

# Forum for International Criminal Justice Newsletter: April 2017

Welcome to the IAP's Forum for International Criminal Justice (FICJ) April 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:

**Colombia** plans to set up special war crimes courts; **Bangladesh's** war crimes tribunal finalises charges against a former **Pakistani** officer; **Ivory Coast's** former first lady Simone Gbagbo is acquitted domestically; **Poland** seeks extradition of **Minnesota** man accused of Nazi war crimes; and **Swiss** authorities have extradited a war crimes suspect to **Bosnia**.

**\*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](mailto:om@iap-association.org).

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## Video Highlights



[Click here](#) to listen to Africa Group for Justice and Accountability panel discussion with leading experts on 'Africa and the ICC: Misperceptions and realities', in which the ICC-Africa relationship is assessed and debated.



[Click here](#) to watch the ICC Trial Chamber deliver its sentence in the case against Bemba et al. following the first witness interference trial at the Court. Bemba was handed an extra year imprisonment and a €300,000 fine.



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## Colombia to Set Up Special War Crimes Courts

AFP - On 13 March, Colombia's senate approved a constitutional reform to set up special war crimes courts, a key component of the historic peace agreement with FARC guerrillas that ended five decades of war.

The court system will be made up of three sections: a truth commission, a unit to search for missing people, and a temporary, autonomous body to try crimes committed during the armed conflict before 1 December 2016.



Lawmakers debate in Congress in Bogota, Colombia in 2016. They have approved the creation of special courts to prosecute war crimes, a key component of the historic peace agreement reached with the country's largest rebel group.

Establishing the courts was the backbone of the peace deal Bogota reached in November with the Revolutionary Armed Forces of Colombia rebels. President Juan Manuel Santos won the Nobel Peace Prize in October for his efforts to end his country's 53-year conflict, which has drawn in numerous leftist rebel groups, right-wing paramilitary units, drug cartels and the army. The FARC launched its guerrilla war against the Colombian government in 1964, after a peasant uprising that was crushed by the army.

Under the peace deal negotiated by the Santos administration, the FARC will transform into a political party and its 5,700 fighters will demobilize over a period of six months. The group began disarming in early March, a process overseen by United Nations monitors. According to the peace agreement, clinched after four years of talks in Cuba, fighters who confess their involvement in atrocities can avoid prison and receive an alternative punishment. If they don't confess and are found guilty, they face prison terms of eight to 20 years. The conflict has killed some 260,000 people while 60,000 have vanished, and 6.9 million have been displaced within Colombia.

Colombia's senate has 102 members. Of those present late Monday, 60 voted for the measure and two voted against it. Noticeably absent were the members of the Democratic Center, a right-wing party led by former president -- and current senator -- Alvaro Uribe, a fierce opponent of the peace plan. Senator Ivan Duque, speaking on the party's behalf, said during the debate that "in the name of peace ... an irreparable blow is being delivered to constitutional order" and to the judicial branch.

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Uribe and his supporters argued that the peace deal grants impunity to rebels guilty of war crimes, giving them seats in Congress rather than sending them to prison. Santos was Uribe's defence minister and a key player in several military operations under the former president that shattered the FARC's strength. But since Santos followed the still-popular Uribe as president in 2010, the two have clashed on issues ranging from the peace deal to relations with the leftist regime in Venezuela.

Pope Francis, scheduled to visit Colombia in September as "a messenger of peace and reconciliation," brought Santos and Uribe together at the Vatican in December in an unsuccessful bid to persuade them to overcome their differences.

The constitutional reform, which has already been approved by the lower chamber, still must survive a review by the constitutional court before Santos signs it into law.

*See also [Colombia Pardons First FARC Troops Under Amnesty Law](#): Around 4,500 former FARC combatants are expected to be eligible for amnesty as part of the peace deal with the Colombian government. The Prosecutor's Office of Colombia already granted amnesty to four former FARC members, as part of the new amnesty law included in the historic peace deal. The amnesty law, approved in December, allows for the pardon of former FARC guerrillas for political crimes, but will not cover FARC members who have committed serious crimes under the Rome Statute, including crimes against humanity, war crimes, sexual abuse or recruiting minors.*

## Syria, Iraq, Rwanda : Universal jurisdiction has gathered unprecedented momentum in 2016



Universal jurisdiction has gathered unprecedented momentum in 2016. In its [annual report](#), TRIAL International, and its partners REDRESS, FIDH, ECCHR and FIBGAR look back on its application through 47 recent cases.

Five years of conflict, hundreds of thousands of dead. In Syria, large-scale war crimes are committed in all impunity. Effective prosecution has been repeatedly impeded at the international level, yet justice has found a way forward: universal jurisdiction.

Thanks to this principle, States can prosecute criminals regardless of their nationality or where the crime was committed. The interest of such procedures for lawless regions is obvious.

Last year alone, five States have brought charges for alleged crimes in Syria. Investigations are ongoing in three others. For victims, these proceedings may be their only chance to obtain justice. Universal jurisdiction has proved a significant tool against impunity in Syria, but it also applies to many more situations: Rwanda, Nepal, Guatemala and Iraq, to name but a few.

