



# Women's Initiatives for Gender Justice Annual Report 2016

“People do not think that rape victims suffer. It is difficult to accept and believe in a world so cruel. I thank you for giving me hope in life and for finding my smile again.”



## Acknowledgements

The Women's Initiatives for Gender Justice would like to thank our Board members, staff and interns for their work and commitment to the organisation and our mission.

We would also like to express our appreciation to all of our partners, allies and supporters who made 2016 another important and impactful year for our work with the ICC and with grassroots organisations in conflict-affected areas of northern Uganda and eastern provinces of the Democratic Republic of the Congo (DRC).

We would particularly like to acknowledge our partners with whom we continue to dream big and tackle daunting challenges together. It is a privilege to collaborate, co-create and be inspired with you.

In the DRC:

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In Uganda:

Justice and Reconciliation Project

Women's Advocacy Network

We would also like to express our gratitude to our donors for their partnerships and contribution to the implementation of our mission and programmes.



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*Mission:*

**The Women's  
Initiatives for Gender  
Justice** works globally to  
ensure *justice* for **women**  
and **communities** affected by  
**armed conflict** and an  
*independent and effective*  
**International Criminal  
Court (ICC).**

## 2016 at a glance...

This year we worked directly with over **14,000** grassroots organisations, decision-makers, faith leaders, victims/survivors of sexual and gender-based violence (SGBV), justice stakeholders, women abducted by militia groups, clan leaders, family members and communities affected by armed conflicts. We also worked with **seven** domestic courts in Uganda and the DRC as well as the ICC on the prosecution of conflict-related sexual and gender-based crimes and the participation of women in the justice system.

Looking more closely, during 2016 we:

- Interviewed over **615** victims of conflict-related sexual violence and other grave crimes. We then utilized this data in cases before domestic courts, as well as in advocacy with provincial authorities, prosecutors and judges, calling for more access to justice, and better medical and livelihood assistance for victims of these crimes.
- Assisted **955** victims of conflict-related sexual and gender-based violence to access medical and psychosocial services.
- Advocated for meaningful reparations for former child soldiers at the first public hearing held by the ICC on reparations. We were the only international women's rights organisation granted leave by the judges to provide a presentation at the hearing.
- Held **136** community outreach sessions involving **5,517** participants in two conflict-affected provinces in eastern DRC with a focus on reducing stigma for victims of SGBV and informing communities about the services available for victims of these crimes.
- Hosted gender justice documentary screenings for **5,268** participants in conflict-affected provinces including remote villages and areas of high sexual violence prevalence.
- Conducted seven training and capacity building workshops in eastern DRC for **189** participants including provincial and local policy-makers and political leaders, military prosecutors, judges, the police, and civil society groups.

- Consulted local partners and SGBV victims/survivors about meaningful reparations, victim expectations, and safety and security concerns relevant to accessing court-ordered reparations before the ICC.
- Monitored **seven** domestic courts in Uganda and eastern DRC working with **35** court officials on **13** SGBV cases providing support to and advocacy on behalf of the victims of these crimes.
- Consulted over **100** provincial and national leaders in the DRC including, civil and military judges and prosecutors, police officers, lawyers, and civil society advocates in South Kivu, on the barriers to investigating and prosecuting sexual and gender-based crimes as war crimes and crimes against humanity before domestic courts.
- Involved over **400** cultural leaders, clan elders, family members, women formerly abducted by the Lord's Resistance Army (LRA) and their children born of war in family reunification, reconciliation and reintegration activities in northern Uganda.
- Monitored **10** situations under investigation by the ICC from a gender perspective and monitored all of the cases in which sexual and gender-based crimes have been charged.
- Advocated with **35** ICC staff and officials on gender justice issues and provided policy briefings and information for over **400** delegates and representatives of states parties.

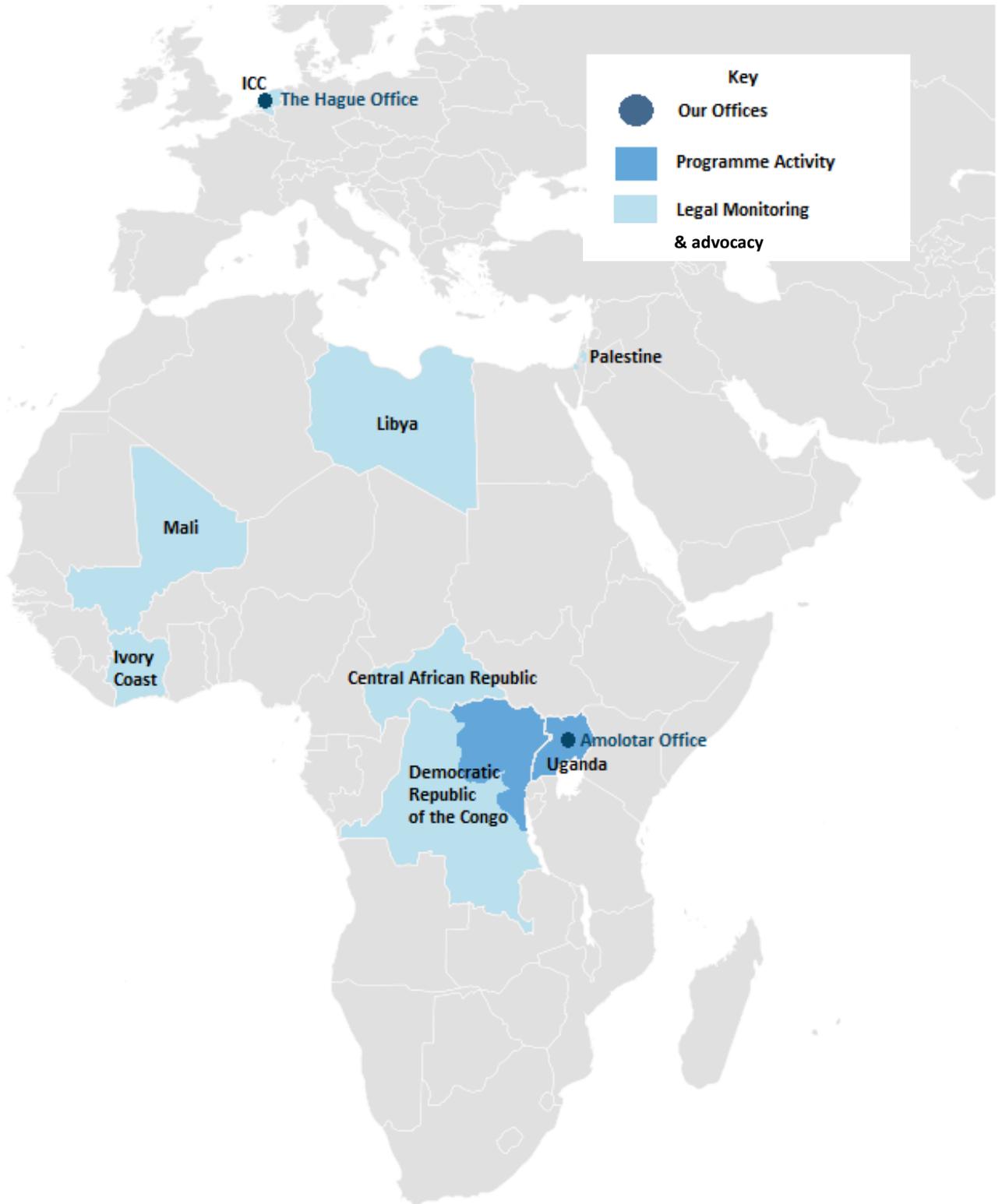
 **34,395**  
Website  
Views

 **3,000+**  
Twitter  
Followers

 **150,000**  
eLetter  
Readers

 **21,827**  
Facebook  
Likes

## Where we work



## **Values Statement**

The Women's Initiatives for Gender Justice is dedicated to achieving gender equality, women's human rights and international justice. We are working to ensure justice for women and communities affected by armed conflict through an independent and effective International Criminal Court and promote use of the Rome Statute to advance women's rights.

Our shared values help us to achieve this. These values include:

**Human Rights** - We will work towards the full application of the rights enshrined in the Universal Declaration of Human Rights, the Convention for the Elimination of all forms of Discrimination against Women, other international human rights and humanitarian law. We will actively challenge any fundamentalisms that threaten these rights. Human rights are indivisible, inter-related and universal and as such we will work towards the eradication of all discrimination based on gender, sexuality, religion, race, age, ability, ethnicity, nationality, class or other factors.

**Justice and Peace** - We strive towards a world free from violence against women and an end to war and conflicts. We work towards a world based on principles of justice, interdependence, equality, solidarity and respect. We promote the rule of law and international legal standards to ensure accountability for perpetrators and the end to all forms of violence, discrimination and oppression.

**Self Determination** - We stand in solidarity with those dispossessed of their land, livelihood, language and cultural identity and support gender equality within movements towards self-determination. We also promote a woman's right to determine and choose her relationships, sexuality, identities, goals and dreams.

**Diversity** - We will work together as feminists and gender justice advocates, respecting and learning from each other's diverse backgrounds, beliefs, abilities and experiences. Openness to diversity is integral to advancing women's rights and creating just and equitable societies.

**Responsibility** - We will strive for fairness and respect in our relations, responsible and effective use of our resources, transparency in our processes, accountability, integrity and excellence in all our work.

These values guide our work with the International Criminal Court, in the field, our collaborations and partnerships, within the organisation, and as actors in the international movements of advocates for women's human rights and gender justice.

## Democratic Republic of the Congo (DRC)



“I did not know that someone could be interested in us who suffer in a forgotten environment.”

## Documentation

Documenting conflict-related sexual and gender-based violence (SGBV) is one of our long standing and most effective collaborative programmes.

The purpose of the documentation programme is to: interview victims/survivors of conflict-related SGBV; provide psychosocial assistance, legal and medical referrals to



The team on its way to document SGBV incidents- South Kivu

victims/survivors; and utilise the documentation data to advocate for the investigation and prosecution of these crimes before local courts and the ICC, as well as for better access to medical and psychosocial support.

During 2016, our partners in three conflict-affected provinces of eastern DRC (South Kivu, North Kivu and Province Orientale) conducted 12 documentation missions, interviewing 431 victims/survivors of SGBV and witnesses of these crimes.

