



# REPORT OF THE 3RD ANNUAL CONFERENCE ON ‘SEXUAL VIOLENCE AGAINST THE MALE GENDER IN CONFLICT SITUATIONS: THE CASE OF CHILD SOLDIERS’

11TH FEBRUARY 2020, THE HAGUE



# CONTENTS

Introduction	3
Opening address by Ms. Sophia Ugwu, Founder Chairperson, CAJPHR	4-5
Session I : Experiences From Dominic Ongwen's Case	6-12
Launch of Database by Dr. Sumaiya Musharraf (Ms.)	13-15
Session II : Justice and Beyond	16-21
Closing Remarks by Ms. Adesola Adebeyejo, Secretary, CAJPHR	22
Annexure I : Event Programme	23-24
Annexure II : Speaker's Brochure	25-28
Annexure III : Event Poster	29-30

# INTRODUCTION



Since its inception in 2017, the Centre for African Justice, Peace and Human Rights (CAJPHR), a non-profit foundation located in The Hague, organizes conferences on sexual violence against men and boys in the first quarter of every year with the vision to raise awareness on the realities and effects of atrocities perpetrated against the male gender in armed conflict, post conflict and peace time situations. The third annual conference took place on 11th February 2020, themed “Sexual Violence Against the Male Gender in Conflict Situations: The Case of Child Soldiers”. The conference was held in the week of the International Day against the Use of Child Soldiers to reflect on the recruitment and cruelties brought forth through the participation of countless child soldiers deployed in armed conflict up to this day. The event brought together a panel of distinguished legal experts and participants from academia, legal professionals, researchers, NGOs, students and other member of civil society to exchange their views and proffer solutions to some of the challenges in addressing the issue of child soldiers in armed conflict. This report contains a detailed overview of the keynotes and consolidates the findings of the panel sessions. The discussions reflected on the prosecution and defence in the Dominic Ongwen case, the legal status of child soldiers, and a potential impunity gap for atrocities committed against one’s armed forced. During the event, CAJPHR also launched a legal database featuring a one-stop research point for national legislation of a selected group of African countries, international criminal jurisprudence, and a collection of other documents on sexual violence against the male gender.

## **OPENING ADDRESS BY MS. SOPHIA UGWU, FOUNDER CHAIRPERSON, CAJPHR**

Ms. Sophia Ugwu, Founder and Chairperson of CAJPHR, opened the conference by emphasizing the different tenets of the conference to call for a global response to combat sexual violence crimes against children in conflict. Children not taking active part in hostilities are granted general protection as non-combatant civilians under the Fourth Geneva Convention of 1949 and Additional Protocol I of 1977 in international armed conflict and under Common Article 3 to the Geneva Conventions of 1949 and Additional Protocol II of 1977 in non-international armed conflict. In addition, their particular vulnerability is acknowledged by way of special protections under various other provisions in the Geneva Conventions and the corresponding Additional Protocols. Children who take up arms may continue to benefit from their special protection, however, they lose the general protection granted to civilians. In an effort to strengthen the protection of child soldiers, in 2000 the UN General Assembly adopted the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict. The Protocol entered into force on the 12th of February 2002.

**Other regional human rights treaties including the African Charter on the Rights and Welfare of the Child equally set out the protection of children from being used to actively participate in hostilities and their concomitant sexual exploitation and other inhumane acts by military forces.**

Ms. Ugwu remarked that despite the existing prohibitions, in practice, these efforts have not translated into permanent cessation of atrocities as children continue to be exploited and conscripted into military structures, perhaps because of their vulnerable nature which makes them easy targets to be seized, manipulated and indoctrinated.



Frequently, male child soldiers are forced to commit sexual violence against other children and adults, including their own parents and grandparents. Evidence in cases brought before international criminal tribunals occasionally chronicle how boys are forced to watch the rape and sexual assault perpetrated against their own family and community members. Predominantly, children forcefully enlisted as soldiers are subjected to sexual violence by members of their own armed groups. As a result, children who have initially been victims are transformed into perpetrators.

Thousands of children are killed, orphaned, and subjected to unspeakable abuses including sexual violence in conflict zones. Although both female and male child soldiers who are forced to take active part in hostilities become victims of sexual violence, particularly sexual violence against boys remain largely invisible and its effects continue to be underplayed. With this in mind, the conference was made possible to discuss the ways in which children, and particularly boys, are affected by armed conflict and to reflect on the status of perpetrators or victims of child soldiers.



## SESSION I : EXPERIENCES FROM DOMINIC ONGWEN'S CASE

Chaired by Her Excellency Ms. Mirjam Blaak Sow, Ambassador Plenipotentiary and Extraordinary to the BENELUX and the EU, the first panel addressed the experiences drawn from the Dominic Ongwen case at the ICC. Taking the Dominic Ongwen case as an example, the panel highlighted the issues arising in the prosecution of cases involving child soldiers and in particular sexual violence by and against them. Subsequently, the discussions shifted to the defence of Dominic Ongwen and provided reflections on forced abduction and recruitment of child soldiers as mitigating factors for deciding crime and punishment.



**H. E. Ms. Mirjam Blaak Sow** opened the panel by stating that in 2003, for the first time Uganda referred the situation concerning the Lord's Resistance Army (LRA) to the ICC. After a long time, Uganda was able to arrest Dominic Ongwen. H.E. Ambassador Mirjam Blaak Sow highlighted that sexual and gender-based crimes have become a topic for many organizations since the last few years and have drawn the attention of the world-wide community as rape is used as a tool in war situations. However, often the attention is directed exclusively to crimes committed against women. This emphasizes the importance to include discussions about the male gender as this is a subject that has often been guarded and prevented to surface due to the problems that arise when such crimes take place in family-like circumstances. Sexual violence contradicts the masculinity deeply rooted in many traditions and silences male victims to speak out. H. E. Ambassador Mirjam Blaak Sow reinforced the importance to highlight male gender perspectives to encourage victims to come out and speak about their experiences.

**Mr. Benjamin Gumpert**, Senior Trial Lawyer, Office of the Prosecutor, ICC, spoke about his experiences as a Lead Trial Lawyer in the prosecution of Dominic Ongwen. An arrest warrant was issued against Dominic Ongwen in 2005. It was not until a decade later that he was arrested. The evidence available to the OTP had expanded enormously between 2007, when investigations were hibernated as there appeared to be no prospect of an arrest, and the intervening decade when a large number of LRA members of Dominic Ongwen's unit came out of the bush and could be interviewed. The trial itself commenced in 2017 and is about to close.



Dominic Ongwen is alleged to have directly participated in or organized and planned attacks against a number of internally displaced persons camps (IDP camps) in Northern Uganda. In the course of those attacks, soldiers under Ongwen's command committed murder, attacks on the civilian population, looting and pillaging, destruction of property and in particular the abduction of civilians and children. Another set of charges against him refer to sexual allegations, perpetrated personally by the accused. Further, as a senior commander, Dominic Ongwen was at the heart of the implementation of LRA's policy to abduct and distribute women and girls as forced wives to subordinate commanders as rewards or incentives for good performance. The final two crimes in the document containing the charges refer to child soldiers.

