

# Judicial Colloquium on Witness Protection

August 1-3, 2011 (Gulu)

**Topic: The Ugandan context on victim and witness protection: Key issues and challenges – Ms. Jane Adong**

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*This paper should give a contextual analysis of the experiences of victims of sexual violence in the LRA/GoU conflict, in particular forced marriage, forced maternity or forced pregnancy, rape, sexual assault, mutilation of sexual or reproductive organs and other conflict related sexual crimes perpetrated by the LRA and the UPDF. Explain the nature of victims and victimisation, the vulnerabilities they face and how that could affect their participation as witnesses or whether in your work with them they have revealed an interest in participating as victims; who have been the actors responding to their needs and what form of assistance has been provided; the key challenges and key points that you want the court officials to reflect upon as they seek to work with witnesses/victims. The presentation could also go on to give specific recommendations for the psycho social support of men and women who have experienced sexual violence, and in particular techniques for ensuring their protection while participating as witnesses. This could include reference to basic counselling measures or psycho social first aid. It could also usefully include a description of existing services provided by Gender Justice network in Uganda to sexual violence survivors and recommendations for how these services might be used or replicated by the ICD registrar.*

Contextual Analysis of the Experiences of victims of sexual violence:

In conflict situations all over the world, women and men are subjected to the same type of abuse. Women and young girls are forcefully abducted and subjected to forced marriage, forced maternity or forced pregnancy, rape, sexual assault, mutilation of sexual or reproductive organs, other conflict related sexual gender based crimes and to all other forms of degradation.

Gender based violence often takes the form of: forced nudity; forced masturbation; forced anal sex; forced oral sex; rape including gang rape(including using sticks or other unnatural instruments); e.t.c Sexual abuse during war/conflict situations is a form of torture with intent to humiliate the victim. It has been recognised that some men get aroused during war situations and as a result have to get an outlet for this condition.

Gender based violence in LRA/GoU context (nature of victims and victimisation):

The victims narrate of having been abducted by LRA from the ages below 18 to above 18. The rebels preferred the children and virgins in order to avoid HIV/AIDS. Those who were still young (i.e. not yet menstruating) were first used as baby sitters and household help. Once they started menstruation then they normally became “wife”. Am always uncomfortable with the use of “forced marriage” to describe the circumstances these women face. Marriage is defined under Uganda laws. What they are subjected to does not fall under what can be described as “marriage” whether forced or wilful. It is true that in some cases the person to whom the girl is given has married her. Those cases are few. Am also uncomfortable with the use of the word “wife ” to

describe them given that a “wife ” is a competent but not a compellable witness against the husband.

For most of these young girls, they had their first sexual encounter after abduction. The men they had this experience with were much older. Because they resisted the encounter they suffered beatings and other forms of torture until one submitted. The encounter was often rough at the beginning. No condoms used. Conception followed. The body was not yet ready to house a child let alone produce one. The result is numerous fistula cases that need medical treatment. Medical treatment they cannot afford. The victims speak of having been tied to a tree with legs forced apart and asked to push the baby out. There were also threats of if the baby dies due to your negligence then you will be killed. The early births were described as children delivering babies assisted by fellow children. There was no expert or qualified birth attendant in sight. No treatment or medicine for excessive bleeding after this gruesome method of delivery. Only treatment was from local herbs. No mature and knowledgeable person to care for the mother after delivery. Many of the mothers died during and after child birth. Some survived to recall the tales. Some want nothing to do with the baby conceived and born as a result of the abuse.

Apart from the forced relationship they were turned from innocent and law abiding citizens into perpetrators. They were made to kill fellow abductees, participate in future raids and kill their own family members. They knew full well that the penalty for trying to escape or refusing to do what you are ordered to do was torture or death.

Those who were captured and accused of being GoU/UPDF informants had their lips, ears, nose and or other limb cut in the crudest manner. The female were accused of being UPDF lovers. Some had pad lock crudely attached to their private part to stop them from continuing with the alleged relationship. Gender based crimes were also committed against them by the UPDF.

