

Forum for International Criminal Justice Newsletter: September 2015

Welcome to the IAP's Forum for International Criminal Justice (FICJ) September 2015 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, publications, events, commentaries and the major news developments from the past month. Please note that the items included in this publication do not automatically carry any endorsement from the IAP.

Domestic legal news covered in this Newsletter includes: human rights groups call for the UN to set up an official war crimes inquiry in **Yemen**; **Bosnia** charges Prosecutor with war crimes case negligence; in **Guatemala** the retrial of Rios Montt and Rodriguez Sanchez for genocide and crimes against humanity has been set to begin in January 2016; and **DR Congo** prosecutors charge 34 with genocide in inter-ethnic fighting.

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



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

Video Highlights



[Click here](#) to watch a video on the new International Nuremberg Principles Academy, with Advisory Board members including Navi Pillay, former UN High Commissioner for Human Rights.



[Click here](#) to watch the TEDx Hamburg presentation entitled 'Turning Justice Denied into Justice Achieved', by Andras Vamos-Goldman, Executive Director of Justice Rapid Response (JRR).



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From the FICJ Discussion Forum

Young Offenders and courtroom restraints

BC_CCA asks: "I am looking for information about international practice in respect of using shackles and handcuffs to restrain accused persons inside the courtroom, and in particular, any policy or practice in respect of young offenders, however that category may be defined in your country.

In Canada there is a presumption against restraints unless the prosecutor shows evidence of a risk of violence or flight or both. In addition our Youth Criminal Justice Act requires extra consideration of the situation of young offenders which further limits the use of restraints in the courtroom."

- Please login and click [here to view this discussion question](#) and add your comments

Event

9th Annual International Humanitarian Law Dialogs



Prosecutors at the Annual International Humanitarian Law Dialogs at the Chautauqua Institution in Chautauqua NY

The Robert H. Jackson Center announces the 9th annual International Humanitarian Law Dialogs scheduled for Monday, 31 August – Tuesday, 1 September at the Chautauqua Institution. This year's theme will commemorate the 20th anniversary of the Srebrenica Massacre and the 70th anniversary of the opening commencement of the International Military Tribunal (IMT) at Nuremburg.

The Law Dialogs are a historic gathering of the current and former international war crimes tribunal prosecutors at the historic Chautauqua Institution in Chautauqua NY. Annually, renowned academics and law experts are invited to speak on a current issues centered on a theme. The Dialogs echo the

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sentiments of Justice Robert H. Jackson by recognizing international law as “one of the most significant tributes that power has ever paid to reason.”

- Read more about the 9th Annual International Humanitarian Law Dialogs on the [Robert H. Jackson Center website](#)

New Study

The Long Road: Accountability for Sexual Violence in Conflict and Post-Conflict Settings

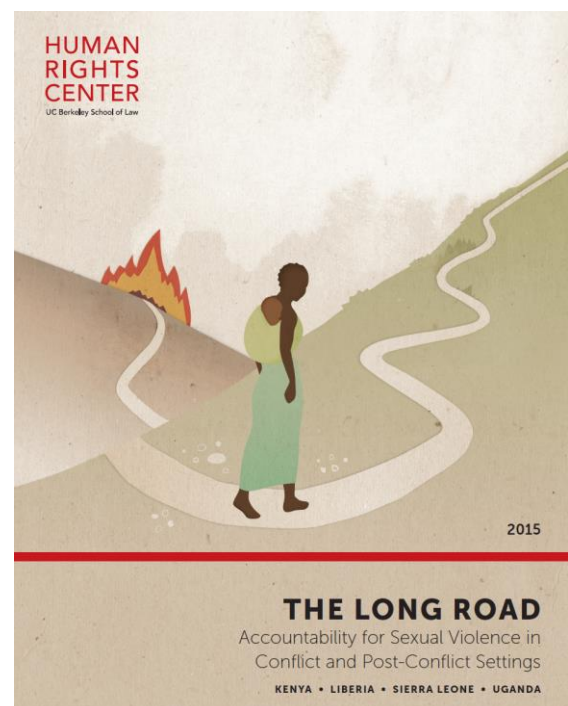
The UC Berkeley School of Law Human Rights Center’s (HRC) Sexual Violence Program has launched its four-year study on sexual violence in conflict. To improve understanding of domestic-level accountability for sexual violence, the HRC conducted a four-country study from 2011 to 2014, focusing on Kenya, Liberia, Sierra Leone and Uganda. The purpose of the study was to identify and describe major barriers and approaches to basic legal accountability for sexual violence in these four countries.

