



# Forum for International Criminal Justice Newsletter: December 2018

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

This is also Danya Chaikel's farewell newsletter as she is moving on from coordinating the IAP's FICJ. Danya has taken up a short-term post as Legal Officer with the Secretariat of the Assembly of States Parties of the International Criminal Court. After that, she will begin a different role in a prosecution office at another international criminal tribunal.

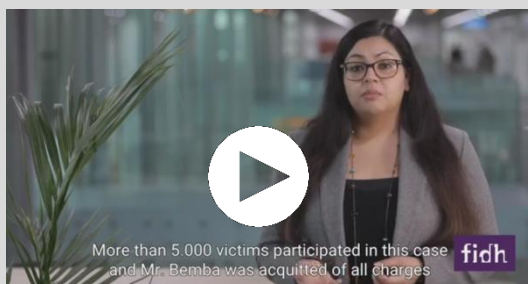


**\*Please have a look at the [FICJ forum](#) page on the IAP**

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

*Danya Chaikel – IAP Legal Consultant & FICJ Coordinator | email: [LC@iap-association.org](mailto:LC@iap-association.org)*

## Video Highlights



[Click here](#) to watch a video by The International Federation for Human Rights calling on the ICC and national jurisdictions to step up the fight against impunity for sexual violence.



[Click here](#) to watch the former head of the UN peacekeeping force in Rwanda, Lt Gen Romeo Dallaire, warning that another genocide is taking place in Myanmar.



FICJ

Forum for International Criminal Justice

## South Africa's President Ramaphosa names Shamila Batohi as new chief prosecutor

### Reuters

President Cyril Ramaphosa has named [esteemed and long-time IAP member] Shamila Batohi South Africa's new chief prosecutor, after the Constitutional Court ruled in August that the appointment of the previous prosecutor was invalid.

Ramaphosa, who replaced former president Jacob Zuma in February, has made the fight against corruption a key plank of his administration as he seeks to restore investor confidence after nearly a decade of scandals during the Zuma era.

The highest court in the country ruled in August that Zuma had abused his powers by removing chief prosecutor Mxolisi Nxasana and appointing Shaun Abrahams as his replacement in 2015. Having a credible National Director of Public Prosecutions (NDPP) heading the National Prosecuting Authority (NPA) is seen as crucial for Ramaphosa's commitment to fight corruption.

Batohi, who has worked for the past nine years as a legal adviser to the prosecutor in the International Criminal Court in The Hague, is seen by political commentators as untainted by local political factions. Before her work at the ICC, Batohi was director of public prosecutions for the South African province of KwaZulu-Natal.



Shamila Batohi is congratulated by President Cyril Ramaphosa after being named the country's new chief prosecutor, at the Union building in Pretoria, South Africa. REUTERS/Siphiwe Sibeko

---

*"My experience as a career prosecutor has revealed that the rule of law reigns supreme. The work of the NPA will be underpinned by strong governance principles and independence as guaranteed in the Constitution. It is a non-negotiable that the country has absolute confidence in the work of a credible NPA," Batohi said.*

---

Ramaphosa said in a speech the NDPP should not be beholden to political or business interests and that Batohi had "the experience, conscientiousness and integrity" to succeed. Batohi will start her new role in February 2019.

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

## Khmer Rouge leaders found guilty of Cambodia genocide

**BBC**

For the first time, two leaders of Pol Pot's Khmer Rouge regime in Cambodia have been convicted of genocide. His deputy Nuon Chea, 92, and head of state Khieu Samphan, 87, faced trial on charges of exterminating Cham Muslim and ethnic Vietnamese communities. This was the first genocide verdict given by the UN-backed tribunal on



Pol Pot's brutal 1975-1979 regime. Up to two million people, mostly from the Khmer majority, are believed to have died during those four years. But the larger-scale killings of the Cambodian population do not fit the narrow definition of genocide under international law, says BBC South East Asia correspondent Jonathan Head, and have instead been prosecuted as crimes against humanity.

These verdicts will almost certainly be the last from an unusual attempt at transnational justice that has lasted more than a decade, our correspondent adds. The pair were also found guilty of a litany of other crimes, including the crimes against humanity of murder, extermination, enslavement and torture. The two men - already serving life sentences for crimes against humanity from a separate trial - have again been sentenced to life.

They are two of only three people ever convicted by the tribunal, which has faced criticism for its slow pace and for being subject to alleged political interference.

Judge Nil Nonn read out the lengthy and much-anticipated ruling to a courtroom in Phnom Penh full of people who suffered under the Khmer Rouge. He described the terror of the regime, and spoke of forced marriages where couples were ordered to have children.

But the landmark moment came when Nuon Chea was found guilty of genocide for the attempt to wipe out Cham Muslims and ethnic Vietnamese Cambodians, and Khieu Samphan was found guilty of genocide against the ethnic Vietnamese.

Researchers estimate that 36% of the Cham population of 300,000 died under the Khmer Rouge. Most of the Vietnamese community were deported, and the 20,000 who remained were all killed.

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

## International crimes: spotlight on France's war crimes unit

### **JusticeInfo.Net**

Universal jurisdiction, which allows a country to prosecute any person for serious crimes committed anywhere in the world, is in the frontline of some prosecution strategies, notably with regard to crimes committed in Syria. In Paris, JusticeInfo.Net visited France's specialised unit for tracking international crimes, the



'Central Office to fight Crimes against Humanity, Genocide and War Crimes' (OCLCH).

The unit's logo is a sword with the scales of justice balanced on its tip and the words "Hora fugit, stat jus" – time passes, the law endures. Situated in Paris, its mission is to track the perpetrators of imprescriptible crimes in France and the rest of the world. OCLCH, set up in 2013, is at work and is determined to obtain results, says Colonel Eric Emeraux, who has been at its head for the last year.

The office's 15 gendarmes (paramilitary police) and 4 police officers are the strong arm of France's special judicial unit for tracking international crimes. Colonel Emeraux's tone is careful and precise but also combative. This office, created by decree five years ago, is gaining strength and has become visible in 2018 thanks to a quite substantial (non-exhaustive) list of actions: in March, questioning of an Iraqi refugee suspected of having participated in Daesh massacres; in April, the arrest in Cameroon of a Rwandan wanted in France for genocide; in June, extradition of a Bosnian wanted in his country for crimes against humanity; and in September, the arrest of a former Liberian militia leader.

