

Responsibility of Armed Group for Sexual Violence against Women during Internal Armed Conflicts: The Case of Iraq

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Abstract

Women have suffered in Iraq under totalitarian regimes, foreign occupation and now armed insurgency. The focus of this paper is to determine if International Law is adequate enough to protect the women during internal conflicts? Also to identify any legal mechanisms to protect women from sexual violence in Iraq in times of IRC?

This research analyses how international law addresses the problem of sexual violence during armed conflicts, with particular focus on the Geneva Convention (GC, 1949) and its two Additional Protocols as well as the Rome Statute of the International Criminal Court (ICC). This research holds that it is necessary to hold armed groups responsible for reparations due to victims of sexual violence, particularly when states lose control over the situations. In this regard more must be done by the Government of Iraq to ensure justice and reparation for victims. This paper highlights the current reality of the situation of women during internal armed conflict in Iraq (as of 2014). The paper also explores the effectiveness of legal mechanisms to protect women from sexual violence in times of conflict, as well as paying attention of the legislation pertinent to the accountability of armed groups.

Key words :Armed groups, women, sexual violence, internal conflict , Iraq

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Introduction

The rape of women during war is as old as war itself. Interpretations of the reason for this vary; the most conventional explanation is that it is due to the individual lust of troops in an aberrant scenario with no conventional social and legal restraints, but it can also be encouraged as part of a concerted strategy to reward soldiers or to humiliate the enemy (e.g. the Japanese comfort women of WWII). The ubiquity of rape in war has been universally acknowledged since ancient times (Nebesar, 1998). However, it reached unprecedented heights in the large-scale wars of the 20th century, particularly during the Second World War. In 1945, 120,000 to 900,000 women were raped during the Soviet invasion of Berlin (more than two million German women were raped across Germany). However, the Japanese policy of abducting comfort women as a systematic policy of abduction and sexual slavery continues to be the most notorious example of rape in war, such as the 'Rape of Nanking', during which the Japanese Imperial Army raped, tortured and killed more than 20,000 women. The phenomenon continued during subsequent wars; during the US invasion and occupation of Vietnam, 86 US soldiers were accused of rape, 50 of whom were subsequently convicted. In 1971, up to 400,000 Bangladeshi women were raped by Pakistani forces, resulting in 25,000 known pregnancies (Nebesar, 1998).

While individual soldiers (alone or in groups) can perpetrate rape under their own volition, sexual violence is often utilized as a systematic means to humiliate civilian personnel in the local community or ethnic group, or to control them through fear. (United Nation Security Council, 2008) Rape is a common tool in wider policies of ethnic cleansing and the destruction of the fabric of families and communities.

The internal armed conflict in Iraq, on-going since June 2014, has seen a number of recorded human rights abuses, including sexual violence against women committed by armed forces (ISIS). This paper focuses on Iraq as a case study because the researcher wants to study this problem of sexual on women in depth and try to resolve it. The results of this study can be applied in other states which have a similar situation in future. This research considers the effectiveness of the current legal mechanisms to address the problem of sexual violence.

This paper focuses on sexual violence during armed conflicts. It includes sexual violence and internal armed conflict, then sexual violence and international armed conflict. After that the responsibility for sexual violence during armed conflicts under international law is explored under two sections: the responsibility for sexual violence under the Rome Statute of the International Criminal Court; and under the Geneva Convention.

Background of Sexual Violence During Internal Armed Conflict in Iraq, 2014

The sudden advance of the Islamic State in Iraq and Syria (ISIS) in 2014 within Iraq was accompanied by widespread human rights abuses, including sexual violence against and the enslavement (and sale of) women. The horror of sexual violence is often used by one conflicting party against another as a weapon to intimidate (i.e. terrorize) and destroy the enemy society. Such means often target particular groups, notably women, who are invoked during war as objects to be protected (i.e. in military recruitment) and thus identified as targets for sexual violations to demonstrate the superiority of the opposing group. This is reinforced by socio-

cultural (and religious) taboos that venerate the chastity and sexual purity of womenfolk (Human Rights Watch, 1996)

