

Forum for International Criminal Justice Newsletter: December 2017

Welcome to the IAP's Forum for International Criminal Justice (FICJ) December 2017 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, legal analysis, announcements, events, new publications and major news developments from the past month.

Domestic news covered in this Newsletter includes: Former military officials convicted for crimes against humanity in **Argentina**; Prosecution demands life sentence in **Ethiopia** War Crimes case before **Dutch** Court; and **Syrians** in **Germany** file war crime cases against the Assad regime.

***Please have a look at the [FICJ forum](#) page on the IAP website and feel free to contribute:** the Forum provides individual prosecutors with a password protected space to post news, announcements, etc. and to pose questions to fellow prosecutors from around the world. Your contributions will also be posted in this monthly newsletter. Passwords are provided to IAP members – if you do not have a password, check your membership status by contacting the IAP Secretariat: info@iap-association.org.



Danya Chaikel – IAP FICJ Coordinator | email: ficj@iap-association.org

Video Highlights



[Click here](#) to watch a new short video on the Mechanism for International Criminal Tribunals entitled “Inside the MICT” on its establishment, mandate and functions.



[Click here](#) to watch the ICC Prosecutor speak about her request to open an investigation in Afghanistan, into crimes committed by the Taliban, Afghan security forces, and members of the US armed forces and the CIA.



FICJ

Forum for International Criminal Justice

ICTY concludes proceedings after 24 years of operations in *Mladić & Prlić et al.* cases

The International Criminal Tribunal for the former Yugoslavia will officially close its doors at the end of December 2017. The Tribunal concluded its final two cases in November – Ratko Mladić was convicted for mass crimes, including genocide, and sentenced to



life imprisonment, while all six convictions and sentences were (largely) upheld on appeal in the the *Prlić et al.* case. The IAP's FICJ Coordinator, Danya Chaikel in her capacity as Associate Legal Officer in the Appeals Chamber, along with several IAP members, were in the courtroom on 29 November 2017 when the very last ICTY hearing concluded, in the *Prlić et al.* case. During the delivery of the Appeals Judgement, defendant Slobodan Praljak drank a vial of cyanide in the courtroom following the confirmation of his sentence. For those of us working in the field of international criminal justice, one that addresses heinous and gruesome mass crimes, the shocking courtroom suicide was a stark reminder of the volatility and heaviness of atrocity crime cases.

Nonetheless, this event cannot overshadow the ICTY's immense legacy. In an address to the UN Security Council on 6 December 2017, ICTY President Carmel Agius [stated](#), *"in retrospect...the establishment of the ICTY was one of the international community's proudest moments"*. Moreover, he continued, the Tribunal had fulfilled the prophecy of the ICTY's first President, the great Antonio Cassese, in becoming a *"turning point for the world community"*, by showing that it could work in an effective and dispassionate way with the support of Member States and United Nations bodies. President Agius reiterated that the challenges and difficulties faced by the ICTY should *"In no way lead one to conclude that resort to international criminal tribunals is not worth it,"* reminding Member States that, while international criminal justice would always be time-consuming, unwieldy and expensive, *"to live with the alternative of doing nothing and giving in to impunity is to pay a much, much higher price"*.

Prosecutor Serge Brammertz of the ICTY and the Mechanism for International Criminal Tribunals (MICT) also addressed the Security Council [stating](#) that the OTP has endeavoured for twenty-four years to fulfill the mandate entrusted to it by the UNSC. He reported, *"Thanks to this Council, so many victims and survivors received some measure of justice for the immense wrongs they suffered."*

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He further said, “We believe our results are credible. And we hope that the Security Council will judge our efforts as important contributions to the maintenance of international peace and security.”

Ratko Mladić convicted for mass crimes including genocide and sentenced to life

BBC - Ratko Mladić has been found guilty over some of the worst crimes of the wars in former Yugoslavia, including genocide. The UN war crimes tribunal in The Hague sentenced him to life imprisonment. He was the military commander of Bosnian Serb forces in the 1990s, against Bosnian Croat and Bosniak (Bosnian Muslim) armies. The Bosnian Serbs'

political leader, Radovan Karadzic, was found guilty of war crimes in March 2016 and sentenced to 40 years in jail.

Mladic on trial

Since the trial began in 2012

9,914

Exhibits admitted as evidence

530 days in court

169 prosecution witnesses

208 defence witnesses

377 witnesses appearing in court

Source: ICTY



The [most notorious crimes in the Mladić indictment](#) are the massacre of more than 7,000 Bosniak men and boys at Srebrenica in 1995 and the siege of Sarajevo in which more than 10,000 people died. Srebrenica was the worst massacre in Europe since World War Two.

How was Gen Mladić brought to trial?

Now 75, he went on trial in 2012. At the end of the war in 1995 he went into hiding and lived in obscurity in Serbia, protected by family and elements of the security forces. He was indicted for genocide and crimes against humanity but evaded justice for 16 years. He was finally tracked down and arrested at a cousin's house in rural northern Serbia in 2011.

What happened at Srebrenica?

In early July 1995, Bosnian Serb forces besieged an area near the town of Srebrenica. It had been designated a United Nations "safe zone" and was being guarded by 600 lightly-armed Dutch UN soldiers. The Serbs attacked from the south, prompting thousands of Bosniak civilians and fighters to flee north to Srebrenica. By 10 July some 4,000 had gathered there. The Serb advance continued, and a bigger surge of refugees fled north to the main Dutch base in Potocari.

Gen Mladić summoned the Dutch commander, Col Thom Karremans, and demanded that the Bosniaks disarm to save their lives. On 12 July, some 15,000 Bosniak men of military age broke out of the enclave. They were shelled as they fled through the mountains. Some were also killed after surrendering. Buses then deported an estimated 23,000 women and children to Bosniak territory, while the Serbs separated out all males from age 12 to 77 for "interrogation for suspected war crimes".

Hundreds of men were held in trucks and warehouses. On 13 July 1995 the first killings of unarmed Bosniaks took place in a warehouse in the nearby village of Kravica. The Dutch peacekeepers handed over about 5,000 who had been sheltering at their base. In return, the Bosnian Serbs released 14 Dutch peacekeepers who had been held hostage at Nova Kasaba, a Serb base. Over four days, up to 8,000 Bosniak men and boys were murdered by Bosnian Serbs at sites around Srebrenica.

What was the siege of Sarajevo?

Civilians in the Bosnian capital endured a brutal siege in 1992-1995 at the hands of Bosnian Serb forces, who fired down into the city from the surrounding hills. The death toll was more than 10,000. It was part of what prosecutors call a Serb "criminal enterprise" to spread terror among Bosniaks and Croats, and to drive them from areas claimed as Serb territory.

Read more about the Mladić case:

- [Ratko Mladić Case – Key information & Timeline](#) (ICTY)
- [LONG READ -- Brammertz: Hope is the crucial legacy of the ICTY](#) (International Justice Tribune): On the eve of the verdict in the case of Bosnian Serb military commander Ratko Mladić ICTY Prosecutor Serge Brammertz gave a lengthy interview to Serbian and Bosnian media. Here is shortened version of the interview conducted by Boro...