‘Please, we would like our voice to go very far considering the carnage, be the mouth of the voice-less and of poor farmers.’

*Witness to the Beni massacre, North Kivu, September 2016*

Two of the 12 documentation missions, conducted by partners, *Encadrement des Femmes Indigènes et des Ménages Vulnérables* (EFIM) and *Ligue pour la Solidarité Congolaise* (LSC), were undertaken in response to a massacre which occurred in and around Beni, North Kivu, in August 2016. The responsibility for the attacks was attributed to the ADF, an armed group allegedly of Ugandan origin which has been present in the DRC for more than two decades and has been accused of multiple human rights violations. Both missions involved community consultations and interviews with over 200 witnesses and victims/survivors of the attack. Our documentation team noted the trauma experienced by the local communities, the tense security situation and the perceived lack of response by the security forces, as amongst some of the biggest challenges in the immediate aftermath of the massacre. Because our methodology is based on long-term partnerships with local organisations and

advocates, we are able to mobilise quickly and our teams are often amongst the first responders to the commission of mass violence.

‘You are the first organisation that has come to share with us after the massacres, and only two weeks have passed. Thank you, this relieves us.’

*Witness to the Beni massacre, North Kivu, August 2016*

Consistent with our established practices, all of the documentation activities during 2016 were undertaken in compliance with our protocol which includes: a pre-mission security assessment; regular contact by the team during the mission; a pre-prepared response plan in the eventuality of threats or an attack; reliable

transportation available to the team and a pre-screened driver; funds in-hand to ensure the ability to rapidly depart from threats; and a list of key local contacts to mobilise a response on the ground, should this be needed.

Our partners also interviewed 184 SGBV victims/survivors who accessed the Transit House Project and wanted their incidents of rape to be documented. In total, over the course of the year, our teams documented interviews with 615 individuals who were victims of SGBV and other grave crimes.



SGBV Interviewee

In analysing the data, we were able to identify that the majority of the perpetrators of the attacks documented during 2016 were allegedly committed by: the Democratic Forces for the Liberation of Rwanda (FDLR); the Armed Forces of Democratic Republic of the Congo (FARDC); Mai Mai militias; the Allied Democratic Forces (ADF); the Burundian National Forces of Liberation (NFL); and the Imbonerakure (Burundian electoral militia). The presence of the two Burundian armed groups in South Kivu, which have not previously appeared in our documentation data, seems to be directly linked to the unrest and conflict in neighbouring Burundi during 2016. Given the porous borders between the DRC, Burundi, Rwanda and Uganda, armed militias are able to readily move within and between these highly militarised areas. Consistent with documentation missions over the past three years, during 2016 the programme documented attacks allegedly committed by the Lord's Resistance Army (LRA) within areas of Province Orientale.

According to our analysis of the documentation during this period, most incidents of sexual violence occurred in the context of:

- Attacks by armed groups directed against the civilian population (sometimes with the primary aim being to pillage food and other goods from the villages);
- Clashes between the DRC Army and armed groups that also result in attacks against civilians;
- Attacks by civilians against Burundian refugees in camps for Internally Displaced Persons; and
- Women being attacked while gathering firewood and carrying out other gender-related tasks.

In South Kivu, our partner, *Initiatives Alpha*, documented the abduction of girls between two and ten years of age who were taken from their homes, raped, mutilated and left in the village the following day, allegedly by accomplices of the FDLR militia group. According to the families and witnesses, they believe the children were taken for the purpose of child organ trafficking.

## Use and Impact of Documentation Data

The documentation data is utilised to advocate for the opening of investigations and prosecutions before domestic courts, as well as in meetings with local political leaders to advocate for the provision of more medical, psychosocial services and livelihood support for SGBV victims/survivors.

‘Documentation missions are a good opportunity to bring victims out of isolation. Victims encountered during the documentation mission in Dakwa did not hesitate to share their joy. One victim said: “I did not know that someone could be interested in us who suffer in a forgotten environment.”’

*Claudine Bela Badeaza, WI Focal Point, Director of CERDF, Province Orientale*

Our documentation material has also been successfully utilised in advocacy with the ICC to bring the Court’s attention to the commission of sexual violence within their investigations. To date, the documentation material has been incorporated within two of the ICC’s cases in relation to the DRC, including the current case against Bosco Ntaganda, specifically in support of the charges of rape and sexual slavery committed against children recruited and enlisted into his militia group.

During 2016, our partners in North and South Kivu utilised documentation data in advocacy meetings with local authorities, traditional and community leaders, as well as police from the affected areas.

Below are some examples of the use and impact of these advocacy initiatives.

- Following a documentation mission and advocacy with local leaders in the conflict-affected territory of Mwenga, South Kivu, our partner, *Initiatives Alpha*, supported leaders from different villages to establish a network in response to conflict-related SGBV. All of the villages in the area had experienced attacks allegedly by the FDLR militia group. During the attacks, militia combatants pillaged food and other goods essential to the survival of the villagers. The combatants also killed residents and raped women. In an effort to prevent further attacks, the village leaders collected food and other supplies such as spare batteries, soap, gas and clothing, and deposited these items in locations for the FDLR combatants to collect. They sent word to the combatants about the availability of the supplies. Following this initiative, there was a notable decrease in militia attacks on the villages and fewer incidents of rape and murder.
- In North Kivu, our partner *Ligue pour la Solidarité Congolaise* (LSC) utilised the SGBV documentation data in meetings between women’s rights organisations and government officials in the conflict-affected territory of Rutshuru. They advocated for the government to apply greater security measures for the civilian population who are regularly attacked by a number of different armed militia groups in this area.
- In South Kivu, partner, *Action des Femmes pour les Droits et le développement* (AFD), used documentation data in meetings with traditional and community leaders, the police, prosecutors and judges to highlight the prevalence of SGBV

and to work with the authorities to develop more effective medical and reintegration responses for the victims, as well as the pursuit of prosecutions for these crimes through domestic courts.

Following the Beni documentation missions, our partners and other NGOs produced a statement including a critique of the UN Peacekeeping mission in eastern DRC. The statement provided recommendations regarding MONUSCO's mandate and role. Utilising the grassroots-international bridge we have created, we engaged our bilateral relationship with the UK Government to ensure that the DRC statement was shared with them ahead of the Peacekeeping Conference they hosted in London in 2016. This is just one of the ways in which we create opportunities for local advocates to have access to international decision-makers and multi-lateral policy-making spaces.

*Our methodology is to bridge the advocacy gap, create opportunities for grassroots organisations and magnify their voices in global policy, decision-making and justice fora.*

In addition to advocacy efforts, our partners also utilised the documentation data to: monitor the prosecution of sexual and gender-based crimes and provide advice on legal representation to victims/survivors before domestic courts; and inform community leaders about the commission of SGBV in their areas with the view to engaging them in support for victims and holding perpetrators accountable.

According to our partners, documentation missions continue to give victims/survivors an opportunity and platform to express themselves, and many have found the courage to report the incidents and seek medical assistance.

## ***Transit House Project***

During 2016, the Transit House Project, a collaboration with partners, *Action des Femmes pour les Droits et le développement* (AFD) and *Ligue pour la Solidarité Congolaise* (LSC), operated in two remote locations with high levels of conflict-related SGBV - Kabondozi, South Kivu, and Rutshuru, North Kivu. The project provides psycho-social assessments, referrals and assistance to victims/survivors of conflict-related (and other) SGBV to access



Transit House - Rutshuru

local health centres and general hospitals for more specialised treatment, including surgeries for rape-related injuries. The project provides two residential Transit House facilities for SGBV victims/survivors to stay in while awaiting surgery and during their recovery post-surgery, before returning home. The project also provides transportation for victims/survivors to and from hospital.

‘Why can’t members of families, as well as our neighbours, show a bit of compassion towards us? Have they stopped for a moment to put themselves in our place and try to understand the pain that we face instead of accusing us of being an accomplice to our own suffering?’

*Transit House Project Participant,  
South Kivu*

In 2016, the Transit House Project assisted 955 SGBV victims/survivors to access psycho-social and medical support, of whom 80% were referred to either a hospital or local health centre for further treatment. Almost half of those assisted were subsequently referred to a hospital for specialised treatment, most commonly for reparative surgeries for rape-related injuries.

The project is available to all members of the community both men and women, and for all ages with baby girls between 1-2 years old and

elderly women supported to access the service this year. The project also provides information and referrals to legal clinics for those who wish to seek redress and justice for the SGBV incidents.

In 2016, the project referred 363 victims/survivors to legal clinics and several were supported through the justice process with partners acting as victim’s advocates.

This year, 136 community outreach sessions were held involving 5,517 participants in both North and South Kivu. The outreach sessions: raised awareness within the community to reduce stigma for victims of SGBV; provided information about the services available for victims of these crimes; and stressed the importance of reporting SGBV incidents rather than accepting informal agreements with the perpetrator/perpetrators family.

Many SGBV victims/survivors are rejected by their husbands and/or families as a result of being raped and face additional social and economic challenges. In North Kivu, The Transit House Project through our partner LSC assisted SGBV victims with the process of reintegrating with their families. LSC provided: follow-up psycho-social counselling to 156 victims; training workshops on income-generation activities for 184 SGBV victims; 93 house-to-house visits to raise awareness amongst victims’ families; and three family mediation sessions for women who were rejected by their husbands as a result of being raped.

‘The beneficiaries believe that they have become disabled, that they cannot contribute to the community. Thanks to the psychosocial assistance and economic activities focused on entrepreneurship, they have understood that it is not the end of the world and that they can work and plan the future.’

*Joséphine Malimukono, WI Focal  
Point for National Advocacy,  
Director, LSC, North Kivu*

One of the key strategies we adopted with our partners in this project is fostering a sense of ownership by local communities regarding the Transit House facilities. Village leaders in locations where the Transit Houses are located have expressed pride in the facility and what the project is doing for the community. Engaging the communities served by the Transit House encourages confidence in the programmes and our partners. It has also made the service more accessible for those who need it and contributed to the sustainability of the project.

Traditional leaders and community elders actively refer SGBV victims to the project and village leaders, police, and faith leaders participate in SGBV outreach sessions and now refer SGBV victims to the project and also promote accountability for these crimes within their communities.