### **From Syria to Syria**

Every day, Eric Emeraux and his team climb a long staircase and pass the floor of their counterparts in Organised Crime, to reach their offices located east of Paris in an impressive stone building. The offices smell new. Emeraux's team has just returned there after several years of exile at the Rosny Fort, in the southern suburbs of Paris. They are now closer to the magistrates of the Specialised Unit - 3 prosecutors and 3 investigating judges - with whom they work on a daily basis. And this is the place where members of the Paris gendarmerie research section, precursors of the OCLCH whom

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

Hirondelle met in April 2011, worked on Rwandan cases that led to the only two trials so far held in France under universal jurisdiction: that of Pascal Simbikangwa, sentenced on appeal in 2016, and Octavian Ngenzi and Tito Barahira, sentenced on appeal in July this year for their participation in the 1994 genocide. These two first instance and two appeals trials each cost 1 million Euros, according to Catherine Champrenault, Attorney General at the Paris Court of Appeal.



For the record, it was other members of the Paris SR (research section) that investigated police officer Paul Touvier, a Second World War collaborator who in 1994 became the first French person convicted of crimes against humanity, and that participated in the hunt for Aloïs Brunner, one of the big Nazi criminals who is said to have died in Damascus, Syria.

And it is Syria that is now the top priority among 105 cases covering some 15 countries that are piling up on the investigators' desks. The Office's portfolio has almost doubled in the last year, notably because of 35 files sent to it by Ofpra (French office for protection of refugees and stateless people), which has an obligation to flag asylum seekers suspected of having committed serious crimes. These files have been dubbed in investigators' jargon "1F", in reference to the article of the 1951 Geneva Convention that allows them to be excluded from asylum whilst offering protection against expulsion. "We are working more and more on asylum seekers who are excluded from the convention," says Colonel Emeraux. "Many of them come from Syria, Iraq and Africa. It's just the beginning. Ofpra transfers the files to the Paris Attorney General's office which refers some five cases per month to us. With all these 1F we will see how we can build procedures, establish the facts -- knowing that what we are experiencing here in France, other countries are experiencing too.

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

## The Caesar effect

Before heading the OCLCH, Eric Emeraux was in Sarajevo, as security attaché at the French Embassy. It was his first post abroad after 30 years of service in the army and gendarmerie. This meeting with the realities of post-war Bosnia-Herzegovina has made him more aware of the need for cooperation between countries and between the military and judicial spheres. “Living in Bosnia for five years has made me more aware,” he says, “that there is a link between our country and what is happening outside our borders, up to a point, because there are individuals who have committed the worst atrocities coming to hide in France. The international affects the national, and so in the end we are protecting French interests.”

Since arriving at the OCLCH, Emeraux has seen the case files’ centre of gravity shift. Rwanda (17 cases) is now in third position after Syria (25) and the Central African Republic (18). They are followed by cases linked to Sri Lanka (7), Liberia (5), Libya (5) and Iraq (2). The Caesar report (codename of an ex-military police photographer who fled Syria with some 55,000 photos of torture victims) transmitted to at least six European countries is a top French priority and is emblematic. Caesar’s reach has spread, first from the Office to other departments in the Ile-de-France assisting a six-person investigation unit, and then across the border to a joint Franco-German investigation team. Finally, through personal exchanges and the connection of databases, this reach spreads to the UN’s M31 mechanism, led by a French magistrate -- which is responsible for gathering evidence on crimes in Syria and making it available to investigation services and competent judicial authorities - and structures such as CIJA, Eurojust or Europol, which in February 2018 officially launched a cooperation project (AP CIC) dedicated to international crimes.

## Interconnectivity is key

Caesar is not the only catalyst for cooperation, from which other cases also benefit. For example, it was the new Europol project that allowed the OCLCH to track down the Rwandan suspect it wanted in Yaoundé, Cameroon. “With regard to interconnectivity, we are just at the beginning,” says the office’s second in command Nicolas Le Coz.

“We are evolving in a very efficient world,” adds Colonel Emeraux, who sees his team “a bit like a start-up”, motivated by objectives and results, by international exchanges and the support of state-of-the-art technological tools. “On the IT level, everything has been in place since mid-November,” he announces. “We work with software that will allow us to enter an enormous amount of information in the database and which is immediately compatible with Europol and the M31. It has taken us six months to find the funding, the technicians and set everything up.” Emeraux also says he is pleased to have met people with “great expertise” from NGOs like Swiss-based Civitas Maxima on Liberia war crimes and the USA’s Physicians for Human Rights (which has produced an application allowing doctors faced with torture cases to record trial-ready evidence).

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

The OCLCH, like its colleagues in the Organised Crime division, has investigators specialised in IT, social media and financial tracking. They divide the work according to three main geographical zones: Africa, Middle East and the rest of the world. And each investigator manages their priorities according to the following equation summed up by Emeraux: “Either we have a suspect and we have to find witnesses or victims to flesh out the case; or we have victims and witnesses and we have to find the perpetrators. Our goal is the trial.”

## 17th Assembly of States Parties of the International Criminal Court held in The Hague

The seventeenth session of the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court (ICC) was held in The Hague, the Netherlands from 5 to 12 December 2018. States Parties to the Rome Statute, the Court’s founding treaty, observer States, invited States, international and regional organisations and representatives from civil society



discussed key challenges facing the Statute, as it turns 20 this year. States Parties also made important decisions and adopted [five resolutions](#) on key issues pertaining to the functioning of the Court and the Trust Fund for Victims, including in relation to their respective budgets, and on cooperation. The Assembly adopted the 2019 programme budget for the Court totalling €148,135,100 and a staffing level of 973.

“At this landmark anniversary that naturally leads us to introspection, review and reflection, we must move beyond making aspirational, grandiose statements in international fora such as this one, beyond adopting resolutions and declarations, to more concrete action,” said H.E. O-Gon Kwon, President of the Assembly of States Parties. “The Court is indeed moving forward, but it can successfully do so only with the support of this family, the Rome Statute family. The time for action is now.”

