

Forum for International Criminal Justice Newsletter: September 2016

Welcome to the IAP's Forum for International Criminal Justice (FICJ) September 2016 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, announcements, events, new publications and major news developments from the past month.

Domestic legal developments covered in this Newsletter include: **Bangladesh's** top court rejected a final appeal by the leader of an Islamist party against a death sentence for war crimes; an **Iraqi** man was arrested in **Finland** for alleged crimes of murder, terror and war crimes; **German** prosecutors have charged a former **Iraqi** soldier with war crimes; and the **US** deported a former **Guatemalan** soldier wanted in 1982 massacre.



***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 Office Manager, Evie Sardeman: om@iap-association.org.

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

Video Highlights



[Click here](#) to watch a video summary of the ICC trial of Ahmad Al Faqi Al Mahdi, who pled guilty (an ICC first) to the war crime of destroying historical and religious monuments in Timbuktu (Mali).



[Click here](#) to watch a fascinating talk by Dr William Wiley (Director, Commission for International Justice and Accountability) on developing good investigative practices at the domestic level.



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Colombia's peace deal: Will it bring justice?



By the Coalition for the International Criminal Court

The international community has broadly welcomed the long-awaited peace agreement between the Colombian government and the FARC rebel group, which [promises](#) an end to over 50 years of brutal conflict. But will the deal ensure Colombia fulfils its obligations as an International Criminal Court (ICC) member state to investigate and prosecute perpetrators of grave crimes?



Colombians celebrating the peace deal between the government and FARC rebels in Bogotá, Colombia on 24 August, 2016. Photo: Guillermo Legaria/AFP — Getty Images

Alleged war crimes and crimes against humanity by government forces, armed guerrilla groups, and paramilitaries have been the subject of an ICC [preliminary examination](#) since 2004, intended to determine whether a full investigation is warranted. The ICC prosecutor has been monitoring the peace process to ensure the delivery of genuine justice under the Rome Statute principle of complementarity, which requires authorities in ICC member states to investigate and prosecute grave crimes in the first instance.

In December 2015, negotiators [published](#) a 75-point plan detailing how justice for grave crimes committed during the conflict would be implemented as part of the wider peace agreement. A Special Jurisdiction for Peace is to be established to prosecute conflict-related grave crimes committed by all sides. While explicitly excluding amnesty for war crimes and crimes against humanity, the agreement envisages reduced and/or alternative sentences, such as house arrest, for perpetrators who confess to crimes and contribute to establishing truth.

The issue of sentencing has proven contentious. Human Rights Watch this week [said](#) the agreement was flawed and could lead to impunity for those responsible for human rights abuses and war crimes. Amnesty International [said](#) it had serious doubts about whether the deal will effectively guarantee victims' rights to truth, justice, and reparations in line with international law and standards.

However, the Colombian Commission of Jurists [welcomed](#) the deal. Colombian human rights group HUMANAS meanwhile [called](#) on "the men and women of this country to say 'yes' to peace," when the agreement is put to popular referendum in October.

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The government and the FARC have [proposed](#) the participation of Pope Francis, UN Secretary-General Ban Ki-Moon, the Criminal Chamber of Colombia's Supreme Court, the International Center for Transitional Justice, and the Standing Committee of the State University System when selecting judges for Colombia's special peace tribunals.

- Read the full article on the [CICC website](#)

New Katanga Trial Shows DRC's Potential to Try Complex International Crimes

By Paul Seils, Vice President, International Center for Transitional Justice, and Myriam Raymond-Jetté, Head of Office, DRC

ICTJ | Justice
Truth
Dignity

Germain Katanga, a warlord convicted by the International Criminal Court (ICC) for murder and other crimes, thought he was getting released from prison in January. But he was wrong. He had been [found](#) guilty by the ICC on charges linked to a 2003 attack on the village of Bogoro, in the eastern province of Ituri of the Democratic Republic of Congo (DRC) – and had served the end of his 12-year sentence in a Kinshasa jail, at his own request.

But DRC authorities, instead of freeing him, [held](#) him for trial on other charges that had not been dealt with by the ICC. This development represents not only yet another legal novelty for the ICC but also a potentially significant gearshift by the DRC justice system.



Germain Katanga at the ICC in 2015
©ICC-CPI

When President Kabila had voluntarily asked the ICC prosecutor in 2003 to look into DRC crimes, he indicated it was because conditions did not allow for DRC officials to do so. Does the decision to hold on to and prosecute Katanga indicate that those conditions have materially changed?

The judicial process in the DRC against Katanga, the former head of the Ituri Patriotic Resistance Front, required a fairly intricate legal dance between the ICC, the DRC and Katanga's defense team. When the DRC authorities made clear what they had planned, Katanga appealed to the ICC to try to block the new trial on the grounds that it violated the conditions of his transfer to the DRC.

