



## ***Policy Roundtable on Advancing Justice Responses for Accountability for Sexual and Gender-Based Violence Linked to Terrorism***

18 November 2024 / Valletta, Malta

### **After Action Report**

#### **1. Introduction**

The International Institute for Justice and the Rule of Law, through the generous funding of the Directorate of International Law of the Federal Department of Foreign Affairs of Switzerland, designed a groundbreaking **Policy Roundtable on Advancing Justice Responses for Accountability for Sexual and Gender-Based Violence Linked to Terrorism**. The event brought together key global actors, including legal experts, policymakers, prosecutors, digital justice specialists, and survivor advocates, ensuring that all relevant knowhow and expertise were present in the discussions.

Held on **18 November 2024, in Valletta, Malta**, the event tackled one of the most persistent challenges in international justice: the impunity surrounding Sexual and Gender-Based Violence (SGBV) as a deliberate strategy used by state and non-state armed groups. While international legal frameworks offer pathways to justice, implementation gaps, entrenched gender biases, and the absence of survivor-centred mechanisms continue to obstruct accountability. This event provided a high-level platform to critically examine legal and policy frameworks, amplify survivor perspectives, and develop concrete strategies to close these accountability gaps, thus delivering on the commitments set forth at the programme's inception.

#### **2. Overview**

##### **Session 1: Strengthening Global Responses to SGBV Linked to Terrorism**

The CTED report ["Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism"](#) reframed justice as encompassing not just criminal trials, but a broader continuum of accountability: prosecution, structural investigations, sanctions, civil reparations, and transitional justice. SGBV is not incidental to terrorism but a core strategy for recruitment, governance, and control, yet counter-terrorism policies consistently fail to integrate gendered dimensions. It is important to address SGBV regardless of who the perpetrator is. Failure to prosecute such conduct perpetuates impunity, necessitating urgent legal and policy reforms.

##### **Session 2: Bridging the Accountability Divide – National Action and Global Norms**

Regional case studies exposed systemic failures and legal blind spots. Practitioners from Nigeria highlighted the erasure of SGBV in terrorism prosecutions, as generic counter-terrorism charges overshadow gendered harms. Male survivors remain invisible due to legal frameworks that fail to recognise their victimisation. One researched described how Sudan's experience underscored the necessity of real-time documentation to prevent erasure of conflict-related SGBV, as impunity fuels recurrence. Another practitioner from the Democratic Republic of Congo revealed how corrupt judicial structures shield perpetrators, rendering international frameworks ineffective in

practice. Experts called for gender-neutral legal frameworks, cumulative charging strategies, and independent documentation mechanisms to ensure meaningful accountability. One criminal justice practitioner from Israel explained the difficulties of legally processing the perpetrators of mass acts of violence, including the acts of sexual and gender-based violence particularly against women and girls. These difficulties include the challenge to gather evidence, the difficulties of attribution and the burden of proof.

### **Session 3: Tech Justice – Digital Evidence and Online Violent Extremism**

Terrorist groups are exploiting digital spaces for SGBV-fuelled recruitment, coercion, and control. Experts detailed the rise of livestreamed assaults, deepfake exploitation, and gendered online violent extremism, while emphasizing misogyny as a gateway ideology common to many terrorist actors. A major challenge remains cross-platform accountability—while tech companies remove content, they fail to preserve evidence for prosecutions. One expert called for a dual-track approach: dismantling terrorism-related content while ensuring its preservation for legal action. The session stressed the need for coordinated digital forensic strategies to support counter-terrorism prosecutions.

### **Session 4: Closing the Justice Gap – Strengthening Legal Mechanisms**

While international frameworks exist, enforcement gaps undermine accountability. Survivors are frequently prosecuted under counter-terrorism laws instead of receiving protection, and SGBV remains an afterthought in legal proceedings. Cumulative charging strategies were identified as critical to ensuring SGBV crimes are not sidelined. A key legal challenge is attribution, particularly in prosecuting non-state actors.