Examples of responses by local leaders following their involvement in activities of the Transit House Project:

‘I live by myself, I know many rape survivors that hid after what happened to them. I will be the awareness-raiser against rape in my village and will raise awareness for victims and their access to care and justice’

*Transit House Project Participant,  
South Kivu*

- Religious leaders in South Kivu raised awareness amongst their parishioners about SGBV in order to reduce stigma and to encourage victims to seek medical treatment and support.
- Village leaders in South Kivu now meet every Friday morning to broadcast messages via megaphones raising awareness in their communities about SGBV and to encourage the residents to become a healthy and peaceful community.
- In South Kivu, a sub-village leader, supported by our partners, provided mediation for two married couples whose husbands had rejected their wives because they had been raped by militia combatants. Through the Transit House Project, both women received treatment at Panzi Hospital for the rape-related injuries.
- As a result of the outreach programmes, more members of the community are referring SGBV victims to the Transit House Project and more SGBV victims, who had previously been silent about the sexual violence they experienced, have reported the incidents.
- A committee was established in a village in South Kivu to monitor and follow-up on cases of conflict-related sexual violence. Since then, the psychosocial assistants at the Transit House have registered a higher number of SGBV cases reported from this village.
- More than 35 girls who were victims of SGBV were assisted to return to schools in Rutshuru, North Kivu.

## **Documentary Screenings and Advocacy Events**

*Influence those with influence*

Engaging with local decision-makers (political cultural, civic, judicial and military leaders) has been a deliberate and critical strategy for creating the diverse alliances necessary to generate tangible changes for gender justice, within communities experiencing conflict-related violence and its aftermath. This has been our strategy and our experience for many years within eastern DRC and 2016 was no exception to the power of movement building.

One of the programmes through which we engage local leaders is in the documentary screenings and advocacy events, organised by our partners in North and South Kivu and

Province Orientale. This strategy is intended to *influence those with influence* and has contributed to several positive gender justice outcomes.

Partners collaborating in this programme were: *Action des Femmes pour les Droits et le développement (AFD)*; *Centre d'Education et Recherche pour les Droits des Femmes (CERDF)*; *Encadrement des Femmes Indigènes et des Ménages Vulnérables (EFIM)*; *Initiatives Alpha*; and *Ligue pour la Solidarité Congolaise (LSC)*.

During 2016, our partners held 25 screenings of the gender justice documentary, 'Our Voices Matter', which we produced with our DRC partners in collaboration with WITNESS. These one-day screenings and advocacy events were held in three conflict-affected and involved 5,268 participants.

Those attending the documentary screenings included: local and provincial political and administrative authorities; traditional leaders; community and religious leaders; police officers; military and civil prosecutors; and defence lawyers. In addition, civil society organisations, journalists, teachers, community members, representatives of youth organisations, trade unions, students, midwifery networks and SGBV victims/survivors also participated in the documentary screenings and advocacy events.

The screenings raised awareness about: the impact of SGBV on individuals and communities; the medical, psychosocial and economic needs of the victims/survivors of these crimes; the widespread impunity for conflict-related sexual violence; and the multiplicity of perpetrators with the ongoing splintering of militia groups and the formation and breaking-up of alliances between armed militias.



Documentary screening in Ake, South Kivu

'Before watching this documentary, I had a vague idea about sexual violence, but I could not have imagined that it affected the victim in her entire being. As of today, I understand that the issue of sexual violence must not be trivialised.'

*A young man from Nyalikemba, South Kivu.*

This year, military authorities in Province Orientale requested a special screening of the gender-justice documentary for members of the Congolese Armed Forces (FARDC).

The screenings are always accompanied by an interactive discussion with participants and sometimes include a panel of discussants comprised of justice and civil society stakeholders, as well as SGBV victims.

According to our partners, the documentary screening and advocacy events complemented with use of the SGBV documentation data, create an effective and compelling combination for both informing and motivating key decision-makers to take action.

| *Documentary + SGBV data = Motivation to act*

According to the data collected by partners, following the documentary screenings, decision makers, report that they: feel more aware of SGBV issues; have a stronger recognition of their responsibility to prevent the commission of these crimes; and many express a commitment to ending impunity in their respective villages, agencies, courts, institutions and ministries.

'I am convinced that what is essential is that all civilians unite for peace. I planted in my soul the tree of vengeance – that is uprooting as of now.'

*SGBV Victim/Survivor*

A sample of concrete actions undertaken by local leaders following their participation in the documentary screenings and advocacy events include:

- In Province Orientale, decision-makers committed themselves to re-opening legal clinics in two remote locations with a high prevalence of SGBV, as well as to establish a fund for SGBV victims to assist with medical services as well as social and economic reintegration.
- In South Kivu, *Action des Femmes pour les Droits et le développement* (AFD) established focal points in a number of villages to facilitate the reporting of SGBV incidents.
- In North Kivu, participants at the documentary screenings committed themselves to: discouraging the use of informal agreements between SGBV victims and the perpetrator/perpetrators family; continuing awareness-raising meetings in the villages; and increasing their efforts against the practice of dowries and girl-child marriage, often in response to rape.
- In North Kivu, the Ministry of Justice representatives and other decision-makers designed a new initiative called, 'listening clubs'. These are offices to be established by the neighbourhood chiefs within Goma, so that victims of human rights violations, including SGBV, can report the incident and seek support.
- In South Kivu, a community committed itself to advocate for the return of two underage girls who had been abducted



Training and documentary screening, Goma, North Kivu

and forcibly married, and also demonstrated against the marriage of a pregnant woman who was forced to marry the rapist/perpetrator.

- In North Kivu, the Ministry of Justice representatives and other decision-makers supported the creation of a security alert system in different areas of Goma. The alert system is to be organised by the neighbourhood chiefs and is designed to operate mainly as a response to security threats.
- In Province Orientale, decision-makers who had participated in documentary screenings, conducted a review of legal fees in order to assess whether these impact on the ability of SGBV victims to access the justice process.
- In South Kivu, police and the military have expressed zero tolerance for rape and SGBV and have encouraged the community to report these crimes.
- In North and South Kivu, religious leaders committed themselves to informing their congregations (Catholics, Protestants, Muslims, etc.) about SGBV issues.
- In Province Orientale, provincial decision-makers and justice stakeholders participating in the screenings committed themselves to respond to SGBV within the mandates of their respective structures, roles and institutions.

## ***Gender Justice Training and Capacity-Building Workshops***



Training and documentary screening,  
Kitshanga, North Kivu

This year, five partners in three provinces in eastern DRC – North Kivu, South Kivu and Province Orientale – conducted seven multi-day training workshops involving 189 participants.

Partners conducting workshops were: *Action des Femmes pour les Droits et le développement (AFD)*; *Centre d'Education et Recherche pour les Droits des Femmes (CERDF)*; *Encadrement des Femmes Indigènes et des Ménages Vulnérables (EFIM)*; *Initiatives Alpha*; and *Ligue pour la Solidarité Congolaise (LSC)*.

The workshops involved political decision-makers, religious leaders, military leaders, and civil society organisations including groups from the youth sector.

This year the training workshops focused on: international women's human rights standards; documenting sexual and gender-based crimes and other human rights violations; United Nations peace and security resolutions including Resolutions 1325 and 1820; and the Framework Agreement of Addis Ababa.

The capacity building workshops grew out of our advocacy programme with decision-makers and the recognition that to successfully motivate and enable these leaders to take effective action in support of gender justice outcomes, greater awareness and knowledge about these issues were needed. The training workshops assist with the meaningful

engagement of decision-makers who wish to act or may be encouraged to act in support of gender justice but are unsure what they can do and how to go about it.

In North Kivu, our partner, EFIM, provided training for its staff members on de-traumatisation support for SGBV victims/survivors with whom they work in the documentation programme. Following the training, EFIM held de-traumatisation sessions for 15 SGBV victims ('girl-mothers') in Kitshanga, North Kivu, an area of high prevalence of conflict-related SGBV. As part of this programme, EFIM also trained SGBV victims/survivors in the cultivation of mushrooms as an income generation project.

"In 2011, the Women's Initiatives for Gender Justice worked with CERDF to observe the presidential and legislative elections in Province Orientale. Through this partnership, CERDF was able to train and deploy 100 observers. Now five years later, this training has implemented a corps of long-term observers supported by CERDF."

*Claudine Bela Badeaza, WI Focal Point, Director of CERDF, Province Orientale.*

In light of the political uncertainty regarding the Presidential elections in 2016, one of our partners, CERDF, held a three-day workshop in Kisangani, Province Orientale, focusing on monitoring public demonstrations, documenting violations of women's and human rights in the DRC electoral period, and preparing documentation reports. The workshop utilised and adapted the documentation training we provided to our DRC partners, most recently in 2013. The training involved participants of women's and human rights organisations, members of youth organisations, including students, and the Commission on Justice and Peace.

Due to the political turbulence in the DRC resulting from the lack of constitutional elections, CERDF trained electoral observers in documentation techniques in order to track human and women's rights violations and to be able to produce a reliable report on the documentation data. Following the workshop, participants formed a corps of election observers and CERDF coordinated four radio and TV broadcasts highlighting the importance of peaceful elections and non-violent protests.

*Training, capacity building and creating spaces for mutual exchanges between gender justice advocates (partners) and decision-makers in armed conflict situations contributes to positive changes in motivation, skills and knowledge. It also builds a movement of gender justice allies.*

## **Legal Representation and Monitoring of Mobile Courts**

Our strategy of concurrently interfacing with gender justice issues at the grassroots level as well as within the international arena has proven to be an effective approach to expand and improve access to and outcomes for gender-inclusive justice. Working with local courts as well as with the ICC informs our advocacy and legal strategies in both jurisdictions.

During this period, two of our partners *Ligue pour la Solidarité Congolaise* (LSC) and *Centre d'Education et Recherche pour les Droits des Femmes* (CERDF) monitored six courts

in North Kivu and Province Orientale, focusing on 12 SGBV cases. They provided advocacy for and with SGBV victims throughout the legal process as well as support to access legal representation.

