

## **The RINJ Foundation - Providing Services In Specific Areas of Substantive UN Concern**

1. **Child Rights, Children and Youth** - Medical Health Care, Mental Health Care, Education and training.
2. **Economic, Humanitarian and Disaster Relief Assistance** - Medical and Mental Health Care
3. **Education** - Extensive training in lifestyle practices to minimize risk of sexual violence and gender-based violence, manage fear and teaching what to do in the vent of trauma.
4. **Girl Child** - Education, health care, training.
5. **Health, Food and Nutrition** - Training, education and lifestyle management, behaviour modification and cognitive therapy.
6. **Status of Women, Women's Rights, Human Rights** - Prosecuting Sexual Violence criminals in war zones and assisting the prosecution of sex offenders in peace time. Teaching equal rights and fighting misogyny.
7. **International Law and International Systems** - Prosecuting Sexual Violence criminals in war zones & assisting the prosecution of sex offenders in peace time. Teaching equal rights and fighting misogyny with information and education.
8. **Mental Health** - Providing ongoing mental health treatment for all patients especially persons displaced from their homes by any event and those impacted by gender-based violence.
9. **Environmental Refugees, Economic Refugees, War Refugees, Refugees and Displaced Persons** -- Medical/Health Care, Education and training. Providing ongoing mental health treatment for all patients especially persons displaced from their homes by any event and those impacted by gender-based violence.
10. **Safety** - Teaching the world that rape is no joke. Providing awareness, training and assistance to all persons and groups willing to join the opposition to rape and sexual assault.

*From time immemorial, rape has been regarded as spoils of war. Now it will be considered a war crime. We want to send out a strong message that rape is no longer a trophy of war but a serious war crime. ~  
The RINJ Foundation*

## **RSAC (RINJ Sexual Assault Clinics) Offer Complete Medical and Mental Health Care to Women and Children**

*The RINJ Foundation has adopted a mission while supporting and caring for survivors, to also gather and compile detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence.*

**RSAC staff make it clear anywhere in the world that patients seen attending at our door are health-care patients**, not rape survivors. We treat anyone for anything in absolute privacy. If it is something we cannot handle we escalate to MSF, to another clinic, to a hospital or to whatever is necessary for the patient's care.

**In order to treat sexual assault patients in many communities where underreporting of rape and sexual assault is extreme** owing to a variety of cultural or religious restrictions, RSAC practitioners build relationships within the community and eventually patients find the courage to bring to their nurse or doctor the story of their traumatizing experiences of sexual violence and begin treatment. We will endeavour to perform forensic rape kits and get them tested for the benefit of law enforcement and in the case of War Zones we will bring the evidence in all its forms to the International Criminal Court under the Rome Statutes.

1. RSAC's are Nurse-led sexual assault medical clinics treating rape survivors in combat zones and refugee camps. We treat all patients but promote ourselves to women and children patients. In refugee camps RSACs provide full general medical health care.
2. RSACs ordinarily offer full obstetrics care; STD treatment and prevention; sexual assault patient care including ongoing mental health counseling.
3. The RSACs offer free medical care to women and children. Community related services such as general medicine, general health care, victim advocacy, crisis hotlines, community outreach, & education programs are provided based on each RSAC's resources at the discretion of the local RSAC nurse-led team.
  - Trauma care;
  - Physical injuries treatment and minor surgery;
  - Sexually transmitted disease detection treatment and prevention;
  - Sexual assault forensic testing;
  - Pregnancy issues, from abortion to delivering your baby;
  - Legal course of action counseling;
  - Criminal prosecution assistance;
  - Mental health care; and
  - all needed follow-up care.



## Immediate plans

Africa is a priority over Iraq for large, permanent <https://rinj.org/RSAC> units. We are still evaluating the make or buy decision and have some good options in Canada. We have a supplier in Kansas with considerable experience and know-how. Turn-around time is very quick as we know exactly what we need.

The type of units we build for Africa will also be sent to Kurdistan (Rojava) once the small mobile 20ft units have established patient loads. The problem with Kurdistan is that it currently is so fluid and unstable. It's potentially explosive. We are talking to the Canadians with the CAF advisory team near Erbil. They say the same thing.