Addressing the Assembly for the first time as ICC President, Judge Chile Eboe-Osuji called for continued support: “it is right and necessary for States Parties acting alone and collectively to defend

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

the Court at all times. In doing so, they create the space the Court needs to operate with independence.” Noting the incalculable cost of atrocities that cause immense devastation and pain that can last for generations, and that “at \$1.7 trillion, the world's annual military spending is roughly ten thousand times larger than the budget of the ICC,” President Eboe-Osuji also emphasised that “investment in justice, such as is administered in this Court, is an investment in the peaceful and stable future we want for our shared humanity.”



ICC Prosecutor Fatou Bensouda provided an overview of the activities of her Office in the past year, from further 'institutional' enhancements to preliminary examinations, investigations and prosecutions, highlighting successes and challenges faced. Notwithstanding these inherent challenges, the Prosecutor reaffirmed her principled and unyielding commitment and that of her Office to advance the independent and impartial mandate of the Office of the Prosecutor under the Rome Statute. “Together with my dedicated staff, we have been consistently focused on our mission: the effective investigation and prosecution of the Rome Statute crimes so as to fight impunity and contribute to the prevention of such crimes, with the hopes of ultimately responding to the suffering of victims and affected communities,” she stated. “We will continue to

do so with unshaken resolve, commitment and utmost integrity, undeterred in the face of formidable challenges,” the Prosecutor added.

## Beyond Killing: The Critical Role of Gender in the Recognition, Prevention and Punishment of Genocide

**by Sareta Ashraph and Akila Radhakrishnan**

...Article II of the Convention establishes that genocide is committed when a person or persons carry out a prohibited act or acts with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These are commonly referred to as the “protected groups.” Prohibited acts are: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group;

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)





FICJ

Forum for International Criminal Justice



Nadia Murad, who was recently awarded the Nobel Peace Prize for her efforts to end the use of sexual violence as a weapon of war and armed conflict.

(e) forcibly transferring children of the group to another group. This definition was replicated, without amendment, in the Rome Statute of the International Criminal Court (ICC).

Nevertheless, genocide continues to be understood as a crime committed predominantly through organised mass killings – the majority of victims of which, both historically and today, tend to be male. Killings are *the* most recognised genocidal act, with the consequence that killings, or the potential commission

thereof, are most likely to spur efforts to prevent and suppress genocide. Killings are also more likely to be indicted as genocide, in instances where justice is successfully pursued. Consequently, non-killing acts of genocide – more likely to be directed against female members of the protected group – are often cast out of the continuum of genocidal violence, and not recognised as signs of a nascent or ongoing genocide, and not indicted as genocide (or sometimes at all) in any trials that may follow.

And yet, gender permeates the crime of genocide. It is woven into the perpetrators' planning and commission of coordinated acts that make up the continuum of genocidal violence. It is through these gendered acts of violence that perpetrators maximise the crime's destructive impact on protected groups. Female and male members of targeted groups, by the perpetrators' own design, experience genocide in distinct ways by reason of their gender. Men and older boys are targeted as a consequence of the gendered roles they are perceived to inhabit, including as heads of households, leaders, religious authorities, protectors, potential combatants, guardians of the group's identity, and patriarchs.

Assaults on women and girls pay heed to their roles as mothers, wives, daughters, bearers of future life, keepers of community and family honor, and sources of labor within the home. An understanding of what it means to be male and female in a particular society thus saturates perpetrators' conceptions of their victims, and of themselves. In particular, the violence directed at women and girls during genocide is fed by existing misogynistic attitudes in society, and the traumatic impacts are magnified by the financial, social, and cultural inequalities of women and girls.

The continuing failure to acknowledge the complexity of genocidal violence – and the distinct ways in which genocide is planned and committed against men and women, boys and girls, by reason of their gender – has undercut the development of an effective framework to mobilise the Genocide Convention's legal obligations to prevent and punish genocide. It has limited political, diplomatic, and military authorities' capacity to recognise where there is a serious risk of genocide occurring, and

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



to identify and suppress genocides that are in progress. This has particular consequences for female victims, who are often subjected to a wider range of violations that occur over a relatively longer span of time.

As women and girls are more likely to survive genocide, any ensuing trials rely heavily on what they have seen, heard and suffered. A conception of genocide that relies on them bearing witness to the killings of their fathers, brothers, sons and husbands, and which turns away from all non-lethal horrors visited on female and male members of the protected group, is a harm in itself. These prosecutorial decisions and judgments (as seen in the International Criminal Tribunal for Rwanda's Ntagerura, Bagambiki, and Imanishwe indictments, and the Nyiramasuhuko Judgment) eclipse substantial parts of the community of genocide victims, mirroring the attempted erasure that the perpetrators of genocide intended, and distorting the historical record borne out of the trials.

Today, thousands of Yazidi women and children remain missing. Rohingya women and girls, many of whom have been subjected to horrific gender-based genocidal crimes, are at risk of being repatriated to the very site of the crimes, and back into the hands of their perpetrators. The failure of the international community to recognise, prevent and punish situations in which genocide is being committed, or where a serious risk of genocide exists, raises questions about the meaningfulness of the Convention's legal obligations. If the Convention is to remain salient 70 years after its ratification, it cannot serve only as a law to be fondly celebrated but never applied.

---

*Prosecutors have also been more likely to charge genocide in situations where mass killings have occurred, while non-lethal genocidal acts such as rape, torture, forced pregnancy, and enslavement—perpetrated disproportionately against female victims—are more likely to be indicted as crimes against humanity or war crimes, or not at all. While no less serious, this casts crimes against, and experiences of, women as girls outside of the continuum of genocide.*

---

The Genocide Convention and customary international law continue to offer a progressive framework for understanding genocide, and for preventing and punishing this crime. Failure to engage with the framework derives, in part, from the gender-blindness with which the international community has approached and interpreted the Convention. In failing to acknowledge the inextricable role that gender plays in genocide, limits have been placed on the ability to recognise genocide before and as it occurs, and consequently to prevent and punish the full spectrum of genocidal violence. Where States have been unwilling to act, gender-blindness affords space for equivocation, and for retreat from the legal obligations of the Convention.



FICJ

Forum for International Criminal Justice

Where one recognises genocide as present only in its most murderous articulations, and rejects from the genocidal continuum the non-killing acts of genocide, the ability to uphold the legal obligations to prevent and punish is undermined. One cannot prevent and punish what one does not recognise. A gendered analysis of genocide casts a bright light on the multi-dimensional nature of this crime, and its victims. In this way we recognise, remember and protect all those whose lives have been, or may still be, ripped asunder by the scourge of genocide.