### **Session 5: Multi-Stakeholder Strategies and Commitments**

Effective justice for SGBV in terrorism contexts requires survivor-centred policies, systemic reforms, and multi-sector collaboration. One expert stressed that justice extends beyond prosecution, requiring legal, psychosocial, and economic reparations. Another called for leveraging regional courts and codifying “gender apartheid” to hold terrorist groups accountable. One government representative highlighted inconsistent sentencing standards and the need for investigative protocols that reduce survivors’ burden in court. Other participants emphasised that state-perpetrated SGBV remains widely unprosecuted, necessitating independent oversight mechanisms to ensure equal application of justice.

## **3. Key Data and Findings from the Discussions**

### ***A. SGBV is a deliberate and systematic tactic of terrorism, used by terrorist groups to exert control, instil fear, and reinforce governance structures through forced marriage, sexual slavery, and reproductive violence:***

- SGBV is not a byproduct of conflict—it is a deliberate strategy. Groups like Boko Haram, Al-Shabaab, ISIS, and various militias in Sudan and the DRC use forced marriage, sexual slavery, reproductive violence, and public executions to instil fear, exert control, and reinforce terrorist governance models.
- More than 38,000 cases of sexual violence were reported in North Kivu, DRC, in 2023 alone—an increase of 37% from the previous year. However, the actual number is likely much higher due to underreporting, stigmatisation, and lack of access to justice mechanisms.
- Sudan's conflict has seen a dramatic surge in SGBV, with at least 40 women committing mass suicide in Al-Jazeera state due to sexual violence-related trauma. The current war has completely dismantled legal and medical systems, leaving survivors with no recourse for justice.
- Al-Shabaab has been actively targeting Kenyan women for abduction rather than Somali women, to avoid eroding their local support base within Somalia.

***B. Legal frameworks prioritise counter-terrorism charges over SGBV-specific prosecutions, leading to the systematic erasure of gendered crimes in judicial processes:***

- Despite Nigeria's 2011 Terrorism Prevention Act (TPA), which was revised in 2019, SGBV crimes linked to terrorism remain significantly under-prosecuted due to a legal preference for charging perpetrators with "membership in a terrorist organisation" rather than SGBV-specific charges
- However, Nigeria secured its first conviction of a Boko Haram member for rape as a terrorist offense, setting a key precedent. By prosecuting SGBV under the Terrorism Prevention Act (TPA)—despite the absence of a Rome Statute implementation law—the case acknowledged the systematic and coercive nature of the crimes. The judge reinforced the link between SGBV and terrorism, rejecting the defendant's remorse in light of the crime's broad societal impact. The perpetrator was sentenced to 345 years in prison, with terms running concurrently.
- In Iraq, SGBV survivors are often criminalised instead of protected. Women who were forced into sexual slavery by ISIS have been prosecuted under counter-terrorism laws as ISIS affiliates, simply for being present in ISIS-controlled areas.
- Domestic legal definitions of SGBV remain restrictive in many countries, excluding forms of gendered harm such as forced pregnancy, reproductive violence, and coerced "jihad marriages." This legal gap prevents comprehensive prosecution of crimes committed by terrorist groups.

***C. State security forces have engaged in widespread SGBV under the guise of counter-terrorism, with institutional bias and lack of political will enabling continued impunity:***

- SGBV is not only committed by terrorist groups; state security forces have also engaged in widespread abuses under the guise of counter-terrorism. Testimonies from Nigeria, Sudan, and the DRC reveal that military and police units deployed to fight terrorism have been complicit in sexual violence, particularly in detention centres, "deradicalisation camps," and counterinsurgency operations.
- Institutional silos and gender bias in law enforcement mean that SGBV is often deprioritised in investigations, with many cases dismissed as "lesser crimes" or treated as personal disputes rather than grave violations of human rights and security.
- Political will remains the biggest barrier to prosecution. As noted in the discussion on the Special Court for Sierra Leone, the conviction of rebel leader Alex Tamba Brima in the SCSL's landmark sexual violence case took nearly a decade of advocacy, legal reform, and international pressure.

