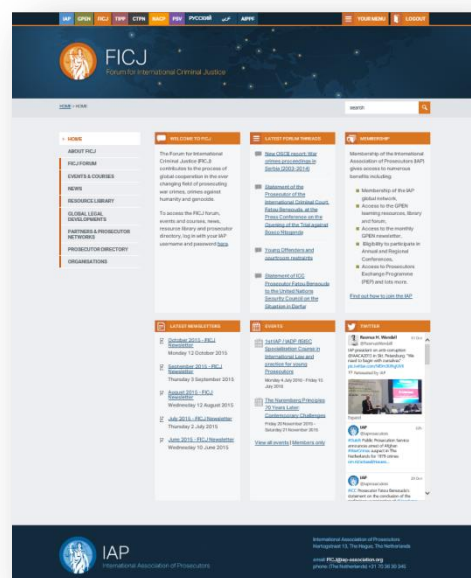


Forum for International Criminal Justice Newsletter: February 2017

Welcome to the IAP's Forum for International Criminal Justice (FICJ) February 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.

This Newsletter also includes a special interview with **Kristy Sim** about her move from working as a lawyer in Canada to an Assistant Trial Lawyer with the Office of the Prosecutor at the International Criminal Court in the FICJ's 'In Profile' feature.

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

Video Highlights



[Click here](#) to watch a panel discussion on the ongoing controversy over the scope of immunity under international law, and in particular whether heads of state enjoy immunity from prosecution for intl crimes.



[Click here](#) to watch Ambassador Stephen J. Rapp speak on the International Criminal Court, 'hybrid' tribunals and the difficulty of creating the third wave of international criminal justice.



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Hague Tribunal Prepares for Shutdown in 2017

The UN war crimes tribunal for the former Yugoslavia will shut down in 2017 after more than two decades, but a handful of unfinished cases will continue, including the landmark case of Bosnian Serb military chief Ratko Mladic

By Marija Ristic, BIRN

In what was intended to be the final extension of the judges' mandate at the Hague-based International Criminal Tribunal for the Former Yugoslavia, ICTY, the UN Security Council [prolonged the work](#) of this ad hoc court for crimes committed during the 1990s wars to November 2017. November 2017 is the final deadline for the tribunal to hand down verdicts in three remaining cases - two for war crimes in Bosnia and Herzegovina and one for contempt of court.



The ICTY courtroom. Photo: ICTY

The most important is one of the largest cases in the ICTY's history, [the verdict in the trial of Bosnian Serb General Ratko Mladic](#), who is accused of genocide and war crimes in Serb-held territories in Bosnia and Herzegovina.

The other is the appeal in the case of Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoje Petkovic, Valentin Coric and Berislav Pusic, six former Bosnian Croat leaders who [were convicted in 2013](#) of committing war crimes in the area around the town of Mostar.

The third remaining case relates [to contempt of court](#) in the trial of Vojislav Seselj, during which three of his Serbian Radical Party members allegedly bribed and intimidated witness not to appear before the ICTY and testify about his involvement in war crimes in Bosnia, Croatia and Serbia.

The three wanted Radical Party members - Vjerica Radeta, Petar Jojic and Jovo Ostojic - are currently in Serbia, where the government has been refusing to extradite them on security grounds, despite the fact that the ICTY has issued an international arrest warrant. They have refused to appear in court voluntarily.

For some of those who work the ICTY, the last year in its 23-year existence could be the hardest one. The court is struggling with time, first to ensure that the verdicts in the Mladic and Prlic cases happen in November without any delay, but also to keep its remaining staff until the end of 2017.

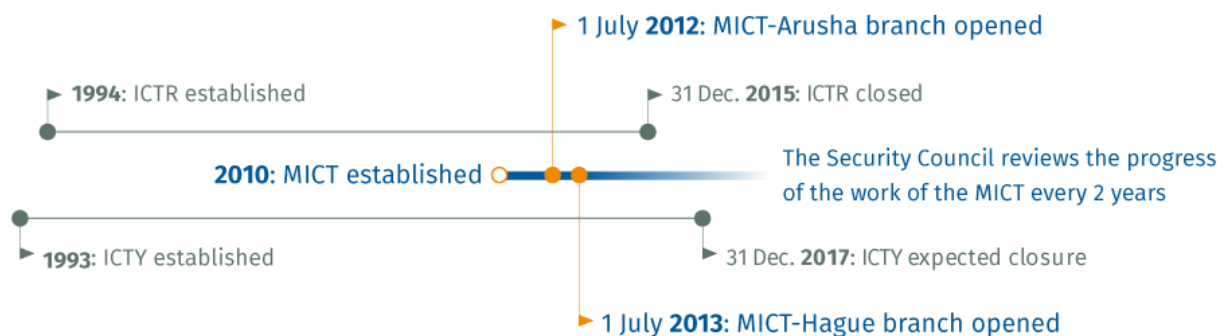
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To keep top legal experts in the field has been a struggle for the ICTY in its final years, as many judges and prosecutors left as the Tribunal started to approach its end. On the other hand, defence teams have been trying to prolong cases, arguing they were not given enough time to deal with the wide-ranging and complex case material.

