Welcome to the IAP’s Forum for International Criminal Justice (FICJ) September 2018 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, legal analysis, announcements, events, new publications and major news developments from the past month.

Domestic news covered in this Newsletter includes: the Argentinian President, and other Latin American countries, plan to refer Venezuela to the ICC for alleged crimes against humanity; a trial of two military leaders for crimes against humanity and war crimes opens in South Kivu, DRC; and five men have been sentenced to death in Bangladesh for war crimes.

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

Danya Chaikel – IAP Legal Consultant & FICJ Coordinator | email: LC@iap-association.org

Video Highlights

Click here to watch a short video on the UN mandated fact-finding mission to Myanmar’s new call for the prosecution of alleged genocide and crimes against humanity and a referral to the ICC.

Click here to watch the ICC Prosecutor’s Closing Statement in the Ntaganda case. Bosco Ntaganda faces 13 counts of war crimes and 5 crimes against humanity committed in Ituri, DRC.
ICC judges rule Court has jurisdiction for Myanmar prosecutions for alleged Rohingya crimes

Decision opens door for formal investigation into forced deportation and other crimes

The ICC has ruled that the Court has jurisdiction to prosecute Myanmar for alleged crimes against humanity against the Rohingya people, an unprecedented decision that could expose the country’s politicians and military leaders to charges. The ICC pre-trial chamber in The Hague decided that even though Myanmar is not an ICC member state, its leaders can still be investigated for the crime of deportation, the forcible transfer of a population.

This ruling was delivered following a request submitted by the Prosecutor pursuant to article 19(3) of the ICC’s Rome Statute, who argued that, although the coercive acts underlying the alleged deportation of members of the Rohingya people occurred on the territory of non-ICC state party Myanmar, the Court may nonetheless exercise its jurisdiction, since an element of this crime (the crossing of a border) occurred on the territory of Bangladesh, which is a State party to the Statute.

Chief Prosecutor Fatou Bensouda likened deportation to “a cross-border shooting”, arguing the crime “is not completed until the bullet (fired in one state) strikes and kills the victim (standing in another state)”. In relation to the central question contained in the Prosecutor’s request, the Chamber decided, first, that article 7(1)(d) of the Statute contains two separate crimes (namely forcible transfer and deportation) and, second, that the Court may exercise its jurisdiction if either an element of a crime mentioned in article 5 of the Statute or part of such a crime is committed on the territory of a State that is party to the Statute under article 12(2)(a) of the Statute.

The Chamber ruled on this basis that the Court has jurisdiction over the crime against humanity of deportation allegedly committed against members of the Rohingya people. The reason is that an element of this crime (the crossing of a border) took place on the territory of a State party to the Statute (Bangladesh). The Chamber further found that the Court may also exercise its jurisdiction with regard to any other crime set out in article 5 of the Statute, such as the crimes against humanity of persecution and/or other inhumane acts.

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The Prosecutor must take this ruling into account as she continues with her preliminary examination concerning the crimes allegedly committed against the Rohingya people. In this respect, the Chamber determined that such a preliminary examination must be concluded within a reasonable time. Nonetheless, it remains uncertain whether or when the Prosecutor will seek any charges against Myanmar leaders.

See also: Myanmar says International Criminal Court has no jurisdiction in Rohingya crisis, Reuters; Suu Kyi’s office rebuffs attempt by ICC to investigate Rohingya crisis, CBC News

Myanmar military leaders must face genocide charges – UN report

The United Nations last month also issued a damming report accusing Myanmar’s military of atrocity crimes against the Rohingya and minorities in the country. The report by UN investigators recommends that top military commanders in Myanmar are investigated and prosecuted for the “gravest” crimes against civilians under international law, including genocide.

The development follows the release of a report into the circumstances surrounding the mass exodus of more than 700,000 Rohingya people from Myanmar, beginning in mid-August last year – events previously described by the UN High Commissioner for Human Rights as a “textbook example of ethnic cleansing”. The crimes committed include murder, rape, torture, sexual slavery, persecution and enslavement, according to the Independent International Fact-Finding Mission on Myanmar.

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The UN report said it found conclusive evidence that the actions of the Burmese armed forces, known as the Tatmadaw, “undoubtedly amounted to the gravest crimes under international law” in Rakhine as well as in Kachin and Shan, states also riven by internal conflicts.

Argentinian President, and other Latin American countries, plan to refer Venezuela to the ICC

If the referral is made to the International Criminal Court, it will mark the first instance of an ICC state party referring a situation (crimes) in another state to the ICC

*Reuters* - Argentina’s President Mauricio Macri plans to report Venezuela’s government to the ICC at The Hague for alleged crimes against humanity, according to an interview broadcast on CNN’s Spanish service in August.

Macri said he would seek to refer socialist President Nicolas Maduro’s government “in the coming weeks”, and that he had the backing of the presidents of Colombia, Chile and Paraguay.

“For me, there is no doubt: In Venezuela, human rights are systematically violated by steamrolling the opposition and everyone. There is a growing sense that we need to take more forceful action,” he said, according to a transcript of the interview carried by Miami’s Nuevo Herald, in which CNN interviewer Andrés Oppenheimer has a column. “Maduro has not changed at all. I am not optimistic in the short term of what is going to happen in Venezuela,” Macri added.

His comments came as Maduro announced a single exchange rate pegged to his government’s petro cryptocurrency, effectively devaluing it by 96 percent in a move economists said would fan hyperinflation in the chaotic country. As tens of thousands of Venezuelans have fled to neighboring countries, there have been anti-immigrant riots in Brazil, and Ecuador and Peru have moved to strengthen their borders.

