

Forum for International Criminal Justice Newsletter: April 2018

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

Colombia transitional justice tribunal begins task of investigating and trying war crimes; **US** acts on **Polish** extradition request for 99-year-old accused of war crimes; and **Australian** lawyers have filed a private prosecution application against **Myanmar's** leader, Aung San Suu Kyi.

***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.



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

Video Highlights



[Click here](#) to watch an interview with Tora Holst, former Prosecutor at the Swedish Specialized International Crimes Unit, about the lessons learned from the European Genocide Network.



[Click here](#) to watch senior international criminal prosecutor Nicholas Koumjian deliver a lecture entitled, *International Justice for Atrocity Crimes – Worth the Cost?*



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Forum for International Criminal Justice

Colombia tribunal begins mammoth task of investigating, trying war crimes

Reuters, by Julia Symmes Cobb

Colombia's transitional justice tribunal - designed to try former leftist rebels and government soldiers for crimes during the country's five-decade war - will begin collecting evidence and preparing its first hearings, officials said on Thursday.

The Special Jurisdiction for Peace (JEP) tribunal, founded under a 2016 peace deal between the government and Revolutionary Armed Forces of Colombia (FARC) rebels, will try cases considered most representative of the war's violence.



Member of the 51st Front of the Revolutionary Armed Forces of Colombia (FARC) patrol in remote mountains of Colombia, REUTERS/John Vizcaino

"This is a historic moment that marks the starting point of what it means for a country like this to heal wounds through the recognition of truth and responsibility," JEP president Mirtha Patricia Linares told journalists.

More than 220,000 people were killed during the Andean country's long internal conflict between the government, leftist rebels, right-wing paramilitaries and drug traffickers. One Marxist guerrilla group remains active with myriad crime gangs.

Leaders of the FARC, now a political party, will be required to testify to the tribunals, recounting their part in killings, sexual violence, kidnappings, bombings and other crimes. If convicted, they may be ordered to complete five-to-eight-year sentences of restorative work like rebuilding roads or schools.

Ex-fighters who lie or do not tell the whole truth but are later convicted could receive harsher sentences of between five and 20 years in regular prisons. Many Colombians believe the possible sentences are too lenient.

Some 7,000 FARC fighters demobilized early last year and more than 4,600 of them have already submitted testimony for the JEP to process.

Members of the armed forces who were involved in human rights violations will also appear before the JEP, which is set to operate for at least 15 years. Nearly 1,800 have submitted testimony.

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Some FARC leaders expected to be called before the court are preparing to serve in 10 congressional seats reserved for the group through 2026, under terms of the accord.

Victims' organizations are encouraged to present case evidence to the JEP, officials said. The court will also take over war-related cases from the country's regular judicial authorities.

The conflict's complexity and length mean the tribunal will rule only on a small portion of crimes.

"Transitional justice, by definition, is modest, because we already know we can't do everything," tribunal administrator Nestor Raul Correa said. "If I were to give a random figure - of 200,000 crimes that have happened in these fifty years, we'll investigate 1,000."

A start date for the first trial has not yet been set.

International Criminal Justice Redux: A New Wave of Hybrid Courts

Justice in Conflict, By Harry Hobbs, PhD Candidate at the University of New South Wales, Faculty of Law.

In 2015, legislation establishing a Special Criminal Court in the Central African Republic was promulgated. That same year, Kosovar lawmakers passed legislation establishing Specialist Chambers comprised of international judges to try members of the Kosovo Liberation Army accused of atrocities against Serbs, Roma, and Kosovo Albanians suspected of collaboration with the



The "Newborn" display in Pristina, Kosovo. Alleged atrocities committed by the Kosovo Liberation Army are currently under investigation at a new hybrid court based in The Hague (Photo: Marco Fieber)

Serbian regime. More recently, reports indicate that South Sudan is 'inch[ing] closer to a hybrid court', while a committee appointed by the Sri Lankan government last year recommended the appointment of international and local judges to a Court tasked with investigating allegations of war crimes during that country's civil war.

Not all of these courts have been set-up, but together they constitute a ‘second generation’ of hybrid tribunals. This nomenclature contrasts them with the first generation, which were established in a relatively short-period between 2000 and 2007, including hybrid tribunals for Sierra Leone, Cambodia, and Lebanon, among others.

This post will explore the reasons for the initial emergence of hybrid tribunals, as well as their return. As their re-emergence suggests, many international criminal law practitioners and scholars believe that hybrid tribunals have the potential to make a positive contribution to international criminal justice. Before the second generation of hybrid tribunals fully take flight, however, it is important to critically examine the failures of the first generation.

First generation hybrid courts

Hybrid courts emerged during the late 1990s and early 2000s. Characterised as ‘international criminal justice 3.0’, their development owed much to a peculiar convergence of three factors: 1) wavering international commitment to the sprawling, costly, and lengthy ad hoc tribunals; 2) the absence of a permanent supranational criminal court; and 3) a growing appreciation that states should have primary responsibility to investigate and prosecute international crimes combined with a keen awareness that post-conflict states may not be able to try cases in accordance with international standards.

This may have reflected somewhat of a cynical compromise—allowing international criminal justice to be done on the cheap, or ‘shoestring’—but it meant international criminal justice would incorporate capacity building as one of its aims. As Laura Dickinson explained in her foundational 2003 article, hybrid tribunals promised a catalytic transition to normalcy, based on a tripartite grounding of legitimacy, capacity building and norm penetration. In other words, hybrid courts were seen as offering greater potential of embedding societal resilience – that is, compared ad hoc tribunals– hybrid courts were seen as being more likely to heal, reconcile, strengthen, and address the root causes of prior conflict — as well embed the rule of law.

Were they successful?

The first generation of hybrids succeeded in many areas, including successfully investigating and prosecuting ‘those most responsible’ for a range of international crimes across the globe. Whether or not local courts could or would have tried these individuals at some point in the future, the fact is that the first generation of hybrid courts did, contributing to the closing of the impunity gap.

However, they largely failed to achieve their broader (perhaps unrealisable) promise of capacity building and reconciliation. In many cases, the aspirations placed upon these courts failed to acknowledge the inherent limitations to institutions designed for criminal prosecution. Like all criminal courts, the first generation of hybrid tribunals were not necessarily well placed to foment

institutional and social trust throughout and within a divided community. For many practitioners working within these courts, their first – and only – job was to investigate and prosecute.