He argued that the DRC wanted to put him on trial for the same "type" of crimes for which he had already been convicted. The ICC said the DRC was in essence looking at different crimes and it didn't matter at all if they were of the same general "type."

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Some might wonder if it is a smart use of the DRC's limited resources to go after someone who the ICC has already tried and sentenced, given the huge numbers of perpetrators who have not been dealt with yet.

There is indeed a backlog of cases of international crimes (war crimes, crimes against humanity and genocide) in the DRC courts. In the absence of official data, [research](#) has identified that less than half of 39 international crimes cases brought before the courts in the east of the country from 2009–2014 have been dealt with. Most international crimes are not brought to justice at all.

The presiding judge of the DRC High Military Court, General Major Bivegete, told the International Center for Transitional Justice that the decision to prosecute Katanga highlighted “the importance of re-focusing on the primacy of the national jurisdiction to prosecute international crimes rather than on the [complementarity of the ICC](#). The focus should not be on the ICC's role in handling these crimes, but on the DRC's responsibility to prosecute them.”

“The focus should not be on the ICC's role in handling these crimes, but on the DRC's responsibility to prosecute them.” - Presiding judge of the DRC High Military Court, General Major Bivegete

These are significant words, not only for Katanga, or for the victims of his many alleged crimes who would not see justice without new trials: they show that a change of mind-set is taking hold and that a judicial system that even 10 years ago would not be inclined to go near such a case may now have the confidence and ability to do so.

The DRC authorities' decision regarding Katanga has nothing whatsoever to do with the idea of limiting the role of the ICC in the DRC or even withdrawal from the Rome Statute. On the contrary, it is one of the most positive indications to date of a maturing system of international justice where the ICC has played a robust and constructive role in encouraging DRC authorities to recognize and deliver on their primary duties and responsibilities.

Further, none of this suggests that the DRC judicial system is now in pristine shape. Challenges abound. Most cases of serious crimes remain in the military jurisdiction, for example. But important efforts are led by some key national authorities attempting to improve the efficiency of the national prosecution of international crimes.

For instance, in an attempt to address the backlog of cases, with ICTJ's assistance, magistrates in Eastern DRC have identified priority cases to be tried first, based on criteria such as the gravity of the crimes, the number and vulnerability of victims, and the impact of the crimes on communities. The prioritization process was led under the authority of representatives of the highest military judicial authorities and was recently endorsed by the DRC Ministry of Justice. This prioritization has caused a shift in the dynamic, giving back ownership of investigations to the national authorities, rather than external partners, like the United Nations Organization Stabilization Mission in the DRC (MONUSCO),

and has led to a relatively more proactive role on the part of magistrates, enabling greater institutional oversight of investigations and trials.

Katanga's national trial will be judged on its fairness – as all trials should be. But the DRC government's change in mind-set, desire for national ownership of prosecutions, and practical steps to reduce backlogs and prioritize cases are all steps in the right direction.

Some will think that it has been a long time for victims to wait for justice. The crimes Katanga stands accused of were all committed over ten years ago. Some will consider justice delayed is justice denied. But bearing in mind the lack of resources and fragility of the DRC a decade ago, these steps are surely a sign of progress. Further, sometimes it will not be possible, or perhaps prudent, to go straight into criminal investigations while a war rages or in its immediate aftermath. Some delay may in fact be the best means of guaranteeing meaningful justice.

It is by building up a bank of credible cases that both national and international courts dealing with atrocious crimes will help to change attitudes of what is and is not acceptable conduct. The DRC prosecution of Katanga is an enormously welcome step on that journey of persuasion.

To learn more about complementarity and the relationship between the ICC and national authorities in the fight against impunity, check out ICTJ's new resource for practitioners, media, and non-specialists following international criminal law, [The Handbook on Complementarity: An Introduction to the Role of National Courts and the ICC in Prosecuting International Crimes](#).

- Read the full article on the [International Center for Transitional Justice website](#)

The Significance of the ICC's First Guilty Plea

Opinion by Alex Whiting, Professor of Practice at Harvard Law School & former Prosecution Coordinator at the ICC's Office of the Prosecutor



Yesterday Al Faqi Al Mahdi of Mali pled guilty at the International Criminal Court (ICC) to one count of directing an attack against buildings dedicated to religion and historic monuments under article 8(2)(e)(iv) of the Rome Statute. Specifically, Al Mahdi admitted in court that in June and July, 2012, he directed and organized a group of men in the destruction of nine mausoleums and one mosque in Timbuktu. He participated himself in half of the destructions, and justified the attacks to journalists afterwards. The mausoleums and mosque were central to the religious and cultural life of Malians in Timbuktu, and nine of the ten sites destroyed by Al Mahdi were protected on the UNESCO World Heritage List.