Dohuk, yes, if it stays in the hands of the Kurds otherwise further southeast and to the northwest. I hope to be sending one or two mobile 20ft. RSAC units to travel between camps on a 5-day rotation in the last quarter of this year. I want to continue downsizing in Mosul and get some staff out. That is sensitive. I don't want to send only fresh people in but we have some new recruits from the University at Kirkuk and the one at Erbil so it may all balance out perfectly, as usual.

I hope we can cover three nearby camps (or two ends of a large camp and a third camp) for 4 months and make a decision based on the data that we accumulate doing scheduled repeat-outpatient-visit services ranging from obstetrics, to STD treatment, to mental health etc.

International research provides clear evidence of the correlation of reliable access to effective practices with better population health outcomes. While it is not always possible for a patient to see her own nurse or her other medical team members, efforts are made to ensure that continuity of care remain central to access planning and quality which is why I favour a small leave-behind presence (Two-Staff, Land Rover and Tent) when the Mobile RSAC moves onward in rotation.

Establishing wait time targets in basic RSAC care is exceedingly difficult. Therefore, in lieu of setting access targets, we focus on enhancing access, specifically through same-day scheduling for things like pharmacological dispensing, blood tests, inoculations etceteras all done the same day as the face-to-face.

Demographics of the population such as age, gender, language spoken, culture, socioeconomic status, and medical complexity determine the number of patient visits within a time line. We tend to favour the Murray and Tantau model which leaves 65 per cent of the day's bookings open for walk-ins or deferrals and 35 per cent booked. It works like this: The 35 per cent are for patients who 'couldn't make it in on Friday and chose Saturday instead' or 'patients whom the intake deliberately scheduled today for follow-up'. Direct visits, after-hour appointments, and Smartphone communication or other digital follow up can take up shortfalls. The goal is to see all patients scheduled and unscheduled, avoiding as much as possible, long wait times. That's the basic model.

We have a performance model for this work and need to see a certain number of patients per month to justify the location. Most return pt visits are weekly. So you see a 20ft Mobile RSAC unit supported by a two-staff, a land-rover and a tent to do follow ups when the Mobile RSAC unit moves to the next camp could well be the precursor to dropping a 40ft RSAC unit if the patient load calls for that. (The 40ft units have triple the staff and can handle four times the number of pts as a 20ft RSAC Unit.)

Every five days we make a move--the 20ft Units are good for this. The follow ups are pt progress and treatment monitoring. Procedures are only done in the Mobile Units. We really do want to stick to our mission and don't want to get into a bog where we are locked down doing general practice work only. We in this manner focus on finding and regularly seeing as many sexual violence pts as we can. We prevent suicides, quash the spread of dangerous STDs, and collect sexual-violence testimonial and forensic evidence related to law enforcement; and everyone is better served by that focus.

We will always stay quite mobile in Iraq with the small unit and make assessments as we go. Where we have a patient load building past our limits we will drop a 40ft Mobile Clinic and move the 20ft to open up new territory and patients.

We may end up in Turkey which is where the majority of Syrian refugees are headed. We will need to make some adjustments as time passes and we learn more about the movement of displaced persons. We'll try to follow the patients. That will take us to camps and urban ghettos.



## Defining Rape and Sexual Assault

### 1. Rape

- **RAPE:** The RINJ Foundation has, after two years of global rape research, adopted the World Health Organization (WHO) definition of "rape" (which in somewhat different terms is also the United States' federal meaning of rape) as

*the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.*

### 2. Sexual Assault

- **Sexual Assault:** The RINJ Foundation defines sexual assault as any forced, unwanted, non consensual sexual contact or activity. Sexual assault is a serious crime against the person.

- **Note about FGM:** [Female Genital Mutilation \(FGM\)](#) is a violent sexual assault of a high order of criminality at many levels. FGM is usually committed against female babies, children, or women, without consent. The claimed purpose of the crime of FGM is protection of personal property inasmuch as the female is considered to be a chattel or 'property' and the alleged "protection" of FGM is the curbing of female promiscuity since the vicious attack on the genitals damages many nerve endings thus destroying sexual pleasure and blunting libido. This is a crime equal to or greater than rape in its violence and consequences. It is a sinister conduct practiced all over the world in concealed places. The perpetrators of FGM are often performing the FGM violence on many victims and therefore the sentencing for FGM criminals should reflect the impact of the crime. Some countries have legislated FGM as a crime and others have not and in those cases it must be treated as a serious sexual assault crime.

