

RINJ: Teaching society that rape is no joke...

Rape as War Crime

1. **The RINJ Foundation has adopted a mission while supporting and caring for survivors, to also gather and compile detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence.**
2. **The RINJ Foundation vows to be especially vigilant and to aggressively gather evidence where a pattern of sexually violent conduct appears to prove the crime of genocide.**
3. **From:** (<https://rinj.org/war-crime/>)

Addressing impunity and identifying perpetrators of sexual violence in conflicts.



NGO

the
RINJ.org
foundation

U.N. Security Council Resolution 1820. See <http://RINJ.org/war-crime/>

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A Spring 2015 U.N. report says 2014 was marked by harrowing accounts of rape, sexual slavery and forced marriage used by extremists including the Islamic State and Boko Haram.

The April 13th report by Secretary-General Ban Ki-moon urges the Security Council to recognize sexual violence is not only employed as a tactic of war but as a tactic of terror.

The report expressed "grave concern" at sexual violence perpetrated by armed groups promoting extremist ideologies in Iraq, Syria, Somalia, Nigeria, Mali, Libya and Yemen.

A mission statement addressing impunity and identification of perpetrators of rape in armed conflicts and war.



The RINJ Foundation as an International Non-Government Organization relies on six United Nations' resolutions and in particular [Res. 1820 \(see below\)](#) in declaring its evidence-gathering mandate targeting any combatants who commit acts of [gender-based violence](#) in situations of armed conflict (war).

The 2014/15 'Islamic State' alleged Raping Yazidis & Catholic Females in an Action of Genocide

The RINJ Foundation's rape cases from Syria & Iraq prove a pattern of genocide & will lead to a conviction of genocide against the Islamic State, in the International Criminal Court, a permanent international tribunal to prosecute individuals for war-time rape, genocide, crimes against humanity, and aggression.

"Sexual violence in conflict needs to be treated as the war crime that it is; it can no longer be treated as an unfortunate collateral damage of war." UN Special Representative on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura

Civilians comprise the majority of persons hurt by armed conflict.

Women and children are particularly targeted by the use of sexual violence. The rape of women and girls has been a brutal part of conflicts in Bosnia-Herzegovina, the Democratic Republic of Congo, Rwanda, Sudan, Iraq and Syria. In these examples rape has been used as a tactic of war by war criminals to humiliate,

dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group. Of late, in Syria and Iraq, rape has been used as a deliberate tactic in the strategic goal of erradicating certain ethnic groups. The orders issued are from the Islamic State (ISIL) leadership to inseminate women in Syria and Iraq of the Yazidi and Christian religions to spawn so-called Islamic State jihadists. This, in the eyes of on-the-ground RINJ Foundation observers, is categorically a form of genocide and the Foundation intends to bring substantial argument and evidence to the ICC on this allegation.



[The RINJ Foundation](#) has been [collecting useful evidence](#) relating to rape [used as a tactic of war or other armed conflict](#). Read also [Genocide Emergency: Islamic State Raping Yazidis & Catholic Females](#).

The United Nations has since the Nuremburg trials twice convened a tribunal in the Hague, once for crimes in the former Yugoslave states and once for Rwanda. Those experiences led to the creation of the ICC.

Birth of The International Criminal Court

The International Criminal Court (ICC) is a permanent international tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression. Jurisdiction for the crime of aggression will not be active until 2017.

The RINJ Foundation's criminal charges for war-time sex crimes may lead to convictions of genocide and aggression. An argument has been prepared to suggest that the more immediate and specific charges of [gender-based violence](#), rape and genocide could be evidence of "aggression", especially where a series of charges

show trend progression and pervasiveness of the crimes. In other words trying a collection of rape cases from war zones, even while the conflict is ongoing could lead to an immediately significant charge of genocide and eventually wholesale aggression by 2017 when the ICC's "aggression-mandate" comes into play. (The Assembly of States Parties to the Rome Statute of the International Criminal Court ("the Assembly") held its thirteenth session from 8 to 17 December 2014, at the United Nations Headquarters in New York. The Assembly was attended by States Parties, observer States, invited States, international and regional organizations and representatives from civil society.)

The RINJ Foundation has volunteers in the field, collecting evidence and doing survivor support and case work reporting. Any person can file a report of war-time rape of their own experience or their knowledge of crime against another person by [submitting photographs \(especially identification photos of perpetrators before, at, or after the material time\) and documents here](#) on this web site. [You can file a detailed report here.](#)

The Rome Statute which came into force on 1 July 2002, created the ICC. The Court is headquartered in The Hague, Netherlands, but its proceedings may take place anywhere. It is intended to complement existing national judicial systems, and may only exercise its jurisdiction when national courts are unwilling or unable to investigate or prosecute such crimes.

