

# Forum for International Criminal Justice Newsletter: May 2018

Welcome to the IAP's Forum for International Criminal Justice (FICJ) May 2018 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:

**Liberia** warlord 'Jungle Jabbah' jailed for 30 years in the **United States**; **DRC** Military Court sentences head of militia 20 years for mass crimes; **Peru's** ex-president Alberto Fujimori faces forced sterilisation charges; and in **Switzerland** former **Guatemalan** chief of police Erwin Sperisen was found guilty of participating in extrajudicial executions.



**\*Please have a look at the [FICJ forum](#) page on the IAP**

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

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## Video Highlights



[Click here](#) to watch the fascinating and moving documentary, *The Unforgiven: A War Criminal's Remorse* – in which a notorious war criminal searches for the prisoners he tortured during the Bosnian War to seek their forgiveness



[Click here](#) to watch an interview with Hetty Verolme, a Holocaust survivor who had also been interviewed by the BBC shortly after the liberation of the Bergen-Belsen concentration camp in 1945, when she was just 15-years-old



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## Syria: a snapshot of the UN's new Mechanism



### International, Impartial and Independent Mechanism

to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011

**Who:** The International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011 – but more commonly referred to as ‘the Mechanism’, or ‘IIIM’.

**What:** Assists in the investigation and prosecution of the most serious crimes under international law, in particular the crime of genocide, crimes against humanity and war crimes. Sexual and gender-based crimes, as well as crimes against children, will receive specialized attention in the IIIM's work. The IIIM is not a court, tribunal or a fully-fledged prosecution office so there are no indictments, trials or judgments. Rather the IIIM's mandate is to work independently and impartially with a ‘quasi-prosecutorial function’ by: (a) comprehensively collecting, consolidating, preserving and analysing evidence; and (b) building case files for use by others in national, regional or international courts or tribunals who have or may in the future have jurisdiction over these crimes. The IIIM's key challenges include an absence of regular budget funding; and the lack of access to the Syrian territory, as well as the overwhelming volume of relevant documentation of alleged crimes, which will require the development of effective strategies as part of the IIIM's evidence collection work.

**Where:** Located in the Palais des Nations in Geneva, Switzerland.

**When:** Created by the UN's General Assembly in December 2016, with the commencement of duties by its Head (Catherine Marchi-Uhel) and its Deputy Head (Michelle Jarvis) in August and December 2017, respectively.

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**Why:** Following the Security Council’s deadlock on Syria and the lack of agreement on a more traditional strategy – meaning, for instance, no creation of an ad hoc tribunal or referral to the International Criminal Court – the General Assembly stepped in to take action.

**How:** The IIIM is part of a larger framework of documentation and accountability processes that includes coordinated actions by a range of actors such as the Syria Commission of Inquiry, civil society and international and national jurisdictions. The Mechanism collaborates for instance with States, domestic war crimes units as well as Eurojust’s Genocide Network. Notably, the Mechanism can share evidence and other material only with those jurisdictions that respect international human rights law and standards, including the right to a fair trial, and where the application of the death penalty would not apply. The IIIM is currently developing guidelines for responding to requests for information or evidence from national authorities. There is significant potential for assisting domestic prosecutors with their evidence collection, as well as with their analytical work – the IIIM is now developing several analytical tools such as: chronologies, organizational charts, maps, specialized databases, thematic analysis of crimes, evidentiary modules for contextual elements, that can then be made available to national authorities.

- Read more on the [IIIM’s website](#) and the IIIM’s first [report to the General Assembly](#)
- See also [There must be justice for victims of crimes in Syria, says head of UN body building cases for prosecution](#), UN News

## Syria airstrikes violated international law according to German parliamentary report

*Deutsche Welle* – The German government supported the airstrikes by the US, UK and France in response to an alleged chemical weapons attack. However, a new German parliamentary report has said the airstrikes infringed upon international law.



The United States, France and the United Kingdom violated international law by launching airstrikes against Syria in response to a suspected chemical weapons attack, an independent German parliamentary report has found. “Military force used against a state to punish it for infringing an international convention violates the

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prohibition of force under international law,” said the report by the German parliament's non-partisan research service (the “Unterabteilung Wissenschaftliche Dienste”). The three countries launched airstrikes after accusing the Syrian government of carrying out a chemical weapons attack near the capital Damascus on April 7 that allegedly killed at least 40 people.

Hours after the operation, German Chancellor Angela Merkel had said the operation was “necessary and appropriate” to preserve the Chemical Weapons Convention (CWC), an international treaty outlawing the use of chemical weapons.

### **Legal problems**

The report was commissioned by Germany's Left party, which asked the civil servants to ascertain if the strikes conformed with international law. The findings cited the UN Charter, which calls on members to “refrain ... from the threat or use of force against the territorial integrity or political independence of any state.” This ban on using military force, the report added, still applies when a country breaches an international treaty such as the CWC.

The UK's argument that airstrikes would remedy a humanitarian crisis and were therefore exempt from this ban was “not convincing,” according to the report. The strikes, it said, could not stop the suffering caused by the ongoing civil war and it was not clear why a chemical weapons attack was a “decisive” event that required humanitarian intervention. Moreover, the report disagreed with an argument voiced by German Foreign Minister Heiko Maas, who had cited the UN Security Council's inability to react to the suspected chemical attack as part of his support for the airstrikes.

The Council's indecisiveness, based on Russia's opposition to US-backed proposals to investigate the suspected attack, was irrelevant from a legal perspective, it said.

### **‘Slap in the face’ for the German government**

Left lawmakers Heike Hänsel and Alexander Neu called the WD report a “slap in the face” for the German government, which had helped “erode” international law by supporting airstrikes. Omid Nouripour, the foreign policy spokesman for the Green Party, said it was “high time that the government publicly declare [it had broken international law].”

But the foreign policy spokesman for Merkel's conservatives, Roderich Kiesewetter, defended the government's support for the airstrikes despite the WD's findings. In a Twitter post, he wrote: “Sometimes a politically suitable assessment of how to deal with violations of international law is needed ... The [WD] report found the airstrikes were contrary to international law. I think the government reacted wisely!”

- See also [Syria air strikes: Were they legal?](#), BBC





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## DRC: head of militia receives 20 years sentence for mass crimes

*[Trial International](#) & [Thomson Reuters Foundation](#) - A military court sentenced Lieutenant-Colonel Maro Ntumwa, nicknamed "Marocain", for crimes he committed as head of a local militia from 2005 to 2007*

Democratic Republic of Congo's jailing of a warlord for sexual slavery shows it is cracking down on a longstanding culture of impunity, rights groups and lawyers said on Wednesday.