### **Who is a victim?**

Under LN10/2011 the ICD has to apply Uganda laws and definitions under the Rome Statute, the Penal Code etc. Perhaps the ICD will provide its own definition of this word.

The Rome statute recognizes a victim as anyone who has suffered harm as a result of the commission of any crime within the jurisdiction of the court – that is any crime within the definitions of genocide, war crimes and crimes against humanity.

The Geneva Convention of 1949 and Geneva Convention Act that the ICD is using in the first trial do not provide for the offence of genocide. The Convention and Act do not provide for gender based crimes. Given the nature and extent at which gender based crimes were committed during the conflict, the women are asking what justice will be done to them once gender based crimes are not prosecuted by ICD. The victims and witnesses are concerned that in the application of the Geneva Convention and Geneva Convention Act by the ICD pre-empts the Prosecutor from amending the Indictment should evidence (given that there are 53 counts and over 70 witnesses) be led to indicate that the offences committed amounts to genocide and not only crimes against humanity and war crimes.

Gender based crimes against boys and men:

There are men who have been repeatedly sodomised during the conflict. One of the GNWVPN women went to a conflict area in Acholi sub-region. She wanted to comfort and counsel the women in the area and see how best they could be assisted to move on during the post conflict period. She noted that the men were always present during her discussions with the women and that they often spoke for the women. Since she was to spend the night she waited till bedtime to ask the women as to why this was so. She was informed that the men were being repeatedly sodomised by the soldiers guarding the place. Male to male encounter is a taboo in Acholi culture. Originally the men did not want this information to leak out. They are just beginning to open up. The men were also sodomised by SPLA.

The stigma attached to the crime prevents the victim from disclosing the commission of the offence. Since such act is regarded as a taboo, it leads to one being ostracised and rejected by the family.

It is said the number of men or boys sexually abused during war/conflict situations is on the increase and is just as high as that of women and girls sexually abused during such situations.

According to Aljazeera: Inside Story of 28 July 2011 (Mr. Dolan of Refugee Law Project participated from Kitgum) provided the following statistics:

Eastern Congo: 22% of all men affected by the war/conflict are reported to have been victims of sexual violence;

Bosnia: 80% of male prisoners reported to have been victims of sexual based violence.

El Salvador: 78% of male political prisoners face sexual abuse.

Sri Lanka 21 %

In most cases the sexual based violation against them goes unpunished.

### **International context:**

The victims are normally men, boys, women and girls. The use of sexual violence against women and girls during war/conflict situations was given recognition by UN during 1980s to 1990s. Women groups led protests for this offence against their person to be recognised. For this reason the Geneva Convention of 1949 does not provide for sexual based crimes in the context of crimes against humanity or war crimes. Changes are however seen in recent resolutions passed by the UN e.g. Resolution 1325 and most notably in the Rome Statute and Rules and Regulations made under the Statute.

On the other hand, recognition of men issues during wars and conflict especially in relation to the gender based violence committed against boys and men during wars and conflict situations has not gain such prominence though it is on the increase.

Given the nature of the perpetrators and fact that male to male sexual relation is a taboo in Africa, the men felt ashamed to report the offences.

Following a report on the Journal of American Medicine, it has emerged that sexual based violence against men by fellow men is quite common. It is only now that sexual based violence against men is coming to light. Generally sexual based violence by men against men was committed by UN or Government soldiers. Reports reveal that some of the victims were repeatedly gang raped. Both victims and perpetrators normally deny that the offence occurred. The secret often well kept. The UN has been accused of ignoring evidence of sexual based violence that were occasioned against Iraqis prisoners in 2006.

Even where the abuse is criminalised, the penalty for sexual abuse against the woman earns a harsher punishment than that against a man.

Human rights bodies and civil societies are openly advocating for a change in the UN resolutions and other legal documents so as to give equal recognition where gender based violence is alleged.