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

## What's behind the rise of evidence-gathering bodies

by **Julia Crawford, JusticeInfo.Net**

*Two experts discuss a new trend in international criminal justice: the setting-up of evidence-gathering bodies by the United Nations when other, immediate, accountability options are lacking. Are they a replacement for a larger failure, or a sign of a resilient international system that adapts to hostile geopolitics?*



A Syrian man collects samples from the site of a suspected toxic gas attack in Khan Sheikhun, in Syria's northwestern Idlib province, on April 5, 2017.

Faced with the Rohingya crisis and the apparent hard-line stance of the Myanmar

government on accountability, the United Nations Human Rights Council decided this September to set up an “independent mechanism” to collect evidence of international crimes (genocide, crimes against humanity and war crimes) committed in that country. This comes after UN evidence-gathering bodies were set up in 2016 for Syria and then in 2017 to help prosecute alleged crimes by the Islamic State in Iraq and the Levant (ISIL/Da'esh), in Iraq. So what is behind this new trend, and do these bodies really serve a purpose?

Experts seem hesitant as to whether their emergence represents a failure or a new creativity of the international justice community. Perhaps it is both.

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

## Second-best options

“In a way they could be seen as a reflection of a larger failure because they are second-best options for these situations,” says Harvard law professor Alex Whiting, a former prosecutor at the International Criminal Court and International Criminal Tribunal for the former Yugoslavia. “They are stop-gaps because there hasn’t been a referral or a tribunal set up, or any other kind of accountability. So these are a replacement for that failure. On the other hand, I think you could look at it as a sign of growth and development of the international justice project. What they are addressing is the fact that the justice process moves slowly, evidence needs to be collected as quickly as possible, and so it’s a way to ensure that the slow wheels of justice don’t mean that evidence gets missed and lost. They are intermediate organisations that collect the evidence for the future.”

International justice expert and blogger Mark Kersten seems to hold a similar view. What is behind this trend, he says, is a “mix of frustration and creativity”. “It is clear that the current international political climate is less conducive to propelling accountability for international crimes than it has been for a long time,” he continues. “But atrocities in Myanmar, Syria and elsewhere continue to be committed at terrifying levels. The demand for justice far outweighs its supply. Against this context, there has been thinking about how to get around a dithering and uninterested Security Council. The result is the creation of the IIIMs [international, impartial and independent mechanisms].”

## Adapting to circumstances

The mechanism for Syria was established under Resolution 71/248 adopted by the UN General Assembly on 21 December 2016, to “assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011”. Its mandate is “to collect, consolidate, preserve and analyse evidence” of such violations, “and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes.” The Syria IIIM says it is “neither a prosecutor’s office nor a court”. It is headed by Catherine Marchi-Uhel of France, who was appointed by the UN Secretary General on 3 July 2017.

The mechanism for Myanmar now being set up has a similar mandate. It is being established under a UN Human Rights Council Resolution of 28 September 2018, in the wake of a damning UN report that said Myanmar’s army chief and five other named members of the security forces should be prosecuted for international crimes in Rakhine and other states in the country where ethnic conflict continues.

The mandate of the UN Investigative Team supporting domestic efforts to hold ISIL accountable in Iraq is somewhat different. Established by UN Security Resolution 2379 of 21 September 2017, it is to work with the Iraqi authorities and include Iraqi investigative judges and other criminal experts

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

“alongside international experts and on an equal footing”. Its purpose, according to the Resolution, is “to support domestic efforts to hold ISIL (Da’esh) accountable by collecting, preserving, and storing evidence in Iraq of acts” that may amount to international crimes, “to ensure the broadest possible use before national courts, and complementing investigations being carried out by the Iraqi authorities, or investigations carried out by authorities in third countries at their request”. It is headed by Karim Khan of the UK.

“In one way it’s different from the one for Syria and the one for Myanmar that are more independent and that are trying to collect evidence on all sides,” says Alex Whiting. “But we’re still in times of creation and experimentation of mechanisms that will vary depending on the circumstances, have different mandates, requirements and objectives depending on the political circumstances in each place, the willingness of the State and the interests of the international community.”

### **Preserving evidence and putting pressure on political powers**

One of the questions raised is how the evidence gathered by such mechanisms may be used. “We don’t yet have a full answer to this,” says Mark Kersten, “but the sense and hope is that the evidence that is collected can be shared wherever it is needed: in universal jurisdiction trials, in prosecutions in states where alleged perpetrators have sought refuge cloaked as refugees, and potentially in a hybrid tribunal if one is eventually set up.” Kersten thinks the Syria mechanism is doing a good job so far. For the others it is too early to tell, both experts say.

So how useful are these mechanisms? “First of all the process of collecting the evidence will put pressure on decision makers and policy makers to ensure some level of accountability in the future,” says Whiting. “For example in Syria, one day the war is going to end, and now that there’s a mountain of evidence assembled it’s going to be harder for the decision makers, whether they’re in Syria or internationally, to just ignore that. The second thing is that aside from accountability, meaning criminal prosecutions, there are other purposes for documenting crimes. It can be useful for reconciliation purposes, for holding people to account in other ways, for historical purposes, for victims. And the third, obvious reason is that if ever there is some form of accountability mechanism, the fact that this evidence has been collected will be incredibly useful to making those mechanisms work.”

### **Can we expect to see more?**

“Their creation should be welcome,” says Kersten, “although I believe that such bodies were useful even before the global justice project in Syria and Myanmar stalled. Unfortunately, such creativity in international law tends to only arise in crisis moments. It’s important to stress that no coherent and predictable system of international criminal justice currently exists. What we have is just some prosecutions in some places, some of the time. Therefore, any effort to create bodies that enrich and fill gaps in the global justice realm should be welcomed.”

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

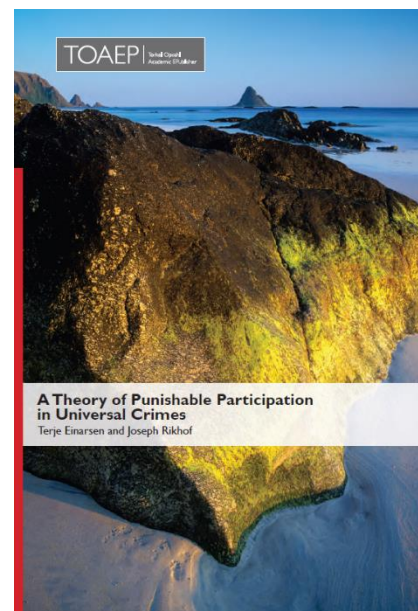
There have been calls for such mechanisms to be established for other countries such as Sri Lanka. So can we expect to see more? Yes, say these experts.