A military court in the central African country sentenced Lieutenant-Colonel Maro Ntumwa, nicknamed "Marocain", to 20 years in prison on 28 April 2018 for crimes (sexual slavery, rape, looting and attacks against civilians in DRC) he committed as head of a local militia from 2005 to 2007.



**Detained Mai-Mai Yakutumba rebels, captured by Congolese soldiers from the Armed Forces of the Democratic Republic of Congo (FARDC) sit on the ground in Namoya, Maniema Province, eastern Democratic Republic of Congo, 26 April 2018. REUTERS/Goran Tomasev**

The prosecution was one of several that suggest the state is making a greater effort to hold people accountable for sex crimes after being pegged the "rape capital of the world", said Geneva-based legal group Trial International.

"I feel that concretely there has been a change of heart or at least more determination on the part of the government," said Daniele Perissi, head of the Congo programme at Trial International, which helped Ntumwa's victims build their case. "This kind of trial sends a message to all the actors committing crimes in the country that impunity is not the rule," he told the Thomson Reuters Foundation.

The Mai-Mai rebel group which Ntumwa commanded in Congo's South Kivu province often took women and girls as sex slaves after it attacked their villages, said Trial International. The verdict came several months after Congo jailed 11 militia fighters for raping girls in the same province between 2013 and 2016, which campaigners hailed as a landmark decision.

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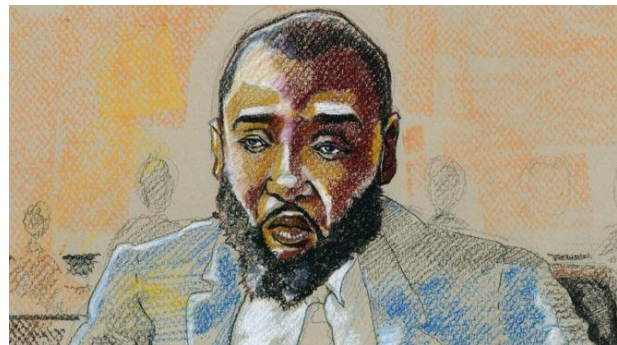
In both cases Congo used domestic courts to prosecute people for crimes under international law, said Karen Naimer, who heads a programme on sexual violence in conflict zones for the U.S.-based group Physicians for Human Rights. "I think we can say there's sort of a quiet revolution happening where key players are being held to account for sexual violence crimes during their reign of terror," said Naimer. "The challenge of these cases is that they're few and far between."

Ntumwa's victims were glad to see him jailed, but only eight the 98 victims were awarded compensation, said Sylvestre Bisimwa, a spokesman for their lawyers. Millions died in eastern Congo in regional wars between 1996 and 2003, most from hunger and disease, and dozens of armed groups continue to fight for control of the area's rich natural resources.

## Liberia warlord 'Jungle Jabbah' jailed for 30 years in the United States

*[BBC](#) - A Liberian warlord known as "Jungle Jabbah" has been sentenced to 30 years in prison in the US for lying about his role in his country's civil war.*

Mohammed Jabbateh was found guilty of immigration fraud for falsely telling US authorities in the 1990s that he had never belonged to an armed group. One witness told the court how he had ordered the heart of a captive to be cooked for his fighters. Around 250,000 people were killed in Liberia's brutal 14-year civil war.



Campaign group Amnesty International has welcomed the verdict as the "first case to provide some justice for victims of Liberia's civil war", even though he was not convicted of the atrocities he and his men allegedly carried out. "It must not be forgotten that there has still been no accountability for these crimes in Liberia itself," said Amnesty's West Africa researcher Sabrina Mahtani. "The Liberian authorities must urgently establish a criminal court to try crimes under international law and ensure those responsible are held to account."

The 51-year-old moved to the US in the late 1990s, living in Pennsylvania in a community in Philadelphia known as "Little Liberia" until his arrest in April 2016. The trial was told how he had been a commander in two armed groups - the United Liberation Movement of Liberia for Democracy (Ulimo) and later the Ulimo-K - during fierce fighting in the early 1990s. Witnesses were flown over

from Liberia to give testimony about the allegations of killings, rapes, mutilations and cannibalism committed by him or by fighters under his command.

In total there were three accounts of hearts being removed, including how the wife of a town chief was told to cook the heart of a murdered villager and then one of her own husband, a US Department of Justice statement said.

- See also [‘Jungle Jabbah’ was accused of cannibalism and other horrors in Liberia. How a U.S. court brought him to justice](#), Washington Post

## MICT Appeals Chamber Reverses Šešelj’s Acquittal, in part, and Convicts him of Crimes Against Humanity

[MICT Press Release](#) - The Appeals Chamber of the International Residual Mechanism for Criminal Tribunals, composed of Judge Theodor Meron, presiding, Judge Lee G. Muthoga, Judge Florence Rita Arrey, Judge Ben Emmerson, and Judge Ivo Nelson de Caires Batista Rosa delivered today its judgement on the appeal lodged by the Prosecution against the acquittal of Mr. Vojislav Šešelj.



The Appeals Chamber reversed Mr. Šešelj’s acquittal, in part, and dismissed the remainder of the Prosecution’s appeal. The Appeals Chamber entered convictions against Mr. Šešelj under Counts 1, 10, and 11 of the Indictment for instigating deportation, persecution (forcible displacement), and other inhumane acts (forcible transfer) as crimes against humanity, as well as for committing persecution, based on a violation of the right to security, as a crime against humanity. In particular, the Appeals Chamber found that the Trial Chamber erred in not holding Mr. Šešelj responsible for a speech he gave in Hrtkovci, Vojvodina (Serbia) on 6 May 1992 calling for the expulsion of the non-Serbian population.

The Appeals Chamber also reversed the Trial Chamber’s finding that there was no widespread or systematic attack against the non-Serbian civilian population in Croatia and Bosnia and Herzegovina. The Appeals Chamber concluded that there was ample evidence on the record to support this finding. The remainder of the Prosecution appeal was dismissed.



The Appeals Chamber sentenced Mr. Šešelj to 10 years of imprisonment. The sentence was declared served in view of the credit to which Mr. Šešelj was entitled under the Rules of Procedure and Evidence for the time he spent in detention pending trial from 24 February 2003 to 6 November 2014.

On 31 March 2016, Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia acquitted Mr. Šešelj of crimes against humanity and violations of the laws or customs of war. At trial, the Prosecution alleged that Mr. Šešelj planned, ordered, instigated, committed, including through a joint criminal enterprise, or otherwise aided and abetted these crimes.