Researchers’ specific objectives were to:

1. identify challenges and strategies related to reporting of sexual violence;
2. identify challenges and strategies related to investigation of sexual violence;
3. identify challenges and strategies related to prosecution of sexual violence; and to
4. gather relevant lessons learned during recent periods of armed conflict or political violence.

The HRC makes recommendations to key stakeholders including legislators, ministries of justice, heads of law enforcement, chief prosecutors and directors of public prosecution.

- Read an article in [The Guardian about the study](#)
- Read the [executive summary of *The Long Road: Accountability for Sexual Violence in Conflict and Post-Conflict Settings*](#).





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DRC: 10 facts about the ICC Ntaganda trial

By the CICC



The International Criminal Court (ICC) trial of Congolese militia leader Bosco Ntaganda will open on 2 September 2015. Here are ten facts to bring you up to speed.

1. Known as “Terminator” or “Warrior” among his troops for his tendency to lead from the front and directly participate in military operations, Ntaganda [served](#) in a number of rebel groups throughout eastern Democratic Republic of Congo (DRC) for over a decade. He also served as a general in the Congolese army from 2009 to 2012.
2. Ntaganda [faces](#) 18 counts of war crimes and crimes against humanity allegedly committed in 2002-03 during the course of a brutal conflict in the Ituri region of eastern DRC while he was deputy military head of the rebel group *Patriotic Forces for the Liberation of Congo (FPLC)*. This case marks the first time a militia leader faces sexual and gender-based charges at the ICC for crimes against child soldiers under their command.
3. From 1999, the Hema and Lendu ethnic groups were in [conflict](#) in Ituri over land and lucrative gold mines and trading routes. The localized fighting expanded after Uganda backed Congolese armed groups. The Ugandan army together with the FPLC militia launched an offensive to control the Ituri capital of Bunia, allegedly adopting an organizational policy to attack non-Hema civilians.
4. It is [estimated](#) that at least 50,000 civilians have died in Ituri since 1999, with 5,000 of these in 2002-03 alone. These are part of an estimated total of 3.3 million civilians fatalities throughout the DRC since 1998, making it the deadliest war for civilians since World War II.

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5. The DRC is the ICC's first and most active investigation. In recent years, rebel leaders Thomas Lubanga and Germain Katanga have been convicted by the Court, while a third, Mathieu Ngudjolo Chui, was acquitted in 2012.
6. Wanted by the ICC since 2008, Ntaganda voluntarily [surrendered](#) to the United States embassy in Rwanda in 2013 after reportedly falling out with the M-23 rebel group which he commanded. He was transferred to The Hague and is currently held at the ICC detention center having been refused interim release.
7. The judges assigned to the Ntaganda case [recommended](#) holding the trial's opening statements in Bunia to bring proceedings closer to victims and affected communities. However, the Court's presidency [decided](#) against it, citing uncertain security, victim welfare and high costs.
8. 2149 [victims](#) have been granted the right to participate in the trial and will be represented by legal representatives Sarah Pellet and Dmytro Suprun.
9. Ntaganda is considered indigent and the costs of his defence are supported by the Court. This will be reviewed once an investigation into Ntaganda's assets is completed.
10. One week before the scheduled trial opening in July 2015, the defence was [granted](#) more time to prepare for the trial. Another postponement request was denied last week. The opening statements will be heard from 2 to 4 September and the testimony of the first prosecution will begin on 15 September.