In other cases, however, the very design of these courts was the cause of critical problems. For instance, as Christopher Sperfeldt has noted in relation to the Extraordinary Chambers in the Courts of Cambodia, while hybrids may create a promising framework, the “transfer of knowledge and the strengthening of local capacities rarely happen automatically”. More considered thinking into the structure of these courts was necessary to attempt to realise their aims.

Recognition that hybrids were not meeting their lofty goals led many to dismiss them. By 2011, Pdraig McAuliffe remarked that “international criminal justice’s golden child”, had become an “orphan”.

Second Generation Hybrid Courts

So what accounts for the resuscitation of hybrid courts? Weren’t they failures? Their re-emergence as a viable option in the international criminal justice toolkit reflects the convergence of both pragmatism and principle.

Pragmatically, the ICC’s challenges have revealed it to be a limited mechanism for ending impunity. While the animating idea behind the creation of the ICC was to move away from ad hoc courts and towards a permanent system of international criminal justice with universal jurisdiction, the 16 years of the ICC have made clear that this ideal is not yet, if ever, achievable.

The ICC remains weighed down by temporal and territorial limits. Indeed, the majority of the world’s population live in states that have not accepted the Court’s jurisdiction, including the most powerful countries – the US, Russia, and China.

The ICC is also a singular institution of limited size. This means that it simply is not able to open new investigations across the globe as and when relevant situations present themselves. This reality is amplified by political challenges, meaning that the Court must tread carefully before determining whether to open an investigation. Together, these challenges leave a significant gap in the international criminal legal system—something else is necessary.

In designing that ‘something else’, the potential of hybrid tribunals remains tantalising. Many practitioners and scholars remain committed to the view that, notwithstanding the problems with the early hybrids, in principle, there is great value in having the affected community or state more directly involved in the implementation of international criminal justice and that hybrids are uniquely placed to achieve positive results. As Ethel Higonnet explained as early as 2005, ‘in theory at least’ hybrids can harness the credibility of international law and the legitimacy of culturally appropriate institutions lending them a degree of authority as a mechanism for holding perpetrators accountable and altering cycles of impunity by building social trust within the state.

In their structure and operation, their supporters believe that hybrids can solve one of the fundamental challenges of international criminal law – making justice available on a personal level. That is, making justice meaningful to affected individuals and communities.

Challenges going forward

Hybrid justice takes time. For example, the CAR Special Criminal Court is progressing slowly. Despite the legislation establishing the tribunal passing in 2015, several magistrates and the special prosecutor were only finally sworn in, in June last year. We are a long way away from finalising investigations and beginning trials. Such delays suggest that a firm dose of reality is needed in assessing both the re-emergence of hybrid tribunals and considering their potential.

To avoid a replication of their flaws, the experiences of the first generation hybrid tribunals must inform the design and operation of the second generation. While political calculations will remain a key factor in the structural design of all hybrid courts, researchers and practitioners should explain and anticipate the consequences of choices in institutional design. This work should aim to ensure that structural challenges are mitigated, either by institutionally preventing delays, interference, and other internal problems, or by placing greater effort at situating the tribunal externally within a broader transitional justice framework. This work is necessary to ensure not just that international criminal justice redux is effective at prosecuting those responsible, but that it is meaningful for individuals, communities, states, and regions wracked by international crimes.

Six newly elected ICC judges sworn in



A swearing-in Ceremony for six new judges of the International Criminal Court (ICC) was held on 9 March 2018 at the seat of the Court in The Hague.

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Judges Luz del Carmen Ibañez Carranza (Peru), Solomy Balungi Bossa (Uganda), Tomoko Akane (Japan), Reine Alapini-Gansou (Benin), Kimberly Prost (Canada) and Rosario Salvatore Aitala (Italy) were elected for nine-year terms during the sixteenth session of the Assembly of States Parties to the Rome Statute in December 2017.

The judges took a public oath declaring: "I solemnly undertake that I will perform my duties and exercise my powers as a judge of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions and the secrecy of deliberations".

Prosecution of international crimes: an expert mtg with 27 worldwide experts held in Ottawa

The expert meeting “Prosecuting International Crimes: Expert Meeting on the Collaboration between National Prosecuting Authorities (NPAs) and Non-Governmental Organisations (NGOs)” was held from 15-16 March 2018, at the University of Ottawa.



This expert meeting aimed to significantly improve the collaboration between NPAs and NGOs in the prosecution of international crimes such as genocide, crimes against humanity and war crimes.

This collaboration is fundamental to the success of the global international justice system created in 1998 by the Rome Statute of the International Criminal Court that is celebrating its 20th anniversary this year. According to this international statute, States bear the primary responsibility to investigate, and prosecute or extradite suspects of international crimes. They are often helped by NGOs, who play a significant role in the cases prosecuted at the national level. But little has been done so far to develop guidelines for ensuring that NPAs and NGOs involved in such cases operate in a way that is mutually supportive, aiming at the goal of a successful prosecution with due regard to fair trial guarantees with a gender perspective at all stages.

The 27 worldwide experts from States, non-governmental organizations and academic institutions shared their views on various issues influencing this collaboration based on their experience and

knowledge. These discussions will lead to the publication of a report that would have durable impact on the laws, policies and institutions that aim at deterring atrocity crimes and contributing to the healing process of victims.

This meeting was organized by the [Crimes against Humanity and War Crimes Section of the Canadian Department of Justice](#), the [Canadian Centre for International Justice](#), [Lawyers Without Borders Canada](#), the [Human Rights Center of University of California Berkeley School of Law](#), [Université Laval](#) and the [Canadian Partnership for International Justice](#). It was partially funded by the [Social Sciences and Humanities Research Council \(SSHRC\)](#) and by [Heritage Canada](#).

Specialist Prosecutor reflects on experience and challenges at SPO in valedictory talk

In a wide-ranging final public talk as Specialist Prosecutor, David Schwendiman discussed the origins of the Specialist Prosecutor's Office



KOSOVO SPECIALIST CHAMBERS & SPECIALIST PROSECUTOR'S OFFICE

(SPO), the challenges he had faced as Specialist Prosecutor and the challenges that the organisation will face in the years to come, as well as what makes the investigation he has overseen unique, time-consuming and resource intensive.



Mr Schwendiman – whose mandate as Specialist Prosecutor ceases at mid-night on 31 March when his appointment as a Senior Foreign Service Officer in the US State Department comes to an end – was speaking at the Grotius Centre of Leiden University in The Hague.