Mr. Gumpert provided a brief summary of evidence of the tasks that abducted children had to perform and highlighted that the LRA was a deeply sexist organisation with a clear gender divide. Although abducted girls might have received basic training in weapons, their involvement in military operations consisted mainly of acting as porters for looted goods and supervising abducted children. On the other hand, the boys were not only trained but were very quickly impressed into the operational unit and used to commit the very crimes of which they themselves had initially been victims. Testimonies of former child soldiers enumerate tasks such as killing, burning homes, looting, and supervising the abduction of children to be ingested into the LRA. Male child soldiers were also forced to perform general military duties and were frequently detailed to carry out punishments in form of severe beatings or murder of LRA members within their own ranks who transgressed the rules.

Observing the absence of charges relating to sexual violence against men and boys in the Dominic Ongwen case, Mr. Gumpert reflected on three main reasons that impeded the Prosecution to include such charges.

First, looking at the evidence, one might say that sexual violence did not happen. However, same-sex violence is rife in any custodial institution with a sex imbalance. The LRA being largely a male organisation constituted a custodial institution for most of its members who were subjected to a very strict discipline and strict rules against escape. Therefore, little doubt exists that sexual violence has occurred.



The second difficulty lies in the cultural taboo to speak out about same-sex violence in societies where a greater role is attached to religion and cultural customs. As a result, interviewed victims of male-on-male sexual violence might have not disclosed to the OTP the truth about what had happened to them. The ICC operates its investigations on the basis of the PEACE model that allows the witnesses to tell their story rather than pursuing an agenda with focused questions borne out of the investigators' expectations of the material they want to extract. Such restrictions lead to a dichotomy: the unwillingness or inability of the witness to express their experiences due to concerns and fear of associated consequences makes it difficult to access material without utilising suggestive pointed questions. The third and most central issue is that prosecuted crimes have to be based upon a sound evidential and structural foundation. The prosecution of crimes against humanity requires a policy element. While the policy requirement is not a strict part in the definition of war crimes, it is still clear that the purpose of ICC proceedings is to capture the policy of an organisation. Thus, the ICC deals with crimes that are institutional in their genesis. Mr. Gumpert reminded that the LRA was a deeply sexist and traditional organisation. Senior LRA commanders would not have condoned same-sex rape perpetrated by an LRA fighter upon an abducted boy, as it would have constituted a serious offence within the LRA's own disciplinary system. There is evidence of quasi-judicial proceedings and punishment of those who committed sexual crimes against women. The violation of rules about who was permitted to have sex, how consent was granted and how women were allotted by senior commanders to junior commanders was met with extremely violent punishment such as severe beatings or death. Mr. Gumpert concluded that the LRA would have treated reports of same-sex sexual violence against boys in exactly the same way.

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**The policy of the LRA was composed of attacks on civilian camps to loot crucial food supplies, to kill those who resisted, and to abduct children in order to feed the machine with new combatants, domestic slaves and forced wives. Even if the OTP was in possession of significant evidence, prosecuting same-sex violence against boys would have met with difficulties in so far as it would contradict the LRA policy and would allow complicit LRA commanders to declare that they had taken disciplinary measures consistent with the command responsibility under Article 28 of the Rome Statute to prevent and punish such crimes.**

**Ms. Beth S. Lyons**, Defence Counsel for Dominic Ongwen at the ICC, spoke about forced abduction and recruitment of child soldiers as mitigating factors for deciding crime and punishment, and presented the views of the Defence on the prosecution of Dominic Ongwen.



Ms. Lyons clarified that the term ‘forced abduction’ is misleading because all abductions are forced. Quoting a prosecution witness’s statement made in open session, she stated that nobody willingly joins the LRA or willingly goes to the bush. Such sentiment has been echoed by child soldiers in the *Ongwen* case and is assuredly echoed by child soldiers throughout the world.

Providing some background of the *Ongwen* case, Ms. Lyons highlighted that Dominic Ongwen was not merely arrested; he voluntarily surrendered to the ICC. Although this does not alter the issue of arrest, it adds an layer of information. In terms of the discussion about seeing child soldiers as victims or perpetrators, the position of the Defence is clear: Dominic Ongwen is a victim. He is a mentally disabled client who should have been protected by his government of Uganda when he was abducted at the age of 8 or 9 years. He was abandoned when in fact he should have been protected by the international community. Dominic Ongwen is a single defendant with about 70 counts and 7 modes of liability– an unfathomable and an unprecedented number of charges in any court against a single defendant. This presents several difficulties, including the access that the prosecution has to staff and other resources compared to the unequal access the Defence has to the same. Equality of arms and the rights of the accused are a pivotal part of a fair trial.

Secondly, it is the position of the Defence that Dominic Ongwen is the wrong defendant. Joseph Kony, the leader of the LRA, should be in the dock. The Prosecution acknowledged the control and power of Joseph Kony and, in the *Ongwen* case, is prosecuting the crimes of the LRA. The issue then is: is Dominic Ongwen, an individual former child soldier, is responsible for those crimes? The Defence’s response is “no”; he acted under duress. Therefore, the Defence has consistently held the position that the person to be prosecuted is Joseph Kony.



Although there seems to be agreement that Dominic Ongwen was a victim, the divergence between the Defence and Prosecution is whether his victimhood changed when Dominic Ongwen reached the age of 18. The crimes he is alleged to have committed occurred when he was over 18 years old. Ms. Lyons emphasised that the view of the Defence is that a child soldier is a victim, full stop; this victim status never ends. The age is an artificial barrier and does not change the status. Prosecuting a child soldier who is over the statutory age of 18 with a purported ability to make a moral choice and disregarding whatever happened when the child was abducted does not correspond to the reality in the world. There is a need to hold people accountable for heinous crimes, however, the person who should be held accountable is Joseph Kony, the leader of the LRA. Referring to the testimony of Pollar Awich, a child expert presented by the Defence and former abducted child soldier himself who is now working with former LRA abductees, Ms. Lyons emphasised the longevity and permanent trauma that child soldiers endure for the rest of their lives.



She then added that the victim-perpetrator hybrid is not a construction that legally exists, just like international humanitarian law does not juxtapose a combatant and a civilian component. These terms should thus be used with care.

Ms. Lyons further noted that one of the key points is the lack of a child soldier's command over one's own mind and the ability to make a choice about one's actions. This choice was removed from child soldiers and the inability to choose has never been erased. It was drilled into their minds that the consequence is death if you break the rules. The LRA cemented these beliefs into the minds of the child soldiers by misusing the spiritualism of the Acholi culture. Kony was portrayed as a spirit or a spirit medium in order to instill fear in the abductees and exercise control over them. Nobody was immunised from the power of Kony to punish and kill if rules were broken. The belief in Kony's supranatural powers led to mental torment and captivity of body and mind of the child soldier.