In the case of Mladic, there is also a fear he will not live long enough to see a final verdict due to his poor health which has already [on several occasions prolonged his trial](#). This would be a significant blow to the ICTY's reputation as some of key Serb leaders from the war years have already died in detention - including [former Yugoslav President Slobodan Milosevic](#) and [Croatian Serb leader Goran Hadzic](#).

When the ICTY closes its doors in November 2017, its work will be carried on by the Mechanism for International Criminal Tribunals, MICT, which was established in 2010 to continue the "jurisdiction, rights and obligations and essential functions" of the ICTY, and to maintain its legacy.



MICT will finish all the cases left unconcluded by the ICTY - most of them appeals –including those from [Radovan Karadzic](#), the Bosnian Serb leader sentenced to 40 years for genocide and war crimes, and Serbian Radical Party chief [Vojislav Seselj, who was acquitted](#). It is also expected that MICT will take over Ratko Mladic's case at the appeal stage. MICT will also hear one case from the beginning, against former Serbian State Security officials Jovica Stanisic and Franko Simatovic, who have been [sent for retrial](#) after their initial acquittal. It is expected to start this year.

On the ground, MICT will have two important tasks - to preserve and manage the archive of the ICTY and to assist in national jurisdiction. The latter has proved to be very difficult. Although there have been numerous training sessions for local prosecutors and liaison officers were established, local prosecution still defy the instructions from the ICTY. Bosnia is still making very slow progress in prosecuting cases that were transferred from the UN court, while Serbia rejects one the key ICTY rulings –that the Srebrenica massacres were genocide.

In his latest address to the UN Security Council last month, ICTY and MICT Chief Prosecutor Serge Brammertz warned that in unless governments in former Yugoslav countries give their full support to war crimes prosecutions, justice cannot be done.

“As long as the political environment and mindset do not support war crimes justice, it will be extremely difficult to meet the public’s legitimate expectations for meaningful accountability,” Brammertz said.

While the ICTY managed to convict some of those responsible for some of the worst atrocities of the late 20th century, it did not find a way to counter some of the domestic hostility to holding war criminals to account.

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

‘The World in Crisis’ – How international lawyers see current events

By Danya Chaikel, International Legal Consultant, IAP FICJ Coordinator, IBA War Crimes Committee Conference Officer

It’s a foreboding title - ‘The World in Crisis’ - but relevant. The subjects covered by the [International Bar Association’s](#) (IBA) [Annual Conference on International Criminal Law](#) were refugees, peace versus justice after conflict, how wars are being funded through trafficking in antiquities and people and money laundering, and immunity from prosecutions.

What struck me this year is that, in light of the unstable state of the world, the speakers and participants really felt the weight of their work to not only further, but also to simply preserve, the international justice framework.

It’s no longer only a question of advancing human rights and the rule of law, but more fundamentally ensuring that the very foundation underlying legal norms and global criminal justice institutions continues to be relevant and pervasive.

This event was held at the Peace Palace in The Hague earlier this month, bringing together lawyers, along with academics and NGOs from around the world to hear from experts.



Yousuf Syed Khan
@yousufsyedkhan



#IBAWarCr morning session on 'The refugee crisis: refugees as victims of slavery and other crimes', with Catherine Woollard of the @ecre

10:27 AM - 4 Feb 2017 · The Hague, The Netherlands

↳ 4 ♡ 6

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“From the election of Donald Trump ... to the rise of populism across Europe, and the sense of withdrawal from many institutions, from the EU to the ICC, as well as other international treaties and agreements, the international legal order as we built it in the aftermath of WWII has never been in a deeper crisis... It is in times of deeply felt crisis like the one we live today that the role of lawyers, scholars and practitioners becomes even more vital. This is particularly true in our field of practice and scholarship,” explained Federica D’Alessandra, [IBA War Crimes Committee](#) Co-Chair and one of the Conference hosts.

Professor William Schabas, in his keynote address looking back at the highs and lows from 2016, stressed that the International Criminal Court (ICC) may inevitably have to pursue cases of more international significance such as the war crimes – torture – allegations against American armed forces and the CIA in Afghanistan.

And he didn’t pull his punches on the court’s current case record, in the broader context of what a global criminal court might be capable of delivering.

He also commended the trial of Hissène Habré, who was tried and convicted before the [Extraordinary African Chambers](#) – but within the Senegalese court system – for atrocity crimes, including sexual violence and having raped a woman himself.

This landmark trial was the first in history in which a domestic court of one country prosecuted a former ruler of another for mass crimes. It was also the first universal jurisdiction trial of its kind in Africa. While Schabas is sceptical of universal jurisdiction’s success rate to date, given the trouble international justice is in, such cases might represent one of the most strategic ways forward and we have already begun to see this [unfolding](#) in relation to Syria.

The discussions during the day served to underscore the unequivocal role that international law and justice play in ensuring long term stability.

But the final session on the challenges of immunities for senior officials facing serious criminal charges was particularly relevant for ICC watchers after a tumultuous year of withdrawal announcements and uncertainty.