He took time to underscore certain policy guidance that had marked his time as the Specialist Prosecutor. Under Article 86 of the Rules of Procedure and Evidence, which were promulgated by the Specialist Chambers in July 2017, the Specialist Prosecutor must be satisfied that “there is well-grounded suspicion that a suspect committed or participated in the commission of a crime within the jurisdiction of the Specialist Chambers” before an indictment can be filed.

In addition and based on best professional practice, Mr Schwendiman explained that he had directed SPO staff to make a further assessment to determine whether charges ought to be filed; that is, whether a proposed charge is supported by:

- evidence that will be available to present at trial; and

- evidence that after it is tested by a well-informed, responsible and vigorous defence will likely be sufficient in quantity and quality to result in verdicts of guilty that can be sustained on appeal as to each accused and each charge proposed for confirmation.

Mr Schwendiman also explained that, under the Kosovo Constitution and the Special Law, the Specialist Prosecutor and Specialist Chambers are bound, along with other international human rights instruments, by the European Convention on Human Rights. In this way, the Specialist Prosecutor is also responsible for helping victims achieve the benefit of the rights guaranteed to them by the same instruments.

“Principal among them is the obligation to reasonably investigate the death and disappearance of victims of the crimes within the mandate of the Specialist Prosecutor, and to locate, exhume and identify those still missing so they can be given back their identity and returned to those who survived them,” Mr Schwendiman said, pointing out that his policy had been “to give this our best effort consistent with our mandate and to the extent our resources permit”.

The Specialist Prosecutor stressed the continuing commitment of SPO staff to protect vulnerable victims and witnesses.

Mr Schwendiman spoke of the complexity of gathering documentation, locating witnesses and finding other material that may have evidentiary value, arguing that this required patience and perseverance as well as diplomacy. “The Specialist Prosecutor’s Office is now assessing and evaluating approximately 700,000 pages of documentation, comprising around 70,000 documents, along with some 6000 related items – videos, photographs, transcripts and other items collected during the investigation to date,” he said.

These tasks must be completed before the criteria Mr Schwendiman described for charging can be met. “We must do it right and do it well to ensure that we meet the standard I spoke of earlier and avoid significant delays and problems later on,” he said, stressing that it was “also essential if we are to meet our goal of producing outcomes that are legitimate and are perceived as legitimate by those they affect.”

The Specialist Prosecutor also addressed the issue of accountability, saying that: “The business of the prosecutor is accountability; individual accountability for crimes proven beyond a reasonable doubt by evidence acquired through means accepted as fair and reliable not only according to international standards but also in the domestic systems involved. And he emphasised that: “Accountability must be for individual acts not group liability for any of the conduct covered by the Special Law.”

Mr Schwendiman made clear that the work of the Specialist Prosecutor and Specialist Chambers was not an attack on a historical narrative such as the Kosovo independence narrative or the Kosovo Liberation Army veterans’ narrative.

“The EU is not investing as much as it is, the US did not send me here to do this, none of us are involved in what we are doing to change history, or to attack a narrative, or an organization, or a group, or ethnicity. “Our sole objective is to do what the law and the evidence allow us to do to put people to proof for their own acts,” he said.

“If organizations to which individuals belonged or which they controlled or directed are discredited, it is the crimes of the individuals taken together or alone that are the cause, not the act of investigating or prosecuting them,” the Specialist Prosecutor said.

Mr Schwendiman expressed disappointment that he would not be able to finish what he was privileged to be part of, but explained that his departure was just “a personnel change, not a change in focus or commitment, not a change in US policy or commitment, not a time nor event that signals anything.”

And he made clear that his leaving would not change anything in terms of the work of the SPO, pointing out that his deputy, Kwai Hong Ip, will be taking over as Acting Specialist Prosecutor until his successor was appointed, stating that he “couldn’t be leaving the Office in better hands”.

Mr Schwendiman’s talk, entitled “Reflections on My Time as Specialist Prosecutor and the Challenges Ahead”, took place in a packed hall of Leiden University in front of an audience including legal practitioners, journalists, diplomats and students.

- Read the [Full Speech by Specialist Prosecutor David Schwendiman at the Grotius Centre of Leiden University in The Hague, Thursday 22 March 2018](#)

Trial International Annual Report on Universal Jurisdiction cases around the world

Universal jurisdiction is here to stay. In their annual report [Make way for justice #4](#), TRIAL International and its partners FIDH, ECCHR, REDRESS and FIBGAR illustrate the international momentum towards accountability through 58 cases, involving 126 suspects.

126 MADE ACCOUNTABLE FOR THE GRAVEST CRIMES

Rarely has the fight against impunity been so dynamic. In 2017, countries in Africa, Europe, North America and Latin America have tightened the net on war criminals by resorting to universal jurisdiction. This principle enables States to prosecute alleged authors of international crimes such as genocide, war crimes, or crimes against



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humanity, regardless of their nationality or where the crime was committed.

To overcome the specific challenges of universal jurisdiction, a wide number of States have set up specialized war crimes units (WCU). Last year alone, these units reportedly investigated, prosecuted or brought to justice 126 suspects of the gravest crimes.

Many more investigations are ongoing. *“States who commit sufficient means to specialized units are leading the fight against impunity today by turning the word justice into action”* says Valerie Paulet, Trial Watch coordinator and author of the report.

STRENGTHENING THE MEANS TO FIGHT AGAINST IMPUNITY

The [Make way for Justice #4](#) report also points to these achievements’ prerequisites. Strong WCUs have in common sufficient resources and staff and enjoy a high degree of autonomy as well as specialized and diversified State expertise from departments such as the police or immigration.

In contrast, the United Kingdom has, for instance, merged its WCU with counter-terrorism and the work of Swiss’ WCU is weakened by having to share its resources with the mutual judicial assistance’s unit.

Philip Grant, TRIAL International’s director, underlines the need for improved coherence and efficiency in investigating and bringing to justice universal jurisdiction cases. *“Prosecution of war crimes requires sufficient resources and independence. States that are lagging behind in implementing universal jurisdiction must step up efforts to equip prosecutors accordingly.”*

- Read the [full report](#)

Hybrid Justice for Heads of State? The Habré Trial and the Norms of African Sovereign Immunity

How have hybrid courts dealt with the question of head of state immunity and how might they in the future? In this latest contribution in Justice in Conflict’s [ongoing symposium on Hybrid Justice](#), [Kerstin Carlson](#) explores these questions in the context of the trial of Hissène Habré and its aftermath. Kerstin is an Associate Professor in the Department of Law at the University of Southern Denmark.