In the last quarter of 2016, there were no mobile court hearings in North Kivu, due to: the lack of funds; the unavailability of judges for the Hearings; and the political context within the province. Instead, LSC seized the opportunity to examine the issue of court fees and the impact of the legal tariffs on the ability of SGBV victims to access the justice system.

LSC researched the court fees charged at four local and mobile courts and also interviewed community and justice stakeholders. The data collected showed that: the legal tariffs are not respected; that the legal limit set for the court fees are exaggeratedly high; and that the fee levels further reduce the ability of SGBV victims/survivors to access justice. The research also revealed that there is inconsistency between the courts as to the tariff and fees charged.

Following these findings, LSC launched a campaign involving 145 decision-makers including provincial policy-makers and justice stakeholders. The campaign produced outreach material including flyers and a fact sheet comparing the legal fee level with the actual fees charged by several courts, including the mobile courts. This information was distributed to several courts, prosecution offices and the administrative authorities to raise awareness and to mobilise support for reform of these practices. LSC also coordinated a letter-writing campaign to individual decision-makers requesting them to address these issues and highlighting the practice by Courts of charging higher fees than is legally allowed, which directly affects access to justice for female victims/survivors including SGBV victims. In support of the letter writing, LSC met with the Provincial Ministry of Justice and advocated for the government to enforce the legal limit on fees which they had set. This issue is yet to be resolved.

In Province Orientale, CERDF provided support and advice on legal representation in a case involving two girls who had been raped and subsequently sexually assaulted by the prosecutor assigned to their case. The

‘Our programme with the Women’s Initiatives for Gender Justice gave confidence back to victims and their community.’

*Claudine Bela Badeaza, WI Focal Point, Director of CERDF, Province Orientale*

Prosecutor accused of sexual assault claimed that this had been part of his ‘professional techniques’ in interviewing the rape victims. This led to a public uproar and the case was transferred to the Prosecutor-General in Kisangani. Along with CERDF, we have provided assistance, material support and housing to the young victims. When the prosecutor was acquitted of the sexual violence charges, despite significant evidence against him, we appealed before the Court of Appeals on behalf of the two victims and CERDF submitted a complaint before the High Judicial Council. While awaiting the decision of the courts, the Prosecutor fled and his whereabouts is unknown.

## ***Evaluation***

During 2016, *Ligue pour la Solidarité Congolaise* (LSC) conducted an auto-evaluation of its collaborative programme with the Women’s Initiatives (WI), on advancing gender justice

in the DRC and before the ICC. The evaluation reviewed LSC/WI activities conducted in 2013-2015 and focused on: identifying progress, changes or impact as a result of the collaboration; identifying challenges, particularly related to the security situation in North Kivu and the political will and context; outlining lessons learned; and proposing recommendations for the programme.

This partner-led evaluation initiative provided an important opportunity to assess and strengthen our collaborative work with LSC and ensure that the gender justice programme meets current needs and the desired outcomes.

The evaluation concluded our collaboration with LSC between 2013 and 2015 enabled them to:

- Continuously implement conflict-related SGBV documentation missions;
- Provide referrals and services to SGBV victims/survivors;
- Conduct strategic documentary screenings for key audiences;
- Implement the Transit House project; and
- Access and create opportunities to advocate for gender justice.

Specifically, between 2013 and 2015, the LSC/WI collaboration: interviewed 499 women and girls in conflict zones through the SGBV documentation missions; provided psychological assistance to more than 550 women and girls through the Transit House Project; raised the awareness of more than 150,000 people on gender justice issues and the fight against violence (including direct participants and secondary beneficiaries of the programme); carried out more than 15 documentary screenings; monitored six mobile court trials involving SGBV charges against soldiers and militia combatants; and conducted advocacy before relevant provincial and national ministries and government officials.

The evaluation found that the screenings, advocacy events and meetings involved 22,046 participants. This was largely due to holding public screenings attended by large numbers of people. During 2016, the screenings were attended by smaller numbers of people due to the security situation and because some of the documentary screenings were held in remote locations and small village settings.

Overall, LSC found that the activities undertaken through the collaborative gender justice programme with WI have had both tangible and intangible impacts in relation to addressing violence against women.

The evaluation outlined five important lessons learned:

- The number of victims identified and assisted is small in contrast to the number of victims in need. The context of the ongoing armed conflict creates more SGBV victims every week;
- While there is a war, armed clashes, pockets of resistance where rebels, national or foreign troops impose their laws, the risk of occurrence of SGBV remains high and the reduction of these crimes is difficult to achieve;
- The collaborative gender justice programme with WI initiated a new level of

impressive mobilisation of the community, ambitious objectives, and more sophisticated tools and approaches;

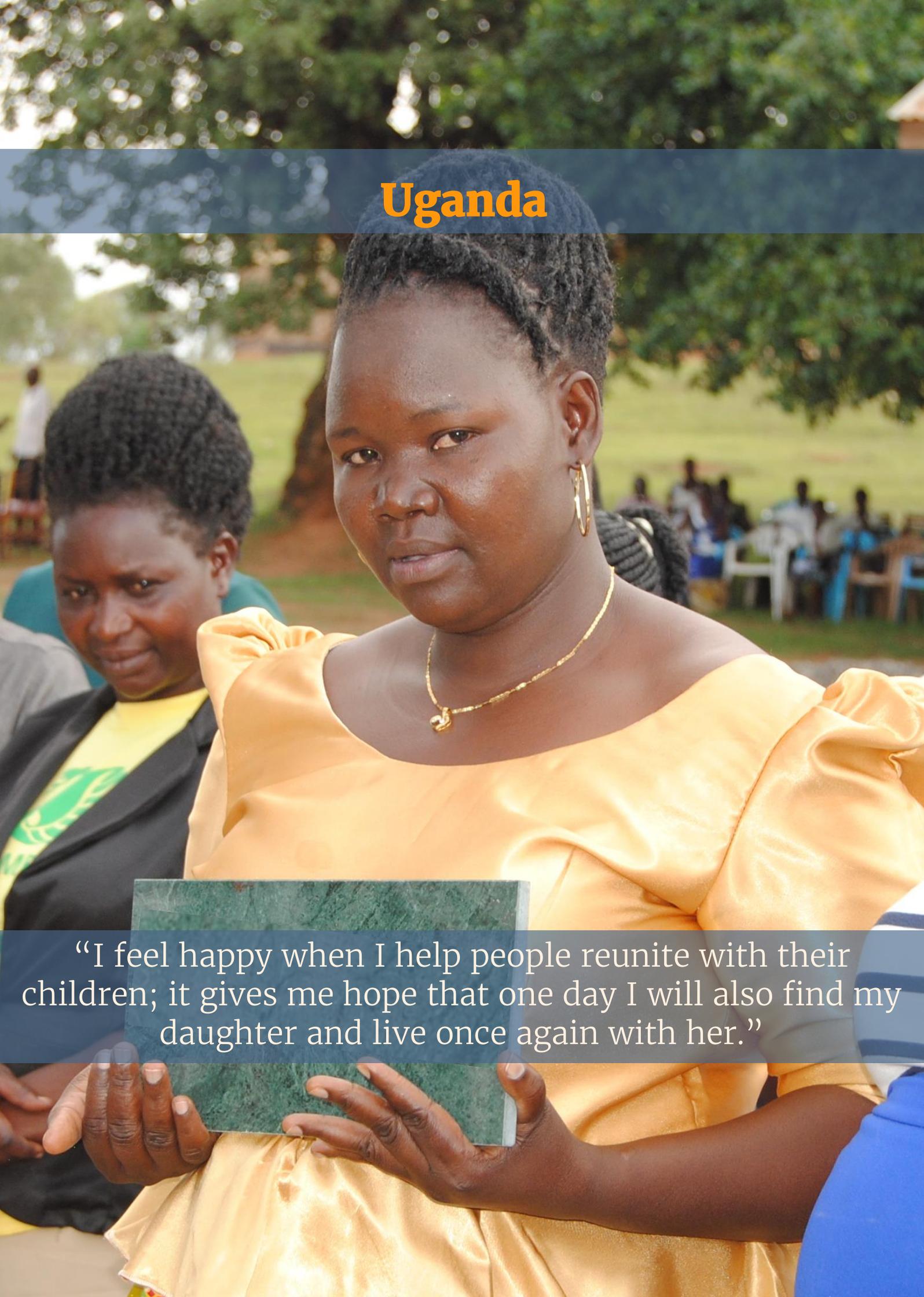
- The prevention of sexual violence and the response to victims' of these crimes, requires the implementation of a general provision/law to be advocated for at different levels; and
- The gender justice actions for community relief, the non-repetition of violence, and the response to sexual violence requires the mobilisation of all relevant actors, at all levels.

Recommendations for the further strengthening of the partnership between LSC and WI, include for WI to:

- Continue to mobilise resources for collaborative activities;
- Continue to lend its voice and support for domestic advocacy initiatives towards stability and the re-establishment of durable peace in the DRC;
- Support locally-led reforms within the judicial system, police and military services in order to address impunity for conflict-related SGBV;
- Advocate for the DRC Government and its allies to design and implement protection strategies for populations at risk of armed conflict; and
- Support additional strategies for the development and well-being of the partner personnel working on the project.

*The collaborative programme with the Women's Initiatives for Gender Justice initiated a new level of impressive mobilisation of the community, ambitious objectives, and more sophisticated tools and approaches.  
- Ligue pour la Solidarité Congolaise*

## Uganda

A woman in a bright yellow, off-the-shoulder dress is the central focus, holding a green folder. She has a serious expression and is looking slightly to the right. To her left, another woman in a black and yellow shirt looks on with a concerned expression. The background is an outdoor setting with trees and other people sitting on chairs.

“I feel happy when I help people reunite with their children; it gives me hope that one day I will also find my daughter and live once again with her.”

## Reintegration Programme

Following a two-year consultation process, in 2016 we launched a formal partnership with the Justice and Reconciliation Project (JRP) and the Women's Advocacy Network (WAN), a network of women formerly abducted by the Lord's Resistance Army (LRA).

One of the recurring issues raised within the consultations as well as during the 2014-2015 screenings of our Ugandan gender justice documentary, *No Longer Silent*, was the high level of community hostility towards LRA returnees, especially females returning with children. The community-discrimination and resentment towards female returnees was described by a female former abductee as 'one of the most significant barriers to being able to rebuild our lives'.



