

## CICR

### Hopeless case or cause for hope ? : Lubanga, Katanga, and gender justice in the ICC / Josh Pallas

Document type:	Article
Title:	Hopeless case or cause for hope ? : Lubanga, Katanga, and gender justice in the ICC
Host item entries:	Seoul national university journal of international studies,
Author zone:	Josh Pallas
General Note:	Bibliographie : p. 49-53. - Photocopies
Language(s):	eng
Abstract:	<p>This paper evaluates the status of the Rome Statute and International Criminal Court for prosecuting sexual violence, particularly rape. It argues that there is a disjuncture between the very progressive Rome Statute and the outcomes of the first two successful prosecutions of the Court which failed at providing gender justice. In Prosecutor v Lubanga, the prosecutor failed to charge crimes of sexual violence, yet proceeded to call evidence to this effect through trial. He was strongly rebuked by the judges for doing so. In Prosecutor v Katanga, the Prosecutor laid charges of rape inter alia. Katanga was acquitted of these charges because the Prosecutor failed to call evidence which could prove an effective chain of command. The paper draws on Julia Quilter's analysis and explanation of a similar dissonance between law and practice in New South Wales, with particular reference to the concepts of the rape schema and iterability, habitus and field. Gender justice is failing at the ICC because of an internalized rape schema within the prosecutorial practice which inter alia perpetuates the myth that crimes of sexual violence are of a lesser importance than others. Notwithstanding the poor current outcomes for gender justice in the ICC, there are strong indications that this is changing and that the practice will soon reflect the progressiveness of the Rome Statute.</p>
Keyword in French:	COUR PENALE INTERNATIONALE DROIT INTERNATIONAL PENAL FEMME VIOLENCE SEXUELLE REPUBLIQUE DEMOCRATIQUE DU CONGO CRIME DE GUERRE JURISPRUDENCE
Keyword in English:	INTERNATIONAL CRIMINAL COURT INTERNATIONAL CRIMINAL LAW WOMAN SEXUAL VIOLENCE DEMOCRATIC REPUBLIC OF THE CONGO WAR CRIME CASE LAW
Authors:	Pallas, Josh

Call number	Disposability / Due date
362.9/334 (Br.)	Available