■ Read more on the [CICC website](#)



Commentary

The ICC's Child Soldier Provisions: Time to Close the Three-Year Gap

By Danya Chaikel ([@DanyaChaikel](#)), IAP's FICJ Coordinator and independent legal consultant specialising in international criminal law and human rights. The views and opinions expressed here do not necessarily reflect the views and opinions of the Open Society Justice Initiative or the IAP.

Until they reach the age of 15, ICC suspects like Dominic Ongwen are potential child soldier victims pursuant to Article 8 of the Rome Statute. Then from the age of 15 through 17 they have no status as child soldier victims or as potential perpetrators, nor can they be considered the subject of child soldier crimes. However, according to the Rome Statute's legal fiction, the moment Ongwen turned

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18 he became a potential perpetrator of mass atrocities, since this is the earliest age a person can be prosecuted before the Court.

As [Dominic Ongwen](#), a senior commander in the rebel Lord's Resistance Army (LRA), awaits his confirmation of charges hearing at the International Criminal Court (ICC) in The Hague, the thorny issue of prosecuting former child soldiers has come to the forefront. On January 17, 2015, Ongwen was [transferred](#) from the Central African Republic to ICC custody, where he currently faces seven charges of war crimes and crimes against humanity, including murder and enslavement, for crimes allegedly committed during Uganda's deadly civil war that dates back to the late 1980s. According to [ICC Prosecutor Fatou Bensouda](#): "For more than a quarter of a century, the LRA under Joseph Kony and his high command, that includes Ongwen, have terrorised the people of Northern Uganda and neighbouring countries," with the LRA having "reportedly killed tens of thousands and displaced millions of people, terrorised civilians, abducted children and forced them to kill and serve as sex slaves." More recently, the [prosecution indicated](#) that ongoing investigations may lead to further charges against Ongwen, including sexual and gender-based violence and even child soldier crimes.

The Ongwen case is far from straightforward, since Ongwen says [he too was abducted](#) at the tender age of 14 by the LRA and "taken to the bush." He arguably had little choice in becoming an alleged LRA commander and mass criminal—even potentially towards other child soldiers abducted years after he was. Much has been written about the complex cycle of violence that child soldiers such as Ongwen face ([here](#), [here](#), and [here](#)), as victimhood and criminal perpetration coalesce in a way which international criminal justice struggles to grapple with.

What is also problematic—but fortunately more easily remedied by ICC member states—is a three-year accountability/victimhood gap created by the Rome Statute that renders this demographic invisible at the ICC. Under Article 8 of the Statute, war crimes against child soldiers include conscripting or enlisting children *under the age of 15 years*, or using them to participate actively in hostilities. When the Rome Statute was being drafted, state representatives heard a [proposal](#) by UNICEF and other organizations to set the age threshold for child soldiers at under the age of 18, but it was not supported by a majority of states.

Therefore, soldiers older than 15 are not considered "child" soldiers in terms of being the subject of the crimes of conscription, enlistment, and use of child soldiers in hostilities, and therefore they are also denied the possibility of being recognised as child soldier victims before the ICC. Yet fighters aged 15 to 17 fall outside of the prosecutor's jurisdictional reach, since Article 26 of the Rome Statute prohibits the prosecutor from investigating and prosecuting individuals who commit crimes when they are under the age of 18. This creates a legal vacuum whereby a 16 year-old soldier who commits mass atrocities falls through the cracks of the ICC's legal framework and is neither a victim nor a perpetrator of war crimes.

While arguably a 16 year-old soldier who commits atrocities could be tried (or protected, depending on how the issue is legally framed) nationally, a domestic remedy is a mere possibility. Moreover, the Rome Statute is broadly considered the ideal model that states can replicate through domestic implementing legislation. Therefore this statutory gap results first in the ICC's being ill-equipped to

fully address child soldier crimes, and second in the Rome Statute's failing to provide a comprehensive legislative model on the issue for States Parties.

The statutory gap may even be perilous: in the worst case scenario it could provide an incentive for armed groups to recruit and use persons between the ages of 15 and 18, given their legal invisibility before the ICC, which renders their criminal activities neutral before the Court.