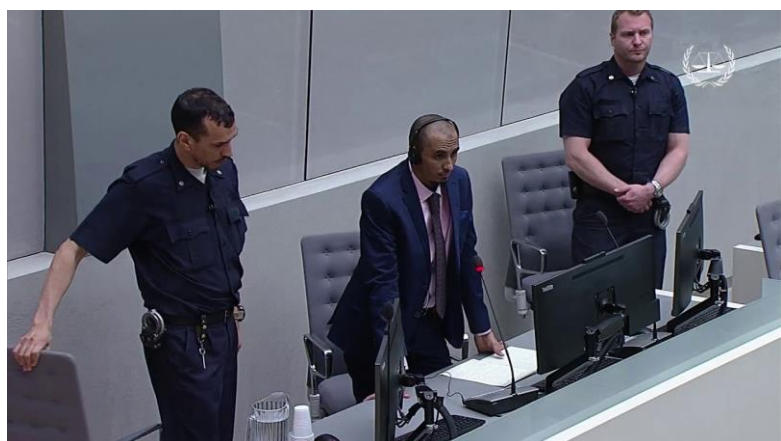
Mr. Šešelj was appointed President of the Serbian Radical Party in February 1991, and in June 1991, he was elected as a member of the Assembly of the Republic of Serbia.

This is the second judgement issued by the Mechanism. Appeal proceedings in relation to Mr. Radovan Karadžić and Mr. Ratko Mladić and review proceedings in relation to Mr. Augustin Ndirabatware are pending before the Appeals Chamber. The retrial of Mr. Jovica Stanišić and Mr. Franko Simatović is ongoing before a trial chamber of the Mechanism. In addition, the Mechanism continues to discharge its residual judicial functions in a wide-ranging number of cases.

- See also: [Seselj Verdict: A Compromised Court Compromises](#) and [Seselj Refuses to Quit Serbian Parliament Over Conviction](#), Balkan Transitional Justice

## ICC prosecutes Islamist militant on groundbreaking gender-based charges

[The Guardian](#) - The international criminal court in The Hague has launched a potentially groundbreaking new prosecution for the crime of persecution on the grounds of gender, seeking a lengthy jail sentence for an Islamist militant accused of forcing hundreds of women into sexual slavery. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, 40, was transferred to the court's custody earlier this month from Mali, where he had been held by local authorities for more than a year.





The former extremist fighter is accused of a long list of war crimes and crimes against humanity, including torture, extrajudicial punishments and participation in a policy of forced marriage, which the court argues “led to repeated rapes and sexual enslavement of women and girls”. Al Hassan’s alleged offences were committed during the occupation of Timbuktu by radical Islamist groups almost six years ago. The ICC has only ever attempted one prosecution involving the charge of persecution on the grounds of gender, but the charges were dropped and the case did not reach trial. [...]

Fatou Bensouda, the lead ICC prosecutor, said she hoped the trial of Al Hassan would “address the untold suffering inflicted upon the Malian population and what they hold dear as a people . [...] The arrest and transfer of the suspect ... to the custody of the ICC sends a strong message to all those, wherever they are, who commit crimes which shock the conscience of humanity,” she said.

Timbuktu fell to a coalition of Tuareg rebels and Islamist militant factions, including al-Qaida in the Islamic Maghreb and a local group called Ansar Dine, in mid-2012. They enforced a harsh version of sharia law in areas under their control, banning music, forcing women to wear the burqa, preventing girls from attending school and demolishing saints’ graves.

Al Hassan joined Ansar Dine shortly before its occupation of the city and led a force of religious police, prosecutors say.

Born in a small village just north of Timbuktu, Al Hassan is also alleged to have worked closely with the religious tribunals set up by the occupiers to impose a harsh version of Islamic law, and is accused of participating in the torture of detainees.

The jihadists evacuated Timbuktu when French soldiers advanced in January 2013. Al Hassan fled Mali; according to court documents, he later rejoined his former comrades and was arrested a year ago by French troops after a gun battle in the north of Mali.

The trial is only the second of an Islamist militant at the ICC, which is funded by governments and regarded as a court of last resort. It appears likely that Ahmad al-Faqi al-Mahdi, a senior militant in Timbuktu during the occupation, who was sentenced to nine years in prison by the ICC for his role in the destruction of monuments, will testify as a witness against Al Hassan.

The ICC has steadily broadened its remit since its foundation in 2002, with an increasing focus on violence against women. One breakthrough was the 2016 trial of Jean-Pierre Bemba, a former Congolese vice-president and warlord, in which rape and sexual violence ranked as the most prominent charges for the first time. In the same year, ICC prosecutors charged Dominic Ongwen, a former commander of the Lord’s Resistance Army in Uganda, with 70 counts of war crimes and crimes against humanity, including forced marriage.



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“The transfer of Al Hassan to the Hague is a relief for the victims, especially at a time when the situation in the centre and the north [of Mali], including Timbuktu, is deteriorating, with a renewed outbreak of acts of violence attributed to armed terrorist groups,” said Moctar Mariko, president of the Malian Association for Human Rights and a lawyer for victims in the country.[...]

## ICC Prosecutor requests ruling on jurisdiction over Rohingya deportations

ICC Prosecutor Fatou Bensouda has [filed an application](#) with the Pre-Trial Division asking whether the Court may exercise jurisdiction over the alleged crime of deportation of the Rohingya people from the territory of a State which *is not* a party to the Rome Statute (Myanmar) to the territory of a state which *is* a party to the Statute (Bangladesh), under article 7(1)(d) of the Statute (deportation or forcible transfer of population as a crime against humanity). Noting that 670,000 Rohingya in Myanmar have been intentionally deported across the border to Bangladesh since August 2017, the OTP argues that the Court has jurisdiction under Article 12(2)(a) of the Statute which addresses jurisdiction, ‘because an essential legal element of the crime – crossing an international border – occurred on the territory of a State which is a party to the Rome Statute (Bangladesh).’



The Prosecutor further highlights the characterization of the situation by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein and the UN Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee, as a ‘textbook example of ethnic cleansing’ potentially bearing the ‘hallmarks of a genocide’.

The filing focuses on the distinction between deportation, which involves a cross-border element, and forcible displacement within a nation’s borders. The filing notes that such a distinction is vital to the issue of jurisdiction because ‘[w]hile both safeguard the right of individuals to ‘live in their communities’ and homes, deportation also protects a further set of important rights: the right of individuals to live in the particular State in which they were lawfully present.’

Emphasizing the broad scope of Article 19(3) empowering the Prosecutor to ‘seek a ruling from the Court regarding a question of jurisdiction or admissibility,’ Bensouda stated:

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*The Prosecution is mindful that this is the first occasion on which it has sought a ruling under article 19(3). This course of action is justified by the exceptional circumstances at hand and it has been decided by the Prosecutor based on the discretion and independence vested in her by article 42 of the Statute. ... In the particular circumstances of this situation, and considering the unique nature of the issue in question, the Prosecutor therefore considers it appropriate to seek an article 19(3) ruling.*

Judge Antoine Kesia-Mbe Mindua is now expected to assign the Prosecutor's request to a Pre-Trial Chamber, unless its subject matter 'falls outside the competence of the Pre-Trial Chamber' or is 'manifestly frivolous.'

