

Forum for International Criminal Justice Newsletter: July 2017

Welcome to the IAP's Forum for International Criminal Justice (FICJ) July 2017 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, legal analysis, announcements, events, new publications and major news developments from the past month.

Domestic news covered in this Newsletter includes:

Dutch court finds government 'partially liable' for murder of 300 Muslim men during the **Srebrenica** massacre; **Swiss** politician convicted for **Srebrenica** Genocide denial; **US** extradites **Serbian** man who allegedly participated in Bosnian genocide; and an **Austrian** man is extradited for war crimes in eastern **Ukraine**.



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

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

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

Video Highlights



[Click here](#) to watch video coverage of the presentations and discussion panels at the ICTY Legacy Dialogues Conference, the final conference of its kind before the tribunal will close at the end of this year, held in Sarajevo from 22-24 June 2017.



[Click here](#) to watch a BBC video on a new court set up in The Netherlands to try suspects for war crimes against ethnic Serbs, committed during the conflict over independence for Kosovo.

Hague Tribunal Shares Lessons of War Crime Probes

By Emina Dizdarevic, [Balkan Transitional Justice](#)

The chief of operations at the International Criminal Tribunal for the Former Yugoslavia, Robert Reid, told the panel discussion in the Bosnian capital that amassing evidence was the key to successful cases at the UN court in The Hague. “The question is, how did we open investigations? The answer is simple. We went to wherever evidence led us,” Reid said.

Prosecutor Alan Tieger said that it was important to obtain evidence about the goals of those who were alleged to have command responsibility for crimes and to associate the direct perpetrators with those in command who were far away from the crime scenes. “The goals could be discovered through the logic of statements given by leading officials at the time, particularly when one could hear bragging about something, instead of punishing [crimes],” Tieger said.

The senior prosecution representative in first-instance trials, Kweku Vanderpuye, spoke about the importance of DNA evidence, saying it was vital to retain it. “Even if it cannot be used today, it can be used in the future. It is therefore necessary to keep DNA evidence,” Vanderpuye explained.

Speaking about the legacy of the Hague Tribunal, chief prosecutor Serge Brammertz said the UN court’s database contained more than nine million pages, to which prosecutions in the former Yugoslavia have access. Brammertz said that domestic prosecutions had already used more than 120,000 pages from the Hague database.

Meanwhile acting Bosnian chief prosecutor Gordana Tadic presented data from the Bosnian state prosecution’s own database, which indicates that there are currently 642 ongoing cases in which perpetrators have been identified, 612 cases against unknown perpetrators and 1,669 cases covering a particular event. “Besides that, there are more than 300 most complex war-crime cases,” Tadic said. In addition to its own database, Tadic said the Bosnian state prosecution also used the Hague Tribunal’s database on a daily basis.



The Hague Tribunal legacy conference in Sarajevo. Photo: BIRN.

The prosecutors were speaking at a conference on the legacy of the UN tribunal. The tribunal will officially close its doors at the end of this year after it has pronounced verdicts in the cases against former Bosnian Serb military chief Ratko Mladic and six former Bosnia Croat officials. The remaining cases that were before the tribunal, including the appeal in the case of former Bosnian Serb political leader Radovan Karadzic, have been taken over by the Mechanism for International Tribunals in The Hague.

2nd Siracusa Institute/IAP Specialization Course for Junior Prosecutors successfully underway



The Siracusa International Institute for Criminal Justice and Human Rights and the IAP are currently hosting the 2nd annual Specialization Course for Junior Prosecutors on International Criminal Law and International Cooperation in Criminal Matters. We received a total of 180 applications from 60 countries, and ultimately 60 delegates from around the world are actively participating in the two-week course from 3-14 July 2017, in Siracusa, Italy.

This course is specially designed for prosecutors to gain expertise in the international aspects of their work and build professional networks. This year it is divided into two modules, each one including interactive lectures, and workshops and practical exercises.

For those of you interested in joining the course next year, keep your eye on the [IAP](#) and [Siracusa Institute](#) websites for further details. We plan to make an initial call for applications later this year.



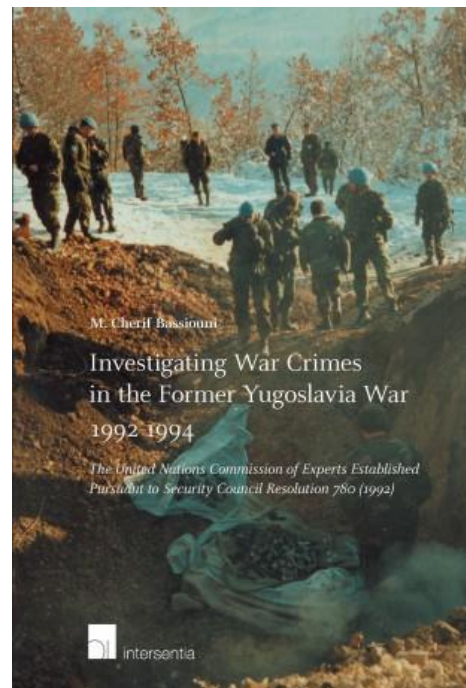
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New book: Investigating War Crimes in the Former Yugoslavia War 1992–1994, by M. Cherif Bassiouni*

Following World War Two, the progress towards international accountability and international criminal justice came to a halt as a result of the Cold War. But only three years since the end of the Cold War and forty-five years after the post-WWII prosecutions, the international community was forced to face the ethnic tensions and civil war tearing apart the republics that once comprised the former Yugoslavia.

United Nations Security Council Resolution 780 (1992), appointed a Commission of Experts to investigate war crimes and crimes against humanity amounting to violations of international humanitarian law in the territory of the former Yugoslavia and it was expected that the Commission would be the historic link to the post-WWII experiences. Despite the Commission's mandate being the broadest of its kind since Nuremberg, those who opposed its work sought to hamper its success through bureaucratic and political chicanery, including the failure to fund the Commission's work.



The investigation into the conflict is detailed in this book including the uncovering of 187 mass graves, the interviewing of 223 victims of rape and sexual assault, and the utilization of prison camps and mass expulsion for the purpose of ethnic cleansing. Along with the author's personal insights and insider anecdotes on the conflict, this book highlights the continuing need for the pursuit of accountability and international criminal justice in a world of thriving bureaucracy and *realpolitik*. The Commission broke the glass ceiling of *realpolitik* by fighting the hard battle that led to the success of its mandate and to the establishment of the International Criminal Tribunal for the Former Yugoslavia. This timely work reminds us all that indeed the past is prologue.

**M. Cherif Bassiouni served as member and chair of the Commission of Experts established by United Nations Security Council Resolution 780 (1992), whose work is at the centre of this book, as well as in twenty-one other UN positions. He is an Emeritus Professor of Law at DePaul University College of Law where he taught for 45 years and was a founding member of the International Human Rights Law Institute. He was also a founder of the Siracusa Institute, formerly the International Institute of*

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Higher Studies in Criminal Sciences, in Siracusa, Italy, where he served as President and now Honorary President. He also served as the Secretary-General, President and Honorary President of the prestigious L'Association Internationale de Droit Pénal.

