

## **Workshop on improving cooperation in the prosecution of conflict-related sexual violence**

*A workshop with representatives from judicial mechanisms and civil society organizations*

**International Nuremberg Principles Academy, Nuremberg, Germany  
September 12-13, 2016**

### *Introduction*

The International Nuremberg Principles Academy (Nuremberg Academy) is a foundation dedicated to the advancement of international criminal law. It is located in Nuremberg, the birthplace of modern international criminal law, and is conceived as a forum for the discussion of contemporary issues in the field. The mission of the Nuremberg Academy is to promote the universality, legality and acceptance of international criminal law. The foundation's main fields of activity include interdisciplinary research, trainings and consultant services specially tailored to target groups, and human rights education. The Nuremberg Academy places a special focus on the cooperation with countries and societies currently facing challenges related to international criminal law. The Nuremberg Academy was founded by the German Foreign Office, the Free State of Bavaria and the City of Nuremberg.

On 12-13 September 2016, the Nuremberg Academy will bring together representatives of judicial mechanisms and civil society organizations, to discuss the modalities of cooperation in the prosecution of conflict-related sexual violence. The two-day workshop will address the merits of effective cooperation between these stakeholders in the prosecution of sexual violence to increase understanding of challenges related thereto.

### *Short background to the project*

Ineffective cooperation between courts and civil society organizations has been named as one of the underlying problems in the prosecution of sexual violence as an international crime. However, the contribution of civil society organizations to international criminal justice cannot be ignored; to the contrary, strengths and limitations must be discussed and recognized. For instance, in addition to participating in judicial processes, CSOs may address difficult issues relating to stigma, local customs and practices. Therefore, courts and civil society organizations should be well aware of the full scope of the latter's relevance to the justice process and the advantages of effective cooperation. Simultaneously, all stakeholders must understand the inherent limitations of cooperation and anticipate the challenges involved in such processes.

Over the years, a number of organizations have published best practices documents on cooperation between courts and CSOs. Yet, aligning the work of those involved in the prosecution process remains a difficult task. The manner in which these best practices are utilized differ between various stakeholders, signifying a need for clarification and enhanced understanding of the purpose of such

documents. In light of this, the Nuremberg workshop will promote dialogue on several cross-cutting issues which affect cooperation to further the discussion on existing guidelines.

It is therefore important to reflect on the role of CSOs during, and in the aftermath of conflict, taking into account limitations that may hinder cooperation with judicial mechanisms. For instance, due to ethical and practical considerations, not all organizations would be willing to disclose their sources of information. In addition, several CSOs are not trained criminal investigators, and even if they do receive such training, it may be very different from scenarios envisaged by criminal prosecutors. Another factor to consider is whether such organizations are indeed aware of existing pathways of cooperation with judicial mechanisms.

Further difficulties may result from structural and legal impediments to cooperation. In several states, CSOs operate within constrained civic space and could face deregistration or expulsion for cooperating with international justice mechanisms. As such CSOs particularly NGOs may be reluctant to cooperate due practical considerations including long-term implications cooperation to their survival. It is thus pertinent to reflect on practicability of CSO-court cooperation in politically hostile environments.

In addition, questions abound as to whether the degree of cooperation is affected by the sexual crime in question. There are several underlying assumptions of what constitutes a sexual crime. Much of the narratives of sexual violence in armed conflict are created through evidence submitted for the purpose of court proceedings. This creates concerns for many categories of victims that have been largely ignored in the prosecution process, such as male victims, and even victims of less 'recognized' sexual crimes.

Given the multitude of questions surrounding sexual violence in armed conflict, it is axiomatic that progress can still be made. Ongoing dialogue between courts and NGOs and other CSOs is paramount in addressing mutual and individual concerns regarding prosecution. While full cooperation may not always be the most optimal solution available, the purpose of this workshop is to create dialogue which will aid in ascertaining the circumstances under which this may and may not be the case.

#### *Workshop participants*

The Nuremberg Academy seeks to foster cooperation between judicial mechanisms, NGOs, and other CSOs in the prosecution of conflict-related sexual violence. Invited participants will represent different organs of national and international courts (e.g. prosecution, witness protection, and victims units), different NGOs (international and local scope of work), and other CSOs that specifically focus on issues related to conflict-related sexual violence. A number of academic contributors will enrich the discussion with specific inputs.