- Read the [Prosecutor's application \(PDF\)](#)

## Three Cautionary Thoughts on the OTP's Rohingya Request

*[Opinio Juris](#), blog by Kevin Jon Heller*

Major news out of the ICC today: the OTP has [formally asked](#) the Pre-Trial Division to determine whether the Court has jurisdiction over the deportation of the Rohingya from Myanmar to Bangladesh. [...] This is one of the best OTP briefs I have ever read. It is rigorous, learned, and exceptionally sophisticated in its use of comparative materials. It is also far more persuasive than I expected it to be, particularly concerning the idea that the ICC has jurisdiction over a crime as long as one of its elements took place on the territory of a state party. I don't know who wrote the brief — it names only Fatou Bensouda and James Stewart, the Deputy Prosecutor — but he or she needs to be promoted immediately.

I do, however, want to raise three concerns about the brief.

First, it is *very* important to understand how limited any ICC investigation into the Rohingya situation would be. There is a reason that the OTP is asking the Pre-Trial Division to offer its opinion only on deportation: no other war crime or crime against humanity necessarily involves conduct that crosses an international border. So even if the Pre-Trial Division agrees with the OTP about deportation, the Court will still not have jurisdiction over the many other crimes committed against the Rohingya. Not genocide. Not murder. Not sexual violence. Those acts have taken place solely on the territory of Myanmar.

Second, and relatedly, there is the question of situational gravity. Should the OTP investigate the Rohingya situation if it can only charge perpetrators with deportation as a crime against humanity and/or as a war crime? There is no legal reason it cannot, but imagine if the Commander-in-Chief of the Myanmar Army ended up in the dock at the ICC. Would the Rohingya be satisfied if he was not

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charged with genocide or murder or sexual violence? Would Human Rights Watch or the International Commission of Jurists? Deportation is a serious crime, but it doesn't inherently involve physical violence. And it's unquestionably not the most serious crime committed by the Myanmar military and government. So I genuinely wonder whether an OPT investigation into deportation and deportation alone would be worth it.

Third, although I find much of the brief convincing, I am not completely sold on the OTP's argument that "an essential legal element of the crime — crossing an international border — occurred on the territory of a State which is a party to the Rome Statute." The argument assumes that it is not possible to distinguish between crossing an international border and being on the territory of the state on the other side. But is that correct? Can we really not view crossing an international border and being on the territory of the state on the other side as two spatially distinct acts?

Although it does not directly answer the question, there is at least one situation in which civilians can cross an international border without being on the territory of another state — when they are deported to the high seas. The OTP acknowledges as much in its brief. Here is footnote 32:

As a matter of law, however, it is not necessary to prove entry to another State, but merely that the victim has been ejected from the originating State—as such, a victim may potentially be deported to the high seas. What is crucial is that the international border, *de jure* or *de facto*, of the originating State is crossed. Hence, customary international law has emphasised consideration of the kinds of borders that might suffice: see e.g. Stakić AJ, para. 300; Đorđević AJ, paras. 533-536; Prlić TJ, Vol. I, para. 47; Popović TJ, para. 892.

The first sentence of the footnote seems important — and complicating. If deportation does not actually require proof of "entry to another State," only the crossing of an international border, how can we say that an "essential element" of deportation was committed in State Y simply because civilians happened to enter there after crossing an international border? Either entry to another state is an essential element of deportation or it is not — and the high seas example seems to point toward "not."

This argument does not hold, of course, if an international border is somehow *dual* territory: the territory of State X *and* the territory of State Y; the territory of State X *and* the high seas. An international border cannot be the territory of just the State into which the civilians enter, because that would mean, irrationally, that the border's spatial location would change depending on which State — X or Y — was doing the deporting. But if an international border is dual territory, the OTP's theory works: crossing an international border "between" the two states would take place on the territory of both State X and State Y.

There are, in short, two possibilities. The first is to assume that an international border is part of the territory of both of the states it divides. The second is to assume that an international border is part



of the territory of neither of the states it divides. The first possibility means that the OTP is correct: the ICC has jurisdiction over the deportation of the Rohingya, because at least one “essential element” of deportation — crossing an international border — took place on the territory of a state party, Bangladesh. The second possibility means that the OTP is wrong: the ICC does not have jurisdiction over the deportation of the Rohingya, because no “essential element” of deportation took place on the territory of a state party, Bangladesh. The essential elements took place either in Myanmar or somewhere that does not qualify as either Myanmar’s territory or Bangladesh’s territory.

To be honest, I have no idea which possibility is correct. I simply do not know enough about the legal status of international borders. I just think the OTP’s assumption that the Rohingya crossing the border into Bangladesh necessarily means that an essential element of deportation took place in Bangladesh is less obvious than it might first appear. I’m really glad I’m not a member of the Pre-Trial Division right now.

## The Legacy of Ríos Montt, Guatemala’s Most Notorious War Criminal

by Jo-Marie Burt and Paulo Estrada, [Open Society Justice Initiative](#)

Guatemala’s most notorious dictator, retired army general José Efraín Ríos Montt, died on 1 April 2018 of a heart attack at the age of 91. Ríos Montt came to power in a military coup d’état on March 23, 1982. He was deposed just 17 months later, on August 7, 1983, in a military coup orchestrated by his Minister of Defense, Oscar Humberto Mejía Víctores.

Guatemala experienced extremely high levels of violence during its 36-year internal armed conflict. An estimated 200,000 people were killed, 45,000 disappeared, and tens of thousands forcibly displaced or exiled, along with countless victims of torture and sexual violence. According to the UN-sponsored [Historical Clarification Commission](#) (CEH), Ríos Montt continued and amplified the scorched-earth policy designed and implemented by his predecessor, Romeo Lucas García (1978-1982). Allegedly put in place to destroy insurgent movements, these repressive policies were also used to systematically destroy Guatemalan social movements that were advocating for change or challenging the military government, as noted by the CEH:

*During the period between 1979 and 1985 the spiral of violence increased to reach unimaginable levels. The governments of generals Romeo Lucas García and Efraín Ríos Montt concentrated their efforts in annihilating the internal enemy, but they did not limit themselves to combating guerrilla movements but also systematically attacked social*

*movements and the civilian population in areas with strong guerrilla presence, which were principally Mayan indigenous population.*

The short 17 months in which Ríos Montt ruled Guatemala were the most brutal of the conflict. Human rights organizations estimate that [10,000 people](#) were killed in the first three months of his government alone. During the first eight months of his government, there were [19 massacres each month](#), and more than 400 indigenous communities were destroyed.