- To read more and purchase the book, visit the [intersentia website](#)

Wartime Sexual Crimes: A Challenge for Balkan Prosecutors

Prosecutors in the former Yugoslavia must develop comprehensive policies for dealing with sexual and gender-based crimes to ensure justice for victims, Hague Tribunal deputy prosecutor Michelle Jarvis told BIRN.

By Denis Dzidic, [BIRN Sarajevo](#)

Michelle Jarvis, who co-edited a book entitled '[Prosecuting Conflict-Related Sexual Violence at the ICTY](#)' with the International Criminal Tribunal for the Former Yugoslavia's chief prosecutor Serge Brammertz, told BIRN in an interview that Former Yugoslav states need a comprehensive policy for addressing wartime sexual crimes, with the victims at the centre of it.



Michelle Jarvis at a press conference in Sarajevo. Photo: BIRN.

According to Jarvis, out of a total of 161 people indicted by the ICTY prosecution, there was a sexual element in 93 cases. "For example, in some cases rape was charged as the crime of rape, in others it might have formed part of a persecution charge, or rape might have been part of the coercive environment leading to expulsion crimes," she explained. She said that the book was intended to help legal professionals negotiate the difficulties of prosecuting such crimes.

"We felt that there were very few resources for investigators and prosecutors on the topic of conflict-related sexual violence, so we wanted to rectify that," she said. "But in terms of the big messages, we focus a lot on the misconceptions we encountered about conflict-related sexual

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violence that mean these crimes are not always given the priority they deserve or that causes us problems in linking sexual violence crimes to other violent crimes during conflict,” she added.

The book also looks at institutional strategies, such as policy development and training that help a prosecutor’s office work on such cases more efficiently.

“We endorse the goal of victim-centred prosecutions and illustrate what that meant in practice in our cases at the ICTY. We explore how to properly contextualise sexual violence crimes in the broader conflict to make sure we accurately describe the harm caused to the victims and hold accountable a range of perpetrators including, in appropriate cases, senior military and political officials,” she explained.

Some of the ICTY’s key verdicts in related to sexual violence; Jarvis cites the judgements in the cases of former Bosnian Serb military policeman Dragoljub Kunarac and former Bosnian Serb politician Milomir Stakic. Kunarac was sentenced to 28 years in prison for enslaving, raping and abusing women and girls in Foca during the war, and Jarvis explained that [his case was the first ever to focus exclusively on conflict-related sexual violence](#). In the Stakic case meanwhile, the court sentenced the defendant to 40 years for wartime crimes in Prijedor and accepted that sexual violence formed part of a common criminal plan to expel the targeted population of Prijedor using whatever means necessary.

“This is such an important reminder of the strategic role that sexual violence played in the conflict and of the fact that senior officials who have not physically committed the rapes can nevertheless be held responsible,” Jarvis explained.

Lessons for Balkan prosecutors

According to Jarvis, the Bosnian prosecution has so far dealt with 174 cases which involve charges of sexual violence, including 58 current cases, out of its total of 675. “I think that like all of us working at the international level, prosecutors in Bosnia and elsewhere in the region face significant challenges in establishing accountability for conflict-related sexual violence,” she said.

“Some of the challenges are very similar to the ones we faced [at the ICTY] and some of them take on different dimensions in the local context. I think the most important thing is to be aware of the challenges and to be committed to overcoming them. If we approach our work with this attitude, then everything is possible. I see lots of encouraging signs of progress,” she added.

An OSCE report published on Wednesday that said that [the Bosnian judiciary has made more effort to prosecute cases of wartime sexual violence over the past three years](#). From 2014 to 2016, about a third of war crimes cases before Bosnian courts involved sexual violence, in comparison to only a quarter of cases in the period from 2011 to 2013, the report said.



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However, many victims of wartime sexual violence are still seeking justice over two decades after the conflict, it cautioned. Jarvis said that the book that she and Brammertz edited was translated into Bosnian partly to help local prosecutors. “We wanted our practical and technical insights to be accessible to the criminal justice actors in Bosnia and elsewhere in the region who are now carrying on the process of establishing accountability for conflict-related sexual violence crimes,” she explained.

“As one concrete measure arising out of the book, we have established the Prosecuting Conflict-Related Sexual Violence Network through the International Association of Prosecutors. Our aim is to use the Network as a way of channeling our growing global expertise from jurisdictions around the world into future prosecutions for conflict-related sexual violence,” she added.

The translation was also a way to honour the victims who suffered during the Bosnian war. “We wanted the victims of sexual violence who so courageously stepped forward to give statements to our office or to testify in our cases to see how they have helped to shape a new global awareness on conflict-related sexual violence,” she said.

“So many of them testified not just once but multiple times, despite the enormous toll this took. Very often, they expressed the view that they wanted to contribute to a world where no-

one else would have to go through what they went through. We hope that they can see in the pages of our book, just how much they have contributed towards doing just that,” she added.

Jarvis also noted that sexual violence investigations are difficult for prosecutors. “I think it is very hard for anyone working on war crimes cases not to be deeply affected by the work that we do,” she said. “And we have seen that sexual violence cases can take a particularly heavy toll because of the degree of trauma inflicted on the victims and the anguish that can be caused by negative reactions towards the victims by families and communities.”

*“...we have established the Prosecuting Conflict-Related Sexual Violence Network through the **International Association of Prosecutors**. Our aim is to use the Network as a way of channeling our growing global expertise from jurisdictions around the world into future prosecutions for conflict-related sexual violence,”*

- To read more about the **Prosecuting Conflict-related Sexual Violence Network**, visit the [IAP website](https://www.iap-association.org/ficj/home)



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Eliminating sexual violence in conflict through the ICC

19 June marked the International Day for the Elimination of Sexual Violence in Conflict. It is the second time this International Day is celebrated, and this year's theme "Preventing Sexual Violence Crimes through Justice and Deterrence" commemorated the advances that have been made through international justice, not in the least through the work of the ICC, to eradicate these heinous crimes.



The documentary "The Uncondemned" profiles the Rwandan women, lawyers and activists who helped bring about the first prosecution of rape as a war crime © The Uncondemned

SGBV: A conflict strategy

Conflict-related [sexual and gender-based violence \(SGBV\)](#) is a widespread weapon of war—seen in conflicts in the [Central African Republic](#), the [Democratic Republic of Congo](#), [Mali](#), [Darfur](#) and Syria, to name but a few. It is used to terrorize, to degrade, to punish communities and to ethnically "cleanse." Women and girls are predominantly the victims; but men and boys are also targeted and suffer. Survivors are often marginalized and stigmatized, with little hope of seeing their attackers brought to justice. "Sexual violence is a threat to every individual's right to a life of dignity, and to humanity's collective peace and security. ... Let us therefore use this day to rededicate ourselves, on behalf of every survivor, to ending sexual violence in conflict and providing peace and justice for all." — [UN Secretary-General, António Guterres](#)

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The Rome Statute: Prosecuting the perpetrators

Encouragingly, the past four years have seen much more visibility for SGBV on the international justice, peace and security agendas since the UN Security Council unanimously adopted Resolution 2106 in June 2013, which recognizes the centrality of ending impunity for the prevention of SGBV in conflict and encourages states to strengthen accountability at the national level.