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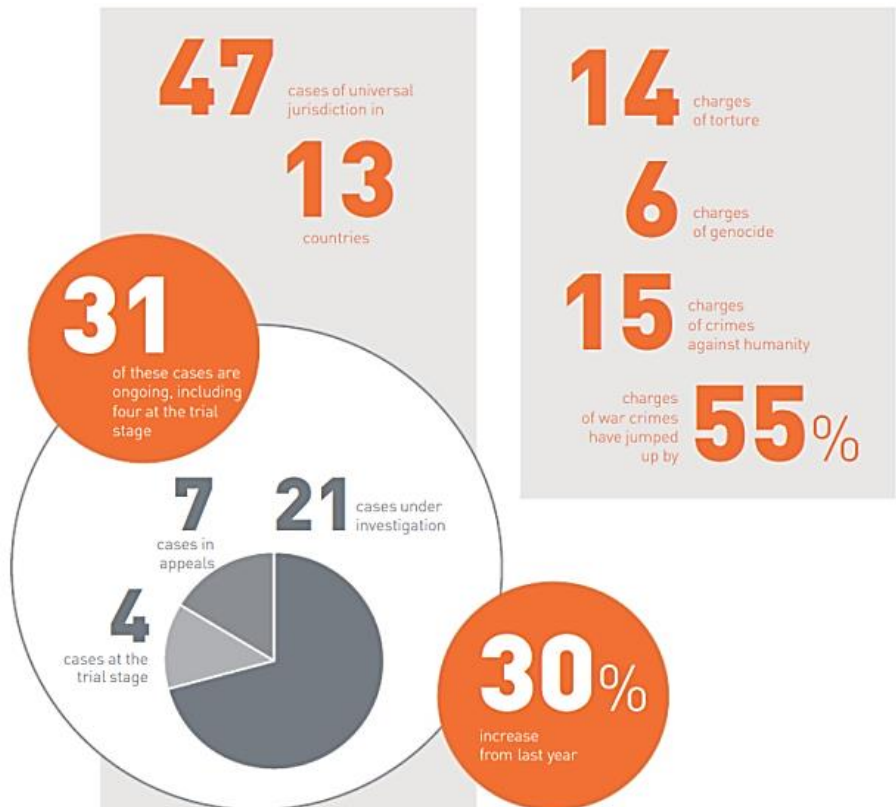
### 47 milestone cases in 2016

To illustrate this breadth, TRIAL International, REDRESS, FIDH, ECCHR and FIBGAR released their annual report on universal jurisdiction, *Make way for Justice #3*.

In 2016 alone, 13 States have made use of this principle in 47 cases – an unprecedented success.

According to Valérie Le Breton-Paulet, TRIAL's Legal Consultant and author of the report, "We registered a 30% increase with respect to 2015, showing that universal jurisdiction is gathering momentum."

## KEY FINDINGS



- Read the full report on the [FIDH website](#)

## Senior Prosecutor Tells Kenyan Court About Challenges of Taking SGBV Cases to Trial

by Tom Maliti, [Open Society Justice Initiative](#)



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A senior prosecutor told the High Court of Kenya 21 sexual and gender-based violence cases were filed in court following the violence that wracked Kenya after the 2007 presidential election.

Jacinta Nyaboke Nyamosi told the High Court on Wednesday, March 29, this was information in a press brief made by a multi-agency task force that reviewed cases from the post-election violence of December 2007 to February 2008. "We got 11 convictions. In one case there was an acquittal. Five cases were withdrawn. In three cases there were warrants pending," Nyamosi told the court.

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“The accused absconded?” asked Judge Enock Chacha Mwita. “Yes,” Nyamosi replied.

Nyamosi was testifying on Wednesday as a witness for one of the respondents to a petition by survivors of sexual and gender-based violence (SGBV) that occurred after the bloodshed that followed the 2007 presidential poll. She was called to testify by the Office of the Director of Public Prosecutions (ODPP). She is the head of the Sexual and Gender-based Violence Division at the ODPP. Nyamosi told the court that the task force found there were 150 SGBV cases reported to the police during the post-election violence period.

“From this report would you say the police took action on cases that were reported to them?” asked Edwin Okello, a Senior Assistant Director of Public Prosecutions. “Yes, the police did take action,” Nyamosi replied.

Nyamosi was testifying in a case in which six women and two men have petitioned the court to find the government failed to protect them during the post-election violence period. Four organizations are also petitioners in the case. These are: the Coalition on Violence against Women; Physicians for Human Rights; the Independent Medical and Legal Unit; and the Kenya Section of the International Commission of Jurists.

The petition has been filed against the Attorney General; the Director of Public Prosecutions; the Inspector General of Police; the Independent Police Oversight Authority; the Ministry of Medical Services; and Ministry of Public Health. When the petition was filed in February 2013, the two ministries existed. They have since been merged to form the Ministry of Health.

The last time a witness was heard in this case was on February 14 when one of the witnesses for the petitioners re-testified. That hearing was closed to the public. The petitioners [closed their case](#) in September last year but because Judge Mwita was new to the case, one of the petitioners’ witnesses was asked to re-testify. The judge who had been hearing the petition, Judge Isaac Lenaola, was promoted to the Supreme Court in October last year. This change affected the hearing of the petition.

On Wednesday, Nyamosi told the court that the multi-agency task force that reviewed the post-election violence cases was set up by the Director of Public Prosecutions in April 2012. She said the task force had representatives from the ODPP, the Attorney-General’s office, and the police, among other government departments and agencies. Towards the end of the hearing, Okello asked Nyamosi whether any of the eight petitioners reported to the police what happened to them. She said they did not report and no case files were opened for them.