According to the CEH, 83 percent of the victims of the conflict were indigenous. Based on these and other indicators, the CEH determined that the counterinsurgency strategy deployed during the Ríos Montt years constituted “acts of genocide” against the indigenous population in five regions of the country.

### **The Genocide Trials**

After avoiding justice for decades, Ríos Montt was [prosecuted in an open, public trial](#) that started on March 19, 2013 and culminated in a [guilty verdict](#) on May 10, 2013. He was sentenced to 80 years in prison: 50 for genocide and 30 years for crimes against humanity against the Maya Ixil people.

Over 100 survivors and relatives of victims testified in the trial, recounting the horrors they endured, including massacres, torture, mass rape, and forced displacement. Those who fled into the mountains told harrowing stories of trying to survive amidst relentless military persecution. Many died of starvation, while others said that because of their desperate conditions, they ultimately turned themselves in and were resettled in the infamous “development poles” set up by the army to control the rural population.

Ten days after the verdict was handed down, the Constitutional Court [partially suspended the genocide proceedings](#), based on a technicality, thereby vacating the verdict. It is suspected that various outside factors went into this decision, including [pressure from Guatemalan business elites](#). Ríos Montt was released from military prison and placed under house arrest. His intelligence chief, Mauricio Rodríguez Sánchez, who had been acquitted in the same trial, was also returned to house arrest. National and international human rights organizations [argued that the Constitutional Court ruling was illegal](#) and should be overturned.

The retrial of both Ríos Montt and Rodríguez Sánchez was [set to begin in January 2015](#), but due to several challenges raised by Ríos Montt, the [proceedings did not get underway until March 2016](#). At that point, Ríos Montt had been [diagnosed with dementia](#), leading the court to apply special measures to the proceedings: the trial would not be open to the public; Ríos Montt would not be required to be present; and even if found guilty, no punishment would be handed down. After dozens of hearings, [those proceedings were also suspended](#) after a court determined that Rodríguez Sánchez had the right to an open, public trial.

In October 2017, [the retrial began again](#). This time, however, the court determined that it would only hear the case one day a week. The court was hearing the closed-door proceedings against Ríos Montt on Friday mornings, and in the afternoons, it heard the public proceedings against Rodríguez Sánchez.

In 2017, a court also determined that [Ríos Montt should stand trial](#) for the 1982 massacre at Las Dos Erres, in which 200 people, including women, children, and the elderly, were killed.

### Ríos Montt's Legacy

Ríos Montt will be remembered as one of the 20<sup>th</sup> century's most ruthless dictators. The 2013 sentence that convicted him of genocide, while technically invalidated by Guatemala's highest court, will stand as a historic document, which based on testimonial, documentary, forensic, and other evidence, demonstrated Ríos Montt's responsibility for genocide against the Maya Ixil people. He will be remembered not as a great political leader or military strategist, but as a man who deployed legions of lawyers to delay, obstruct, and avoid justice; ultimately dying while being prosecuted for genocide and crimes against humanity.

## A US Court, a Former Bolivian President and a Decade-Long Fight for Justice

[Americas Quarterly](#) - A Miami court decision on April 3 marked a step toward changing perceptions of the U.S. as a refuge for Latin America's rights abusers.



Protesters in La Paz in 2012 hold a poster of former President Gonzalo Sánchez de Lozada, AFP PHOTO/JORGE BERNAL

In a landmark human rights case, a US federal jury found a former president of Bolivia responsible for ordering a violent crackdown that left 60 people dead in his country. The civil suit was brought by eight Bolivian families whose relatives were killed when security forces violently repressed protests in 2003. They accused then-President Gonzalo Sánchez de Lozada, and his defense minister, José Carlos Sánchez Berzain, with using force to intentionally kill and injure critics in an episode

that became known as the Gas War. Both men fled Bolivia, and have been living in the US since then. Plaintiffs filed the suit in 2007 in Fort Lauderdale, Florida. After a long slog through the courts, and many attempts by the defendants to have the case dismissed, a federal jury ruled on 3 April that the

two men had ordered and overseen the response by security forces, and awarded the plaintiffs \$10 million USD in compensatory damages.

The survivors and relatives of the slain said they were vindicated by the verdict. “Being a *campesino* that came all the way here to fight for justice against a millionaire, I feel very proud,” said Téofilio Baltazar Cerro. “If I could I would crush him like a cockroach.” Baltazar’s wife Teodosia Morales Mamani was five months pregnant when she was struck by a bullet in her home and killed. She left behind her husband and seven children.

The decision was also hailed as a victory for human rights and against impunity, since it marked the first time that a former head of state was tried in a US civil court. “These eight families came to us and inspired us to bring a case that is setting precedent for all human rights litigation in the United States,” said Judith Chomsky, a cooperating attorney for the plaintiffs from the Center for Constitutional Rights.

The case was brought under the Torture Victim Protection Act, a law that expanded US jurisdiction to cases of torture or crimes against humanity committed outside of its territory, stating that having human rights violators at large represents a threat to the US’ interest and national security. The verdict represents a positive break with the past, said Marco Simons, General Counsel at EarthRights International, an international legal advocacy organization that submitted a 2011 amicus brief on behalf of the plaintiffs in the Mamani v. Berzain case. “The US has a long history of providing some sort of a refuge to people implicated in human rights abuses, especially from Latin America,” he said. “I hope it demonstrates that US courts have a positive role to play in international justice.”

Sánchez de Lozada had extensive connections to the US. The son of an exiled diplomat, he was raised and educated in the Washington, D.C. area, and made his fortune through various oil and mining ventures. After a first term as Bolivian president from 1993 to 1997, he was re-elected in 2002 with only 22.5 percent of the vote. Despite the slim margin of support, he forged ahead with a deeply unpopular free-market, pro-privatization economic agenda that stoked anger among Bolivians.

Just 14 months into his second term, protests exploded over his plan to sell natural gas to private companies for export to the US through Chile. As marches escalated, security forces cracked down violently on demonstrators and by-standers. Public reaction forced him to resign.

US courts have seen war criminals brought to account before for atrocities committed abroad and, on some occasions, have cooperated with extradition requests by other countries. Bolivia’s Supreme

*The decision was also hailed as a victory for human rights and against impunity, since it marked the first time that a former head of state was tried in a US civil court*



Court had indicted the former president and requested his extradition to Bolivia, but the requests were never accepted or fulfilled.

The 3 April ruling sends an important message about where the US stands on human rights, said Naomi Roht-Arriaza, the Albert Abramson Distinguished Professor of Law at University of California, Hastings. “Historically, people in the region have seen the US as where these guys run to when domestic justice seems to be in a position to come after them,” she said. Despite the challenges and delays, the families who brought the suit never wavered in their decision to find some justice for the deaths of their loved ones, said Roht-Arriaza. “Your daughter was killed and you talk about it for 10 years. That's hard,” she said. “These people have never given up.”