The case is important because it has [focused attention](#) on the crime of intentionally attacking religious, cultural and historic sites during armed conflict. As I wrote [earlier](#), such attacks have

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increasingly become a tactic of those targeting ethnic or religious groups, as demonstrated by the deliberate destruction of protected sites during the wars in the former Yugoslavia, by the Taliban in Afghanistan, and by ISIS in Syria and Iraq. These attacks result in genuine victimization. The Malian Minister of Culture described the destruction of the Timbuktu monuments as “an attack on what fuels our soul, on the very essence of our cultural values. Their objective was to destroy our past, our culture, our identity, and in fact our dignity.”

[Some have deplored the failure of the ICC to bring broader charges of murder and sexual violence in the Mali case](#), either against Al Mahdi or more senior commanders. This criticism presumes, however, that the ICC is more in control of its own destiny than it is. The ICC would bring additional charges in Mali if it could, if it had the evidence in hand. But such evidence is often extremely difficult to come by given the ICC’s extraordinarily limited tools and resources, and the acute security challenges faced by investigators and witnesses. And in the past, the ICC has been roundly criticized by judges and commentators when it has brought forward cases based on thin evidence.



Ahmad Al Faqi Al Mahdi speaking with his counsel at the opening of his trial © ICC-CPI

In fact, in many ways the ICC has made the best of a difficult situation with the Al Mahdi case. While in other situations the ICC’s cases against senior leaders have stalled because of difficulties in obtaining either the evidence or the accused – such as in Kenya, Darfur and Libya – in this case the ICC successfully pursued a more modest case against a mid-level commander. While the prosecution cannot simply abandon the pursuit of higher-ups and those most responsible, there is also virtue in putting together smaller yet worthy cases that will help the court continue to grow as an institution and allow it to build up towards bigger cases. In the Al Mahdi case, it is clear that the defendant has already provided significant, detailed information about senior figures in Ansar Dine and Al Qaeda in the Islamic Magreb (AQIM), and redactions in publicly-available plea agreement suggest that he has further agreed to cooperate and testify against other accused persons. Moreover, the narrow scope of this case is actually one of its strengths: the crime of attacks on religious and historic monuments would not get nearly as much attention if it were subsumed within a larger case.

The Al Mahdi case is also significant because it is the first guilty plea at the ICC. It will always be a challenge to persuade defendants at the ICC to plead guilty, because often they will be ideologically motivated and therefore disinclined to admit criminal responsibility, but as I wrote [here](#), the ICC will take a big step toward encouraging future admissions of responsibility if it is able to develop a

reliable practice around guilty pleas. The prosecution at the ICC should build on this first case by developing and publishing a policy on guilty pleas, explaining how and under what circumstances it will enter into an agreement with an accused.

In that regard, it will be important to see what sentence the judges ultimately impose on Al Mahdi. The prosecution has agreed to recommend a sentence in the 9-11 year range. If the judges choose a higher sentence, it will make it much more difficult to persuade the next defendant to enter into a plea agreement with the prosecution. Fortunately, in this case that is unlikely to occur. In fact, it is much more likely that the judges will impose a lower sentence. Jean-Pierre Bemba received an 18-year sentence for his culpability for the crimes of murder and rape, and Germain Katanga was sentenced to 12 years for crimes including murder and the targeting of civilians. And both of those men went to trial.

Al Mahdi began cooperating and confessed *before* he was even charged, and he signed a plea agreement last February, before there was even a confirmation hearing in his case. At the guilty plea hearing yesterday, [he expressed remorse and advised other Muslims not to follow his path](#).

Moreover, while it is true that he organized and directed the destruction of the monuments in Timbuktu, he initially counselled against their destruction. When he did act, he did so willingly to be sure, but it was also pursuant to an order given to him by the head of Ansar Dine and transmitted to him through a senior member of AQIM. His cooperation and the information that he has provided to the prosecution are further mitigating factors. Given all of these circumstances, it seems likely that the judges will sentence Al Mahdi to the lower-end of the recommended range, if not below.

In the end, the Al Mahdi case is perhaps a small case as far as international criminal cases go, but a significant one that will contribute to shaping both the law and the institution.

- Read the full piece on the [Just Security Website](#)

ICTY Prosecution Appeals Vojislav Seselj Acquittal

By Balkan Transitional Justice

The prosecution at the UN court in The Hague has filed an appeal against the verdict acquitting the leader of the Serbian Radical Party, Vojislav Seselj, of crimes against humanity in Bosnia and Herzegovina, Croatia and Serbia. In an 80-page appeal that was made public on Tuesday, the prosecution at the International Criminal Tribunal for the Former Yugoslavia, ICTY said that serious legal and factual errors were made at Seselj's trial and that he should be found guilty.





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Vojislav Seselj in Belgrade. Photo: BIRN/Filip Avramovic.

“The gravity of the crimes, as well as numerous aggravating factors merit a sentence of 28 years of imprisonment, as requested by the prosecution at trial,” it said in the appeal.

If the verdict cannot be reversed and Seselj convicted, the ICTY prosecutors called for a retrial by the Mechanism for International Tribunals, MICT, the institution established to wrap up the work of the ICTY as it closes down.

