-raped by armed men in **Tripoli**, whose family refused to file a complaint due to fears of retaliation and social norms related to "honor"?
- A young woman who became pregnant and HIV-positive after being raped by 27 soldiers in **northern Ethiopia**, where troops are still present, and a credible transitional justice process is lacking?
- Or the **Bosnian** woman who was raped in 1995 and is still seeking judicial redress, over a quarter of a century since the guns fell silent?

These are just a few of the incidents that my office has chronicled in its reports to the Security Council and strives to address in its daily work. These crimes are *unspeakable*, but we are *compelled to speak about them*.

Almost 15 years ago, the United Nations Security Council established my mandate to provide coherent and strategic leadership on this issue as Chair of the interagency coordination network, UN Action Against Sexual Violence in Conflict, and through a dedicated Team of Experts on the Rule of Law and Sexual Violence in Conflict. The intervening years have shown us that through effective partnerships with national.

Authorities, civil society organisations, grassroots practitioners, service providers, and survivors themselves, backed by the requisite level of *political resolve and financial resources*, it is possible to deliver justice, protection, and assistance to help *rebuild lives and livelihoods* in the wake of these crimes. Yet, sexual violence persists as a cheap and effective tactic of war, terror, torture, and political repression that attacks the physical integrity and agency of survivors. The goal must, therefore, be to restore agency to survivors and empower them at *every step*, from accessing services to reporting and testifying in the courtroom to applying for reparations, as we *walk side-by-side with them on the path to justice*.

A safe and supportive environment is foundational to enabling survivors to come forward and report these *historically hidden crimes*. This entails meeting the basic needs of survivors and their dependents, such as safe shelter, food security, medical care, sexual and reproductive healthcare, trauma counseling, and psychosocial support, as well as livelihood and socioeconomic reintegration assistance, in the face of social stigma, family and community rejection, and often profound personal shame. When these essential needs are met, we see many more survivors who are ready and willing to participate in criminal justice processes.

Equally foundational is a comprehensive legislative framework, including protective rules of procedure and evidence that provide safeguards for victims and witnesses, backed by specialised capacity and expertise among investigators, prosecutors, and judges. To this end, my office has developed *Model Legislative Provisions* to assist States to harmonise domestic laws with international standards, and has signed a dozen framework agreements with affected States to ensure that *policies of zero tolerance* do not *carry zero consequences*. We know that not every case of sexual violence will reach a courtroom; thus reparations are vital, including compensation,

rehabilitation, restitution, truth-telling, and guarantees of non-repetition. These rights and reparatory measures must extend to children born of sexual violence, who have often been invisible in peacebuilding and transitional justice processes.

Ladies and gentlemen, we have here today a range of practitioners representing all links in the justice chain, from safe and ethical documentation at point of service-delivery, including the collection of medical and forensic evidence, to investigation, law enforcement, prosecution, corrections, compensation, remedies, and reintegration support. The justice chain is *only as strong as its weakest link*. It *functions as a system or not at all*. We must, therefore, mobilise concerted, multistakeholder action to *replace impunity with unity*. We must break the chains of silence and denial that have sentenced survivors to life-long trauma, fear, and ostracism while the perpetrators walk free.

Unless our *rhetoric is matched with resources*, we risk merely *paying lip service* to this urgent issue. Every year that I have served as Special Representative, the number of Member States who have requested our assistance has increased, and the geographical scope of the mandate has expanded. Yet, the *level of human and financial resources allocated to this agenda has not kept pace*. Since my Team of Experts on the Rule of Law has been operational, it has been compelled to rely solely on voluntary contributions despite having a Security Council mandate and receiving increasing requests for ever-more sophisticated technical support. It is only through adequate and sustained resources that we can *do justice to this cause and, above all, its survivors*.

As the panelists will tell you today, where there is political will, holistic service provision, and credible, capable institutions, meaningful change is possible. Impunity for conflict-related sexual violence threatens both individual rights and international peace and security. Those who tear the fabric of society through these egregious crimes must be *relentlessly pursued and effectively prosecuted*.

In the name of the survivors, we must deliver justice, not just law, which means countering harmful norms, attitudes, and behaviors in communities, as well as courtrooms. In the name of future generations, we must make accountability the rule rather than the rare exception. By reinforcing each link in the justice chain and fostering synergy of action, we can, we must, and we will convert the age-old culture of impunity into a culture of prevention and deterrence.

Thank you.

Remarks by Ms. Jineth Bedoya Lima, Colombian Journalist and Survivor

Gracias a la Oficina de la Representante Especial del Secretario General sobre Violencia Sexual en Conflictos y especialmente a Pramila Patten.

¿Qué es justicia? ¿Cómo se puede reparar lo que es imposible reparar, porque el dolor y la impunidad son más fuertes que esa misma palabra?