## American Journal of International Law Symposium on the Present and Future of Foreign Official Immunity

It is generally accepted that, under customary international law, government officials are entitled to certain immunities in civil suits and criminal prosecutions in the domestic courts of other nations, assuming such immunities have not been waived by their government. Some high-level officials such as heads of state are entitled, while they are in office, to status-based immunity, also known as immunity *ratione personae*. This immunity is essentially absolute and [extends even to private conduct](#). A much broader class of government officials is entitled to conduct-based immunity, also known as immunity *ratione materiae*. This immunity can be invoked even after the official is out of office, but it extends only to acts that they took in an official capacity while in office. At least since the *Pinochet* litigation in the United Kingdom in the 1990s, the scope of this conduct-based immunity has been the subject of substantial international debate. Since 2007, the UN's International Law Commission has been considering the “Immunity of State Officials from Foreign Criminal Jurisdiction.” In the summer of 2017, as part of its work on this topic, the Commission provisionally adopted [Draft Article 7](#), which provides:

### Draft Article 7

#### Crimes under international law in respect of which immunity *ratione materiae* shall not apply

1. Immunity *ratione materiae* from the exercise of foreign criminal jurisdiction shall not apply in respect of the following crimes under international law:
  - (a) crime of genocide;
  - (b) crimes against humanity;
  - (c) war crimes;
  - (d) crime of apartheid;

- (e) *torture;*
  - (f) *enforced disappearance.*
2. *For the purposes of the present draft article, the crimes under international law mentioned above are to be understood according to their definition in the treaties enumerated in the annex to the present draft articles.*

The adoption of this draft article was based on a recorded vote, with twenty-one members voting in favour, eight members voting against, and one member abstaining. In its Commentary on the draft article, the Commission cited various national laws and decisions in support of the proposition that “there has been a discernible trend towards limiting the applicability of immunity from jurisdiction *ratione materiae* in respect of certain types of behavior that constitute crimes under international law.”

This Unbound symposium reflects on Draft Article 7 and also more broadly on the present and future state of foreign official immunity. The six essays in the symposium are authored by scholars from six different countries: China; France; the Netherlands; South Africa; the United States; and the United Kingdom. Five of the essays specifically discuss Draft Article 7, and the remaining essay considers the impact on foreign official immunity of referrals by the UN Security Council to the International Criminal Court.

- Read the full articles on the [AJIL website](#)

## Just Security’s Symposium on the ICC Afghanistan Probe and the United States

*Just Security is pleased to announce the launch of an [online symposium](#) dedicated to the International Criminal Court’s (ICC) probe in Afghanistan and its implications for the United States.*

A pre-trial chamber of the ICC is currently considering a request from the ICC Prosecutor, Fatou Bensouda, to open an investigation into war crimes and crimes




against humanity in relation to the armed conflict there. (The Prosecutor had been conducting a preliminary examination in Afghanistan over the course of the last decade, but the request to open a full-fledged investigation, made last November, marked a key turning point.) Experts expect the decision imminently, and are virtually certain the court will approve the request.

A pre-trial decision to open an investigation would be highly significant for the United States, as any subsequent proceedings have the potential to ensnare U.S. officials. Although much of the activity that is the subject of the request concerns the Taliban and Afghanistan government personnel, the

request also encompasses alleged crimes committed by U.S. military personnel and CIA officials. The time period covered by the request begins on 1 May 2003, for acts in Afghanistan, but includes alleged crimes committed earlier on the territory of other States Parties to the ICC (Lithuania, Poland, and Romania) with a nexus to the armed conflict in Afghanistan beginning on 1 July 2002. The scope of the request thus could include actions by U.S. personnel involved in “extraordinary renditions” and detention facilities referred to as “black sites” outside Afghanistan but linked to the conflict there.

A full-fledged ICC investigation in Afghanistan will therefore likely provoke a review of U.S. policy toward the court, particularly with John Bolton, a known ICC critic, soon to be at the helm of the National Security Council. The focus of this symposium, however, is not primarily on the policy choices facing the United States, but on the array of potential legal and factual issues the United States will need to confront if the pre-trial chamber approves the investigation. [Just Security recently discussed](#) the substantive and procedural framework moving forward for the investigation if it is approved. Over the coming days and weeks, they will post commentary by experts with a range of perspectives on legal and factual questions such as the ICC’s jurisdiction over non-party states, immunities, complementarity, and the evidence potentially available to the ICC prosecutor. Their [first piece by Steve Pomper](#) sets the stage for the symposium by framing the backdrop of policy choices before the United States and then highlighting several legal strategy questions the United States may consider.

## News April 2018

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

### 30 April

#### [Key witness against Uribe asks to be heard by Colombia’s war crimes tribunal](#)

(Colombia Reports)

One of the last living key witnesses against former President Alvaro Uribe has asked Colombia’s war crimes tribunal to hear his testimony on the politician’s alleged ties to a death squad. Juan Monsalve asked to be included in Colombia’s war crime tribunal (JEP) that took force earlier this year to investigate the huge number of human rights violations committed during the country’s armed conflict...

### 27 April

#### [Alberto Fujimori: Peru ex-president faces forced sterilisation charges](#)

(BBC)

Charges are set to be reissued against Peru’s former President Alberto Fujimori, over the alleged forced sterilisation of five women during his time in office. Three of his former health ministers will also be indicted, the country’s chief prosecutor said. Around 300,000 women had surgery as part of a government programme during Fujimori’s 1990-2000 presidency...

#### [Former Guatemalan chief of police Erwin Sperisen guilty of participating in extrajudicial executions](#)

(Trial International)

In its ruling of 27 April 2018, the Geneva Court of justice ruled that Erwin Sperisen was an accomplice in the execution of seven prisoners at the Pavon prison in 2006. The former Chief of Guatemala’s National Civil Police was sentenced to 15 years in prison. TRIAL International welcomes

the verdict, which represents an important step in the fight against impunity for State crimes...

### [Former Bosnian General Dudakovic Arrested for War Crimes](#)

(Balkan Transitional Justice)

Former general Atif Dudakovic, along with 11 other officers and soldiers of the Bosnian Army's Fifth Corps, was arrested on Friday on suspicion of having committed war crimes against Serbs and Bosniaks in 1994 and 1995. The alleged war crimes involve several hundred casualties, including civilians and captured Serb soldiers from Bosnia's Western Krajina municipalities in 1995, as well as crimes against Bosniak civilians from the Autonomous Province of Western Bosnia, a self-proclaimed Bosniak-led wartime breakaway statelet, in 1994...