I found South African Professor Max du Plessis gave a sound and balanced view on the debate over Sudan President al-Bashir’s immunity before the Court. He reasoned that South Africa’s unexpected and about-face announcement to withdraw from the ICC stemmed from the domestic legal battle that the government was immersed in over whether it had erroneously neglected to arrest Al Bashir who is wanted by the Court. Withdrawing from the ICC, which hastily came after no public debate or consultations, seemed to wash the government’s hands of the messy ordeal.

What I liked most from this talk was du Plessis' frank assessment of the so-called 'Africa debate'. He said a few interesting things: there is a need to somehow 'de-Africanise' the ICC by letting the evidence lead the Prosecutor to pursue cases in other regions; that we need a serious debate on head of state immunities in order to defuse entrenched positions (and perhaps this could be the subject for an International Court of Justice advisory opinion as previously proposed by [Dapo Akande](#)); that we need to take domestic prosecutions of atrocity crimes more seriously but at the same time decry false alternatives to the ICC, namely the African Court of Justice and Human Rights, which lacks sufficient financial and state support to take on criminal cases and promises to offer immunity to sitting heads of state and senior officials; and finally that ardent ICC supporters need to engage more and also drop their smugness towards the African Union and those African leaders who criticise the Court since this ignores the complexities of the issues, reinforces positions and polarises the debate.

I've recently joined the IBA's War Crimes Committee as Conference Officer and I look forward to planning next year's conference – undoubtedly 2017 will provide us with ample work.

As put by D'Alessandra, *"We can and should expect legal challenges to arise that will keep the international community of lawyers busier than ever. For this reason, it is imperative that we maintain our wit and skills at the service of the international community"*.

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





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In Profile Kristy Sim

For this month's 'In Profile' feature, FICJ spoke with Kristy Sim on her move from working as a lawyer in Canada to an Assistant Trial Lawyer with the Office of the Prosecutor at the International Criminal Court



Kristy Sim, holds a BA (Honours History and International Relations), University of British Columbia, Canada, LLB, University of British Columbia, Canada, and a Masters of Studies in International Human Rights Law, Oxford University, UK. She practiced domestically in Canada for several years as a criminal defence lawyer, at a corporate commercial firm in the Labour and Employment Group, as a human rights lawyer representing prisoners and organising pro bono work. Kristy made the move from domestic to international practice in 2012 when she interned with the International Bar Association – ICC Programme in The Hague, and then was a Visiting Professional at the ICC's Office of the Prosecutor before she was recruited as an Assistant Trial Lawyer in 2013.

Describe briefly the work of the OTP and your experience prosecuting core international crimes

The OTP is responsible for investigating and prosecuting crimes against humanity, war crimes and genocide. I have been working as an Assistant Trial Lawyer on the case against [Bosco Ntaganda](#) (charged with 18 counts of war crimes and crimes against humanity committed in the DRC between 2002 and 2003, including murder, rape, sexual slavery and the use of child soldiers among other crimes) since 2013, when he surrendered himself to the ICC. I am a member of a trial team responsible for presenting the Prosecution's case to the Trial Chamber seized of the case. The trial opened in September 2015, and since then my role has been to examine witnesses and assist the other lawyers on the team as they prepare for and examine the Prosecution witnesses testifying before the Court.

What drew you to work in this field after several years of domestic practice? Has it met your expectations?

I have long wanted to work internationally, even before choosing a career in law. I was fortunate to have had a diverse and interesting domestic legal practice, but find my present work in international

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criminal law even more fulfilling. One aspect of this position that I did not anticipate, and which I find really rewarding, is working in such a diverse office with lawyers from different legal systems and backgrounds.

What are some of the major challenges prosecutors in this field are currently facing?

From my perspective, a major challenge to investigating and prosecuting international crimes within the jurisdiction of the Court is one of cooperation and access. The Rome Statute created a system of international criminal justice where the Court does its judicial work but relies on the full cooperation of its States Parties so that it can undertake that independent work, effectively. Full and timely cooperation is key to the successful discharge of the Court's mandate. The other aspect is one of funding. The OTP must have



A view of the International Criminal Court (ICC) premises. UN Photo/Rick Bajornas

the requisite resources at its disposal to effectively investigate the crimes and bring the perpetrators to trial in a comprehensive and compelling manner, as well as being able to connect with victims and witnesses reasonably close in time to when the crimes occurred. This can often be complicated when the work must be carried out in situations of ongoing insecurity.

What does international criminal justice mean to you?

It means working together as an international community to ensure that the gravest international crimes under the Court's jurisdiction do not go unnoticed or unpunished.

Tell us about one of your most memorable or inspiring experiences while working for the ICC

Every encounter I have had with a Prosecution witness. These are very large cases and so much of our work seems to happen in the abstract, focusing on the case from the point of view of the elements of the crimes. So when you have the opportunity to engage on a personal level with a person who was willing to leave their life for a period of time, sometimes at a risk to their personal safety, to travel here and share intimate details of an incredibly harrowing event – that is a remarkable experience. I feel honoured to be involved in the process.

What advice would you give to fellow lawyers who are considering a move from domestic practice to working at an international court?