For example, during the internal armed conflict in Iraq, rape and other forms of violence were directed primarily against Yazidi women because of both their gender and their creed. The Yazidis have been subjected to repeated attacks by jihadist groups in the past because of the unique (i.e. 'other') nature of their religious denomination. Iraqi Yazidis have traditionally been concentrated in the Sinjarinin district of Mosul, which is a core region for ISIS. This group seized Mosul in their most audacious victory on 10th June, 2014; the most notorious sexual violence against Yazidi women was committed on 2nd August, 2014 (Amensty International, 2015) ISIS committed systematic sexual violence.(Human Rights Watch 2015) [5] [5] The singling out of Yazidi women and the perpetration of sexual violence against them was a means of dehumanizing and subjugating the Yazidi group as a whole. Some Christian women were also targeted with rape.(Human Rights Watch, 2015a) ISIS forced women to submit sexually, with threats that they would be killed if they refused. In Iraq, as elsewhere in the world, rape and other gender-based violations carry a severe social stigma.

Yazidi women are suffering heavily during the internal armed conflicts in Iraq, being subjected to slavery and humiliation by armed groups. ISIS granted Yazidi women as spoils to its fighters. Furthermore, women were sold in impromptu slave markets. Official documents issued by ISIS announced the prices for Yazidi and Christian women according to their age group. For example, women aged: 30 to 40 years were retailing for 75,000 Iraqi Dinars (ID); 20 to 30 were valued at 100,000 ID; 10 to 20 year-olds were sold for 150,000 ID; and children aged 9 years of age commanded the highest price of 200,000 ID. The official document restricted indigenous Iraqis to a maximum of three slaves, with the exception of foreigners from the Gulf, Turks and Syrians who were permitted more (Webb & Rahman, 2014).

This is one of the worst crimes recorded in the modern world. The Iraqi Constitution criminalizes such wrongful acts. Paragraph 3 of Article 37 of the Iraqi Constitution (2005) states that sex trafficking is not allowed. Furthermore, subjecting human to humiliation and insult is prohibited. Moreover, Para A of Article 37 states that freedom and human dignity are inviolable. the Constitution not only forbids such crimes but also guarantees the protection of citizens from religious coercion under Para 2 of Article 2 of the Constitution, which ensures freedom of religion to all non-Muslims (which in Iraq essentially refers to Yazidis, Christians and Sabeans. The freedom of belief is also confirmed by Article 42. The Constitution furthermore acknowledges the responsibility of the State to protect people from such crimes.

Christian women had a relatively better situation than Yazidis, because Christians are classified as followers of a monotheistic religion by ISIS, thus they have the option to convert or pay tribute to avoid the risk of abduction or violence, but this caveat does not apply to the Yazidis, whose complex and eclectic beliefs render them beyond the pale of the insurgents' sensibilities (Webb & Rahman, 2014).

Research on female victims of sexual violence in war generally find that victims are extremely reticent due to personal trauma or fear of social stigma and shame. Moreover, the families of the victims are additionally reluctant to report abuse, thus the actual incidence of rape is generally

presumed to be of much greater magnitude than suggested by official statistics (this is a major concern of human rights organizations). Further effects of such violence include that these women will never be able to reintegrate or to marry in many societies due to the stigma and shame associated with rape. The research also finds that the reason behind the suffering of women during the internal armed conflict is the ineffective protection of women.

Sexual Violence and Armed Conflicts

Sexual violence and internal armed conflict

International law dealt with the internal armed conflict, and the Fourth Geneva Convention described the legal protection of civilians during the armed conflict. For example, Article 27 of the Fourth Geneva Convention was the first article dealing with sexual abuse. However, this article was late, and it did not determine the dangers or seriousness of this problem.