Prlić et al.: 6 co-accused's convictions & sentences largely upheld on appeal, Praljak takes own life during hearing

[EJIL: Talk!](#) By Marko Milanovic – On 29 November the ICTY delivered its very final appeals judgment, in the case of *Prlić et al*, finding all of the defendants – political and military leaders of Bosnian Croats – guilty of crimes against Bosnian Muslims, and affirming the sentences passed on them by the trial chamber

([summary](#); [judgment](#)). During the hearing, one of the defendants in the case, Slobodan Praljak, a



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general during the Bosnian conflict but by formal training a rather eclectic individual with [degrees in philosophy, sociology, and theatre](#) from the University of Zagreb, [committed suicide in the courtroom](#). He did so by standing up in the dock, loudly declaiming to the judges that: “Slobodan Praljak is not a war criminal and I reject your judgment with contempt”... and then drinking a vial of poison in full view of the (visibly shocked) judges, and the cameras. The video of this dramatic one-upmanship of Socrates and Hermann Goering, the first (and hopefully last) for an international courtroom, is [here](#).

Like in the Mladić case, the reaction to the judgment was predictably nationalist and predictably depressing. The prime minister of Croatia – a member state of the EU – [completely rejected the judgment](#), saying that it constituted a grave moral injustice against the defendants and the Croatian people as a whole. So did the [Croat member \(and current chairman\) of the Presidency of Bosnia and Herzegovina](#), who stated that Praljak was prepared to sacrifice his very life to show to the world and to a political court that he was in fact innocent. This martyrdom narrative is now bound to feed Croat nationalism for a long, long time. The principal reason for all this ire is not so much the conviction as such, but the Appeals Chamber’s confirmation of the finding at trial that the defendants participated in a joint criminal enterprise together with leaders from Croatia, including President Tudjman, whose purpose was to consolidate a Croat entity in Bosnia through the ethnic cleansing of Bosnian Muslims. This is also coupled with the findings about Croatia’s control over Bosnian Croat forces and the characterization of the armed conflict as international, i.e. inter-state, in nature.

What of the judgment more generally? It is very long (more than 1,400 pages), longer than most ICTY appeals judgments. This is largely the product of numerous problems, errors in law and reasoning in the trial judgment... Yet despite the many problems, and reversals on numerous points, the Appeals Chamber essentially endorsed the basic factual and culpability account of the trial judgment, saying that the totality of the crimes for which the defendants have been convicted suffices for the sentences they have been given. Throughout its judgment the Appeals Chamber is in a constructive, repair mode in relation to the trial judgment...

There are many legally interesting issues in the case of broader import. First, the Chamber’s approach to the classification of the armed conflict in Bosnia and the scope of application of the Geneva Conventions. Second, similarly, the Chamber’s application of the law of occupation, and its finding that Croatia was occupying parts of Bosnia through its proxies. Third, and most controversially, its reversal of the majority trial chamber finding that the destruction of the Old Bridge (Stari Most) in Mostar constituted a war crime of wanton destruction of property not justified by military necessity. Judge Pocar dissented on this point very energetically. Essentially the Chamber found that (1) the bridge was a military objective, as it was being used by Bosnian Muslim forces; (2) therefore the destruction of the bridge could not be ‘wanton’, even if it was disproportionate in its impact on the civilian population under IHL; (3) the Trial Chamber found no other property destroyed

in this event; (4) therefore an element of the crime was missing or unproved. The judgment thus does not directly engage with the 'pure' IHL proportionality question, as the majority and dissent did at trial. Finally, the analysis of JCE is very dense and fact-specific; one particularly interesting set of issues dealt with the inconsistent terminology used in the French original of the trial judgment and its impact on the relevant *mens rea* standard.

Read more about the *Prlić et al.* case:

- [Prlić et al. case Key information & Timeline](#) (ICTY)
- [Courtroom Suicide Overshadows Slobodan Praljak's Crimes](#) (Balkan Transitional Justice): The suicide of Bosnian Croat military chief Slobodan Praljak at the Hague Tribunal diverted attention from his verdict, but the testimonies of war victims show how serious his crimes were....Amongst other crimes, he was convicted of responsibility for a massacre committed by the HVO in which 36 people, including three children, were killed in the village of Stupni Do in Bosnia's Vares municipality on October 23, 1993.

ICTY initiates independent expert review regarding the passing of Slobodan Praljak

To complement the ongoing [Dutch investigation into the passing of Slobodan Praljak](#), the ICTY Registrar has initiated an independent expert review focusing on the ICTY internal operations, which will be led by **Justice Hassan B. Jallow**, Chief Justice of The Gambia and the former Prosecutor of the International Criminal Tribunal for Rwanda and the Mechanism for International Criminal Tribunals. The review aims to provide a report before the closing of the ICTY on 31 December 2017.

ICC Prosecutor requests Afghanistan investigation for alleged crimes committed by the Taliban, Afghan security forces & members of the US armed forces and CIA

The Prosecutor of the ICC, Fatou Bensouda, requested authorisation from the Court's Judges to initiate an investigation into alleged war crimes and crimes against humanity, committed in the context of the ongoing armed conflict in the Islamic Republic of Afghanistan.

The Situation in Afghanistan has been under preliminary examination by the Office of the Prosecutor since 2006. After a comprehensive



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and careful scrutiny of the information available to the Office, applying the applicable Rome Statute legal criteria, the Prosecutor has determined that there is a reasonable basis to proceed with an investigation of the [Situation in Afghanistan](#).

As required by the Statute, the Prosecutor has, therefore, requested authorisation from Pre-Trial Chamber III, for an investigation into alleged crimes committed on the territory of Afghanistan in the period from 1 May 2003, as well as other alleged crimes linked to the armed conflict in Afghanistan and committed on the territory of other States Parties to the Statute, since 1 July 2002. The Court does not have jurisdiction over alleged crimes committed in the context of the Situation in Afghanistan before these cut-off dates.

As a result of its examination, the Office of the Prosecutor has determined that there is a reasonable basis to believe that the following categories of crimes within the Court's jurisdiction have occurred:

- Crimes against humanity and war crimes by the Taliban and their affiliated Haqqani Network;
- War crimes by the Afghan National Security Forces ("ANSF"), in particular, members of the National Directorate for Security ("NDS") and the Afghan National Police ("ANP"), and
- War crimes by members of the United States ("US") armed forces on the territory of Afghanistan, and by members of the US Central Intelligence Agency ("CIA") in secret detention facilities in Afghanistan and on the territory of other States Parties to the Rome Statute, principally in the period of 2003-2004.

The Office has carefully assessed available information on any relevant, genuine national proceedings in relation to the conduct of these identified groups. In light of the gravity of the acts committed - the details of which are outlined in the Request - and the absence of relevant national proceedings against those who appear to be most responsible for the most serious crimes within this Situation, the Prosecutor considers that the potential cases that she has identified and that would arise from an investigation in this Situation, would be admissible pursuant to article 53(1)(b) of the Statute. Furthermore, the Office has determined that there are no substantial reasons to believe that the opening of an investigation would not serve the interests of justice, taking into account the gravity of the crimes and the interests of victims.

The Prosecutor has also [notified victims](#) or their legal representatives, of her intention to request authorisation to initiate an investigation in the Situation in Afghanistan informing them that they have until 31 January 2018 to submit representations to the Judges of Pre-Trial Chamber III on her Request.