Be patient and determined and lucky. This is an incredibly competitive field that does not provide certainty or job security, and it is unlikely to be a simple, smooth transition. I was humbled by leaving my relatively secure career in Canada for an unpaid position at the Court. There were many times when I questioned the wisdom of that decision, but I maintained my focus and feel incredibly grateful for how it turned out for me.

If you are interested in contacting Kristy, to find out more about the transition from domestic practice to working at an international court, you can reach her at: Kristy.Sim@icc-cpi.int

Second Specialization Course for Junior Prosecutors on International Criminal Justice & International Cooperation in Criminal Justice Matters

The IAP is pleased to open applications for the Second Specialization Course for Junior Prosecutors on International Criminal Justice and International Cooperation in Criminal Justice Matters. This Specialization Course will be held in Siracusa, Italy from July 3 – 14, 2017. The course is organized in partnership with the Siracusa International Institute for Criminal Justice and Human Rights (The Siracusa Institute).

For more information and registration details, please visit the [IAP website](#) and the [Siracusa Institute website](#). A sponsorship programme will be available for participants from particular countries.

Development of the Specialization Course for Junior Prosecutors

Drawing on its considerable expertise in international criminal justice and the fight against transnational crimes, the IAP and the Siracusa Institute have taken the lead in developing a new, globally-oriented training program – the Specialization Course for Junior Prosecutors. This



**2nd Specialization Course
for Junior Prosecutors**
on International Criminal Law and
International Cooperation in
Criminal Matters

July 3-14 2017
Siracusa, Italy

Co-organized by:
*The International Institute of Higher Studies in
Criminal Sciences (ISISC)*
International Association of Prosecutors (IAP)

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Specialization Course is specifically designed for prosecutors and related criminal justice professionals. It is the only training program of its kind worldwide.

Course Organizers

Leading international practitioners and jurists involved in organizing the course include:

- Judge Jean-François Thony, Prosecutor General, Court of Appeals of the Alsace Region, President, Siracusa Institute, Member, IAP Executive Committee and Executive Vice-President, AIDP
- Professor M. Cherif Bassiouni, Honorary President, Siracusa Institute and Emeritus Professor of Law DePaul University
- Baron Dr. Serge Brammertz, Chief Prosecutor, International Criminal Tribunal for the former Yugoslavia, Vice-President, IAP Executive Committee
- Dr. Rasmus H. Wandall, General Counsel, IAP
- Ms. Laurel Baig, Senior Appeals Counsel, UN Mechanism for International Criminal Tribunals
- Ms. Elizabeth Howe, President, International Legal Assistance Consortium
- Ms. Edith Van den Broeck, Senior Legal Advisor, IAP

Rwanda's National Public Prosecution Authority plans to indict 250 Genocide fugitives in 2017

By Rodrigue Rwirahira, *The New Times*

The National Public Prosecution Authority (NPPA) is set to file at least 250 extradition requests for Genocide suspects around the world this year in a bid to ensure more genocidaires still at large are brought to book.

In the quest to bring Genocide suspects to book, NPPA last year alone managed to issue 200 extradition requests targeting mostly suspects living in some African countries that, according to reports, host as many suspects as those in the Western world.

Speaking on the prospects for this year, NPPA spokesperson Faustin Nkusi told *The New Times* that they hope to engage host countries to either extradite suspects or arraign them before their courts as the last alternative.



NPPA spokesperson Faustin Nkusi during a media briefing

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“A total of 206 indictments were issued outside the country last year and our target this year is 250,” he said. “Two fugitives were brought back home – Ladislas Ntaganzwa from DR Congo and Hussein Minani from Tanzania – and so far six fugitive cases have been tried by Rwandan courts,” he said. Ntaganzwa’s case is yet to start in substance having been postponed last month by the High Court to March, while Minani’s was transferred to Huye Primary Court after remand.

Push for extradition requests

Although Africa has the highest number of indicted fugitives since the creation of the Genocide tracking unit in 2007, more than 600 indictments and international arrest warrants have been issued against Genocide suspects in 32 countries in Africa, Europe, North America, Canada and New Zealand.

Speaking earlier on extradition treaties with some African countries, Nkusi said the essence of having such treaties is that the process becomes faster, efficient towards delivery of justice. According to Nkusi, a host country investigates, apprehends and sends the suspects to courts, which then will rule on extraditions. In the event that this is not possible, Rwanda’s stance is that host countries try the suspects, he added...

- Read the full article on [The New Times website](#)

SPRK files an indictment in a War Crimes Case

On 6 January 2017, a Prosecutor with the Special Prosecution of the Republic of Kosovo (SPRK) filed an indictment against B.S. for actions alleged to have taken place in Fushe Kosova, on or about 26 March 1999.

The defendant is accused of: War Crimes against the Civilian Population, as provided for and punished by Articles 22 and 142 of the Criminal Code of the Socialist Federal Republic of Yugoslavia (CCSFRY), currently criminalized under Articles 31 and 152 of the Criminal Code of Kosovo (CCK), in violation of the common article



3 of the four Geneva Conventions of 12 August 1949, and in violation of Articles 4 and 5(1) of Protocol II of 8 June 1977, Additional to the 1949 Geneva Conventions, all rules of international law effective at the time of the internal armed conflict in Kosovo and at all material times.

