

How the Ntaganda trial advances thinking on sexual violence

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On Monday 8 July 2019, Bosco Ntaganda was convicted on 18 charges of war crime and crimes against humanity. WIGJ welcomes this decision as an important step in the development of international criminal law jurisprudence on sexual and gender-based violence.

Bosco Ntaganda was found guilty on the charges of rape and sexual slavery, among others. If Monday's decision is upheld, it will be a first final ICC conviction for sexual violence. It is not the first time a conviction is handed down for sexual and gender-based crimes at the ICC, but Jean-Pierre Bemba's conviction for the crimes against humanity of rape and murder and the war crimes of rape, murder, and pillaging committed by his troops in the Central African Republic (CAR) between October 2002 and March 2003 was later overturned in appeals.

Of particular relevance in this trial is a landmark and visionary decision by the ICC's Appeals Chamber two years ago. On 15 June 2017, the Appeals Chamber unanimously confirmed the jurisdiction of the ICC over the war crimes of rape and sexual slavery committed by members of an armed group against members of that same armed group. The decision recognized that legal protections apply to all those within armed groups, regardless whether rape or sexual slavery was committed by members of victim/survivor's own armed group or by members of an opposing group. As WIGJ [noted at the time](#), the law always lags behind human experience and this is particularly true of sexual and gender-based crimes. It seems extraordinary that only until two years ago acts of rape and sexual slavery committed by members of a militia group against others within their own group, predominantly female combatants and children, continued without the recognition of criminality.

Moreover, the Ntaganda trial and conviction adds to the emerging jurisprudence and thus recognition of sexual violence against men and boys - persistently underreported and misunderstood by all international justice practitioners alike.

WIGJ's long-term partners in the DRC have met the decision with caution. Jean-Pierre Bemba's acquittal at the ICC case last year still fresh in their minds, talk of justice for the victims and communities in Ituri seemed premature.

WIGJ believes that the trial is part of a positive progression in the creation of a strong body of law and jurisprudence on sexual violence at the international level.

Women's Initiatives for Gender Justice is an international women's human rights organisation that works to achieve gender justice. We aim for equality through and in the law, including increased accountability for sexual and gender-based crimes. We work to include gender perspectives and increase female participation in justice mechanisms and strive to elevate the voices of local actors and victims to international structures such as the ICC. Current programme countries include the Democratic Republic of the Congo and Uganda. Find more about our *Call it what it is* campaign [here](#).

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