“I fully expect more such mechanisms to populate the realm of international criminal justice and become a go-to option for accountability efforts,” says Kersten. “The key will be to ensure that one mechanism isn’t just mimicking another. Such bodies need to be designed with great care to the context in which they are to operate and the violence to which they are a response. Otherwise, they could suffer from the same critiques of Courts – being too divorced from local realities and communities. If they can be sensitively and smartly designed, I think they could prove an invaluable addition to efforts to build a coherent system of global justice that responds in an effective and timely manner to the demand for accountability.”

“There have already been some rumblings about whether there should be a permanent evidence gathering mechanism set up,” says Whiting. “I’m not sure anyone has the appetite for that, because it feels like a mini-ICC, but the point is I think there will be more of these mechanisms, because there’s a genuine need for it.”

## New book: A Theory of Punishable Participation in Universal Crimes

In *A Theory of Punishable Participation in Universal Crimes* Terje Einarsen and Joseph Rikhof provide a detailed overview and legal analysis of prosecutions of international crimes at the national level. This study is the second in a four-part series entitled "Rethinking the Essentials of International Criminal Law and Transitional Justice." The first volume - *The Concept of Universal Crimes in International Law* - explored the parameters and theories related to crimes under international law. This volume examines the notion of punishable participation in such crimes. It presents a general theory of personal criminal liability and provides a comprehensive overview of all forms of criminal participation in international law. The authors examine numerous primary materials in international and transnational criminal law, both historical and current, relating to both international and domestic case law. They also analyse academic literature that attempts to explain and bring consistency to the jurisprudence, as well as other sources such as reports of the International Law Commission. This rich tapestry is then used to test and further develop an



Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)


Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



overarching conceptual theory and matrix that provides a better understanding of the boundaries of personal criminal liability *lex lata* and *lex ferenda*, and of the relationship between the various forms of punishable participation in universal crimes. Like the first volume, this book makes an important contribution to a more coherent and practical understanding of international criminal law. The authors are recognised experts in the field, with many years of experience from academic, government and judicial service.

- Read the full book on the [TOAEP website](#)

## News

 Click on the hyperlinked headlines to see the full articles of recent international criminal justice news.

### 5 December

#### [Press Release: Netherlands contributes more than €1 million to the Trust Fund for Victims](#)

(Trust Fund For Victims)

On 4 December 2018, the government of the Netherlands announced a contribution of €1 million in 2018 to the Trust Fund for Victims, during a high-level event celebrating the 20th anniversary of the Rome Statute...

### 3 December

#### [The Rising Challenge of Funding Victims' Needs at the International Criminal Court](#)

(Just Security)

The ICC includes an engine of relief for the victims of atrocity crimes under investigation and prosecution by the Court: the Trust Fund for Victims (TFV). The Founders of the ICC... envisaged the TFV in 1998 and empowered judges to award reparations with funding raised by the TFV, under Article 75 of the Rome Statute. Seven years later, the Regulations of the Trust Fund established the assistance mandate aimed at helping victims of atrocity crimes in situations under investigation by the Court. Both remedies—reparations and assistance programs—must not be denied to those who have suffered beyond our imagination...

#### [Women in International Law: A Vanishing Act?](#)

(Opinio Juris)

The recent nominations for judicial posts at the UN International Residual Mechanism for Criminal Tribunals (IRMCT) have caused outrage. However, the frustration expressed regarding the lack of adequate representation of women on the international stage is not new. The issue is not just one of gender representation but also crucially of access to justice. This is therefore an opportune time to take stock of the gender (im)balance in the international legal sphere...

### 1 December

#### [Nazi crimes prosecutor: 'Time is running out'](#)

(Deutsche Welle)

1 December marks exactly 60 years since Germany established an office to prosecute Nazi criminals. Chief Prosecutor Jens Rommel tells DW that generations after WWII, much remains to be done to bring Nazis to justice...

### 30 November

#### [Two Bosnian Serb Ex-Policemen Convicted of War Crimes](#)

(Balkan Insight)

The Bosnian state court has found ex-policemen Darko Mrdja and Zoran Babic guilty of participating in the persecution of the Bosniak population of the Prijedor area as part of a widespread and systematic attack by the Bosnian Serb Army and police force in July and August 1992...

#### [UN rights expert expresses concern over violence against women in Nepal](#)

(Jurist)

The UN special rapporteur on violence against women, Dubravka Šimonović, has said that she is "gravely concerned" about the number of cases



# FICJ

Forum for International Criminal Justice

related to sexual violence against women and girls in Nepal. She cited the rape and murder of 13-year-old Nirmala Panta as an example of a case that was “referred to the police or the courts for redress” but has “resulted in impunity for the perpetrators.”...

### [Female War Criminals: Untold Story of the Balkan Conflicts](#)

(Balkan Transitional Justice)

Belgrade’s Higher Court has sentenced former Bosnian Serb soldier Ranka Tomic to five years in prison on Monday for participating in the torture and murder of an 18-year-old Bosnian Army nurse, Karmen Kamencic, in July 1992 during the Bosnian war. The case was unusual because of the brutality of Tomic’s crimes and the fact that both victim and the perpetrator were women. According to the indictment, members of Tomic’s unit captured Kamencic and took her to the town of Radic. Tomic then ordered Kamencic to take off all her clothes, crawl around and dig her own grave...

### **29 November**

#### [Australia soldiers under investigation for Afghanistan war crimes](#)

(Jurist)

Australian Federal Police are investigating several SAS (Australian Special Forces) soldiers for allegedly committing war crimes in Afghanistan during Australia’s 12-year military involvement in the conflict. SAS insiders told the Sydney Morning Herald that “horrendous things” had occurred in Afghanistan. “Some just disgraceful things happened,” said the insider. “It was pretty much kept under wraps.”...

#### [UN Syria commission urges release of information on missing persons](#)

(Jurist)

The UN Independent International Commission of Inquiry on the Syrian Arab Republic on Wednesday stressed the need for greater information and accountability to be provided to the families of missing persons and detainees. The report begins by noting that the Syrian government is still carrying out mass public arrests and detentions...