The Indictment was filed by the Prosecutor following the extradition of the defendant from Bosnia.



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News January 2017

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

31 January

[Turkey coup attempt: UN demands release of Rwanda case judge](#)

(BBC)

Aydin Sefa Akay is part of a panel of UN judges reviewing the case of a former Rwandan minister convicted of involvement in the 1994 genocide. The UN's Mechanism for International Criminal Tribunals said Mr Akay was protected by diplomatic immunity. Turkey has ignored past requests for his release. The Mechanism for International Criminal Tribunals (MICT) ordered Ankara to release Judge Akay by 14 February and end all legal proceedings against him...

[Serbian Officials Accused of Kosovo Massacre Cover-Up](#)

(Balkan Transitional Justice)

Belgrade's Humanitarian Law Centre claimed that 110 people, including senior Serbian officials, remain unprosecuted for removing hundreds of corpses in a bid to cover up massacres during the Kosovo war...

[Amnesty warns of crimes against humanity in Philippines](#)

(AFP)

Philippine police may have committed crimes against humanity by killing thousands of alleged drug offenders or paying others to murder as part of President Rodrigo Duterte's drug war, Amnesty International said Wednesday... "Acting on orders from the very top, policemen and unknown killers have been targeting anybody remotely suspected of using or selling drugs," Rawya Rageh, a senior crisis adviser for Amnesty, told AFP. "Our investigation shows that this wave of extrajudicial killings has been widespread, deliberate and systematic, and therefore may amount to crimes against humanity."...

30 January

[Bosnian Serb woman indicted over wartime killing of 37 Muslims](#)

(Thomson Reuters)

A Bosnian Serb woman has been indicted for taking part in the killing of 37 Muslim Bosniak prisoners of war early in the Balkan country's 1992-95 war, the office of a Bosnian war crimes prosecutor said in a statement on Monday. Visnja Acimovic, known as 'Beba', 44, is accused of war crimes against the civilian population and of acting against international humanitarian law by violating provisions of the Geneva Conventions, the statement said. The war crimes department at Bosnia's state court is pursuing the prosecution... The men were brought by bus from the Vlasenica prison to the location where Acimovic shot them down from a fire arm at close range...

[African Union vote boosts Canada's bid to save the ICC](#)

(The Globe and Mail)

Canada's campaign to save the International Criminal Court was given a boost on Monday when the African Union refused to give a key leadership post to a strong opponent of the controversial court. In a close-fought election, the African Union narrowly voted to give its top official post to Chad's Foreign Minister Moussa Faki Mahamat, who has supported the war-crimes court. He defeated the foreign minister of Kenya, where the government has accused the court of being a racist puppet of imperialist powers...

[Poland puts Auschwitz-Birkenau staff database online](#)

(Guardian)

Poland has published the first online database featuring the names and personal details of nearly 10,000 staff who ran the Auschwitz-Birkenau Nazi death camp. The state-run Institute of National Remembrance (IPN) said that the SS KL Auschwitz Garrison list was based on data from archives in Poland, Germany, Austria, the US and, to a limited extent, Russia, where archives remain mostly inaccessible... Up to 200 former guards at the German death camp could still be living...

[Calling the Holocaust 'sad' is the first step towards denying it ever happened](#)

(Guardian opinion)

...To mark Holocaust Memorial Day, the White House issued a statement that did not mention Jews or antisemitism at all... There has long been a

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strain of thinking on the far right that says Jews and African-Americans have engaged in “special pleading” over the Holocaust and slavery for too long, and that it’s time to push back. (Naturally, white supremacist groups warmly welcomed Trump’s Holocaust statement.) Until a few months ago, such thinking flourished only on the wilder shores of the “alt-right”. But now the far-right has found a home in the White House, in the form of Breitbart publisher turned senior presidential counsellor Steve Bannon...

29 January

[U.N. experts warn Saudi-led coalition allies over war crimes in Yemen](#)

(Reuters)

A Saudi Arabia-led military coalition has carried out attacks in Yemen that "may amount to war crimes," U.N. sanctions monitors reported to the world body's Security Council, warning coalition allies including the United States, Britain and France that they are obligated to respect international humanitarian law...

[Will Trump be Prosecuted for War Crimes?](#)

(Blog by Ambassador Muhamed Sacirbey Former Bosnian foreign minister and ambassador to the United Nations)

Consequences for President Donald Trump’s rhetoric differ substantively from those of Candidate Trump as such may affect his personal culpability over potential crimes under international law and now that he is Commander in Chief. Incitement may be enough to create criminal culpability. However, being in the chain of command, at the very top of it, President Trump assumes responsibility for not only setting the criteria for US military and operatives to act consistent with US and international law but also to prosecute those who in their official actions may violate, particularly if the crimes may take on the character of systematic violations...