### **26 April**

#### ['The Accountant of Auschwitz' doc looks at prosecution of aging Nazi guards](#)

(Times Colonist)

... The new documentary "The Accountant of Auschwitz" explores Groening's case — looking at the complicity of him and other lower-level SS guards, and the debates surrounding their prosecution. "The reason why he was on trial is because they could prove that he was on the ramp where the selections took place: this person goes to the gas chamber, this person goes to work," said Matthew Shoychet, the doc's Toronto-based director...

### **25 April**

#### [Rwanda 'genocide-era' mass graves found](#)

(BBC)

Four mass graves have been unearthed in Rwanda, which are believed to date from the 1994 genocide. The sites were found in the Gasabo district, outside the capital Kigali, and about 200 bodies have been exhumed. Around 3,000 people from the area went missing during the massacres, and local people believe the graves may contain all of their bodies...

### [Radovan Karadzic Verdict Due by End of 2018](#)

(Balkan Transitional Justice)

Theodor Meron, chairman of the appeals chamber of the Mechanism for International Criminal

Tribunals in The Hague, said on Wednesday that it was "our intention, although it is not a definitive goal, to have the verdict ready by the end of 2018" in the Radovan Karadzic case...

### **24 April**

#### [The Appeals Chamber of the Mechanism for International Criminal Tribunals hears oral arguments in the Karadžić case](#)

(MICT Press Release)

The Appeals Chamber of the Mechanism for International Criminal Tribunals, composed of Judge Theodor Meron, presiding, Judge William Hussein Sekule, Judge Vagn Prüssé Joensen, Judge José Ricardo de Prada Solaesa, and Judge Graciela Susana Gatti Santana heard yesterday and today oral arguments in the appeals filed by Mr. Radovan Karadžić and the Prosecution against the judgement rendered on 24 March 2016 by the Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY)...

### [Sexual Violence against Men and Boys and its Relevance to the Trial of Dominic Ongwen](#)

(OSJI)

On February 2, 2018, the legal representatives for victims (LRV) in the trial of Dominic Ongwen sought leave to present evidence highlighting the harm victims have suffered as a result of crimes committed by the accused. Among the five issues highlighted by the LRV was the infliction of sexual violence on men and boys. The LRV's submission raises a question regarding the relevancy of sexual violence committed against men and boys by the LRA, particularly given the fact that the LRA was known to target mostly women and girls...

### **23 April**

#### [What lies beneath? The turn to values in international criminal legal discourse](#)

(EJIL: Talk!)

... However, the submission also gives rise to questions of a more theoretical nature that relate to the normative basis of international crimes, or more specifically, the acts that constitute them. The Prosecutor's submission on jurisdiction over deportation into Bangladesh highlights an emerging trend in international criminal law towards identifying and surfacing the individual values or rights underlying international crimes...





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## [Ex-Bosnian Serb leader Karadzic accuses prosecutors of twisting his words](#)

(Reuters)

Former Bosnian Serb leader Radovan Karadzic asked U.N. judges on Monday to overturn his genocide conviction, accusing prosecutors of unfairly blackening his name and twisting his words at his trial...

## [Wikipedia Ignores Concerns about Croatia Concentration Camp](#)

(Balkan Transitional Justice)

Wikimedia Foundation Inc did not reply to BIRN's inquiries about entries on Croatian Wikipedia that downplay crimes committed at the Jasenovac concentration camp by Croatia's WWII fascist Ustasa regime...

## **20 April**

### [Iraq: Officials Dispose of Potential War Crime Evidence](#)

(Human Rights Watch)

An incident on March 29, 2018, in which government workers removed about 80 bodies from a damaged house, raised suspicions of a cover-up of killings of possible Islamic State (also known as ISIS) suspects, Human Rights Watch said today. Human Rights Watch observed the episode. Days later, the house had been burned...

## **19 April**

### [Spanish family win six-year battle to exhume bodies of relatives killed by Franco](#)

(Telegraph)

Four decades after the end of the Franco dictatorship, the wall surrounding Spain's largest mass grave is finally to come down. After a six-year battle, the family of two brothers executed by General Francisco Franco's troops in 1936 will on Monday see work begin on exhuming their remains from the Valley of the Fallen, the controversial monument containing Franco's tomb where at least 33,000 Civil War victims are also interred...

## **18 April**

### [War Crimes Prosecutions Delayed, European Commission Warn](#)

(Balkan Transitional Justice)

In its latest report on former Yugoslav states, the European Commission warns about setbacks and standstills in the prosecution of war crimes and delays in access to justice for victims of the 1990s wars...

## **17 April**

### [Ottawa ditches mediation talks in \\$27M Abdelrazik lawsuit](#)

(CBC)

A sweeping \$27-million lawsuit against the federal government brought by a Sudanese-Canadian who was detained overseas — and not allowed to return home for six years — is headed back to court, CBC News has learned... Abdelrazik spent nearly six years in prison or forced exile and only managed to return to Canada in 2009 after the Federal Court ordered the government of former prime minister Stephen Harper to bring him home...

## **13 April**

### [Mechanism Judges conclude remote plenary and adopt disciplinary mechanism for Judges](#)

(MICT Press Release)

On 9 April 2018, the Judges of the International Residual Mechanism for Criminal Tribunals (Mechanism) concluded a plenary conducted by remote written procedure, during which the Judges addressed issues pertaining to the diverse approaches of civil and common law systems and adopted amendments to the Rules of Procedure and Evidence, to be published shortly...

### ['I will arrest you': Duterte warns ICC lawyer to steer clear of Philippines](#)

(Reuters)

Philippine President Rodrigo Duterte has threatened to arrest an International Criminal Court (ICC) prosecutor if she conducts activities in his country, arguing it was no longer an ICC member so the court had no right to do any investigating...

## **12 April**

### [Syria and the Limits of International Law](#)

(IntLawGrrls)

Earlier this week, the Assad regime most likely used chemical weapons against its own population in Syria. Up to 500 people may have been affected

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by this chemical attack, and approximately 75 individuals may have died. Western media reported that most western nations attributed the attack to the Assad regime, and although Assad himself has denied responsibility, this allegation appears credible, in light of Assad's track record of using chemical weapons. Although this incident may have constituted a violation of jus in bello, and although this incident may be morally abhorrent, international law does not actually provide other nations with tools for a direct (military) response...

#### [Is the United States a Party to the Conflict Between the Saudi-Led Coalition and the Houthis?](#)

(Just Security)

Under international law, a non-international armed conflict, or NIAC, exists where there is "protracted armed violence between governmental authorities and organized armed groups or between such groups within a State." If applied to Yemen, this test reveals that there are a number of NIACs currently under way in Yemen: First, there is a NIAC between the government of Yemen and the Houthis. Second, there are NIACs between the United States and the Islamic State, al Qaeda, and AQAP—groups that the United States is directly targeting in counter-terrorism air and ground operations. Third, there are NIACs between non-state actor groups within Yemen (for example, between the Houthis and the Islamic State). Fourth, there are NIACs between the states that make up the Saudi-led coalition and the Houthis...

