

PROSECUTING SEXUAL AND GENDER-BASED CRIMES AT THE INTERNATIONAL CRIMINAL COURT

The 1998 Rome Statute, the treaty establishing the International Criminal Court (ICC), includes a longer list of gender-based crimes than any previous instrument of international criminal law.

The Statute's twentieth anniversary provides an opportunity to examine how successful the ICC has been in prosecuting gender-based crimes, what challenges it has faced and how its case law on these crimes might develop in future.

Taking up that opportunity, this book analyses the ICC's practice in prosecuting gender-based crimes across all war crimes cases, crimes against humanity and genocide in the ICC up until mid-2018. This analysis is based upon a detailed examination of court records and original interviews with prosecutors and gender experts at the Court.

This book covers topics of emerging interest to practitioners in this field, including wartime sexual violence against men and boys, persecution on the grounds of gender and sexual orientation and sexual violence against 'child soldiers'.

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Practice, Progress and Potential

ROSEMARY GREY

University of Sydney



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To my grandparents, parents, sister, brothers
and brothers-in-law, and my love

Your support made this book possible

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The opinions expressed in this book are, of course, my own.

This book contains descriptions of violence, including sexual violence.

ABBREVIATIONS

AQIM	Al Qaeda in the Maghreb
CAR	Central African Republic
DCC	Document Containing the Charges
DRC	Democratic Republic of Congo
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECtHR	European Court of Human Rights
EOC	ICC Elements of Crimes
FDLR	Forces Démocratiques pour la Libération du Rwanda
FIDH	Fédération Internationale des Ligues des Droits de l'Homme
FNI	Front des Nationalistes et Intégrationnistes
FRPI	Force de Résistance Patriotique en Ituri
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally Displaced Persons
IHL	International Humanitarian Law
ILC	International Law Commission
IWPR	Institute for War and Peace Reporting
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and/or queer
LRA	Lord's Resistance Army
MLC	Mouvement de Libération du Congo
NGO	Non-governmental organisation
OPCD	Office of Public Counsel for the Defence
OPCV	Office of Public Counsel for Victims
OTP	Office of the Prosecutor
RPE	ICC Rules of Procedure and Evidence
RS	Rome Statute
SCSL	Special Court for Sierra Leone
UK	United Kingdom

xvi	ABBREVIATIONS
UN	United Nations
UNESCO	UN Educational, Scientific and Cultural Organization
UNICEF	UN Children's Fund
UPC	Union des Patriotes Congolais
US	United States of America