Adopted in 1998, the Rome Statute was one of the first international treaties to extensively [address conflict-related SGBV](#) as crimes against humanity, war crimes and, in some instances, genocide. From the beginning of her term in office, ICC Prosecutor Fatou Bensouda has been proactive in addressing the gender-justice gap and made the investigation and prosecution of sexual and gender-based crimes a priority as witnessed by her Policy Paper on Sexual and Gender-Based Crimes, the first ever such document for an international court or tribunal.

“The message to perpetrators and would-be perpetrators must be clear: sexual violence and gender-based crimes in conflict will neither be tolerated nor ignored at the ICC. We will spare no effort to bring accountability for these crimes and in so doing, contribute to deterring the commission of such heinous crimes in the future. As a matter of policy, the Office will systematically include relevant charges in its cases on the basis of evidence of criminality.” - ICC Prosecutor Fatou Bensouda

The Rome Statute also contributes to accountability and redress for SGBV through its catalytic effect at the national level. This means that if a state ratifies the Statute and incorporates its far-reaching SGBV provisions into domestic legislation, these crimes can be prosecuted by national courts. By supporting the universality of the Rome Statute and the incorporation of Rome Statute crimes into domestic law, states and civil society can help ensure that the perpetrators of such crimes are held accountable. Many have argued the potential for such a shift in domestic legal culture to promote gender equality more broadly by strengthening women’s rights and increasing their access to justice.

The ICC: Inclusive gender justice

Another example of the Court's catalytic effect is the vastly under-reported and misunderstood SGBV against men and boys in conflict. It is very difficult to even just talk about SGBV related issues in any culture, an issue that is exacerbated when such violence targets men and boys. The ICC’s Rome Statute, which is explicitly gender-neutral in its description of what constitutes sexual violence, is seen by many as a potential leader in bringing this conversation home to the domestic level.

While there are encouraging signs that conflict-related SGBV is finally getting the attention it so badly deserves, civil society will continue its efforts to ensure the eradication of sexual violence in conflict remains at the top of the international agenda. Commitments made at the UN and elsewhere need to turn into action and accountability. States need to provide greater support to stakeholders in



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addressing the root causes of gendered violence, strengthen efforts for redress for victim-survivors and ensure that women and gender perspectives are always part of prevention and peace processes.

And the ICC is doing its part. The Court handed down its first conviction for rape as a war crime and as a crime against humanity in March 2016 – against former Congolese rebel militia leader [Jean-Pierre Bemba](#). By developing international jurisprudence on SGBV, the ICC is showing that sexual violence can no longer be treated as a collateral crime; helping destigmatize victims; and working to deter the future commission of such heinous acts.

- Read more on the [CICC website](#)

The Road Ahead — Building Momentum for Justice in the Central African Republic

By **Patryk I. Labuda**, [Justice in Conflict](#)



[UN Peacekeepers Tumblr](#)

The Central African Republic (CAR) is the new international justice frontier. After a French-led intervention brought the country back from the [brink of genocide](#) in 2013, international efforts have focused on restoring law and order in what the International Crisis Group once called a '[phantom](#)

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[state](#)'. In recent weeks, attention has turned to the Special Criminal Court (SCC), a new hybrid tribunal tasked with breaking the cycles of violence that have plagued CAR since independence.

In April 2015, the Central African Parliament passed a [landmark bill](#) establishing the SCC, a hybrid tribunal led by a mix of Central African and international judges and prosecutors. The establishment of the SCC has run into myriad problems since then, but in the last few months the CAR authorities and the UN have gradually [selected](#) candidates for the tribunal's key positions: in addition to five national and two international staff, on May 26 the tribunal's chief prosecutor finally [arrived](#) in Bangui. A career military prosecutor from the Democratic Republic of Congo, Toussaint Muntazini will be tasked with launching the SCC's investigations in the coming months.

Immediate Challenges

It is safe to say that Special Prosecutor Muntazini faces a Herculean task. Fighting impunity in CAR was always going to be difficult, but his appointment coincides with a worrying surge in violence in many parts of CAR. Hundreds have been killed and thousands displaced in just the past few weeks. Particularly troubling is the fact that UN peacekeepers have been repeatedly targeted and have responded with force, raising the possibility of an [active armed conflict](#) between the UN and armed groups. Muntazini and his staff depend on the UN peacekeeping mission, known by its French acronym MINUSCA, for security and logistics, so the UN's involvement in hostilities could create both operational and legitimacy challenges for the SCC. In the immediate term, Muntazini will also have to deal with more prosaic obstacles such as the unavailability of infrastructure and delays in establishing a special police unit.

Despite these and other challenges, a major step toward justice was taken last week. After months of investigations, MINUSCA [released](#) an eagerly awaited Mapping Report on serious crimes committed in CAR between 2003 and 2015. Although not a substitute for the Special Prosecutor's investigations, the Report catalogs 620 incidents that could fall under the SCC's jurisdiction, which – it must be emphasized – covers not just war crimes, crimes against humanity and genocide but also a wide range of serious violations of human rights and international humanitarian law.

Partly in response to the SCC's broad subject-matter and temporal mandate (2003-present), the Office of the High Commissioner of Human Rights and international NGOs [have encouraged](#) Muntazini to announce a prosecutorial strategy [explaining](#) which types of violations will be prioritized and why. As is customary at such tribunals, there is broad agreement that the SCC should focus on those bearing the greatest responsibility. In practice, however, reconciling the expectations of victims, local actors and the international community will be a daunting task. Given the vast scale of criminality reflected in the Mapping Report, fighting impunity in CAR will necessarily have to be selective. Investigating and adjudicating complex crimes committed over the past fifteen years is likely to take (much) longer than the SCC's (renewable) five-year mandate.

Long-term justice strategy

The real challenge facing the international community is how to translate the SCC's successes into long-term gains. With a little luck, MINUSCA should be able to apprehend a few high-level suspects (some are already in the UN's custody), and the SCC will then establish criminal responsibility in a handful of cases. But the SCC is a temporary fix by design. International donations have trickled in, despite the UN and the European Union's reservations about a hybrid tribunal in CAR. But two concerns remain high on the international community's agenda: what will be the SCC's relationship to, on the one hand, the ordinary justice system and, on the other, the International Criminal Court (ICC)?

If the SCC is to have any long-term significance, it must leave a lasting legacy for the ordinary justice system. As noted by Florent Geel of the Federation Internationale de Droit de l'Homme, the tribunal cannot be a '[white elephant](#)', providing lucrative employment to a few lucky international and national lawyers, but without impacting the lives of ordinary Central Africans. In that respect, the news from Bangui is encouraging: NGOs and the UN have devoted much attention to the ways in which the SCC can contribute to justice reform more generally. Although the SCC's relationship to ordinary courts is somewhat vague in the law establishing the SCC, the Rules of Procedure and Evidence – currently under discussion – can plug certain gaps, for instance by establishing a national victim and witness protection program or by designing [a referral mechanism](#) with a view to promoting dynamic interactions between the SCC and domestic courts.