Soy una sobreviviente de secuestro, tortura y violencia sexual, y llevo 23 años haciéndome esas dos preguntas. He recibido muchos abrazos y palmadas en la espalda de solidaridad de gobernantes de mi país, seguro con buena intención, pero es que la vida de las víctimas no puede seguir adelante solo con buenas intenciones.

Cada víctima tiene una idea particular e íntima de lo que significa la justicia, y por eso puede ser diferente en todos los contextos. Desde la cárcel para los perpetradores, el perdón público y el reconocimiento de los

crímenes, atravesando por la verdad, hasta la reparación material.

Lo que sí es único y tiene el mismo impacto en Sierra Leona, Colombia, Siria, Ucrania, Irán, México, o el Congo, es la IMPUNIDAD.

Lograr romperla es volver una y otra vez al momento de la violación o del destierro. Es transitar por el dolor interminablemente. Es como una pesadilla que no tiene fecha de expiración. Esa es la mejor forma de resumir lo que significa buscar justicia.

Cuando yo inicié ese camino tenía muchas expectativas y pocos aliados, porque el primer tropiezo que encontramos los sobrevivientes es la apatía de quienes pueden cambiar nuestras realidades. Y no me refiero a la apatía emocional, del sentimiento de rechazo que despierta un hecho violento. Estoy hablando de la apatía a la acción. A meterse la mano al bolsillo para destinar recursos que permitan tener programas de apoyo en salud mental, que se traduzca en consultorios jurídicos para litigar los casos, en medidas efectivas y no revictimizantes de protección, en fondos reales y eficaces de reparación individual y colectiva.

Yo he pasado por todo esto. Tras mi secuestro no tuve apoyo sicológico, ni médico, o un abogado, mucho menos el compromiso del sistema de justicia en Colombia. Por el contrario, los mismos fiscales se encargaron de poner todo el peso de la responsabilidad sobre mis hombros y no en los de mis victimarios. Me hicieron creer que tenía la culpa por haber sido violada masivamente, por hombres de grupos paramilitares y de la policía.

La justicia en Colombia no me respondió. Aún hoy sigue sin responderme.

Por eso toqué muchas puertas a nivel internacional y logré llevar mi caso a la Corte Interamericana de Derechos Humanos, pero me costó la vida misma.

Eso es lo que no puede pasar. Eso es lo que los gobernantes del mundo no pueden seguir permitiendo que pase. No es suficiente con que los discursos políticos mencionen una y otra vez que las víctimas y los sobrevivientes son el centro de un acuerdo de paz, o de la transformación de una nación en guerra, si no tienen la grandeza histórica de destinar recursos para hacer los cambios. Los Estados deben entender que la afectación para un sobreviviente de violencia sexual no es solo para él, o para ella. Es para todo su entorno y por ende para la sociedad.

No podemos seguir viendo a los sobrevivientes como casos obligados de una confrontación armada. La vergüenza, el miedo, las amenazas y la intimidación muchas veces nos superan, impidiéndonos denunciar o buscar ayuda.

Por eso necesitamos compromisos sólidos.

El próximo 18 de octubre, se cumplen dos años de la sentencia que la Corte Interamericana emitió contra el estado colombiano en mi caso. Logré medidas de reparación históricas para las mujeres de mi país, como la creación de un centro de memoria para las víctimas de violencia sexual, pero el gobierno sigue sin cumplirlas.

Y yo no quiero esperar a que lo hagan, porque ya gasté dos décadas ante un tribunal para comprobar que lo que denuncié era cierto. No puedo esperar dos décadas más para comprobar que los sobrevivientes estamos en el centro de todo, solo en el papel.

Los sobrevivientes somos parte de la acción y del cambio. El estar sentada aquí es una prueba.

Mis victimarios me quitaron casi todo, menos algo poderoso: mi voz. Esa voz es el eco de mi justicia. De la justicia de todas las víctimas.

Gracias.

Remarks by Ms. Tara Newell, Médecins Sans Frontières Representative to the UN

Excellencies, ladies and gentlemen,

MSF witnesses the scale and impact of sexual and gender-based violence daily across the many contexts where we work.

In 2022, MSF provided medical care to 40,000 survivors of sexual violence globally.

Sadly, the situation in 2023 seems to be even worse. By the end of August, we had already surpassed last year's total case numbers.

In Eastern DRC alone, the humanitarian community is seeing over 5,000 cases per month, totaling over 40,000 cases in a single context since the beginning of the year. We are also seeing similar surges in SGBV cases in other contexts, including CAR, Haiti, Sudan, and India. We witness daily the crushing consequences of sexual violence on survivors. We see and treat their physical and psychological suffering (sexually transmitted infections (STIs), HIV/AIDS, wounds and injuries, unwanted pregnancies, unsafe abortions, fistulas, and trauma), and we witness the social consequences they endure. We hear all their heart-wrenching stories.

