



The Torture of Children During Armed Conflicts: The ICC's Failure to Prosecute and the Negation of Children's Human Dignity

Sonja C. Grover

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This book examines selected legal complexities of the notion of torture and the issue of the proper foundation for legally characterizing certain acts as torture, especially when children are the targeted victims of torture. ICC case law is used to highlight the International Criminal Court's reluctance *in practice* to prosecute as a *separable offence* the crime of torture as set out in one or more of the relevant provisions of the Rome Statute where children are the particularized targets as part of a common plan during armed conflict. Also addressed is the failure of the ICC to consider that the young age of the victims of torture (i.e. children) should be an aggravating factor taken into account in determining the ICC sentence for those convicted of the torture of civilians, including children, in the context of armed conflict as part of a common plan. The six UN-designated grave crimes against children (including child soldiering for State or non-State forces perpetrating mass atrocities, and sexual violence perpetrated on a systematic and widespread basis against children including child soldiers), it is argued, are also instances of the torture of children as part of a common plan such that separate charges of torture are legally supportable (along with the other charges relating to additional Rome Statute offences involved in such circumstances). Useful legal perspectives on the issue of the torture of children in its various manifestations gleaned from the case law of other international judicial forums such as the Inter-American Court of Human Rights and the ICTY are also examined.



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