The role of the ICC is far less clear at this stage. Under complementarity, the ICC is expected to intervene as a court of last resort, when states are 'unwilling or unable' to exercise jurisdiction. Unfortunately, the law establishing the SCC purports to give the ICC jurisdictional primacy, which suggests that Fatou Bensouda is free to choose whom she wants to prosecute. As I explain [in the most recent issue](#) of the Journal of International Criminal Justice, this aspect of the SCC law violates international and, by extension, Central African law, and – if challenged – it should be deemed unlawful by the SCC or the Central African Constitutional Court. In accordance with Article 17 of the Rome Statute, Prosecutor Bensouda should defer to the SCC's investigations and let domestic justice run its course, unless there is a compelling reason for the ICC to assert jurisdiction (see [JICJ](#), p. 190-195).

This does not mean that there is no space for the ICC in CAR. On the contrary – Prosecutor Bensouda can respect her complementarity mandate and still play a vital role as a backstop to the SCC. Although Prosecutor Muntazini has prosecutorial priority vis-à-vis the ICC, jurisdictional hurdles could limit his case selection. A general amnesty proposed by the [African Union](#) is unlikely to prevent Muntazini from bringing charges, at least not for the most serious crimes, but certain government officials could remain beyond his reach. As a national tribunal integrated into the CAR judiciary, the

SCC is constitutionally barred from prosecuting senior Central African politicians who enjoy immunity under the 2015 Constitution. Crucially however, this jurisdictional limitation does not apply to the ICC: domestic immunities do not bar prosecution under Article 27 of the Rome Statute. As in [other situations](#), the real question seems to be whether the ICC is willing to jeopardize cooperation by targeting senior government officials. It is no coincidence that the Mapping Report, noting the risk of jurisdictional overlap (p. 320-321), urges the ICC and the SCC to coordinate their activities.

What comes next?

The SCC has come a long way since 2015, and the Mapping Report is yet another milestone in this remarkable experiment. A hybrid court established with the support of a peacekeeping mission and operating alongside the ICC is a first for international criminal justice. To be sure, significant challenges [remain](#), but it is now up to the various international and national actors in CAR to forge a holistic prosecutorial strategy and to continue building momentum for justice.

Why international justice still faces roadblocks

By Richard Dicker, International Justice Director at [Human Rights Watch](#)

The prospects for justice for crimes against humanity and war crimes are more daunting today than at any time in the past two decades. The underlying political landscape is less favorable for accountability as compared with the 1990s, when the first international tribunals were established following the end of the Cold War and the International Criminal Court's (ICC) Rome Statute — the cornerstone of the



Flags fly outside of the United Nations' headquarters in New York City. (Spencer Platt/Getty Images)

international justice system — was completed in 1998. At the same time, there are important new opportunities to pursue justice through both national and international efforts.

One feature of the negative change is the ever-clearer division among the five permanent members of the United Nations Security Council. The blockage has particular impact on accountability because

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the council can ask the ICC to investigate through a “referral,” an especially powerful tool for countries where the ICC otherwise lacks authority because these countries have not joined the court.

The council referred the situation in [Darfur](#) (2005) and [Libya](#) (2011) to the court. Because of a lack of international support for arrests, these two referrals have vexed the court and yielded little for victims.

The authority given to the ICC in 1998, a high-water mark of the international community’s commitment to accountability, was based on a consent-based international treaty negotiated by states. Its arrest and cooperation provisions can be difficult to implement even among those that nominally agree to be bound by the ICC.

Council referrals are one of two exceptions to the consent regime, but even this can be blocked by a veto from any one of the permanent five. The reality is that countries that don’t consent remain outside and immune from the court’s reach.

It’s hardly surprising that the most powerful states — the United States, China and Russia — have not opted in and don’t allow their closest allies to be subject to the court by Security Council referral. It’s striking that armed conflicts marked by grave crimes are proliferating in countries that are not ICC members. As civilians are slaughtered without any access to redress, the inherent limitations of the court’s structure stand out more prominently, and the court, wrongly, gets the blame.

While there is a greater need for accountability, there is also less financial willingness to sustain it. Several of the largest government contributors to the ICC’s budget rigidly insist that the ICC should hold costs to “zero nominal growth.” In the face of increasing demands on the court, a few of these big contributing member states are holding the court to a standard that is infringing on the prosecutor’s ability to open new investigations or adequately staff existing ones.

In the face of these challenges there have been, nonetheless, several noteworthy developments.

The ICC’s leadership is trying to learn from earlier mistakes, make changes and steer the institution in the direction that it needs to go. This is clear in a few important areas:

- In the Office of the Prosecutor, its teams are trying to create “trial ready” cases at a much earlier point, instead of running the risk of having insufficient evidence when investigations become more difficult. Prosecutors are also relying more on forensic evidence.
- The judges have identified a set of best practices to encourage more efficient and effective management of proceedings.
- The Registrar, amid controversy, has completed an internal reorganization, strengthening the court’s presence in countries where it carries out investigations. This is critical to making the proceedings meaningful in the communities most affected by the crimes.

All but one of the ICC's investigations had been in Africa. That generated [strong backlash](#) against the court initiated by a small number of African leaders who feared the ICC's authority reaching them. It also became a source of criticism among some who supported justice but believed that the court needed to expand its work to other regions. Nevertheless, many [African civil society organizations](#) and [a number of governments](#) on the continent have stood up for the ICC and may have stanchd this riptide.

Even more intense opposition to the court may escalate from Russia and the United States. At the United Nations, Russia has [struck back vindictively](#) against the ICC in reaction to prosecutor Fatou Bensouda's [decision](#) to investigate crimes arising from the August 2008 conflict between Georgia and the breakaway region of South Ossetia, a Russian protectorate, as well as her office's ongoing examination of the situation in Ukraine.

Meanwhile, the prosecutor is considering opening an investigation in Afghanistan that could look at, among other offenses, crimes believed to have been committed by U.S. armed forces and CIA personnel. Alleged crimes on the territory of an ICC member state — Afghanistan — provide the second pathway to citizens of states that have not joined the ICC.

While a panel of judges will have to approve any call for an Afghanistan investigation before the prosecutor can proceed, the backlash from Washington will most likely be severe. The United States has historically, if selectively and unevenly, supported the ICC, but subjecting U.S. nationals to international courts has been a red line. An [investigation](#) in Afghanistan that includes an examination of U.S. abuses could be a justice game changer, extending the reach of justice to the United States, which has been an "accountability free zone" for the most serious crimes committed by its forces.

Undoubtedly, an investigation in Afghanistan could also lead to a much stormier and contentious period for the court. Should this occur, the role of the court's 124 member states is likely to be critical. Whether they step up and make clear that the ICC is *their* court and must be allowed to go about its important work free from outside political interference could tip the balance.

The Rome Statute's upcoming 20th anniversary – July 17, 2018 — may provide just such a rallying point. The ICC's founding document, while imperfect, represents a major historical achievement when impunity, and not accountability, has for too long been the norm.