27 January

[AU collective withdrawal plan from ICC suffer setback](#)

(The Guardian)

The plan by members of African Union (AU) to collectively withdraw from the International Criminal Court (ICC) may suffer a setback as Nigeria

and some other countries objected the proposal. The Minister of Foreign Affairs, Geoffrey Onyeama, said this in an interview with the News Agency of Nigeria (NAN) on Friday in Addis Ababa. Onyeama explained that there was a strategy adopted by AU for collective withdrawal from the ICC which Nigeria did not subscribe to...

[Gambia: Yahya Jammeh’s Ex-Minister Detained in Switzerland in Crimes Against Humanity Inquiry](#)

(Newsweek)

Swiss authorities have detained Gambia’s former interior minister, who served under exiled ex-president Yahya Jammeh for 10 years, and are investigating him for crimes against humanity. Bern prosecutor Christof Scheurer told AFP Thursday that Ousman Sonko, who was Jammeh’s interior minister from 2006 until he was sacked in September 2016, had been detained after a complaint was lodged by Swiss rights group TRIAL International...

26 January

[Syria: UN chief Guterres clarifies tasks of panel laying groundwork for possible war crimes probe](#)

(UN News Centre)

Following the approval late last year of an independent panel to assist in the investigation and prosecution of those responsible for war crimes or crimes against humanity in Syria, the United Nations today announced that the mechanism will be headed by a senior judge or prosecutor with extensive criminal investigations and prosecutions experience...

[ICC calls on supporters to rally if Trump withdraws backing](#)

(Reuters)

The International Criminal Court's prosecutor voiced hope on Thursday that the Trump administration would not withdraw its backing and called on supporters to rally to its cause to counter rising nationalism. While the United States does not directly fund the ICC, Fatou Bensouda said losing U.S. cooperation to capture indictees would deal a blow to a court that depends on governments that have no enforcement powers of their own. "It was significant to have U.S. cooperation," Bensouda told Reuters after meeting



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EU officials in Brussels. "I am just hoping that this will continue ... We will see." ...

[Auschwitz to Rwanda: the link between science, colonialism and genocide](#)

(The Conversation)

... German colonialism ended after World War I. This, however, was not the end of racial science. Incubated in the colonial laboratories of southern Africa, it was brought back and applied in "civilised" central Europe...

24 January

[How international justice makes it harder for dictators to step down](#)

(Washington Post opinion)

... Even leaders not facing immediate international indictment cannot be certain that one won't materialize. In several cases, retired dictators who thought they had arranged safe haven discovered that they could not escape their pasts. Under heavy American pressure, Charles Taylor abandoned Liberia in 2003 to live by the sea in Nigeria. But the pressure for him to face justice before a tribunal in neighboring Sierra Leone became irresistible. Sensing his fate, Taylor bolted at the last minute, and Nigerian border guards seized him as he fled toward neighboring Cameroon. Within hours, Taylor had been transferred to the custody of the tribunal in Sierra Leone....

23 January

[Human rights now face their gravest threat – Trumpism](#)

(Guardian opinion)

Remember the 1990s? Anyone who cares about human rights must now recall the era with a knot in their stomach. Compared with what's happening today, that decade feels like a lost era of Enlightenment. Donald Trump's installation in the White House is not just a threat to global alliances, international trade or even fact-based discussion – it risks unleashing a tsunami that could sweep away the human rights movement as it has so far existed...

20 January

[People like the International Criminal Court — as long as it targets other problems in other countries](#)

(Washington Post)

...This tells us that populations often express support for international institutions like the ICC in the abstract but object to its application to their own countries and leaders... Our research suggests potential investigations often cause concern and trepidation among local populations (a finding echoed in Burundi — one of the countries withdrawing from the ICC). A better understanding of the conditions under which international legal interventions prompt a backlash vs. acceptance would do much to improve the court's ability to survive the current crisis and have a successful future...

22 January

[Belgium court orders arrest of former Israel top official for war crimes](#)

(Jurist)

A Belgian court on Friday ordered the arrest of former Israeli Minister of Foreign Affairs of Israel, Tzipi Livni, when she disembarks the plane on her scheduled trip to Belgium. Livni is accused of committing war crimes and crimes against humanity during her time as Minister of Foreign Affairs from 2006-2009...

18 January

[In South Sudan, Mass Killings, Rapes and the Limits of U.S. Diplomacy](#)

(New York Times opinion)

... Ms. Power "often made a difference" on issues like the Central African Republic, and gay rights, said Philippe Boloipion, deputy director for global advocacy for Human Rights Watch. But, he added: "Unfortunately, under her watch, atrocities have raged on. While it is unfair to blame any particular individual, the Obama administration was inexplicably gun-shy on sanctions in South Sudan, all too willing to give a pass to Saudi Arabia or Israel for serious violations, and less than creative in overcoming Russia's obstructionism on Syria."...

17 January

[Yemen conflict: At least 10,000 killed, says UN](#)

(BBC)

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At least 10,000 people have been killed in the war in Yemen between Houthi rebels and the Saudi-led coalition supporting the government, the UN says. The organisation said the death toll "underscores the need to resolve the situation" that has lasted for more than 21 months...