If the Pre-Trial Chamber authorises the Prosecutor to begin an investigation, as mandated by the Rome Statute, the Office's sole objective will be to independently, impartially and objectively

investigate and prosecute alleged war crimes and crimes against humanity, committed in the context of the conflict in Afghanistan.

Based on the evidence collected by the Office during the course of an investigation, if authorised, the Prosecutor can request ICC Judges to issue either summons to appear or arrest warrants, against those, as a rule, believed to be most responsible, no matter who the perpetrator, for alleged atrocity crimes committed in connection with the Situation in Afghanistan.

See also:

- [**An ICC Investigation of the U.S. in Afghanistan: What does it Mean?**](#) (Just Security, by Alex Whiting)... "This is a big deal that could have significant implications for relations going forward between the U.S., the ICC, and States Parties of the ICC. How did we get to this point, where we are headed, and what exactly does it mean for the U.S. and the ICC?"...
- [**War crimes in Afghanistan and Beyond: Will the ICC Weigh in on the "Global Battlefield" Debate?**](#) (EJIL Talk)... "The outcome of her preliminary examination was long-awaited and expected to be significant because an investigation into the Afghanistan situation would cover all parties involved – that is, not only local actors but also the international coalition, including the US..."

ICC receives 2017 Stockholm Human Rights Award



On 20 November 2017, the ICC was awarded the 2017 Stockholm Human Rights Award, in recognition of its work advancing "international justice and strengthening respect for human rights." The award is bestowed annually by the Swedish Bar Association, the International Bar

Association and the International Legal Assistance Consortium. The ICC is the first international judicial institution to be granted this honour.

During a ceremony held in Stockholm, Sweden, His Majesty King Carl Gustaf of Sweden bestowed the award upon the ICC in the presence of Queen Silvia of Sweden and eminent guests. ICC President Silvia Fernández de Gurmendi, ICC Prosecutor Fatou Bensouda and ICC Registrar Herman von Hebel received the Award, in the form of a glass sculpture and a diploma, jointly on behalf of the Court.

- Read more on the [ICC website](#)

Canadian firm to face historic legal case over alleged labour abuses in Eritrea

Appeals court rules against mining company Nevsun Resources, clearing way for workers to have claims of human rights violations heard in Canadian court

A Canadian mining company has lost its bid to block a lawsuit accusing it of human rights abuses against miners in Eritrea after a ruling by an appeals court



in British Columbia. The decision, against Nevsun Resources, **paves the way for a groundbreaking legal challenge that links the Vancouver company to allegations of modern slavery.**

The case, launched in 2014 by three refugees who alleged they were forced to work at Bisha mine and endured harsh conditions and physical punishment, is one of only a handful in which foreign claimants have been granted access to Canadian courts to pursue firms based in the country over alleged human rights abuses abroad.

Filed in Canada, the lawsuit was directed at Canada's Nevsun, which owns a controlling interest in the gold, copper and zinc mine through a chain of subsidiary corporations. The case was catapulted into the spotlight last year when a court in the province of British Columbia ruled that it could be heard in the Canadian legal system.

Nevsun appealed the 2016 ruling, arguing that any lawsuit should be heard in Eritrea. On Tuesday, however, the British Columbia court of appeal dismissed the company's challenge, noting the risk of corruption and unfairness in the Eritrean legal system. Joe Fiorante of Camp Fiorante Matthews Mogerman, the lead counsel for the plaintiffs, said: "There will now be a reckoning in a Canadian

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court of law in which Nevsun will have to answer to the allegations that it was complicit in forced labour and grave human rights abuses at the Bisha mine.”

In affidavits filed with the court, the plaintiffs – all of whom have since left Eritrea – alleged that as conscripts in the country’s national service system, they were forced to work for government-owned construction firms subcontracted to build the mine. They claimed the conditions were inhuman and work was carried out under the constant threat of physical punishment, torture and imprisonment.

Since Nevsun owns 60% of the Bisha Mining Share Company, which owns and operates the mine (the other 40% is owned by the Eritrean government), the plaintiffs claim the Canadian company must have been aware of the reported abuses, but failed to prevent or stop them. None of the allegations have been proven in court.

In their decision, the British Columbia appeals court judges referenced a 2016 UN inquiry into human rights in Eritrea, which found the government had committed crimes against humanity in a widespread and systematic manner. The report noted that officials in the one-party state had enslaved up to 400,000 people, with many describing how the country’s system of lifelong military service amounts to modern-day slavery.

In their decision, the British Columbia appeals court judges referenced a 2016 UN inquiry into human rights in Eritrea, which found the government had committed crimes against humanity in a widespread and systematic manner.

This system is at the heart of the case against Nevsun, said Fiorante. “Our case alleges that people that were conscripted into that system were forced to work in service of building a Canadian-owned gold mine in Bisha, Eritrea,” he said. Fiorante added that about 60 people have so far come forward with similar claims of being forced to work at the mine.

Nevsun has denied the allegations contained in the lawsuit. While the company declined to comment on the latest ruling as the matter is before the court, a Nevsun spokesperson referred to a 2015 human rights audit of the Bisha mine, noting that contractual commitments strictly prohibit the use of national service employees by Bisha’s contractors and subcontractors.

Last year the Guardian spoke with several people who alleged they had been forced to work at the mine, earning as little as a dollar a day. The work was carried out amid horrendous conditions and a climate of fear and intimidation, they claimed.

“The mine was like an open prison,” said one former security guard, speaking on condition of anonymity to protect family still in Eritrea. “They can take you and do what they want with you. I was

owned by them. We were like objects for the government and for foreign companies to do with us what they wanted.”

Male rape as a weapon of war exposed in Libya, Syria and Sri Lanka

In the past month, media reports have separately exposed heinous allegations of male rape in Libya, Syria and Sri Lanka revealing that these crimes appear to be far more widespread than previously thought

Revealed: male rape used systematically in Libya as instrument of war (Guardian)

Male rape is being used systematically in Libya as an instrument of war and political domination by rival factions, according to multiple testimonies gathered by investigators. Years of work by a Tunis-based group and witnessed by a journalist from Le Monde have produced harrowing reports from victims, and video footage showing men being sodomised by various objects, including rockets and broom handles.



Ali in a camp for internally displaced people south of Tripoli.

In several instances, witnesses say a victim was thrown into a room with other prisoners, who were ordered to rape him or be killed. The atrocity is being perpetrated to humiliate and neutralise opponents in the lawless, militia-dominated country. Male rape is such a taboo in Arab societies that the abused generally feel too damaged to rejoin political, military or civic life.

One man, Ahmed, told investigators he was detained for four years in a prison in Tomina, on the outskirts of Misrata. “They separate you to subjugate you,” he said. “‘Subjugate the men’, that’s the expression that they use. So that you never hold your head up again. And they were filming everything with their phones. “They take a broom and fix it on the wall. If you want to eat, you have to take off your pants, back on to the broom and not move off until the jailer sees blood flowing. Nobody can escape it.” ...