My remarks today are drawn from the personal experiences of our patients in hopes that their perspective and ours as a medical organisation will support a more holistic understanding of justice.

As a starting point, I want to emphasise that the treatment of sexual violence is a medical emergency, and it needs to be recognised as such. Only once we acknowledge this fact are we on the road to an effective survivor-centered approach to justice.

Unfortunately, MSF sees that timely access to comprehensive, quality medical care and psychosocial support is very often limited or completely unavailable. Broader support services such as shelter, socio-economic, and legal advice are generally non-existent. But even in places where medical services do exist, there are many barriers that prevent survivors from accessing them: insecurity, long distances and lack of transport to facilities, a lack of knowledge of why and how to seek care, a fear of disclosure or retaliation; untrained medical staff, and incomplete care packages, to name only a few. As a result, many survivors presented to our medical facilities months after the violence occurred, making accountability processes even harder.

Treating sexual violence as a medical emergency means reducing barriers and expanding access to treatment and services. Failing to recognise sexual violence as a medical emergency first and foremost and seeing it primarily through a judicial or procedural prism can have severe consequences on survivors. Systems often ask survivors to go through complicated and obstructive procedures, including having to recount their story multiple times and being examined and re-examined by various health professionals, which can be re-traumatising and have a significant impact on their well-being and healing process.

The general lack of understanding among law enforcement and judicial authorities that sexual violence is a medical emergency is demonstrated when we see that:

- In many contexts, survivors are accompanied or referred by the police to medical facilities to obtain certificates instead of medical care.
- In several contexts, the law requires mandatory reporting and the need to establish a police case prior to receiving medical treatment.

Judicial authorities often require medical documentation when pursuing a claim against a perpetrator; however, survivors can face numerous obstacles when trying to obtain those documents:

- In many cases, the examinations, tests, and certificates are not free of charge, which makes them prohibitive for many;
- The documents are often only available at a small number of pre-approved clinics. At times, the survivor may be (re-)examined by a specific doctor and needs to return multiple times to collect their certificate.
- The process often requires survivors to provide confidential medical information that may not be relevant. In some cases, unnecessary tests that are not in the interest of the survivor are performed.

Systems commonly disregard a survivor's basic rights, such as respectful and dignified treatment, informed consent, privacy, confidentiality, and non-discrimination. These kinds of experiences, as told by our patients, result in a general lack of trust in police, legal, and justice systems in many places where we work. The result is that survivors "give up".

This can partially explain why we all see an enormous gap between cases that are reported and treated and those that are actually litigated.

In summary, I would like to stretch our understanding of justice beyond its legal limits.

What does justice look like for survivors when the legal means to achieve it are out of reach for most?

Our patients are seldom focused on punitive justice and instead look for a model of justice that seeks to repair, in some way, the harm done to them. A model that is centered on their immediate and long-term physical, psychological, and social needs.

There is no justice without such a holistic approach.

The justice we seek must recognise sexual violence as a medical emergency and focus on protection and healing.

I would also like to stretch our understanding of justice to address prevention. In that regard, we as humanitarian need to be part of the solution and accountability chain. A lack of access to basic services and adequate humanitarian assistance in many contexts continues to drive people's vulnerability and increase their risk of exposure to SV.

Women should not be put in a situation where they risk being raped to take a shower or use a latrine because we, as humanitarian organisations, have not provided adequate WASH infrastructure and lighting in a displacement camp.

Women should not have to risk being raped every time they leave the camp in search of food for their malnourished children. That is not a 'just' choice.

Humanitarians and governments alike need to do much better to reduce vulnerability as a first step.

Then, medical care must be a priority and should not be contingent on anything else. Survivors should have adequate access to medical care anytime, anywhere, and without first going through police or legal channels.

States must do better in adopting more survivor-centered approaches through the increased provision of medical services and safe referral pathways, stepping up extended support services, and improving awareness and training within formal legal and justice systems.

States need to address mandatory reporting and the challenges survivors face in obtaining medical certificates.

This is low-hanging fruit. It is not just the humanitarian thing to do.

A holistic approach to justice will help create more faith in accountability processes, which will help States achieve their objectives and move us closer in our quest for real justice for survivors.

Thank you.

Remarks by General Joseph Mutombo Katalay, President of the Military High Court of the Democratic Republic of the Congo

Depuis plus de deux décennies, la République Démocratique du Congo est ravagée par des cycles de violences inédits. Un nombre impressionnant de crimes internationaux a été commis, faisant des centaines de milliers de victimes. Ces violences se sont accompagnées d'un usage systématique de viols et des agressions sexuelles par toutes les forces combattantes.