International law (i.e. Article 2 of Protocol II, Additional Protocol to the Geneva Conventions of 1949) defined internal armed conflict as conflict not covered by the first article of the Protocol Additional to the Geneva Conventions (relating to international armed conflicts), and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol (United Nation, 1977)

This definition reflects that the parties of the internal armed conflict are the state involved in the conflict on the one hand and on the other hand the rebels who are struggling against an unstable government. Protection of civilians is the essential aim of international humanitarian law (IHL). This is obvious from Article 3 Common of the Fourth Geneva Convention 1949, which stated that all the parties of internal conflicts are obliged not to intentionally harm civilians. The obvious problem is that only States only be a part of such international conventions; the armed forces involved in internal conflicts cannot be a party to these conventions; they are expected not to breach basic human rights not by international law, but by a common understanding of the universal applicability of humanitarian law, which essentially amounts to a gentleman's agreement (in an absurd context).(United Nation, 2011)

However, the Resolution of the Special Court for Sierra Leone stated that non-state actors have an equal duty with States as parties in an armed conflict to respect IHL: "as agreed, all parties to an armed conflict, whether states or actors from non-state, must abide by international humanitarian law, and that despite the fact that only states its right to be party to international treaties". ("Prosecutor v. Sam Hinga Norman ", 2004)

Moreover, the gross violations of customary law, and serious violations of international human rights law and international humanitarian law by persons, are not allowed. Hence, the International Criminal Court (ICC) sanctions persons who committed one of the international crimes, for example genocide, war crimes or crimes against humanity, and the crime of aggression. Rape and other forms of sexual violence can be regard as genocide crimes when committed with the intent to destroy an ethnic, religious, national or racial group in whole or in

part (Hague & Jolie, 2014). According to Human Rights Watch, the crimes of ISIS can be regarded as crimes against humanity or war crimes (Human Rights Watch, 2015)

The Special Court for Sierra Leone and the ICC have made an important contribution to the development of a legal framework to develop standards for such crimes, including through innovative judicial interpretations. ("Prosecutor v. Akayesu," 1998) Furthermore, Article 8 of the Rome Statute of the ICC states the list of acts that can be regarded as war crimes, (UN General Assembly, 1998) (UN General Assembly, 1998) including sexual violence.(UN General Assembly, 1998)

International law specifically criminalizes certain acts committed during conflicts, including rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (United Nation General Assembly, 2002). Under the Rome Statute, crimes against humanity comprise offenses undertaken in specific actions as part of a widespread or systematic attack directed against a civilian population, where the perpetrator is aware of the attack. (United Nation General Assembly, 2002)

Sexual violence and international armed conflict

Among the numerous kinds of violence suffered by women during armed conflict, sexual violence appears to be the problem most specifically pertaining to females. The UN described one of the purposes of such violence on a systematic level as being “for the purpose of stabilizing soldiers' psychology, encouraging their spirit and protecting them from venereal infections” (United Nation, 1994)

Although some trials in the Nuremberg Tribunal concerned sexual crimes against women, the subject of women's victimization was only given incidental attention despite the ample evidence for those crimes. Examples include the trial of General Matsui (of the Japanese Imperial Army). Matsui was guilty of war-crimes and crimes against humanity, but he was not charged for rape despite ample evidence that he ordered soldiers under his command to rape (United Nations, 1998)

Control Council Law No. 10 adopted by the Allies in 1945 was the resource for the holding trials for the hearing of suspected Nazi war criminals not dealt with at Nuremberg (Human Rights Library, 1946). Although rape was explicitly listed as one of the crimes covered by the council, no charge was brought for rape. The law of armed conflict which includes the Geneva Convention and its additional Protocols dealt with the protection of civilian persons generally, and made some provisions specific to women. Article 27 stated that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”. Furthermore, Additional Protocol I of 1977 Article 76(1) stated that “Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault”. Article 4(2)(e) of Additional Protocol II of the Geneva Conventions 1977 stated that “Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault”.

This Article listed sexual violence as “outrages upon human dignity”, which it prohibits, however there is no outright definition of the use of sexual violence during conflicts as specific crimes, and the vague references to attacks on “honour” reflect the reticence of the legislators to broach the issue – although the Conventions undeniably criminalize rape, their general tone pertaining to the issue does not seem seriously intended to encourage prosecution for such crimes, although it is ranked between torture and enforced prosecution in Article 4 of the Second Additional Protocol of Geneva Convention.