“Are you aware whether these eight victims at any time made a complaint or report to the DPP [Director of Public Prosecutions]?” asked Okello. “I’m not aware whether they made any report to the DPP,” said Nyamosi.

A separate line of questioning Okello pursued was on the challenges prosecutors face when litigating SGBV cases. “Handling victims can be a big challenge and at times we don’t get the victim to open up and talk about their experience. We have situations where victims opt to not proceed with their cases out of fear of being victimized,” Nyamosi told the court. She said DNA and scientific evidence, “is crucial” in SGBV cases, but in some cases such evidence is not handled with care.

“Specimens have not been kept properly, and by the time they get to the Government Chemist the evidence is compromised,” said Nyamosi. The Government Chemist is the government agency that analyses DNA samples and other scientific evidence in criminal cases in Kenya. “Even when the evidence has been presented to the Government Chemist it takes so long to get a report, again compromising the case,” Nyamosi said. She told the court that one reason the Government Chemist has given for delaying reports on evidence is “they have a problem with the equipment, and sometimes they have to send the evidence abroad for analysis.”

Okello also asked Nyamosi to respond to some of the issues the petitioners have asked the court to compel the respondents to act on. He asked her about the petitioners’ demand that the ODPP set up a unit to deal with international crimes. Nyamosi said there is an international crimes division in the ODPP that is active. Okello asked her about the petitioners’ demand that the government create a database of sexual offenders. Nyamosi told the court she worked on another task force that was responsible for implementing provisions of Kenya’s Sexual Offences Act and one of those provisions was such a database. Nyamosi said the database has been created. “The only thing is for it to be filled. Otherwise the tool is running,” Nyamosi told the court.

The lawyer for the petitioners was not able to cross-examine Nyamosi on Wednesday because Judge Mwita did not have enough time in his schedule. Nyamosi is scheduled to testify on April 19.

***The Open Society Foundations has been providing support to the ongoing litigation in Kenyan courts. For more information, please see the following [case report](#).***

## Can satellite imagery still prove war crimes?

*By Pierre Hazan, [JusticeInfo](#) editorial advisor and associate professor at Neuchâtel University*

*A few years ago, satellite images were viewed as a decisive technological advance that could reveal the truth about war crimes. Satellite images provided essential confirmation of atrocities in Srebrenica and Sudan. But those who violate human rights have learned from this, and are now devising counter-strategies.*



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When Bosnian Serb forces massacred some 8,000 Muslims in the enclave of Srebrenica in July 1995, photos gathered by US secret service satellites gave the lie to Bosnian Serb nationalist denials. The images of prisoners standing for execution and freshly dug ground at the sites of mass graves made it impossible to deny evidence of the biggest massacre in Europe since the Second World War. These [satellite photos](#) were the first to be used as evidence

by an international court, the International Criminal Tribunal for the former Yugoslavia (ICTY), to prosecute Bosnian Serb generals Krstic and Mladic.

Since this precedent was set, the United Nations, Human Rights Watch, Amnesty International, [UNOSAT](#), The [Signal Program](#) of Harvard Humanitarian Initiative, [AAAS](#) and other organizations have developed satellite imagery to denounce war crimes such as Boko Haram's [destruction of villages in northern Nigeria](#) or others in [Ethiopia](#), Eritrea and Darfur (Sudan). If Sudanese President Omar Al Bashir, wanted by the International Criminal Court (ICC) for genocide, is one day brought to trial, the Office of the Prosecutor will no doubt use satellite photos to show the destruction wrought by his soldiers and their Janjaweed henchmen. At the International Court of Justice, Georgia and Russia are accusing each other of war crimes and using satellite photos to back their allegations.

So is satellite technology the fatal weapon to catch perpetrators of mass crimes? The answer is not simple, because there are many factors that limit the efficiency of satellite surveillance: the presence of clouds or forests where the crimes are taking place; the high cost of images from commercial satellites, even if NGOs and human rights groups get discounts; the need to have human resources on the ground to flag the territory for satellite surveillance and enrich the information gathered; the lack of analysts capable of "reading" and interpreting the images; and the absence of protocols and standardized methodologies accepted by courts. Indeed, judges need expert witnesses to explain the satellite photos, because they are not explicit enough in themselves. At the moment, international



Images of Amara village in Sudan before and after attacks, Satellite Sentinel Project

jurisdictions consider that satellite images alone do not constitute sufficient evidence of crimes committed, even if they are a key element to corroborate the accusations.

### **State counter-strategies**

States, especially those with strong technological capacities, have understood perfectly the danger posed by these images taken from space, which respect no borders and could implicate fighters suspected of war crimes. They have therefore developed counter-strategies, using the same satellite technology and drones to manipulate information. This is explained by Josh Lyons, a leading expert on image analysis who has been working for Human Rights Watch (HRW) since 2012. He looked, for example, into the destruction of a school in Idlib, Syria, in October 2016 that caused the death of 22 children and six teachers. The Russian Television channel [used images from drones](#) to claim that Russia had not attacked the school as alleged by UN peacekeepers and HRW, since there was no damage to the school roof and no bomb crater.