There is an ongoing disagreement in international criminal law regarding sovereign immunity. International humanitarian law takes the possibility of challenging impunity as a central element of its mandate, in part because of the fundamental norm of rule of law practice that none is above the law and in part because leaders are those who arguably bear the greatest responsibility for the types of collective harms international humanitarian law would criminalize. Thus international criminal law

as practiced by ad hoc tribunals and the International Criminal Court promises that sovereigns are not immune from prosecution for atrocity crimes, and suggests that violations of international humanitarian law by those in positions of power are more worthy of prosecution than the infractions of low level offenders. This norm does not distinguish between sitting and former heads of state.

At the same time, there has been significant pushback, especially across Africa, over the prosecution of sitting leaders. This pushback has arisen in many forms, with perhaps the most public being the refusal of South Africa and others to comply with the ICC's open arrest warrant against Sudan's president Al-Bashir. More subtle, but no less significant, are examples such as amendments to the Malabo Protocol, the guiding document of the African Union's proposed African Court of Justice and Human Rights, which explicitly grant sitting heads of state immunity from prosecution (but also references norms that would limit sovereigns to two terms in office, thereby in principle making them available for prosecution when they leave office). While this court is far from the 15 ratifications required to make it operational, [Kenya has promised to join Uganda and ratify the proposed court by March 15 2018.](#)

In this contested environment, the recent prosecution and conviction of former Chadian head of state Hissène Habré by an ad hoc, hybrid tribunal in Senegal was momentous. The *Chambres Africaines Extraordinaires* (CAE), a cooperative effort supported by western governments, the African Union, Chad and Senegal, was a temporary tribunal nestled in Senegal's local juridical architecture that applied international criminal law to try Habré. The outcome of a 25-year saga by Chadian victims groups and international NGOs to bring Habré to justice, the CAE was novel in several



ways. It was the first court set up in one country to try the leader of another, and the first African application of universal jurisdiction, a doctrine enabling any judge in any court to consider commissions of internationally recognized crimes. Despite these characteristics, the CAE's greatest claim seems to be that it is an African institution that successfully prosecuted *and convicted* a former head of state. Other such attempts have always been the purview of internationally governed institutions such as the Special Court for Sierra Leone or the International Criminal Court.

The experience of the Habré process leads to the question: what does the trial of the former Chadian President tell us about current resistance to sovereign impunity on the African continent?

The answer is not entirely clear. Hissène Habré fled Chad for Dakar in 1990, ousted from power by collaborator-turned-rival Idriss Déby. From the very beginning of his reign, Déby sought to punish Habré for crimes committed during his regime, although many of these crimes involve actions in

which Déby was involved in a leadership role, raising questions of his own criminal responsibility. Déby's long-voiced desire for "justice," a quest that is headlined by his pursuit of Habré, has lost whatever veneer of credibility it might once have had. Over the 28 years Déby has remained in office refusing to cede power, he has amassed a personal fortune that ranks him as Africa's 9th richest president, although Chad is still one of the world's poorest countries. Déby governs much as Habré did, including using many of the same individuals as secret police. During the Habré investigation, as the inquiries related to Habré's trial pushed deeper towards Chad's present power structure, Déby ceased cooperating, cancelling a fifth investigative trip to the country. Moreover, after the CAE became operational, Chad staged a series of trials of Habré-era collaborators, including three who were sought by the CAE: Mahamat Djibrine "El Djonto", Saleh Younouss and Zakaria Berdei. Although convicted by [the Chadian court](#), their trial rendered these defendants out of reach to the CAE, and thus is credibly understood as a challenge and not a collaboration with rendering justice. Concerns remain that these defendants will simply be released now that the Habré process has been concluded.

The Senegalese judicial apparatus orchestrated impressive achievements in trying the former leader; Habré was apprehended, tried, and sentenced without major incident, with no dead or suddenly and inexplicably recanting witnesses. He is presently serving a life sentence (albeit under a regime rather infamous for its capacity to grant pardons). Yet given that Habré ultimately sat in the dock alone, without his co-indictees and without implicating Chad's current president-for-life Idriss Déby, there is little to suggest that the Habré experience would be repeatable, in Senegal or elsewhere, against a leader with more live political clout. There has been no change in attitude with regards to pushing for Head of State immunity at the ICC or under Malabo. Moreover, many heads of state with similar records aren't facing prosecution. Thus the Habré trial must be seen as inconclusive with regards the current status of sovereign impunity in Africa.

One bright spot on the horizon, however, may be found in Senegal's neighbor, The Gambia, where the repressive strongman Yahya Jammeh, was recently ousted from power. Speaking at a conference revisiting the Habré trial in [Dakar last month](#), Gambian Minister of Justice, Abubacarr M. Tambadou, praised the CAE's work in terms of its challenge to sovereign immunity as "laudable", and said that The Gambia hoped to follow Senegal, Rwanda, and Sierra Leone in prosecuting leaders who violate human rights. At present, Gambian efforts consist of a [truth and reconciliation commission](#) to consider Jammeh's abuses. The future will show how deeply such efforts effectuate meaningful structural reform, a central goal of removing sovereign immunity from prosecution.



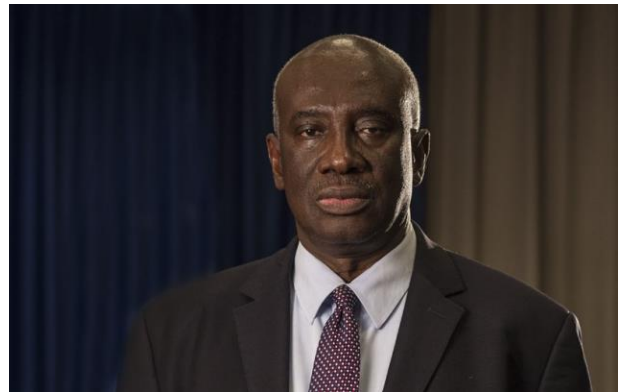
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ICTY: Mechanism releases to the public the report of the independent expert review into Slobodan Praljak's death

The Mechanism for International Criminal Tribunals (Mechanism) released the public redacted Report (Report) of the independent expert review related to the death of Mr. Slobodan Praljak to the public.