Responsibility for Sexual Violence During Armed Conflicts in International Law

Under international criminal law, gross violations of human rights and international humanitarian law or customary may lead to individual criminal responsibility. It was generally accepted by the International Military Tribunal for German that individuals are responsible for the wrongful acts they commit. (Tomuschat, 2006) However, no law set out the responsibility of armed groups in their wrongful act during the armed conflict unless they obtain State power, at which point they are bound by normal laws pertaining to States. However, as mentioned previously, the ICC has charged leaders of armed groups with committing crimes against civilians during conflicts, including rape and violence. Nevertheless, no convictions have been successful because of the difficulty of proving such crimes, as explained later in this paper.

The term “violations to human dignity”, as stated by the Geneva Convention (1949), refer to prohibited acts during armed conflicts, whether international or internal, but do not give a clear definition of sexual violence. The research for this reason suggests that such definition should receive specific attention to help to redress these increasing crimes. It also might help the ICC to apply fixed elements of this crime. Consequently, it might redress the problem of impunity.

Responsibility for sexual violence under the Rome Statute of the International Criminal Court

The Rome Statute of the ICC has confirmed the responsibility of individuals for the commission of international crimes. This is stipulated in Article 25 of the Statute of the International Criminal Court.

Articles (8,6) of the Regulations of the Nuremberg Tribunal and articles (7,5) of the Regulations of the Tokyo Tribunal state that individuals are responsible for criminal acts stipulated in these Conventions. The Nuremberg Tribunal stated “that only natural persons who commit crimes and not abstract theoretical objects can ensure the implementation of respect for the provisions of international law, but the punishment of natural individuals perpetrators of these crimes do not”.

International law recognized individual responsibility for acts committed by threatening the overall global interests of the international community and exposing people to danger, and the criminal responsibility of the individual for international crimes is a principle of contemporary international law.

Several of the international conventions and treaties have affirmed this principle, and Article 29 of the Geneva Convention stipulates that “The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of

any individual responsibility which may be incurred.” (International Committee Red Cross, 1949).

The question arises of whether States still hold responsibility for international wrongful acts committed by individuals belonging to those States, particularly when they are military personnel employed by the State in a conflict zone in which a crime is alleged to take place. It is generally accepted that the personal responsibility of the individual does not negate the State's responsibility where applicable. This was confirmed by the United Nations General Assembly Resolution (A/Res/56/83) on 01.12.2001, which stated that the State bears responsibility for all actions of the apparatus or persons acting on its behalf and expense, and that the State particularly has responsibility for crimes committed by individuals in its armed forces (United Nations, 2001). Furthermore, Article 91 of Additional Protocol I of 1977 to the Geneva Conventions of 1949 considered a party to a dispute (i.e. a State) to “be responsible for all acts committed by persons forming part of its armed forces”. According to this article the State is responsible for the wrongful act of its officials, including sexual assault, because of the power and authority the State aggregates to itself in declaring war and maintaining (and training) professional armed personnel.

Moreover, the Rome Statute of the ICC has confirmed the state's responsibility for international crimes. Article (25/4) states that it “does not affect any provision in the statute relating to individual criminal responsibility in the State's responsibility under international law”, but the nature of the State responsibility is to be responsible for redress (e.g. compensation) for civilian victims of international crimes committed by a criminal engaged in the employment of that State that enabled the crime to take place.

Responsibility for sexual violence under the Geneva Convention, 1949

International law deals with the responsibility of both the State and individuals concerning reparations. However, international law ignored the responsibility of armed groups except when they obtain power (i.e. become de facto State governments with the conventional legal implications). The characterization of acts committed by armed groups as internationally wrongful is governed by international law. Article 10 of Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001 directly tackled the responsibility of armed groups in the following terms: “1. The conduct of an insurrectional movement which becomes the new Government of a State shall be considered an act of that State under international law”. Hence, under Article 10/2 of this Draft, the acts of these armed groups are regarded as the actions of states when those groups become the new government: “The conduct of a movement, instructional or other, which succeeds in establishing a new State in part of the territory of a pre-existing State or in a territory under its administration, shall be considered an act of the new State under international law”. Consequently, this Draft Article (2001) deals with insurrectional movements who succeed in gaining power and creating a new State in a novel way, marking a sea change from the traditional state-based international laws governing conflicts toward a new, more complex understanding that reflects the changing nature of conflict itself.