### **28 November**

#### [Argentina 'proceeds with prosecution' against Saudi crown prince Mohammad bin Salman over Yemen war](#)

(Independent)

An Argentinian prosecutor has agreed to pursue a case against Saudi Arabia’s crown prince, Mohammed bin Salman, over possible war crimes in Yemen, according to Human Rights Watch. HRW petitioned Argentina’s judiciary on Monday to use a clause in its constitution to prosecute Saudi Arabia’s de facto leader, who arrived in the country to attend the G20 summit in Buenos Aires...

#### [Vojislav Seselj Denied Right to Appeal Conviction](#)

(Balkan Transitional Justice)

The Mechanism for International Criminal Tribunals ruled on Wednesday that Vojislav Seselj cannot appeal against the verdict convicting because its rules allow him to request it to be reviewed “only if there are new pieces of evidence”, said the UN court’s president, Theodor Meron. Under the first-instance verdict, Seselj was acquitted of the charges, but the second-instance verdict in April 2018 found him guilty...

#### [A power struggle or something more?](#)

(Völkerrechtsblog)

The past six months at the United Nations International Residual Mechanism for Criminal Tribunals, the successor organisation of the International Criminal Tribunals for the former Yugoslavia and Rwanda (in the following: the Mechanism), have witnessed an unprecedented series of disqualification motions in both the Mladić and Karadžić appeals trials...

### **27 November**

#### [Hundreds of bodies exhumed from Isis mass grave in Syria](#)

(Independent)

Hundreds of bodies have been exhumed from one of the largest mass graves near the Syrian city of Raqqa - once the capital of Isis’s self-declared caliphate. Concerns about the preservation of bodies and evidence for possible war crimes trials, have led local groups and first responders to work around the clock to exhume the bodies. “We’re in a race against time,” said Sara Kayyali, of Human





FICJ

Forum for International Criminal Justice

Rights Watch.” These bodies are decomposing at an exponential rate.”...

[ADC-ICT Issues Press Release on Lack of Gender Representation on List of Nominations for Judges at the UN IRMCT](#)

(ADC-ICT)

On 26 November 2018, the ADC-ICT issued a Press Release expressing its deep regret at the lack of gender representation on the list of nominations for the judges at the UN International Residual Mechanism for Criminal Tribunals (IRMCT). The United Nations General Assembly has issued a list of solely male candidates for the election of judges to the UN International Residual Mechanism for Criminal Tribunals (IRMCT)...

**26 November**

[Ex-Special Forces Soldier Sentenced to 5,160 Years for Role in Las Dos Erres Massacre](#)

(IJ Monitor)

Santos López Alonzo, a former member of the Guatemalan military, was found guilty for the assassination of 171 men, women, and children in the village of Dos Erres on December 6 and 7, 1982. The court sentenced the soldier, a member of the Kaibil special counterinsurgency unit, to 5,130 years in prison, 30 years for each of the victims. He was sentenced to an additional 30 years for crimes against humanity committed in the context of the massacre...

**24 November**

[Mauthausen Nazi death camp: Germany charges 'former guard'](#)

(BBC)

German prosecutors have charged a 95-year-old man with being an accessory to the deaths of tens of thousands of inmates at an Austrian Nazi death camp. Identified only as Hans H for legal reasons, the Berlin resident is alleged to have been an SS guard at Mauthausen from mid-1944 to early 1945. A statement from the Berlin prosecutor's office accuses him of being part of the killing operation. He is the latest of several former death-camp guards to face prosecution...

**23 November**

[Lord Ahmad announces funding boost for Preventing Sexual Violence in Conflict](#)

(Gov UK)

... The extra support will be used to boost the number of expert deployments by the Preventing Sexual Violence in Conflict Initiative (PSVI) Team of Experts, supporting efforts in places such as Syria, Burma and Nigeria. The Team of Experts support governments, judiciary, police, military and non-government organisations (NGOs), on evidence gathering and training...

[Croatia Convicts Yugoslav General of War Crime](#)

(Balkan Transitional Justice)

Split County Court on Friday found Borislav Djukic, the wartime commander of the 221st Motorised Brigade of the 9th Knin Corps of the Yugoslav People's Army, and later a general in the rebel Croatian Serb military force, guilty of committing a war crime. Djukic, now aged 70, was convicted of mining the Peruca dam near the Croatian town of Sinj on January 28, 1993...

**22 November**

[The famine facing Yemen is a war crime – it must be investigated](#)

(The Guardian)

Today the UN Security Council will debate a UK-drafted resolution containing a rather gentle entreaty to the warring parties in Yemen. It will ask them to take “constant care to spare civilian objects, including those necessary for food production, distribution, processing and storage”. If that sounds like the safety instructions for a new vacuum cleaner, then welcome to the world of UN resolutions. But what it actually reveals is a far darker, more shameful truth. The truth of a Saudi-led coalition, armed by Britain and the United States, which from the very start of the conflict in 2015 has sought to use starvation as a weapon of war...

**20 November**

[Women Delivering Justice: Contributions, Barriers, Pathways](#)

(IDLO)

This report looks at the importance of women's professional participation in decision making bodies as a human right and crucial component of good governance, particularly in the justice sector. Despite gaps in data and research, as their numbers and influence solidify, women are

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



# FICJ

Forum for International Criminal Justice

emerging as important justice leaders. A growing body of empirical research suggests that women judges contribute to improved access to justice for women, by supporting women's specific justice needs across a range of issues...

### [Hague Court Chief Criticises Serbian PM's Genocide Denial](#)

(BAL Transitional Justice)

The president of the Mechanism for International Criminal Tribunals, Theodor Meron, challenged Serbian Prime Minister Ana Brnabic during their meeting in Belgrade on Tuesday over her denial that the Srebrenica massacres constituted genocide. "It does not help the government of Serbia to challenge judgements of a major international criminal tribunal," Meron told Brnabic, according to a MICT press release...

### [Campaigners for War Crimes Court Respond to President Weah's Comment](#)

(Daily Observer)

The Human Rights, Justice Campaigners and Victims of Liberia on Monday, November 19, responded to President George Weah's comments on the establishment of a war and economic crimes court to prosecute past crimes in Liberia, especially whether a war crimes court is needed for peace and development. Shortly after returning from Paris, France, President Weah weighed in on benefits Liberia stands to accrue in maintaining the country's hard-won peace, reiterating his stance that the world could disintegrate in the absence of peace...