Language of UN resolutions:

The language in relevant resolutions passed by the UN clearly draws a distinction in relation to reference to women and girls where reference is being made to gender based crimes (e.g. Resolution 1325 once sexual violence is mentioned the language changes to “harm to women and children”). The UNHCR program for victims of gender based crimes is for women and children and not for men.

Definition and trial of rape committed in conflict situations:

Rape or any other sexual violence against men are not recognise under most laws as a crime. Most countries do not criminalize this form of sexual abuse where the victim is male. It is considered as forced homosexual. Even the UN shy away from directly confronting this issue. UN understanding of gender is not encompassing. Gender based violence is seen as being against women and girls. Men are left out. In fact there is a real cultural problem with the UN and most NGOs on gender. During war and conflict situations the men are seen as the bad guys and the women good. There is need for change of attitude. The Uganda Refugee Law Project is aware of a woman official with an organisation working for refugees who sexually abuse male refugees. Nothing had been done to protect the refugees. The refugees sexually assaulted also feared to speak.

Given the shortcoming under UN resolutions and other instruments, ICD has to be careful of the definition it adopts with respect to rape in conflict situations and the degree of proof. Even in prosecution of gender based violence, given that the offence is often prosecuted after medical evidence is not available for use in evidence as proof of the commission of the offence. The Court has to take judicial notice of the difficulties Prosecution will face in proving this offence. Proof of penetration, medical evidence of body fluid to link the perpetrator to the victim would be difficult for the Prosecution to provide at this late stage. Cultural inhibitions that prevent the victims from freely narrating the sexual encounter should be recognised by the court.

*, the vulnerabilities they face and how that could affect their participation as witnesses or whether in your work with them they have revealed an interest in participating as victims*

Vulnerabilities they face:

The victims (especially those who have escaped from captivity) and witnesses live in great fear. Within the communities in which they live, some people are good to them others are bad. At times they are forced to relocate once they are recognised or identified. Those who lived as “wives” of the commanders are at most risk. The ones who had been trained and had been involved in the raids and killings also live in fear. Their fears are two-fold i.e. self incrimination and death in case Kony and his rebels return. The victims will frankly confess that they fear to speak and want their identity hidden because Kony is still at large. That Kony has defeated UPDF and America. Kony can return any time. They want the Juba Peace Talks to be concluded and Kony and those still in captivity return to Uganda. They know should they be recaptured the penalty is death. Some are ready to participate as witnesses. Most are not ready to participate.

### ***Recommendations to Registrar:***

They all need psychosocial support. This could help them address their fears. The level of protection they need should be evaluated and provided to them.

There is need for improvement in interviewing skills and methodology so that regardless of gender, age etc all victims of gender based violence are given the same services and access to treatment or any other mechanism in place for handling sexual based crime victims. The methodology should be able to sieve out sexually abused men, boys, disable e.t.c.

Trial of gender based violence against civilians should be before the ICD and not military tribunals.

There is need for neutral definition of “rape” so as to absorb the gender element. The Rome Statute is a good example of statute in which non-sexist language is used.

### **When should protection be implemented:**

#### Measures during Investigation and Prosecution

Immediately the Prosecutor decides to investigate a case, the protection should be explained to the investigators and all involved at that stage.

The prosecutor shall “take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the court and, in doing so, respect the interests and personal circumstances of victims and witnesses, including age, gender as defined in Article 7, paragraph 3, and health, and take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children [Article 54(1)(b)]. WI has trained and enhanced the capacity of GNWVPN in conduct of investigations, questioning and documenting gender based crime cases.

#### Witness **Protection**

The Court has an overarching responsibility” to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses”, taking into account all relevant factors including age, gender, health and the nature of the crime, in particular sexual and gender-based crimes. The prosecutor is required to take these concerns into account in both the investigative

and the trial stage. The court may take appropriate protective measures in the course of a trial, including in **camera proceedings, allowing the presentation of evidence by electronic means and controlling the manner of questioning a witness or victim so as to avoid any harassment or intimidation**. The latter measures shall, in particular, be implemented in the case of a victim of sexual violence or a child. [Article 68 see also Rules 87 and 88 RPE]

It is important that the Registrar oversees the responsibility on the court and ensures that it is observed at all times.