Fortunately the 3-year gap can be remedied by an amendment to the Rome Statute in accordance with Article 121, by raising the child soldier age criteria to under the age of 18 instead of under 15 (or as some argue by potentially [lowering the minimum age](#) for criminal liability to 15). Such an amendment to the child soldier provisions is supported by an international trend towards raising the age to 18, whereas the outdated Rome Statute provisions are drawn from the 1977 Additional Protocols I ([Article 77\(2\)](#)) and II ([Article 4\(3\)\(c\)](#)) to the Geneva Conventions (1949) and the [Convention on the Rights of the Child](#) (1989) which set 15 as the minimum age for recruitment or use in armed conflict.

Support has been steadily growing towards raising the minimum age. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) provides in [Article 1](#) that States Parties must ensure that members of their armed forces directly participating in hostilities are at least 18 years of age. On a regional level, the Organisation of African Unity (now the African Union) adopted the [African Charter on the Rights and Welfare of the Child](#) (1990) which defines children as all persons below the age of 18, and Article 22.2 stresses that "no child shall take a direct part in hostilities" and that States Parties to the Charter shall "refrain in particular, from recruiting any child."

Most recently, the [Paris Principles](#) and Guidelines on Children Associated with Armed Forces or Armed Groups (2007) which have been [endorsed](#) by over 100 countries, define a child soldiers in Article 2.1 as "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities."

The UN's Office for the Special Representative of the Secretary-General for Children and Armed Conflict, established in 1996, also uses the Paris Principles' [definition](#), therefore applying the under 18 criteria. The current Special Representative Leila Zerrougui, together with UNICEF, launched the campaign [Children, Not Soldiers](#) in 2014, which "seeks to galvanize support to end and prevent the recruitment and use of children by national security forces by 2016" and which was endorsed by UN Security Council in [Resolution 2143](#) (2014). Strikingly, paragraph 5 of Resolution 2143 exposes the ICC's outdated provisions by recalling that the conscription, enlistment, and use of children under the age of 15 may constitute a war crime under the Rome Statute and then noting that the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict requires a minimum age of 18 for compulsory recruitment and participation in hostilities.



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The ICC is lagging behind internationally, and according to a leading human rights organisation, Child Soldiers International, there is already wide acceptance that 18 years of age should be the universal international legal threshold—otherwise known as the “[straight 18 ban](#).” Moreover, “nearly two thirds of UN members states have established in law or otherwise committed to a minimum military recruitment age of 18 years.” Professor Mark Drumbl, an international law expert has [observed](#) that this notion is spreading and “international law’s trend-line arcs towards the Straight 18 horizon.”

Tragically, the recruitment and use of child soldiers continues in great numbers today. [UNICEF](#) estimates that approximately 300,000 children, defined as boys and girls under the age of 18, are involved in over 30 conflicts worldwide. The case against Dominic Ongwen prompts the call for a fresh discussion on the Rome Statute’s age gap and the need to amend the Rome Statute in order to reflect the growing international consensus towards prohibiting the recruitment and use of child soldiers under the age of 18. This may also encourage ICC member states to address the complexities of child soldiers’ experiences as victims and perpetrators—sometimes simultaneously—and how rigid age criteria maintain a legal fiction which does not respond meaningfully to the realities that many child soldiers endure.

- Read more on the [Open Society Justice Initiative website](#)

News August 2015

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

30 August

[Sudan’s Bashir to visit China despite international arrest warrant](#)

(Euronews)

Sudanese President Omar Hassan al-Bashir is expected to travel to China on Monday for a four-day visit, the foreign ministry said, defying an international warrant for his arrest. The Hague-based International Criminal Court (ICC) issued arrest warrants for Bashir in 2009 and 2010, accusing him of masterminding genocide and other atrocities in his campaign to crush a revolt in the western Darfur region...