**Beth Lyons closed with a quote from Chief Prosecutor Fatou Bensouda,**

*“A childhood that is free from violence is not a privilege, it is the natural state of things, it is a right which must be protected. A crime against a child is an offence against all of humanity, only collective and unified action can truly make a difference.”*

## LAUNCH OF DATABASE BY DR. SUMAIYA MUSHARRAF (MS.)

*As part of the conference, CAJPHR launched a legal database on sexual violence against the male gender. The database came about after requests were made in previous conferences for a one-stop point for research on sexual violence directed against men and boys. The database contains a collection of academic texts and legal instruments on sexual violence against the male gender, including national and international laws and jurisprudence, as well as other informative documents.*



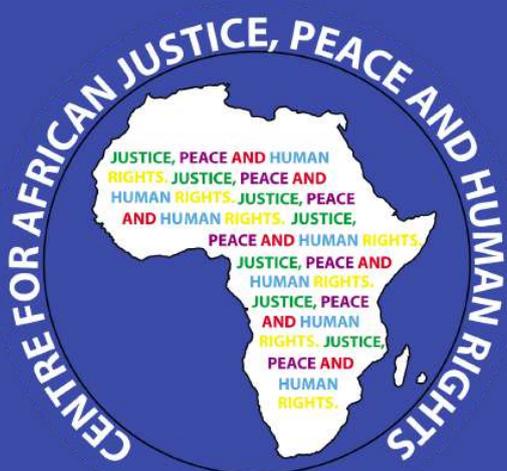
**Dr. Sumaiya Musharraf**, Focal Person and Project Manager, CAJPHR, gave an introduction to the legal database.

The database depicts at its core national and international legal developments on prosecuting male-centred sexual violence. A selection of African states has been made to showcase the domestic legislation, and ratified regional and international treaties where applicable that can serve to prosecute sexual violence against the male gender. Primary sources of law are complemented by a selection of secondary legal instruments, such as reports issued by the national government, the United Nations and other international organizations. Further, the country profiles feature national and international case law that has male sexual violence as its subject, published academic work and relevant news articles. Additionally, the socio-economic background of each country provides the context for a deeper understanding of the existing legislation or lack thereof and any occurrences of sexual violence targeted against men and boys.

The international law section contains primarily pertinent International Human Rights Law instruments as well as the Statutes of chosen international criminal courts and tribunals. A compilation of relevant international case law from the International Criminal Court (ICC), the Special Court for Sierra Leone (SCSL), International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the Former Yugoslavia (ICTY) that contains reference to sexual violence against the male gender has been included.

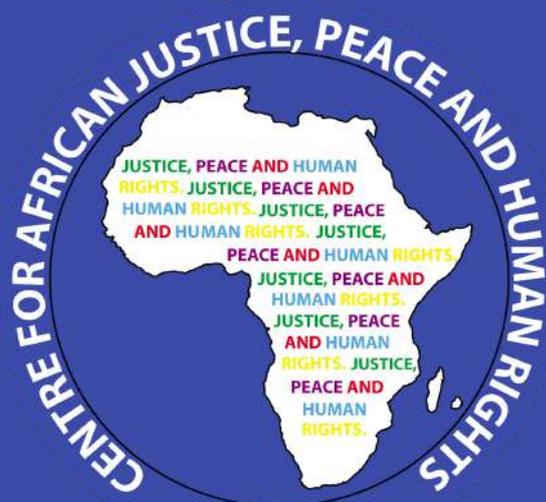
In addition, a description of the project and the methodology utilized for the research can be found in the introductory section of the database. The database also contains a testimonials feature that allows witnesses or victims to share incidents of sexual violence. Visitors are invited to leave their feedback about the database of the official website of the Centre in an online survey enclosed in the database.





## SESSION II : JUSTICE AND BEYOND

*The second panel provided an additional layer of expertise on the legal status of child soldiers who are caught between being victims and perpetrators. Further, the session attended to the question of a potential legal impunity gap lingering on under ICL for atrocities committed against one's own armed forces. Unfortunately, the chair, H.E. Ms. Mirsada Colakovic, Ambassador of Bosnia & Herzegovina to the Kingdom of Netherland the Republic of Portugal, was unable to attend the event. The organisers extend their gratefulness for her support.*



**Mr. Dmytro Suprun**, Counsel within the Office of Public Counsel for Victims at the ICC, focused on the criminal liability of child soldiers under the age of 15. Despite the failure of IHL and International Human Rights Law to provide a uniform definition of child soldiers, recent developments of ICL established that child soldiers should under no circumstances be subjected to punishment or criminal liability for their involvement in the commission of crimes while under recruitment under the age of 15.



The minimum age for recruitment into armed forces or groups varies across international instruments. Additional Protocols I and II, the Rome Statute and the Statute of the SCSL, as well as the Convention on the Rights of the Child (CRC) set the minimum age for recruitment in armed forces or groups at 15. The Optional Protocol to the CRC on the involvement of children in armed conflict prohibits states and other armed groups to recruit children as soldiers below the age of 18. The UN set a minimum age for recruitment of soldiers in UN Peacekeeping Missions to preferably not younger than 20, and in no case less than 18. Although there is no uniform practice with respect to the minimum age for the recruitment of soldiers, there is an agreement that it should not be below 15 years of age. The lack of a consistent definition complicates the establishment of a uniform legal basis for courts, states, armed groups and advocates and ultimately impacts the overall understanding of the scope of the protection to be extended to child soldiers.

Moving on the discussion concerning child soldiers as victims, the jurisprudence of the ICC in Lubanga and Ntaganda shows that enlistment and conscription of a child under 15 is a sufficient element to constitute criminal behaviour, without the additional requirement of active participation in hostilities. First, Mr. Suprun observed that distinguishing between voluntary and forced recruitment of children under the age of 15 raises difficulties in terms of a child's ability to give genuine and informed consent. In fact, according to the Report of the UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy, the line between voluntary and forced recruitment is not only legally irrelevant but practically superficial in the context of children in armed conflict. Especially on the African continent, the recruitment of children is not always associated with abduction or brute use of force. Children regularly join armed forces propelled by extreme poverty and the need for survival, to defend their ethnic groups or out of ideological motivation. Secondly, the requirement of active participation in hostilities has been variably interpreted in international criminal jurisprudence. The Lubanga Appeals Chamber and Ntaganda Trial Chamber held that the active participation in hostilities should be qualified based on a nexus between the activity and the combat in which the armed groups are engaged rather than assessing the risk posed to the child. Hence, acting as military guards, gathering intelligence information, scouting, and sabotage would meet this requirement. On the other hand, the SCSL adopted a broader approach to also include support roles within military operations, such as finding food ammunition, finding routes etc.