Family members pose for a photo after a reunification ceremony in Kitgum

Over 400 cultural leaders, clan elders, family members, community members, women formerly abducted by the LRA and children born as a result of the armed conflict participated in the reintegration programme activities during 2016.

The Reintegration Programme is a grassroots initiative designed to re-establish trust, forgiveness and acceptance. This programme complements our work during the Juba Peace Talks and it is an initiative to make the draft National Transitional Justice Policy more accessible and meaningful for victims of the armed conflict.

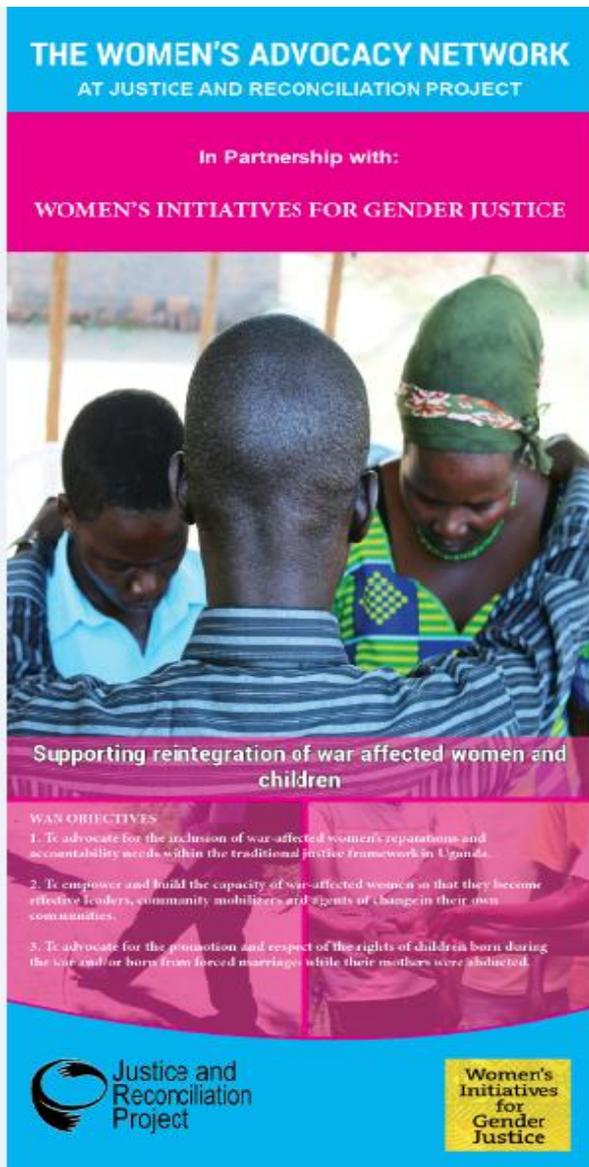
This project has brought kweno cwiny (consolation) to the women and their children who are victims of the LRA war in Uganda and to both the maternal and paternal clans of their children. This is particularly meaningful for the families who lost their sons in captivity, as they see their reunited grandchildren as a replacement for those who are missing. To me, this is the best work I have ever been involved in because I feel happy when I help people reunite with their children, it also gives me hope that one day I will also find my daughter and live once again with her.'

*Evelyn Amony-Chairperson WAN/Project Assistant, JRP*

In addition to mediation, the programme undertakes child tracing which involves tracing the family of the father of the children born to women abducted by the LRA. In most cases, the children's fathers are still in the 'bush' and are combatants or mid-senior level LRA commanders. The project traces the family of the child's father to seek acknowledgement of paternity. The project provides mediation between female returnees and their families, clans and communities to foster reconciliation. This acknowledgement is critical for the children to be recognised as having

rights including a right to land, communal affiliations and inheritance and in turn this process signals further acceptance and reintegration for the women/mothers. Importantly, this process also contributes to reducing the stigma associated with having been abducted by the LRA and returning with children born as a result of enslavement and rape.

The Reintegration Programme follows a three-stage process:



**1. Family Tracing** which has two components; home/background search; and pre-visits with paternal families.

a. Home/background search - the names and whereabouts of paternal families are often unknown and can be difficult to discover as males abducted by the LRA often used pseudonyms in the bush. Various methods are used to locate the family, including consulting others who were in the LRA and other abductees. Background information obtained also helps with reunification planning and preparation.

b. Pre-visits and Family Dialogues – once located, the project mediators conduct a pre-visit with the paternal and maternal families with the dual purpose of mediating any 'bitterness' between them, and informing and preparing the process of reunification, including assessing the willingness to proceed.

**2. Reunifications** – women (mothers), children and other members of the

maternal family are escorted by the mediators to the paternal home and supported through a reunification process led by local cultural leaders.

**3. Follow-up and referral** – after the reunification ceremony, the mediators follow-up with the paternal family to ensure child(ren) and women's safety and welfare, and to provide referrals to other services and support for the child(ren) according to their needs (including counselling/psycho social, health, livelihoods, education).

In addition to family reunification, the project also conducted related activities, including:

- Capacity building for WAN group members, to increase their skills and legitimacy to advocate for and lead processes relating to the (re)integration of children born of war as well as their mothers.
- Hosting two dialogues with cultural leaders – to encourage their engagement and participation on the issue of reunification and reconciliation and to foster greater acceptance of female returnees and their children.
- Public awareness raising through radio talk shows led by WAN members and cultural leaders. The radio shows raised awareness about the specific issues facing female returnees and their children. It also informed other returnees and the community about the project. The radio shows also helped to reduce discrimination and create empathy for the female returnees and their children in three conflict-affected sub-regions in northern Uganda, specifically Lango, Teso and West Nile, where there is less awareness and more stigmatization of children born in LRA captivity.

The programme developed a three-pronged approach with engaging cultural leaders; a) cultural leader engagement in the family reunifications in Acholi sub-region; b) cultural leader engagement through the radio talk shows in Lango, Teso and West Nile sub-regions; and c) engagement of cultural leaders through two Dialogues.

Outputs of the project:

<b>Activity/output</b>	<b>Frequency</b>
Talk shows	9
Cultural leaders dialogue	2
Family reunions	13
Number of children reunited	19
Number of women reunited/accepted	13

‘Our partnership with the Women’s Initiatives for Gender Justice (WI) was a direct answer to the prayers of women and young mothers who returned from captivity and for children born of war who dearly cried for reintegration. The first of its kind, the partnership achieved beyond our dreams. I am personally motivated by the success stories, achievements and lessons learned during implementation of the Reintegration Programme with WI.’

*Isaac Okwir Odiya – Head of Office, JRP*

## ***Launch of Reintegration Policy***

In November 2016, a policy brief was launched by the Justice and Reconciliation Project (JRP) and the Women's Initiatives for Gender Justice on the reintegration of children born of war. The policy highlights the challenges for women who have returned to their communities after being abducted and enslaved by the LRA and the difficulties they face with their children, born as a result of rape. The policy emphasises the important role of cultural leaders in the reintegration process for female returnees and their children and provides recommendations to enhance the success of reintegration processes.

The policy brief emerged out of two cultural dialogues hosted by JRP, WAN and the Women's Initiatives for Gender Justice in 2016. The dialogues involved 31 local cultural leaders from four conflict-affected sub-regions of northern Uganda. Facilitated by JRP and WAN, these dialogues aimed to build awareness of the reintegration challenges faced by women returning from LRA captivity and their children born of war. The dialogues also solicited the support and leadership of the cultural leaders in order to reduce the discrimination experienced by many of the female returnees and their children and ensure more effective reintegration programmes.

Female returnees face many challenges including, victim blaming and stigmatization, uncertain livelihoods, limited access to housing, food security and vocational training opportunities to be able to rebuild their lives. In turn, their children also face issues around cultural identity and they are denied access to land and the ability to inherit unless they are acknowledged by the paternal family. Cultural leaders play a vital role in ensuring that these challenges are addressed.

| *Read the Policy Brief [here](#)*



## The role of Cultural Leaders in effective reintegration of children born of war

Written by Nancy Apiyo and Anuarika Kyondwa Flungu.

Photograph: Cultural leaders

Layout and design by Alfred Oryem

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Women's  
Initiatives  
for  
Gender  
Justice

### 1.0 EXECUTIVE SUMMARY

The war in Northern Uganda between the government and the Lord's Resistance Army (LRA) led to gross human rights violations such as displacement, abductions, as well as sexual and gender based violence. Some women were sexually violated while in Internally Displaced People (IDP) camps while others were abducted and forcefully turned into wives while in captivity. Consequently, the region is grappling with children born of war (CBW) who are facing many challenges that are hindering their effective re-integration as well as that of their mothers into the communities. A dialogue was held for cultural leaders from Northern Uganda to discuss the reintegration of CBW and their mothers focusing on the challenges they were facing. The purpose of the dialogue was to create awareness about the reintegration challenges that women and children affected by war are still facing in the communities. It was also to lobby for support for their proper reintegration by the cultural leaders. The critical role that cultural leaders have in the success of the reintegration process was discussed and recommendations made on how they could play it effectively. It was resolved that all relevant actors, including the cultural leaders and the local governments, should join hands to promote the smooth and full reintegration of CBW and their mothers who returned from captivity by providing the necessary support and foster their reunion with families. It was acknowledged that a complete reintegration process protects CBW from criminal activities and safeguards the community from paying a heavy social security price. The cultural leaders were therefore urged to play their role to actively support the reintegration of CBW in order to forestall other problems that would erupt in future if nothing was done. The recommended policy actions that cultural leaders should take include: Enhancing the responsiveness of their cultural institutions; community mobilisation and sensitisation; spearheading dispute resolution in the communities; influencing decision-making at the central and local government levels; law enforcement; and enhancing partnerships and networking.

## Wamare Institute

*Wamare means 'love each other/one another' in Luo, one of the local languages of northern Uganda.*

In 2017, we will launch the inaugural Wamare Institute, a two-week residential institute for 30 women formerly abducted by the LRA. In preparation for the Institute, during 2016 we held a series of meetings and consultations with local service providers in Gulu and Lira as well as with female returnees.