“The interest of justice, including for the victim community and the international

community, and the legacy of the ICTY and the MICT require the appeals chamber’s intervention,” the appeal said.

The prosecution alleged that the trial chamber did not provide any reasons for its conclusion that Seselj did not participate in a joint criminal enterprise and in encouraging crimes during wartime, and that it did not properly evaluate all the evidence.

[The ICTY acquitted Seselj in March this year](#) of all nine counts in the indictment accusing him of committing crimes in Bosnia and Herzegovina, Croatia and the Serbian region of Vojvodina during the war. He was found not guilty of persecution, deportation, torture, wanton destruction and plunder in the period from August 1991 to September 1993.

The verdict said that Seselj’s Serbian Radical Party recruited volunteers known as the Seseljevci (‘Seselj’s Men’) who were sent to fight in Bosnia and Herzegovina and Croatia. But it argued that Seselj was no longer responsible for their criminal actions after they became integrated into the Yugoslav People’s Army or the Bosnian Serb Army. The judge also said the prosecution failed to prove that there was a widespread and systematic attack on non-Serb civilians during the indictment period.

The prosecution’s appeal said that “one of the most disturbing errors” at the trial was the failure to properly examine evidence that proves this. “The victims and the public should be able to understand how the ICTY - after more than 20 years of existence - could arrive at the stunning conclusion that there was no widespread or systematic attack against the civilian population in Croatia or [Bosnia and Herzegovina] when the massive crimes committed during the ethnic cleansing campaign were the reason for the ICTY’s creation,” it said.

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Since his release, Seselj has returned to political life in Serbia and has been elected as a member of parliament.

- Read the full article on the [Balkan Transitional Justice website](#)

Slobodan Milosevic is no hero

Opinion by Serge Brammertz, Chief Prosecutor of ICTY and the Mechanism for International Criminal Tribunals



Most of the world's attention focuses on today's humanitarian crises. This is understandable. Preventing and ending armed conflicts must be the first priority, particularly in the face of immense and ongoing civilian suffering. Yet it is important not to lose sight of what happens after conflicts are over. Years of dedicated effort are needed to secure the peace and rebuild order.

In the 1990s, conflicts in the former Yugoslavia transfixed the world much as Syria does today. Since the Yugoslav wars were finally brought to an end, the international community has invested significant efforts to help restore peace and security in the Western Balkans. Meaningful progress has been achieved in critical areas such as democratisation, particularly through Euro-Atlantic integration and the European Union accession process.

The return of dangerous rhetoric

However justice and reconciliation - essential pillars for building sustainable peace - have faced far more opposition. Initially, some progress was achieved, supported by far-sighted leaders such as the late Serbian Prime Minister Zoran Djindjic and Croatian President Stjepan Mesic. In the past few years, though, the situation has greatly



Former Yugoslav President Slobodan Milosevic appears at the war crimes tribunal in The Hague in July 5, 2004 [Getty]

deteriorated, with the return of rhetoric and policies not seen since the outbreak of the conflicts.

Some government officials throughout the region regularly misrepresent and disregard the judicial and historical record. The denial of genocide, crimes against humanity and war crimes is almost commonplace today. Convicted war criminals are being publicly lauded as heroes. Recent commemorations of tragedies have been used to inflame tensions and retrench divisions. These

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trends paint a worrying picture of how those domestic politicians throughout the region are shaping public opinion. Last week marked a new low. To widespread surprise, a [thin pretext](#) was seized in an attempt to publicly absolve former President of Serbia Slobodan Milosevic, of responsibility for the atrocities committed in Bosnia and Herzegovina.

Some, including the Serbian Foreign Minister Ivica Dacic, contend that earlier this year the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) exonerated Milosevic in its trial verdict convicting former Bosnian Serb leader Radovan Karadzic. The arguments are not only misguided, but wrong. The only person on trial in Karadzic's case was Karadzic himself.

Insulting the victim

But the key point is that these arguments ignore historical facts established by the evidence. Revisionism not only insults victims; it holds a society back. The ICTY Office of the Prosecutor indicted Milosevic for genocide, crimes against humanity and war crimes committed in Bosnia and Herzegovina, Croatia and Kosovo. Our prosecutors introduced immense evidence - more than 350 witnesses and 5,700 documents comprising 150,000 pages - demonstrating his alleged criminal responsibility. Regretfully, he died in 2006 before his trial could be completed and a verdict entered.

Yet, while Milosevic did not face final judgment in the courtroom, the facts and evidence remain. Today, any member of the public - and any government official - can access the ICTY's judicial records and read the evidence. Vital information can also be found in Serbia's state archives. Even in the absence of a criminal verdict, history's judgment will be that Milosevic played a central role in fostering ethnic cleansing campaigns throughout the former Yugoslavia.