Further, Mr. Suprun provided an overview of the legal status of children used in hostilities. From his perspective, instead of deploying the distinction between combatants and non-combatants under IHL, the legal status of children should be determined on the basis of a combination between IHL and International Human Rights Law in order to grant children a special status and protection. According to Mr. Suprun, the interpretation of ‘direct participation’ under Common Article 3 to the Geneva Conventions cannot be transposed to the relevant provision under the Rome Statute. Rather the terminology of active participation in hostilities should be interpreted in light of the purpose of the provision. Additionally, the vulnerability of children calls for a special protection. While international criminal courts and tribunals seem to set the minimum age of criminal liability at 18 years, many national jurisdictions often set the age of criminal responsibility below the general age of majority.

Mr Suprun pointed out why child soldiers under the age of 15 should under no circumstances be held criminally liable: (1) Children must never be soldiers and remain children whether or not they carry weapons. (2) According to expert witness Dr. Elisabeth Schauer in the Lubanga trial, children cannot give informed consent due to their limited understanding of the consequences of their actions. They lack the capacity to determine their own best interest. Against this backdrop, It remains doubtful whether children under 15 act with the required mens rea. (3) The coercive environment combined with violence and psychological pressure have an impact on the children’s well-being and cognitive capacities from the moment of recruitment and well before being sent to the battlefield. (4) In Ntaganda, the trial chamber found that the training camps of the UPC/FPLC subjected children to harsh living conditions, including monitoring of movement, threats to life, severe punishments and executions. Children under 15 years of age were treated in the same way as adult recruits and soldiers. The Chamber found that the vulnerability of children was increased by the harsh conditions. In the Yekatom and Ngaiissona case, as part of their military training children recruited in the Anti Balaka ranks were forced to witness the executions of civilians, how to cut up people, and participate in the decapitation of captives. Children were drugged and desensitized to fear and extreme violence. (5) Often, child soldiers become victims of rape and sexual slavery.



In Yekatom, around 20% of male and female child soldiers were either directly affected or recounted sexual violence perpetrated against their companions. Especially rape victims experience tremendous difficulties of social reintegration and of receiving medical treatment due to social rejection or lack of resources. (6) Many child soldiers are subjected to torture and cruel treatment, leading up to death and often without apparent reason. (7) Child soldiers often suffer long-term consequences of having experienced or witnessed violence, which hampers their development and their ability to function fully once the violence ceased. Most victims suffer from PTSD with life-long consequences. After the conflict, child soldiers are stigmatized and rejected by their families and communities. Their reintegration and rehabilitation is obstructed and they face the risk of re-recruitment into armed groups. Conclusively, Mr Suprun contends that guided by the principle of the best interest of the child, child soldiers should not be punished but offered comprehensive assistance and psycho- social rehabilitation. The assistance should go beyond demobilization and disarmament and encompass an effective reintegration into civilian life. This assistance and psycho-social rehabilitation of former child soldiers is a common responsibility of the international community.



*While Mr. Suprun spoke about child soldiers under the age of 15 based on evidence before the ICC, he concluded that these considerations have the potential to equally apply to child soldiers between the age of 16 and 18. However, a deeper analysis is required to assess the impact of the experience of this age category of child soldiers on the psychological well-being.*

**Dr. Jens Iverson**, Assistant Professor of Public International Law at Leiden University, reflected on the potential impunity gap for atrocities committed against one's own armed forces between crimes against Humanity and war Crimes.

Dr. Iverson started the discussion with the consideration of the protection offered by ICL. Each body of ICL is focused on protecting a different group of people. Thus, war crimes and crimes against humanity do not protect everyone, instead each target to protect a selective group of people. A reflection on their historical development and interpretation becomes useful in this regard. If there is a potential impunity gap, what is the way forward to ensure less abuse?



Taking the war crime of inhuman treatment under Article 8(2)(a)(ii)(2) of the Elements of the Crimes before the ICC, the four Geneva Conventions of 1949 are incorporated by reference. Not everyone is protected. Unless the prosecution proves that the persons are protected under one of the four Geneva Conventions, this specific war crime will not grant protection. Dr. Iverson emphasised that historically, the focus of war crimes is to protect people from the other side of the conflict, but they are not concerned about regulating the treatment of your own armed forces.

*On the other side of the spectrum, crimes against humanity entail violations with a widespread and systematic attack directed against any civilian population with knowledge of that attack. Anyone other than the civilian population is not the intended addressee of this area of law.*

This creates a problem. War crimes is a body of law that traditionally grants protection solely to the other group of the armed conflict, while crimes against humanity protect only civilians. If the law is interpreted conservatively with a sense of integrity and tradition, child soldiers fall outside the scope of protection of both provisions as they neither belong to the enemy group nor are classically considered civilians. The solution might lie in finding flexibility in those definitions.

Interpretations of the definitions vary. (1) In the Blaskic Appeal Judgement before the ICTY, the Chamber found that the definition of civilians does not include people placed hors de combat. According to the Appeals Chamber, the definition of civilian thus remains the same in IHL and crimes against humanity. The fact that they are protected under IHL does not mean they are civilian. As a result, the Chamber did not interpret crimes against humanity to cover this group of people. (2) The atrocities committed under the Khmer Rouge regime in Cambodia constituted a widespread and systematic attack against one's own armed forces. The ECCC took a more flexible approach to 'civilian population' and, unlike the ICTY, found that the attack against one's own armed forces satisfied the requirement of an attack against civilians. (3) At the ICC, the Ntaganda trial judgement determined that acts of rape and sexual slavery committed against child soldiers by armed forces in the non-international armed conflict in the DRC amounted to war crimes. The judgement constitutes a useful precedent.

**Dr. Iverson then turned to the question, if there is an impunity gap how can it be closed?**

There are six categories for war crimes. The most pertinent category for child soldiers is the category of crimes against non-combatants. It should be expected that in an armed conflict people may switch sides, and if they do the law obliges to protect them. The idea to draw a line between who is and who is not protected is deeply rooted in this area of law.



Combatants are members of the armed forces. Civilians, on the other hand, are defined negatively as people who are not members of the armed forces. In doubt, individuals shall be treated as civilians. IHL focuses on what to do during an armed conflict. Therefore, referring back to sexual violence perpetrated against child soldiers, Dr. Iverson contended that sexual assault for members of armed forces does not necessarily have a functional causal nexus to the question of regulating the use of armed force. The law is conservative and not intended to outlaw war or end the horrors of war, but to cabin them.