The objectives of these consultations were to: introduce the idea of the Institute and illicit feedback on the concept; consult on the proposed programme and design of the Institute; invite their support; assess the capacity of local service providers as potential resource people and trainers for the Institute; develop a network of referrals for participants following the Institute; and deepen our knowledge and understanding of the specific challenges and priority issues for female returnees.

The NGOs consulted with were: the Justice, Reconciliation and Peace Project; the Centre for Victims of Torture; Children of Peace Uganda; Terra Renaissance; CARE International; and St Monica's.



Consultations for the Wamare Institute

These organisations were very positive about the concept of the Institute. All of them noted the limited programmes available for returnees and the lack of specific programmes for female returnees. They also noted the additional gender-related challenges this group of returnees face due to their status as females and their perceived or actual loss of 'virginity' during their time with the LRA, and the enhanced stigma for young women who have returned with children as a result of rape and sexual enslavement.

The service providers were very supportive of the design features of the Institute and our approach to combine capacity building workshops with trauma-related sessions. They were also excited by our proposal to include yoga and meditation as well as health-related sessions including on primary health care and the use of traditional herbs in cooking and drinks as an affordable and accessible response to some of the chronic health issues faced by the returnees and their children.

Those we met with were supportive of our methodology as well as the proposed size of the Institute (30 individuals/Institute). They agreed with our assessments that: the size of

the group impacts on the quality of the experience; small groups work better with returnees; and being able to tailor the training to respond to individual needs of traumatised participants is very important.

All of the service providers with whom we consulted were willing to be resource people/trainers for the Institute and through-out 2016 we maintained contact with them to keep them updated and engaged in the process and to ensure their availability for the Institute. At the conclusion of the consultations and in the follow-up process, we were able to identify local trainers for all sessions.

## ***Female Returnees***

We also met with groups of female returnees including: WAN, a network with over 600 member and groups in Acholi, Lango and West Nile sub-regions; Ting Peko (To Carry the Burden), based in Kaberamaido, Teso sub-region; Lwalga Abducted Survivors, based in Soroti, Teso sub-region; and Kwo Mito Yele (Life Requires a Struggle) based in Oryem, Acholi sub-region.

All of these groups were initiated by female returnees in response to the community and familial rejection many of them encountered upon their return from the bush, as well as out of desperation to survive and respond to the high levels of impoverishment they face.

Four clear needs and priorities were expressed during the consultations:

Livelihood and income generation projects to be able to survive and support themselves and their children;

- Food security (access to land for planting crops and the ability to provide food for themselves);
- Access to education for their children; and
- Reconciliation with their families, clans and the community.



Meeting with Women's Rights Advocates

Based on the consultations and those held in 2014-2015 with female returnees, the Institute is designed to: support the ongoing healing and recovery process for young women; build support networks amongst this community of victims survivors from diverse ethnic groups as a source of ongoing peer support and foster reconciliation; develop knowledge and life skills (including parenting, reproductive health and 'food as medicine'); support ongoing healing, personal recovery and trauma management through music and dance, story-telling and body-mapping sessions (acknowledging the harm they

experienced); the development of personal skills for managing flashbacks, anxiety, anger, despondency and isolation through psychosocial education sessions; and provide

opportunities for capacity building with a focus on savings and loan credit schemes, entrepreneurial skills (applicable to income generation projects), advocacy skills, and designing strategic interventions to influence implementation of the transitional justice policy.

During 2016, we held meetings with the Ugandan President's representative and the Local District Council in Gulu to introduce the Wamare Institute, its purpose and intentions and to propose the development of a peace path as a public memorial of those who were killed, abducted, raped and harmed in any other way as a result of the LRA-related conflict. The representatives were interested in these initiatives and indicated their support for both the Institute and the Peace Path.

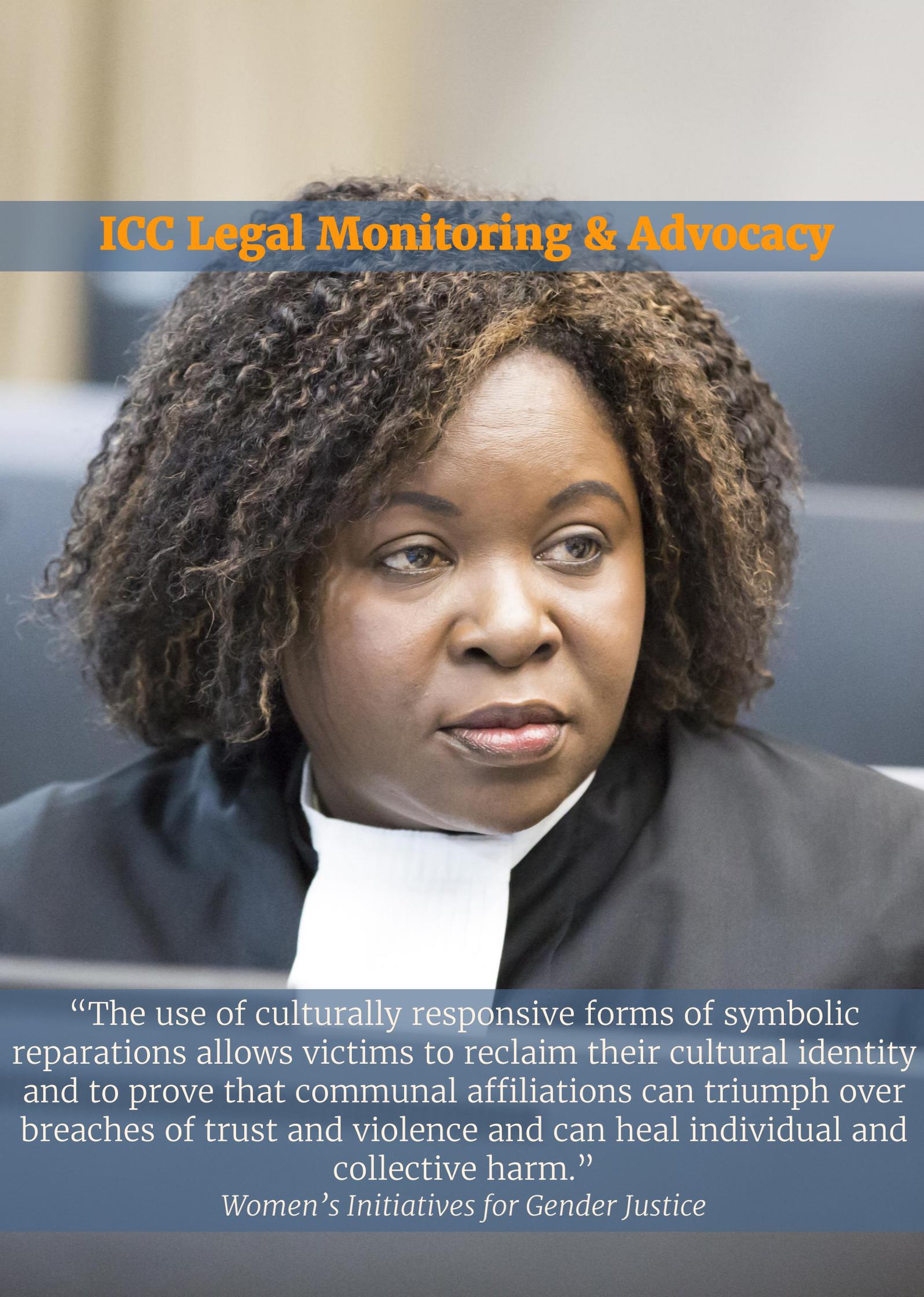
## ***Monitoring Domestic Courts***

We continued monitoring the ongoing preparations by the Ugandan Director of Public Prosecutions and the Judges of the International Crimes Division (ICD) for the first hearing in the case against Thomas Kwoyelo, a former LRA commander. In 2016, important pre-trial hearings were held before the ICD where the judges are considering the charges brought by the Prosecutor's Office against Kwoyelo, in order to determine whether there are reasonable grounds to believe that he committed the crimes for which he is charged.

This is an important test case. It is the first case before the ICD and the first case prosecuted by an ICC state's party, enacting the complementarity principle. It is also the first case where a state party is implementing and applying the rules and practices of the ICC in a domestic trial. Novel to the justice system within Uganda is the practice of victim participation in legal proceedings. During the pre-trial hearings a number of victims were recognised to participate and according to one of the two victim's legal representative teams, there are likely to be more victims in the case through-out the pre-trial phase.

Kwoyelo is charged with rape, murder, recruitment of children and destruction of crops and property, amongst other charges. The original charges did not include acts of rape. However, as a result of advocacy by us and others for the ICD to expand its investigative priorities to include sexual violence, the charges against Kwoyelo were amended in September 2016 to include rape as a crime against humanity.

Our strategy of concurrently interfacing with gender justice issues at the local and national levels as well as in the international arena has proven to be an effective methodology for expanding and improving access to and outcomes of justice processes. In addition, it ensures that our work is grounded in the reality and experience of victims of these crimes. It also informs our domestic programmes to address harm, promote reconciliation, and support those who are amongst the most marginalised victims of armed conflicts, primarily women and children.



## ICC Legal Monitoring & Advocacy

“The use of culturally responsive forms of symbolic reparations allows victims to reclaim their cultural identity and to prove that communal affiliations can triumph over breaches of trust and violence and can heal individual and collective harm.”

*Women’s Initiatives for Gender Justice*

During 2016, we continued our legal monitoring and advocacy in nine out of ten situations<sup>1</sup> under investigation by the ICC and all cases before the Court where charges for sexual and gender-based crimes (SGBCs) have been brought.

In total, 14 of 23 cases brought by the ICC included charges for sexual and gender-based crimes, including 10 cases relating to our previous and current 'priority' countries (Uganda, DRC, Sudan and Libya). Of six ongoing ICC trials between January and December 2016,<sup>2</sup> four included SGBCs. During 2016, four cases entered the reparations stage (Lubanga, Katanga, Bemba, and Al Mahdi) of which only one includes a conviction for SGBCs (Bemba).