[Male rape and sexual torture in the Syrian war: 'It is everywhere' \(Guardian, by Sarah Chynoweth\)](#)

Last year I agreed to undertake [a fact-finding mission](#) for the UN refugee agency, UNHCR, on sexual violence against men and boys in the Syrian crisis. We knew that many women and girls were being targeted for rape and other sexualised violence, but we didn't know much about what was happening to men and boys. Drawing on a few existing reports, I assumed some boys were being victimised, as well as some men in detention centres, but that sexual violence against males was not common. I worried that few refugees would have heard of any accounts and that they wouldn't talk to me about such a taboo topic anyway. I couldn't have been more wrong.

In October 2016, I landed in Erbil, the capital of Iraqi Kurdistan, where more than 200,000 Syrian refugees had fled. The UNHCR arranged for a translator and discussions with refugees at a nearby camp. I met with the first group, eight Syrian men who had fled the war. I asked them about their lives in the camp, how they were getting by, and what their main concerns were. Once we had established some rapport, I tentatively probed whether they had heard of any reports of sexual violence against men or boys in [Syria](#). They looked at me incredulously, as if they couldn't believe that I was asking such a basic question, saying: "Yes, of course. It is everywhere. It is happening [from] all sides."

... The accounts were heart-rending and horrific. They were also abundant. At a large refugee camp in Jordan, I met a group of women who were eager to talk about the issue. According to them, men and boys are routinely sexually abused during detention in Syria, a comment echoed by other refugees, and scores of men had been detained by different armed groups...

- See also, [UN study uncovers horrors of sexual violence against Syrian refugee boys and men](#) (UN News Centre)

[Dozens of men describe rape and torture by Sri Lanka government \(Associated Press\)](#)

One of the men tortured in Sri Lanka said he was held for 21 days in a small dank room where he was raped 12 times, burned with cigarettes, beaten with iron rods and hung upside-down. Another man described being abducted from home by five men, driven to a prison, and taken to a "torture room" equipped with ropes, iron rods, a bench and buckets of water. There were blood splatters on the wall. A third man described the prisoners as growing accustomed to the sound of screaming. "It made us really scared the first day but then we got used to it because we heard screaming all the



[A Sri Lankan man known as Witness #249 shows brand marks on his back during an interview in London on July 18, 2017. \(AP / Frank Augstein\)](#)

time."

Raped, branded or beaten repeatedly, more than 50 men from the Tamil ethnic minority seeking political asylum in Europe say they were abducted and tortured under Sri Lanka's current government. The previously unpublished accounts conjure images of the country's bloody civil war that ended in 2009 -- not the palm-fringed paradise portrayed by the government.

One by one, the men agreed to tell their stories to The Associated Press and to have the extensive scars on their legs, chests and backs photographed. The AP reviewed 32 medical and psychological evaluations and interviewed 20 men. The strangers say they were accused of trying to revive a rebel group on the losing side of the civil war. Although combat ended 8 years ago, the torture and abuse occurred from early 2016 to as recently as July this year.

Sri Lankan authorities deny the allegations...

New Case Matrix Network International Criminal Law Guidelines: Means of Proof of Sexual & Gender-Based Violence Crimes

A concise overview of evidence used to prove the legal requirements of SGBV crimes under the ICC Statute

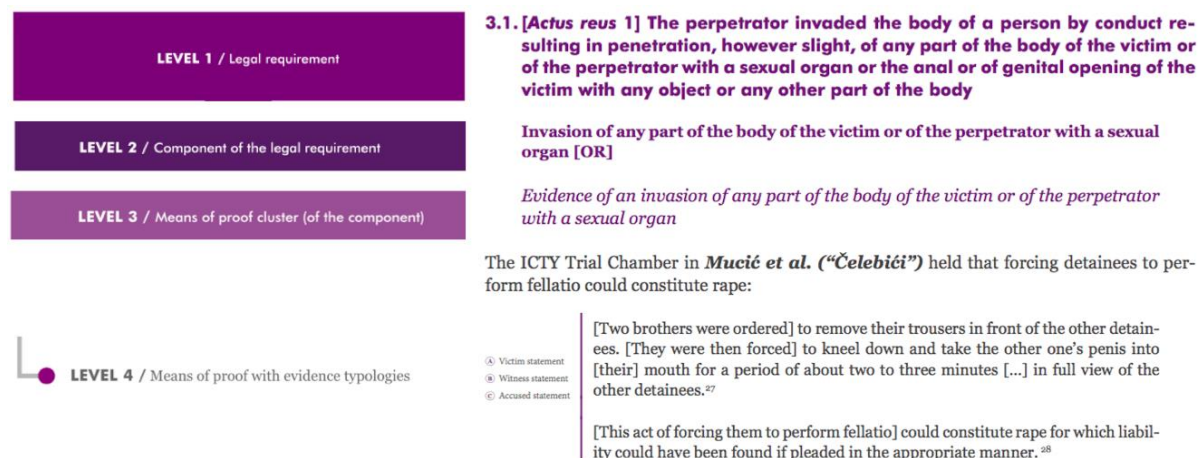
The new Case Matrix [International Criminal Law Guidelines: Means of Proof of Sexual and Gender-Based Violence Crimes](#) provide an overview of emblematic case law and a set of single-page means of proof charts for each of the seven sexual and gender-based violence crimes (SGBV) under the ICC Statute: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, other forms of sexual violence and genocide by imposing measures intended to prevent births. The Guidelines provide readers with the factual findings on SGBV crimes from national and international criminal courts, and concise summaries of means of proof and evidence typologies for these crimes. They have been developed as a practical tool for national practitioners, NGOs and academics, and will be available in English, French and Spanish.

Evidentiary requirements to prove SGBV crimes under international criminal law

The Guidelines include annotated evidence drawn from 20 cases before international criminal tribunals (ICC, ICTY, ICTR, SCSL) and relevant historic cases from national jurisdictions. The Guidelines provide readers with judicial quotations regarding admitted evidence, which have been grouped into means of proof clusters and marked with evidence typologies. Readers are also alerted to the application of alternative charges and to similar means of proof of other SGBV crimes, to afford structural support for evidence collection as well as analysis.

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Means of Proof Charts: a visual aid summarising evidence in leading SGBV cases

Single-page means of proof charts summarise the evidence, typology and case references cited for each SGBV crime under the ICC Statute and are intended to provide quick and practical references:

- [Means of Proof Charts: Rape](#)
- [Means of Proof Charts: Sexual Slavery](#)
- [Means of Proof Charts: Enforced Prostitution](#)
- [Means of Proof Charts: Forced Pregnancy](#)
- [Means of Proof Charts: Enforced Sterilisation](#)
- [Means of Proof Charts: Other forms of SGBV](#)
- [Means of Proof Charts: Genocide](#)

These Guidelines are accompanied by the [International Criminal Law Guidelines: Legal Requirements of Sexual and Gender-Based Violence Crimes](#), which provide case law and publicist commentaries on the legal requirements of each SGBV crime under the ICC Statute.

New BIRN E-Book on Kosovo War Crimes Court

The Balkan Investigative Reporting Network has published an e-book about the Kosovo Specialist Chambers, aiming to increase understanding about the newly-established court that will try ex-guerrillas for crimes during and after the war.

BIRN's e-book, entitled '[Kosovo Specialist Chambers: From Investigations to Indictments](#)', includes expert analysis, interviews and archive reports that trace the history of the Kosovo Specialist Chambers from the initial Council of Europe investigation into wartime and post-war crimes by Kosovo Liberation Army fighters to the establishment of the new court to try them in The Hague.