The concept of crimes against humanity serves a different purpose. It has first found mention in the 1915 Allied Statement condemning the Armenian genocide as a “crime against humanity and civilization”. The concept was later codified for the first time in Nuremberg, but contained a very limited list of underlying acts. Today, the Rome Statute of the ICC contains a more elaborate list of underlying acts, including different forms of sexual violence under Article 7(1) (g). The provision contains a residual category of ‘any other forms of sexual violence of comparable gravity’ that are not specifically enumerated. This growth and interpretation from the human rights tradition acknowledges that perpetrators find new ways of causing great suffering. Therefore, the attempt is to produce an interpretation that is expansive enough to provide a response to widespread and systematic atrocities. Dr. Iverson concluded that in his view if the issue of child soldiers is to be addressed through the tool of ICL, perhaps the right way forward is to strive to further develop the concept of crimes against humanity that has proved to be a more flexible area, instead of pursuing to address the issue through the area of war crimes.

## **Closing Remarks by Ms. Adesola Adeboyejo, Secretary, CAJPHR**

*Adesola Adeboyejo, Secretary, CAJPHR, gave the closing remarks, extending her appreciation to all speakers, guests and audience members for their attendance and support of the conference and the Centre.*



# Annexure I : Event Programme

## 3rd Annual Conference on Sexual Violence against the Male Gender in Conflict Situations: The Case of Child Soldiers

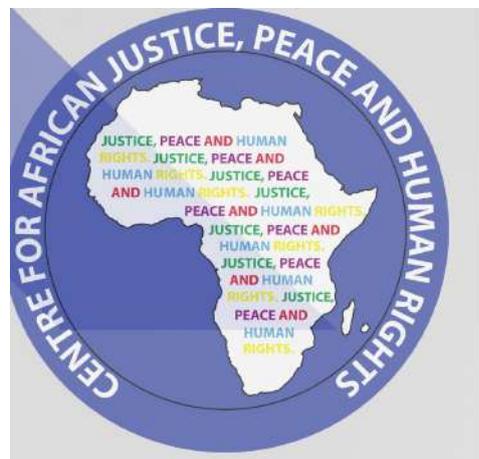
**Date:** 11th February 2020  
**Venue:** Humanity House, Prinsegracht 8,2512 GA, The Hague, Netherlands  
**Time:** 10:00 to 17:00

### PROGRAM AGENDA

Time	Activity
10:00 a.m. – 11:00 a.m.	<b>Registration Opens</b>
11:00 a.m. – 11:30 a.m.	<b>Welcome and Introductory Remarks:</b> Ms Sophia Ugwu, Founder Chairperson, Centre for African Justice, Peace and Human Rights (CAJPHR)
<b>SESSION I : Experiences from Dominic Ongwen’s case</b> <b>Chair : H.E. Ms. Mirjam Blaak Sow</b> Ambassador Plenipotentiary and Extraordinary to Belgium, The Netherlands, Luxembourg and the European Union	
11:30 a.m. – 12:00 a.m.	<b>Prosecuting Cases Involving Child Soldiers: Issues of Sexual Violence By and Against Them</b> Mr Benjamin Gumpert, Senior Trial Lawyer, Office of the Prosecutor, International Criminal Court (ICC)
12:00 a.m. – 12:30 p.m.	<b>Forced Abduction and Recruitment as Child Soldiers: A Mitigating Factor for Deciding Crime and Punishment?:</b> Ms Beth S Lyons, Defence Counsel for Dominic Ongwen, International Criminal Court (ICC)
12:30 p.m. – 13:15 p.m.	<b>Interactive Panel Discussion</b> Mr Benjamin Gumpert and Ms Beth S Lyons
<b>LUNCH BREAK (13:30 p.m. – 14:30 p.m.)</b>	

<b>SESSION II : Justice and beyond</b>	
<b>Chair : H.E. Ms. Mirsada Colakovic</b> Ambassador of Bosnia & Herzegovina to the Kingdom of Netherland and the Republic of Portugal	
14:30 p.m. – 15:00 p.m.	<b>Launch of Database:</b> Ms Sophia Ugwu, Founder Chairperson, and Ms Sumaiya Musharraf, Focal Person and Project Manager, Centre for African Justice, Peace and Human Rights (CAJPHR)
15:00 p.m. – 15:30 p.m.	<b>The Legal Status of Child Soldiers: The Duality of Victim and Perpetrator:</b> Mr Dmytro Suprun, Counsel within the Office of Public Counsel for Victims, International Criminal Court (ICC)
15:30 p.m. – 16:00 p.m.	<b>Potential Impunity Gap for Atrocities Committed Against One's Own Armed Forces between Crimes Against Humanity and War Crimes:</b> Dr Jens Iverson, Assistant Professor of Public International Law, Leiden University
16:00 p.m. – 16:45 p.m.	<b>Interactive Panel Discussion:</b> Mr Dmytro Suprun and Dr Jens Iverson
17:00 p.m. – 17:20 p.m.	<b>Closing Remarks:</b> Ms. Sola Boyejo, Secretary, Ms Sophia Ugwu, Founder Chairperson, and Ms Sumaiya Musharraf, Focal Person and Project Manager, Centre for African Justice, Peace and Human Rights (CAJPHR)
17:20 p.m onwards	<b>Networking</b>

# Annexure II : Speaker's Brochure



## INTRODUCING THE CHAIRS AND SPEAKERS

**SESSION I: EXPERIENCES FROM DOMINIC ONGWEN'S CASE**

**SESSION II: JUSTICE AND BEYOND**

### SESSION I

**CHAIR: HER EXCELLENCY MS. MIRIAM BLAAK SOW, AMBASSADOR OF UGANDA**



HER EXCELLENCY MS. MIRIAM BLAAK SOW AMBASSADOR PLENIPOTENTIARY AND EXTRAORDINARY TO BELGIUM, THE NETHERLANDS, LUXEMBOURG AND THE EUROPEAN UNION SINCE 2012. HER EXCELLENCY HAS BEEN DEPUTY AMBASSADOR ACCREDITED TO BRUSSELS BUT BASED IN THE HAGUE REPRESENTING UGANDA IN ALL LEGAL INSTITUTIONS INCLUDING:- THE INTERNATIONAL CRIMINAL COURT (ICC), INTERNATIONAL COURT OF JUSTICE (ICJ) AND THE PERMANENT COURT OF ARBITRATION (PCA), THE COMMON FUND FOR COMMODITIES (CFC), THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPON (OPCW), PROMOTION OF TOURISM, TRADE, TRANSFER OF TECHNOLOGY AND INVESTMENTS AS KEY ELEMENTS OF THIS MANDATE FROM 2003 - 2012. HER EXCELLENCY IS AN INTERNATIONAL LAWYER WITH OVER 30 YEARS OF EXPERIENCE AS AN INTERNATIONAL CIVIL SERVANT AND DIPLOMAT AND PROFESSIONAL LEGAL MEDIATOR

**MR. BENJAMIN GUMPERT**  
**"PROSECUTING CASES INVOLVING CHILD SOLDIER SEXUAL VIOLENCE BY AND AGAINST TI**



MR. BEN GUMPERT IS A SENIOR TRIAL LAWYER AT THE PROSECUTOR AT THE ICC. HE HAS LED TEAMS IN THE CASES OF UHURU KENYATTA AND DI MR. GUMPERT WAS CALLED TO THE BAR OF ENGLA 1987. HE ACTED AS DEFENCE COUNSEL TO ONE O CABINET MINISTERS IN THE GOVERNMENT TRIA (2003-2010). HE WAS A PRINCIPAL CROWN ADVI CROWN PROSECUTION SERVICE (2010-2013). HE H TIME JUDGE OF THE CROWN COURT OF ENGLAND A 2009.