Ayant pris conscience de l'ampleur et de la gravité de cette criminalité, la justice militaire, dont les ressources sont limitées pour poursuivre efficacement tous les responsables des atrocités perpétrées, a élaboré une stratégie de poursuites, avec l'appui de ses partenaires.

Cette stratégie identifie des critères clairs et transparents pour sélectionner et prioriser les crimes à poursuivre. C'est notamment :

- La nature des crimes ;
- La position des auteurs dans la chaîne de commandement ;
- Le nombre de victimes ;
- L'accessibilité des lieux de commission des crimes ;
- L'impact des poursuites au sein de la société ;
- Etc.

Sur base des renseignements apportés par les magistrats militaires concernés par les différents dossiers, une Commission mixte composée des délégués de la Haute Cour, de l'Auditorat General et des partenaires, établit la liste des dossiers prioritaires à examiner pendant une période donnée.

En appliquant cette stratégie, la Haute Cour Militaire et les différentes juridictions militaires inférieures ont priorisé les dossiers des violences sexuelles liées aux conflits, ouverts à charge, notamment des officiers généraux ou supérieurs et des seigneurs de guerre, chefs de groupes armés.

Entre temps, des séminaires de formation spécifiques ont été organisés avec l'appui des partenaires pour permettre aux magistrats de mieux assurer les poursuites des crimes graves et des crimes de violences sexuelles liées aux conflits.

Plusieurs dossiers emblématiques ont ainsi été jugés à la suite de la politique de priorisation. A titre illustratif, on peut citer :

1) Affaire KAKWAVU BUKANDE Jérôme

Officier général au sein des Forces Armées de la République Démocratique du Congo, Jérôme KAKWAVU avait été, au cours des années 2003 et 2004, chef d'un groupe armé dénommé « Forces Armées du Peuple Congolais ». Durant cette période, lui et ses hommes s'étaient livrés à de nombreux abus et atrocités sur la population civile : des meurtres, des tortures et des viols.

En date du 23 avril 2010, KAKWAVU est arrêté et renvoyé, après instruction, devant la Haute Cour Militaire le 19 novembre 2010.

Il sera reconnu coupable et condamné le 7 novembre 2014 à 10 ans de servitude pénale pour crimes de guerre par viol.

2) Affaire BEDI MOBULI alias « 106 »

Ce déserteur de l'armée régulière, devenu par la suite chef d'un groupe armé opérant dans le parc national Kahuzi-Biega en province du Sud-Kivu, a été jugé en appel et condamné par la Haute Cour Militaire le 26 juillet 2018 à 20 ans de servitude pénale pour notamment crime contre l'humanité par viol et crime contre l'humanité par esclavage sexuel.

3) Affaire MARO NTUMWA alias « Marocain »

Ancien adjoint du précédent, MARO NTUMWA s'était séparé de son chef pour fonder son propre groupe armé, prétendant défendre les intérêts des populations autochtones privées de leurs terres par l'instauration du Parc National Kahuzi-Biega. Ce groupe armé s'est illustré par de nombreuses exactions, dont des viols et autres agressions sexuelles, commises sur les populations civiles des localités riveraines du Parc.

Il a été jugé le 28 avril 2018 par la Cour Militaire du Sud-Kivu et condamné à 20 ans de servitude pénale pour crimes contre l'humanité par esclavage sexuel. Cette décision a été confirmée en appel par la Haute Cour Militaire le 26 juillet 2018.

4) Affaire BATUMIKE RUGIMBANYA Frédéric

Ce député provincial de la Province du Sud-Kivu a été jugé en appel et condamné par la Haute Cour Militaire à Bukavu le 26 juillet 2018 à la servitude pénale à perpétuité pour crimes contre l'humanité par viols. Il était poursuivi pour avoir dirigé un mouvement insurrectionnel armé ayant commis de graves violations des droits de l'homme dont des violences sexuelles sur mineures. Sa qualité de député n'avait pas été un obstacle aux poursuites engagées contre lui, conformément aux dispositions du Statut de Rome sur la non-pertinence de la qualité officielle.

5) Affaire SHEKA

Ancien exploitant artisanal d'or, NTABO NTABERI SHEKA était devenu chef du groupe armé dénommé « NDUMA DEFENSE OF CONGO », accusé d'avoir commis de nombreuses violations des droits de l'homme, dont des viols, durant la période allant de 2011 à 2017.

Affaibli par des dissensions internes et par les attaques aussi bien de la part de l'armée régulière que des autres groupes armés écumant la région du Nord-Kivu, NTABO NTABERI SHEKA a fini par se rendre à la MONUSCO le 27 juillet 2017 pour être remis entre les mains de la justice. Jugé au cours d'un procès qui a duré deux ans, ce chef de milice sera condamné à la servitude pénale à perpétuité avec une durée minimale de sûreté incompressible de 10 ans pour notamment crimes de guerre par viol et crimes de guerre par esclavage sexuel.

