

# **ACCOUNTABILITY FOR SEXUAL SLAVERY AT THE NATIONAL AND INTERNATIONAL LEVEL – A REVIEW OF RECENT DEVELOPMENTS IN GUATEMALA, BOSNIA AND THE ICC, AND RECOMMENDATIONS FOR FUTURE CASES**

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**RESUMO:** The presentation will focus on accountability efforts at the national and international level for the crime of sexual slavery in the context of armed conflict. It will provide an overview of the progress made in understanding and ensuring accountability for this crime, and of where challenges still remain. Ongoing conflicts, such as those in Syria, Iraq, and Nigeria show that sexual slavery continues to figure prominently among the tools of war. The Rome Statute of the International Criminal Court (ICC), for the first time, explicitly criminalized sexual slavery both as a war crime and a crime against humanity. Since then, although there has yet to be a conviction at the ICC for sexual slavery, there have been important jurisprudential determinations by the Court with regard to the elements and the evidence of sexual slavery, as well as, in the Ntaganda case, on the question of who is protected from this crime by international criminal law. To a large extent, these jurisprudential developments built upon prior findings of the International Criminal Tribunal for the former Yugoslavia. At the same time, domestic jurisdictions have begun charting their own paths towards ensuring accountability for this crime, and these national efforts have yielded important results. In March 2016, the highest court in Guatemala convicted two former military officers of crimes against humanity on counts of sexual violence, domestic and sexual slavery, and humiliating and degrading treatment in the landmark case of Sepur Zarco, on the basis of national legislation and international humanitarian law. Another ongoing case, referred to as the Maya Achí sexual violence case, includes similar charges of crimes against humanity based on acts of sexual slavery. In parallel, the Court of Bosnia and Herzegovina, using the 2003 Criminal code, which incorporates Rome Statute crimes into national legislation, has issued convictions for sexual slavery, namely in the Kujundžić and the Janković cases, in 2009 and 2007, respectively. This study is based on a review of the key judicial decisions issued by the above-mentioned international and national jurisdictions and assesses to what extent they have led to a better understanding of what sexual slavery entails, to what extent they have contributed to effective accountability for this crime, and where gaps and challenges still remain. It also highlights the ways in which the cross-fertilization of international and national jurisdictions has been successful, and provides recommendations for future accountability efforts for ongoing sexual slavery crimes.

**PALAVRAS-CHAVE:** SEXUAL SLAVERY, CONFLICT-RELATED SEXUAL VIOLENCE, GUATEMALA, BOSNIA AND HERZEGOVINA, INTERNATIONAL CRIMINAL COURT