

# **When sexual violence is weaponised: CRSV as a violation of international criminal law**

## **Abstract**

The aim of this thesis is to describe the legal regime of sexual violence in armed conflicts, with a special focus on international criminal law provisions. This work is divided into six parts that focus especially on legal provisions of the statutes of the International Criminal Tribunals for Former Yugoslavia, the International Criminal Tribunal for Rwanda as well as on the Rome Statute of the International Criminal Court and decisions of those international judicial bodies in cases involving sexual violence.

The first part introduces to the reader basic terms and concepts that will follow them throughout this work. Additionally, a small subpart is dedicated to the Women, Peace and Security agenda introduced by the UN Security Council Resolution 1325 that, among other themes, highlights the necessity of strengthened international focus and cooperation in fighting sexual violence in armed conflicts.

The second part deals mainly with the historical context of the adoption of the prohibition of sexual violence in armed conflicts and describe the development in approach of international law towards this crime, from general prohibitions of rape to specific enumeration of norms prohibiting sexual violence in statutes of ad hoc international tribunals and International Criminal Court.

The next chapter focuses on a general introduction to ad hoc international criminal tribunals for Former Yugoslavia and Rwanda and to International Criminal Court, their establishment and basic legal framework regarding war crimes, crimes against humanity a crime of genocide.

Forth and fundamental part focuses on how the ICTY, the ICTR and the ICC decided in cases that involved sexual violence. The first part of this chapter deals with rape and how its definition evolved throughout the decisions. The second part focuses on other forms of crimes against humanity and war crimes, that were also used to prosecute sexual violence in armed conflicts. The next part describes other forms of sexual violence as enumerated by the Rome Statute.

The fifth part describes the two last decisions of the International Criminal Court and presents their potential effect on future prosecution of perpetrators of sexual violence in armed conflicts. Both *prosecutor v. Bosco Ntaganda* and *prosecutor v. Dominic Ongwen* bring several new aspects, that are described in this chapter.

Last, sixth part summarises findings of this work and offers potential foreshadowing into future.

**Key words:** sexual violence, armed conflicts, international criminal law