"I can absolutely guarantee that if the Women's Initiatives for Gender Justice did not exist there would not be a fraction as much prosecution of gender crimes in the ICC as there is now."<sup>3</sup>  
- Dr. Kelly Askin, Scholar and Gender Justice Expert

*Overall, 61% of the cases before the ICC in 2016 included charges for sexual and gender-based crimes and 70% of these charges have been successfully confirmed to the trial stage.*

Our consistent monitoring and advocacy since 2004 has contributed to this record, including through our: strategic advocacy with senior decision-makers within the Office of the Prosecutor (OTP) and case-based teams; case-by-case legal monitoring; the provision of SGBV documentation to support ICC investigations and SGBV charges; phase-based advocacy (at the preliminary examination, analysis, investigation, prosecution, sentencing, and reparation phases); and legal filings as amicus curiae before the Court on seven occasions relating to three cases. Our annual Gender Report Cards on the ICC (2005-2014) also contributed both to the body of material analysing gender justice at the ICC and also to the motivation of the ICC to integrate sexual and gender-based crimes and other gender issues within its work.

Our Executive Director, in her pro bono role as the Special Advisor on Gender to the Prosecutor of the ICC from 2012-2016, developed the Policy on Sexual and Gender-based Crimes with the Office of the Prosecutor. This policy, the first of its kind in international justice, describes and integrates the gender provisions of the Rome Statute into policy imperatives and practice standards for the OTP. It adopts a gender analysis as a systemic approach to considering SGBV and other gender issues at each stage of the process – preliminary investigations; investigations; prosecutions; appeals. The policy is both practical and aspirational. It also outlines the approach the OTP will adopt in assessing potential evidence of SGBCs, working with and interviewing victims/witnesses of these crimes, and recognises that sexual violence is committed against boys and girls, men and women.

<sup>1</sup> Uganda, DRC, Sudan, CAR, CAR II, Kenya, Libya, Côte d'Ivoire and Mali.

<sup>2</sup> Ntaganda, Bemba, Ruto & Sang (terminated on 5 April 2016), Laurent Gbagbo & Blé Goudé, Ongwen and Al Mahdi Trial Judgment on 27 September 2016).

<sup>3</sup> Dr. Kelly Askin, speech at expert panel on 'Prosecutions and Jurisprudence – What we have achieved, what remains to be done', 20 April 2010, the International Gender Justice Dialogue (Puerto Vallarta, Mexico).

In the reporting period, two new Preliminary Examinations were opened by the OTP. On 25 April 2016, the OTP opened a Preliminary Examination into the Situation in Burundi since April 2015. On 29 September 2016, a Preliminary Examination was also opened into the Situation in Gabon as of May 2016 with no end-date, following a referral from the Government.

## Case Monitoring

### *Dominic Ongwen – Uganda*



In January 2016, we monitored, issued a [statement](#) and provided live updates via social media on the ICC Confirmation of Charges Hearing in the case against Dominic Ongwen (Ongwen).

Ongwen is the alleged former Brigade Commander of the Sinia Brigade of the LRA. Ongwen faces 70 counts of war crimes and crimes against humanity, of which a significant number relate to sexual violence, making it the case with the highest number of counts before the ICC to date and the highest number of counts for crimes of sexual violence to date. This is the first case before the ICC involving an LRA commander and the first case in which the charge of forced pregnancy has been brought.

Ongwen is charged with committing, at least from 1 July 2002 to 31 December 2005, together with others and through the fighters under his command, inter alia, the crimes of forced marriage, rape, sexual slavery, enslavement, torture, outrages upon personal dignity and forced pregnancy. He was surrendered to the Court by the Central African Republic on 16 January 2015, following his capture/voluntary surrender.<sup>3</sup>

At the beginning of the trial, on 6 December 2016, the Defence argued that Ongwen did not understand the charges against him, stemming from mental health issues. However, the Chamber concluded that Ongwen understood the charges and subsequently he pleaded not guilty to all charges. On 16 December 2016, the Chamber maintained its initial finding that Ongwen was fit to stand trial, but ordered a psychiatric review to be conducted. There has been no information on when this assessment will be conducted, whether it has already been undertaken or what the outcomes and findings were. As the trial continues, it appears that the Chamber found Ongwen fit to stand trial and to be unimpaired by mental health issues. At the time of the opening of the trial, we published a [statement](#) on the importance of this case and utilised social media to highlight this stage of proceedings.

There are currently 4,107 victims recognised in this case represented by two legal teams.

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<sup>4</sup> Women's Initiatives for Gender Justice, 'Statement on commencement of first ICC confirmation of charges hearing in the Uganda Situation', 20 January 2016, available at <<http://4genderjustice.org/first-icc-confirmation-of-charges-hearing-in-the-uganda-situation/>>.

## ***Bosco Ntaganda - DRC***



During 2016, we monitored the trial against Bosco Ntaganda (Ntaganda) which began on 2 September 2015. Ntaganda is charged with 13 counts of war crimes and 5 counts of crimes against humanity. Ntaganda is, inter alia, charged with the rape and sexual slavery of civilians and the rape and sexual slavery of child soldiers under the age of 15.

This case is the first in international criminal law whereby a military leader has been indicted for sexual violence committed against child soldiers within his own militia group. To date, 2,149 victims have been granted the right to participate in the trial, represented by two legal representatives.

During the trial in 2016, 52 Prosecution witnesses provided testimony. There have been a number of witnesses testifying in relation to the sexual and gender-based crimes although many of the testimonies have been heard in closed sessions. In September, Ntaganda initiated a boycott of his trial for 14 days, following a decision by the Chamber to maintain the restrictions on his contacts and communications. Ntaganda refused to appear in the courtroom, denied his counsel the authority to represent him in his absence, and went on a hunger strike.

Following evidence disclosed by the Prosecution showing Ntaganda's alleged involvement in witness tampering, on 14 November 2016, the Defence issued a request for stay of proceedings in which it urged the Trial Chamber to immediately adjourn the proceedings until 16 January 2017. The Defence requested the adjournment stating they needed time to analyse communication recordings released by the Prosecution, allegedly implicating Ntaganda's involvement in witness tampering, and to allow the Defence to make informed submissions regarding the impact of the investigation on the fairness of the proceedings. In an oral ruling on 16 November 2016, the Chamber refused to grant the Defence request.

## ***Laurent Gbagbo and Charles Blé Goudé - Côte d'Ivoire***



In January 2016, we monitored and issued a [statement](#) on the commencement of the trial in the case against Laurent Gbagbo and Charles Blé Goudé (Blé Goudé) in the Côte d'Ivoire Situation, arising from the post-election violence in Côte d'Ivoire between 2010 and 2011.

Laurent Gbagbo is an Ivorian national and the former President of Côte d'Ivoire. With his arrest and transfer in 2011, he became the first former Head of State to be transferred into ICC custody. Blé Goudé is also an Ivorian national and is alleged to have been a member of Laurent Gbagbo's inner circle and leader of the Pro-Gbagbo Youth, allegedly involved in the commission of crimes related to the post-election violence in November 2010. Both Laurent Gbagbo and Blé Goudé are charged with four counts of crimes against humanity:

murder, rape, other inhumane acts or, in the alternative, attempted murder, and persecution.

In June 2016, the Trial Chamber in this case ruled that the testimonies of protected witnesses will no longer be made available 30 minutes after they start, but only once the witnesses have completed their testimonies, so as to ensure the integrity of the proceedings and the witnesses' protection. There have been several issues regarding witness protection and intimidation in this case as well as the unintended disclosure in open court of the identities of other witnesses. Some witnesses were heard with in-court protective measures due to security and potential self-incrimination concerns, including the use of pseudonyms for some witnesses; the use of closed session; and the appointment of legal advisors for most witnesses.

### ***Jean-Pierre Bemba Gombo- CAR***



In March 2016, we monitored the delivery of the ICC Trial Judgment in the cases against Jean-Pierre Bemba Gombo (Bemba) in the Central African Republic Situation. This judgment marked the first conviction before the ICC for crimes of sexual violence as well as the first conviction of an individual charged with command responsibility, under Article 28 of the Rome Statute.

We published a statement online in both [English](#) and [French](#) and utilised social media to promote this important judgment and landmark case for the ICC.

In May and June 2016 we monitored both the sentencing hearing as well as the subsequent decision by Trial Chamber III which sentenced Bemba to 18 years' imprisonment. Importantly, the Chamber established that the crimes of rape and pillaging acted as aggravating circumstances, and that the commission of rape was of utmost gravity. The Chamber found that rape had been committed with particular cruelty. This is the first sentencing decision by the ICC for an individual convicted of crimes of sexual violence as well as the first sentence issued for an individual charged with command responsibility.

We published a statement online in both [English](#) and [French](#) and disseminated information about the decision through social media. The Defence appealed both the conviction and the sentencing decisions; and the Prosecution appealed the sentencing decision. To date, no Appeals Judgment has been rendered.

On 22 July 2016, Trial Chamber III issued an order requesting submissions on a number of issues relevant to reparations in light of the particular circumstances of the Bemba case, namely: (1) whether it is necessary to amend or supplement the principles on reparations identified in the Lubanga case; (2) the adequate criteria and methodology to determine and assess the eligibility of victims, the relevant harms and the scope of Bemba's liability; (3) the appropriate types and modalities of reparations; (4) whether experts may be usefully appointed at that stage to assist the Chamber; and (5) any other issue that the parties and participants wish to bring to the attention of the Chamber. These observations were submitted by parties and interested organisations in October 2016.

In November, the Registry published a call for experts on reparations in order to ‘assist the Court at the reparations phase of proceedings’ and on 22 December 2016 submitted a list of 27 proposed experts relevant to the reparations in the Bemba case as well as the related applicants’ documents pursuant to the Chamber’s instruction. The Chamber is now to decide on the appointment of experts on reparations in this case.

### ***Ahmad Al Faqi Al Mahdi- Mali***



On 22 August 2016, we issued a [statement](#) at the start of the trial against Ahmad Al Faqi Al Mahdi (Al Mahdi) in the Mali Situation.

Al Mahdi, allegedly a member of the Ansar Eddine militant group active in Mali, had been charged with the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, allegedly committed between 30 June and 11 July 2012. In the statement we highlighted the surprise and disappointment by the narrowness of the charges in this case, given the earlier indication of a wide range of crimes allegedly committed in Mali and therefore the focus of ICC investigations, along with publicly available material produced by the UN and non-governmental organisations on the crimes reportedly committed by Ansar Eddine and other militia groups.<sup>4</sup>

Al Mahdi was sentenced on 27 September 2016 to nine years’ imprisonment, following a guilty plea. He was the first indictee to plead guilty before the ICC. This was also the first case before the ICC related to destruction of cultural monuments as a war crime. The trial was held from 22 to 24 August 2016, the shortest trial to date. The case is now in the reparations phase and the ICC Registry has launched a call for experts to assist the Court with reparations.