### 3. Was I Raped?

- **Around the world there is a great variance in the statutes** and in common law in defining rape. Most laws require some form of penetration without consent before a charge is laid. That is the fundamental act of rape but the primary ingredient of the crime is lack of consent. Wherever you are, contact us if you need help. +1647-739-9279. We have many doctors, lawyers and other professional volunteers some of whom may be near you.
- **Even if you did not resist the sexual attack**, or were intoxicated, or if you know the person who raped or sexually assaulted you, any forced, unwanted, non consensual sexual contact or activity is a sex crime (of at least sexual assault) and any form of penetration no matter how slight makes it a crime of rape. [What to do if I have been raped.](#)
- **If someone has threatened, coerced, forced, intimidated, compelled you** in any way to have intercourse (penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person), even if you were forced to say "yes", you were raped. [What to do.](#)
- **If you were asleep, intoxicated, incapacitated by other means**, if there was penetration no matter how slight of your vagina or anus with any of the rapists body parts or any object, or oral

penetration by a sex organ, it is a rape crime, regardless of your incapacitation. [What to do if I have been raped.](#)

- **Unwanted sexual contact is a major assault crime, even if not rape (penetration).** An act that impugns the safety of the person in any manner whatsoever, anywhere, is an assault, but based on the victim-impact-consequences a sexual assault can never be considered a summary/misdemeanor/minor crime. The safety of the person from this form of crime is an inalienable human right.

#### 4. When Combatants Rape in War Zones it is a [War Crime](#)

**Because of the inherent coerciveness of armed conflict,** The RINJ Foundation adduces that in any instance a combatant in a [war zone](#) has sexual contact with a civilian, [rape](#) and therefore a [War Crime](#) has been committed.

#### Case Report of Rape in A War Zone Please Complete [This Form](#)

With volunteer investigators in the field and with online data collection our goal is to gather evidence and build a war-crime case to arrest and imprison war criminals who have committed the [war crime of rape](#) in a war zone. If you have pictures of the location of the crime or the perpetrator(s) or any pictures or documents that would help the case please [upload them here](#). You can come back [to this form](#) and complete it. In the message area of the [form](#), please provide as much information as possible including languages you speak. A representative of the RINJ Foundation will contact you to get more details. If you have questions the following links may provide you with answers. Feel free to phone [Tel:+16477399279](#)

#### 5. Who can be raped?

- **Think about the need to assure every person equally** (no matter their gender, sexual preference, race, colour or creed) the basic inalienable human right of personal safety. Rape is one of the most horrible violations of personal safety. It's an extremely egregious crime that impacts everyone.
- **In the experience of The RINJ Foundation's [volunteers and advisors](#),** rape crime is prolific and has no gender nor age boundaries. While the majority of cases of reported rape/sexual assault



occur to females between the ages of 13 and 25, regardless of race, class, religion, occupation or physical appearance, a significant number of men are sexually assaulted or raped every year. A significant number of women are sexually assaulted or raped every single minute. A significant number of children (boys and girls) are raped every minute somewhere in the world.

- **Any person is a potential victim of this crime.** There is a large number of boys and men raped by both men and women. Rape is everyone's problem.

## 6. Rape Crime Predominantly Victimized Women and Children

- **The RINJ Foundation asserts that violence toward women is a growing problem. Some females fall prey to violence before they are born,** when expectant parents abort their unborn daughters, hoping for sons instead. In other societies, girls are subjected to such traditional practices as complex female genital mutilation (FGM) or simple FGM-circumcision, which leave them maimed and traumatized. In other instances, they are compelled to marry as children, before they are physically, mentally or emotionally mature.
- **Women are victims of incest, rape and domestic violence** that often lead to trauma, physical handicap or death.
- **And rape is still being used as a weapon of war,** a strategy used to subjugate and terrify entire communities. Soldiers deliberately impregnate women of different ethnic groups and abandon them when it is too late to get an abortion.

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In 2012, the USA's FBI changed their definition of rape to "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

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## 7. What are common consequences of rape for survivors?

Following a sexual assault, due to the severe psychological loss, feelings of wholeness, strength, trust and self control are lost.



The physical impact of sexual assault involves a higher chance of having a sexually transmitted disease (STD), unwanted pregnancy, chronic pelvic pain, gastrointestinal tract disorders, gynecological and pregnancy complications, migraine headaches, back and facial pains.