28 August

[Security Council condemns use of sexual violence as ‘tactic of war’ in Iraq and Syria](#)

(UN News Centre)

The United Nations Security Council today condemned the use of sexual violence, in particular sexual enslavement and sexual violence

“related to or resulting from forced marriage, committee, including as a tactic of war, in Syria and Iraq,” and urged all parties to armed conflict to take all feasible steps to protect civilians from such “abhorrent” acts...

[Hope for Justice for South Sudan](#)

(Al Jazeera Opinion)

...the new peace agreement, which the opposition signed a week earlier, calls for creating a hybrid court staffed by South Sudanese and nationals of other African nations. The court will have the authority to try genocide, war crimes, crimes against humanity, and other serious crimes that violate international law and Sudanese law committed since the current conflict began...

27 August

[Srebrenica Commander Naser Oric Charged With War Crimes](#)

(Balkan Transitional Justice)

Former Bosnian Army general Naser Oric, who led Bosniak forces in battles against Serb troops in Srebrenica, was charged with war crimes against Serb prisoners in the area in 1992...Oric was arrested on June 10 this year on the French-Swiss border at the request of the Serbian prosecution, which suspects him of involvement in war crimes.

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But he was ultimately extradited to Bosnia and Herzegovina, not to Serbia. He has already been acquitted of war crimes against Serbs in the Srebrenica area by the Hague Tribunal in 2008, when the UN-backed court ruled that he did not have control over the Bosnian Army which committed the crimes...

[Human Rights Groups Urge UN Inquiry on War Crimes in Yemen](#)

(teleSUR)

Over 20 human rights organizations issued a statement on Thursday calling for the United Nations to set up an official inquiry on war crimes during the ongoing Saudi-led attack on Yemen. "International humanitarian law obligates states that are parties to an armed conflict to investigate allegations of war crimes committed by their forces and bring those suspected of criminal responsibility to justice in fair trials. We are not aware of any (Saudi-led) Coalition members having done so," reads the letter...

[ICC: Trial of Bosco Ntaganda for alleged crimes in the Democratic Republic of Congo](#)

(Human Rights Watch)

On September 2, 2015, the trial of Bosco Ntaganda will start in The Hague at the International Criminal Court (ICC), nine years after the court issued its first arrest warrant against him. Ntaganda, a rebel leader who fought with various armed groups, and was later a general in the Congolese army, is the fourth person to be tried before the ICC for grave international crimes allegedly committed in the Democratic Republic of Congo (DRC). The opening statements are expected to last two days. After that, the presentation of prosecution evidence is to start on September 15...

[Q&A: The Case of Hissène Habré before the Extraordinary African Chambers in Senegal](#)

(Human Rights Watch)

... After two days, the trial was adjourned when Habré's lawyers refused to appear and the court appointed three lawyers to represent him and gave them 45 days to prepare the case. The trial will resume on September 7. Habré's trial is the first in the world in which the courts of one country prosecute the former ruler of another for alleged human rights crimes. It is also the first universal jurisdiction case to proceed to trial in

Africa. Universal jurisdiction is a concept under international law that allows national courts to prosecute the most serious crimes even when committed abroad, by a foreigner and against foreign victims. The New York Times has called the case "*a Milestone for Justice in Africa*." ...

[26 August](#)

[Court Orders Rios Montt and Rodriguez Sanchez Retrial to Begin in January 2016](#)

(OSJI)

On August 25, the high-risk court overseeing proceedings against former dictator Efraim Rios Montt and his then-head of military intelligence Mauricio Rodriguez Sanchez ruled that a joint retrial of the men can proceed ... Rios Montt and Rodriguez Sanchez are facing retrial for genocide and crimes against humanity related to the commission of various massacres that led to the deaths of at least 1,771 Mayan Ixiles between March 1982 and August 1983, considered to be the peak of violence of Guatemala's 36-year long civil war...

[ICC success depends on its impact locally](#)

(openDemocracy Opinion)

Delivering justice for victims is the *raison d'être* of the ICC. But making justice count for victims requires much more than fair trials in a Hague courtroom. A contribution to the [openGlobalRights](#) debate on the [International Criminal Court](#)...