As of 1 September 2014, 122 states have ratified or acceded to the Rome Statute.

The ICC has jurisdiction over certain international crimes, including genocide, crimes against humanity, and war crimes that are committed by nationals of states parties or within the territory of states parties.

Syria signed the Rome Statute on 29 November 2000.

In February 2005 the Iraqi Transitional Government decided to ratify the Rome Statute. However, two weeks later they reversed this decision, a move that the

Coalition for the International Criminal Court claimed was due to pressure from the United States.

The RINJ Foundation asserts that the United States must also face allegations of war crimes in Iraq, although most of those crimes may have been dealt with internally within the U.S., which verdicts the Rome Statute abides.

The Way Ahead for Prosecuting War Crime of Gender-Based Violence

Iraq is one such state willing at some levels to conduct War Crime

hearings. Such a tribunal could be asked to include the American invasion and subsequent occupation of Iraq. The RINJ Foundation with some authorities in Iraq is examining the possibility that charges against Americans may be brought forward, as suitable evidence has recently come into the hands of the international community and shared with The RINJ Foundation. Allegations against American actors (similar to those against the CIA, U.S. Armed Forces and 'contractors' at Abu Ghraib) have in part been prosecuted vigorously by the U.S. government (some are ongoing) but outstanding allegations of apparent validity must not be excluded from prosecution, though seemingly the Obama administration is likely willing to carry the files of remaining cases and hopefully an agreement is possible to hold the hearings in the respective nations. It's an anticipated side issue because the outstanding allegations against Americans pale in comparison to the evidence of deliberate wholesale rape and genocide by the ISIS in Syria and Iraq. Owing to these aforementioned and other political dimensions in Iraq a trial in that country may be a long time off and therefore the ICC will likely be the better venue and have greater immediacy.

Notwithstanding, relying on international common law, The RINJ Foundation asserts that there is no existence of a statute imposing limitation of prosecution of such crime; furthermore that proof beyond a reasonable doubt should yield a conviction in any jurisdiction where the ICC or a national court would convene a hearing for genocidal sexual offences; and additional penalties including the death penalty should be sought

where it is proven beyond a reasonable doubt that the crime was in proven fact ***a war crime*** as set out in the United Nations' resolutions (as shown below in the RINJ-edited English version).

The RINJ Foundation has been throughout 2013 and 2014 recruiting volunteers and investigating Islamic State / IS / ISIS / ISIL crimes against women and children in particular.

The collection of data for each specific child/adult rape case; the ensuing official swearing of the evidence; and the laying of the charge is an incremental element of the larger process of proving the international crimes of:

- 1) aggression
- 2) genocide
- 3) crimes against humanity
- 4) rape in conflict zones
- 5) and links directly or indirectly other war crimes like mass murder and more

Not until 2017 is the ICC mandated to try cases of aggression but the precursor files that The RINJ Foundation is investigating and preparing can be heard immediately upon completion of filing and due processes of notification. Each case contributes patterned elements to an argument that leads to the larger crimes by:

- 1) establishing motive for the larger crimes of aggression and genocide;
- 2) establishing a pattern of activity that demonstrates the intent of the crimes; and
- 3) proves that the crimes did happen with intent.

An international court first convicted a person of rape as a crime against humanity in 2001 (ICTY). The International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) Court expanded the definition of slavery as a crime against humanity to include sexual slavery.

The International Criminal Tribunal for Rwanda (ICTR, 1994) also declared

rape to be a war crime and a crime against humanity. In 1998, the ICTR became the first international court to find an accused person guilty of rape as a crime of genocide (used to perpetrate genocide).

The judgment against a former Rwandan mayor, Jean-Paul Akayesu, held that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, the Tutsi ethnic group.

NGO volunteers offer some good solutions for quiet, unobtrusive, impartial, unnoticed interviewing and data collection for prosecutions in the wake of the abhorrent conduct of rape as a tactic of war.

The RINJ Foundation further relies on UN Resolution 1960 (see below for link to pdf), wherein the Secretary-General is asked to provide *detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list ...the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda:*.

The RINJ Foundation's call to action and mission is guided by Resolution 1820 of 2008, wherein NGOs such as The RINJ Foundation, human rights organisations, UN agencies, and healthcare providers are specifically requested to *'enhance data collection and analysis of incidents, trends and patterns of rape:*, and as of 2013, Resolution 2106 requires NGO's to *'contribute to more timely, objective, accurate and reliable information on rape:*.

The RINJ Foundation currently uses mostly conventional methods for gathering information for each war-crime victim including a basic **three page information data-collection** form which provides sufficient information for the collection of data that would bring to jurists for each victim or survivor-witness,

1. evidential details of the specific criminal event,
2. motivation of the crime,
3. evidence of criminal intent,
4. evidence of the criminal act,
5. identification evidence,
6. connected evidence of similar crimes, trends and patterns, and
7. witness lists.

