



SEXUAL VIOLENCE IN THE RECENT CONFLICTS IN LIBYA & SYRIA

CHALLENGES TO PROTECTING VICTIMS & PURSUING ACCOUNTABILITY

February 8, 2013

8:30am - 6:00pm

Bennett Lecture Hall

78 Queen's Park Crescent, Basement
University of Toronto Faculty of Law

Featuring human rights defenders,
leading academics, international
lawyers, and policy makers from
the region and around the world

FEBRUARY 8 – PUBLIC CONFERENCE

- 8:00-8:30 a.m. Registration
- 8:30-8:45 a.m. Welcome and Introduction of Keynote Speaker: Renu Mandhane
- 8:45-9:30 a.m. Keynote: Alaa Murabit, **Towards a Long-term Solution to end Sexual Violence in Libya: Economic and Political Empowerment of Women**
- 9:30-10:30 a.m. **Sexual Violence in Conflict: Current Debates**
(Moderator: Audrey Macklin)
- Allison Cole, "The pursuit of justice: through what means and mechanisms?"
- Valerie Oosterveld, "Sexual violence against men: challenges to the prevailing paradigm"
- 10:30-10:45 a.m. Break
- 10:45-11:45 p.m. **Challenges to Documenting Sexual Violence in Libya and Syria**
(Moderator: Samer Muscati)
- Liesl Gerntholtz, "Documenting sexual violence in conflict: challenges and opportunities"
- Lauren Wolfe, "Success and challenges to use of innovative tools to document sexual violence in Syria"
- 11:45-12:45 p.m. Lunch
- 12:45-1:45 p.m. **Supporting Survivors**
(Moderator: Jennifer Nedelsky)
- Henia Dakkak, "Challenges to supporting survivors in refugee camps"
- Laila Bhugaighis, "Violence against women, why has it not changed throughout history? A Libyan perspective"

1:45-3:45 p.m.

Pursuing Accountability in Criminal Law

(Moderator: Andrea Russell)

Jamie Rowen, “Using systematic social survey interview methodology to frame international criminal cases”

Antoinette Issa, “The International Criminal Court’s jurisprudence and its application to sexual violence in Libya”

Robert Petit, “The role of Canadian courts in prosecuting crimes in Libya and Syria”

Hilmi Zawati, “Gendering the Arab Spring: The Challenge of Prosecuting Gender-Based Crimes under Libyan Transitional Justice”

3:45-4:00 p.m.

Break

4:00-5:00 p.m.

The Role of the International Community

(Moderator: Ron Levi)

Patricia M. Haslach, “What is the United States’ role in terms of sexual violence in Libya and Syria?”

Bob Dechert, “A Government Perspective on Gender-Based Violence in Libya and Syria”

5:00-6:30 p.m.

Reception

(Introduced by: Sean Carter, Human Rights Watch Network, co-chair)

Liesl Gernholtz, “The Unfinished Revolution: Voices from the Global Fight for Women’s Rights”

Rowell Room, Flavelle House, Faculty of Law, 78 Queen’s Park

FEBRUARY 9 – INVITATION-ONLY MEETING

Campbell Conference Facility, Munk School for Global Affairs, 1 Devonshire Place, Toronto

9:00-9:30 a.m.

Breakfast and Introductions

9:30-12:30 p.m.

Discussion of Key Recommendations

(Moderator: Liesl Gernholtz)

12:30-1:00 p.m.

Lunch and Networking

CONFIRMED PRESENTERS

Laila Bugaighis, M.D (obstetrics and gynecology), medical director, Benghazi Medical Centre
Dr. Laila Taher Bugaighis is a Libyan healthcare executive, and a political and human rights activist. Dr. Bugaighis studied medicine in the Benghazi University and thereafter continued her higher education in the UK. In March 2011 once the opportunity arose in Libya to work publicly on human rights' issues, which have never existed before in the country, she founded the National Protection Against Violence Committee, which is to become an official committee later under the Ministry of Health. The committee aimed to raise awareness and establish a comprehensive program to prevent and protect survivors of gender based violence. Dr. Bugaighis together with a team of local and international professionals, put a strategic plan, conducted workshops, and chaired meetings with actors from the UNHCR, UNFPA, and other international organizations interested in the matter.