Ahead of the first indictments, BIRN compiled its extensive archive on the subject into a comprehensive guide to how the court will work, what are its main challenges and what the key players have to say about the allegations and the forthcoming prosecutions.

The e-book can be downloaded free of charge in English, Albanian, Serbian and Macedonian.



“The establishment of the Kosovo Specialist Chambers has been marked by controversy – the court is seen as biased in Kosovo because it targets one ethnic group, while in Serbia it has been greeted as the last hope for justice for Kosovo’s Serbs. In this heated environment, we believe that this e-book can be a valuable tool for everyone who has been following this tortuous road towards justice,” said the book’s editor, Marija Ristic, director of BIRN’s Balkan Transitional Justice programme.

“We also hope that it will contribute a better understanding of the complex issues involved in bringing people to justice for the crimes of the wartime past - one of the core values of BIRN’s work in the area of transitional justice,” she added.

Although based in The Hague, the Specialist Chambers is legally part of Kosovo’s judicial system, but independent from the Kosovo judiciary and staffed by internationals, while all decisions and appointments related to the court will be made by the European Union.

The Specialist Chambers will have jurisdiction over crimes that occurred between January 1, 1998 until December 31, 2000, and that either were committed or commenced in Kosovo, meaning it can also prosecute crimes committed in Albania, as many of the prisoners who were taken away by the Kosovo Liberation Army were detained in camps in northern Albania.

It will hear cases arising from the EU Special Investigative Task Force report which said that unnamed KLA officials would face indictments for a “campaign of persecution” against Serbs, Roma and Kosovo Albanians believed to be collaborators with the Belgrade regime. The alleged crimes include killings, abductions, illegal detentions and sexual violence

The SITF report was commissioned after the Council of Europe published an inquiry in 2011 which alleged that some senior Kosovo officials, including current President Hashim Thaci, were responsible

for various human rights abuses. Thaci strongly denied the allegations, and since he became president in February this year, he has publicly supported the establishment of the new court.

For the past 17 years since the war ended, the international community has been administering justice in Kosovo, but its results have been poor - fewer than 20 final verdicts in war crimes cases. Serbia has prosecuted seven cases related to the Kosovo war. However, it was believed that the Kosovo prosecution couldn't handle sensitive cases against high officials, which was one of the reasons why the international community decided to establish the new court.

- To download the e-book, click [here](#).
- To download the pdf versions, click [here](#).
- In order to access the e-book, you may need to download an e-book reader, such as this one: <https://fbreader.org>

Call for Papers for Current and Former Staff Members of the ICTY: International Crimes Database Project

The [International Crimes Database \(ICD\)](#) invites submissions of short articles for publication in the online paper series of the ICD, the ICD Briefs.



About ICD

The ICD is an online database, launched in 2013, and is hosted and maintained by the [T.M.C. Asser Instituut](#) in The Hague. It is supported by many international legal institutions and tribunals, including the ICTY.

The ICD website offers a comprehensive database of international crimes adjudicated by national as well as international and internationalised courts. In addition to case law on international crimes, the website provides background information and news updates about international crimes and the development of international criminal law, both academic and news articles, audio and video lectures through online streaming, and a social media platform to facilitate and stimulate interaction by their various users (see [Facebook](#) and [Twitter](#) pages). The ICD provides access to a range of information not only for lawyers and judges but also for students, academics, practitioners, policymakers, families and communities affected by crimes, and others. The Database is well on its way to become a leading, indispensable 'go-to' resource for users seeking to gain a better understanding of international criminal law, as well as those seeking to follow the latest developments in international criminal law.

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Article Series

The online ICD article series [ICD Briefs](#) is another way in which the website provides in-depth information and insights to visitors through a series of short articles on topics related to international crimes and international criminal jurisprudence. In addition, the series offers scholars and practitioners the opportunity to make their work available to an international network of ICD users. Our *ICD Briefs* are included in the Peace Palace Library and have often been referred to in literature.

International Criminal Tribunal for the former Yugoslavia

In view of the ICTY closing its doors at the end of this year and in an effort not to lose the valuable insights from its (former) employees, we are now publishing a call for papers, *reserved exclusively for current and former staff members of the ICTY*. The *Briefs* are ultimately between 5,000 and 7,500 words (excluding footnotes), relating to any area of international criminal law or jurisprudence. Pieces may not have been previously published or submitted for publication elsewhere. In the case that an author later seeks to publish a more extensive academic article based on the original *ICD Brief*, reference to and appropriate citation of the original *ICD Brief* is required.


More information

Please send your draft paper to editors@internationalcrimesdatabase.org by **1 March 2018**, using **the format below**. Please also include a CV with your submission and indicate when you worked at the ICTY, in what role and in which section. The ICD editorial team will decide which of the full papers will be published on the ICD website. The views and opinions expressed in the ICD Briefs are not necessarily those of the ICD and/or the Asser Institute. The author(s) of the ICD Brief is/are responsible for the content of his/her/their ICD Brief alone.

Download more information

- [Author guidelines ICD Briefs.pdf](#)
- [Example ICD Brief.pdf](#)

News November 2017

 Click on the hyperlinked headlines to see the full articles of international criminal justice news from the previous month.

30 November

[Argentina: Former military officials convicted for crimes against humanity](#)

(BBC)

Two former navy officers in Argentina have been sentenced to life for crimes against humanity committed between 1976 and 1983 under military rule. Captains Alfredo Astiz and Jorge Eduardo Acosta were found guilty of involvement in the torture and murder of hundreds of political opponents. They are among 54 people who faced trial for crimes committed at the Naval Mechanical School, or Esma. Astiz, known as the "angel of death", has refused to apologise....

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25 November

[Ivory Coast president: send Libyan slave traders to the ICC](#)

(Reuters)

Ivory Coast's President Alassane Ouattara called on the International Criminal Court on Saturday to indict criminals who are selling black African migrants in Libyan slave markets. His comments followed a worldwide outcry over footage aired by CNN that seemed to show men were being auctioned as farm hands in Libya, after being smuggled across the Sahara...

[A Prosecutor Falls, Time for the Court to Rise](#)

(TOAEP, by Morten Bergsmo, Wolfgang Kaleck, Sam Muller and William H. Wiley)

...On 21 April 2003, Luis Moreno-Ocampo from Argentina was elected as the first Prosecutor of the Court. During his press conference at UN Headquarters after his election, he referred to himself, his designated *Chef de cabinet* from Argentina, and Bergsmo as the "dream team" of the Office of the Prosecutor. He described the preparatory work undertaken for his Office as a "miracle". Bergsmo asked himself: Is it really true, can the transition from the phase of abstract norm-creation by diplomats to the construction of an international court be so seamless?...

24 November

[War crimes court's chief visits Kosovo, dodges top leaders](#)

(AFP)

The chief of a EU-backed court due to try former ethnic Albanian guerrillas for alleged war crimes committed during the 1990s independence war visited Kosovo for the first time but shunned the country's top leaders. Ekaterina Trendafilova from Bulgaria did not meet President Hashim Thaci, parliament speaker Kadri Veseli and Prime Minister Ramush Haradinaj, all former commanders of the Kosovo Liberation Army (KLA). The president and the speaker have been regularly mentioned as possible targets of the special court, which will work in line with Kosovo laws but be based in The Hague in order to protect witnesses...