### [Extraordinary Chambers in the Courts of Cambodia, Regulation of Marriage, and Reparations: Judgment in Case 002/02 Under Review](#)

(Opinio Juris)

... In the summary of the Judgment in Case 002/02, the Court, amongst others, confirmed the allegations on forced marriage and rape within the context of forced marriage, and found the two Accused guilty for the perpetration of these crimes, through participation in a joint criminal enterprise. In addition, the Court endorsed and supported the reparation project put forward by the Lead Co-Lawyers in their Final Claim for Reparations in case 002/02, specifically designed

to tackle the consequences and respond to the harm incurred by these two crimes...

### **19 November**

#### [Bemba Seeks to Have His Assets Unfrozen by the ICC](#)

(IJM)

Jean-Pierre Bemba, the Congolese opposition leader acquitted by International Criminal Court (ICC) judges last June, has faulted the court's Registry for not pursuing the unfreezing of his assets, which were frozen a decade ago. The Registry says unfreezing the assets is "complicated" since Bemba owes the court funds advanced to his lawyers, and because, following his witness tampering conviction, he was handed a €300,000 fine which he would pay "possibly using his frozen assets." ...

#### [At Long Last: The International Criminal Court Strikes in the Central African Republic](#)

(Opinio Juris)

News broke on Saturday, 17 November, that the Central African Republic (CAR) had transferred Alfred Yekatom, alias 'Rombot' or 'Rambo', to the International Criminal Court (ICC). According to the arrest warrant, Yekatom has been charged with crimes against humanity and war crimes for acts allegedly committed between December 2013 and August 2014. Although this is the ICC's first publicly available arrest warrant in the 'CAR II' situation, there is reason to believe more arrests in CAR II are imminent. This post examines the Yekatom case, what his arrest means for the ICC and CAR, and what to expect in the coming months...

#### [The human cost of conflict: Lynsey Addario's Of Love & War – in pictures](#)

(The Guardian)

Photojournalist Lynsey Addario's disarming and compelling images personalise the most remote corners of our world. Her new book of more than 200 photographs reveal the devastating consequences of human conflict from Afghanistan to South Sudan...

### **17 November**

#### [Malaysia to ratify Rome statute of ICC soon](#)

(New Straits Times)

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



# FICJ

Forum for International Criminal Justice

Malaysia could have referred the downing of Malaysia Airlines Flight MH17 in 2014 to the International Criminal Court (ICC) if it had ratified the Rome Statute of the ICC, said M. Kula Segaran, chairman of the Parliamentarians for Global Action (PGA) Malaysia. Malaysia lost a golden opportunity by not having joined the ICC, he said when addressing the 10th Consultative Assembly of Parliamentarians of the ICC and the Rule of Law (CAP-ICC) and the 40th Annual Forum of PGA in Kyiv, Ukraine, Saturday...

## 16 November

### [Kosovo Reopens Case After War Rape Victim Speaks Out](#)

(Balkan Insight)

Special Prosecutor Drita Hajdari told BIRN Kosovo's TV programme 'Jeta ne Kosove' on Thursday evening that she has relaunched investigations into the case of Vafije Krasniqi Goodman after she became the first woman to speak publicly about her experience of being a victim of sexual violence during the 1998-99 war. In 2014, Kosovo's Supreme Court acquitted two former Serb policemen who were initially indicted for raping Krasniqi Goodman...

### [Pres. Weah: Liberians Will Decide Between War Crimes Court and Reconciliation](#)

(Front Page Africa)

President George Manneh Weah will not give a definite stance on the establishment of war crimes court in Liberia but says Liberians would have to decide between development, reconciliation and war crimes court. "I think what we need to do is that, we got to find out what we need. Do we need war crimes court now to develop our country? Or do we need peace to develop the country? That's where all of us Liberians need to sit and talk about advancement and what is necessary for us," said President Weah while responding to questions from reporters upon his return from Paris, France...

### [UN genocide adviser welcomes historic conviction of former Khmer Rouge leaders](#)

(UN News)

Friday's historic conviction by a United Nations-backed international tribunal of two former Khmer Rouge leaders in Cambodia on genocide charges has been welcomed by the UN Special Adviser on

the issue. In a statement, Special Adviser on the Prevention of Genocide, Adama Dieng, described the conviction by a UN-backed international tribunal in Cambodia as "a good day for justice", adding that "it demonstrates that justice will prevail, and that impunity should never be accepted for genocide and other atrocity crimes."...

### [Genocide prosecutor warns against bribery of witnesses](#)

(The New Times)

The Chief Prosecutor for the International Residual Mechanism for Criminal Tribunals, Serge Brammertz, has sent a stern warning to those trying to bribe witnesses in cases concerning the Genocide against the Tutsi. IRMCT took over from the International Criminal Tribunal for Rwanda. Brammertz sounded the warning at the beginning of his two-day visit to Rwanda yesterday, that will see his office enter a cooperation framework with different institutions in the country to ease delivery of justice by the Tanzania-based Mechanism...

## 15 November

### [Ethics and the Law: Journalists and International Criminal Tribunals \(part 1\)](#)

(INTLAWGRRRLS)

Can journalists give evidence at international criminal trials without compromising their objectivity? What is the probative value of journalistic evidence? What does it feel like to be cross-examined by Slobodan Milošević? These were some of the questions discussed at the event *Ethics and the Law: Journalists and International Criminal Tribunals* hosted on 25 October at London's Frontline Club...

### [ICC Judges amend the Regulations of the Court in connection with the activation of jurisdiction over the crime of aggression](#)

(ICC)

On 12 November 2018, the judges of the International Criminal Court (ICC) adopted amendments to the Regulations of the Court during their fortieth plenary session. The amendments address a number of procedural issues arising in connection to the activation of the jurisdiction of the Court over the crime of



# FICJ

Forum for International Criminal Justice

aggression as of 17 July 2018 by the Assembly of States Parties at its sixteenth session on 14 December 2017. Pursuant to article 52(3) of the Rome Statute, the judges determined that the amendments enter into force today, the 15 November 2018...