However, under secondary rules of international law, it remains difficult to hold armed groups responsible for reparations. For example, Article 10 of the Draft Article (2001) confirms the

responsibility of armed groups to pay reparations under the condition that they gain power; should they fail to do so, they are not obliged to fulfil this condition. Furthermore, during the debate on responsibility allocation of armed groups by the International Law Commission under draft Article 14/13, such allegations were found to have exceeded the limit of articles on State responsibility.

Article 91 of Additional Protocol I as well as Article 3 of the 1907 Hague Convention IV stated that a State is responsible for “all acts committed by persons forming part of its armed forces”. Thus, according to international law, when the elements of wrongful acts are met, the State is responsible for such unlawful acts of armed force.

However, other areas of international law started to deal with such responsibility. It was generally accepted that armed groups have to respect IHL. For example, Common Article 3 of the Geneva Conventions deals with parties of conflicts which include armed groups and affirms that all parties to a conflict need to respect IHL. Internal armed conflicts deal with such groups under two conditions: first, responsible command has to be organized for this group; and secondly, part of the disputed territory has to be under its authority. This means that this article will not apply to all circumstances. On the other hand, under Article 91 of Additional Protocol I of the Geneva Convention, conflicting parties are responsible for reparation if those parties breach the rules of the Protocol, but that does not include internal conflict.

The ILA Committee on Reparation for Victims of Armed conflict states the responsibility of armed groups in violation of breaking the IHL, but despite such attempts to ensure the remedy of victim harm there are no appropriate legal procedures to apply to confirm such remedy. On a practical level, even in the case of a successful prosecution, such groups do not generally have access to credit to pay compensation.. Although responsibility has been developed under IHL, the situation of non-State groups remains unclear under this law. Despite the fact that these groups are not party to IHL treaties, they become liable to their provisions when they obtain de facto control over part of a territory, while they are denied legal states by the State involved, and may or may not be recognized by foreign States and international organizations. Sometimes States do not acknowledge the obligations of armed groups to hold responsibility in order to avoid granting them statutory rights. (Moffett, 2013) Conversely, the responsibility of States is firmly proclaimed by the ICJ including the payment of reparations to victims of international crimes ((ICJ), 1993; "Case Concerning The Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America) (Merits) ", 1986; "Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran); Order," 1981; "Prosecutor v. Dusko Tadic (Appeal Judgement)," 1999)

This decision is contrary to Article 8 of Draft Article on State Responsibility for Internationally Wrongful Acts, 2001, which stated that:

“The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of that State in carrying out the conduct.”

Responsibility of armed groups for sexual violence under the ICC

However, the ICC has changed its situation and started to charge the leaders of armed groups for their crimes during conflicts, particularly for their sexual violence. In February 2003 an attack against the village of Bogoroin the eastern Democratic Republic of Congo's Ituri region occurred. Mathieu Ngudjolo Chui, the armed group leader, was accused of being a co-perpetrator of war crimes and crimes against humanity, including killings, rape, sexual slavery and the use of child soldiers. However, the Trial Chamber failed to prove his responsibility. The decision of the ICC to acquit this leader of an armed group disappointed the victims. Similarly, the Trial Chamber acquitted Germaine Katanga, alleged commander of the Force de Résistance Patriotique en Ituri (FRPI), of rape and sexual slavery as a crime against humanity ("The Prosecutor v. Germaine Katanga and Mathieu Ngudjolo Chui," 2009)

In 2014 the ICC began an investigation aiming to end serious human rights violations and to determine those responsible for these crimes (i.e. to attempt to identify ways in which a successful prosecution could be achieved). The Prosecutor of the ICC confirms the importance of the accountability of the armed groups for their crimes during the conflict, including rape, which are regarded as war crimes and crimes against humanity, such as those by the armed groups in the Central African Republic (Amnesty International, 2015).