The next step is determining jurisdiction and authority to bring about the arrests and prosecution. In all cases the crime-survivor's nation of origin (UN-Member) has responsibility for assisting or providing the prosecution of the crime, but there are other means for prosecution. Rape is a crime under international law. It is also recognised by the UN Security Council as a threat to international peace and security in Resolution 1325 (see bottom of page), adopted in 2000.

Introducing Digital Data Apps For Collecting Sex Crime Information & Evidence

The RINJ Foundation has been receiving donations of used smart-phones and having them refurbished and shipped to women and youth in areas of the world where these devices would seem to be useful, particularly for the purpose of communicating digital text and photographic data.

In under-developed and developing nations, providing more and more women with cell-phones and better yet, smart phones, is increasing the collection of data.

Apps are under development to create a three-page intake form that combines smart-phone photographs with text responses to standardized, formatted questions, so that anyone can collect short-answer data queries directly from the crime scene. RINJ already uses a simplified blend of two applications achieving a good result but the mission-specific app will be much better.

[Join The RINJ Foundation](#) if you would like to be considered for a volunteer position in some of our existing and future missions.

United Nations S/RES/1820 (2008) Security Council Distr.: General 19 June 2008 08-39144 (E)

0839144 Edited in English by [The RINJ Foundation](#) ([rinj.org](#))

Resolution 1820 (2008) Adopted by the Security Council at its 5916th meeting, on 19 June 2008

The Security Council, reaffirming its commitment to the continuing and full implementation of resolutions [1]

- 1325 (2000),
- 1612 (2005) and
- 1674 (2006)

and recalling the Statements of its president of

1. 31 October 2001 (Security Council/PRST/2001/31),
2. 31 October 2002 (Security Council/PRST/2002/32),
3. 28 October 2004 (Security Council/PRST/2004/40),
4. 27 October 2005 (Security Council/PRST/2005/52),
5. 8 November 2006 (Security Council/PRST/2006/42),
6. 7 March 2007 (Security Council/PRST/2007/5), and
7. 24 October 2007 (Security Council/PRST/2007/40);

Guided by the purposes and principles of the Charter of the United Nations, Reaffirming also the resolve expressed in the 2005 World Summit Outcome Document to eliminate all forms of violence against women and girls, including by ending impunity and by ensuring the protection of civilians, in particular women and girls, during and

after armed conflicts, in accordance with the obligations States have undertaken under international humanitarian law and international human rights law;

Recalling the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled *Women 2000: Gender Equality, Development and Peace for the Twenty-first Century* (A/S-23/10/Rev.1), in particular those **concerning rape and women in situations of armed conflict**;

Reaffirming also the obligations of States Parties to the Convention on the *Elimination of All Forms of Discrimination against Women*, the *Optional Protocol* thereto, the *Convention on the Rights of the Child* and the *Optional Protocols* thereto, and urging states that have not yet done so to consider ratifying or acceding to them, Noting that civilians account for the vast majority of those adversely affected by armed conflict; that women and girls are particularly targeted by the use of rape, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group; S/RES/1820 (2008) 2 08-39144 and that rape perpetrated in this manner may in some instances persist after the cessation of hostilities;

Recalling its condemnation in the strongest terms of all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children; Reiterating deep concern that, despite its repeated condemnation of violence against women and children in situations of armed conflict, including rape in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to occur, and in some situations have become systematic and widespread, reaching appalling levels of brutality,

Recalling the inclusion of a range of rape offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal

tribunals,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution, Deeply concerned also about the persistent obstacles and challenges to women's participation and full involvement in the prevention and resolution of conflicts as a result of violence, intimidation and discrimination, which erode women's capacity and legitimacy to participate in post-conflict public life, and acknowledging the negative impact this has on durable peace, security and reconciliation, including post-conflict peace building,

Recognizing that States bear primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law, Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians, Welcoming the ongoing coordination of efforts within the United Nations system, marked by the inter-agency initiative United Nation's Action against Sexual Violence in Conflict's to create awareness about sexual violence in armed conflicts and post-conflict situations and, ultimately, **to put an end to it**

(Edited in English by [The RINJ Foundation](#))

1. Stresses that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and expresses its readiness, when considering situations on the agenda of the Council, to, where

necessary, adopt appropriate steps to address widespread or systematic sexual violence;

2. Demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect; S/RES/1820 (2008) 08-39144 3

3. Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, and evacuation of women and children under imminent threat of sexual violence to safety; and requests the Secretary-General, where appropriate, to encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate UN officials and the parties to the conflict, taking into account, inter alia, the views expressed by women of affected local communities;

4. Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation;