The review was initiated by the International Criminal Tribunal for the former Yugoslavia (ICTY) on 1 December 2017, after Mr. Praljak, one of the six appellants in the ICTY *Prlić et al.* case, committed suicide by drinking a liquid substance while in court, during the public



Justice Hassan B. Jallow, Chief Justice of The Gambia

pronouncement of the appeal judgement in the *Prlić et al.* case on 29 November 2017. The review was led by Justice Hassan B. Jallow, Chief Justice of The Gambia and former Prosecutor of the Mechanism, and it was concluded on 29 December 2017. The findings of the Report were published on the ICTY [website](#). Following the ICTY's closure on 31 December 2017, the Report was shared with the Mechanism, as the successor organization of the ICTY.

Prior to the Report being made public, Chief Justice Jallow made certain redactions thereto. In addition, the Mechanism liaised with the Dutch public prosecutor, upon Chief Justice Jallow's request, with respect to these and further redactions to the Report in light of the Dutch authorities' on-going criminal investigation into Mr. Praljak's death. The Report has been provided to the family of Mr. Praljak.

The Report contains recommendations with respect to enhancing the existing search regimes and advanced training for security and detention personnel, in order to increase the likelihood of detection of similar items in the future. The Mechanism has carefully reviewed the findings and recommendations in the Report and the recommendations have been implemented or are under consideration, as appropriate.

- Read the full [Public redacted Report](#)

IBA Hague Office welcomes the first ICC agreement on release of persons after acquittal

The International Bar Association's (IBA) International Criminal Court and International



International Bar Association

Criminal Law (ICC & ICL) Programme, based in the IBA's Hague Office, has welcomed the signing of agreements between Argentina and the ICC as means to facilitate the Court's ability to realise the rights of the accused under the Rome Statute.

On 28 February 2018, [Argentina signed two cooperation agreements with the ICC](#). With the signings, Argentina became the first ICC State Party to sign a cooperation agreement on the release of persons and the second State Party, after Belgium, to sign a cooperation agreement on interim release.

The ICC's legal regime provides that States Parties cooperate with the Court to accomplish a number of core functions, including the implementation of arrest warrants, witness protection, interim release of accused persons and enforcement of sentences. However, the low number of existing voluntary agreements has created operational challenges and limitations for the Court. This is particularly the case for interim release, enforcement of sentences and relocation of persons released by the Court, all areas where state cooperation is required to implement judgments and judicial orders.

Argentina is now the only State Party to have signed all forms of voluntary agreements, having signed cooperation agreements for the protection of witnesses in November 2016 and for the enforcement of sentences in April 2017.

Aurélie Roche-Mair, Director of the IBA's ICC & ICL Programme, stated: *'Voluntary cooperation agreements support a number of aims pursued by States Parties, including complementarity, as the agreements are individually negotiated instruments that take into account the needs and realities of each State Party, while also presenting opportunities to build capacity at the national level. They also support the efficiency of the Court, as the lack of agreements can result in delays to trial proceedings, protracted pre-trial detention for defendants and the inability of the Court to implement judicial orders.'* She continued: *'Hopefully, States Parties that have not yet concluded voluntary agreements will respond to the Court's call for this crucial form of cooperation particularly with respect to enforcement of sentences, interim release and relocation of persons released by the Court.'*

Dr Mark Ellis, IBA Executive Director, added: *'Argentina's commitment to cooperation with the ICC should be applauded. This is an important contribution and a great example that we hope other States Parties will follow. Cooperation is a cornerstone of the system of international criminal justice created by the Rome Statute.'*



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Call for Nominations for the JRR-UN Women SGBV Justice Experts Roster Recruitment Course

[Justice Rapid Response \(JRR\)](#) and UN Women will be holding a course on ***Investigating Cases of Sexual and Gender-based Violence (SGBV) as International Crimes*** from the 16th to 26th July 2018 in Sarajevo, Bosnia and Herzegovina, together with its partner the Institute for International Criminal Investigations (IICI).

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



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

Please find below the Call for Nominations. Therein you will find important information on JRR, this upcoming recruitment course, the selection process and application forms.

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

The deadline for nominations is 19th of April 2018.

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

DOCUMENTS:

- [Call for Nominations – Sarajevo](#)
- [JRR Fact Sheet](#)
- [JRR Nomination Form – Recruitment Course](#)
- [JRR Supervisor Recommendation Form](#)

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■ [JRR Agreement Form – Recruitment Course](#)

HOW TO APPLY:

1. **If you are not the Expert applying, please forward the link of this webpage to the Expert you wish to nominate.**
2. **As the Expert, please download the following documents and have:** your employer complete and sign the [JRR Nomination Form](#); a supervisor complete and sign the [JRR Supervisor Recommendation Form](#); and read and sign yourself the [JRR Agreement Form](#).

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[Personal History Webform for the JRR Recruitment Course on Investigating Cases of Sexual and Gender-based Violence \(SGBV\) as International Crimes](#)

4. Should you have any questions regarding JRR recruitment courses and how to apply, please refer to our [Frequently Asked Questions](#) page before contacting the JRR Secretariat.

Last Chance to Register for the IBA War Crimes Committee Conference ‘War and Justice’

[Registration is open](#) for the **War and Justice Conference**, taking place in The Peace Palace, The Hague, the Netherlands on 21 April 2018.

Topics will include:

- **Terrorism, armed conflict and permissible use of force:** how have the fight against terrorism, the introduction of unmanned aerial vehicles (also known as drones), and the activities of non-state armed groups in combat operations changed rules of engagement in war theatres, and what does international law say concerning permissible use of force?
- **The ICC activation of the jurisdiction on aggression: strategic and substantive consideration**
- **Is truth the first casualty of war?** A panel discussion on recent international incidents such as the recent Syrian sarin gas attacks, the Russian invasion of Ukraine and others, where rival



claims as to the truth concerning circumstances deflect attention from the tragedy experienced by civilians.

- **Is the future of international criminal law domestic?** This panel will analyse the challenges and obstacles that criminal justice currently faces at the international level, and whether the future of international justice lies on an international, hybrid, or domestic trajectory.

Speakers confirmed so far include: **Howard Morrison**, Judge, International Criminal Court; **Kimberly Prost**, Judge-Elect, International Criminal Court; **Theodor Meron**, President, United Nations Mechanism for International Criminal Tribunals; **John Hocking**, ICTY-IMCT Registrar; **Guénael Mettraux**, Judge, Kosovo Specialist Chambers; **Fidelma Donlon**, Registrar, Kosovo Specialist Chambers; **Michelle Jarvis**, Deputy Head, United Nations International Impartial Independent Mechanism for Syria; former Deputy Prosecutor, International Criminal Tribunal for the former Yugoslavia, **Steven Kay QC**; **Wayne Jordash QC**, Doughty Street, Chambers; **Tristan Ferraro**, Senior Legal Adviser, International Committee of the Red Cross; **Christian Wenaweser**, Permanent Representative of Liechtenstein to the United Nations; **Navanethem Pillay**, former UN High Commissioner for Human Rights, former Judge, International Criminal Court, former President, International Criminal Tribunal for Rwanda; **Stephen Rapp**, former US-Ambassador-at-large for Global Criminal Justice, among others.