[Guatemala: Prosecutor Lays Out Case Against Former Military Officials in Sexual Violence, Torture, and Enforced Disappearance Case](#) (OSJI)

...De León then begin outlining the evidence that the Attorney General's Office will be presenting to sustain the charges. He first referred to the background and context in which the events took place, that is, during the internal armed conflict. He said he would draw upon the reports of the Inter-American Commission of Human Rights (IACHR) from 1981, 1983, and 1984, as well as an expert report on the historical context that describes the role of military intelligence, highlights the methods and procedures used to apply torture and enforced disappearances, and the use of clandestine detention centers. He referred to other supporting evidence, including a military expert report, official military documents, the final reports of the Historical Clarification Commission and the Recovery of Historical Memory Project (REMHI), and the 1996 Peace Accords...

16 January

[Kosovo Indicts KLA Ex-Guerrilla for War Crimes](#)

(Balkan Transitional Justice)

Kosovo's Special Prosecution has filed an indictment against former Kosovo Liberation Army guerrilla Remiz Shala, accusing him of abducting an ethnic Albanian civilian suspected of collaborating with Serbia...

[Trial of ex-child soldier Dominic Ongwen to hear prosecution case](#)

(The Guardian)

Prosecutors at the ICC at The Hague are due to present their case on Monday against a child soldier turned militia leader from northern Uganda accused of committing war crimes including rape and murder. Dominic Ongwen, once a feared commander of the Lord's Resistance Army, appeared last month before the court to plead not

guilty, saying that as a child soldier taken by force from his home by the organisation he was a victim of its atrocities, not a perpetrator...

13 January

[Assad Linked to Syrian Chemical Attacks for First Time](#)

(VOA News)

International investigators have said for the first time that they suspect President Bashar al-Assad and his brother are responsible for the use of chemical weapons in the Syrian conflict, according to a document seen by Reuters. A joint inquiry for the United Nations and the Organization for the Prohibition of Chemical Weapons (OPCW), a global watchdog group, had previously identified only military units and did not name any commanders or officials...

11 January

[Amnesty: unpunished war crimes in CAR call for rebuilding of justice system](#)

(Jurist)

Perpetrators of war crimes in the Central African Republic (CAR) have not been prosecuted or investigated for their crimes, according to an Amnesty International (AI) [report](#). According to AI, the country's justice system needs to be reconstructed and a Special Criminal Court, tasked with trying suspected war criminals, and a witness protection program must be established to accomplish this...

[The "Forgotten Genocide" that was a Precursor to the Holocaust](#)

(Justice in Conflict)

It is a sad truth. Few know, let alone speak, of the mass murder and policies of extermination wrought upon by colonial Germany against the Herero and Nama people in German South West Africa — what is today Namibia. But in recent weeks, that "forgotten genocide" has received renewed attention as descendants of its victims seek compensation from Germany...

8 January

[The US Air Force's commuter drone warriors](#)

(BBC)

In the past, soldiers went off to war and left their families behind. But drone pilots commute to work

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- and to war - each day. Vin Ray was given rare access to the only US Air Force base devoted entirely to flying drones, where he discovered the pilots' strange double life. If you're a drone pilot, there's a strong possibility you live in Las Vegas. And your commute to work is against the traffic...

7 January

[Africa's human rights court and the limits of justice](#)

(Aljazeera)

The African Court on Human and Peoples' Rights is a tribunal established to ensure the protection of human rights across the continent. The court recently celebrated its 10th anniversary - a decade that has been filled with challenges. It was originally set up in Addis Ababa, Ethiopia, in November 2006, but, in August 2007, its headquarters moved to Arusha, Tanzania. Out of the 54 member states of the African Union, only 30 recognise the court. And an even fewer, seven member states, allow NGOs and individuals to file cases. But perhaps, the biggest challenge is that most Africans don't seem to know the court even exists...

[Justice for Syria – Should Bashar al-Assad be tried in a German court?](#)

(IntLawGrrls)

"What is happening in Aleppo is a genocide in slow-motion", says Berlin lawyer Mehmet Daimgagüler. Together with five colleagues he has submitted a criminal complaint against the Syrian president Bashar al-Assad for crimes against humanity and war crimes. The complaint was lodged with the German Federal Public Prosecutor's office and is based on the German Code of Crimes against International Law („VStGB"). The Public Prosecutor has the discretion to decide whether or not to open criminal investigations against Assad. His decision is not subject to a specific time limit...

[Rwanda: Military court adjourns Genocide suspect Seyoboka's trial to 27th](#)

(The New Times)

Genocide suspect Jean-Claude Seyoboka, who was last year deported from Canada, has appealed to the Military Tribunal to maintain the advocate he has had since he was deported. The suspect was

yesterday appearing before the Nyamirambo-based tribunal, where the prosecution had gone to seek extension of his remand since the 30 days given to them elapsed before they concluded investigations... He stands accused of five counts including complicity to the 1994 genocide against the Tutsi, direct involvement in the genocide preparation, execution of the genocide and rape and sexual assaults...

6 January

[Sri Lanka divided as panel backs foreign judges to probe war crimes](#)

(Reuters)

Sri Lanka should bring in international prosecutors and judges to help investigate alleged atrocities in the civil war that ended in 2009, a task force said on Thursday in recommendations that were welcomed by the United Nations. The Consultation Task Force (CTF), appointed by Prime Minister Ranil Wickremesinghe, said foreign involvement was needed because of a lack of confidence in the local judiciary, which it said did not have the expertise and capacity to prosecute war crimes...