However, it can be seen that the ICC is preoccupied with the prosecution of the leaders of armed groups involved in the commission of war crimes and crimes against humanity rather than the actual perpetrators of the crimes themselves, whether individuals or groups. Furthermore, the disparate opinions and decisions of the ICJ regarding responsibility leads us to confirm the need for intervention by international law to state the elements of responsibility as well as take effective steps to end the reduction of violations of the armed group to the rules of conflict, especially after the mounting number of these groups and increasing violations of international law and human rights

Although international law has paid attention to redressing the problem of sexual violence against women during armed conflicts, women continue to suffer from this kind of violence because of the impunity of the criminals. In the unlikely case of a prosecution being brought, the International Tribunal of the ICC has routinely demonstrated its impotence in the conviction of alleged war crimes, even notorious leaders of criminal armed groups.

Conclusion

This research has serious implications for Iraqi legislators to reconsider their view in regarding their accession to International Conventions. Although, Had Iraq been part of the Rome Convention Criminal Tribunal 1998 in 1998, the Iraqi Penal Code did not follow the norm of including articles stating that there is no legal or judicial immunity for those who commit crimes under international law .

Ruth Benedict *The Sword and the Chrysanthemum* was based on US cultural intelligence on Japan. It explained how the Emperor was the transcendent figure binding the Japanese people together metaphysically that made their national life possible. The US decided to blame the top

generals in Japan, who fell on their sword for the Emperor, while the Emperor and other royals were never prosecuted. In Iraq it was the opposite – everything was focused on ‘Saddam’ to enable Iraqi society as a whole (and indeed the US and other Western powers who installed and armed Saddam) to disassociate itself from its complicity in the ascendancy of the Ba’athist regime.

Protection of women during armed conflicts is important due to the increased vulnerability of women in such scenarios. Civilians in general and women in particular have become the main victims of conflicts. IHL places minimum standards of protection that all the parties of armed conflicts must apply.

However, although IHL has paid increasing lip-service to the protection of women in conflict since the 1940s, in reality a dearth of prosecutions means those perpetrating crimes against women in conflict continue to enjoy impunity, and attacks on women during armed conflicts continues to increase due to the impotence of the international community to enforce international law. For example, the Geneva Convention of 1949 and Additional Protocols of 1979 state the protection of (civilian) women from violence in conflict, but do not offer remedy for punishment.

Furthermore, laws for reparation and responsibility primarily apply to states, thus armed groups are given carte blanche unless they achieve power. The internal conflict is more dangerous than international conflicts in regard to sexual violence against women due to the ineffective policing, as well as international law paying less attention to internal armed conflict compared to international armed conflict.

This research also suggests enacting a new convention specifically protection women during conflicts is required. If legal remedies for such cases are to be developed then it is absolutely essential that females come forward and contribute to the prosecution of alleged criminals, which requires substantial efforts by government and civil society organizations to change social perceptions of victims of sexual violence (i.e. to avoid stigma of being as a victim).

The case of Iraq has failed to achieve or implement justice. At present, there is no prospect of Iraqis seeing a system whereby victims are given rights of reparation and criminals are seen to be punished.

In addition it is important to appoint female staff to deal with victims of sexual crimes, including the way to obtain testimony from rape victims. Indeed, it is fundamentally important to involve women themselves in the construction of a comprehensive system to protect them from sexual during conflicts. Reparation would be the most suitable punishment for such crimes, but the problem is women (and their families) are generally reluctant to report such crimes, let alone bring charges, thus assistance is needed from government and the international community in a long-term programme of cultural conditioning to remove the stigma such crimes. Most victims cannot talk about their experience because the fear of the killing (whether revenge for exposing attackers or honour-killings by members of their own groups). For this reason the protection of victims and witnesses is essential.

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Rome Statute of the International Criminal Court, Article 7 stated that

"1.For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack; ... (g)Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity." (2002).

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Rome Statute of the International Criminal Court (last amended 2010), ISBN No. 92-9227-227-6, Article 8 Stated that "2.For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention....?" and that include sexual violence (xxii)Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions. (1998).

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