After patient analysis corroborated by information from people on the ground, Josh Lyons demonstrated that the Russian air force – which is the only one flying over this territory – had dropped a bomb with a parachute which exploded three meters from the ground, that is, without damaging the school roof or causing a crater. It is meticulous work, and sometimes frustrating. “It took me a week of work,” says Josh Lyons,” and in the meantime media attention had shifted elsewhere.”

In the war of information that all the protagonists are waging, the rules of the game are changing. For several years, the big human rights organizations had a technological advantage through satellite images. Governments that have the capacity – and not only Russia – are now using the technology to get their version of events into the public space and sow uncertainty. We have moved from having no images to having too many images. In the era of fake news and other “alternative realities”, this war over what happened has now been extended to the photos from space.

## The Use of Cluster Munitions by Saudi Arabia in Yemen & the Responsibility of the United Kingdom

**By Alessandra Asteriti**

This [EJIL: Talk](#) post focuses on the specific responsibility of the UK arising under the [Convention on Cluster Munitions](#), both as a matter of international law and of domestic law, under the relevant 2010 Act, for the use by Saudi Arabia of UK-provided aircraft, and support by British personnel. Junior Professor Asteriti concludes that the facts regarding UK support will need to be ascertained more fully, and hopefully pending Freedom of Information requests will help provide clarity. If and

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when responsibility is established, it will become crucial to be able to work out the consequences, especially as a matter of domestic enforcement of the Act.

By way of background, in December 2016, after repeated denials, Ahmed Asiri, a spokesman for the Saudi-led coalition fighting in Yemen, [said](#): ‘It has become apparent that there was limited use by the coalition of the UK-manufactured BL755 cluster munition in Yemen’. This admission opened up questions about the United Kingdom’s potential responsibility for the use of cluster munitions by the Kingdom of Saudi Arabia. Britain’s Defence Secretary Michael Fallon informed the Commons that the munitions used by Saudi Arabia had been delivered in the 1980s, well in advance of the entry into force for the United Kingdom of the Convention on Cluster Munitions on 1 November 2010. The treaty was implemented through the [Cluster Munitions \(Prohibitions\) Act 2010](#) (‘the Act’).

A judicial review of the granting of export licences to Saudi Arabia is currently taking place in the English High Court, following an application by the Campaign Against the Arms Trade (see [here](#)). The application focuses on export licences for weapons in general, and follows allegations of violations of international humanitarian law by Saudi Arabia, including, but not limited, its use of cluster munitions.

In this post, Asteriti focus on the specific responsibility of the UK arising under the Convention on Cluster Munitions for the use by Saudi Arabia of UK-provided aircraft, and support by British personnel. The post addresses three issues: first, whether issuing export licences for aircraft to Saudi Arabia can be construed as a breach of Article 1(c) of the Convention; second, whether the exception on interoperability in Article 21 of the Convention covers the acts by the UK in respect to the use of cluster munitions by Saudi Arabia; and third, whether the UK’s responsibility could also arise also under Article 16 of the [Draft Articles](#) on the Responsibility of States for Internationally Wrongful Acts.

- Read the full post on the [EJIL: Talk website](#)

## Publication of leading case law & publicist commentaries on the contextual requirements of crimes against humanity

The new Case Matrix Network [International Criminal Law Guidelines: Crimes Against Humanity](#) is a compilation of international case law and publicist commentaries on the contextual elements of crimes against humanity. The Guidelines are organised according to the ICC’s definition of crimes against humanity and demonstrate the interpretive developments, trends and divergences of the application of crimes against humanity before international(ised) criminal tribunals. It has been prepared for national practitioners, NGOs,



researchers and academics as an introduction to the structure and application of crimes against humanity under international criminal law.

### Recognise the legal requirements of crimes against humanity under international criminal law

The Guidelines introduce the structure of crimes against humanity, under the ICC Statute as well as other international criminal tribunals. Using infographics and tables, readers can understand the structure of crimes against humanity as an international crime, which consists of two parts – the underlying acts and a contextual part.

Contextual requirements of crimes against humanity		One or more underlying acts
<b>Attack:</b> <i>a course of conduct involving multiple commission of acts</i>	+	Murder
<b>Object of the attack:</b> <i>directed against any civilian population</i>		Extermination
<b>Policy:</b> <i>pursuant to or in furtherance of a State or organisational policy</i>		Enslavement
<b>Character of the attack:</b> <i>widespread [OR] systematic</i>		Deportation or forcible transfer of population
<b>Nexus:</b> <i>as part of</i>		Imprisonment or severe deprivation of physical liberty
<b>Mens rea:</b> <i>with knowledge of the attack</i>		Torture
		Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, any other form of sexual violence of comparable gravity
		Persecution
		Enforced disappearance
		Apartheid
		Other inhumane acts
Contextual requirements and underlying acts of crimes against humanity according to the ICC Statute.		

By focusing on the contextual part, practitioners can recognize the legal requirements that must be proven to establish the **conditions** for crimes against humanity:

*“International criminal law requires proof that one or more underlying acts took place within the context of a widespread or systematic attack directed against a civilian population: the underlying acts become a crime against humanity by being embedded in this contextual requirement” (pp. 5-6).*

### Identify interpretive issues and trends including the ‘policy’ component

International criminal tribunals have often adopted conflicting views on the definition of crimes against humanity. The Guidelines map these divergences as well as trends and developments, through excerpts from 48 emblematic international cases and 54 leading publicist commentaries.