Isolation and stagnation

The ICTY has always adhered to the principles that accused are only prosecuted for their individual criminal responsibility, and that no people bear collective responsibility for the crimes of their leaders. Yet equally, all people have the right to know what was done in their name. And with that knowledge, progress and reconciliation require acceptance of clear, historical facts, no matter how uncomfortable those facts may be. Revisionism and denial lead only to isolation and stagnation.

More accountability for atrocity crimes is urgently needed throughout the former Yugoslavia. Unfortunately, for every country in the region there are legitimate doubts about the commitment to impartial and independent justice. Too often false equivalencies and appeals to ethnic victimhood are used to justify inaction and widespread impunity. There is still time to take the right path. In Bosnia and Herzegovina, brutal insults to victims by denying the crimes against them must stop.

In Croatia, all those who were forced to flee their homes, whatever their ethnicity, must be recognised and protected. In Serbia, the new government must demonstrate that its commitment to prosecute all war crimes cases is not only words, but the road map for real action. Whether from

intent or neglect, relations between the countries of the Western Balkans are at their worst point in years.

Efforts to rehabilitate those like Milosevic, or deny indisputable atrocities like the Srebrenica Genocide, are more than fading remnants of discredited regimes. State and political officials throughout the former Yugoslavia must make a choice. To keep stoking the fires of ethnic nationalism by denying the truth and turning neighbours into objects of fear. Or to accept that there were immense wrongdoings in the past; bring the perpetrators to justice and move forward together on the path to solidarity and lasting peace.

- Read the full opinion piece on the [Aljazeera website](#)

Launch of Singapore War Crimes Trials Web Portal

ABOUT THE SINGAPORE WAR CRIMES TRIALS WEB PORTAL

After the Second World War, 131 war crimes trials were held in Singapore to address atrocities committed by Japan during the war. The [Singapore War Crimes Trials Web Portal](#) (the SGWCT Web Portal) aims to provide the public with one-stop access to the Singapore Trials by featuring comprehensive case summaries of these war crimes trials. It also provides clear links to relevant archival materials hosted by other websites. The SGWCT Web Portal aims to achieve dual objectives. First, the Portal aims to inspire interest in the general public by promoting the public's appreciation of a crucial but under-explored aspect of Singapore's legal heritage. Second, the Portal aims to be a jumping off point for those seeking to learn more about the Singapore War Crimes Trials.

TRIAL CATEGORIES

The Singapore Trials dealt with war crimes committed during the Second World War in different locations across Asia, including Singapore, Indonesia, Cambodia, Thailand, Myanmar, and the Andaman and Nicobar Islands. These crimes were committed by accused holding diverse ranks and positions. Many trials address war crimes that are well-known today, such as the Sook Ching massacre and deaths along the Burma-Siam Railway.

- Visit the new [Singapore War Crimes Trials Web Portal](#)

Call for Nominations for the upcoming JRR Training Course

on Investigating Cases of Sexual and Gender-based Violence (SGBV) as International Crimes in Thailand, 5 – 11 December 2016

Justice Rapid Response (JRR) has the immense pleasure to announce that JRR and UN Women will be holding a training course on ***Investigating Cases of Sexual and Gender-based Violence (SGBV) as International Crimes*** from December 5 – 11 in Thailand, together with its partner the Institute for International Criminal Investigations (IICI).



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States and organizations are cordially invited to nominate criminal justice and related professionals for the upcoming training course.

The course aims at increasing the number of experts that can be deployed rapidly to participate in investigations of international SGBV crimes. Successful participants who complete the SGBV Investigations course will become eligible for certification onto the JRR – UN Women SGBV Justice Experts Roster, within the broader JRR Roster.

JRR looks forward to receiving nominations from professionals with the relevant expertise as specified in the Call for Nominations and who are willing and could be made available for short-term international deployment at short notice.

The deadline for nominations is 9 September 2016.

Please note that you need to complete the application process even if you have already applied for a previous training course. If you are already certified on JRR's roster you cannot apply for an additional training course. Should you have any questions please contact the JRR secretariat at

- To read more and apply for the upcoming course, visit the [Justice Rapid Response website](http://www.justicerapidresponse.org)

New Free Online Course: International Law In Action: Investigating and Prosecuting International Crimes



About this course: '[Investigating and Prosecuting International Crimes](http://www.iap-association.org/ficj/home)' starts in September 2016 and it is the second course in Leiden University's new series on International Law in Action. The

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first course covered international courts and tribunals in The Hague in general. This second course provides an insider perspective into the work of international criminal courts and tribunals. You will learn about the investigation and prosecution of international crimes in The Hague. Atrocities produce unspeakable forms of violence. The course will explore whether and how international criminal justice contributes to what UN Secretary-General Ban Ki Moon called the 'age of accountability'. The theory is, those who commit the worst of human crimes, are held accountable, whether they are rank-and-file foot soldiers or military commanders, whether they are lowly civil servants following orders or top political leaders. We will test how this can be done and if this is realistic.