Alison Cole, B.A. (Cambridge), LL.M. (Harvard); Legal Officer, International Justice, Open Society Justice Initiative

Alison Cole is the Open Society Justice Initiative legal officer for international justice, based in New York. Cole has worked with a range of international courts, first in prosecutions at the International Criminal Tribunal for Rwanda, and most recently as legal officer with the Co-Investigating Judges at the ECCC/Khmer Rouge tribunal in Phnom Penh. She has also worked with investigations at the International Criminal Court (ICC), and at the joint Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) and the Former Yugoslavia (ICTY). Cole has also worked on human rights projects in Uganda, Zambia, India, and Israel, and worked on death row projects in Jamaica. She holds a first class BA honors degree in law from Cambridge University and participated in the European Erasmus exchange at Utrecht University. She obtained her Master of Law degree (LLM) from Harvard Law School and is a registered New York attorney. Alison has worked with Syrian NGO leaders on issues of sexual violence in Syria.

Henia Dakkak, M.D., senior technical advisor, humanitarian response branch, United Nations Population Fund

Dr. Henia Dakkak is a medical doctor, a public health specialist and a past Fulbright post doctorate research scholar. She has comprehensive knowledge and experience of Emergency Obstetrics, HIV/AIDS, Reproductive Health including Sexual and Gender Based violence, Maternal and Child Health care and mental health and psychosocial programs. In her current position, Dr. Dakkak provides technical support and advice to UNFPA country offices dealing with emergency situations in regard to reproductive health, gender, mental health and psychosocial support and data issues during emergency and post crises situations. Before joining the UN in June 2004, Dr. Dakkak was the Director of Relief and Development programs with International Medical Corps (IMC). Dr. Dakkak has related experience in both Libya and Syria.

Bob Dechert, B.A. (McMaster), LL.B. (Toronto); Member of Parliament, Parliamentary Secretary to the Minister of Foreign Affairs

Bob Dechert was first elected to Canada's House of Commons in 2008 and re-elected in 2011. From March 2010, he served as Parliamentary Secretary to the Minister of Justice and Attorney General of Canada. In May 2011, Mr. Dechert was appointed as Parliamentary Secretary to the Minister of Foreign Affairs. In that capacity, he recently visited Syrian refugee camps in Turkey. Mr. Dechert is a former senior partner with one of Canada's largest law firms, Gowling Lafleur Henderson LLP, a former president of the Empire Club of Canada, and a former national president of the British Canadian Chamber of Trade and Commerce. He is also qualified as a solicitor in England & Wales.

Liesl Gerntholtz, *director, women's rights division, Human Rights Watch*

Liesl Gerntholtz is an expert on women's rights in Africa. She has worked and written extensively on violence against women and HIV/AIDS in Southern Africa. Her work at Human Rights Watch has included documenting access to safe and legal abortion in Ireland, sexual and gender-based violence in Haiti in the aftermath of the earthquake and sexual violence in conflict in Libya and Syria. Before joining Human Rights Watch, Liesl worked for some of the key constitutional institutions promoting human rights and democracy in a post-apartheid South Africa, including the South African Human Rights Commission and the Commission on Gender Equality. A lawyer by training, she was involved in high-profile, strategic human rights litigation to promote women and children's rights, including a case that changed the definition of rape in South Africa.

Patricia Haslach, *BA (Gonzaga University), M.A. (Columbia); Principle Deputy Assistant Secretary, Bureau of Conflict and Stabilization Operations, United States Department of State*

Ambassador Patricia M. Haslach currently serves as Principal Deputy Assistant Secretary in the Department of State's newest bureau, the Bureau of Conflict and Stabilization Operations. Prior to this, Ambassador Haslach was the State Department's Coordinator for Iraq Transition in the Office of the Deputy Secretary for Management and Resources. Ambassador Haslach brings with her a long career dealing with development issues in countries under going transition. Ambassador Haslach has received numerous awards during her career, including a Superior Honor Award for Afghanistan reconstruction in 2004, The Director General's Award for Impact and Originality in Reporting in 2002, The Herbert Salzman Award for Excellence in International Economic Performance in 2002, and the Sinclair Language Award for distinguished study of a hard language and its associated culture in 1998. Haslach has responsibility for promoting women's roles in conflict prevention under the Department of State's National Action Plan for Women. She recently attending the Wilton Park conference on Preventing Sexual Violence in Conflict and Post-Conflict Situations with Ambassador-at-Large for Global Criminal Justice Stephen Rapp and has been engaging with the UK's Stabilization Unit on their plans to make preventing SBGV the center piece issue for this year's G-8.