The ‘policy’ component has been particularly controversial: the Guidelines track this. It shows cases where it was considered part of the test for a ‘systematic attack’ (pp. 62-63) as well as debates within the ICTY and ICTR regarding the status of ‘policy’ under international law (pp. 33-35) its adoption as a formal component of crimes against humanity by the ICC (pp. 35-37) as well as the qualities of both

the policy (pp. 37-40) and the State or organisational entities which are responsible for the policy (pp. 40-43).

- For more information, please contact: Emilie Hunter, CMN Deputy Director: [hunter@casematrixnetwork.org](mailto:hunter@casematrixnetwork.org); Ilia Utmelidze, CMN Director: [utmelidze@casematrixnetwork.org](mailto:utmelidze@casematrixnetwork.org)

## AsianSIL call for papers on International Law in Domestic Courts

The [Asian Society of International Law](#)'s Interest Group on International Law in Domestic Courts has issued a [call for papers](#) for a workshop to be held on 24 August 2017 at Yonsei University, Seoul, South Korea.



The workshop will be held on the occasion of the Sixth Biennial Conference of the Asian Society of International Law (which takes place on 25-26 August). The Interest Group will organize a half-day workshop on the ways Asian courts invoke, interpret and apply international law. For decades, judiciaries across Asia have turned to international treaties, and customary international law, to resolve disputes between private actors on the one hand, and between individuals and the states on the other. Despite this widespread practice, insufficient attention has been paid to the Asian countries' reception of international law.

Participants may wish to address the following topics:


- interpretive methods used by courts to enforce obligations under international human rights treaties;
- why courts enforce (or refuse) arbitral awards under the New York Convention;
- direct and indirect applications of the Convention on Contracts for the International Sale of Goods;
- the rights of prisoners of war under the Geneva and Hague Conventions, or other sources of international humanitarian law;
- courts' citation to reports, recommendations and comments issued by treaty-monitoring bodies and international organizations; and
- invocation of unincorporated treaties.

This is by no means an exhaustive list; interested participants are encouraged to reflect on these, and other, topics that would fall within this general category.

Interested researchers and practitioners should send a 500-word abstract and a short bio to the convenors of the IG-ILDC: [m.kanetake@uu.nl](mailto:m.kanetake@uu.nl) (Machiko Kanetake) and [tjw71@case.edu](mailto:tjw71@case.edu) (Tim Webster). The deadline is 23 April 2017.

Selected participants will be informed by 15 May 2017. Preference will be given to current members of the Asian Society of International Law. Each participant must submit a short paper (5-10 pages) by 15 August 2017 for distribution to the other participants. Panelists will be expected to cover their own travel and lodging costs.

## News March 2017

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

### 31 March

#### [Recent Congo violence could amount to war crimes - ICC prosecutor](#)

(Reuters Africa)

Recent acts of violence in the Democratic Republic of Congo, including the killing of foreign UN experts, could constitute war crimes, the ICC's prosecutor said on Friday. About 400 people have been killed in the Kasai region, including two UN experts from Sweden and the United States and their interpreter." There have been reports of violent clashes between local militia and Congolese forces, a large number of killings of both civilians and non-civilians, kidnappings and summary executions," Fatou Bensouda wrote in a statement. "Such acts could constitute crimes within the jurisdiction of the International Criminal Court."

#### [President Bashir visits Jordan for Arab Summit despite warrant](#)

(Nuba Reports, opinion)

President Omar al-Bashir arrived in Jordan on 28 March for the annual meeting of Arab leaders, defying the travel ban derived from his International Criminal Court arrest warrant. In 2009, the ICC indicted Bashir on charges of genocide, crimes against humanity, and war crimes in Darfur...Jordan is a party to the Rome Statute of the ICC and hypothetically has an obligation to enforce an ICC arrest warrant for Bashir. Formerly a staunch ICC supporter, human rights groups have

widely condemned Jordan's reversed stance allowing Bashir entry...

### 28 March

#### [Kosovo Special War Crimes Court Adopts Rulebook](#)

(Balkan Transitional Justice)

Two months after its judges were appointed, the Kosovo Specialist Chambers adopted its Rules of Procedure and Evidence, it said in a statement on Tuesday - a move that could mean that the new court is judicially operational in fewer than two months... Senior Kosovo Liberation Army figures are expected to be indicted and stand trial at the new court in The Hague for alleged crimes committed during and after the war with Serbian forces...The alleged crimes include killings, abductions, illegal detentions and sexual violence...

#### [Ivory Coast's former first lady Simone Gbagbo acquitted](#)

(BBC)

A court in Ivory Coast has acquitted the country's former first lady, Simone Gbagbo, of crimes against humanity. The charges related to the violence that followed the 2010 presidential poll when her husband, Laurent, refused to accept defeat to Alassane Ouattara... The ICC has issued a warrant for Simone Gbagbo on similar charges...

### 24 March

#### [The U.N. Has Agreed to Investigate Myanmar's Alleged Abuse of Rohingya](#)

(TIME)

The U.N. Human Rights Council agreed Friday to create an international fact-finding mission into alleged rights violations in Myanmar, particularly against the country's Rohingya Muslims, a stateless





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minority that has suffered decades of persecution in the western state of Rakhine. A resolution adopted by consensus says the 47-member council has decided to "dispatch urgently an independent international fact-finding mission" to investigate allegations that may amount to crimes against humanity and ethnic cleansing, "with a view to ensure full accountability for perpetrators and justice for victims."...