During this course, you will be offered a look into the 'kitchen' of the Hague international criminal courts and tribunals. You will learn how international criminal justice functions, who the actors are, what outcomes it produces, and how it can be improved. If you want to gain a better understanding of international criminal cases, like the Lubanga case, the ICC's first ever trial, and the legal legacy of UN international criminal tribunals, then this course is definitely for you! This course is free to join and to participate in. There is the possibility to get a verified certificate for the course, which is a paid option. If you want a certificate, but are unable to pay for it, you can request financial aid via Coursera.

Who is this class for? This course is free, and will remain free for participants. You can purchase a certificate.

Instructors:



Carsten Stahn, Prof. dr International Criminal Law and Global Justice, Grotius Centre for International Studies



Sergey Vasiliev, Assistant Professor, Grotius Centre for International Studies



Created by Universiteit Leiden, one of Europe's foremost research universities. This prominent position gives our graduates a leading edge in applying for academic posts and for functions outside academia. Leiden University is the oldest university in the Netherlands. It was founded in February 1575, as a gift from William of Orange to the citizens of Leiden after they had withstood a long siege by the Spanish. Our motto is: *Praesidium Libertatis — Bastion of Liberty*.

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Career Opportunities at the ICC: Legal Professional Programme



The new Legal Professional Programme aims to provide professional opportunities at the International Criminal Court (ICC) to legal representatives and/or other legal professionals from situation countries (currently: Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali, Sudan (Darfur) and Uganda), and countries under preliminary examination (currently: Afghanistan, Burundi, Colombia, Guinea, Iraq, Nigeria, Palestine, Registered Vessels of Comoros, Greece and Cambodia, and Ukraine). Only in very exceptional circumstances will candidates from other countries also be considered.

Participants in this programme will gain first-hand experience from and knowledge of the ICC and its procedures. This will allow participants to develop their legal skills and knowledge of the Rome Statute system, and to subsequently impart lessons learned and best practices to their home organisations. Witnessing the functioning of the only permanent international criminal court will enable participants to contribute to the development of national capacities in their home countries to investigate and prosecute crimes within the jurisdiction of the ICC. Upon completion of their contract, Legal Professionals will also submit a short report detailing their experiences and activities.

- Apply on the [ICC website](#)
- Organisational Unit: Judiciary, Office of the Prosecutor or Registry
- Duty Station: The Hague - NL
- Contract Duration: 3 to 6 months
- Salary: € 2000/month
- Deadline for Applications: 4 September 2016

News August 2016

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

31 August

[Reflections on the Strengthening the Validity of International Criminal Tribunals Conference – Part I](#)

(IntLawGrrls)

...The conference aimed to build upon work previously undertaken within other fora, by bringing together a range of experts from a wide

variety of backgrounds and perspectives to discuss how the field of international criminal justice can be made more valid, effective and, ultimately, legitimate, as it moves into the future...

30 August

[Bangladesh Islamist leader loses final appeal against execution for war crimes](#)

(swissinfo)

Bangladesh's top court on Tuesday rejected a final appeal by the leader of an Islamist party against a death sentence for atrocities committed during the 1971 war of independence, lawyers said, meaning he could be hanged at any time...Human rights

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groups say the tribunal's procedures fall short of international standards, but the government rejects that assertion, and the trials are supported by many Bangladeshis...

29 August

[Former Iraqi Soldier Charged With War Crimes by Germany](#)

(ABC news)

German prosecutors say they have charged a former Iraqi soldier with war crimes on allegations he posed for a photo holding the severed heads of two Islamic State fighters killed in combat. Federal prosecutors said in a statement Monday the incident occurred when 27-year-old Rami K., whose last name wasn't given in accordance with German privacy laws, was serving in the Iraqi military during 2015...

25 August

[Bosnian War Crimes Suspects Shun Plea Bargains](#)

(Balkan Transitional Justice)

Fewer than 30 plea bargains have been made in war crimes cases, even though prosecutors say they often yield information about mass graves or about other perpetrators of atrocities...

[Are Saudi-led Coalition Forces Committing War Crimes in Yemen?](#)

(Just Security)

...With the recommencement of hostilities, allegations also immediately resumed that the coalition forces were again targeting civilians and civilian structures. It is alleged that coalition airstrikes this month struck a potato chip factory, a school, a Médecins Sans Frontières-supported hospital, and a bridge used to bring 90-percent of World Food Program food to the capital. Similar charges have been made against the coalition since the beginning of the conflict, which has resulted in over 3700 civilian deaths. Do these coalition strikes constitute war crimes? The law is relatively clear, if not exactly precise. ...

24 August

[Finland: Iraqi detained in Vaasa on suspicion murder, terror and war crimes](#)

(YLE Uutiset)

Finland's National Bureau of Investigation (NBI) in cooperation with the police in Ostrobothnia arrested the suspect in the Vaasa region early on Tuesday morning. The man is facing murder with terrorist intent and aggravated war crimes charges, which police allege he carried out during the Camp Speicher massacre. At least 1,000 people were killed in the June 2014 attack, with death toll estimates reaching as high as 1,700 people...