23 November

[Ahmad Al Faqi Al Mahdi: "I plead guilty"](#)

(The UNESCO Courier)

Ahmad Al Faqi Al Mahdi was convicted of the war crime of having deliberately directed the attacks that, in June and July 2012, led to the destruction of ten religious and historical monuments in Timbuktu (Mali), a World Heritage site since 1988... The UNESCO Courier visited Al Mahdi at the ICC Detention Centre in The Hague, Netherlands, and traced his journey...

[Sudan's President Bashir asks Putin for 'protection' from 'aggressive' US](#)

(France 24)

Sudanese President Omar al-Bashir, who is wanted by the International Criminal Court for genocide and war crimes, on Thursday asked Russia's Vladimir Putin to protect his country from the United States. Speaking during his first visit to Russia as president, Bashir also said he wanted to ramp up military ties and praised Moscow's military campaign in Syria...

22 November

[Witness Testifies about Forced Marriage and Rape by LRA Commander](#)

(International Justice Monitor)

A witness described to judges at the International Criminal Court (ICC) some of the sexual violence she said she suffered after she was abducted by the Lord's Resistance Army (LRA) about 13 years ago. Between November 8th and 9th, Witness P-396 testified in the ICC's trial of Dominic Ongwen about her time as a "wife" in the LRA...

[Lubanga case: Trial Chamber II to issue additional decision on reparations on 15 December 2017](#)

(ICC)

On 22 November 2017, Trial Chamber II of the International Criminal Court (ICC) scheduled a public hearing in the case The Prosecutor v. Thomas Lubanga Dyilo for 15 December 2017 at 10:00 (The Hague local time), in Courtroom I at the seat of the Court in The Hague (Netherlands). The Chamber will deliver its decision setting the amount of reparations for which Mr. Lubanga is liable and thus complete the Order of reparation of 3 March 2015...

17 November

[Former Venezuela chief prosecutor files complaint against nation's president in ICC](#)

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(Jurist)

Luisa Ortega Díaz, Venezuela's deposed chief prosecutor, filed a complaint on Thursday with the International Criminal Court (ICC) calling for the arrest and trial of top Venezuela officials for crimes against humanity. These officials include, President Nicolás Maduro [official website], Defense Minister Vladimir Padrino López, and Interior Secretary Néstor Reverol...

[International Law is Meant to Prevent What's Happening in Yemen](#)

(Just Security)

... A number of IHL rules are meant to prevent famine from arising in situations of armed conflict. As an additional layer of defense, IHL also sets out obligations to allow humanitarian relief to be delivered rapidly to those in need. All States should take immediate steps to use their influence to ensure that the parties to the armed conflict respect these rules. As Jan Egeland has [said](#) about the risk of famine in Yemen, "It is not a drought that is at fault. This preventable catastrophe is man-made from A to Z..."

16 November

[Syria: Russia blocks extension of chemical attacks probe](#)

(BBC News)

Russia has vetoed a UN Security Council resolution that would have extended an international inquiry into chemical weapons attacks in Syria. It is the 10th time Moscow has used its veto powers at the UN in support of its ally since the conflict began. US ambassador to the UN, Nikki Haley, accused Russia of undermining the organisation's ability to deter future chemical attacks...

[The Crime of Aggression. All you need to know](#)

(CICC)

This December, states are set to decide on activation of the International Criminal Court's jurisdiction over the crime of aggression. For the first time since the post-WWII trials in Nuremberg and Tokyo, an international court may be able to hold leaders individually criminally responsible for waging aggressive war...

[Why the U.S. Can No Longer Ignore the ICC](#)

(Foreign Affairs)

... What Bensouda's statement means is that, based on the information the ICC has accumulated from governments, non-government organizations, and open sources, the allegations made against individual representatives of the United States pass jurisdictional muster and other legal requirements. This then enables the Office of the Prosecutor to proceed with a more active, on-the-ground investigation after a three-member panel of judges known as the Pre-Trial Chamber signs off on it...

15 November

[UN peacekeeper in DR Congo honoured for combatting sexual violence on the frontlines](#)

(UN News Centre)

United Nations peacekeeper Major Seitebatso Pearl Block was commended on Wednesday for developing a Mission-wide, short message service (SMS) campaign to combat gender-based abuse by connecting with women in remote parts of the Democratic Republic of Congo (DRC)...

[Tribunal to hear Im Chaem appeal](#)

(Khmer Times)

The Khmer Rouge tribunal's pre-trial chamber will in December consider an appeal challenging its decision to dismiss Case 004/01 against former district leader Im Chaem. The hearing on December 11-12 comes after the international co-prosecutor objected to the tribunal's proposed closure of the case against Ms Chaem, who was a high-ranking Khmer Rouge member with allegedly close ties to Pol Pot...

[UK calls for 'greater clarity' on ICC's new crime of aggression](#)

(The Guardian)

The UK government is lobbying to block the international criminal court from activating the war crime of aggression, according to campaigners, in a move that could protect Tony Blair and other British politicians from the risk of future prosecution...

[The Immunity of al-Bashir: The Latest Turn in the Jurisprudence of the ICC](#)

(EJIL Talk)

In this post I examine the Chamber's most recent decision on the case of al-Bashir and make a

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number of critical observations. This post serves as a follow-up to an EJIL:Talk!-post from 2014, in which André de Hoogh and I argued that the DRC decision wrongly assumed that the Council can remove immunities in an implicit manner and mistakenly conflated the obligation to waive immunities with their actual removal...

14 November

[Libya war: Human rights lawyers seek ICC probe into Khalifa Haftar](#)

(Middle East Eye)

A team of human rights lawyers presented evidence to the International Criminal Court on Tuesday alleging Libyan strongman Khalifa Haftar and his forces have committed crimes against humanity during the country's ongoing civil war. The London-based Guernica 37 International Justice Chambers filed the dossier on behalf of Libyan victims of abuse with allegations including extensive destructions, torture and murder...

[A Steep Slope Awaits the Wheels of Justice in Central African Republic](#)

(Justice in Conflict)

It is too seldom that justice for grave crimes is pursued locally in a country that desperately needs it. But in the Central African Republic, there is cause for cautious optimism over the Special Criminal Court, the country's first meaningful effort within its domestic justice system at criminal accountability for war crimes and similar atrocities...

[Cambodia's Duch and the analysis of a killer](#)

(Justice Info)

Psychologist Françoise Sironi has been working with victims of mass violence for a quarter of a century. She was one of the founders of the Primo Levi Centre in Paris which provides care for torture victims. More recently she provided psychological expertise for the trial in Phnom Penh of Duch, who was director of the infamous S-21 prison during the Khmer Rouge regime in Cambodia from 1975 to 1979...

[BIRN Publishes Ratko Mladić Trial E-Book](#)

(Balkan Transnational Justice)

BIRN published a new e-book on Tuesday entitled 'Ratko Mladić: From Battlefield to Courtroom',

ahead of the former Bosnian Serb commander's trial verdict on November 22. The e-book, which is downloadable free of charge, contains all BIRN's reports on the case from the point when Mladić was transferred to the International Criminal Tribunal for the Former Yugoslavia in The Hague to face trial to his defence's recent requests to postpone the verdict on grounds of ill-health...

