



**STRATHMORE LAW SCHOOL  
MASTER OF LAWS (LLM)  
END OF MODULE MAIN EXAMINATION  
LLM 8207: CRIMES OF SEXUAL AND GENDER BASED VIOLENCE**

Date: **Friday, 19<sup>th</sup> January 2024**

Time: **3 Hours**

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**Instructions**

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions.
3. This is a closed-book examination.
4. You should spend a fair amount of time organizing your thoughts before starting to write.
5. Careful organization and clarity will be highly valued.
6. Please start each question on a new page.

**Question 1 (50%)**

You are a Prosecutor at the International Criminal Court (ICC). One of your aims is to make sure that the investigation and prosecution of conflict-related sexual violence (CRSV) is improved so that more cases before the ICC include charges of (multiple types of) CRSV crimes and lead to subsequent convictions. How would you make sure that the investigation and prosecution of these crimes is improved? Describe and explain the top five priorities you would focus on.

**Question 2 (25%)**

In the ICC's Ongwen case the crime of forced pregnancy was for the first time prosecuted and interpreted by the ICC Judges. Explain: (1) what the facts of the case were in relation to the crime of forced pregnancy; (2) what the elements of the crime of forced pregnancy are under the Rome Statute; and (3) how these elements have been interpreted by the ICC Judges in the Ongwen case. In addition: (4) what did the ICC Judges say about the essence/main focus of the crime of forced pregnancy?

**Question 3 (25%)**

Before the gacaca courts in Rwanda around 1 million genocidaires were prosecuted in the aftermath of the Genocide against the Tutsi in Rwanda of 1994. It also dealt with around 7,000 cases of genocidal sexual violence. Describe and assess: (1) what the positive aspects of gacaca may have been for survivors of genocidal sexual violence (provide three examples); (2) what the negative aspects of gacaca may have been for survivors of genocidal sexual violence (provide three examples); and (3) whether any other/better option would have been available to prosecute the genocidal sexual violence.

**Question 4 (25%)**

You are a commander of a rebel movement in a country at war. Elaborate on how you can make sure that conflict-related sexual violence against civilians of the opposing ethnic group can be prevented (provide one example of how you would do this). In addition, what can be the legal consequences for you as a commander in case you do not make sure CRSV is prevented by your own troops (provide a relevant Article from the ICC's Rome Statute and elaborate on the proof needed)?

**Question 5 (25%)**

A victim of CRSV testified in one of the cases before the International Criminal Tribunal for the former Yugoslavia (ICTY) about the sexual violence she had endured during the conflict in the former Yugoslavia. She said: "I simply cannot think about these things because I was exposed to so much torture. But I'm proud to be here. Let the world know what they did."

Describe and explain under which circumstances testifying before an international criminal tribunal/court can be a positive experience for victims/survivors of CRSV. Please provide three circumstances.