Antoinette Issa, *LL.B./BCL (McGill), LL.M. (Osgoode)*

Issa is trial counsel in the Hariri trial at the Special Tribunal for Lebanon. Until December 2012, was a prosecutor at the International Criminal Court and Lead Counsel assigned to the Libya case. She was formally senior counsel with the Public Prosecution Service of Canada for 15 years, as well as a trial attorney and appeals counsel at the International Criminal Tribunal for Yugoslavia notably assigned to the Srebrenica genocide case. Issa will present on the ICC's jurisprudence, and on how it may address sexual violence in Libya.

Ron Levi, *LL.B. (McGill), LL.M. (Toronto), S.J.D. (Toronto); George Ignatieff Chair of Peace and Conflict Studies and Associate Professor, Munk School of Global Affairs, University of Toronto*

Ron Levi holds the George Ignatieff Chair of Peace and Conflict Studies at the University of Toronto. Levi's research focuses on global justice institutions, human rights regimes, the sociology of state power, and law and internationalization. His current research includes work on the fields of international criminal law, human rights institutions, and international development, with an emphasis on legal and institutional responses to human rights violations and mass atrocities. Levi is trained in Law at McGill University and the University of Toronto, and pursued graduate study in Sociology at Northwestern University. Levi has been a Fellow and Scholar of the Canadian Institute for Advanced Research from 2005-2012, has recently completed his mandate as Priority Leader for Justice, Policing, and Security with Metropolis Canada, and is currently a collaborator for the Canadian Network for Research on Terrorism, Security and Society (TSAS).

Audrey Macklin, Professor, University of Toronto Faculty of Law

Audrey Macklin holds law degrees from Yale and Toronto, and a bachelor of science degree from Alberta. After graduating from Toronto, she served as law clerk to Mme Justice Bertha Wilson at the Supreme Court of Canada. She was appointed to the faculty of Dalhousie Law School in 1991, promoted to Associate Professor 1998, moved to the University of Toronto in 2000, and became a full professor in 2009. While teaching at Dalhousie, she also served as a member of the Immigration and Refugee Board. Professor Macklin's teaching areas include criminal law, administrative law, and immigration and refugee law. Her research and writing interests include transnational migration, citizenship, forced migration, feminist and cultural analysis, and human rights. She has published on these subjects in journals such as *Refuge and Canadian Woman Studies*, and in collections of essays such as *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill and Engendering Forced Migration*.

Renu Mandhane, B.A. (Queen's), J.D. (Toronto), LL.M. (NYU); director, International Human Rights Program, University of Toronto Faculty of Law

Mandhane is the Director of the International Human Rights Program, including its award-winning legal clinic, at the University of Toronto, Faculty of Law. Renu graduated from the Faculty with a J.D., articulated at Torys LLP in Toronto, and completed her LL.M. at New York University with a focus on international human rights law. In addition to publishing in the area, Renu is the co-chair of the Advocacy Committee of Human Rights Watch Canada, and has worked at a number of domestic and international organizations focused on advancing women's human rights, including the Centre for Reproductive Rights in New York. Renu is a recognized expert on international human rights law and has trained Canadian and foreign judges through the National Judicial Institute of Canada, as well as medical residents. Prior to joining the Faculty, Renu practiced criminal law from an equality rights perspective for approximately four years and routinely represented survivors of domestic and sexual violence, as well as federally-sentenced prisoners.

Alaa Murabit, M.D. (expected); co-founder, Voice of Libyan Women

Murabit is one of the founders of Libya's women's rights movement. She has an extensive understanding of the barriers facing survivors of sexual violence. Her organization, The Voice of Libyan Women, works to increase women's political participation, economic empowerment, and eliminate violence against women. She has visited remote areas of Libya to understand women's demands and is currently drafting a "women's charter." Earlier this year, Murabit travelled to Washington to speak with policymakers about the inclusion of women in the Libyan transition to democracy. While there, she called on the international community to pay attention to sexual violence. Murabit found that media attention on cases of rapeduring the time of active conflict opened a space for violence against women to be discussed, but that space is closing, and social stigma is still strong. There are no reporting mechanisms, or services for victims. As a long term strategy, Murabit advocates investing in women's economic empowerment.