La même peine sera infligée à son lieutenant ZITONDA HABIMANA Séraphin alias « Lionceau ».

Néanmoins la Haute Cour Militaire doit encore faire face à des défis importants que voici :

- L'insuffisance des moyens d'action

La justice militaire congolaise souffre d'une insuffisance de moyens humains, matériels et techniques pour faire face aux défis énormes en présence. Pour un pays aux dimensions d'un continent, le nombre de magistrats en activité est insignifiant. Le récent recrutement de 2.500 nouveaux magistrats laisse entrevoir un espoir dans la mesure où certains d'entre eux vont intégrer le parquet militaire.

- **L'inaccessibilité de certaines zones du territoire national**

Les infrastructures routières inexistantes ou en état de délabrement avancé rendent difficile, voire impossible l'accès à certaines contrées où les crimes sont commis. Les victimes aussi ne peuvent pas atteindre les autorités judiciaires pour se plaindre ou faire des dénonciations et les enquêteurs ne peuvent pas recueillir les preuves des crimes allégués.

- **La réticence des victimes des crimes des violences sexuelles**

Dans nos contrées, la stigmatisation des victimes des violences sexuelles demeure un frein à la saisine des autorités judiciaires, augmentant ainsi le chiffre noir.

- **L'insécurité qui règne dans la partie Est du pays**

La multiplicité des groupes armés actifs dans les zones de conflit crée une sorte d'insécurité généralisée avec des zones de non-droit où ces groupes criminels font la loi. Les Forces Armées de la RDC s'activent à travers les opérations militaires de rétablir l'autorité de l'Etat dans ces zones, avec l'appui de ses partenaires, afin que l'Administration et les différents services, y compris judiciaires, reprennent leur fonctionnement optimal.

Hormis ces difficultés, il faut reconnaître que la politique de priorisation des dossiers a permis à la Justice Militaire de tirer les leçons suivantes :

- La nécessité de rapprocher la justice des justiciables à travers les audiences foraines, en collaboration avec les partenaires ;
- L'importance d'une coordination des appuis des partenaires pour aboutir à une mutualisation des moyens tant financiers que logistiques ;
- La nécessité d'assurer la protection des victimes et des témoins lors des procès en prenant des mesures innovantes (déguisement des victimes, les huis clos, etc.) ;
- La formation continue des magistrats en matière de poursuite des crimes internationaux.

L'expérience acquise par les magistrats militaires congolais, lors des poursuites des auteurs des crimes internationaux, constitue un atout non négligeable qui pourrait profiter aux autres pays qui font face aux mêmes défis que la RDC.

Je vous remercie pour votre aimable attention.

Remarks by Ms. Myroslava Krasnoborova, Liaison Prosecutor for Ukraine

Honorable delegates, esteemed audience,

I'm grateful for this opportunity to address a critical issue of conflict-related sexual violence and discuss the means for ensuring accountability for these crimes and support for the survivors.

Russia invaded Ukraine 9 years ago—in 2014. Since that time, there have been consistent reports of conflict-related sexual violence in territories temporarily occupied by Russia. However, following the full-scale invasion in

2022, we have observed an alarming escalation in such violence perpetrated by the invading forces.

Since February 2022, prosecutors have recorded 231 cases of conflict-related sexual violence (men—82, and women—149, 13 of them are minors). These cases are registered in every region subjected to Russia's occupation. We are aware that this is only the tip of the iceberg. The patterns we observe are not random; they bear testament to a deliberate strategy employed by Russia with the intent to destroy the Ukrainian state and people. Sexual violence committed by the Russian military often targets people based on their national identity and pro-Ukrainian views, specifically against mothers, wives, and sisters of the members of the Ukrainian Armed Forces. We also have testimonies that it is not only tolerated but encouraged by the commanders.

Furthermore, there is a mounting record of torture involving rape and other forms of sexual violence against Ukrainian prisoners of war and civilian detainees. In just one notorious facility established by the occupiers in Kherson, over 160 individuals endured such torture, with no fewer than 17 men experiencing sexual violence—predominantly torture of the genitals with electric shocks.

Conflict-related sexual violence is one of the most underreported crimes. Survivors fear shame and stigma, as well as possible revenge from the perpetrators.

First and foremost, we are working to develop institutions and mechanisms that allow survivors to feel as comfortable as possible in breaking their silence and reporting these crimes. This includes providing the necessary legal, psychological, and social support to engage the survivors in the pathway towards justice. We have recently established a unit specifically dedicated to supporting the survivors as they navigate the criminal process. The first employees of the unit have already been recruited and are currently undergoing the training and onboarding process.