### ***Germain Katanga- DRC***



The case against Germain Katanga (Katanga) was in the reparations phase throughout 2016. On 7 March 2014, Trial Chamber II of the ICC convicted, by majority, Katanga as an accessory to the war crimes of directing an attack against a civilian population, pillaging and destruction of property, as well as murder as a war crime and a crime against humanity committed during the attack on the village of Bogoro,

in the Ituri district of the DRC on 24 February 2003. The Chamber unanimously acquitted Katanga as an accessory to rape and sexual slavery as war crimes and crimes against humanity, as well as of the war crime of using child soldiers. On 23 May 2014, Trial Chamber II, by majority, sentenced Katanga to 12 years’ imprisonment.

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<sup>5</sup> Women’s Initiatives for Gender Justice, ‘First ICC Trial in the Mali Situation’, 22 August 2016, available at <<http://4genderjustice.org/first-icc-trial-on-mali/>>.

On 7 April 2016, the Presidency of the ICC approved the prosecution of Katanga by the DRC at the request of its authorities. The Presidency decided that the allegations against Katanga in the domestic proceedings in the DRC are not the same as the ones for which he was tried before the ICC. This is the first time the ICC was called upon to interpret and apply Article 108 of the Rome Statute, which *inter alia* requires that the Court approve the prosecution, punishment or extradition of a sentenced person in the custody of a State of enforcement.

### ***William Samoei Ruto and Joshua Arap Sang- Kenya***



On 5 April 2016, in the case against co-accused William Samoei Ruto (Ruto), the Deputy President of Kenya, and Joshua Arap Sang (Sang), the Head of Operations at Kass FM, in the Kenya Situation, Trial Chamber V(A), by majority, concluded that the Prosecution did not present sufficient evidence ‘on which a reasonable Trial Chamber could convict the accused’.

The Chamber subsequently vacated the charges against Ruto and Sang and discharged the accused ‘without prejudice to their prosecution afresh in future’. In its decision, the Chamber had considered the possibility of changing the legal characterisation of the facts and circumstances contained in the charges in order to decide whether or not there was a case to answer at all. However, the Chamber stressed that it should only do this if all the required elements of the relevant mode of liability were supported by the available evidence to such an extent as to conclude that a reasonable Trial Chamber could convict the accused on this alternative basis. In this case it found that the available evidence did not sufficiently support any of the alternative forms of criminal responsibility to warrant the continuation of the trial on this basis. In light of this, the Chamber found that there was no reason to re-characterise the charges. We monitored, tweeted and issued a Facebook post on the ICC judges’ decision in closing one of the most contentious cases before the ICC to date.

### ***Thomas Lubanga Dyilo- DRC***



On 3 October 2016, in advance of the first public hearing by the ICC on reparations, we submitted an amicus brief to Trial Chamber II on reparations in the case against Thomas Lubanga Dyilo (Lubanga).

Subsequently, on 6 October, we were one of only two organisations granted leave by the Judges to provide an oral presentation at the public hearing. We were also the only international women’s rights organisation recognised by the judges at this stage of the case. The public hearing was held on 11 and 13 October 2016.

See our public presentation to the Chamber on reparations:

<http://www.4genderjustice.org/pub/Presentation-to-TC-II-Reparations-Hearing-October-2016.pdf>

During the Hearing, we presented our views on reparations issues and the harm caused to victims of the crimes for which Lubanga was convicted. We proposed specific forms of reparative programmes including the importance of symbolic, transformative and preventative forms of reparations, relevant to this case and context.

Our [presentation](#) highlighted the significant security concerns expressed by victims and our partners with whom we consulted, with respect to participating in the reparations process. Bearing in mind the security issues, we proposed that Lubanga's financial responsibility should be detached from reparative programmes which require an individual harm and eligibility assessment. The reparations modalities which typically require individual victim's assessments are rehabilitation, restitution and compensation reparations provided in the form of rehabilitation services and training programmes.



Executive Director speaking at the Lubanga reparations hearing

Victims we consulted with expressed deep concern at the possibility that Lubanga will have access to information about individual victim's harm assessments or eligibility forms and this has led to few being willing to complete the forms or agree to have their information transmitted to the Defence.

Under our proposal, by detaching the types of reparations which would require individual harm and eligibility form - rehabilitation, restitution and compensation programmes - from Lubanga's financial responsibility, it removes the need for any information about individual victims to be transmitted to the Defence for review.

Our submission suggests that as Lubanga wouldn't be contributing to the rehabilitation programmes, he wouldn't have a right (or need) to review the individual victim's assessments. Thus, we proposed that Lubanga's financial liability should apply to other forms of reparations which don't require an individual needs and eligibility assessment, namely, symbolic, preventative and transformative reparations. We provided a number of proposals for such reparative programmes tailored to the specific context and facts of this case and the realities of former child soldiers.

In our filing and presentation we proposed that the Trust Fund for Victims (TFV) provide the resources for the victims rehabilitation, restitution and compensation programmes with a contribution from the DRC Government. In keeping with the Appeal's Chamber decision on reparations in this case, we proposed that the TFV advance Lubanga the funds to pay for the symbolic, transformative and preventative reparations, which he is to reimburse to the TFV if/when he has the financial capacity to do so. For the purposes of

the trial Lubanga was deemed indigent but the Trial Chamber is yet to rule on his indigence regarding reparations.

We also proposed that the implementation period for reparations in this case should be five years (instead of the TFV's proposed three years) with a mid-programme assessment in the third year allowing for adjustments, if needed. We further argued that the €1 million set aside by the TFV for collective reparations in this case, was 'manifestly insufficient'. This amount has been determined as a result of the lack of fundraising undertaken by the TFV for reparations since Lubanga's conviction in 2012. Many, including victimised communities in this case (former child soldiers) and local organisations in conflict-affected areas, have asked why the TFV had not launched a fundraising strategy for reparations at the time of Lubanga's conviction.

We published our filings, including links to other public filings on reparations, as well as our presentation on social media. We also live tweeted the entire public hearing.

Watch a short video of the ICC public hearing on reparations:

<https://www.youtube.com/watch?v=Se-yj5cBD-s>

On 21 October 2016, Trial Chamber II approved and ordered the TFV to start the implementation of a plan submitted by the TFV for symbolic collective reparations for victims in the case. On 8 December, the Chamber ordered the TFV to submit information regarding collective reparations.



## Communications & Publications

“Please, we would like our voice to go very far considering the carnage. Be the mouth of the voiceless.”

gender  
report card  
on the International Criminal Court

## The organisation's communication during 2016:



**3,110** Twitter followers



**34,395** website views. **70%** were new visitors.



**21** public statements gender justice and ICC-related issues, including judgments and major decisions in cases. **Three** of these statements were published in English and French.



**Three** e-letters disseminated through our global outreach list and to e-lists ensuring a potential readership of **150,000** recipients per eLetter.



**26** Facebook posts; **21,827** likes, comments and shares with more than **50%** of the users visiting the page also reacting to the posts.



**Read a chapter** by the Women's Initiative Executive Director, entitled, 'Transforming Legal Concepts and Gender Perceptions', in the new publication by African Legal Aid, 'The International Criminal Court and Africa: One Decade On'.



See quotes by the Women's Initiatives for Gender Justice in the media:

[Yahoo News](#)

[Modern Ghana](#)

[The Independent Uganda](#)

[Capital News Kenya](#)

[Qatar Tribune](#)

[New Vision Uganda](#)

[The East African](#)

[ENCA](#)

## ***Annex A.***

### ***Legal and Organisational Structure***

The Women's Initiatives for Gender Justice was established on 7th of January 2004 in The Hague, Netherlands and is established for an unlimited period of time. Since 2010, we have also been registered as a non-profit organisation within Uganda.

The organisation was created with the goal to promote the integration of a gender perspective into international humanitarian and criminal laws and institutions.

The Board is responsible for the governance of the organisation with the following members in 2016:

Gabrielle McIntyre, Chair

Judicael Elidje, Treasurer (23 July 2016 – )

Elizabeth Farr, Secretary

Friso Wiegman, Treasurer (1 January – 22 July 2016)

Brigid Inder, OBE, Executive Director

In 2016, the Women's Initiatives for Gender Justice operated with the staff structure approved by the Board, with the following staff members:

1. Brigid Inder, OBE, Executive Director
2. Anisa Suceska Vekic, Programme Manager
3. Judith Acana – Uganda Programme Officer
4. Delphine Weil Accardo– Legal Monitoring Consultant
5. Maria Elvira Mingo Jaramillo – Junior Legal Fellow and Programme Assistant (DRC)
6. Delia Grigoras – Senior Legal Intern
7. Samantha Addens – Legal Intern
8. Daria Fulneczek – Administration Associate
9. Marwah Ahmad – Administration Associate
10. Neda Loncaric Finci – Administration Associate
11. Danny van Opmeer and Daniël Sinemus – Finance Officers (Van Tunen Finance Company)



## ***Governance and Policy Framework***

The internal governance of the organisation is outlined in the Governance Manual and is further supported by a set of policies and standard operating procedures including:

- Standard Operating Procedures Manual
- General Policies
  1. WI Values Statement
  2. WI Statute
  3. WI Governance Manual
  4. Quality Management Practices
  5. WI Board of Directors Conflict of Interest Policy
  6. WI Planning Monitoring and Evaluation System
  7. WI Operational Theory of Change
  8. WI Theory of Change
  9. Confidentiality Form
- Financial Policies and Protocols
  1. Financial Policies and Procedures Manual
  2. Reserve Policy
  3. Payment Protocol
  4. Procurement Policy
  5. WI Financial Monitoring Policy
- Risk Management
  1. Risk Management Framework
  2. Managing Programme Risks
- Memorandum of Understanding
- WI Approval, Assessment and Reporting Forms
- Partner Request & Reporting Forms



**Women's Initiatives for Gender Justice**