New Open Source Publications:

Liberals vs. Romantics: Challenges of an Emerging Corporate International Criminal Law

By Carsten Stahn, Leiden University - Grotius Centre for International Legal Studies

Abstract: Holding bystanders and corporate agents accountable for international crimes is often at the periphery of international criminal justice. Based on its liberal foundations, international criminal law has traditionally been strongly centered on individual agency. In the industrialist cases after World War II, individual criminal responsibility was used to demonstrate and sanction corporate involvement in crime. Ideas of corporate criminal responsibility have been voiced in the post-war era and in the context of the negotiations of the Statute. In recent years, they have witnessed a renaissance in several contexts: the jurisprudence of the Special Tribunal for Lebanon, the Malabo Protocol of the African Union and the Draft Articles of the International Law Commission on Crimes Against Humanity. At the same time new domestic cases test the boundaries of the law (e.g., *Jesner v. Arab Bank*, *Lafarge Cement*). This contribution examines the strengths and weaknesses of individualized and collective approaches towards corporate wrongdoing. It argues that the way

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forward requires less 'romanticism' and more realism. The appropriate space of corporate criminal responsibility needs to be defined better. The concept is still most developed in domestic jurisdictions. Its role at the international level is likely to remain modest. The main challenge is to develop the interplay between individual and collective responsibility, and to assess more carefully in what areas and in what forums collective responsibility may be pursued best.

- Read the full paper on the [SSRN website](#)


The Prospects, Problems, and Proliferation of Recent UN Investigations of International Law Violations

By Zachary D. Kaufman, Yale University - Law School; Harvard University - Harvard Kennedy School (HKS); Stanford Law School

Abstract: Atrocity crimes rage today in Iraq, Syria, Myanmar, Burundi, and Yemen. Given their potential to establish facts and promote accountability, recently opened United Nations investigations of international law violations in each of these states are thus a welcome, even if belated, development. However, these initiatives prompt questions about their designs, both in isolation and relative to each other. This article describes the investigations into alleged violations in these five states, examines their respective sponsors and scopes, and presents a wide range of questions about the investigations and their implications, including their coordination with each other and their use of evidence in domestic, foreign, hybrid, and international courts (such as the International Criminal Court). The article concludes that, while seeking accountability for international law violations is certainly laudatory, these particular investigations raise significant questions about achieving that goal amidst rampant human rights abuses in these five states and beyond. International lawyers, atrocity crime survivors, and other observers thus await answers before assessing whether these investigations will truly promote justice.

- Read the full paper on the [SSRN website](#)

News March 2018

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

31 March

[Situation in Mali: Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud surrendered to the ICC](#)

[on charges of crimes against humanity and war crimes in Timbuktu](#)

(ICC press release)

Today, 31 March 2018, Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud ("Mr Al Hassan") was surrendered to the International Criminal Court ("ICC", "Court") by the Malian authorities and arrived at the Court's detention centre in the Netherlands. Mr Al Hassan is suspected, according to a warrant of arrest issued by Pre-Trial Chamber I

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of the ICC on 27 March 2018, of war crimes and crimes against humanity allegedly committed in 2012 and 2013 in Timbuktu, Mali...

29 March

[Al Bashir case: ICC Appeals Chamber invites observations from International Organisations, States Parties and Professors of International Law on legal matters raised by Jordan](#)

(ICC press release)

Today, 29 March 2018, the Appeals Chamber of the ICC issued an order, inviting the United Nations, the African Union, the European Union, the League of Arab States and the Organization of American States to submit observations by 16 July 2018 on the legal questions raised by Hashemite Kingdom of Jordan in its appeal pending before the Appeals Chamber. Similarly, the Appeals Chamber also invited States parties to the ICC Rome Statute and Professors of International Law to express their interest in submitting observations by first requesting leave to submit said observations by no later than 30 April 2018...

28 March

[Supplements to document conflict-related sexual violence in Myanmar, Sri Lanka and Iraq](#)

(REDRESS)

REDRESS and the Institute for International Criminal Investigations (IICI) have today launched a series of country-focused supplements to the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* for Myanmar, Sri Lanka and Iraq. The supplements complement the second edition of the 'International Protocol on the Documentation and Investigation of Sexual Violence in Conflict' which was published in March 2017 by the UK Foreign and Commonwealth Office (FCO). The International Protocol is designed to help strengthen the evidence base for bringing perpetrators of sexual violence in conflict to justice...

27 March

[The Trial of Hissène Habré and What it Could Mean for Justice in Africa](#)

(Justice in Conflict)

... However, for wider African justice, the EAC's status as an ad hoc hybrid court established inside

the existing Senegalese justice system is significant. There were a lot of firsts: it was the first time that the African Union (AU) had established a court; the first time a former African head of state had been tried before a court in another African country; and the first time a universal jurisdiction case had proceeded to trial in Africa. Being founded at a time when many legal analysts had largely concluded that hybrid trials would soon cease to be relevant, the EAC was part of something like a re-birth in hybrid justice...

[Croatia's War Crimes Inquiries Unanswered by Serbia](#)

(Balkan Transitional Justice)

Since May last year, the Serbian war crimes prosecution office has not responded to an inquiry sent by the Croatian state's attorney office for information that could assist in a war crimes trial being held at Zagreb county court. The state's attorney office asked its Serbian counterpart for the addresses of witnesses for the trial of five former paramilitaries from the 1990s Croatian Serb unrecognised statelet, the Republic of Serbian Krajina...

26 March

[War crimes evidence in Syria 'overwhelming', not all can be pursued: U.N.](#)

(Reuters)

War crimes investigators and activists have amassed an "overwhelming volume" of testimony, images and videos documenting atrocities committed by all sides during Syria's war, a U.N. quasi-prosecutorial body said in its first report...

[Will The International Criminal Court Prosecute Americans Over Afghanistan?](#)

(Forbes)

As if Donald Trump does not face enough lawsuits and legal wrangling, there are signs that the International Criminal Court (ICC) in The Hague may consider prosecuting Americans over alleged war crimes and crimes against humanity during the war in Afghanistan. With the recent appointment of John Bolton, long an opponent of the ICC, as the president's national security adviser, this could become an interesting international legal battle, indeed...