The psychological impact includes shock, denial, fear, confusion, anxiety, withdrawal, guilt, distrust of others, emotional detachment, depression, post-traumatic stress disorder, and eating/feeding disorders including unhealthy eating habits.

The social impact can include strained relationships, less emotional support, less frequent contact with friends and family, and a lower likelihood of marriage. In some countries, complete ostracization and death can be the social impact.

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### **8a. Consent**

**In the absence of clear, positive agreement for sexual contact there is no consent. Lack of consent is the crucial component of sex crime.** Sexual conduct becomes criminal when sexual touch is not consented to, either because the offender forces another person to be sexual against his or her will, or because the other person is considered incapable of consent or to have a diminished mental capacity to give consent.

### **8b. Those who are deemed incapable of consent include:**

1. minor children under the jurisdiction's age of consent, regardless of their mental abilities to understand the nature of the act and their ability to refuse;
2. a developmentally disabled person;
3. someone who is mentally ill; and

4. a person who is incapacitated, drugged, drunk, or unconscious or otherwise physically helpless.

### **8c. Minors Can't Consent Thus Sex with a Minor by an Adult is Rape**

The possible exception would be sex with a minor above a certain age (usually 14 plus) is criminalized only if the offender is older than the victim by a certain number of years (i.e.: teenage boy friend/girl friend of close age but not more than four years.)

### **8d. Diminished Consent Sex by a Person in Authority or a Mental Health Care Provider is a crime**

Many nations criminalize diminished-consent sex between a person in authority, such as a teacher, police officer or prison guard, and someone over whom that person has authority, like a student, a person in police custody, or a prisoner. The rationale for criminalizing this conduct is that the capacity to consent is diminished by the authority that the teacher or other authority figure has over the student or other person.

Sex is sometimes criminalized between a psychotherapist or other mental health care provider and a client or patient, on the grounds that the nature of the relationship and the client's vulnerable position makes the client or patient incapable of knowing, voluntary consent.

## **9. Legal Defence Against Rape Charges**

Defendants charged with rape have the usual defenses available to all criminal defendants, starting with 'It was someone else who did this rape.' A defendant can also claim that the sexual activity was consensual and therefore not rape. In a rape case, there can be significant questions about what constitutes consent or what constitutes refusal. This has led to the infamous question of when does 'No' mean 'No?' Does the word constitute a lack of consent as soon as it is spoken, or must the victim object more vigorously?

Another possible defense is an insanity plea, in which the defense argues that the person accused of rape is mentally ill and did not have the capacity to control his behavior, to form criminal intent to do the rape, or to understand what he was doing or that his actions were unlawful.

## 10. Gender Violence - What does that Mean?

Gender violence is a complex issue that includes a variety of aggressive acts like relationship violence in heterosexual and same sex partnerships, and also rape, sexual assault, sexual harassment, stalking, prostitution, confinement, restraint, forcible oppression, and even sex trafficking. Gender violence is nearly always seen in crimes of genocide.

"Gender-based violence" (GBV) as a phrase is most often used to convey the idea that the violence serves to maintain some type of structural gender inequality, and in reality includes all types of violence against women, children, adolescents, gay and transgender people. This type of violence in some way influences or is influenced by gender relations

Gender is also the most powerful predictor of rape, sexual assault and relationship violence. Statistically these crimes are predominantly against women and perpetrated by men. Gender violence highlights a male-patterned violence in war zones and in 'peace-time': a prevalent violence committed most often by men, often motivated by aggression, revenge, competition, and entitlement, and includes sexual and other violence against women, partners and children.

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## 11. RINJ seeks universal penalty increases for rape & attempt rape.

Preamble: Current penalties seem ineffective in preventing recidivism. (i.e.: Very few men rape but those that do rape often.)

**The RINJ Foundation urges the Court to follow these sentencing guidelines** on conviction of a rapist:

\* Make all rapists and most attempted rapists subject to long indeterminate sentences (min. 5 years for 'attempt rape');

- \* Use prison terms ranging from 10 years to 30 years to life;
- \* Use life without parole for forcible rapes of victims under 14;
- \* Use a range of 7, 10, or 15-to-25 years for rapes of adult victims, while using a 30 to life term when a sexually violent repeat predator specification is proved;
- \* For 15-year + sentences, impose a mandatory release-review by the sentencing court, available after the minimum term is served, parallel to the Parole Board's reviews. If either entity rejects release the term is extended by another year. On failing a review at that time, an application can be made each three years;
- \* For repeat violent offender penalties, increase the definite term to 20 years.