***D. Terrorist groups increasingly weaponize digital platforms to facilitate E/O-GBV, leveraging online grooming, AI-generated blackmail, and livestreamed assaults for recruitment and coercion:***

- Terrorist groups are increasingly leveraging digital spaces to facilitate SGBV, from online grooming and coercion to AI-generated blackmail material.
- The Order of Nine Angles (O9A), a neo-Nazi accelerationist group, has explicitly used "livestreamed sexual violence" as a recruitment and radicalisation tool.
- The rise of AI-generated sexual coercion materials is complicating evidence collection. Experts at the roundtable noted that tech platforms are rapidly removing terrorism-related content but failing to preserve evidence for legal prosecution.
- Cross-platform collaboration is still in its infancy. While the Global Internet Forum to Counter Terrorism (GIFCT) has launched initiatives to share harmful content detection tools across 32 platforms, national legal frameworks are lagging behind, making prosecution of digital SGBV crimes nearly impossible.

***E. Justice for SGBV survivors must extend beyond criminal prosecutions to include reparations, truth commissions, and cumulative charging strategies that recognize sexual violence as a core terrorist crime:***

- Survivors demand more than criminal prosecutions—they seek justice in broader, survivor-centred ways. Reparations, truth commissions, and gender-sensitive transitional justice mechanisms must be expanded.
- Cumulative charging must become standard practice. In the 2023 trial of an ISIS-affiliated woman in the Netherlands, she was convicted not only of terrorism but also of crimes against humanity for her role in forced slavery and sexual exploitation in ISIS-controlled territory. This approach must be replicated globally.
- Countries must move beyond treating SGBV as an "add-on" charge. Prosecutors must recognize sexual violence as a core terrorist crime, not just a peripheral offense.

***A Transformative Approach to Justice***

By centring survivor agency, moving beyond a punitive-only justice model, and embedding gendered analysis into counter-terrorism efforts, this roundtable provided a space for national and regional actors to craft informed, transformative responses. It underscored the urgency of rethinking security priorities to place gender justice at the core of counter-terrorism policies, ensuring that SGBV crimes are not seen as secondary but as fundamental human rights violations that threaten security, stability, and peace.

This roundtable made it clear that:

- Justice is not just about punishing individual perpetrators—it is about dismantling the systems that enable gender-based terrorism.
- If SGBV is weaponised as a tactic of terrorism, then addressing it must be a core pillar of counter-terrorism strategies—not an afterthought.
- States must recognise their responsibility to prevent, investigate, and remedy SGBV, including when committed by their own forces.

**Overall Recommendations:**

1. Survivor-Led Justice: Engage survivors in designing justice mechanisms, expand reparation programmes.
2. Legal Reform: Codify gender apartheid, integrate SGBV explicitly into national counter-terrorism laws.
3. Tech-Facilitated SGBV: Improve AI-driven tracking of terrorist-led SGBV online.
4. Reducing Survivor Burdens: Use structural investigations and forensic evidence to minimize reliance on testimonies.
5. State Accountability: Establish independent review bodies for sexual violence by state security forces.

**4. Actionable Recommendations for Future Programming**

**A. For Legislators and Policy Makers:**

1. Strengthen international legal frameworks to address systematic gender oppression beyond physical violence, ensuring accountability for groups that institutionalise gender-based harm.
2. Ensure sexual violence is prosecuted as an integral part of terrorism-related offenses, rather than as a secondary or isolated crime.
3. Establish clear legal guidelines recognizing the severity and long-term impact of sexual violence in terrorism-related cases.
4. Recognise men, boys, and LGBTQ+ individuals as victims of SGBV, expanding safe reporting and legal protection frameworks.

5. Promote state adoption of international cooperation mechanisms to facilitate the prosecution of SGBV crimes within terrorism contexts.

