1

Seeing Gender amid 'Unimaginable Atrocities'

1.1 Introduction

As the first permanent international body with power to try individuals for war crimes, crimes against humanity, genocide and aggression, the International Criminal Court (ICC) has a unique place in the crowd of international courts and tribunals established since World War II. The preamble of its founding instrument, the 1998 Rome Statute, sets out the hopes and fears that led to the Court's creation. It recognises that the twentieth century was scarred by 'unimaginable atrocities that deeply shock the conscience of humanity', affirms that 'the most serious crimes of concern to the international community as a whole must not go unpunished' and vows to 'put an end to impunity for the perpetrators of these crimes and thus to contribute to [their] prevention'.[1]

Entering the ICC premises, now based in six gleaming towers near the flock of embassies and international institutions in The Hague, 'unimaginable atrocities' are not the first image that springs to mind. The immediate impression is of cosmopolitanism and order: flags of 123 nations in the foyer; staff of diverse nationalities; security checks at the doors. There is no sound of gunfire; no wailing infants or shouting soldiers; no obvious trace of conflict, terror and pain. Yet piece by piece, over the course of cases that can last over a decade, those are the scenes that emerge from witness testimony and documentary evidence, from the filings of the parties and participants and from the judgments of the Court.

In almost all of those cases, there is evidence of the commission of gender-based crimes, such as rape, sexual slavery, sexualised torture and sex-selective massacres, to name a few.[2] The same was true of ad hoc international criminal courts that preceded the ICC. Yet until recently,

[1] Preamble, Rome Statute of the International Criminal Court ('RS'), Rome, 17 July 1998, 2187 UNTS 90 (entered into force 1 July 2002) ('RS').
[2] The meaning of the term 'gender-based crime' is discussed further in Chapter 2.

gender-based crimes were almost entirely invisible in instruments of international criminal law and were seldom charged in international criminal courts. In particular, crimes of sexual violence – which in most conflicts are committed primarily against women and girls – were largely ignored. Reflecting on this fact in 2000, feminist scholar Rhonda Copelon stated:

> Before the 1990s, sexual violence in war was, with rare exception, largely invisible. If not invisible, it was trivialized; if not trivialized, it was considered a private matter or justified as an inevitable by-product of war, the necessary reward for the fighting men.[3]

To explain this critique, Copelon highlighted the inattention to gender-based crimes in early treaties on the laws of war, the silences around these crimes in trials before the Nuremberg and Tokyo Tribunals in the 1940s and the absence of charges for the rape of women in early cases before the International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) in the 1990s.[4] She was by no means alone in making this critique; in the late 1990s and early 2000s, numerous feminist scholars and activists lamented the historic marginalisation of gender-based crimes in international criminal law.[5]

Looking at this field today, particularly if one looks only at the statutes, rules and policies of international and semi-international criminal courts, it is tempting to think that these critiques belong to the past. After being overlooked or not taken seriously for centuries, gender-based crimes are now expressly criminalised in international instruments and frequently charged in international criminal courts. In particular, crimes of sexual violence are almost universally perceived as crimes of serious

[3] R. Copelon, 'Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law' (2000) 46 *McGill Law Journal* 217, 220.

[4] Ibid., 220–230.

[5] See K. Askin, *War Crimes Against Women: Prosecution in International War Crimes Tribunals* (Martinus Nijhoff, 1997); H. Charlesworth and C. Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester University Press, 2000) 10; S. Chesterman, 'Never Again ... and Again: Law, Order, and the Gender of War Crimes in Bosnia and Beyond' (1997) 22 *Yale Journal of International Law* 299; S. SáCouto and K. Cleary, 'The Importance of Effective Investigation of Sexual Violence and Gender Based Crimes at the International Criminal Court' (2009) 17(2) *American University Journal of Gender, Social Policy & the Law* 337; P.V. Sellers, 'Gender Strategy Is Not Luxury for International Courts' (2009) 17(2) *American University Journal of Gender, Social Policy & the Law* 301; B. Van Schaack, 'Obstacles on the Road to Gender Justice: The International Criminal Tribunal for Rwanda as Object Lesson' (2009) 17(2) *American University Journal of Gender, Social Policy & the Law* 362.

concern to the international community as a whole.[6] These changes, along with the increased number of women in roles previously dominated by men, the introduction of more gender-sensitive investigative strategies and related changes to rules of procedure and evidence, are the results of a decades-long process of making international criminal law more inclusive, less male oriented and more sensitive to socially constructed gender norms.