Samer Muscati, B.A. (Carleton), J.D. (Toronto), LL.M. (LSE); emergencies researcher, women's rights division, Human Rights Watch

As an emergencies researcher for the women's rights division of Human Rights Watch (HRW), Muscati has had the rare experience of recently conducting field research to document sexual violence in the unfolding conflict in Syria. A lawyer, documentary photographer, and former journalist, Muscati has worked in Rwanda, Iraq, and East Timor. He specializes in the fields of human rights and development in post-conflict countries. Previously, as a researcher for the Middle East and North Africa division, Muscati monitored, investigated, and documented human rights developments in the region with a specific focus on Iraq and the United Arab Emirates. Before joining Human Rights Watch in 2009, he worked in Baghdad as an adviser supporting the Iraqi government. Muscati also photographed and

edited testimonials from survivors of sexual violence for a book commemorating the 15th anniversary of the Rwandan genocide.

Jennifer Nedelsky, *B.A. (Rochester), M.A. (Chicago), Ph.D. (Chicago), Professor, University of Toronto Faculty of Law*

Prior to joining the Faculty of Law, Professor Nedelsky was a Killam post-doctoral fellow at Dalhousie University. She was appointed Assistant Professor of Politics at Princeton University in 1979 where she taught until 1985 when she was appointed Visiting Assistant Professor of Law and Political Science at the University of Toronto. She was appointed Assistant Professor of Law and Political Science in 1986 and promoted to full Professor in 1995. In 1991 and 1994, she was Visiting Professor at the University of Chicago. Professor Nedelsky's teaching and scholarship have been concentrated on Feminist Theory, Theories of Judgment, American Constitutional History and Interpretation, and Comparative Constitutionalism. In addition to her book, *Private Property and the Limits of American Constitutionalism*, she has published numerous articles in these areas. She is co-editor with Ronald Beiner of *Judgment, Imagination and Politics: Themes From Kant and Arendt* (Rowman and Littlefield, 2001), and is at work on a book *Human Rights and Judgment: A Relational Approach* to be published by Oxford University Press. She has been a member of the Board of Directors of the American Society for Legal History and active in the American Political Science Association, the Law and Society Association, and the Canadian Society for Women in Philosophy. In 2000 she was awarded the Bora Laskin National Fellowship in Human Rights Research.

Valerie Oosterveld, *B.Soc.Sc (Ottawa), LLB (Toronto), LLM and J.S.D. (Columbia); Associate Professor, University of Western Ontario, Faculty of Law*

Before joining Western Law in July 2005, Oosterveld served in the Legal Affairs Bureau of Canada's Department of Foreign Affairs and International Trade. In this role, she provided legal advice on international criminal accountability for genocide, crimes against humanity and war crimes, especially with respect to the International Criminal Court, the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Sierra Leone Special Court, and other transitional justice mechanisms such as truth and reconciliation commissions. She was a member of the Canadian delegation to the International Criminal Court negotiations and subsequent Assembly of States Parties. From May 31-June 11, 2010, she served on the Canadian delegation to the Review Conference of the Rome Statute of the International Criminal Court in Kampala, Uganda. She teaches International Criminal Law, International Human Rights Law, International Organizations and Public International Law. Her research and writing focus on gender issues within international criminal justice.

Robert Petit, *LL.B., prosecutor, War Crimes Unit, Department of Justice (Canada)*

Petit has extensive experience in international criminal law and is currently counsel with the War Crimes Prosecutions Unit of the Department of Justice (Canada). Petit was called to the Bar in 1988. From 1996 to 1999, he embarked on an international career starting as a Legal Officer in the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. Between 1999-2004, he was a Legal Advisor for the U.N. Interim Administration Mission in Kosovo, a Prosecutor for the Serious Crimes Unit of the U.N. Missions of Support to East Timor, and a Senior Trial Attorney with the Office of the Prosecutor of the Special Court for Sierra Leone. In 2006, he was named by the U.N. as International Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia, a position he held until September 2009 when he returned to Canada and his current position. He is the 2009 recipient of the Frederick K Cox International Humanitarian Award for Advancing Global Justice.

