

**Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström
on the occasion of the opening of the Bemba trial
International Criminal Court, The Hague, 22 November 2010**

- Today represents a milestone in the history of international criminal justice. Against the backdrop of wartime sexual violence having been one of “**history’s greatest silences**” and the “**world’s least condemned war crime**”, the trial of Jean-Pierre Bemba, due to commence this afternoon, is striking for three main reasons. Firstly, it charges alleged acts of sexual violence as **war crimes** and **crimes against humanity**. Secondly, it prosecutes these acts using the mode of **command responsibility**, with Bemba being the most senior political leader to be tried by the ICC to date. And thirdly, it is the first international criminal investigation in which **alleged rapes far outnumber alleged killings. In the wake of most wars, mass rape has been met with mass impunity**. For instance, sexual violence was not included in the grave breaches regime of the 1949 Geneva Conventions, adopted after the Second World War, and was not addressed at Nuremberg, with the Prosecutor famously saying “*the Tribunal will forgive me if I avoid citing the atrocious details*”. The Bemba trial is therefore significant in treating sexual violence not as the lowest on a false hierarchy of wartime horrors, and not as a background “detail”, but as a crime of the utmost gravity.
- In other words, **sexual violence is at last being treated the way women have always experienced it – as a tactic of war and terror**. This holds a mirror up to the changing face of conflict, in which military casualties are dwarfed by the rates of rape, pillage and violence inflicted upon civilians. It is not that wartime rape is new. We know that rape is as old as war itself. What *is new* is the willingness of the international community to address it not as the random acts of a few renegade soldiers, but as a calculated crime of concern to the international community as a whole.
- When I took up office as the United Nations Special Representative on Sexual Violence in Conflict earlier this year, I was clear that **addressing impunity would be my top priority**. This means ensuring justice for the victims, consequences for the perpetrators, and deterrence for the future. In the absence of formal accountability, it has been the *victims* who have borne the blame and shame of rape, and have been sentenced to social and economic exclusion.
- While the case opening today concerns the situation in the Central African Republic, it has a **powerful resonance in other contexts like the DRC**, where Jean-Pierre Bemba has been a prominent political figure. **It signals that no leader – however connected - is above the law; and no civilian – however isolated – is below it**. I have visited the DRC twice this year and seen firsthand how sexual violence is being used by armed forces and groups as a means of obtaining political, military and economic ends. In particular, the mass rapes in Walikale, North Kivu, in

July and August were planned and systematic. I have met the women – mothers and grandmothers – the children and entire communities, who were reeling with the shock of these brutal assaults. I have heard them say: “*A dead rat is worth more than the body of a woman*”. Yet rape has become so pervasive that it does not always trigger our most urgent interventions. **While one rape in a stable country is treated as a crime, hundreds of thousands of rapes in a conflict setting are treated as “cultural” or “collateral damage”**. In fact, there are no “rape cultures”, only cultures of impunity. Justice and accountability are key pillars of prevention, deterrence and social change.

- Yet, if unaddressed, rape can continue and even escalate post-conflict. When I visited Liberia in June, I witnessed the profound imprint that brutal and widespread sexual violence has left on that society. **It is often said that sexual violence is a “war within a war”, but where impunity prevails it can linger even after the guns fall silent as a “war within the peace”**.
- My role is to help sustain the prominence of this issue in public debate and political dialogue, as well as encouraging the United Nations system, in particular the UN Security Council, to bring all of its tools to bear. I have recently appointed a senior official to head the **UN’s new Team of Experts on the rule of law**, mandated by the Security Council to assist governments in conflict-affected countries to address impunity for sexual violence. This will be a critical part of broader efforts to restore the rule of law.
- The Bemba trial may appear to concern just **one perpetrator, but it gives voice to more than 1,200 victims who have applied to participate**. I commend the courage of those who choose to give evidence. Indeed, the best way to disarm the weapon of rape is to shatter the silence that surrounds it. More broadly, this case signals to the women, children and communities affected by sexual violence, that **the world is watching and recognizes these acts as not only crimes against the victims, but crimes against humanity**. The fact that these crimes are deemed grave enough to constitute the focus of an international prosecution is a message of hope to the victims. It tells them that their lives matter. It also tells the parties to conflict that respecting women’s rights – even in the midst of war – is an obligation, not an aspiration.
- In the Central African Republic, there are indications that sexual violence was used as leverage in the political struggle to control populations and attack civilians seen as supporting the enemy. This allegedly included the targeted rapes of men to inflict humiliation and undercut community leadership structures. Such campaigns of rape, in conjunction with looting and pillage, have been viewed as **concomitant with the chaos of war**. Yet in contemporary conflicts, **there is often method in the madness**. Indeed, the more shocking the crime, the more effectively it terrorizes communities and lends notoriety to those vying for political power and recognition.
- The **charge of command responsibility should give pause to the leaders of armed groups who pursue political power through violence**. Rewarding the perpetrators of human rights abuses with positions of power, high-rank and economic concessions, sets an appalling precedent for societies emerging from the ashes of war. Rather than being permitted to blackmail the

international community, their leaders must face legal consequences. In this respect, I am convinced that **the tide of impunity is turning. Rule by rape will no longer lead to the corridors of power; it will lead to the cells of a prison.** This was recently demonstrated through the arrest of Callixte Mbarushimana, Executive Secretary of the FDLR, one of the rebel groups regularly implicated in rape who was arrested in Paris under an ICC warrant. Also, during my visit to the DRC, UN peacekeepers apprehended “Lieutenant Colonel” Mayele who was identified by the victims as the commander of the Mai Mai Cheka rebel group, presumed to be among those responsible for the Walikale mass rapes. **Positions of military and political leadership are positions of responsibility, not immunity.** If commanders default on their duty to prevent, repress and punish crimes by their subordinates, they must personally be held responsible. Today’s trial puts commanders and perpetrators on notice that sexual violence can no longer serve as their “ultimate secret weapon”, however silent, cheap and effective it may seem to be. I call on all States Parties to fully cooperate with the Court and ensure that political pressure extends beyond the direct perpetrators to their supporters and leaders in third countries. This can help to prevent attacks being orchestrated and perpetuated from comfortable Western capitals.

- Whatever the outcome of this trial, I welcome the **increased attention paid to sexual violence in international justice processes, and its inclusion not as an afterthought, but from the outset of investigations.** The overarching goal – be it in the Central African Republic, the DRC, Liberia, or elsewhere – is peace and security for all. For generations that have known nothing but “might makes right”, justice and due process can help restore faith in a system of law. It can help to close a painful chapter of history and ensure that such history never repeats. The Bemba trial is a cautionary tale to all would-be perpetrators. **It signals that the time when the world tolerates sexual violence and terror is over.** I will follow with great interest the progression of this case and the other situations on the ICC’s agenda. I hope that **beyond the courtroom, these developments will inspire a global conversation aimed at replacing the vicious cycle of silence and impunity, with a virtuous cycle of recognition, justice and reparation.**

Thank you.