**MS. BETH S LYONS**  
**"FORCED ABDUCTION AND RECRUITMENT SOLDIERS: A MITIGATING FACTOR FOR DECIDI PUNISHMENT"**



MS. BETH S. LYONS HAS BEEN A CRIMINAL DEFENC 30+ YEARS, PRACTICING ALMOST EXCLUSIVELY PROGRAMS IN NYC (TRIAL AND APPELLATE LEVE INTERNATIONAL COURTS AND TRIBUNALS INCLU CURRENTLY IS ONE OF THE COUNSEL REPRESENTI ONGWEN, A FORMER CHILD SOLDIER FORCIBLY AI LRA AT THE AGE OF 8 OR 9. SHE REPRESENTE ARIDO IN A WITNESS TAMPERING CASE AT THE IC CO-COUNSEL ON A MATTER RELATED TO THE KENY INTERNATIONAL CRIMINAL COURT.

## SESSION II

CHAIR: HER EXCELLENCY MS. MIRSAĐA ČOLAKOVIĆ, AMBASSADOR OF BOSNIA AND HERZEGOVINA TO THE KINGDOM OF THE NETHERLANDS AND REPUBLIC OF PORTUGAL



HER EXCELLENCY IS THE PRESENT AMBASSADOR OF BOSNIA AND HERZEGOVINA TO THE KINGDOM OF THE NETHERLANDS AND REPUBLIC OF PORTUGAL AND PERMANENT REPRESENTATIVE TO THE OPCW SINCE 2016. FROM 2012 – 2016, HER EXCELLENCY WAS A PERMANENT REPRESENTATIVE & AMBASSADOR OF BOSNIA AND HERZEGOVINA TO THE U.N. FROM 2005 – 2012 HER EXCELLENCY WAS THE DEPUTY PERMANENT REPRESENTATIVE TO THE U.N. SHE WAS RESPONSIBLE FOR FORMULATION OF THE STRATEGY AND POLICY OF BOSNIA AND HERZEGOVINA DURING ITS TENURE AS A NON-PERMANENT MEMBER OF THE SECURITY COUNCIL FROM 2010 – 2011. FROM 2002 – 2005 HER EXCELLENCY WAS THE HEAD OF POLITICAL DEPARTMENT AND DEPUTY CHIEF OF MISSION AT THE EMBASSY OF BOSNIA AND HERZEGOVINA IN THE UNITED STATES OF AMERICA. SHE WAS CHARGÉ D'AFFAIRES EMBASSY OF BOSNIA AND HERZEGOVINA IN ATHENS, GREECE FROM 2000 – 2002. FROM 1999 – 2000 SHE WAS THE ACTING CHIEF OF STAFF MINISTRY OF FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA. OFFICE OF THE DEPUTY FOREIGN MINISTER SARAJEVO, BOSNIA AND HERZEGOVINA. FROM 1998 – 1999 SHE WAS ADVISOR OF MULTILATERAL RELATIONS PRESIDENCY OF BOSNIA AND HERZEGOVINA SARAJEVO, BOSNIA AND HERZEGOVINA. FROM 1994 – 1998 SHE WAS ADVISOR - MULTILATERAL RELATIONS EMBASSY OF BOSNIA AND HERZEGOVINA IN THE BENELUX - LIAISON MISSION TO NATO AND THE EU BRUSSELS, BELGIUM. HER EXCELLENCY HAS BEEN A PART OF MANY INTERNATIONAL MISSIONS. SHE PARTICIPATED IN THE UN SECURITY COUNCIL MISSION TO KABUL, AFGHANISTAN IN 2010 AND SYRIAN REFUGEES' CAMPS IN JORDAN IN 2015. SHE REPRESENTED THE PRESIDENCY OF BOSNIA AND HERZEGOVINA AT THE G-77 SUMMIT IN BOLIVIA IN 2014. PARTICIPATED IN THE OFFICIAL DELEGATIONS TO PORTUGAL, JAPAN, SAUDI ARABIA, TURKEY, NEW ZEALAND AND THAILAND.

SPEAKER: MR DMYTRO SUPRUN  
"THE LEGAL STATUS OF CHILD SOLDIERS: THE DUALITY OF VICTIM AND PERPETRATOR."



MR. DMYTRO SUPRUN IS COUNSEL AT THE OFFICE OF PUBLIC COUNSEL FOR VICTIMS AT THE INTERNATIONAL CRIMINAL COURT. HE REPRESENTS VICTIMS IN DIFFERENT PROCEEDINGS BEFORE THE INTERNATIONAL CRIMINAL COURT. SINCE JUNE 2019, HE HAS BEEN THE LEAD COUNSEL FOR THE FORMER CHILD SOLDIERS IN THE YEKATOM AND NGAISONA PROCEEDINGS. SINCE JANUARY 2014, HE HAS BEEN THE LEAD COUNSEL FOR THE VICTIMS OF THE ATTACKS AGAINST CIVILIAN POPULATION IN THE BOSCO NTAGANDA PROCEEDINGS. AS A MEMBER OF TEAMS OF THE LEGAL REPRESENTATIVES OF VICTIMS, HE HAS REPRESENTED VICTIMS IN THE LUBANCA, MBARUSHIMANA AND GBAGBO PROCEEDINGS BEFORE THE ICC. HE HAS PROVIDED LEGAL ADVICE AND SUPPORT TO EXTERNAL LEGAL REPRESENTATIVES OF VICTIMS. HE ALSO PARTICIPATES IN THE ICC OUTREACH ACTIVITIES BY GIVING PRESENTATIONS AND LECTURES TO COUNSEL, LEGAL PROFESSIONALS, STUDENTS AND CIVIL SOCIETY REPRESENTATIVES.