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24 March

[On torture, war crimes and Trump's pick for CIA director](#)

(Aljazeera)

Donald Trump has nominated a woman who ran a torture site to be head of the CIA. Within the United States, there is a "debate" over whether "enhanced interrogation" was legitimate or illegitimate. Here's a test for Americans who can't figure it out. If Iraqis or Iranians or Russians treated captured Americans the same way, would Americans say that water-boarding, stress positions, sleep deprivation, and other forms of enhanced interrogation were fair and appropriate, given the stress of circumstances, or would they say such actions were war crimes?...

23 March

[UN presses Liberia to kickstart war crimes prosecutions](#)

(The Independent)

A top UN official on Thursday asked Liberia to implement the recommendations of a truth commission dating back to 2009 which included prosecuting eight ex-warlords for alleged crimes against humanity. Deputy Secretary-General Amina Mohammed told a conference in Monrovia it was "critical to implement the recommendations of the Truth and Reconciliation Commission, and for the legislature to pass key bills that will support local inclusion and reconciliation."...

[African Union v International Criminal Court: episode MLXIII \(?\)](#)

(EJIL: *Talk!*)

It never gets boring. At the latest African Union (AU) summit, which wrapped up recently in Addis Ababa, the AU-ICC controversy went into its next round; this time, however, with a rather constructive proposal for easing the tensions that had built up over the past decade or so as a result of the uneven application of international criminal justice. In this post I will reflect upon the implications of the recent summit decision for the future of international criminal justice, including the debate about immunities, the consequences of potential arrest warrants for high-ranking Burundian officials, as well as the debate about an African mass withdrawal...

20 March

[Discussion: What is an International Crime \(A Revisionist History\)](#)

(Harvard International Law Journal)

The question posed by the title of this article has two aspects. First, it asks us to identify *which acts* qualify as international crimes. Second, and more fundamentally, it asks us to identify what is *distinctive* about an international crime – what makes an international crime different than a transnational crime or an ordinary domestic crime...

19 March

[Serbia's New War Prosecutions Strategy 'Flawed', NGOs Claim](#)

(Balkan Transitional Justice)

The Serbian war crimes prosecution's draft strategy for 2018-2023 does not define priorities for prosecutions, indicators for measuring success, or deadlines for accomplishing objectives, rights campaigners claim. Serbia's as-yet-unpublished draft war crimes prosecution strategy for the next five years - a copy of which has been obtained by BIRN - has attracted criticism from human rights groups that allege the document does not properly address the country's continuing failure to prosecute high-level suspects...

[Hybrid Justice for Victims of Mass Crimes – Making the System Meaningful](#)

(Justice in Conflict)

The International Criminal Court (ICC) pioneered a set of new victim-centered features in its normative and procedural framework that are unprecedented by the ICC's famous predecessors, the UN ad hoc tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR). A number of internationalised *ad hoc* criminal courts and tribunals were established subsequent to the ICC's creation and, interestingly, almost all of these justice mechanisms include more or less comprehensive victim participation and reparation regimes...

18 March

[Philippines' Duterte calls for mass withdrawal from ICC](#)

(Reuters)

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Philippines President Rodrigo Duterte on Sunday called for other signatories of the Rome Statute that established the International Criminal Court (ICC) to join his country in withdrawing from the treaty. Duterte's comments during a speech to graduating cadets at the Philippine Military Academy in northern Philippines comes after ICC prosecutors last month opened a preliminary examination into the president's "war on drugs", which has led to the death of thousands since it began in July 2016...

16 March

[Aung San Suu Kyi: lawyers seek prosecution for crimes against humanity](#)

(The Guardian)

Lawyers in Melbourne have filed a private prosecution application against Myanmar's leader, Aung San Suu Kyi, who is in Australia, on charges of crimes against humanity. The private prosecution application faces significant barriers to proceeding – a universal jurisdiction prosecution in Australia requires the consent of the attorney general...

15 March

['ICC intends to file criminal charges against Colombia military chiefs'](#)

(Colombia Reports)

Colombia's prosecutor general is reportedly under increased pressure from the International Criminal Court (ICC) to show results in the investigation of top military commanders accused of murdering civilians. According to newspaper El Espectador, representatives of the international court arrived in Bogota this week to inquire about the prosecution's progress in the investigation of the mass killing of civilians carried out by the military...

[US acts on Polish extradition request for 99-year-old accused of war crimes](#)

(The Guardian)

American authorities are moving ahead with Poland's request to extradite a 99-year-old Minnesota man to be tried on allegations that he was involved in a second world war massacre of civilians, Polish prosecutors said on Thursday. Polish authorities issued an arrest warrant last year after opening a case following a series of 2013 reports in which the Associated Press identified the man as Ukrainian-born Michael Karkoc, an ex-

commander in an SS-led Nazi unit that burned Polish villages and killed civilians during the war...

[Rape Is a Weapon of War Wielded Against Girls and Women in Syria, U.N. Report Says](#)

(Newsweek)

Rape has been used as a weapon by those fighting in Syria's seven-year civil war and others preying on refugees fleeing the conflict, according to the United Nations. A report released Thursday by the U.N. Commission of Inquiry on Syria accused forces fighting on behalf of the Syrian government, the opposition and jihadi groups of being complicit in sexual assault against Syrians—mostly women—as well as other human rights violations, including acts of torture and arbitrary execution...

[Prosecution experts to challenge Ongwen's mental incapacity defence](#)

(International Justice Tribune)

The prosecution is wrapping up its case against Dominic Ongwen, a former commander of the Ugandan Lord's Resistance Army almost a year after the trial started at the International Criminal Court (ICC). In the coming weeks they will call three experts who have assessed whether Ongwen suffered a mental disorder at the time of the alleged atrocities which destroyed his capacity to understand he committed crimes...

[Masculinity and war—let's talk about it](#)

(ICRC blog by Hugo Slim)

There is much talk about violations, cruelty and brutality in the public discussion of war, but very little talk about men. Yet, factually speaking, it is mainly men who are the practitioners of organized violence as its ideologues, planners, technical designers, and its workforce at the sharp end. So, why don't we all talk about men, masculinity and male cultures of violence much more in the humanitarian world?...