### **Victim and Witness Unit**

The Rome Statute provides for the creation of a Victim and Witness Unit (VWU) within the Court's Registry. A VWU cannot be housed in the Office of the Prosecutor (OTP) given that it is to cater for both defence and Prosecution witnesses. The responsible office in which the VWU is housed has to take charge and be responsible for the witnesses from the time of investigation till case over. It would not be fair for OTP to bear this responsibility for defence victims and witnesses.

The VWU is to provide protective measures, security arrangements, counselling and other appropriate assistance for victims and witnesses who appear before the court, and others at risk on account of their testimony. [Article 43(6) and 68(4)]

### **# who have been the actors responding to their needs and what form of assistance has been provided:**

Acholi sub-region:

GNWVPN and members/associations

GWOPA

KIWEPI (Kitgum Women's Initiatives)

KICWA (Kitgum Concern Women's Association)

Lukung Women's Peace Initiatives (Lamwo)

Live Again (Mother's Union Kitgum)

Lango sub-region:

GNWVPN and members/associations

North-Eastern Chillies Producers

Lango Female Clan Leaders

NECP Association

Lira NGO Forum

COPPI (Italian organisation)

GTZ/German Technical Cooperation

Teso and Karamoja sub-regions:

GNWVPN and members/associations

Teso Women Peace Activists

West Nile sub-region:

GNWVPN and members/associations

**Form of assistance:**

WI has offered counselling and humanitarian assistance as well.

#the key challenges and key points that you want the court officials to reflect upon as they seek to work with witnesses/victims.

Let them be comfortable and free around you by:

1. Ensuring that their concerns regarding security and prosecution of gender based crimes been addressed. (Not if Geneva Convention of 1947 and Geneva Convention Act is used);awareness on how they can approach the court to air their concerns and interest once trial has commenced; explain to them the court's position on reparation and how victims could access payment; where possible allay their fear e.g. whether state actors will be investigated and tried by ICD; As victim/witness, I could also have been an unwilling perpetrator? What protection do I have from incriminating myself or even being treated as hostile; the cry for traditional mechanism as opposed to formal justice; What of perpetrators before the LRA period?
2. ICD to ensure that the interests and particular needs of victims of sexual violence and violence against children are taken into account at every stage of the court process.
3. ICD ensure that the victims and witnesses are kept informed of the progress of cases they have proved a valid interest in. Use media
4. Having legal representative where there is merit in the concerns being raised be it in relation to failure to adequately investigate the crimes before the court, querying why certain charges have not been laid (e.g. gender based crimes under Geneva Convention 1949and Geneva Convention Act, questioning witnesses, experts and the accused.
5. Stigmatisation should be made an offence.
6. Need for a Gender legal advisor
7. Gender inclusive measures in relation to evidence and questioning
8. Establish the level of protection that each victim/witness requires prior to the victim/witness taking the oath.
9. Counselling is important. Ensure that there are qualified persons with the victim/witness from the time they arrive at the locality where court is to sit. [Fear at seeing the perpetrator ]

10. Protect them from exposure to the public before and during trial. How and when the witness arrives at locality where trial is to take place. A day or 2 earlier.
11. Familiarisation with court room and officials.
12. Follow up counselling after relieving the trauma when giving evidence.
13. Link with PRDP for reparation. ICD should guarantee victims the right to apply for reparations for those who have suffered harm as a result of crimes against humanity and war crimes.
14. Provision for other victims to participate in the court process where their personal interests are affected, of representation before the court.
15. Need for fair representation of women and men and regional representation within the staff of the court
16. The requirement of staff with expertise in trauma related to crimes of sexual violence
17. Gender-sensitive support and assistance requirements for victims and witnesses. Reach out to them. Let them know that through you justice will be done.
18. Keeping the different sexes in separate rooms.
19. Oversee and supervise the other justice mechanisms

**#specific recommendations for the psycho social support of men and women who have experienced sexual violence, and in particular techniques for ensuring their protection while participating as witnesses.**

Apart from protection and security, the ICD should provide counselling and other support to victims and witnesses appearing before the court and others who might be at risk on account of the testimony of witnesses. The court must protect the safety, physical and psychological well being, dignity and privacy of victims and witnesses.