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How Kenya cases forced ICC back to the drawing board

Daily Nation

The collapse of the Kenyan post-election violence cases highlighted various loopholes within the investigatory and prosecutorial policies of the International Criminal Court, which the court is now re-evaluating.

More than a year after the last two cases involving Deputy President William Ruto and former radio



Anton Steynberg, the lead prosecutor in the William Ruto and Joshua arap Sang' cases at the International Criminal Court.

broadcaster Joshua Sang collapsed, Mr Anton Steynberg, who led the trials, says the Office of the Prosecutor has learnt vital lessons and has changed its policies when approaching a situation.

Speaking in Arusha last week during an international symposium organised by Berlin-based Wayamo Foundation under the title 'Fighting impunity in East Africa – Ensuring accountability for international and transnational organised crimes', Mr Steynberg said the Kenyan cases forced the Office of the Prosecutor to evaluate its policies to avoid repeating the mistakes.

Change in Policy

"One of the lessons that was learnt, and has led to a change in the policy of OTP is the fact that prior to the summonses, there wasn't a great deal of investigation done and this was in line with the strategic policy to focus on light investigations up until the summonses stage and then fill in the gaps after," said Mr Steynberg.

The reasons for the light investigations, he said, were because of human resource handicaps, limited financial resources at the time, as well as "18 judges sitting and waiting for cases to come in."

"So there was need to get cases and get them quickly to court. It is for that reason that that strategy was adopted. That has been re-thought now and we have moved to investigating cases as fully as possible so that we can be as near trial-ready as possible once the accused is arrested because experience has shown that once an accused is before court things move very quickly and there is not

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very much time to supplement investigations until confirmation hearing is held. That is one of the lessons OTP has taken note of,” Mr Steynberg said.

The court has also revised its outreach policy to enable the prosecutors and members of the registry to work together, something the speakers at the event acknowledged was missing in the Kenyan situation.

The shortcomings and the lessons from the Kenyan cases aside, Mr Steynberg believes that ICC’s intervention in Kenya helped prevent violence in 2013 elections. “I like to think that ICC having its eyes firmly on Kenya was a deterrent factor among many other factors including the fact the PEV was so severe that it shocked the whole country into a recalibration and self-introspection,” he said.

The ICC originally indicted six individuals, then Deputy Prime Minister Uhuru Kenyatta who is now the president, Mr Ruto, former minister Henry Kosgey, former head of public service Francis Muthaura, Mr Sang, and former Commissioner of Police Hussein Ali.

ICC Prosecutor calls for the immediate arrest and surrender of the suspects, Mssrs Saif Al-Islam Gaddafi and Al-Tuhamy Mohamed Khaled to the Court

Source : Office of the Prosecutor

My Office is aware of the latest media reports alleging that on 9 June 2017, Mr Saif Al-Islam Gaddafi ("Mr Gaddafi") was released from the custody of the Abu-Bakr al-Siddiq Brigade of Zintan, Libya. Mr al-'Ajami al-'Atiri is the commander of this brigade.

We are currently verifying these reports and taking the necessary steps to determine Mr Gaddafi's

whereabouts. To this end, I call on the authorities of Libya, the United Nations



Saif Gaddafi in 2005. Image: Getty

Security Council, which referred the Libya situation to my Office, all States Parties to the Rome Statute, and all other States and relevant entities, to provide my Office with any relevant information in their possession.

[The arrest warrant issued by the International Criminal Court \("ICC", or the "Court"\) against Mr Gaddafi](#) on 27 June 2011 for the crimes against humanity of murder and persecution, allegedly committed in Libya in 2011, remains valid and Libya is obliged to immediately arrest and surrender Mr Gaddafi to the ICC, regardless of any purported amnesty law in Libya. Helping a fugitive to escape justice must not be tolerated, and Mr Gaddafi must be surrendered to the custody of the Court.

I call on Libya and all other States, if in a position to do so, to immediately arrest and surrender Mr Gaddafi to the ICC.

Similarly, I call for the immediate arrest and surrender of the suspect, [Mr Al-Tuhamy Mohamed Khaled \("Mr Al-Tuhamy"\)](#), also the subject of an ICC arrest warrant in the Libya situation, made public on 24 April 2017. Mr Al Tuhamy is alleged to be responsible for the crimes against humanity of imprisonment, torture, other inhumane acts, and persecution, as well as for the war crimes of torture, cruel treatment and outrages upon personal dignity, committed in various Libyan localities in 2011. Mr Al-Tuhamy must be arrested and surrendered to the ICC without further delay.

INTERPOL has issued Red Notices for both Messrs Gaddafi and Al-Tuhamy, stressing that both individuals are wanted by the ICC.

I call upon any person who has information regarding the location of either Mr Gaddafi or Mr Al-Tuhamy to contact either their national or local police or the General Secretariat of INTERPOL ([click here](#)). Alternatively, information may be provided directly to the Office of the Prosecutor of the ICC, addressed to: Libya@icc-cpi.int.

It is imperative for both suspects to be apprehended and immediately surrendered to the custody of the ICC so that their guilt or innocence can be established through the Court's independent and impartial judicial proceedings, and for justice to be done, and seen to be done. Accountability for Rome Statute crimes and the deterrent effect of the law are equally important components of achieving sustainable peace and stability in Libya.

Saif Gaddafi's Release and the Challenge for International Criminal Justice

By Mayesha Alam, [Just Security](#)

Six years after his capture during the Arab Spring uprising against his father Muammar Gaddafi, and despite pending charges in the International Criminal Court, Saif al Islam Gaddafi has been set free by

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his captors, a western-Libyan militia known as the Abu Bakir Siddiq Brigade. Although he had no official position in the administration of his dictator father, Saif Gaddafi was influential and expected to succeed his father as Libya's leader. Whether he will mount a campaign to return to power is yet to be seen, but his newfound freedom is sure to make his political opponents anxious. His release also poses a challenge to the United Nations and the International Criminal Court (ICC), which have sought his extradition to face ICC charges, and undermines the potential of the international criminal justice system to help bring peace to the country.

Saif Gaddafi's release, which took place under the General Amnesty Law passed by the House of Representatives – a body unrecognized by the international community – reflects the power vacuum left in the wake of his father's toppling. According to this law, perpetrators of torture, terrorism, corruption, rape, and ethnically-motivated murder are not covered by the amnesty, but its stipulations for forced displacement, kidnapping or forced disappearance, and extrajudicial killings are opaque. The Office of the General Prosecutor in Tripoli [released a statement](#) last week clarifying that the General Amnesty did not protect Saif Gaddafi. Yet the lack of a unified, central government and ensuing disarray in the country's political system means that Saif Gaddafi's fate remains unpredictable as does Libya's political future. For example, an Islamist assembly that is also based in Tripoli and calling itself the Government of National Salvation has been challenging the authority of the weak but UN-backed Government of National Accord and seeking its overthrow while another rival faction, the House of Representatives, operates from the eastern city of Tobruk. The GNA has been unable to establish order, consolidate the rule of law, and build democratic institutions. Moreover, since the revolution began, Libya has become a hotbed of violent extremism and despite international efforts to defeat ISIS, the group continues to operate in the country. In March of this year, the Pentagon's head of Africa Command [warned](#), "The instability in Libya and North Africa may be the most significant near-term threat to U.S. and allies' interests on the continent."