Parallelly, we are steadfast in our commitment to a holistic, survivor-centered, and trauma-sensitive approach to investigating and prosecuting cases of conflict-related sexual violence. It's vital to equip our law enforcement officers, prosecutors, judges, and medical professionals with specialised training, ensuring a compassionate and empathetic response at every step of the process.

Further, we must assess all essential components of the path to justice and the way they impact survivors and witnesses. This includes collecting evidence, prosecuting perpetrators with the appropriate charges, and ensuring meaningful reparations for survivors. Justice is incomplete until every survivor has a clear path to healing and redress.

To concretise our commitment, on June 26, 2023, the Prosecutor General approved a Strategic Plan for the realization of prosecutorial functions regarding the conflict-related sexual violence crimes. It includes:

- Tailoring our approach to resonate with the unique identities and nuances of each survivor.
- Ensuring the paramount safety of survivors.
- Fostering an inclusive environment devoid of discrimination.
- Empowering survivors with autonomy over their personal data.
- Counteracting and preventing any form of stigmatization.

Sharing best practices is essential in improving our collective response to conflict-related sexual violence. We have established cooperation with both international and domestic partners in this area.

In this regard, on behalf of the Prosecutor General, I would like to express my gratitude and boundless respect to our strategic partners—Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict, and her office—for their unwavering support. We particularly value their strategic advice and training

organised for Ukrainian prosecutors and investigators. And we hope to continue and expand our fruitful partnership.

It is also pivotal to mobilise Ukrainian civil society to support the conflict-related sexual violence survivors. The Prosecutor General's Office has taken the initiative to establish a collaborative working group. Currently, the group comprises over 20 NGOs dedicated to ensuring comprehensive support for survivors, as well as jointly developing the working guidelines and necessary amendments to legislation and regulations. We welcome participation in this group from both national and global stakeholders.

Though much has been done to enhance the capacity of Ukraine's justice system and implement the survivor-centered approach, there are still numerous challenges requiring our decisive collective response.

- **Expanding Expertise and Knowledge:** While progress has been made, it's crucial to broaden our training infrastructure. Thousands of investigators and prosecutors working on the ground must be equipped with the knowledge and skills to assist conflict-related sexual violence survivors.
- **Inclusive Survivor Support:** Conflict-related sexual violence can affect individuals from any demographic. Although current support programs predominantly target women, it's imperative to extend similar assistance to male survivors of conflict-related sexual violence crimes.
- **Securing Reparations:** Adopting the necessary legislation and mobilizing corresponding funding.
- **Counteracting Stigma:** The journey to justice is impeded by societal biases. Ukraine requires systematic educational initiatives underpinned by strategic thinking to overcome the stigmatization and prejudice faced by survivors of sexual violence.
- **Amplifying Voices:** Elevating survivor testimonies is paramount. We must bolster communication with both domestic and international stakeholders to empower survivors—those residing within our borders and those abroad—to share their stories.

It is our joint obligation to ensure respect, support, and justice to all those who suffered from the heinous crimes of the Russian occupiers. I am convinced that together, we can create a world where survivors are heard, their rights are upheld, and peace prevails.

Thank you.

Remarks by Ms. Michelle Jarvis, Deputy Head, International, Impartial and Independent Mechanism, Syria

It's so important that we have this opportunity today to talk about holistic justice for victims/survivors of SV. We all agree on the imperative of accountability – and yet it continues to prove so elusive.

I'm going to offer some observations on this through the lens of my experience as a war crimes prosecutor over the past couple of decades, working first on cases concerning the Balkans and Rwanda and now with the International, Impartial, and Independent Mechanism for Syria – the IIIM.

In the 1990s, when media reports of sexual violence on a massive scale first surfaced in the Balkans conflicts and then in the Rwandan genocide, there was strong condemnation and a stated commitment to accountability by the international community. However, the *ad hoc* courts tasked with following through on that promise confronted a vast array of **legal, conceptual, institutional, and operational** barriers that undermined their results, even if some important convictions were secured.

The Prosecution Offices of both the Yugoslav and Rwanda Tribunals carried out in-depth lessons learned exercises on their work on sexual violence which have been published and are available to inform the work of other justice

actors today.

The good news is that we have undeniably made progress on developing mature legal frameworks for prosecuting SV.

But when it comes to the **conceptual, institutional** and **operational** barriers to securing justice for victims/survivors, we so often see the same mistakes being repeated with each new accountability effort.

In 2018, as we went about setting up the IIIM, we had these lessons in front of our minds and we committed to organising our work to address them. This was a multi-faceted undertaking, but let me give you a few brief examples.