They should be protected during investigation into the offence. The investigators need to conduct their work in a manner which does not put anyone at risk. The information gathered must be kept confidential. Any person cooperating with ICD must not be exposed. If one is at extreme risk of harm or their life is threatened as a result of cooperating with the ICD then the court must provide special protective measures. This may include re-location.

When giving evidence in court witnesses may have their faces and voice distorted electronically to disguise their identity. Witnesses may be given different name during the trial. Witnesses can give testimony in closed session. Have the proceedings in camera. Ensure that the evidence is kept under seal.

ICD should consider special measures to assist traumatized victims and witnesses give their testimony (e.g. children, the elderly, or victims of sexual violence). During a trial the Judges are required **to control the manner of questioning of a witness** or victim to make sure they are not harassed or intimidated, particularly those who are victims of sexual violence.

**The rules should provide for moving of motion against harassment of witness. In the interim provide guidelines.**

During Court proceedings, victims and witnesses should be allowed to ask to have their identity protected. **The court should establish the level of protection best suited for each witness based on the** level and nature of fear expressed.

**# This could include reference to basic counselling measures or psycho social first aid**

Dr. Shiela Ndynabangi, an expert in substance abuse and psychosocial support with Ministry of Health and with vast experience in psychosocial support in northern Uganda states that what happened during the LRA conflict was unprecedented and of a magnitude that shocked the conscience and minds of Ugandans and the rest of the world. She further states that it is medically proven that those who have gone through the experience the victims in northern Uganda were subjected to need psychosocial support as a priority form of assistance. Other social and humanitarian assistance could follow.

Apart from having staff qualified in trauma to attend to the victims and witnesses during the material time, ensure that a senior and qualified doctor is on stand-by.

Ensure that Registry attaches the victims and witnesses to ongoing programs on return to communities. The medical staff should send them home with an evaluation of their mental and physical state.

**#It could also usefully include a description of existing services provided by Gender Justice network in Uganda to sexual violence survivors and recommendations for how these services might be used or replicated by the ICD Registrar:**

[visit WI websites for more information: [www.iccwomen.org](http://www.iccwomen.org) or [info@iccwomen.org](mailto:info@iccwomen.org)]

Women's Initiatives for Gender Justice (WI), an international women's human rights organization, is based in The Hague.

Internationally:

WI is committed to:

- Advocating for gender justice through the ICC;
- Monitoring the ICC to ensure the Court implements the Rome Statute, particularly its gender inclusive provisions;
- Enhancing the capacity among women in the use of international law, particularly the Rome Statute
- Ensuring women victims/survivors and their communities are included in the investigations, prosecutions and reparations process of the ICC
- Strengthening advocacy in women's human rights and gender equality

In Uganda:

Creation of special division/war crimes court:

During the Gulu gathering of women leaders from north and eastern Uganda in August 1-3 2007, two meaningful contributions to issues of accountability, justice and reconciliation were made:

1. WI prepared for the Human Rights Commission consultation on the formation of a Special Division of the High Court within Uganda to try perpetrators of the conflict. The paper was a representation of the views of victims and survivors on their expectation of the court and recommendations on how it should be constituted.
2. WI and the women leaders also prepared a paper indicating the views of women of the greater north on the mechanisms for accountability and reconciliation. The paper was presented to GoU and LRA and formed the basis of both Parties recommendations for accountability mechanisms adopted under the Juba Agreements.