## 12. What To Do If You Have Been Raped

**We know you may not choose to call police. We support you in any case.**

If you have a sexual assault emergency call 911. Get to safety, get medical help and get police help. If you have been raped your first priority is to put yourself safely into the care of first responders before doing *\*anything\** and that includes going to the washroom -- call 911.

1. Take quick stock of your location and resources and get to a safe place. You are alive. Stay that way. Be certain you are away from your attacker.
2. You really should report the crime. It starts a daisy chain reaction of things you need. Reporting the crime can help you regain a sense of control. Meanwhile you need safety and medical help.
3. Call a friend, a family member, or someone else you trust who can be with you and give you support.
4. Preserve all physical evidence of the assault. Do not shower, bathe, douche, eat, drink, wash your hands, or brush your teeth until after you have had a medical examination. Save all of the clothing you were wearing at the time of the assault.

5. Unless you have summoned police immediately to preserve the crime scene place each item of clothing in a separate paper bag. Do not use plastic bags. Do not clean or disturb anything in the area where the assault occurred. Biological evidence such as semen, blood, vaginal secretions, saliva, and vaginal epithelial cells (typically collected with a [rape kit](#)) may be identified and genetically typed by a crime lab. That is why [rape kit](#) use and testing is so critical to the criminal justice process.
6. Get medical care as soon as possible. Go to a hospital emergency department or a specialized forensic clinic that provides treatment for sexual assault survivors. Even if you think that you do not have any physical injuries, you should still have a medical examination and discuss with a health care provider the risk of exposure to sexually transmitted infections and the possibility of pregnancy resulting from the sexual assault. Having a medical exam is also a way for you to preserve physical evidence of a sexual assault.
7. If you suspect that you may have been given a "rape drug," ask the hospital or clinic where you receive medical care to take a urine sample. Drugs, such as Rohypnol and GHB, are more likely to be detected in urine than in blood.
8. Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.
9. Get information whenever you have questions or concerns. After a sexual assault, you have a lot of choices and decisions to make e.g., about getting medical care, making a police report, and telling other people. You may have concerns about the impact of the assault and the reactions of friends and family members. You can get information by calling a rape crisis center, a hotline, or other victim assistance agencies.
10. Talk with a counselor who is trained to assist rape survivors. Counseling can help you learn how to cope with the emotional and physical impacts of the assault.

## **Rape In A War Zone Is A War Crime and A Crime Against Humanity**

1. The RINJ Foundation has adopted a mission while supporting and caring for survivors, to also gather and compile detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence.
  2. The RINJ Foundation vows to be especially vigilant and to aggressively gather evidence where a pattern of sexually violent conduct appears to prove the crime of genocide.
- A Spring 2015 U.N. report says 2014 was marked by harrowing accounts of rape, sexual slavery and forced marriage used by extremists including the Islamic State and Boko Haram.
  - The April 13th report by Secretary-General Ban Ki-moon urges the Security Council to recognize sexual violence is not only employed as a tactic of war but as a tactic of terror.
  - The report expressed "grave concern" at sexual violence perpetrated by armed groups promoting extremist ideologies in Iraq, Syria, Somalia, Nigeria, Mali, Libya and Yemen.

**A mission statement addressing impunity and identification of perpetrators of rape in armed conflicts and war.**

**The RINJ Foundation as an International Non-Government Organization** relies on six United Nations' resolutions and in particular [Res. 1820](#) in declaring its evidence-gathering mandate targeting any combatants who commit acts of [gender-based violence](#) in situations of armed conflict (war).

**Example: The 2014/15 'Islamic State' alleged Raping Yazidis & Catholic Females in an Action of Genocide**

**The RINJ Foundation's rape cases from Syria & Iraq** prove a pattern of genocide & will lead to a conviction of genocide against the Islamic State, in the International Criminal Court, a permanent international tribunal to prosecute individuals for war-time rape, genocide, crimes against humanity, and aggression.