A turning point in this reform process was the adoption of the Rome Statute on 17 July 1998. It was a time when sexual violence was emerging as a key theme in cases before the ICTY and ICTR,[7] and feminist scholars were starting to elevate the concept of *gender*, as a social construct, in international criminal law.[8] In this climate, women's rights activists, working together with delegates from like-minded states, lobbied hard to create a gender-sensitive ICC. Their efforts met some resistance, because proposals to give the Court jurisdiction over certain crimes (most notably, forced pregnancy and gender-based persecution) clashed with widely held cultural and religious beliefs.[9] Nonetheless, efforts to create

[6] E.g. RS, Art. 7(1)(g), 8(2)(c)(xxii) and 8(2)(e)(vi); Statute of the Special Court for Sierra Leone ('SCSL Statute'), adopted 16 January 2002, 2178 UNTS 145 (entered into force 12 April 2002), Art. 2(g); 3(e); 'Crimes against Humanity: Texts and Titles of the Draft Preamble, the Draft Articles and the Draft Annex Provisionally Adopted by the Drafting Committee on First Reading, UN Doc A/CN.4/L.892' (26 May 2017) Art. 3(g), 3(h).

[7] See: K. Askin, 'Prosecuting Wartime Rape and Other Gender Related Crimes: Extraordinary Advances, Enduring Obstacles' (2003) 21(2) *Berkeley Journal of International Law* 288; S. Brammertz and M. Jarvis (eds), *Prosecuting Conflict-related Sexual Violence in the ICTY* (Oxford University Press, 2016); H. Brady, 'The Power of Precedents: Using the Case Law of the Ad Hoc International Criminal Tribunals and Hybrid Courts in Adjudicating Sexual and Gender-Based Crimes at the ICC' (2012) 18(2) *Australian Journal of Human Rights* 75; A. de Brouwer, *Supranational Criminal Prosecution of Sexual Violence: The ICC and the Practice of the ICTY and ICTR* (Intersentia, 2005).

[8] E.g. R. Copelon, 'Surfacing Gender: Re-Engraving Crimes against Women in Humanitarian Law' (1994) 5 *Hastings Women's Law Journal* 243; C. Niarchos, 'Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia' (1995) 17(4) *Human Rights Quarterly* 629.

[9] Copelon, see n. 3, 233–239; L. Chappell, *The Politics of Gender Justice at the International Criminal Court: Legacies and Legitimacy* (Oxford University Press, 2016) Ch. 4; V. Oosterveld, 'The Definition of Gender in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?' (2005) 18 *Harvard Human Rights Journal* 55; C. Steains, 'Gender Issues' in R.S. Lee (ed.), *The International Criminal Court: The Making of the Rome Statute* (Kluwer Law International, 1999) 357; P. Kirsch and J.T. Holmes, 'The Birth of the International Criminal Court: The 1998 Rome Conference' in O. Bekou and R. Cryer (eds), *The International Criminal Court* (Ashgate, 2004) 3, 15.

a gender-sensitive ICC were largely successful: the Rome Statute enumerates a wider range of gender-based crimes than any previous instrument of international criminal tribunal; requires that victims of these crimes be treated with sensitivity and respect; encourages a fair representation of male and female judges; affirms the value of gender expertise in the judiciary, the Office of the Prosecutor (OTP) and the Registry; and requires the Court to interpret and apply the law without adverse discrimination on gender grounds.[10]

Feminist scholars and activists who applauded these features of the Rome Statute were aware that there was still much work to be done. They knew that the inclusion of gender-based crimes in the ICC's legal framework did not *guarantee* that these crimes would be effectively investigated and prosecuted in practice.[11] Yet, because of the long-running silence around these crimes in international criminal law, many feminist scholars and activists viewed the Rome Statute as a 'step forward'. They were relieved that the Statute affirmed the seriousness of gender-based crimes, gave the ICC Prosecutor a clear mandate to investigate and prosecute those crimes and set standards for national jurisdictions to follow.[12] As argued by Barbara Bedont and Katherine Hall-Martinez, both of whom participated in the Rome Statute negotiations as part of the Women's Caucus for Gender Justice:

> No treaty or court judgment can remedy the suffering of wartime victims of rape, forced pregnancy, and other sexual violence, or undo society's gender constructs that so cruelly multiply their suffering to include shame and guilt. Yet the codification of a mandate to end impunity for these acts is a significant step in the right direction. It was high time that such crimes cease to be regarded as the 'inevitable by-products of war' and receive the serious attention that they deserve.[13]

[10] V. Oosterveld, 'The Making of a Gender-Sensitive International Criminal Court' (1999) 1(1) *International Law Forum du Droit International* 38, 41.

[11] E.g. Copelon, see n. 3, 329.

[12] Askin, 'Prosecuting Wartime Rape', see n. 7; Chappell, *The Politics of Gender Justice*, see n. 9, 1; Copelon, see n. 3; A. Facio, 'All Roads Lead to Rome, But Some Are Bumpier than Others' in S. Pickering and C. Lambert (eds), *Global Issues: Women and Justice* (Sydney Institute for Criminology, 2004) 308, 333; R. Lehr-Lehnardt, 'One Small Step for Women: Female-Friendly Provisions in the Rome Statute of the International Criminal Court' (2002) 16(2) *Brigham Young University Journal of Public Law* 317; Oosterveld, 'A Gender-Sensitive ICC', see n. 10.

[13] B. Bedont and K. Hall-Martinez, 'Ending Impunity for Gender Crimes Under the International Criminal Court' (1999) 6(1) *Brown Journal of World Affairs* 65, 80.

Following the Rome Statute's entry into force on 1 July 2002 and the start of its first Prosecutor's term in June 2003, the focus of feminist scholarship on the ICC has shifted from the 'law on the books' to the implementation of that law in specific cases before the Court. In particular, there has been a wealth of feminist scholarship on the ICC's first four trials, *Lubanga, Ngudjolo, Katanga* and *Bemba*, all of which involved allegations of sexual violence crimes, but none of which resulted in a final conviction for those crimes.[14] Non-government organisations (NGOs) have also closely monitored the ICC's investigations and prosecutions and have often called for greater attention to gender-based crimes. A particularly active group has been the Women's Initiatives for Gender Justice, with larger NGOs such as Amnesty International and Human Rights Watch also advocating on gender themes.

The twentieth anniversary of the Rome Statute presents an opportunity to enter into the discussion about the ICC's practice in prosecuting gender-based crimes, to reflect on how that practice has evolved during the terms of its first two Prosecutors and to consider how the Court might make full use of its progressive legal framework in future prosecutions for gender-based crimes. Those are the motivations for this book, which – based on an examination of court records, as well as interviews with officials and advisors of the ICC – analyses the ICC's practice in prosecuting gender-based crimes up until the date of the twentieth anniversary on

[14] E.g. Chappell, *The Politics of Gender Justice*, see n. 9, 4; L. Chappell, 'Conflicting Institutions and the Search for Gender Justice at the International Criminal Court' (2014) 67(1) *Political Research Quarterly* 183; L. Chappell, 'The Gender Injustice Cascade: "Transformative" Reparations for Victims of Sexual and Gender-Based Crimes in the Lubanga Case at the International Criminal Court' (2017) 21(9) *International Journal of Human Rights* 1223; M. D'Aoust, 'Sexual and Gender-Based Violence in International Criminal Law: A Feminist Assessment of the Bemba Case' (2017) 17(1) *International Criminal Law Review* 208; D. De Vos, 'A Day to Remember: Ongwen's Trial Starts on 6 December' on *Int Law Grrls* (5 December 2016); N. Hayes, 'Sisyphus Wept: Prosecuting Sexual Violence at the International Criminal Court' in W. Schabas, Y. McDermott and N. Hayes (eds), *The Ashgate Research Companion to International Criminal Law* (Ashgate, 2013) 7; N. Hayes, 'La Lutte Continue: Investigating and Prosecuting Sexual Violence at the ICC' in C. Stahn (ed.), *The Law and Practice of the International Criminal Court* (Oxford University Press, 2015) 801; K. O'Smith, 'Prosecutor v. Lubanga: How the International Criminal Court Failed the Women and Girls of the Congo' (2013) 54(2) *Howard Law Journal* 467; S. SáCouto, 'The Impact of the Appeals Chamber Decision in Bemba: Impunity for Sexual and Gender-Based Crimes?' on *International Justice Monitor* (22 June 2018).