In partnership with GNWVPN has, for the past five years, been active in the conflict situation in the greater north in pursuit of justice, peace and reconciliation and an end to impunity. During this period WI has consulted women's groups, organizations and communities about justice, peace and reconciliation issues.

WI and GNWVPN have been active in ensuring that the rights of victims and survivors whose personal interests are affected by the conflict are protected and that their views and concerns are taken into account by the court and at other relevant forums.

At Peace Talks:

WI, in partnership with GNWVPN:

- (a) Effectively engaged and participated during the Juba Peace Talks to ensure that women voices are heard during negotiations and that the Parties incorporate gender issues and concerns and concerns of victims and witnesses in the Agreements especially on Accountability and Reconciliation.
- (b) Secured the appointment of 2 GNWVPN representatives as observers at the negotiation table to ensure that the voices of the women, including those still in captivity were heard, gender issues and concerns were addressed and women participation during negotiations attained.
- (c) Advocated for the appointment of a gender advisor to the Secretariat. The United Nations supported our concern by appointing a gender advisor and attaching her to the Special Representative of the Secretary General to the Talks.

Advocacy and capacity building:

- Use of numerous advocacy skills e.g. open letters to the GoU and LRA; peace caravan and peace torch, peace walks, effective contribution to the Parties during their consultations on the justice mechanism to address the LRA and UPDF atrocities in the quest for peace with justice
- Training in diplomacy and negotiation skills
- Training in documentation, handling and interviewing female victims of sexual violence.

- Exposing LRA negotiation team to The Hague by funding their visit and securing audience with the ICC Registry.

WI in partnership with GNWVPN has, for the past five years, been active in the conflict situation in the greater north in pursuit of justice, peace and reconciliation and an end to impunity. In 2007 WI assisted in the formation of the Greater North Women's Voices for Peace Network to provide a platform for women from the north to directly express their views and demands for justice, accountability, peace and reconciliation. The GNWVPN is representative of the grass-root communities and is composed of members from the following sub-regions: Acholi, Lango, Teso, Karamoja and West Nile.

**description of existing services provided by WI and GNWVPN in Uganda to sexual violence survivors:**

In Uganda, together with our partner, GNWVPN, we are committed to:

- Advocating for gender justice through the ICD;
- Monitoring the ICD to ensure the Court implements the Rome Statute, particularly its gender inclusive provisions;
- Enhancing the capacity among women in the use of international law, particularly the Rome Statute and national laws applicable to ICD to ensure that the latter meets international standards;
- Ensuring women victims/survivors and their communities are included in the investigations, prosecutions and reparations process of the ICD;
- Strengthening advocacy in women's human rights and gender equality
- Continuing to advocate for return to dialogue by GoU and LRA so that those still in captivity return and participate in the justice mechanism.
- In addition, WI provides livelihood support. During negotiation WI in partnership with GNWVPN provided essential medicine and other livelihood supply to women and children still in captivity. Livelihood and medical support to some female returnees and helping fight for their rights especially as per GoU commitment under the Juba Agreements.
- Building the confidence of the returnees to speak about their sufferings and offences committed against them and how to document these offences.

WI will be active in ensuring that the rights of victims and survivors whose personal interests are affected by the conflict are protected and that their views and concerns are taken into account by the court.

**On 11 July 2011, at the commencement of the first trial before the ICD, WI and GNWVPN prepared and delivered a paper calling for:**

1. By using the Geneva Convention Act, the International Crimes Division will not adequately address gender based Crimes because the Geneva Convention does not address gender-based crimes. During the period under prosecution before this court many women and girls were abducted. The gender-based crimes committed against them are effectively provided for under the Rome Statute. A Statute to which Uganda is a State Party. The Rome Statute

adequately provides for prosecution of rape, sexual slavery, enforced prostitutions, and sexual violence. These offences are recognized as war crimes, crimes against humanity and in some circumstances may also be recognized as genocide.