#### [International Criminal Court poised to interpret the crime of 'gender-based persecution' for the first time](#)

(IntLawGrrls)

20 years after the ICC was established, the Court is poised to rule on the meaning of one of the most controversial words in its statute: 'gender'. Until recently, it didn't look as if the Court would be interpreting the g-word any time soon. But in November 2017, Prosecutor Fatou Bensouda cited evidence of gender-based persecution in her request to open an investigation in Afghanistan, suggesting that the Pre-Trial Chamber would need to interpret this crime in the foreseeable future...

## 11 April

### [The ICC, Palestine and the Prosecutor's Preventive Statement](#)

(Justice Hub)

The Prosecutor of the ICC issued this month one of her rare statements – this time regarding the worsening situation in Gaza. Fatou Bensouda, referring to the violence in the context of recent mass demonstration in the Gaza Strip, insists that "the resort to violence must be stopped".

Moreover, she warns "any person who incites or engages in acts of violence including by ordering, requesting, encouraging or contributing in any other manner to the commission of crimes within ICC's jurisdiction" of being liable to prosecution before the Court...

### [UN Security Council rejects three proposed resolutions on the crisis in Syria](#)

(Jurist)

The UN Security Council on Tuesday voted not to adopt three proposed resolutions that would implement measures to investigate the use of chemical weapons, among other issues, in Syria...

### [How Facebook Played "Instrumental" Role in Rise of Burma's Ethnic Cleansing Campaign of Rohingya](#)

(Democracy Now)

In Burma, seven soldiers have been sentenced to 10 years in prison for participating in the massacre of Rohingya Muslims in the village of Inn Din in western Rakhine State. The bodies of 10 Rohingya men were discovered in a mass grave there last September. The victims are among thousands of Rohingya who have been killed by the Burmese military's ethnic cleansing campaign against the minority Muslim group. For years, activists have demanded Facebook regulate hate speech against Rohingya on its platform, saying this speech has contributed to the rise in violence against the persecuted community...

### [Human judgment and lethal decision-making in war](#)

(ICRC blog)

For the fifth year in a row, government delegates meet at the United Nations in Geneva to discuss autonomous weapons. Meanwhile, the technology that enables greater autonomy in weapons races



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forward. The speed of technological change is a major hurdle in tackling the challenges of autonomous weapons. While advocates for a ban argue that the international community must come together before it is too late, opponents of a ban can point to technological progress to argue that someday machines might outperform humans in warfare...

## 10 April

### [Preventing sexual violence: lessons from rebel armies in Burundi and Uganda](#)

(The Conversation)

War zones and conflict sites are incredibly dangerous for anyone living in them, but women are often particularly vulnerable in these spaces. Consider how, in recent years, Boko Haram in Nigeria and the Islamic State in Syria and Iraq have systematically abducted and abused thousands of women and girls. This reality may make my research focus seem strange. It deals with wartime sexual violence – but more specifically the absence of it. My focus is on armed political actors that have committed little sexual violence and have a history of keeping their members' sexual conduct in line...

## 9 April

### [OPCW Director-General on Allegations of Chemical Weapons Use in Douma, Syria](#)

(OPCW press release)

The Director-General of Organisation for the Prohibition of Chemical Weapons (OPCW), Ambassador Ahmet Üzümcü, expressed his grave concern in response to the alleged chemical weapons attack on 7 April in Douma, Syrian Arab Republic. The OPCW Situation Centre has been closely monitoring the incident and made a preliminary analysis of the reports of the alleged use of chemical weapons immediately after they were issued. The Fact Finding Mission (FFM) is in the process of gathering further information from all available sources to establish whether chemical weapons were used. The FFM will report its findings to States Parties to the Chemical Weapons Convention...

### [Syria Chemical Attack Is War Crime: Human Rights Watch Chief](#)

(NDTV)

A suspected chemical attack on civilians in Syria is a war crime that bears the hallmarks of Bashar al-Assad's government, but its ally Russia shares potential criminal responsibility for its use, the head of Human Rights Watch said on Monday. Kenneth Roth, executive director of the activist group, said countries should consider putting pressure on President Vladimir Putin ahead of Russia hosting the World Cup in June, as Assad was already "a man who has no reputation left"...

### [First They Came for the Rohingya](#)

(Financial Post)

In recent months, international media coverage of Myanmar has focused on the plight of the Rohingya people in the west of the country. And for good reason: Since August 2017, brutal army attacks on this Muslim ethnic minority have sent more than 750,000 people — 90 percent of the Rohingya population living in Rakhine state — fleeing over the border to Bangladesh, in what can only be described as a coordinated campaign of genocide...

## 8 April

### [ICC raises concerns that Israel, Hamas may have committed war crimes during violence at Gaza border](#)

(The Globe and Mail)

The chief prosecutor for the International Criminal Court raised concerns Sunday that Israel and Hamas may have committed war crimes during a current flare-up of violence in the Gaza Strip. In a statement, Fatou Bensouda's office expressed "grave concern" over the shootings of Palestinians by Israeli troops during mass protests along Gaza's border with Israel...

## 6 April

### [Is the world ignoring North Korea's 'crimes against humanity'?](#)

(Deutsche Welle)

Rights activists have condemned a recent visit to North Korea by the Olympic Committee president as a sign that the international community is willing to overlook human rights abuses for the sake of dialogue...

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## 4 April

### [Politics and oil: the unseen drivers of violence in Congo's Ituri Province](#)

(Irin News)

A recent wave of targeted attacks has left a trail of death, destruction, and mass displacement in the Democratic Republic of Congo's northeastern province of Ituri. The roots of the violence are framed in media reports as ethnic, but analysts and local observers say powerful political and commercial interests are what is really driving and exploiting the inter-communal tensions...

## 3 April

### [Philippine court halts govt move to keep drug war kill records secret](#)

(Reuters)

The Philippine Supreme Court on Tuesday ordered police to hand over full records of thousands of

deadly encounters in the country's war on drugs, thwarting a government bid to keep operational details of the bloody crackdown secret. The high court gave the solicitor-general, Jose Calida, 15 days to comply with a December order that he had challenged on the grounds of national security...

### [Syrian Civil Society Organisations Sign Protocol of Cooperation with IIIM](#)

(The Violation Documentation Center in Syria)

On April 3, 2018, a protocol of cooperation was signed by the International, Impartial, and Independent Mechanism (IIIM) and 28 Syrian civil society organisations focusing on human rights, violations documentation and transitional justice. The protocol was finalised after several meetings and large consultations by Syrian civil society organisations to come to an agreement with the IIIM on underlying principles...

## 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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