### [Swiss authorities extradite war crimes suspect to Bosnia](#)

(ABC News)

Prosecutors in Bosnia say a woman wanted for war crimes she allegedly committed against Serb civilians during the country's 1992-95 war has been extradited from Switzerland. A statement from prosecutors says that 56-year-old Efeta Veseli was handed over to authorities on Friday at Sarajevo's airport...

### [ICC awards reparations to victims of 2003 Congo attack](#)

(Jurist)

The ICC awarded symbolic reparations for the victims of a deadly 2003 attack by forces under the control of Germain Katanga in the Democratic Republic of Congo. ICC Trial Chamber II awarded \$250 to each of 297 victims, as well as collective reparations in the form of "housing support, income-generating activities, education aid and psychological support."...

### [Accountability for Duterte](#)

(New York Times Editorial Board)

President Rodrigo Duterte of the Philippines relishes his image as a defiant crusader, willing to encourage the slaughter of thousands in the name of saving his nation from the scourge of drugs. More than 7,000 suspected drug users and dealers, witnesses and bystanders — including children — have been killed by the police or vigilantes in the Philippines since last July. The man is impervious to moral criticism, but he may not be immune forever from legal action. Last Thursday, the Philippine lawmaker Gary Alejano filed an impeachment complaint against Mr. Duterte, accusing him of corruption, murder and crimes against humanity in connection with his bloody antidrug campaign. "We are of the firm belief that he is unfit to hold the highest office of the land," Mr. Alejano said...

## 23 March

### [How chlorine gas became a weapon in Syria's civil war](#)

(Aljazeera)

...Chemical weapons have been a recurring footnote in the bloody narrative of Syria's civil war, which has robbed hundreds of thousands of lives, and displaced roughly 11 million more. But amid this troubling saga of chemical weapons use in Syria, it has been sarin nerve gas, and to a lesser extent mustard gas, that have punctuated this ongoing storyline...

## 22 March

### [ICC adds one year to Bemba's conviction for attempted bribery of witnesses](#)

(UN News Centre)

The United Nations-backed ICC today sentenced the former Congolese Vice-President, Jean-Pierre Bemba Gombo, to another year in prison and about \$325,000 in fines for interfering with his trial. Judges ordered that the sentence be served consecutively to Mr. Bemba's existing 18 year sentence for war crimes and crimes against humanity committed in the Central African Republic between October 2002 and March 2003...

### [UN condemns Sri Lanka over war probe](#)

(Aljazeera)

The United Nations has condemned Sri Lanka's government for failing to investigate civil war-era atrocities, suggesting the government was afraid of punishing soldiers who committed abuses during the conflict. The world body had previously accused the Sri Lankan military of killing thousands of civilians, mostly ethnic Tamils, in the last weeks of a 26-year civil war that ended in 2009...

### [Libya: War Crimes as Benghazi Residents Flee](#)

(Human Rights Watch)

Libyan National Army (LNA) forces may have committed war crimes, including killing and beating civilians, and summarily executing and desecrating bodies of opposition fighters in the eastern city of Benghazi on and around March 18, 2017, according to Human Rights Watch. The army forces allegedly intercepted civilians trying to flee a besieged neighbourhood, some accompanied by

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opposition fighters, and the whereabouts of some civilians are unknown...

## [Russia Says It Hopes Mladic Will Be Released For Treatment, Gave 'Necessary Assurances](#)

(Radio Free Europe)

Moscow says it hopes former Bosnian Serb military leader Ratko Mladic will be granted provisional release from detention in The Hague to undergo medical treatment in Russia. The statement by the Russian Foreign Ministry on March 22 came a day after the UN International Criminal Tribunal for the former Yugoslavia (ICTY) released a motion in which Mladic's lawyers said that the 74-year-old's health had significantly deteriorated.

## **21 March**

### [Bangladesh: Officer to face war crimes charges](#)

(The Hindu)

Bangladesh's war crimes tribunal has finalised charges against Muhammad Shahidullah (75), a former member of Pakistan Army. He will become the first Pakistani military officer to face war crimes charges. Shahidullah, a Captain in the Pakistan Army in 1971, has been linked to several incidents of crimes against humanity including murder, abduction, torture, arson and looting during the war, said the tribunal's investigators at a press conference on Tuesday...

## [Poland seeks extradition of Minnesota man accused of Nazi war crimes](#)

(CNN)

A 98-year-old Minnesota man accused of committing war crimes during WWII could face arrest and extradition to Poland. The man, identified by his family as Michael Karkoc, is accused of being responsible for the deaths of 44 people in 1944, Polish officials said in a statement...

## **20 March**

### [Pope apologises for church's role in Rwanda genocide](#)

(Aljazeera)

Pope Francis has pleaded for forgiveness for "the sins and failings of the Church and its members" implicated in the 1994 Rwanda genocide that killed about 800,000 people. The pontiff "conveyed his profound sadness, and that of the Holy See and of

the Church, for the genocide against the Tutsi", the Vatican said in a statement following a meeting on Monday between Francis and Rwandan President Paul Kagame...