Should the GNWVPN and the WIGJ assume that the decision for the ICD to resort to the Geneva Convention Act is a result of the commencement date of the International Criminal Court Act of 2010? It is general knowledge that there are other perpetrators of the conflict who are indicted by the International Criminal Court (ICC).

For this Court to measure up to the international standards demanded by its name “(International Crimes Division)” it must **apply** International Standards.

The International Crimes Division must make sure that the interest and particular needs of victims of sexual violence and violence against children are taken into account at every stage of the court process. Failure to do so will lead to injustice and a violation of the rights to justice of the victims.

2. The GNWVPN and the WIGJ wonder why the different standards of the Geneva Convention and the Rome Statute should be applied in trials for offences committed within the same jurisdiction. Is it just and fair to the victims or even the perpetrators since all are equal before the law and should all be subjected to equal treatment?

Protection of victims and witnesses from repercussions – How does the Court intend to guarantee these rights?

- How will the right to participate in the Court proceedings and right to be kept informed of the progress of cases they have proved a valid interest in, be provided for by the Court?
- Will the ICD establish an annual reporting / feedback mechanism?
- How will the Court ensure the right to apply for reparations for those who have suffered harm as a result of crimes against humanity?
- How can the commencement date of the ICC Act 2010 be neutralized and addressed in the interest of justice?
- What step is the Court taking to simplify the law and mandate of the ICD and make it more accessible to those most affected by the conflict? Will the Court make information available in local languages, in local newspapers and publications, through radio talk shows?
- What measures are in place to create awareness at the grassroots level regarding the rights of victims and witnesses to participate before the Court given that the main theatre of war was most experienced at the grassroots?
- We appreciate the fact that three women will be appointed to the ‘Users’ Committee’ of the ICD but how can the GNWVPN, WIGJ, other grassroots, National and International Women’s organizations continuously engage the Court in the interest of the women and girls, given their special vulnerability? What is the criteria

for appointing the women and others to the Committee, what is its mandate and how does it intend to integrate gender issues in its operations?

- How will this court address the diversity of victims needs to ensure participation in the justice process a real possibility?
- Will the ICD meet the financial obligations of the Defence Counsel in carrying out investigations and payment of legal fees? The rights of the accused are also important for the process to have credibility.

In conclusion, the GNWVPN and the Women's Initiatives for Gender Justice, an International women's rights organization, along with others including local human rights organizations, UN Women, Urgent Action Fund and other groups are active and committed in advocating for the recognition and upholding of the rights of victims and survivors of the Conflict. These rights should be protected and their views and concerns should be taken into account by the International Crimes Division.

**#recommendations for how these services might be used or replicated by the ICD Registrar**

1. Registrar should ensure that meetings, such as the stakeholders meeting held on the 11 July 2011, are officially documented and forms part of the court records.
2. Registrar should see and work closely with GNWVPN and WI as friends of the court. They should be encouraged to file amicus curiae observations with the ICD. This will assist the ICD in living up to the international standards required of it. WI and GNWVPN would effectively monitor the work of the ICD to ensure the court implements the Rome Statute, particularly its gender inclusive provisions. GNWVPN could assist the Registrar establish the level of protection needed for each victim or witness and the most cost effective way in providing the said protection.
3. Given the training provided by WI on documentation and investigation procedure and their constant and familiarisation with the victims and witnesses, GNWVPN could be an essential tool for discreet and diplomatic contact to potential victims and witness. GNWVPN could provide initial counselling to the victims.
4. Given the knowledge of the victim stories, GNWVPN could assist Prosecution to identify and locate potential victims and witnesses to ensure key victims/witnesses/survivors and their communities are included in the investigations, prosecutions and reparations process of ICD.
5. WI/GNWVPN could share with Registry staff in charge of VWU (once established) valuable knowledge in the handling of victims and witnesses and follow up on post court hearing witness protection measures.
6. WI and GNWVPN are neutral and could assist Prosecution and Defence.
7. Facilitate GNWVPN to assist you.