*"Sexual violence in conflict needs to be treated as the war crime that it is; it can no longer be treated as an unfortunate collateral damage of war."* UN Special Representative on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura

**Civilians comprise the majority of persons hurt by armed conflict.**

**Women and children are particularly targeted by the use of sexual violence.** The rape of women and girls has been a brutal part of conflicts in Bosnia-Herzegovina, the Democratic Republic of Congo, Rwanda, Sudan, Iraq and Syria. In these examples rape has been used as a tactic of war by war criminals to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group. Of late, in Syria and Iraq, rape has been used as a deliberate tactic in the strategic goal of erradicating certain ethnic groups. The orders issued are from the Islamic State (ISIL) leadership to inseminate women in Syria and Iraq of the Yazidi and Christian religions to spawn so-called Islamic State jihadists. This, in the eyes of on-the-ground RINJ Foundation observers, is categorically a form of genocide and the Foundation intends to bring substantial argument and evidence to the ICC on this allegation.

[The RINJ Foundation](#) has been [collecting useful evidence](#) relating to rape [used as a tactic of war or other armed conflict](#). Read also [Genocide Emergency: Islamic State Raping Yazidis & Catholic Females](#).

**The United Nations** has since the Nuremburg trials twice convened a tribunal in the Hague, once for crimes in the former Yugoslave states and once for Rwanda. Those experiences led to the creation of the ICC.



## Birth of The International Criminal Court

**The International Criminal Court (ICC)** is a permanent international tribunal to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression. Jurisdiction for the crime of aggression will not be active until 2017.

**The RINJ Foundation's criminal charges for war-time sex crimes may lead to convictions of genocide and aggression.** An argument has been prepared to suggest that the more immediate and specific charges of [gender-based violence](#), rape and genocide could be evidence of "aggression", especially where a series of charges show trend progression and pervasiveness of the crimes. In other words trying a collection of rape cases from war zones, even while the conflict is ongoing could lead to an immediately significant charge of genocide and eventually wholesale aggression by 2017 when the ICC's "aggression-mandate" comes into play. (The Assembly of States Parties to the Rome Statute of the International Criminal Court ("the Assembly") held its thirteenth session from 8 to 17 December 2014, at the United Nations Headquarters in New York. The Assembly was attended by States Parties, observer States, invited States, international and regional organizations and representatives from civil society.)

**The RINJ Foundation has volunteers** in the field, collecting evidence and doing survivor support and case work reporting. Any person can file a report of war-time rape of their own experience or their knowledge of crime against another person by [submitting photographs \(especially identification photos of perpetrators before, at, or after the material time\) and documents here](#) on this web site. [You can file a detailed report here.](#)

**The Rome Statute which came into force on 1 July 2002, created the ICC.** The Court is headquartered in The Hague, Netherlands, but its proceedings may take place anywhere. It is intended to complement existing national judicial systems, and may only exercise its jurisdiction when national courts are unwilling or unable to investigate or prosecute such crimes.

**As of 1 September 2014**, 122 states have ratified or acceded to the Rome Statute.

**The ICC has jurisdiction** over certain international crimes, including genocide, crimes against humanity, and war crimes that are committed by nationals of states parties or within the territory of states parties.

**Syria signed the Rome Statute** on 29 November 2000.

**In February 2005 the Iraqi Transitional Government decided to ratify the Rome Statute.** However, two weeks later they reversed this decision, a move that the Coalition for the International Criminal Court claimed was due to pressure from the United States.

**The RINJ Foundation asserts** that the United States must also face allegations of war crimes in Iraq, although most of those crimes may have been dealt with internally within the U.S., which verdicts the Rome Statute abides.

### **The Way Ahead for Prosecuting War Crime of Gender-Based Violence**

**Iraq is one such state willing at some levels to conduct War Crime hearings.** Such a tribunal could be asked to include the American invasion and subsequent occupation of Iraq. The RINJ Foundation with some authorities in Iraq is examining the possibility that charges against Americans may be brought forward, as suitable evidence has recently come into the hands of the international community and shared with The RINJ Foundation. Allegations against American actors (similar to those against the CIA, U.S. Armed Forces and 'contractors' at Abu Ghraib) have in part been prosecuted vigorously by the U.S. government (some are ongoing) but outstanding allegations of apparent validity must not be excluded from prosecution, though seemingly the Obama administration is likely willing to carry the files of remaining cases and hopefully an agreement is possible to hold the hearings in the respective nations. It's an anticipated side issue because the outstanding allegations against Americans pale in comparison to the evidence of deliberate wholesale rape and genocide by the ISIS in Syria and Iraq. Owing to these

aforementioned and other political dimensions in Iraq a trial in that country may be a long time off and therefore the ICC will likely be the better venue and have greater immediacy.