## **19 March**

### [Philippine President not intimidated by potential ICC trial over drug war](#)

(Jurist)

Philippines President Rodrigo Duterte said Sunday he would not be intimidated by a potential criminal trial at the hands of the ICC, vowing that the country's war on drugs would continue. Speaking to reporters before he departed for Myanmar, the President was adamant in his defense of the country's stance on drugs. The president said "I will not be intimidated and I shall not be stopped just by what? International Criminal Court? Impeachment? If that is part of my destiny, it is my destiny to go."...

## **18 March**

### [7 Congo Army Officers Charged With War Crimes in Massacre](#)

(New York Times)

Seven Congolese Army officers have been arrested and charged with war crimes after a video surfaced last month that appeared to show uniformed soldiers opening fire on a group of civilians in a massacre that left at least 13 people dead, the military's auditor general said on Saturday...

## **10 March**

### [Myanmar Muslim minority subject to horrific torture, UN says](#)

(BBC)

A top UN official says "crimes against humanity" are being committed by the military and police against Myanmar's Rohingya Muslim minority. The UN's special rapporteur for human rights in Myanmar, Yanghee Lee, was speaking as part of a joint BBC Newsnight-BBC Our World investigation. Aung San Suu Kyi, who has been in power almost a year, declined an interview. A spokesman for her party said the allegations were "exaggerated" and an "internal" not "international" issue...

## **9 March**

### [Bosnia Appeal in Genocide Case Against Serbia Rejected](#)

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(Balkan Transitional Justice)

The International Court of Justice in The Hague on Thursday rejected a request for a review of the 2007 genocide judgment clearing Serbia, saying it had not come from Bosnia and Herzegovina as a state... "The court considered that their content demonstrates that no decision has been taken by the competent authorities, on behalf of Bosnia and Herzegovina as a state in terms of requests for revision of the judgment of 26 February 2007," the court said in a statement...

### [Lessons from Chile for Kenya: Take Heart, the Fight for Accountability is Long](#)

(OSJI)

The experience in Chile shows that the quest for justice has been a long one. As Kenyans come to terms with the failure of the International Criminal Court investigation and slow pace of domestic accountability for crimes committed during the post-election violence that occurred over nine years ago, they can perhaps learn from the painful experiences of Chile and other countries from around the world that ultimately, with sufficient perseverance, victims can achieve justice...

### [Why a new justice mechanism is needed for Syria according to Dutch foreign minister](#)

(Justice Hub)

Bert Koenders is the Dutch minister of foreign affairs. At a specially-convened meeting in The Hague, bringing together experts to discuss a new UN-backed justice mechanism for Syria's victims, he paid tribute to all those who have so far gathered evidence of war crimes. "After six years of conflict in Syria, the evidence of war crimes, human rights violations and crimes against humanity is overwhelming. The use of chemical weapons and barrel bombs, forced evacuations, unlawful executions, abductions and indiscriminate violence: it all continues to this day, supported by a culture of impunity..."

### [Hope for justice in Syria from an unlikely source](#)

(Aljazeera)

In December 2016, the UNGA, led by Liechtenstein and Qatar, established an "Independent Mechanism to assist in the investigation of serious crimes committed in Syria since March 2011". With this step the UNGA, usually associated with administrative and budgetary matters, has

asserted itself in a highly welcome if unusual manner, signaling the deep frustration with the failure of other UN organs and the great powers to stop the killing in Syria...

## 8 March

### [South Africa Reverses Withdrawal From International Criminal Court](#)

(New York Times)

South Africa has revoked its decision to withdraw from the International Criminal Court, citing in a letter submitted to the United Nations a recent court ruling that declared the withdrawal "unconstitutional and invalid." It was not clear, however, if the South African statement on Tuesday meant that the country had abandoned intentions to leave the international court, or if it was seeking another way to do so...

### [South Africa asked to appear at ICC in April over Sudan's Bashir](#)

(Reuters)

South African authorities have been asked to appear at the International Criminal Court (ICC) on April 7 over the failure to arrest Sudanese President Omar Hassan al-Bashir during a visit two years ago, a senior official said on Wednesday. Ayesha Johaar, the acting chief state law adviser, said Pretoria was asked to appear at the Hague-based court for failing to comply with a cooperation request from the tribunal, contrary to the provisions of the treaty establishing the court and which came into force in 2002. "It concerns an order of non-compliance by South Africa as a member state of the ICC and Sudan's president," she said...

### [Georgia – A Unique Case For The ICC](#)

(OSJI)

More than one year has passed since the International Criminal Court (ICC) opened an investigation into the situation in Georgia. The investigation is related to crimes allegedly committed in and around the breakaway region of South Ossetia during the course of the 2008 conflict with Russia...

## 7 March

### [ICC Prosecutor at a turning point](#)

(Justice Info)

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ICC Prosecutor Fatou Bensouda has been in her post since June 16, 2012, and is now half way through her mandate. In four and a half years she has opened two new cases -- Mali and Georgia -- and issued an arrest warrant against Malian Jihadist Ahmed Al Mahdi for war crimes. Too little action to date, say observers, but she has numerous cases in the pipeline, notably against the Russians, British, Americans and Israelis. People wait impatiently for her expected opening of an Afghanistan case involving torture by US forces. They see it as a test and possibly a turning point for the ICC and international justice. This piece looks at Bensouda's record half way through her mandate....

### [Syrian children in state of 'toxic stress', Save the Children says](#)

(BBC)

Millions of Syrian children could be living in a state of "toxic stress" due to prolonged exposure to the horrors of war, aid group Save the Children says...Save the Children says its study is the largest of its kind into the mental health and well-being of Syria's children amid the war, which began in 2011 and has left more than 300,000 people dead...

