

ABSTRACT – SEXUAL VIOLENCE IN ARMED CONFLICT – THE ROLE OF THE INTERNATIONAL CRIMINAL COURTS

The purpose of this thesis is to describe the phenomenon of sexual violence against women in armed conflicts and to describe the influence of the international criminal courts in understanding of this phenomenon.

Sexual violence appears in almost every armed conflict. Until the establishment of the international criminal courts in the nineties the issue of sexual violence against women in armed conflict was overlooked. The prohibition of such treatment was existing, for example The Hague Convention or The Geneva Convention, however no efficient sanction mechanism to punish the perpetrators was existing. The violence against woman was moreover understood as her honour attack without any consequences for the community and the society as a whole. It was a private crime. Mass violation of the human rights in the area of Former Yugoslavia and Rwanda made the United Nations to begin with prosecuting and punishing such treatment. Rape and other forms of sexual violence was recognized as a war crime and the crime against humanity on the basis of the judgements of the international criminal courts. Rape can, under certain circumstances, fulfill the fact of the case of genocide.

The international criminal courts strongly made a contribution to development of international criminal law. They made a contribution to enrichment the substantive law and the procedure as well. The most important benefit in the field of prosecuting the perpetrators of sexual violence is to create the definition of rape in their case – law. The International Criminal Court follows the decision making activity of the international courts. It adopted the definition of rape made by the tribunals and it incorporated the crime of rape and other sexual violence into its Statute. The International Criminal Court is prepared to judge individuals as perpetrators of such treatment.