22 August

[Timbuktu destruction: Suspected Islamist pleads guilty to war crimes at ICC](#)

(CICC)

The ICC trial of Ahmad al-Mahdi for attacks on religious and historical structures during the 2012 occupation of Timbuktu opened today in The Hague. Al-Mahdi, a suspected Islamist, pleaded guilty to all charges and apologized for his alleged acts in the UNESCO World Heritage site – which judges underlined they still had to decide upon. The ground-breaking trial marks a series of first for the ICC and has been broadly welcomed throughout the international community as a much needed step towards protecting humanity's cultural heritage in times of conflict. Some civil society groups however have called on the ICC prosecutor to also ensure accountability for cases of murder, rape and torture arising from the 2012 Timbuktu occupation...

23 August

[Philippines: Int'l court may take over cases of killings, says CHR](#)

(Philstar)

The International Criminal Court (ICC) may possibly assume jurisdiction over the extrajudicial and vigilante killings of suspected drug dealers if the Philippine government fails to address the issue, the Commission on Human Rights (CHR) said... Senators have opened an inquiry into the killings of more than 1,700 suspected drug dealers and users amid a crackdown spearheaded by Duterte, with witnesses accusing some policemen of killing suspects and being involved in the illegal drugs trade...

19 August

[South Sudan recruiting child soldiers as renewed civil war looms](#)

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(Deutsche Welle)

South Sudan's government is recruiting child soldiers - again - as the world's youngest nation appears to be lurching towards renewed civil war. A UN document revealing the initiative said President Salva Kiir appointed a senior official to lead the recruitment effort. It says government forces, or their supporters, recently used intimidation to recruit an entire village of boys, some as young as 12 years old...

18 August

[Understanding the Principle of Complementarity in Côte d'Ivoire](#)

(OSJI opinion)

...The application of the complementarity principle is a topic of increasing relevance and interest in Côte d'Ivoire. Indeed, the country is emerging from a long period of sociopolitical and military unrest that exacerbated tribal and ethnic cleavages and frayed the social fabric. This included the 2010-2011 post-election violence (PEV), when an estimated 3,000 people died. As a result, the country has found itself confronted with the prospect of having to carry out criminal proceedings for serious crimes. Yet, one of the major consequences of the crises is that the judicial system has been left in a state of collapse, promoting impunity and corruption...

[The US is promoting war crimes in Yemen](#)

(Guardian opinion)

...This US-backed war is not just a case of the Obama administration sitting idly by while its close ally goes on a destructive spree of historic proportions. The government is actively selling the Saudis billions of dollars of weaponry. They're re-supplying planes engaged in the bombing runs and providing "intelligence" for the targets that Saudi Arabia is hitting...

15 August

[UN peacekeepers in South Sudan 'ignored rape and assault of aid workers'](#)

(Guardian)

...On 11 July, South Sudanese troops, fresh from winning a battle with opposition forces in the capital, Juba, went on a nearly four-hour rampage through a residential compound popular with foreigners, in one of the worst targeted attacks on

aid workers in South Sudan's three-year civil war. They shot dead a local journalist while forcing the foreigners to watch, raped several foreign women, singled out Americans, beat and robbed people and carried out mock executions, several witnesses told the Associated Press. For hours throughout the assault, the UN peacekeeping force stationed less than a mile away refused to respond to desperate calls for help. Neither did embassies, including the US embassy...

12 August

[Torture, sexual violence on rise in Burundi - UN experts](#)

(Reuters)

Torture is on the rise against government critics detained in Burundi and security forces are using sexual violence against women during protests and searches, United Nations human rights experts said on Friday. The U.N. Committee against Torture voiced concern at the use of "genocidal rhetoric" by senior officials and at the ethnic nature of the year-long conflict in the central African country...

10 August

[Bangladesh war crimes tribunal sentences former MP to death](#)

(Jurist)

The International Crimes Tribunal Bangladesh (ICTB) on Wednesday sentenced a former member of parliament to death and seven others to life in prison for crimes committed during the 1971 war for independence... Rights groups such as Amnesty International have criticized death sentences imposed by the ICTB, stating that trials of war criminals have, in the past, "failed to meet international standards." In June the ICTB sentenced Mohibur Rahman to death for his part in the 1971 war of independence from Pakistan...

[US deports former Guatemalan soldier wanted in 1982 massacre](#)

(AP)

A former Guatemalan soldier deported from the United States in handcuffs and flanked by security on Wednesday maintained his innocence in the face of accusations that he helped massacre more than 200 people more than three decades ago during his country's gruelling civil war...