[US backs internal Sri Lanka war crimes investigation](#)

(Al Jazeera)

The United States said Wednesday that it wants to sponsor a resolution at next month's U.N. human rights session that is supportive of Sri Lanka's government, which wants to conduct its own investigation into alleged war crimes...

[Bosnia Charges Prosecutor with War Crimes Case Negligence](#)

(Balkan Transitional Justice)

Disciplinary prosecutor Mirza Hadziomerovic told a status conference on the case on Wednesday that Lecic was charged because he failed to look into the contents of a criminal complaint within an investigation for war crimes against Serb civilians in the village of Cemerno near Sarajevo from 2007

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until early 2012, unacceptably delaying its progress...

25 August

[Can the Ntaganda Trial Advance Accountability for Serious Violations Against Children in Armed Conflict?](#)

(OSJI)

Across the globe there is a broad failure to achieve accountability for serious violations against children in armed conflict (known as “CAC accountability”). More often than not, perpetrators of serious crimes against children remain unidentified and are not brought to justice. Such crimes include recruitment and use of children as soldiers, sexual violence, killing, maiming, and abduction of children. Even in cases where accountability programs exist, they often fail to achieve tangible outcomes that benefit children and their communities, and violations continue with impunity...

[Michael Bohlander appointed as new Co-Investigating Judge](#)

(ECCC Press Release)

Following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Council of the Magistracy, His Majesty the King Norodom Sihamoni has appointed Judge Michael Bohlander (Germany) as new International Co-Investigating Judge in the Extraordinary Chambers in the Courts of Cambodia (ECCC). He replaces Judge Mark Brian Harmon (USA)...

24 August

[Destruction of Palmyra's Baalshamin temple 'a war crime'](#)

(BBC)

The destruction of Palmyra's ancient temple of Baalshamin is a war crime, the UN's cultural agency has said. Syrian officials and activists reported on Sunday that Islamic State (IS) militants had blown up the temple. In a statement, Unesco said it was "an immense loss for the Syrian people and for humanity"...

[Croatian War Criminal Arrested after Decade on Run](#)

(Balkan Transitional Justice)

Emilio Bungur, who was convicted of war crimes against Serb civilian prisoners, was arrested near the Croatian coastal town of Sibenik after being on the run for ten years...

[Reporters, witnesses silenced 'one by one' with ICC link deadly in Kenya](#)

(Aljazeera Opinion)

...But as in the other cases, the ICC's chief prosecutor, Fatou Bensouda, struggled to compile evidence against Ruto and Sang. A critical mass of witnesses withdrew cooperation and recanted earlier testimonies due to what prosecutors and human rights groups alleged were threats, intimidation and acts of bribery...

[Major Changes at the ICC: the Registry's ReVision](#)

(OSJI)

The ICC is undergoing a major change this summer as the Registrar's ReVision project results are implemented. The Registry will significantly change its organizational structure, and as many as 113 employees' jobs will be affected. New Registry sections have been created and others abolished...

20 August

[Spain's campaigning judge seeks change in law to prosecute global corporations](#)

(The Guardian)

He has brought down governments, closed newspapers and ordered the arrests of dictators. Now Baltasar Garzón, the Spanish judge who redefined the boundaries of cross-border justice, has set his sights on widening the definition of international law to target corporations that carry out economic or environmental crimes.

"Humanitarian and economic crises cause more deaths around the world than all of the genocides we have documented," said Garzón, who made headlines around the world when he ordered the 1998 arrest of former Chilean dictator Augusto Pinochet in London...

19 August

[ICC Appeals Chamber reverses decision on Kenya's cooperation and remands issue to Trial Chamber for new determination](#)

(ICC Press Release)

Today, 19 August 2015, the Appeals Chamber of the International Criminal Court (ICC) reversed



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Trial Chamber V(B)'s [decision](#) regarding the Kenyan Government's alleged non-compliance with its obligations under the Rome Statute in the case *The Prosecutor v. Uhuru Muigai Kenyatta*, due to errors in the Trial Chamber's assessment. The Appeals Chamber hence remanded this decision to the Trial Chamber V(B) to determine, in light of relevant factors, whether Kenya has failed to comply with a cooperation request that has prevented the Court from exercising its functions and powers and, if so, to make an assessment of whether it is appropriate to refer Kenya's non-compliance to the Assembly of States Parties (ASP)...