**Notwithstanding, relying on international common law**, The RINJ Foundation asserts that there is no existence of a statute imposing limitation of prosecution of such crime; furthermore that proof beyond a reasonable doubt should yield a conviction in any jurisdiction where the ICC or a national court would convene a hearing for genocidal sexual offences; and additional penalties including the death penalty should be sought where it is proven beyond a reasonable doubt that the crime was in proven fact **a war crime** as set out in the United Nations' resolutions (as shown below in the RINJ-edited English version).

**The RINJ Foundation** has been throughout 2013 and 2014 recruiting volunteers and investigating Islamic State / IS /ISIS / ISIL crimes against women and children in particular.

**The collection of data for each specific child/adult rape case;** the ensuing official swearing of the evidence; and the laying of the charge is an incremental element of the larger process of proving the international crimes of:

- 1) aggression
- 2) genocide
- 3) crimes against humanity
- 4) rape in conflict zones
- 5) and links directly or indirectly other war crimes like mass murder and more

**Not until 2017 is the ICC mandated to try cases of aggression** but the precursor files that The RINJ Foundation is investigating and preparing can be heard immediately upon completion of filing and due processes of notification. Each case contributes patterned elements to an argument that leads to the larger crimes by:

- 1) establishing motive for the larger crimes of aggression and genocide;
- 2) establishing a pattern of activity that demonstrates the intent of the crimes; and
- 3) proves that the crimes did happen with intent.

**An international court first convicted a person of rape as a crime against humanity in 2001 (ICTY).** The International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) Court expanded the definition of slavery as a crime against humanity to include sexual slavery.

**The International Criminal Tribunal for Rwanda (ICTR, 1994)** also declared rape to be a war crime and a crime against humanity. In 1998, the ICTR became the first international court to find an accused person guilty of rape as a crime of genocide (used to perpetrate genocide).

**The judgment against a former Rwandan mayor, Jean-Paul Akayesu, held that rape and sexual assault constituted acts of genocide** insofar as they were committed with the intent to destroy, in whole or in part, the Tutsi ethnic group.

**NGO volunteers offer some good solutions** for quiet, unobtrusive, impartial, unnoticed interviewing and data collection for prosecutions in the wake of the abhorrent conduct of rape as a tactic of war.

**The RINJ Foundation further relies on UN Resolution 1960** (see below for link to pdf), wherein the Secretary-General is asked to provide *detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list ...the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda:*.

**The RINJ Foundation's call to action and mission** is guided by Resolution 1820 of 2008, wherein NGOs such as The RINJ Foundation, human rights organisations, UN agencies, and healthcare providers are specifically requested to *'enhance data collection and analysis of incidents, trends and patterns of rape:*,

and as of 2013, Resolution 2106 requires NGO's to '*contribute to more timely, objective, accurate and reliable information on rape:*

**The RINJ Foundation currently uses mostly conventional methods** for gathering information for each war-crime victim including a basic **three page information data-collection** form which provides sufficient information for the collection of data that would bring to jurists for each victim or survivor-witness,

1. evidential details of the specific criminal event,
2. motivation of the crime,
3. evidence of criminal intent,
4. evidence of the criminal act,
5. identification evidence,
6. connected evidence of similar crimes, trends and patterns, and
7. witness lists.

**The next step is determining jurisdiction and authority** to bring about the arrests and prosecution. In all cases the crime-survivor's nation of origin (UN-Member) has responsibility for assisting or providing the prosecution of the crime, but there are other means for prosecution. Rape is a crime under international law. It is also recognised by the UN Security Council as a threat to international peace and security in Resolution 1325 (see bottom of page), adopted in 2000.

### **Introducing Digital Data Apps For Collecting Sex Crime Information and Evidence**

**The RINJ Foundation has been receiving donations of used smart-phones** and having them refurbished and shipped to women and youth in areas of the world where these devices would seem to be useful, particularly for the purpose of communicating digital text and photographic data.

**In under-developed and developing nations, providing more and more women with cell-phones and better yet, smart phones, is increasing the collection of data.**

**Apps are under development to create a three-page intake form** that combines smart-phone photographs with text responses to standardized, formatted questions, so that anyone can collect short-answer data queries directly from the crime scene. RINJ already uses a simplified blend of two applications achieving a good result but the mission-specific app will be much better.