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[A Test of Our Resilience – An Interview with the ICC Deputy Prosecutor](#)

(Justice in Conflict)

In July, Shehzad Charania interviewed James Stewart, the Deputy Prosecutor of the International Criminal Court (ICC). Their interview covers Stewart's journey to the ICC, his thoughts on the Court's challenges and disappointments to date, and his hopes for the institution's future...

15 August

[De Lima: Killings may lead to charges of crimes against humanity](#)

(Inquirer)

Senator Leila de Lima on Monday said that President Rodrigo Duterte may be charged with crimes against humanity at the International Criminal Court (ICC) in The Hague for the spate of drug-related deaths which have increased since Duterte assumed the presidency....

9 August

[Kosovo Ex-Guerrilla Jailed for Wartime Torture](#)

(Balkan Transitional Justice)

The panel of international judges at the Basic Court in Mitrovica on Monday found Xhemshir Krasniqi, a former member of Kosovo Liberation Army, KLA, guilty of war crimes against civilians and "unauthorised ownership, control and possession or use of weapons". According to the ruling, Krasniqi was responsible for the "arrest, illegal detention, violation of bodily integrity and health and torture of several witnesses and unknown civilians in the KLA camps in towns of Kukes and Cahan (Albania), as well as in town of Prizren (Kosovo) during 1999"...

8 August

[Perpetrators of sexual violence in South Sudan 'will be held accountable' – UN envoy](#)

(UN News Centre)

... According to the High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, a preliminary UN investigation into the recent fighting and its aftermath revealed that Government security forces carried out killings and rapes, and looted and destroyed properties. At least 217 cases of sexual violence were documented in the capital, Juba, between 8 and 25 July...

[Amnesty Part IV: The Case Against Saif al-Islam Gaddafi Before the ICC](#)

(Blog by Michael G. Karnavas)

...Gaddafi was supposedly amnestied on 28 July 2015 by Libya's then internationally recognized government based in Tobruk. According to his lawyers, the ICC cannot or *should not* try Gaddafi because, having been tried, convicted and sentenced by the Tripoli Court of Assize, also on 28 July 2015, jeopardy attaches (a subsequent trial would constitute double jeopardy; the prohibition is against twice putting a person in jeopardy for the same crime once acquitted)...

4 August

[The International Criminal Court at 14](#)

(Opinio Juris)

By Shehzad Charania

... In his remarks, the Secretary General said that the inauguration [of the ICC's new permanent premises] was a "milestone in global efforts to promote and uphold human rights and the rule of law". The ASP President said that this was a "day of hope for all victims of mass crimes in the world". President Fernandez announced that the Court was "here to stay". But setting the rhetoric aside, how does the ICC's report card look since it opened its doors 14 years ago?...

3 August

[Srebrenica police commander freed early from jail](#)

(7News)

A UN war crimes court on Tuesday granted the early release of a former Bosnian Serb police commander convicted and jailed for his role in the 1995 Srebrenica massacre. Despite "the gravity of the crimes" for which Ljubomir Borovcanin was sentenced to 17 years in prison, the presiding judge of the Yugoslav war crimes court based in The Hague agreed he could be freed...

[UN panel says Yazidi genocide 'ongoing,' appeals for help](#)

(Washington Post)

The Islamic State group is still committing genocide and other crimes against the Yazidi minority in Iraq, a United Nations commission investigating human rights abuses in Syria said on Wednesday. The commission's statement — released on the second anniversary of the initial IS attack on the



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Sinjar area in Iraq — urged action to prevent further death and suffering...

[Iraq's Sinjar Yazidis: Bringing IS slavers to justice](#) (BBC)

..For Bill Wiley, the chief investigator at the Commission for International Justice and Accountability, it is clear that IS had sex slavery in mind. He says: "The evidence is overwhelming that Islamic State forces went into Iraq in mid-2014 with a plan to enslave Yazidis, those that they did not murder, and to traffic these women and girls into sexual slavery. Funded by the Canadian and German governments, a team of experienced war crimes investigators has so far identified 49 slave-owners and a further 34 men holding senior positions in the IS infrastructure...

2 August

[Hague Tribunal Orders Serbia to Extradite Radicals](#)

(Balkan Transitional Justice)

The International Criminal Tribunal for the Former Yugoslavia said on Tuesday that Serbia was obliged to cooperate in the contempt of court case against Radical Party members Petar Jojic, Jovo Ostojic and Vjerica Radeta, who are accused of threatening witnesses in the case against their leader Vojislav Seselj. They are also accused of blackmailing protected witnesses and offering them bribes of 500 euros not to testify at Seselj's trial...

[UN condemns sexual violence in South Sudan](#) (Africa.news)

The United Nations mission in South Sudan (UNMISS) has formally condemned the deeply disturbing reports of sexual violence, including rape and gang rape, of women and young girls, by soldiers and unidentified armed men. The UN has stressed that such acts constitute grave violations of international human rights law and may be regarded as war crimes and crimes against humanity...

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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