13 March

[Suspects Evade Justice as Prosecutors Ignore UN War Files](#)

(Balkan Transitional Justice opinion)

For over a decade, war crimes prosecutors in Bosnia, Croatia and Serbia have shown little enthusiasm for prosecuting alleged criminals whose case files were sent to them by the UN

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tribunal in The Hague... Local war crimes prosecutors are not utilising their access to the Hague Tribunal's extensive archive to bring indictments against high-ranking officials. At the same time, they are ignoring the findings of media and human rights activists that were based on documents obtained from The Hague...

[UN: Facebook has turned into a beast in Myanmar](#)

(BBC)

UN investigators have said the use of Facebook played a "determining role" in stirring up hatred against Rohingya Muslims in Myanmar. One of the team probing allegations of genocide in Myanmar said Facebook had "turned into a beast."... During a press conference the chairman of the mission, Marzuki Darusman, said that social media had "substantively contributed to the level of acrimony" amongst the wider public, against Rohingya Muslims. "Hate speech is certainly, of course, a part of that," he added. "As far as the Myanmar situation is concerned, social media is Facebook and Facebook is social media."...

[UN slams 'monstrous indifference' to children's suffering in Syria](#)

(AFP)

Flouting demands for Syria ceasefires shows a "monstrous indifference" to the suffering of millions of children needing a respite from violence, a top UN rights official said Tuesday. A resolution adopted by the United Nations Security Council two weeks ago calling for a 30-day ceasefire across Syria has been broadly ignored, with attacks increasing on the rebel enclave of Eastern Ghouta...

[Serbian Constitution Changes 'Endanger War Crimes Prosecutions'](#)

(Balkan Transitional Justice)

Serbian human rights activists and experts working in the field of transitional justice have warned that the proposed constitutional amendments, full details of which are to be unveiled within three weeks, would potentially cripple the work of the war crimes prosecutor and court. The Humanitarian Law Centre said that the proposed constitutional Amendment XVIII might require the war crimes prosecutors' office to be staffed by the alumni of Serbia's Judicial Academy, which does not give lawyers adequate training for the task...

[Justice for atrocities in South Sudan just a signature away: U.N. investigator](#)

(Reuters)

U.N. investigators of war atrocities in South Sudan urged the African Union (AU) on Tuesday to make a final push to secure justice for millions of victims. Oil-rich South Sudan gained independence from Sudan in 2011 but slid into civil war in December 2013, with President Salva Kiir's army battling rebels under his ex-deputy Riek Machar...

[Swiss NGOs on frontline of South Sudan's forgotten war](#)

(swissinfo.ch)

As the United Nations Human Rights Council hears a new report on abuses in South Sudan, we look at how two Swiss non-governmental groups are working against the odds to help alleviate the suffering of the population. On Tuesday, the Human Rights Council is discussing a UN commission documenting new abuses against civilians in South Sudan, including gang rapes, beheadings and blindings...

12 March

[UN official convinced Myanmar's actions constitute genocide](#)

(Jurist)

A UN official investigating human rights in Myanmar, Yanghee Lee, on Monday called for an immediate investigation into "clearance operations" in Rakhine State, stating she is increasingly convinced the state's actions amount to genocide. Lee called for a thorough investigation into the "alleged crimes that were committed in Rakhine State since October 9, 2016 and August 25, 2017, and for the violations that continue today."...

9 March

[US Reaffirms Commitment to Kosovo Special Court](#)

(Balkan Transitional Justice)

The US embassy in Pristina told BIRN on Friday that it "remains committed to the institution of the Specialist Chambers" after prosecutor David Schwendiman unexpectedly announced last month that he will step down at the end of March. "We hope that the transition to a new Specialist

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Prosecutor occurs without significant delay, and are confident that the staff of the Specialist Prosecutor's Office will continue this important work uninterrupted," the US embassy said in a written response to BIRN...

[Kosovo Deputy PM Acquitted of War Crime Charges](#)

(US News)

Kosovo's deputy prime minister has been acquitted of charges that resulted from two slayings during the 1998-99 Kosovo War. Fatmir Limaj was accused in 2016 of failing to prevent the killings of two Albanians in 1998, when he was a commander in the Kosovo Liberation Army. He also was accused of failing to find those responsible or refer the case to proper authorities. A court in Gjakova cleared Limaj on Friday, saying prosecutors failed to prove the alleged war crimes...

7 March

[Lebanon tribunal rules to proceed on Rafik Hariri assassination](#)

(Aljazeera)

Judges at a United Nations-backed tribunal have rejected a request for acquittal by one of four suspects on trial in absentia for their alleged roles in the 2005 assassination of former Lebanese Prime Minister Rafik Hariri. In a lengthy decision issued on Wednesday at the Special Tribunal for Lebanon, judges said the case against Hussein Hassan Oneissi will continue...

6 March

[Russia and U.S. air strikes caused mass civilian deaths in Syria - U.N.](#)

(Reuters)

Air strikes by Russia and a U.S.-led coalition killed civilians in Syria on a large scale last year, while the Assad government carried out unlawful chemical weapon attacks in rebel-held eastern Ghouta, U.N. war crimes investigators said on Tuesday... Among other key findings, the panel said that an air strike

by a "Russian fixed-wing aircraft" using unguided weapons last November hit a market killing at least 84 people and injuring 150 in Atareb, west of Aleppo, in a "de-escalation zone" declared by Russia, Iran and Turkey... And three U.S.-led coalition strikes on a school near Raqqa in March 2017 killed 150 residents - roughly five times the toll acknowledged by the Pentagon, which said at the time that dozens of militants and not civilians were killed...

[Rohingya crisis: UN envoy says refugees facing 'forced starvation'](#)

(BBC)

Myanmar has not stopped its ethnic cleansing of the Rohingya people in Rakhine state, a United Nations human rights official said on Tuesday. The UN envoy's assessment of a continued "campaign of terror and forced starvation" comes six months after a military crackdown caused a mass exodus of Rohingya Muslims. Some 700,000 people have fled to neighbouring Bangladesh since August. They have since told of murder, rape and arson by soldiers and vigilantes. Myanmar's military says it is fighting Rohingya militants and denies targeting civilians in Rakhine state...

1 March

[Security Council Resolutions as Evidence of Customary International Law](#)

(EJIL: *Talk!*)

In 2012 the International Law Commission began to address one of the last major uncodified areas of public international law: how norms of customary law (CIL) are to be identified. The exercise at the ILC has not been an easy one. States commenting in 2016 on the Commission's "draft conclusions" expressed concerns on a variety of issues. One of the most contentious was the role of international organizations (IOs) in the creation of custom...

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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