When it comes to the conceptual barriers, one of the powerful lessons we've been integrating from the *ad hoc* tribunals is the need to situate sexual violence in its proper context. It is, of course, important to pay dedicated attention to sexual violence, but at the same time, it is important to understand how the root causes link with broader structural gender discrimination before, during, and after the conflict. We are also guarding against separating sexual violence from the other harms that have happened during the conflict. Otherwise, we risk mischaracterizing the sexual violence and frustrating victims/survivors who feel their experiences have been compartmentalised.

When it comes to **institutional** barriers, past experience confirmed that we could not hope to produce effective justice outcomes in our cases if we did not first establish an institutional environment that was genuinely committed to promoting gender equality. So, we are undertaking an experiment in gender-sensitive institution building at the IIIM.

Past experience also confirmed that having a comprehensive gender strategy to guide the work of the office from an early stage would be essential. But a strategy alone would not be enough - we needed implementation tools to operationalise the gender strategy as a core part of our daily work, and so the IIIM gender strategy and implementation plan were born (show). These resources are also providing inspiration for other actors and can be adapted for other accountability contexts.

When it comes to **operational strategies**, let me focus on one that relates very much to our novel justice facilitation role at the IIIM. Our job is to support the work of other justice actors, including in national jurisdictions. As part of our gender strategy, we are taking steps to ensure that the work product we develop to share with competent jurisdictions integrates a strong gender perspective. For example, the IIIM provided support to prosecutors for a case in Sweden by developing an analysis of the situation of girls and women in ISIL-controlled areas in Syria, including in relation to forced marriage and gender segregation. More and more, we understand that we have to approach accountability for international crimes as an interconnected ecosystem made up of different actors playing coordinated roles. The IIIM's experience is creating precedents for how we can embed a strong gender analysis within an accountability ecosystem.

Let me finish with **three recommendations**:

- First of all, we have to collectively commit to moving beyond rhetoric and insist on implementation. We know so much more today about how to generate better results. But it takes a comprehensive approach and real commitment by justice actors to doing things differently. It's hard, and it can be tough for those inside institutions who are on the front line doing this work. We have to support them.
- Second, it would be great to see states who have war crimes units requesting their national criminal justice actors to also adopt gender strategies and implementation plans for their work and to leverage the assistance of actors like the IIIM to support.

- Third, we need to find better ways to collate and disseminate our practical lessons learned regarding accountability for sexual violence and gender justice more broadly. Currently, our progress is fragmented, fleeting, and always at risk of regression. There are some simple things we can do: we can commit funds for translating key resources into other languages, including the legacy work of the ad hoc tribunals, judgements issued by national courts, and even the IIIM Gender Strategy – to make them more accessible to justice actors globally. More generally, we need a comprehensive rethink about how we connect practitioners doing this work across different mandates and over time. We need to seize the opportunity to imagine new ways of working.

Remarks by Ms. Anniken Huitfeldt, Minister of Foreign Affairs of Norway

Excellencies,

Ladies and gentlemen,

I am grateful for the opportunity to be here with you today. Justice for survivors of conflict-related sexual violence is a topic close to my heart. Allow me to thank the Permanent Observer Mission of the African Union for hosting us today, and a special thanks to our co-organisers.

Friends,

The reports of sexual violence taking place in Sudan, mainly by the Rapid Support Forces, are harrowing.

In Sudan, sexual violence is used tactically and strategically to spread fear and intimidation for political and military gain. We know that women and young girls are being held captive and raped.

The ethnic dimension of this violence gives cause for great concern. Sexual violence is prohibited under international humanitarian law – which both the Rapid Support Forces and the Sudanese Armed Forces are obliged to comply with.

However, sexual violence is not just occurring in Sudan. It is a global problem. It affects people of all genders and all ages.

Norway is deeply concerned by the increase in conflict-related sexual violence against children. While the majority of survivors are women and girls, men, boys, and sexual minorities are also affected, particularly in situations of detention, but also in other contexts.

These are crimes that are preventable.

Let me be clear: states have a responsibility to protect women, men, children and sexual minorities from rape and sexual violence. States also need to provide services for survivors. Prevention and response to sexual and gender-based violence, including conflict-related sexual violence, is a key priority in Norway's humanitarian strategy. It is also an integral part of our National Action Plan on Women, Peace, and Security.

Norway worked hard to advance this agenda during its term on the UN Security Council.

And we will continue to push this agenda in the years ahead.

Many important messages have been delivered here today.

Let me highlight three points that Norway sees as especially important:

First: We need to turn commitments into compliance and resolutions into results – to achieve better protection from sexual violence.

Prevention is the best response. I welcome SRSG Patten’s dialogue initiative with ministers of defence in conflict zones, such as South Sudan, to prevent these crimes from taking place at all. However, the SRSG cannot and should not do this alone. We must all remind defence establishments and armed actors of their obligation not to commit sexual violence.