### **6 March**

#### [North Korea: Crimes Against Humanity Demand Justice](#)

(Human Rights Watch)

The International Coalition to Stop Crimes against Humanity in North Korea (ICNK) today announced its support for two new United Nations reports calling for the international community to hold the North Korean government accountable for crimes against humanity...

### [Is the International Criminal Court biased against Africans? Kenyan victims don't think so.](#)

(Washington Post)

...But ordinary Kenyans aren't as convinced that the ICC is biased against Africa as some African leaders would have us believe. That's what we found by conducting a public opinion survey in 2015. And here's what's most significant: Kenyan victims, who suffered or witnessed violence in their country, are far less likely to believe the ICC is biased against Africa...

### **5 March**

#### [Sri Lanka rejects call for international judges on tribunal](#)

(Jurist)

Sri Lankan President Maithripala Sirisena on Sunday rebuffed calls for international judges to participate in the country's war crimes tribunals. The president, who has been suspicious of war crimes allegations raised by the Tamil Tigers, has stated that any war crimes tribunal will be an internal process to bring peace to the country...

### **3 March**

#### [UN rights office concerned over slow progress in Sri Lanka](#)

(Jurist)

The UN Office of the High Commissioner for Human Rights (OHCHR) reported Friday that Sri Lanka has made slow progress towards establishing transitional justice. According to the report, while various ad hoc bodies of justice have been set up, these bodies have yet to present a sufficiently convincing or comprehensive transitional justice strategy to overcome the legacy of mistrust and skepticism that was created by the previous systems of justice...

### [US judge sentences Rwandan who lied about participation in genocide](#)

(Jurist)

A judge for US District Court for the Northern District of Iowa on Thursday sentenced a man who lied about his participation in the Rwandan genocide to 15 years imprisonment followed by deportation. Gervais Ngombwa was convicted on charges of immigration fraud, with the prosecution asserting that Ngombwa was a participant in the genocide and a leader in an extremist Hutu party that actively killed minority Tutsis...

### **2 March**

#### [Global law experts recommend International Criminal Court if Sri Lanka continues to fail to act](#)

(Daily FT)

Within hours of Sri Lankan Foreign Minister Mangala Samaraweera's address to the UN Human Rights Council, a group of renowned foreign legal experts, speaking at a news conference in Geneva, recommended that Sri Lanka be referred to the International Criminal Court (ICC) if it failed to take





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steps to implement UN Human Rights Council Resolution 30/1, including establishing a hybrid war crimes court with the participation of international judges and prosecutors...

### [For Syrian victims, the path to justice runs through Europe](#)

(Washington Post)

...As dissidents, victims' families and human rights activists begin to lose hope that the Syrian government will ever be toppled — and that international bodies will hold it accountable for alleged war crimes — they are increasingly pursuing their own justice through criminal suits in domestic European courts...

### **1 March**

### [Nigeria: Bill on crimes against humanity passes second reading](#)

(Voice of Nigeria)

The House of Representatives has passed for second reading a bill seeking to enforce punishment of crimes against humanity, war crimes and genocide. This is to help bring to justice those who have taken laws into their own hands. Leading debate on the bill before its passage on Tuesday, the sponsor, Ossai Nicolas Ossai, from Delta State, explained that it would provide for appropriate sanctions to those guilty of such crimes...

### [Khmer Rouge Court Throws Out Case Against Im Chaem, Prompting Criticism](#)

(VOA)

The Khmer Rouge tribunal has dropped its case against Im Chaem, a former district governor in the Democratic Kampuchea regime that ruled Cambodia between 1975 and 1979. In a statement on Wednesday, the court said that co-investigating judges Yu Bunleng and Michael Bohlander had chosen to dismiss the case due to a lack of evidence that would lead her to fall within the court's jurisdiction...The prosecutors previously expressed disagreement over the jurisdiction of

the court to try Chaem, with the Cambodian prosecutor arguing that she was not one of the most responsible leaders of the regime. The international prosecutor, however, contended that she had played a key role in criminal acts that led to the deaths of thousands of Cambodians...

### [Guns assembled in the UK may be arming child soldiers, says report](#)

(Guardian)

Rifles and submachine guns assembled in the UK could be exported for use in conflicts involving child soldiers, according to a report by European children's charities. The report accuses Heckler & Koch (H&K) — a German company that is among the world's largest producers of small arms — of sidestepping obstacles to exports at home by using its subsidiary in the UK, where a "lack of transparency" has frustrated attempts to scrutinise arms deals...

### [Syria conflict: All parties committed war crimes in Aleppo - UN](#)

(BBC)

UN human rights investigators say Syrian civilians fell victim to war crimes committed by all parties during the battle for Aleppo last year. Daily air strikes by Syria's government and its ally Russia claimed hundreds of lives, according to a [new report](#)...

### [Sudan rebels call for arrest of officials indicted by ICC](#)

(ENCA)

Sudanese rebels have called for the arrest of senior Sudanese officials indicted by the International Criminal Court (ICC) on allegations of committing war crimes in Darfur. Among those charged by the ICC are Sudan President Omar Al-Bashir, who had two arrest warrants against him issued, in 2009 and 2010, on charges of alleged war crimes, crimes against humanity and genocide committed in Darfur...

## 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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