17 July 2018.[15] The book is forward-looking, in the sense of contemplating new and untested interpretations of the Rome Statute. However, throughout the book, history is never far away. In particular, the history of international criminal law is used to understand how far the ICC has come in terms of prosecuting gender-based crimes and how habits of thinking and operating that impeded accountability for these crimes in the past – habits that Louise Chappell has called 'gender legacies' – linger in this new court.[16]

The ICC has been the focus of my research since 2010, when the Court sat in a former office block in The Hague's outer suburbs and was in the throes of its first trial, against Democratic Republic of Congo militia leader Thomas Lubanga Dyilo. Much has changed since that case, in which the (then) Prosecutor, Luis Moreno-Ocampo, was widely criticised for not bringing any charges of gender based crimes.[17] Final judgment has now been rendered in five cases: a small sample, but not too small to identify patterns, shifts and 'lessons learned'. The first Prosecutor completed his term in June 2012 and his successor, former Deputy Prosecutor Fatou Bensouda, has singled out accountability for gender-based crimes as a key priority during her term.[18] In 2014, her Office published its *Policy Paper on Sexual and Gender-Based Crimes ('Gender Policy'),* which commits to 'integrating a gender perspective and analysis into all of its work' and 'being innovative in the investigation and prosecution of these crimes'.[19] The Court has made some important contributions to the jurisprudence on gender-based crimes, particularly those committed against 'child soldiers'.[20] Most importantly, an

[15] These 24 cases are identified in §1.2.1.

[16] Chappell, *The Politics of Gender Justice*, see n. 9.

[17] See Chapter 4, §4.1.1.

[18] F. Bensouda, 'Statement' (at the ceremony for the solemn undertaking of the Prosecutor of the International Criminal Court, The Hague, 15 June 2012); ICC OTP, 'Strategic Plan June 2012–2015' (11 October 2013) 27; ICC OTP, 'Strategic Plan 2016–2018' (16 November 2015) 19–20.

[19] ICC OTP, 'Policy Paper on Sexual and Gender-Based Crimes' (June 2014), [5], [14], [21], [27], [37], [53], [103], [111].

[20] The term 'child soldier' is not used in the Rome Statute. Nonetheless, it is used widely in ICC filings and decisions to describe a person aged fifteen or younger who has allegedly been conscripted or enlisted into an armed force or group, or used to participate actively in hostilities. For brevity, the term 'child soldier' is adopted in this book. However, the quotation marks are retained to avoid normalising the idea of child combatants and to stress the fact that militarising a child in the way described above is illegal: it is prohibited under IHL and amounts to war crimes under the Rome Statute. The quotation marks are my way of acknowledging these points, without the need for lengthy caveats every time the term is used.

examination of gender-based crimes has now become routine: these crimes have been identified in numerous ICC preliminary examinations[21] and charged in multiple cases, including the three in trial when I returned to The Hague in 2017 and 2018 to conduct interviews for this book.

The first of those trials concerned Dominic Ongwen, a Ugandan ex-'child soldier' turned rebel commander, who has been charged (among other things) with forced pregnancy and forced marriage, neither of which has previously been tried in the ICC. In the next courtroom were former Côte d'Ivoire president Laurent Gbagbo and his ally Charles Blé Goudé, both on trial for rape and other crimes against humanity allegedly committed in the wake of Côte d'Ivoire's 2010 presidential election. In the third was Bosco Ntaganda, a former commander of the same armed group that was the focus of the *Lubanga* case. Yet, unlike his once co-accused Thomas Lubanga, Ntaganda has been charged with a range of gender-based crimes, including the rape of girls who were allegedly recruited for use as fighters, 'wives' and sex slaves by troops under his command. These cases show that gender-based crimes are on the radar of the OTP, and as a result, of the Court as a whole.