In 2015, the Court of Assize in Tripoli sentenced the younger Gaddafi to death in absentia for his role in the killing and torture of civilians during the revolution. His captors in Zintan refused to comply with the order to hand him over, claiming they did not trust the authority and capacity of the court. The UN also cast doubt on the Tripoli trials, instead advocating for Gaddafi to face international criminal justice processes. (A UN report released in February concluded that the trials failed to meet international standards of due process and were motivated by vengeance.) The UN called for the central government to recover Gaddafi from the rebel held territory and transfer him to The Hague to face charges of murder and persecution.

Those charges date back to 2011, when the UN Security Council passed Resolutions 1970 and 1973, which, in addition to imposing a no-fly zone, authorizing sanctions, and paving the way for a multilateral military intervention, referred Muammar and Saif Gaddafi and other top officials to the ICC. Soon after, Luis Moreno Ocampo, who headed the ICC's Office of the Prosecutor, formally

opened an investigation and issued a warrant for Saif Gaddafi's arrest in June 2011. A preliminary investigation cited his role in abetting violence and repression and identified him as a "*de facto* Prime Minister" with considerable influence over the State's security forces. In 2012, the transitional government in Libya challenged the jurisdiction of the ICC and the admissibility of the case against Saif Gaddafi but the court argued that it was operating in accordance with the principle of [complementarity](#). After the Abu Bakir Siddiq Brigade announced Saif Gaddafi's release, the ICC renewed its call for his immediate arrest but it is unlikely that the Libyan authorities will be able or willing to follow through. Without him in custody, the ICC case remains in pre-trial proceedings.

The prosecutor's intervention in Libya brought into focus the underexplored question of the ICC's role in ending conflicts and building peace. As a permanent institution tasked with ensuring accountability for mass atrocities, the ICC may not – at first glance – appear to have any role to play in bringing civil wars to a close and ushering in stability but, in reality, it is an important international actor with a looming shadow. Sceptics argue that internationally led accountability efforts against alleged war criminals risk heightening instability in already volatile contexts. They say that justice should take a back seat to peace. Critics also question the legitimacy and credibility of the ICC, seeing it as a Western invention that disproportionately targets human rights abusers in the Global South.

Proponents of the international criminal justice system argue that, although far from perfect, the court has an indispensable role to play in ending impunity for the most odious violations of human rights and, in doing so, deterring future abuses. Its capacity to bring peace was on show during the Havana peace process to end the protracted conflict between the Government of Colombia and the FARC, where it played a critical role in reviewing measures related to accountability for killings, torture, forced disappearances, and sexual violence in the final peace accords.

What next?

Gaddafi's release reignites pressure on the ICC to follow through on its pursuit of him, at a time when the court is already under significant pressure due to a number of African states announcing their intention to withdraw from the Rome Statute. If Saif Gaddafi ascends to a position of political leadership, it would serve as an additional embarrassment for the ICC and confirm its limited reach. The ICC should redouble its efforts to gain custody of Gaddafi by working with the UN and the GNA. Despite the political chaos and insecurity that complicates the ICC's ability to operate effectively in accordance with Resolutions 1970 and 1973, the court's role remains crucial to ending impunity for atrocities that have been committed and continue to go unpunished in Libya. The GNA should confirm Gaddafi's release, identify his whereabouts, and transfer him to The Hague as efficiently as possible. Doing so would help prevent Gaddafi from making a political comeback and bolster the GNA's international legitimacy and credibility.

What Saif Gaddafi will try to do next could matter a great deal for order, democracy, and justice. At this time, it is unclear whether his supposed release will serve as a boon to Gaddafi loyalists and the extent to which they will seek to rally around the former heir apparent. Although his immediate location remains a secret, Saif Gaddafi's lawyer claimed that his client would soon address the people of Libya and "have a major role in bringing peace" to the country. The chaotic political landscape, lack of a strong and unified state, and the country's porous borders leaves Libya vulnerable to continued instability. All the while, civilians continue to suffer the consequences of a prolonged humanitarian disaster and many that still remain are desperate to leave the country in search of safety and prosperity elsewhere.

Liberia: UK Arrest for Civil War Crimes a Step for Justice

By Human Rights Watch

The United Kingdom authorities' arrest of Agnes Reeves Taylor in London for her alleged role in torture committed during Liberia's first civil war is a meaningful step for justice, according to Human Rights Watch. Reeves Taylor, the former wife of imprisoned former Liberian president Charles Taylor, was arrested by the Metropolitan Police's War Crimes unit on 1 June 2017, and subsequently charged with torture.

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Reeves Taylor, who has been living in the UK, is expected to appear before Westminster Magistrates' Court on 3 June, said a statement issued by British authorities. She was alleged to have committed the crimes while working with the National Patriotic Front of Liberia (NPFL), led by her former husband during his bid to unseat then-president Samuel K. Doe.

"The actions taken by the United Kingdom to address crimes committed during Liberia's brutal civil war will no doubt be welcomed by victims in Liberia," said Elise Keppler, associate director of the international justice program at Human Rights Watch. "The NPFL committed horrific abuses against civilians but no one has ever been held to account for the crimes. The Liberian authorities should themselves take steps to ensure that those responsible for civil-war-era crimes are brought to justice."

Liberia has made no effort to hold to account those responsible for crimes that violate international law during the conflict in the country, from 1989 to 1996, which left tens of thousands dead. But this is the third arrest by European authorities of a suspect associated with atrocities in Liberia. The first case involved the NPFL Commander Martina Johnson, who was arrested in Belgium in September


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2014, and the second was Alieu Kosiah, a commander from the opposing United Liberation Movement of Liberia for Democracy who was arrested in Switzerland in November 2014.

Reeves Taylor is the first person to be arrested under UK universal jurisdiction laws for crimes committed in Africa. The UK has previously adjudicated three other cases under such laws. The first was the case of Anthony Sawoniuk, convicted for Nazi-related crimes under the War Crimes Act of 1991, which is specific to crimes committed during World War II. The second was the conviction of Faryadi Zardad, an Afghan warlord charged with torture. The third case was the charges of torture against Colonel Kumar Lama from Nepal, who was recently acquitted.

News June 2017

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

28 June

[Kosovo Special Court Prepares to Charge Ex-Guerrillas](#)

(Balkan Transitional Justice)

Former members of the Kosovo Liberation Army guerrilla group who are allegedly responsible for killings, abductions, torture and other human rights violations during and after the Kosovo war may soon be standing in the dock because the new court's rules of procedure will enter into force in seven days' time after they were finally approved on Wednesday...

27 June

[Srebrenica massacre: Dutch government 'partially liable' for murder of 300 Muslim men, court finds](#)

(Independent)

A court has ruled that the Dutch government is partially liable for the deaths of around 300 Muslim men killed in the Srebrenica massacre. The Hague court of appeal's findings largely upheld a civil court judgment from 2014, which found the state was liable for the murder of Bosniak Muslims who were turned to Bosnian Serb troops by Dutch UN peacekeepers... In a departure from an earlier ruling, the court said the Netherlands should pay only 30 per cent of damages to victims' families, after estimating odds of 70 per cent that the victims would have been dragged from the base

and killed regardless of what action Dutch soldiers took...