**B. For Prosecutors and Law Enforcement:**

6. Strengthen cross-border prosecution mechanisms to prevent impunity for foreign terrorist fighters and others involved in SGBV as a weapon of war.
7. Reduce reliance on survivor testimonies by prioritizing forensic, digital, and circumstantial evidence to build cases effectively.
8. Ensure women, girls, and other victims of sexual slavery by terrorist groups are legally recognised as victims, not affiliates or accomplices under national security/CT laws.
9. Prevent the weaponisation of sexual violence allegations for political or military justifications, ensuring evidence-based prosecution and legal integrity.

**C. For Security and Counter-terrorism Agencies:**

10. Create mechanisms to investigate sexual violence committed by security forces during counter-terrorism operations, ensuring accountability at all levels.
11. Ensure that those handling SGBV cases understand trauma-informed approaches, cumulative charging strategies, and survivor protection mechanisms.

**D. For Tech Companies and Digital Investigators:**

12. Strengthen collaboration with tech companies, legal institutions, and human rights groups to track and disrupt online-facilitated sexual violence linked to terrorism (E/OGBV).
13. Ensure social media and tech companies remove terrorist-led SGBV content while preserving it for prosecution, preventing its use for recruitment and coercion.

**E. For Human Rights Organisations and Survivor Advocacy Groups:**

14. Engage survivors in shaping justice mechanisms, legal policies, and reparation programmes, ensuring that responses address their lived realities and long-term needs.
15. Ensure access to medical, psychological, and socio-economic support, prioritising long-term rehabilitation over short-term assistance.

**5. Recommendations to States and Civil Society**

**A. For Strengthening International Legal Frameworks and Accountability:**

1. Lead efforts to formally recognise "gender apartheid" in international law, closing accountability gaps for systematic gendered oppression.
2. Champion cumulative charging of SGBV in counter-terrorism cases, ensuring sexual violence is prosecuted as a core offense rather than an auxiliary charge.
3. Push for universal jurisdiction mechanisms for prosecuting SGBV in terrorism cases, preventing impunity for foreign fighters while balancing human rights considerations.
4. Advance the inclusion of gender-sensitive sentencing standards, ensuring penalties for SGBV in terrorism cases reflect the severity and societal impact of these crimes.
5. Strengthen cross-border legal cooperation, leveraging existing conventions to enhance accountability for SGBV linked to terrorism.

**B. For State Accountability and Oversight Mechanisms:**

6. Advocate for independent oversight of security forces, ensuring accountability for SGBV committed in counter-terrorism operations.
7. Ensure counter-terrorism frameworks distinguish between victims and perpetrators, preventing the criminalisation of those subjected to sexual slavery by terrorist groups.

8. Safeguard legal credibility by pushing for evidence-based prosecutions, preventing the government-led political weaponization of unverified SGBV allegations in counter-terrorism narratives.

**C. For Survivor-Centred Justice and Protection:**

9. Strengthen global commitments to survivor protection, promoting gender-sensitive legal frameworks, safe reporting mechanisms, and long-term reintegration programmes.

10. Ensure survivors are central to justice mechanisms, advocating for their meaningful participation in shaping policies and legal responses in an intersectional and decolonised manner.

11. Promote sustainable survivor reintegration programmes, prioritising mental health, economic empowerment, and community-based recovery over securitised approaches.

**D. For Enhancing Evidence Collection and Reducing Survivor Burden:**

12. Mobilise funding and technical support for states to implement structural investigations of SGBV, reducing reliance on survivor testimonies while strengthening evidence collection.

**E. For Tackling Online-Facilitated SGBV (E/OGBV) and Terrorist Networks Online:**

13. Work with international partners to hold tech companies accountable for ensuring stronger measures to disrupt online-facilitated SGBV (OGBV), improve content moderation, and preserve digital evidence for prosecutions.

14. Support global initiatives to track and prosecute OGBV, particularly those linked to terrorist recruitment and coercion.