Yet, over the course of this study, there have also been some serious setbacks in the ICC's practice in prosecuting gender-based crimes. At times, the evidence to support these crimes has been weak, or has been introduced too late in the proceedings. In addition, the OTP appears to have missed some opportunities to prosecute gender-based crimes, including the newly codified crime of gender-based persecution and several documented examples of sexual violence crimes.[22] Criticism of this nature was directed at the first Prosecutor in particular,[23] including, in some instances, by judges of the Court.[24] At other times, the judges seem to have been part of the problem. On several occasions, they have underestimated the gravity of sexual violence crimes, misunderstood the sexual character of violence directed at men and boys or found – without clear reasons – that rape is more difficult to attribute to the leaders of armed groups than other common wartime offences.[25] The combined result is that, twenty years after the ICC was established, accountability

[21] E.g. ICC OTP, 'Report on Preliminary Examination Activities 2017' (4 December 2017).
[22] See Chapter 5.
[23] E.g. Chappell, *The Politics of Gender Justice*, see n. 9, 4; Hayes, 'Sisyphus Wept', see n. 14; O'Smith, see n. 14.
[24] E.g. *Lubanga* (ICC-01/04-01/06-2901), 10 July 2012, [60].
[25] See Chapter 5.

for gender-based crimes in this court remains elusive. To be sure, we have come a long way since the 1990s, when experts were still debating basic questions such as whether sexual violence could be a 'grave breach' of the Geneva Conventions[26] and/or an act of torture,[27] and whether it was accurate to describe rape as a 'a forgotten war crime'.[28] And yet, in ICC cases, gender-based crimes have less likely been established than other crimes at every stage of proceedings, culminating in a total of zero convictions for gender-based crimes as of 17 July 2018.[29] That figure suggests that, despite its progressive legal framework, the ICC is not insulated from the practices and misperceptions that contributed to impunity for gender-based crimes in the past.

Seeing how those practices and misperceptions continue to manifest in ICC cases can be difficult because the proceedings are long, complex and technical. Providing a clear and accessible commentary on the ICC's practice in prosecuting gender-based crimes, so that interested scholars, practitioners and observers can better understand this aspect of the Court's work, is therefore the first aim of this book. The second aim is to analyse this aspect of the ICC's practice from a 'feminist perspective', which as explained subsequently, means being interested in the experiences of marginalised groups, conscious of gender hierarchies, attentive to intersections between gender and other identities, and wary of the 'hidden gender' of the law. Third, the book explores avenues for advancing the ICC's jurisprudence on gender-based crimes in the decades to come. In this respect, the book seeks to contribute to emerging feminist jurisprudence in international law.[30]

The book's assessment of the ICC's practice in prosecuting gender-based crimes is not rose-tinted, but it is cautiously optimistic. This optimism is grounded in a detailed analysis of the ICC's case law, which shows

[26] See K. Askin, 'Katanga Judgment Underlines Need for Stronger ICC Focus on Sexual Violence' on *Open Society Foundations* (11 March 2014).

[27] Copelon, see n. 8, 248–257; M. Jarvis and N. Nabti, 'Policies and Institutional Strategies for Successful Sexual Violence Prosecutions' in S. Brammertz and M. Jarvis (eds), *Prosecuting Conflict-related Sexual Violence at the ICTY* (Oxford University Press, 2016) 73, 92–93.

[28] See R. Seifert, 'War and Rape: A Preliminary Analysis' in A. Stiglmayer (ed.), *Mass Rape: The War Against Women in Bosnia-Herzegovina* (University of Nebraska Press, 1994) 54, 69.

[29] See Chapter 5.

[30] The concept of 'feminist jurisprudence' is explored further in Chapter 6. For examples in international law, see Y. Brunger et al., 'Prosecutor v. Thomas Lubanga Dyilo: International Criminal Court' in L. Hodson and T. Lavers (eds), *Feminist Judgments in International Law* (Hart Publishing, forthcoming).

that despite the startling 'zero convictions' figure, progress is being made: the OTP has become more effective at prosecuting these crimes, charges are starting to reflect a wide variety of gender-based crimes against males and females, and the Court has made some positive contributions to the international jurisprudence on gender-based crimes. Of course, prosecuting gender-based crimes in conflict or post-conflict settings is an inherently challenging task, and it will continue to be so. Yet, slowly, through the hard work of people within and around the Court, these challenges are being overcome. As a result, the ICC is starting to reach its potential as a tool for strengthening accountability for gender-based crimes and showing the gendered face of conflict to the world.