[Russia posts video game screenshot as 'proof' of US helping IS](#)

(BBC News)

Russia's Ministry of Defence has posted what it called "irrefutable proof" of the US aiding so-called Islamic State - but one of the images was actually taken from a video game. The ministry claimed the image showed an IS convoy leaving a Syrian town last week aided by US forces. Instead, it came from the smartphone game AC-130 Gunship Simulator: Special Ops Squadron...

13 November

[Hopes for Khmer Rouge tribunal influence on Cambodia's courts 'at risk' amid political crackdown](#)

(The Phnom Penh Post)

... That progress, however, is "now at risk", said David Tolbert, with the International Centre for Transitional Justice. In recent months and years, the courts have been widely viewed as a cudgel wielded against ruling party critics. The CNRP is currently facing dissolution at the hands of the Supreme Court and opposition leader Kem Sokha is awaiting trial on charges of "treason". Reang agreed that the court's legacy – that justice is possible even when high-level leaders are involved – is hanging in the balance...

[Ban on killer robots urgently needed, say scientists](#)

(The Guardian)

... The short, disturbing film is the latest attempt by campaigners and concerned scientists to highlight the dangers of developing autonomous weapons that can find, track and fire on targets without human supervision. They warn that a preemptive ban on the technology is urgently needed to prevent terrible new weapons of mass destruction...



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[Assad regime's starve or surrender strategy 'a crime against humanity'](#)

(The Guardian)

Forces loyal to Bashar al-Assad in Syria have committed crimes against humanity through their "starve or surrender" strategy and sieges that have devastated areas controlled by the opposition, a report by human rights watchdog Amnesty International has concluded...

[The Vancouver Principles, New Steps to Help UN Peacekeepers Stop Child-Soldier Use](#)

(Pass Blue)

The one sure announcement to emerge from the annual United Nations peacekeeping defense ministerial conference this week will be the adoption of the Vancouver Principles, a set of rules aimed primarily at preventing the recruitment and use of child soldiers...

[The European Committee for the Prevention of Torture to assist the ICC in the monitoring of the conditions of sentenced persons](#)

(ICC)

The International Criminal Court and the European Committee for the Prevention of Torture have concluded an agreement by exchange of letters of 2 November 2017 and 9 November 2017 for the monitoring of conditions of detention of persons sentenced by the Court...

[Myanmar's Lack of Cooperation with UN Investigators Underlines Global Issue](#)

(IPI)

Last week, the Security Council adopted a presidential statement which called upon the government of Myanmar to cooperate with all UN bodies and mechanisms. The statement comes after months of allegations of killings, rape, and torture of Myanmar's minority Rohingya Muslim population by security forces, and the government's persistent denial of visas to members of a UN investigative team. The government's refusal to cooperate is unfortunately not an uncommon posture and brings to the fore the need for the UN to ensure that independent and impartial investigations can take place in the best conditions, and, where no cooperation is possible, to look for other creative ways to dig up the facts...

12 November

[U.N. official says will raise sexual violence against Rohingya with ICC](#)

(Reuters)

A senior United Nations official said on Sunday she would raise the issue of persecution of Myanmar's Rohingya minority, especially sexual violence and torture, with the International Criminal Court (ICC). Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict, also said around \$10 million is needed immediately to deliver specialist services for survivors of gender-based violence...

10 November

[The Rohingya are facing genocide. We cannot be bystanders](#)

(The Guardian)

Over the past two months, more than 600,000 Rohingya people have been driven from their homes, had their land destroyed, and endured torture and rape while searching for safety. Remember what happened in Rwanda? Now, pay attention to Myanmar...

[The ICC's New Burundi Investigation: Where Is the Court Headed?](#)

(Just Security)

... This week, we learned that the Prosecutor filed her request for an investigation on Sept. 5, and the judges issued their decision authorizing the investigation just before the one-year deadline. As a consequence, even though Burundi is no longer a State Party of the ICC (the first and only state ever to leave the Court), the Prosecutor may proceed with her investigation of the alleged crimes committed there and Burundi is legally obligated to cooperate with that investigation...

[DR Congo's Kavumu child rape trial opens](#)

(BBC News)

Eighteen militiamen are on trial in the east of the Democratic Republic of Congo on charges of raping 46 children. Some of the victims from the village of Kavumu were just 18 months old. The men allegedly targeted young girls between 2013 and 2016 because a spiritual adviser told them that the blood of virgins would grant them supernatural protection...



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9 November

[UN releases Central African Republic war crimes suspects](#)

(BBC News)

The UN mission in the Central African Republic (CAR) released rebel fighters accused of shooting a UN peacekeeper, confidential documents seen by the BBC show. The two men were handed back to their commander in 2015 despite injuring the UN peacekeeper - a war crime under international law...

[Questions and Answers on the decision to open an investigation regarding Burundi](#)

(ICC)

On 25 October 2017, Pre-Trial Chamber III of the International Criminal Court ("ICC" or "Court") authorised the ICC Prosecutor to open an investigation regarding crimes allegedly committed in Burundi or by nationals of Burundi outside Burundi. The decision was, exceptionally, issued under seal, that is to say confidentially, and only accessible to the ICC Prosecutor...

8 November

[These Lawyers Have A Case For Charging ISIS With Killing LGBT People](#)

(BuzzFeed News)

Three organizations announced a petition on Wednesday asking the ICC to bring charges against ISIS for persecuting the people under its control on the basis of gender — including the public execution of men alleged to be gay. The petition is being submitted to the ICC by the New York-based women's rights group Madre, the Organization for Women's Freedom in Iraq (OWFI), and City University of New York School of Law. It will be formally presented Wednesday afternoon at an event with ICC Chief Prosecutor Fatou Bensouda...

[Remarks at a UN Security Council Briefing on the Situation in Libya](#) (USUN)

... Mr. President, Madam Prosecutor, before closing, I would be remiss not to convey the United States' position with respect to recent developments related to the situation in Afghanistan. The United States believes that any ICC investigation or other activity concerning U.S. personnel is wholly unwarranted and unjustified...

[ICC prosecutor urges handover of Al-Saiqa brigade commander, others wanted for alleged crimes in Libya](#)

(UN News Centre)

The International Criminal Court has issued an arrest warrant for Major Mahmoud Mustafa Busayf al-Werfalli, a commander in the Al-Saiqa Brigade accused of murdering 33 people in the context of the ongoing conflict in Libya, ICC Prosecutor Fatou Bensouda told the United Nations Security Council...

[Syrians in Germany file war crime cases against Assad regime](#)

(The Local DE)

Syrian refugees in Germany backed by human rights groups said Wednesday they had filed new criminal complaints accusing President Bashar al-Assad's regime of war crimes and crimes against humanity...

[Policy Choices, Dilemmas and Risks in the ICC's Iraq-UK Preliminary Examination](#)

(TOAEP)

In May 2014, the Chief Prosecutor of the International Criminal Court ('ICC'), Fatou Bensouda, announced that she had decided to reopen a preliminary examination into war crimes allegedly committed by British soldiers during the Iraq war and occupation...