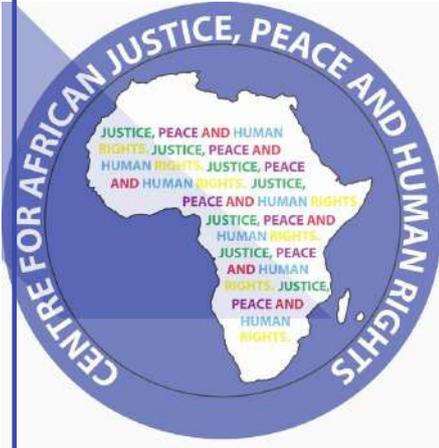
SPEAKER: DR. JENS IVERSON  
ASSISTANT PROFESSOR AT THE GROTIUS CENTRE FOR INTERNATIONAL LEGAL STUDIES



DR. IVERSON HOLDS A PH.D. FROM LEIDEN UNIVERSITY, A JURIS DOCTOR FROM THE UNIVERSITY OF CALIFORNIA, HASTINGS, CUM LAUDE, (DUAL CONCENTRATION IN PUBLIC INTEREST LAW AND INTERNATIONAL LAW) AND A B.A. FROM YALE UNIVERSITY. AND HAS ADDITIONALLY STUDIED INTERNATIONAL LAW AT NEW SCHOOL UNIVERSITY. AS PRESIDENT AND CO-FOUNDER OF THE HASTINGS HUMAN RIGHTS PROJECT FOR HAITI HE SUCCESSFULLY

CO-PETITIONED INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ON BEHALF OF FORMER PRIME MINISTER OF HAITI, RESULTING IN THE END OF HIS ILLEGAL INCARCERATION. HE IS A MEMBER OF THE CALIFORNIA BAR, ORDER OF THE COIF, AND THE THURSTON SOCIETY. AND WAS A YALE SUMMER TRAVELLING FELLOW AND CLASS OF 1956 FELLOW. HE HAS RECEIVED MANY INTERNATIONAL AWARDS THE STUDENT LEADERSHIP AWARD FOR OUTSTANDING SERVICE TO HASTINGS AND THE LEGAL COMMUNITY. LEADERSHIP AND THE HASTINGS PUBLIC INTEREST LAW FOUNDATION FELLOWSHIP. PRIOR TO JOINING ACADEMIA, HE PRACTICED AT THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, AND WORKED FOR SENIOR JUDGES, THE AMERICAN COALITION FOR THE ICC, THE COALITION FOR THE INTERNATIONAL CRIMINAL COURT, THE HAGUE APPEAL FOR PEACE, AND THE CAMBODIAN GENOCIDE PROGRAM. HE HAS VOLUNTEERED OR ASSISTED PRO BONO AT THE CENTER FOR GENDER AND REFUGEE STUDIES, THE AMERICAN CIVIL LIBERTIES UNION, THE ALAMEDA COUNTY PUBLIC DEFENDER, THE DOCUMENTATION CENTRE OF CAMBODIA, KAREN REFUGEE COMMITTEE, GENERAL ASSISTANCE ADVOCACY PROJECT, INTERNATIONAL ACTION NETWORK FOR SMALL ARMS, AND LE BUREAU DES AVOCATS INTERNATIONAUX. PROF. JENS IVERSON HAS PUBLISHED IN WIDE-RANGING AREAS, INCLUDING INTERNATIONAL CRIMINAL LAW, ENVIRONMENTAL PROTECTION, INTERNATIONAL HUMANITARIAN LAW, HISTORY OF INTERNATIONAL LAW, TRANSITIONAL JUSTICE, AND HUMAN RIGHTS. HIS RESEARCH HAS APPEARED IN PEER-REVIEWED JOURNALS IN THE U.S. AND EUROPE AND A NUMBER OF EDITED VOLUMES, AND HAS EDITED VOLUMES FOR OXFORD UNIVERSITY PRESS AND A SPECIAL EDITION OF THE JOURNAL OF WORLD INVESTMENT & TRADE. HE HAS CO-ORGANIZED AND PRESENTED IN CONFERENCES WORLDWIDE. HE TEACHES INTERNATIONAL CRIMINAL LAW, PUBLIC INTERNATIONAL LAW, AND INTERNATIONAL LEGAL PRACTICE.





## ORGANISATION MEMBERS

**MS. SOPHIA UGWU**  
**FOUNDER & CHAIRPERSON**



SOPHIA IS THE FOUNDER OF CENTRE FOR AFRICAN JUSTICE PEACE AND HUMAN RIGHTS. SHE IS A LAWYER ADMITTED TO PRACTICE AT THE SUPREME COURT OF NIGERIA IN 2008. SHE HAS BEEN IN ACTIVE LEGAL PRACTICE IN NIGERIA, FOR OVER 5 YEARS. SOPHIA IS INTERESTED IN INTERNATIONAL CRIMINAL LAW, HUMAN RIGHTS AND COMMERCIAL LAW. IN 2015, SHE EARNED A MASTERS DEGREE IN COMMERCIAL LAW FROM ERASMUS UNIVERSITY ROTTERDAM UNDER THE SPONSORSHIP OF NETHERLANDS FELLOWSHIP PROGRAMME (NFP). SHE ALSO EARNED A CERTIFICATE IN PRIVATE INTERNATIONAL LAW FROM THE HAGUE ACADEMY OF INTERNATIONAL LAW. SOPHIA HAS WORKED AS A LEGAL INTERN AT THE INTERNATIONAL CRIMINAL COURT AND THE UNITED NATIONS INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (UNICTY). SHE WAS PART OF THE TEAM PROMOTING SOCI-CULTURAL INTEGRATION OF REFUGEES IN THE NETHERLANDS AND SHE WORKED WITH THE 'REFUGEE INTEGRATION PROJECT TEAM TO ORGANISE FORUM EVENTS, IN COLLABORATION WITH THE DEPARTMENT OF INTERNATIONAL STUDIES OF LEIDEN UNIVERSITY, THE HAGUE CAMPUS. SOPHIA HAS VOLUNTEERED FOR NATIONAL AND INTERNATIONAL NGO'S PROMOTING PEACE, JUSTICE, CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS, ECONOMIC DEVELOPMENT IN AFRICA, AND THE PROTECTION OF RIGHTS OF WOMEN AND CHILDREN IN THE WORLD. SHE WAS A DELEGATE TO THE UNITED NATIONS FORUM FOR BUSINESS AND HUMAN RIGHTS HELD AT UN OFFICE GENEVA IN 2015. BASED ON HER NOMINATION BY AN NGO, SHE PARTICIPATED IN THE FORUM WHERE SHE MADE VALUABLE CONTRIBUTIONS TO MANY HUMAN RIGHTS ISSUES INCLUDING THE PROTECTION OF DEVELOPING COUNTRIES FROM CORPORATE ABUSE OF HUMAN RIGHTS.