#### *Outcomes*

The primary goal of the workshop is to better understand the merits of cooperation in the prosecution of conflict-related sexual violence, as well as the current challenges involved, with the aim to improve future cooperation between the relevant stakeholders. The workshop discussions will

be analyzed and documented in a report, highlighting areas that need further discussion and/or policy development. As several documents on these matters exist already, such as best practice manuals, reports, or policy recommendations, the Nuremberg Academy will also create a resource environment that collects existing material in a user-friendly way.



## Program

	<p><b>DAY ONE: September 12, 2016</b></p> <p><b>Theme: Understanding the diversity of the roles and mandates of courts and CSOs in the prosecution of sexual violence crimes</b></p> <p>Participants will discuss how CSOs can foster criminal investigations and prosecutions during, and in the aftermath of conflict.</p>
08:30-09:00	Registration at the Hotel Motel One lobby
09:30-09:45	Introduction to the International Nuremberg Principles Academy and the sexual violence project Dr. Josephine Ndagire, International Nuremberg Principles Academy
09:45-11:15	<p><b>1. The role of local and international organizations in prosecution of sexual violence crimes</b></p> <p>Chair: Dr. Philip Grant, TRIAL International</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>i. Dr. Jonathan Muhindo Lusi, Heal Africa</li> <li>ii. Dr. Sabiha Husić, Medica Zenica</li> <li>iii. Ms. Hilarie Mukamazimpaka, Genocide Widows Association</li> <li>iv. Ms. Alix Vuillemin Grendel, Coalition for the ICC</li> </ul> <p>Q &amp; A</p>
11:15-11:30	<i>Coffee break</i>
11:30-13:00	<p><b>2. Judicial practice in cooperating with CSOs during prosecution of sexual violence crimes</b></p> <p>Chair: Prof. Anne-Marie de Brouwer</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>i. Ms. Diana Wilson, former EULEX Special Prosecutor</li> <li>ii. Ms. Inneke Onsea, ICTR/MICT</li> <li>iii. Ms. Najwa Nabti, OTP, ICTY/MICT</li> </ul> <p>Q &amp; A</p>
13:00-14:00	<i>Lunch</i>
14:00-16:00	<p>Breakout sessions:</p> <p>After lunch, participants will be divided into two working groups to explore practical ways of strengthening the role of CSOs during prosecution of sexual violence in light of the mandate of courts and other judicial mechanisms.</p> <p>Chairs: Ms. Carrie Comer, FIDH and Ms. Florida Kabasinga, Legal Practitioner, Rwanda</p>
16:00-16:15	<i>Coffee break</i>
16:15-17:00	Presentations from Working Groups
17:30	Reception at Pellerhaus



	<p><b>DAY TWO: September 13, 2016</b></p> <p><b>Theme: Strengthening cooperation between judicial mechanisms and CSOs during prosecution of sexual violence in conflict</b></p> <p>Participants will discuss existing cooperation mechanisms, gaps, challenges, limitations and how cooperation can be improved.</p>
09:30-11:00	<p><b>3. Strategies and mechanisms of cooperation</b></p> <p>Chair: Erin Gallagher, ICC Investigator</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>i. Dr. George William Mugwanya, ICC</li> <li>ii. Ms. Beini Ye, REDRESS and ECCC</li> <li>iii. Mr. Serge Ngabu Kilo, LIPADHOJ, DRC</li> <li>iv. Mr. Gregory Townsend, ICTY</li> </ul> <p>Q &amp; A</p>
11:00-11:15	<i>Coffee break</i>
11:15-13:00	<p><b>4. Addressing challenges and limitations to cooperation</b></p> <p>Chair: Dr. Sigall Horovitz, International Nuremberg Principles Academy</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>i. Ms. Céline Bardet – We are Not Weapons of War</li> <li>ii. Ms. Karen Naimer, Physicians for Human Rights</li> <li>iii. Ms. Heng You Leng, ECCC</li> </ul> <p>Open discussion on practical solutions to overcoming challenges and limitations to cooperation including underlying assumptions of sexual violence crimes, victim apathy, structural / legal impediments, capacity and awareness, etc.</p>
13:00-14:00	<i>Lunch</i>
14:00-15:30	<p><b>5. Recommendations and emerging policy considerations</b></p> <p>Prof. Jean-Marie Kamatali</p> <p>Ohio Northern University</p>
15:30-16:00	<p><b>6. Evaluation</b></p> <p><b>7. Launch of Sexual Crimes in Conflict Database</b></p> <p>Farah Mahmood and Dr. Josephine Ndagire</p> <p>International Nuremberg Principles Academy</p>