17 August

[DR Congo charges 34 with genocide in inter-ethnic fighting](#)

(Reuters)

A prosecutor in Democratic Republic of Congo said on Friday he had charged 34 people with genocide and crimes against humanity in inter-ethnic violence in the country's southeast. The charges against members of the Luba, a Bantu ethnic group, and Twa, a Pygmy people who inhabit Africa's Great Lakes region, mark the first civilian prosecutions for such crimes in Congo...

[Guatemala Focused on Head-of-State Accountability, Past and Present](#)

(OSJI)

Last week doctors completed their assessment of former dictator Efraín Ríos Montt's mental fitness to be retried on charges of genocide and crimes against humanity. Meanwhile, Guatemala's Congress refused to lift current President Otto Pérez Molina's immunity from prosecution in relation to corruption allegations. Congress also refused a bid to weaken the UN-backed mechanism behind that investigation, the International Commission against Impunity in Guatemala (CICIG)...

[Syria conflict: UN 'horrified' by attacks on civilians](#)

(BBC)

The UN's humanitarian chief has said he is "horrified" by the attacks on civilians taking place in Syria. Stephen O'Brien told reporters during a visit to Damascus that the targeting of non-combatants in the country's war was "unlawful, unacceptable and must stop"...

12 August

[Libya death sentences cast long shadow over rule of law](#)

(BBC Opinion)

In July, a court in Tripoli ruled against more than 30 officials and personalities who had served under Col Muammar Gaddafi's government. The rulings included nine death-penalty verdicts, four acquittals and a range of other prison sentences for war crimes...

[Victims' lawyer turns the heat up on Bensouda and Uhuru](#)

(The Hague Trials Kenya Opinion)

Victims' legal representative Fergal Gaynor wants a review of ICC Chief Prosecutor Fatou Bensouda's decision not to actively pursue investigation into Uhuru Kenyatta's PEV role...Gaynor doesn't mince his words in the 49-page document currently before Judge Cuno Tarfusser (Presiding), Judge Marc Perrin de Brichambaut and Judge Chang-ho Chung. Before the Kenyatta case collapsed, Gaynor - like many of the victims' lawyers - aligned himself with the OTP. In this new filing, however, he cuts ties with Bensouda and her team in the most public way possible, accusing them of being "ineffective" and of "prosecutorial surrender and inaction"...

[Witness Tells Court of Vietnamese Purges at Dam](#)

(The Cambodia Daily)

Two witnesses who were stationed at the Trapeang Thma Dam worksite during the Pol Pot regime told the Khmer Rouge tribunal on Tuesday of hearing about purges of Vietnamese people and those suspected of faking night blindness to avoid work. Testifying for a second day, Kan Thorl, a former supervisor at the dam site in Banteay Meanchey province, said it was rumored that Vietnamese nationals were being targeted for executions...

11 August

[Mali: UN alarmed at release of human rights abusers; warns de facto amnesty contrary to international law](#)

(UN News Centre)

The United Nations human rights office expressed deep concern over the reported release of



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detainees in Mali suspected of involvement in, or formally charged with, serious abuses, including war crimes, terrorist acts and gross human rights violations...

10 August

[How international criminal justice was born in the shadow of the atomic bomb](#)

(The Conversation)

The atomic bombings of Hiroshima and Nagasaki are now thought of as one of the darkest episodes in recent human history – but even in the brief time between them, a new hope for a legal world order was coming into view. On August 8 1945, just before the bombing of Nagasaki, the London Agreement was signed, formally establishing the Nuremberg Trials. The charter would become the foundation for a system of individual criminal responsibility for the gravest of atrocities, irrespective of rank...