## OUR OFFICE

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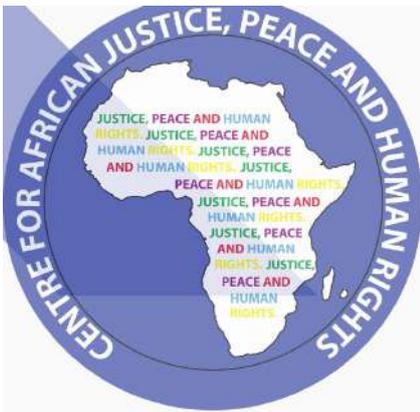
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**MS. ADESOLA ADEBOYEJO**  
**SECRETARY**



ADESOLA ADEBOYEJO IS A TRIAL LAWYER AT THE OFFICE OF THE PROSECUTOR AT THE INTERNATIONAL CRIMINAL COURT. SHE HAD ALSO WORKED WITH THE VICTIMS PARTICIPATION AND REPARATIONS SECTION OF THE REGISTRY OF THE COURT. PRIOR TO JOINING THE COURT, SHE WORKED AS PROSECUTION COUNSEL IN THE OFFICE OF THE PROSECUTOR AT THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (ICTR) FROM 2001 TO 2007, AND AS A LEGAL ADVISER IN THE INVESTIGATIONS DIVISION FROM 1999 TO 2001. MRS. ADEBOYEJO SERVED AS PROSECUTION COUNSEL IN SEVERAL CASES AT THE ICTR. PRIOR TO THIS SHE WAS THE LEGAL SECRETARY TO AFRICAN CONCERN, AN INTERNATIONAL NGO (1998) AND RAN HER OWN LAW FIRM OUT OF LAGOS, NIGERIA (1995 -1998).



## ORGANISATION MEMBERS

### BARRISTER TAKEH SENDZE TREASURER

BARRISTER TAKEH SENDZE IS A CAMEROONIAN BORN LAWYER. HE IS A MEMBER OF THE CAMEROON BAR ASSOCIATION, THE NEW YORK BAR ASSOCIATION, AND THE PAN AFRICAN LAWYERS UNION. HE IS MARRIED TO A BEAUTIFUL AND INTELLIGENT YOUNG LADY – MRS. BERYL SIBEN SENDZE WITH WHOM HE HAS BEEN BLESSED WITH FIVE LOVELY CHILDREN. BARRISTER SENDZE'S GUIDING PRINCIPLE IN LIFE IS: "IF YOU FAIL TO PLAN, YOU PLAN TO FAIL". BARRISTER SENDZE HOLDS AN LL.B FROM BUEA UNIVERSITY (CAMEROON), A MASTER'S DEGREE IN INTERNATIONAL LAW FROM HULL UNIVERSITY (UK) AND A MASTER'S DEGREE IN ENTREPRENEURSHIP FROM ESAMI (TANZANIA). BARRISTER SENDZE HAS SERVED THE UNITED NATIONS AS AN INTERNATIONAL CRIMINAL PROSECUTION COUNSEL SINCE 2004. HE IS CURRENTLY AN APPELLATE COUNSEL AT THE UNITED NATIONS MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (UNMICT), BASED IN THE HAGUE.



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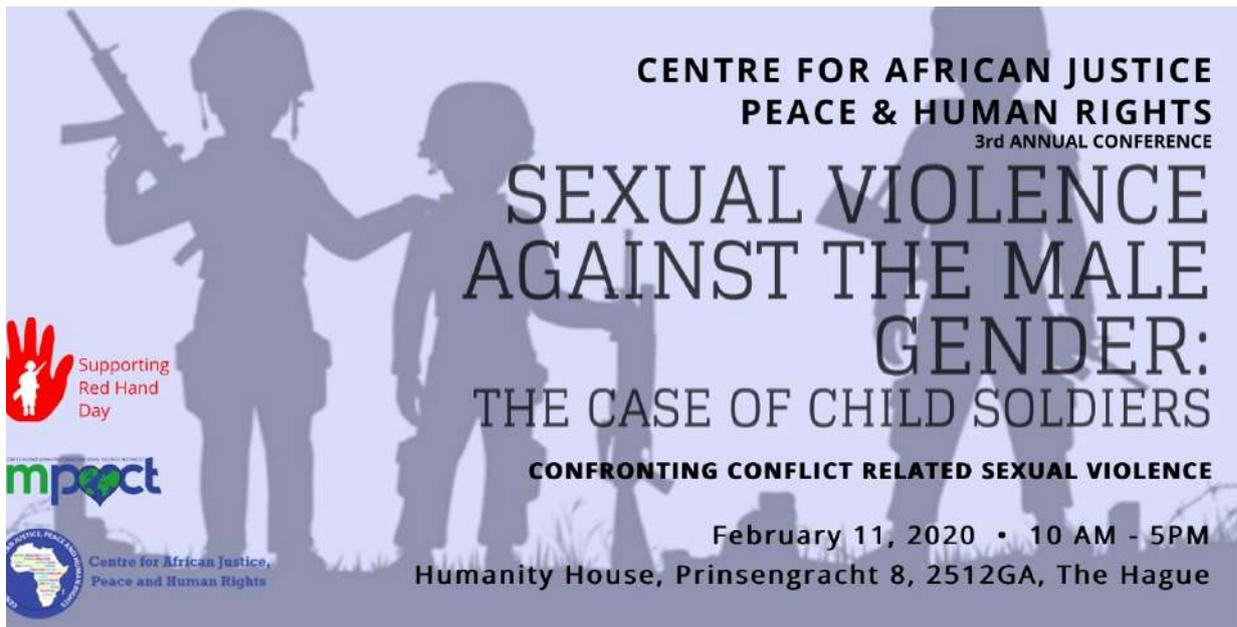
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### DR. SUMAIYA MUSHARRAF FOCAL PERSON & PROJECT MANAGER



DR. SUMAIYA MUSHARRAF IS FOCAL PERSON FOR CENTRE FOR AFRICAN JUSTICE PEACE AND HUMAN RIGHTS, THE HAGUE AND PROJECT MANAGER FOR THE PROJECT 'SEXUAL VIOLENCE AGAINST THE MALE GENDER IN CONFLICT AND POST CONFLICT SITUATIONS'. SHE IS AN ACCOMPLISHED LAWYER WITH PRACTICE IN HIGH COURT OF DELHI, TRIAL COURTS AND OTHER TRIBUNALS IN INDIA. SHE HAS APPEARED AS A BRIEFING COUNSEL IN THE SUPREME COURT OF INDIA. APART FROM PRACTICING AS A LAWYER, SHE HAS ACTIVELY WORKED ON WOMEN ISSUES. SHE WAS PART OF A MULTI COUNTRY REPORT TITLED 'INCHING TOWARDS EQUALITY', A COMPARATIVE ANALYSIS OF CEDAW AND MUSLIM PERSONAL LAW IN INDIA SUPPORTED BY UNIFEM. SHE WAS ALSO A LEGAL ADVISOR TO A LEADING NGO IN INDIA. SHE ALSO HAS EXPERIENCE OF TEACHING IN LEADING CENTRAL AND PRIVATE UNIVERSITIES OF INDIA AS A GUEST AND ASSISTANT PROFESSOR RESPECTIVELY. SHE HAS ALSO PUBLISHED SEVERAL PAPERS

# Annexure III : Event Poster





# Centre for African Justice, Peace and Human Rights



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