26 June

[The ICC Assembly of States Parties Prepares to Activate the ICC's Jurisdiction over the Crime of Aggression: But Who Will be Covered by that Jurisdiction?](#)

(EJIL: Talk, by Dapo Akande)

The states parties to the Statute of the International Criminal Court have been meeting in New York recently to begin discussions that it is hoped will lead to a decision at this December's Assembly of States Parties to activate the Court's jurisdiction over the crime of aggression. These discussions are taking place seven years after the ICC states parties, meeting in Kampala, Uganda, adopted a series of amendments to the ICC Statute dealing with the crime of aggression...

[UN denounces DR Congo tribunal's decision in Kasai trial](#)

(AFP)

The UN on Monday criticised a decision by a Congolese military tribunal not to prosecute seven Democratic Republic of Congo soldiers for crimes against humanity. "We regret" the tribunal's decision, Jose Maria Aranaz, director of the United Nations joint human rights office (UNJHRO) and representative of the High Commissioner for Human Rights in the DRC, told AFP. "Prosecuting these crimes is a way of preventing other legal violations and further excessive use of force by the armed forces," Aranaz said...



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25 June

[Former Cambodia Head of State denies committing genocide](#)

(Jurist)

Cambodia's former head of state on Friday rejected charges of crimes against humanity in his UN-assisted tribunal. The 85-year-old Khieu Samphan, who was head of the Khmer Rouge regime in Cambodia, [said](#) [AP report] the allegations were concocted by neighboring country Vietnam. Samphan denied knowing about the forced marriages, executions, and starvations that occurred during the regime and asserted that he only found out about the suffering after the rule ended...

[Appeals Chamber Affirms ICC Can Try Ntaganda Over Rape of Child Soldiers](#)

(OSJI)

The Appeals Chamber has affirmed that the International Criminal Court (ICC) has jurisdiction over cases in which soldiers of an armed group commit war crimes against members of the same group. The decision puts to rest Bosco Ntaganda's contention that the court based in The Hague lacks the mandate to try him over the alleged rape of child soldiers...

24 June

[Exclusive - Overruling diplomats, U.S. to drop Iraq, Myanmar from child soldiers' list](#)

(Reuters)

In a highly unusual intervention, Secretary of State Rex Tillerson plans to remove Iraq and Myanmar from a U.S. list of the world's worst offenders in the use of child soldiers, disregarding the recommendations of State Department experts and senior U.S. diplomats, U.S. officials said...

23 June

[Cambodia: Closing Statements in Case 002/02 Conclude](#)

(Extraordinary Chambers in the Courts of Cambodia)

On 23 June 2017, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) concluded nine days of closing statements in Case 002/02 against Nuon Chea and Khieu Samphan. The Chamber will now withdraw for deliberations. Evidentiary hearings in the trial

commenced with opening statements on 8 January 2015 and concluded on 11 January 2017. The trial, including closing statements, lasted for a total of 283 hearing days. During the trial, the Chamber heard the testimony of 185 individuals: 114 fact witnesses, 63 Civil Parties and 8 experts...

[ICC: Overview of the Prosecution's Case Against Ntaganda](#)

(OSJI)

On February 16, 2017, the last prosecution witness to testify against former Congolese rebel leader Bosco Ntaganda at the International Criminal Court (ICC) concluded giving evidence. Ntaganda's trial began in September 2015, and in the 17 months since the opening of the prosecution's case at the court based in The Hague, prosecutors called 71 individuals to give testimony. Those who testified included victims and witnesses to the alleged crimes, insiders in the militia where Ntaganda was a top commander, and expert witnesses...

22 June

[Bosnian Politics 'Impedes Justice', Says Hague Prosecutor](#)

(Balkan Transitional Justice)

The political climate in Bosnia and Herzegovina is impeding the process of achieving justice, chief Hague Tribunal prosecutor Serge Brammertz told a conference on the legacy of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in Sarajevo on Thursday. "The glorification of criminals and denial of crimes are striking," Brammertz said. The Tribunal's influence in the region has decreased due to political irresponsibility, revisionism and the denial of crimes, participants at the conference were told...

21 June

[Kony's LRA rears its head](#)

(CICC)

The withdrawal of Ugandan and US troops from the search for one of the world's most wanted men, Lord's Resistance Army (LRA) leader Joseph Kony, already appears to be having repercussions, as the United Nations (UN) warns of the return of a rebel group known for its brutality against children...



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20 June

[Swiss Politician Convicted of Srebrenica Genocide Denial](#)

(Balkan Transitional Justice)

Swiss politician Donatello Poggi lost an appeal last week against his conviction for racial discrimination and was given a two-year suspended prison sentence, Bosnian media reported on Monday. The court found on June 13 that Poggi published two opinion articles on the Corriere del Ticino and TicinoLibero websites in which he refused to admit that the massacres of Bosniaks from Srebrenica by Bosnian Serb forces in July 1995 constituted genocide...

15 June

[The Myth of ICT's Protective effect in mass atrocity response](#)

(IntLawGrrls)

Information Communication Technologies (ICTs) are now being employed as a standard part of mass atrocity response, evidence collection, and research by non-governmental organizations, governments, and the private sector...In a new article published with Genocide Studies and Prevention: An International Journal, we argue that there is little evidence of the existence of what can be referred to as a causal "Protective or Preventative Effect" (PPE) from the use of ICTs in mass atrocity producing environments...

14 June

[UN report: Israel and Palestine have failed to prosecute war crimes](#)

(Jurist)

Both Israel and Palestine have failed to prosecute war crimes, according to a report presented Monday to the Human Rights Council. UN High Commissioner for Human Rights Zeid Ra'ad al-Husseini submitted the report, reviewing the compliance of Israel and Palestine with recommendations made by the Council dating back to 2009...

[ICC Appeals Chamber issues "unprecedented" decision on war crimes of rape and sexual slavery](#)

(IntLawGrrls)

The ICC Appeals Chamber, in a unanimous decision it described as "unprecedented", has confirmed that the rape and sexual slavery of children by

members the same armed group can be charged as war crimes under the Rome Statute...

[Stanisic and Simatovic 'Controlled Ethnic Cleansing Units'](#)

(Balkan Transitional Justice)

At the retrial of former Serbian security chiefs Jovica Stanisic and Franko Simatovic in The Hague, prosecutors said they were superior officers to units that committed grave crimes in Bosnia and Croatia...

10 June

[ICC prosecutor urges international community to help bring Darfur war crime suspects to justice](#)

(Jurist)

The prosecutor for the ICC Fatou Bensouda, on Thursday renewed her calls to the UN Security Council and the international community to support her office's efforts in tackling impunity and pursuing justice for human rights violations in the Darfur region of Sudan. Bensouda particularly urged all UN member states, specifically ones that are party to the Rome Statute, to arrest and surrender suspects of alleged genocide, war crimes and crimes against humanity committed in Darfur...