[A New War Crimes Court is Born, but Who is Responsible in Kosovo?](#)

(Justice in Conflict Opinion)

On 3 August, the Kosovo parliament voted to alter Kosovo's constitution to enable the establishment of a Special Court. The court will investigate evidence uncovered by the European Union Special Investigative Task Force of forced detention, torture, murder and, perhaps most shockingly, organ-harvesting allegedly committed by former members of the Kosovo Liberation Army (KLA) from 1 January 1998 to 31 December 2000. Kosovo's war crimes court will deal with important and perhaps unique questions about culpability in transitional justice. The offences under its jurisdiction were committed by agents acting with the sometimes overt and sometimes tacit support of external actors, namely NATO and the UN Mission in Kosovo (UNMIK)...

8 August

[Nuremberg trials leave behind potent, flawed legacy](#)

(Deutsche Welle)

...The London Charter culminated in the framing of four new charges against the 22 Nazi defendants - crimes against peace, planning a war of aggression, war crimes and crimes against humanity. While these seemed comprehensive, they lacked two key

principles that Jackson had hoped to enshrine in statute for the ages: firstly, the definition of war itself as a universal crime, and secondly, that the principles of Nuremberg should eventually be applicable to all sides. Despite Jackson's dream, Nuremberg remained strictly a military tribunal specifically to try the Nazi regime...

7 August

[First Steps Towards a Clarified and Enhanced Environmental Protection in Relation to Armed Conflict under International Law?](#)

(IntLawGrrls)

In 2013, the UN International Law Commission included the topic "Protection of the Environment in Relation to Armed Conflict" into its programme of work (see my previous post). The inclusion of the topic brings hope for a desired development, as the environmental protection provided under the law of armed conflict has been widely criticized by the legal scholarly community as being vague and inadequate...

6 August

[ICC should address crimes against the environment: Freeland](#)

(Lawyers Weekly)

Intentional destruction of the environment during times of war is not adequately addressed by international law, says an academic at the University of Western Sydney. In a book to be launched this month, Steven Freeland, a professor of international law, proposes that a new crime be included in the Rome Statute of the International Criminal Court (ICC). This crime should create greater deterrents and accountability for rampant and excessive environmental damage during armed conflict...

4 August

[Chronicler of crimes by Hissène Habré confident that justice finally at hand](#)

(The Guardian)

...For Guengueng, this milestone in African justice came at the end of a long journey that had seen several failed attempts at prosecution: first in Senegal, where Habré fled in exile after being deposed in a coup; then in Belgium, which has universal jurisdiction; and then under the



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Economic Community of West African States, or
Ecowas...

[ICC: Côte d'Ivoire Case Highlights Court's Missteps](#)

(Human Rights Watch)

The International Criminal Court (ICC) missed important opportunities to maximize the impact of its work in Côte d'Ivoire, Human Rights Watch said in a report released today. The [report](#) offers wider lessons for the ICC's work around the world, finding that to maximize the impact of its work, court officials need to engage a broader set of victims and local communities...

[Geneva Conventions and armed movements: an unprecedented move](#)

(Geneva Call)

On 23 June 2015, the Polisario Front deposited a unilateral declaration by which it undertook to apply the Geneva Conventions and the API in its armed conflict with Morocco. Switzerland has been the depositary state of the Geneva Conventions and their Additional Protocols since their creation...

3 August

[Kosovo's parliament votes in favour of war crime court](#)

(AFP)

Kosovo's parliament on Monday amended the constitution to allow the creation of a special EU-backed court to examine war crimes allegedly committed by ethnic Albanian guerrillas during the 1998-1999 war...

[Uganda: Dominic Ongwen Could Also Be Charged With Sexual Crimes – ICC](#)

(allAfrica)

Former Lord's Resistance Army (LRA) commander, Dominic Ongwen may face fresh charges of slavery and other sexual related crimes says International Criminal Court (ICC) prosecutor, Fatou Bensouda. Bensouda says that if they succeed in getting the required evidence from Northern Uganda, the crimes will be part of new charges her office intends to expand against Ongwen, whose confirmation of charges hearing is scheduled for January 2016 at the ICC...

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