## 14 November

### [U.S. Has Spent Six Trillion Dollars on Wars That Killed Half a Million People Since 9/11, Report Says](#)

(Newsweek)

... "In sum, high costs in war and war-related spending pose a national security concern because they are unsustainable," the report concluded. "The public would be better served by increased transparency and by the development of a comprehensive strategy to end the wars and deal with other urgent national security priorities." ...

### [The Situation of the Rohingya: Is there a role for the International Court of Justice?](#)

(EJIL)

... The Fact-Finding Mission (which Myanmar refused to admit into its territory) concluded that the actions of Myanmar's forces constituted crimes against humanity and war crimes. It also found sufficient evidence to warrant the investigation and prosecution of senior officials for the crime of genocide. Among other recommendations, the Fact-Finding Mission urged the UN Security Council to refer the situation to the International Criminal Court (ICC) (Myanmar is not a party to the Rome Statute) or to establish an ad hoc international criminal tribunal...

## 12 November

### [Torture in Syria: Investigations in Austria are a first step – now arrest warrants must follow](#)

(ECCHR)

The road to justice for war crimes and torture in Syria also leads through Europe. After Germany, Sweden and France, Austrian authorities have initiated investigations into the Syrian intelligence services' role in systematic torture. The investigations were opened following a criminal complaint submitted by 16 Syrian women and men to the public prosecutor in Vienna in May 2018...

## 9 November

### [Criminalising Corporate Actors for Exploitation of Natural Resources in Armed Conflict: UN Natural Resources Sanctions Committees and the International Criminal Court](#)

(JICJ)

A coherent framework for the protection of natural resources in situations of armed conflict remains absent. This concern is heightened by the current prevalence of self-financed war economies centred on mineral exploitation. Interestingly, targeted sanctions regimes imposed by the Security Council to resolve natural resource-related armed conflicts have predominantly focused on foreign forces. In doing so, such regimes have uncovered the seemingly vital role that the private sector plays in these modern 'resource wars' ...

### [Rohingya: Why the ICC was right and what it must do](#)

(Justice Info)

Wayne Jordash is one of the most experienced lawyers before international criminal tribunals. He is back from the Rohingya refugee camps in Bangladesh where he met some of the victims he represents in a potential case before the ICC. In a vibrant plea, he explains why the ICC Prosecutor was right to seek a ruling allowing her to act and how the judges' decision advances the Rohingya's search for justice...

## 7 November

### [Counting Bodies - How The UN Report Documents Mass Graves And Victims Of Daesh Atrocities](#)

(Forbes)

On November 6, 2018, the UN Assistance Mission for Iraq (UNAMI) and the UN Office of the High Commissioner for Human Rights (OHCHR) released a report "Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL" providing the most detailed report yet on the mass graves in Iraq containing the bodies of the victims of the Daesh atrocities amounting to genocide and crimes against humanity...

### [South Korea apologises for rapes during 1980 Gwangju protest crackdown](#)

(BBC)

Join the FICJ community: [WWW.IAP-ASSOCIATION.ORG/FICJ/HOME](http://WWW.IAP-ASSOCIATION.ORG/FICJ/HOME)

Follow us on twitter: [@iaprosecutors](https://twitter.com/iaprosecutors)



FICJ

Forum for International Criminal Justice

South Korea has apologised for the rape of women by troops sent to crush an anti-government protest 38 years ago. The defence minister bowed as he described how soldiers inflicted “unspeakable pain” on innocent women in the city of Gwangju in 1980. A recent government investigation confirmed 17 cases of sexual assault, including against teenagers and a pregnant woman...

## 5 November

### [Holocaust trial: Germany tries former SS guard at Stutthof camp](#)

(BBC)

A former SS guard has gone on trial in Germany accused of complicity in mass murder at a Nazi death camp during World War Two. Identified as Johann Rehbogen, the 94-year-old served in the Stutthof camp in what is now northern Poland from June 1942 to September 1944. He denies knowing anything about atrocities committed there. Because he was not yet aged 21, he is being tried in a juvenile court in Münster, western Germany...

### [France issues arrest warrants for senior Syrian officials](#)

(Reuters)

French prosecutors have issued international arrest warrants for three senior Syrian intelligence and government officials, including security chief Ali Mamlouk, for alleged collusion in war crimes, lawyers and a judicial source said on Monday...

## 2 November

### [Expert meeting on "Private Investigations in International Criminal Justice"](#)

(International Nuremberg Principles Academy)

... The experts, practitioners of international criminal law and academics, agreed that the activities of organizations under private law in the field of collecting information and evidence are indispensable... However, according to the unanimous opinion of the experts, clear guidelines are needed in the future as to how such collections of evidence are to be carried out in order to ensure the necessary transparency and legal certainty,

such as the consideration of defence rights, in every situation of the proceedings...

### [Dutch authorities conclude criminal investigation into Slobodan Praljak's death](#)

(UN IRMCT)

Today the Hague Public Prosecutor's Office released the report on the death of Mr. Slobodan Praljak, one of the six appellants in the Prlić et al. case of the International Criminal Tribunal for the former Yugoslavia, and concluded that no criminal offences were established related to the incident. It further informed the International Residual Mechanism for Criminal Tribunals, as the successor organization to the ICTY of the results of the investigation...

## 1 November

### [Helena Kennedy QC appointed Director of IBAHRI](#)

(IBA)

Baroness Helena Kennedy QC has been appointed as the new Director of the International Bar Association's Human Rights Institute (IBAHRI), it is announced today. She will be the IBAHRI's third Director since its foundation in 1995 under the Honorary Presidency of Nelson Mandela. Baroness Kennedy QC will assume the post in January 2019, succeeding Dr Phillip Tahmindjis AM who has established the IBAHRI as a preeminent human rights entity and is retiring after 16 years at the Institute....

### [North Korea: Sexual abuse of women 'common' - report](#)

(BBC)

North Korean officials commit sexual abuse against women with near total impunity, according to a report from rights group Human Rights Watch (HRW). HRW said such abuse is so common it has become part of ordinary life. The report is based on interviews with 62 North Koreans who fled the country and provided detailed accounts of rape and sexual abuse...



FICJ

Forum for International Criminal Justice

## 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](#)

---

**This newsletter is published by the Forum for International Criminal Justice (FICJ) part of the International Association of Prosecutors - Hartogstraat 13, The Hague, The Netherlands**

---