9 June

[Serbia Urged to Prosecute Senior Wartime Officials](#)

(Balkan Transitional Justice)

A group of 14 Serbian NGOs urged the Serbian government on Friday to cooperate with international institutions and implement strategies for the prosecution of war crimes - including putting high-ranking wartime officials on trial. "[The authorities should also stop] glorifying criminals and belittling the victims every day," the NGOs said in a statement...

8 June

[UN Prosecutor: Bosnia Nationalists 'Glorifying War Criminals'](#)

(Balkan Transitional Justice)

Serge Brammertz, the chief prosecutor at the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Mechanism for International Criminal Tribunals (MICT) told the UN Security Council on Wednesday that war criminals

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are still being treated as heroes by nationalists from various ethnic groups in Bosnia and Herzegovina. “The message of denial and revisionism is loud and clear. We recognise our victims, but not yours. Your war criminals are our heroes,” Brammertz said...

[US Criticized for Supplying Arms to Nations That Recruit Child Soldiers](#)

(VOA News)

A United Nations watchdog committee has found the United States in violation of treaty obligations aimed at protecting children in armed conflict, and preventing the sale and trafficking of children. The Committee on the Rights of the Child, which monitors implementation of the Convention on the Rights of the Child, completed a three-week examination of the United States and seven other countries...

7 June

[UN Urged to Pressure Serbia over Wanted Radicals](#)

(Balkan Transitional Justice)

The president of the International Criminal Tribunal for the Former Yugoslavia, Carmel Agius, told the UN Security Council on Wednesday that it must act to stop Serbia violating its obligations to the war crimes court. Agius said that Belgrade has failed to comply with its duties under the Tribunal’s statute by refusing to execute arrest warrants for three members of the Serbian Radical Party who are wanted for contempt of court...

6 June

[Activists in Argentina Demand Trials for Repressors Who Fled to Italy](#)

(Latin American Herald Tribune)

Argentine and Italian human rights activists demanded on Friday that Latin American dictatorship-era repressors who have taken refuge in Italy in recent years be tried for crimes against humanity. Among the serious crimes the activists highlighted at a press conference were disappearances carried out as part of Plan Condor, a joint operation that right-wing South American military regimes of the 1970s and 1980s conducted to eliminate leftist political opponents...

5 June

[Bosnian Judge Faces Censure for War Crimes Comments](#)

(Balkan Transitional Justice)

A judicial disciplinary committee began a case against a Serb state-level judge for publicly alleging that Sarajevo lacks the political will to prosecute Bosnian Army generals for war crimes...

[US Senate Shines Spotlight on Justice for Syria War Crimes](#)

(Human Rights Watch)

The US Senate Foreign Relations Committee has advanced a bill that could be a small but meaningful step toward justice in the long and brutal Syrian conflict. The Syrian War Crimes Accountability Act of 2017 – a bipartisan bill introduced in April – would reinvigorate US support for justice in Syria after years of unchecked atrocities...

4 June

[Duterte says the International Criminal Court doesn’t worry him](#)

(Washington Post)

Rodrigo Duterte is not afraid of the International Criminal Court — or so he likes to say. Asked about the possibility of an ICC investigation, the Philippine president dismissed it with a curse. When a critic vowed to submit evidence of possible crimes against humanity, he told him to go ahead. A year after Duterte swept to power on a promise to kill all the country’s suspected drug users, with an estimated 9,000 people dead and many missing, a growing number of experts say the Philippine president will be investigated by the ICC...

2 June

[Bosnia’s Top Court Has ‘Wasted’ Resources, Kreho Says](#)

(Balkan Transitional Justice)

The prosecution’s failure to make complex war-crime cases a priority has wasted the resources of the Court of Bosnia and Herzegovina, the president of its criminal department, Minka Kreho, says...

1 June

[UN appoints Indian rights lawyer to lead Rohingya investigation](#)

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(Jurist)

The UN Human Rights Council has appointed an Indian human rights lawyer and two fact-finding experts to investigate Myanmar security forces' alleged crimes against Rohingya Muslims. Indira Jaising, an advocate of the Supreme Court of India, will be the lead investigator...

[Austrian man extradited for war crimes in eastern Ukraine](#)

(Jurist)

An Austrian man was extradited from Poland to Austria to face war crimes charges for allegedly killing civilians and surrendering troops while fighting for the Ukrainian army. The 25-year-old man allegedly killed Russian separatists while they were injured or surrendering in eastern Ukraine last year. State prosecution spokesman Erich Habitzl stated that Benjamin F., as he is being identified by authorities, is being held in police custody until they charge him with war crimes against the Donbass freedom fighters, who are members of the Russian separatist Armed Forces of the Donetsk People's Republic...

[Long Read: How the Syrian War Changed How War Crimes Are Documented](#)

(Syria Deeply)

Seven years of war have transformed Syrian monitoring groups into sophisticated investigation centers. But with few options to hold perpetrators of humanitarian law violations accountable, the number of Syrians supplying evidence of human rights violations is dwindling, along with their hope for justice...

31 May

[Facts, Alternative Facts, and International Law](#)

(EJIL: Talk!)

...The attack on the Kunduz hospital and the controversy that followed it exemplify a broader phenomenon. Legal fact-finding reports set to resolve factual disputes often trigger more controversies... [and] are susceptible to social biases just as any other source of information. Therefore, they often fail to create a shared understanding of 'what happened' or to combat denialism of crimes. They also lack the emotional appeal, participatory value, and social cues that

moral expressions or other types of social truth-telling entail...

[ICE removes Serbian man who allegedly participated in Bosnian genocide](#)

(US Immigration and Customs Enforcement)

A Serbian national wanted for crimes he allegedly committed during his military service during the Bosnian Civil War was removed Monday by officers with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) in Miami. Srdjan Bilic, 44, departed Miami International Airport Monday morning escorted by ERO officers and arrived Tuesday morning at Nikola Tesla Airport in Belgrade, Serbia, where he was transferred into the custody of Serbian law enforcement...

[Nepal's politicians, army resistant to investigating war crimes: report](#)

(Reuters)

Nepali political parties and security forces who are accused of war crimes during the country's decade-long civil war are hampering efforts to bring justice to tens of thousands of victims and their families, a study said on Thursday. More than 17,000 people were killed and more than 1,300 went missing during the conflict between government forces and Maoist rebels in the Himalayan nation. The study, by the International Center for Transitional Justice (ICTJ), found there was a "widespread misunderstanding" of transitional justice in Nepal, with policy often motivated by the interests of political leaders and the army...

[Could Syria's 'prosecutor without a tribunal' work?](#)

(Aljazeera)

...the UN is set to name the head of the International, Impartial and Independent Mechanism (IIIM), which will collect and preserve evidence of serious crimes committed in Syria and build cases against those most responsible for them. A start-up team has already met in Switzerland and is expected to grow to a 50-strong staff based in Geneva this summer...But there is a catch - the IIIM is really a "prosecutor without a tribunal", said Kenneth Roth, executive director of the pressure group Human Rights Watch. It can

build cases, but it does not have a dock for trying defendants...

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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