[Amnesty: Iraq militias committing war crimes](#)

(Jurist)

Several militias operating in Iraq have been committing war crimes using weapons manufactured in 16 different countries, including the US, Russia, China and Iran, Amnesty International (AI) said in a report ...

5 January

[Sri Lanka war victims have no trust in domestic mechanism, CTF says while government reiterates no foreign judges](#)

(Colombo Page)

The Consultation Task Force (CTF) on Reconciliation mechanisms says the victims have no trust that justice will be meted out by a domestic mechanism while the Sri Lankan government has reiterated its stance that there will be no foreign judges in the judicial process seeking accountability for the war time abuses during the last phase of the country's decades-long civil war. Therefore, it is the responsibility of the civil society to pressure the government to implement the recommendations made by the Consultation Task Force on including at least one



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foreign judge in the accountability mechanism, the Secretary of the Consultation Task Force Dr. Paikiasothy Saravanamuttu told BBC Sandeshaya...

[ICC extends war crimes of rape and sexual slavery to victims from same armed forces](#)

(PhD studies in human rights blog)

Trial Chamber VI of the ICC issued a very interesting [decision](#) in the case of *Ntaganda*. At issue was the Defence's argument that the Court could not have jurisdiction over the crimes of rape and sexual slavery allegedly committed against UPC/FPLC child soldiers, because war crimes cannot be committed against combatants from the same armed forces as the perpetrator. Such crimes, the Defence argued, would come within the ambit of domestic law and human rights, and were not covered by the war crimes prohibition...

[Amnesty: Iraq militias committing war crimes](#)

(Jurist)

Several militias operating in Iraq have been committing war crimes using weapons manufactured in 16 different countries, including the US, Russia, China and Iran, Amnesty International (AI) said in a report Thursday...

[UN warns of war crimes over disruption to water supply north of Damascus](#)

(Guardian)

More than 5.5 million people have only minimal access to water supplies in the Damascus area owing to fighting between the Syrian government and opposition groups, the UN has said, warning that targeting water sources constitutes a war crime...

[Germany sued for damages of 'forgotten genocide' in Namibia](#)

(Guardian)

Germany has been sued for damages in the United States by descendants of the Herero and Nama people of Namibia, for what they called a campaign of genocide by German colonial troops in the early 1900s that led to more than 100,000 deaths. According to a complaint filed on Thursday with the US district court in Manhattan, Germany has excluded the plaintiffs from talks with Namibia regarding what occurred, and has publicly said any settlement will not include reparations to victims,

even if compensation is awarded to Namibia itself...

[Report on Legal Aid at the ICC released](#)

(International Criminal Court Bar Association)
Richard Rogers has just concluded his report, requested by the Registrar, assessing legal aid at the ICC... The Report methodically examines the legal aid scheme in place at the ICC and compares it to the schemes operating at other courts. It spells out the extent that the present scheme fails to provide adequate remuneration to counsel and the areas where improvements can be made...

4 January

[Kosovo ex-PM arrested in France on Serbian warrant](#)

(Reuters)

French police on Wednesday arrested former Kosovo prime minister Ramush Haradinaj, a guerrilla commander during the 1998-99 Kosovo war, on a Serbian arrest warrant, French police sources and Kosovo's Foreign Ministry said. Serbia considers Haradinaj a war criminal for his role in leading a guerrilla insurgency in its former southern province of Kosovo, which declared independence with Western backing in 2008...

[Myanmar says 'no evidence' of Rohingya genocide](#)

(BBC)

A commission set up by Myanmar's government says it has so far found no evidence of genocide against Rohingya Muslims in Rakhine state. In its interim report, the commission also said there was not enough evidence to support widespread rape allegations...

[Cambodians Need Somebody to Speak for Their Ghosts](#)

(Financial Post)

...The Khmer Rouge Tribunal that oversaw the verdict is an attempt to find justice for the millions of dead under Pol Pot's rule. It is also an attempt to set an international precedent. But the tribunal has raised as many questions as it answered. Given how compromised and sluggish the court has proven to be, it's not yet clear whether Cambodians, and those hoping to pursue historical



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justice elsewhere in the world, will even find its judgments to be meaningful...

3 January

Militant who denounced Islamic State faces murder, war crimes charges in Germany

(Washington Post)

An Islamic State defector who claimed in news interviews to have refused to commit violence for the group has been charged by German authorities with murder and war crimes for his role in a mass execution in Syria in 2015. Harry Sarfo, a 28-year-old German citizen, appeared in front-page articles and television broadcasts last year in which he

offered a sanitized version of his involvement with the Islamic State and condemned the group's tactics...

Rwanda: Renewed Call for UK to Extradite Five Genocidaires

(allAfrica)

The Government, survivors and Aegis Trust - a British NGO that campaigns to prevent genocide worldwide - have renewed the call pressing for the extradition from the United Kingdom of five Rwandans suspected of participating in the 1994 Genocide against the Tutsi...

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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