5. Affirms its intention, when establishing and renewing state-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated

measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict;

6. Requests the Secretary-General, in consultation with the Security Council, the Special Committee on Peacekeeping Operations and its Working Group and relevant States, as appropriate, to develop and implement appropriate training programs for all peacekeeping and humanitarian personnel deployed by the United Nations in the context of missions as mandated by the Council to help them better prevent, recognize and respond to sexual violence and other forms of violence against civilians;

7. Requests the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and urges troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theater awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

8. Encourages troop and police contributing countries, in consultation with the Secretary-General, to consider steps they could take to heighten awareness and the responsiveness of their personnel participating in UN peacekeeping operations to protect civilians, including women and children, and prevent sexual violence against women and girls in conflict and post-conflict situations, including wherever possible the deployment of a higher percentage of women peacekeepers or police;

9. Requests the Secretary-General to develop effective guidelines and strategies to enhance the ability of relevant UN peacekeeping operations, consistent S/RES/1820 (2008) 4 08-39144 with their mandates, to protect civilians, including women and girls, from all forms of sexual violence and to systematically include in his written reports to the Council on conflict situations his observations concerning the protection of women and girls and recommendations in this regard;

10. Requests the Secretary-General and relevant United Nations agencies, inter alia, through consultation with women and women-led organizations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular sexual violence, to women and girls in and around UN managed refugee and internally displaced persons camps, as well as in all disarmament, demobilization, and reintegration processes, and in justice and security sector reform efforts assisted by the United Nations;

11. Stresses the important role the Peacebuilding Commission can play by including in its advice and recommendations for post-conflict peacebuilding strategies, where appropriate, ways to address sexual violence committed during and in the aftermath of armed conflict, and in ensuring consultation and effective representation of women's civil society in its country-specific configurations, as part of its wider approach to gender issues;

12. Urges the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels;

13. Urges all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations;

14. Urges appropriate regional and sub-regional bodies in particular to consider developing and implementing policies, activities, and advocacy for the benefit of women and girls affected by sexual violence in armed conflict;

15. Also requests the Secretary-General to submit a report to the Council by 30 June


2009 on the implementation of this resolution in the context of situations which are on the agenda of the Council, utilizing information from available United Nations sources, including country teams, peacekeeping operations, and other United Nations personnel, which would include, inter alia, information on situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; analysis of the prevalence and trends of sexual violence in situations of armed conflict; proposals for strategies to minimize the susceptibility of women and girls to such violence; benchmarks for measuring progress in preventing and addressing sexual violence; appropriate input from United Nations implementing partners in the field; information on his plans for facilitating the collection of timely, objective, accurate, and reliable information on the use of sexual violence in situations of armed conflict, including through improved coordination of UN activities on the ground and at Headquarters; and information on actions taken by parties to armed conflict to implement their responsibilities as described in this resolution, in particular by immediately and completely ceasing all acts of sexual violence and in taking appropriate measures to protect women and girls from all forms of sexual violence;

16. Decides to remain actively seized of the matter.

Edited in English by The RINJ Foundation (rinj.org)


[1] Other Resolutions


Note: United Nations on Women, peace and security:


[Security Council resolution 1325 \(2000\)](#)  stresses the importance of women's equal and full participation as active agents in the prevention and resolution of conflicts, peace-building and peacekeeping.

It calls on member states to ensure women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and urges all actors to increase the participation of women and incorporate gender perspective in all areas of

peace building.

As a follow up to 1325, the Security Council adopted [Resolution 1889](#)  which calls for further strengthening of women's participation in peace processes and the development of indicators to measure progress on Resolution 1325.

Recognising the impact that sexual violence in conflict has on the maintenance of peace and security, the Security Council adopted [Resolution 1820](#)  which explicitly links sexual violence as a tactic of war with women peace and security issues. Security Council Resolution 1820 reinforces Resolution 1325 and highlights that sexual violence in conflict constitutes a war crime and demands parties to armed conflict to immediately take appropriate measures to protect civilians from sexual violence, including training troops and enforcing disciplinary measures.

[Resolution 1888](#) , as a follow up to Resolution 1820, mandates that peacekeeping missions protect women and children from sexual violence during armed conflict, and requests that the Secretary-General appoint a special representative on sexual violence during armed conflict (Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict). Most recently Resolution 1960 was adopted which builds on and deepens the women, peace and security agenda on sexual violence.

- [Security Council resolution 1325 \(2000\)](#) 
- [Security Council resolution 1888 \(2009\)](#) 
- [Security Council resolution 1889 \(2009\)](#) 
- [Security Council resolution 1960 \(2010\)](#) 
- [Security Council resolution 2106 \(2013\)](#) 
- [Security Council resolution 2122 \(2013\)](#) 