That said, there are limits to the Court's potential in this regard that cannot be resolved by the implementation of new policies or by shifts in practice alone. While this book does not focus on these limits, I want to acknowledge them here at the start. One major limit relates to the bodies of law most relevant to the ICC: international criminal law, international humanitarian law, use of force law and international human rights law. These are, to use Hilary Charlesworth's words, 'disciplines of crisis'.[31] They have emerged chiefly in response to atypical situations such as war and genocide, rather than the structural inequalities and associated violence of 'everyday life'. Thus, they do not challenge broad patterns of gender inequality; address ubiquitous gender-based crimes such as child marriage, domestic violence and spousal rape; or tackle the political, economic and cultural factors that enable gender-based violence in wartime and peacetime alike. As a result of this limitation in its legal framework, the ICC can only prosecute a small fraction of gender-based violence that actually occurs worldwide. The violence must satisfy certain contextual or *chapeau* requirements: it must be committed with an intent to destroy a national, ethnic, racial or religious group (genocide); or occur as part of a widespread or systematic attack directed against any civilian population (crimes against humanity); or take place in the context of and associated with an armed conflict (war crimes).

There are also other constraints on the ICC's capacity generally, which apply across all categories of crimes. First, as a criminal court, the ICC's version of 'justice' is narrower than what victims may desire: the Court is not a truth commission or a forum for seeking damages, and its

[31] H. Charlesworth, 'International Law: A Discipline of Crisis' (2002) 65(3) *Modern Law Review* 377.

judgments do not necessarily help the affected community to heal.[32] In addition, because of its criminal justice function, the ICC must show 'full respect' for the rights of the accused.[33] This emphasis on the rights of the accused is essential to the ICC's fairness and its legitimacy, but it means that the interests of the victims will not always prevail. Second, like most international criminal tribunals, the ICC generally only prosecutes military and political leaders. This focus on high-level perpetrators can leave victims unsatisfied. As explained by one interviewee from the OTP:

> There are some [victims] at the end of the day who are not as happy as we would expect. Yes, they're happy that you're coming to hear their story and collect evidence, but at the end of the day, they want to hear that the person who raped them, the direct perpetrator, has been caught and put behind bars.[34]

Third, investigating and prosecuting the kinds of crimes enumerated in the Rome Statute is an extremely costly endeavour, and the Court's resources are limited.[35] For this reason, the Prosecutor cannot investigate or prosecute *all* crimes that theoretically fall within the jurisdiction of the Court. Indeed, in the absence of sufficient support from states and the United Nations (UN) Security Council, her Office is already struggling to secure adequate resources to do its job.[36] Fourth, the ICC depends on states to conduct tasks of great importance, such as arresting and surrendering suspects or facilitating in-country investigations.[37] This dependence on states, coupled with the enormity and complexity of ICC cases, makes for slow justice: in Yassin Brunger's words, it means that 'international justice lags woefully behind the atrocities themselves'.[38] Fifth, the ICC's deterrent capacity is limited: its

[32] R. Nickson and J. Braithwaite, 'Deeper, Broader, Longer Transitional Justice' (2014) 11(4) *European Journal of Criminology* 445.
[33] RS, Art. 64(2). See also Art. 67.
[34] Interview H, ICC OTP, 2017. See also Nickson and Braithwaite, see n. 32.
[35] The ICC's approved program budget for 2018 was €147,431,500, €45,991,800 of which was allocated to the OTP. 'Resolution of the Assembly of States Parties on the Proposed Programme Budget for 2018, ICC-ASP/16/Res.1' (14 December 2017), [1].
[36] See, e.g. ICC OTP, 'Twenty-Seventh Report of the Prosecutor of the International Criminal Court to the United Nations Security Council Pursuant to UNSCR 1593 (2005)' (20 June 2018) 23–24.
[37] See A. Cassese, 'On the Current Trends towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law' (1998) 9(1) *European Journal of International Law* 2.
[38] Y. Brunger, 'ICC's Bemba Ruling Is a Landmark, but Falls Short of a Big Leap' on *The Conversation* (25 March 2016).