Second: We must step up our efforts to fight impunity. We must do more to ensure that perpetrators are brought to justice and to put an end to the widespread use of sexual violence as a method of war. The right to justice for survivors must remain at the forefront. Survivors need rapid access to services in order to be able to report and bring a case through the justice system. It takes a great deal of courage to see a legal process through. We must do our utmost to support survivors in their fight for justice.

Third: Services must be age- and gender-sensitive and include access to sexual and reproductive health services, psychosocial support, and justice.

Lastly, we must never overlook the agency of survivors.

They must always be part of the solution. That is why we are working to apply a survivor-centred approach that ensures the full, equal, and meaningful participation of survivors, in all their diversity.

Thank you.

Remarks by Dr. Natalia Kanem, UNFPA Executive Director

Your Excellency H.E. Mr. Albert Fabrice Puela, Minister of Human Rights for the Democratic Republic of the Congo,

Your Excellency Mrs. Fatima Maada Bio, First Lady of the Republic of Sierra Leone,

Your Excellency Ms. Anniken Huitfeldt, Foreign Minister of Norway,

Distinguished guests,

Dear Pramila and UN colleagues,

Survivor-centered assistance towards justice and accountability is at the heart of our discussion today, and I can assure you it is top of mind for us every day at UNFPA.

As the UN’s lead agency for addressing gender-based violence in humanitarian settings, we are deeply committed, as I know you are, to finding solutions so that survivors of sexual violence in conflict receive the holistic support they need and deserve.

I thank the Governments of Norway, Sierra Leone, and the Democratic Republic of Congo, together with the office of Special Representative Patten, for convening this event. This meeting is an important opportunity to shine a light on what we – international and government partners – urgently and collectively need to do to tackle sexual violence in conflict. Country leadership and the international community face a tremendous responsibility:

how do we keep women and girls safe from harm and hold perpetrators to account in the context of the many ongoing crises fueled by conflict?

As we meet, 84 million women and girls in humanitarian hotspots around the world are in need of gender-based violence prevention and response services.

In the Democratic Republic of Congo, for example, UNFPA is working closely with the Government and the First Lady's Foundation to address gender-based violence.

We are supporting government authorities in setting up a gender observatory to improve monitoring and coordination of the protection of women and girls in IDP sites.

We are looking at every aspect of women's and girls' lived experience – shelter, water, sanitation and hygiene, food security, and camp management – to reduce their risk of sexual violence.

In every conflict setting, we must do everything we can to keep women and girls safe, hold perpetrators accountable, and help survivors heal.

No path to healing and recovery is the same, but the foundation of the survivor-centered approach that UNFPA promotes is about listening to survivors, treating them with respect, and advocating for their needs without judgment or stigma.

Survivor-centred programming is not just about the healing and recovery process. It's about empowering women and girls and women-led organisations and creating a supporting and enabling environment in which they can survive and thrive.

Access to sexual and reproductive health care is an essential part of an integrated response.

In emergency settings, health-care providers are often the first, and sometimes only, point of contact for survivors of gender-based violence. They have the knowledge and skills to discuss gender-based violence with patients, provide clinical management of rape, and make referrals. The availability of these services can encourage women to seek help, and it creates an enabling environment to reduce stigma and pave a path towards justice.

It is up to each survivor to determine what justice looks like for her.

Let's remember that efforts to document sexual violence should avoid putting survivors at further risk and must heed the humanitarian principle: do no harm.

UNFPA welcomes the passage of a new law in the DRC on protection and reparations for victims of conflict-related sexual violence.

I ask all partners to step up their commitments to uphold the basic rights of women and girls in conflict settings. Their safety, dignity, and health should not be an afterthought.

By listening to the needs of survivors and supporting their path to recovery, we can strengthen their resilience, give them hope, and help them rebuild their lives.

Thank you.

Remarks by Ms. Christianne Caruana, Director of Global Issues, Ministry of Foreign Affairs of Malta

Dear Excellencies, Hosts, Co-organisers, and Colleagues,

As a shared commitment holder on Women, Peace, and Security, Malta is working to close the glaring gap between the Security Council's standards and commitments to prevent and respond to conflict-related sexual violence and the horrifying reality for victims and survivors. We commend the SRSG's mandate and affirm the need for sustained political support for her office. Following the courageous testimonies given today, we have four messages:

First, we recognise the importance of command responsibility for preventing conflict-related sexual violence and holding perpetrators accountable.

Second, we affirm that survivor-centered approaches must be holistic in both prevention and response efforts while strengthening the capacity of women and survivor-led organisations.

Third, by stopping the illicit transfer and trade of weapons and ammunition, we can counteract the growing links between militarisation and sexual violence and exploitation.

Fourth, we urge the more proactive use of targeted sanctions against those who perpetrate and direct sexual violence in conflict.

I thank you.