Jamie Rowen, *Ph.D. (Berkeley), J.D./M.A. (Berkeley); fellow, American Bar Foundation*

Jamie Rowen is a doctoral fellow with the American Bar Foundation in Chicago, Illinois. In 2012, Jamie completed her PhD in the Jurisprudence and Social Policy Program at Berkeley Law School, where she completed a JD and MA in 2009. Her doctoral research included a comparative ethnographic analysis of mobilization around truth commissions in Bosnia and Herzegovina, Colombia, and the United States, alongside a survey and qualitative analysis of actors who mobilize transnationally around the concept of transitional justice. She has studied religion and post-conflict justice in Vietnam, developed life skills educational programs for orphans and vulnerable children in South Africa, analyzed mobilization around the truth commission in Morocco, and examined human rights protections in Latin America with the Inter-American Institute for Human Rights in Costa Rica. Jamie speaks Spanish and French fluently, conversational Bosnian/Serbian/Croatian, beginning Vietnamese, Hebrew and Arabic.

Andrea Russell, *M.Phil. (Cambridge), J.D. (Toronto); executive director, office of the dean, University of Toronto Faculty of Law*

Russell teaches International Criminal Law at the University of Toronto Faculty of Law, where she also serves as Executive Director of the Office of the Dean. Ms. Russell received a Master's degree in International Relations from Cambridge University, which she attended as a Commonwealth Scholar; her dissertation focused on the conceptualization of sexual violence in the initial indictments of the ICTY and ICTR. Following graduation from the UofT Faculty of Law, Ms. Russell practiced litigation with White & Case LLP in New York, where she represented or acted in lawsuits involving numerous foreign governments. Before returning to Canada, Ms. Russell acted as a Supervising Attorney at the Claims Resolution Tribunal, the legal tribunal established in Zurich, Switzerland by a New York federal court to resolve issues arising from the class-action lawsuit against Swiss banks and other Swiss entities for their actions towards Holocaust victims. In that capacity, she drafted decisions of the New York court on behalf of the Tribunal and acted as initial decision-maker on cases. Ms. Russell has served as a member of the Board of Directors of Canadian Lawyers for International Human Rights (CLAIHR); as a volunteer researcher on transitional justice issues for the International Center for Transitional Justice; as an intern with the UN Office of the High Commissioner for Human Rights; and as a Lawyers without Borders volunteer in Namibia. She has also taught and consulted for lawyers in post-conflict Nepal regarding the importance of joining the International Criminal Court.

Lauren Wolfe, *M.A. (Columbia), director, Women under Siege*

Lauren Wolfe is an award-winning journalist who has written for publications from *The Atlantic* to *The International Herald Tribune*. She is currently the director of Women Under Siege, a project on sexualized violence in conflict spearheaded by Gloria Steinem at the Women's Media Center in New York. The project includes WomenUnderSiegeSyria.crowdmap.com, a live, crowd-sourced map of sexualized violence in Syria. She serves on the advisory committee of the Nobel Women's Initiative International Campaign to Stop Rape & Gender Violence in Conflict. Previously, she was the senior editor of the Committee to Protect Journalists, where she focused on journalists and sexual violence. Wolfe spent three years at *The New York Times* reporting on September 11th. She studied at Wesleyan University and Columbia University's Graduate School of Journalism and is the recipient of four awards from the Society of Professional Journalists.

Hilmi Zawati, *D.C.L. (McGill), M.A. in comparative law (McGill), Ph.D. (CPU), M.A. (Punjab), P. Grad. Dip. in law (Khartoum Univ.), LL.B. (BAU); President, International Legal Advocacy Forum (ILAF)*

Hilmi M. Zawati, D.C.L., Ph.D., is currently president of the International Legal Advocacy Forum (ILAF), and an international criminal law jurist and human rights advocate. Before joining ILAF in 2006, Zawati taught numerous subjects at both Kuwait University and Bishop's University. He has also been a

prominent speaker and author on a number of hotly debated legal issues. During the past decade, he co-chaired and participated in several international conferences and addressed major academic and professional gatherings in a number of Middle Eastern countries, Africa, Europe, and at home in Canada. He has an accomplished body of trans-disciplinary scholarship. Zawati's present primary research and teaching areas are: public international law; international criminal law; international humanitarian and human rights law; international gender justice system; international environmental law of armed conflict; and Islamic law of nations (siyar). Zawati has been a committed human rights activist over the last three decades and has actively advocated human rights of wartime rape victims throughout the world ever since the first reports of war crimes during the Yugoslav dissolution war of 1992-1995. He is the author of several prize-winning books on international humanitarian and human rights law, including his most recent book *The Triumph of Ethnic Hatred and the Failure of International Political Will: Gendered Violence and Genocide in the Former Yugoslavia and Rwanda* (The Edwin Mellen Press, 2010).

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