[Prosecution demands life sentence in Ethiopia War Crimes case before Dutch Court](#)

(OM)

The Netherlands Public Prosecutor's Office has demanded a life sentence for a 63 year-old man on Wednesday for a series of War Crimes that include arbitrary detention, torture and killing of opponents of the 1970s revolutionary regime in Ethiopia...

7 November

[Both ISIL and Syrian Government responsible for use of chemical weapons, UN Security Council told](#)

(UN News Centre)

... "There has been sufficient evidence of a credible and reliable nature to make its findings," said Edmond Mulet, Head of the Organisation for the



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Prohibition of Chemical Weapons-UN Joint Investigative Mechanism (OPCW-UN JIM), during a briefing on the entity's latest findings, released on 26 October. He said that despite the challenges of investigating complex cases during an armed conflict, the Mechanism has taken great care to ensure that its methodology and findings were technically and scientifically sound...

[Defense Lawyers Ask ICC Appeals Judges to Reduce Katanga's Financial Liability in Reparations](#)

(International Justice Monitor)

Lawyers for former Congolese militia leader Germain Katanga have petitioned International Criminal Court (ICC) appeals judges to reduce the US\$1 million order of reparations the former militia commander received earlier this year. They claim Katanga lacks the ability to pay and that the amount does not fairly reflect the role he played in the crimes for which he was convicted...

6 November

[Gassing International Law](#)

(Jurist)

The United Nations Security Council (UNSC) should not ignore or walk away from the alleged use of any prohibited weapon, such as chemicals, as it signals it is permissible to violate the Chemical Weapons Convention (CWC) and erodes international norms related to such weapons. Further, it signals that countries with deep ties to P5 (U.K., U.S., France, Russia, China) are outside the scope of UNSC authority, therefore creating a bigger issue of eroding the international authority of the UNSC and jeopardizing the foundation of international law...

[UN Security Council calls on Myanmar to end excessive military force in Rakhine state](#)

(UN News Centre)

Strongly condemning the widespread violence in Myanmar's Rakhine state, which has led to the displacement of over 600,000 members of the country's minority Muslim Rohingya community, the United Nations Security Council on Monday called on the Government to end the use of excessive military force and intercommunal violence in the region...

4 November

[ICC's investigation of Libya war crimes in dock even before male rape cases](#)

(The Guardian)

The international criminal court has struggled to ensure its writ runs in Libya ever since the UN security council tasked the ICC with the investigation of war crimes after the fall of Muammar Gaddafi in 2011. The possibility of taking on a raft of new cases, including repeated male rape, will therefore raise issues of capacity, evidence and authority for the court, which has been accused of politicised justice and being limited in its powers...

3 November

[UN advocate vows to give 'visibility' to victims of sexual exploitation and abuse](#)

(UN)

Briefing the press at United Nations Headquarters in New York for the first time, the first-ever UN advocate for the rights of victims of sexual exploitation and abuse on Friday highlighted her role to give those who have suffered "visibility" and amplify their voices. "I'm the first prong of the full-pronged strategy of the Secretary-General to address SEA [sexual exploitation and abuse] systemwide," said Victims' Rights Advocate Jane Connors...

[UN Security Council: Refer Burma to the ICC](#)

(HRW)

The United Nations Security Council should refer Burma to the ICC because of Burma's failure to investigate mass atrocities against ethnic Rohingya, Human Rights Watch said today in releasing a new question-and-answer document. UN member countries should also pursue processes for gathering criminal evidence to advance prosecutions in the ICC and other courts...

[Statement on the Case of Ibrahim Metwally Hegazy](#)

(Government of the Netherlands)

Canada, Germany, Italy, the Netherlands and the United Kingdom are deeply concerned at the ongoing detention of human rights lawyer Ibrahim Metwally Hegazy, who was detained at Cairo airport on September 10th on his way to the UN



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Enforced and Involuntary Disappearances working group...

[International Crimes Committed in Afghanistan: Towards International Criminal Court Prosecutions of All Operating Forces?](#)

(FIDH)

After a decade-long preliminary examination, the International Criminal Court (ICC) Prosecutor today gave formal notice she will submit a request to open an investigation into the situation in Afghanistan. Our organisations welcome this decision and urge the ICC Pre-Trial Chamber to grant the forthcoming request, which will finally allow for impunity for international crimes committed in Afghanistan since May 2003 to be addressed...

2 November

[YouTube and Facebook Are Removing Evidence of Atrocities, Jeopardizing Cases Against War Criminals](#)

(The Intercept)

... The disappearance of Abdusalam's photos are part of a pattern that's causing a quiet panic among human rights groups and war crimes investigators. Social media companies can, and do, remove content with little regard for its evidentiary value. First-hand accounts of extrajudicial killings, ethnic cleansing, and the targeting of civilians by armies can disappear with little warning, sometimes before investigators notice...

[The ICC Post-Withdrawal Jurisdiction on Burundi](#)

(Jurist)

On October 27th, 2017 Burundi became the first State Party to withdraw from the Rome Treaty creating the International Criminal Court (ICC), in accordance with the provisions of Article 127. It is worth recalling that prior to Burundi's withdrawal notice, the Office of the Prosecutor launched a preliminary examination into the situation in

Burundi. Since this was a motu proprio move by the Office of the Prosecutor (OTP), the latter cannot go further without an authorization from the Court...

[Gloves off for Kosovo leader as war court charges loom](#)

(Justice Info Net)

Kosovo's President Hashim Thaci has launched a rare attack on the country's Western supporters in recent weeks, an outburst that analysts say could be linked to coming war crimes indictments. An EU-funded tribunal has been set up at The Hague to try crimes allegedly committed by senior members of the ethnic Albanian Kosovo Liberation Army (KLA) as it battled the forces of former Serbian strongman Slobodan Milosevic in the 1998-1999 war...

1 November

[BIRN Publishes Kosovo War Crimes Court E-Book](#)

(Balkan Transnational Justice)

The Balkan Investigative Reporting Network has published an e-book about the Kosovo Specialist Chambers, aiming to increase understanding about the newly-established court that will try ex-guerrillas for crimes during and after the war...

[Ethiopia: 'Red Terror' war crimes trial begins at The Hague](#)

(BBC)

The war crimes trial of an aide to Ethiopia's former communist ruler has begun in the Netherlands. Eshetu Alemu, 63, is accused of ordering the execution of 75 people during Ethiopia's "Red Terror" purges in the late 1970s. The former aide to then ruler Mengistu Haile Mariam is also accused of torture and inhumane treatment. He denies all the charges against him. More than 300 victims have been named in four war crimes charges...



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Quick links

The following are some useful research links:

- FICJ [Resource Library](#): research tools, best practice reports, commentaries and more
- FICJ [Global Legal Developments](#): specialised units, legislation, international & national cases
- International Criminal Court Legal Tools Database: an electronic library on international criminal law and justice with over 41,000 documents: [browse](#) | [search](#) | [annotated Rome Statute](#) | [annotated Rules of Procedure and Evidence](#) | [National Implementing Legislation Database](#)
- International Criminal Tribunal for the Former Yugoslavia [Legal Library](#)
- International Criminal Tribunal for Rwanda [Documents](#)

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