The UN human rights office has already sent a report on Venezuela to the ICC whose prosecutor opened a preliminary inquiry into alleged violations in February. The report said that Venezuelan
security forces suspected of killing hundreds of demonstrators and alleged criminals since 2015 enjoy immunity from prosecution, indicating that the rule of law is “virtually absent” in the OPEC member.

- See also information on the [ICC Prosecutor’s preliminary examination of the situation in Venezuela](https://www.icc-cpi.int) which was announced on 8 February 2018

**UN team, approved a year ago, starts work on Islamic State crimes in Iraq**

*Reuters* - A UN investigative team that will collect and preserve evidence of acts by Islamic State in Iraq that may be war crimes, crimes against humanity or genocide started work this week, nearly a year after the Security Council created it. At last September’s annual UN gathering of world leaders, the council unanimously adopted a British-drafted resolution - after a year of talks with Iraq - asking UN Secretary-General Antonio Guterres to create the team “to support domestic efforts” to hold the militants accountable.

UN experts had warned in June 2016 that Islamic State was committing genocide against the Yazidis in Syria and Iraq to destroy the minority religious community through killings, sexual slavery and other crimes. Guterres notified the 15-member Security Council in a letter that the UN team, led by British lawyer Karim Asad Ahmad Khan, would start work on 20 August.

Guterres announced in May that he had appointed Khan after the Security Council approved the scope and limitations for the team in February. He said in the letter, released on Thursday, that Khan visited Iraq earlier this month.

Use of evidence collected by the team in other venues, such as international courts, would “be determined in agreement with the Government of Iraq on a case-by-case basis.” Evidence is for primary use by Iraqi authorities, followed by “competent national-level courts,” according to the 2017 UN resolution.
International human rights lawyer Amal Clooney and Nadia Murad, a young Yazidi woman who was enslaved and raped by Islamic State fighters in Mosul, have long pushed Iraq to allow UN investigators to help.

Islamic State, which until last year controlled large areas in Syria and Iraq, has since been driven into the desert by successive defeats in offensives by international allies in both countries. The UN investigative team’s mission does not include Syria.

Opening of a trial for crimes against humanity and war crimes in South Kivu

**Trial International** - On 23 August, the South Kivu military tribunal opened a trial in the town of Kalehe against two leaders of the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group that was operating in the area. The Court will have to decide whether commanders Kabumbre and Rafiki Castro were responsible for the bloody attacks that targeted two villages in South Kivu in May 2012. At the heart of a conflict between militia and armed forces, the survivors of the massacres, supported by TRIAL International, are demanding justice and reparation.

**Lumenje and Kamananga, two villages affected by terror**

On 5 May 2012, the FDLR attacked the village of Lumenje: 14 people were killed, several wounded and houses, as well as a primary school had been burned to the ground. Nine days after the tragedy in Lumenje, the FDLR carried out a similar attack in the village of Kamananga: more than thirty people were killed, several wounded, houses were looted and burned down. Following both dramatic attacks, a similar note signed by the commanders Castro, Sabimana, Cristophe, and Guillaume was found on the bodies of the victims. The note threatens to retaliate against the civilian population, accusing it of supporting a local militia, Raia Mutomboki.

**Procedure**

As part of the years-long investigation, 139 victims and witnesses testified.

The first investigation was completed by additional documentation missions undertaken between 2017 and 2018 with the joint expertise of TRIAL International, Witness and eyeWitness.
The collected audiovisual material was added to the evidence. If it is considered admissible, this could create an important precedent in terms of how documentation and investigations are handled in the DRC. Evidence and testimonies collected identified the two defendants: Kabumbre and Rafiki Castro. Both are being held in Bukavu and are being prosecuted for war crimes and crimes against humanity.

Context

Following the Peace, Security and Development Conference in North and South Kivu, joint operations were carried out in 2008 by the Armed Forces of the Democratic Republic of Congo (FARDC) and the Rwandan army, against Democratic Forces of Liberation of Rwanda (FDLR). These operations generated strong tensions and the FDLR began to unload on the civilian population, particularly in response to clashes with the Raia Mutomboki. With several million direct and indirect victims since 1994, the conflict in the DRC is the deadliest since the end of the Second World War.

Learn more about the use of audiovisual as a means of proof on the Trial International website

Africa Asks UN for Court Opinion on Immunity for Leaders

Associated Press

Kenya is asking the United Nations on behalf of African states to request an advisory opinion from the International Court of Justice on immunity for heads of state and government and other senior officials.

The request by Kenya’s UN ambassador, Lazarus Ombai Amayo, follows a decision by the African Union in January to seek an opinion from the court, the UN’s highest judicial body that deals with disputes between states.

Some African countries have been highly critical of the ICC for pursuing the continent’s leaders, including President Omar al-Bashir of Sudan and President Uhuru Kenyatta of Kenya. In a letter circulated Wednesday, Amayo asked Secretary-General Antonio Guterres to request that the General Assembly put the African request for an advisory opinion on immunity on the agenda of its upcoming session starting in September. A referral to the International Court of Justice has to be made by a UN body like the 193-member
General Assembly. An “explanatory memorandum” attached to Amayo’s letter says that “in recent years, the issue of immunities has become one of the most pressing issues in international law.”

In the case of an ICC referral, it said, General Assembly members are faced with “competing obligations” from the UN Charter, the Rome Statute that established the ICC, customary law, “or even internal legislation with respect to immunities of heads of state, a member of a government or parliament, an elected representative or a government official.” The memorandum said UN member states “will benefit from a General Assembly request for an advisory opinion of the International Court of Justice that will provide clarity to the evident ambiguity and to competing obligations under international law.”

The court has sought the arrest of Sudan’s al-Bashir since 2009 for allegedly orchestrating atrocities in Darfur, including genocide. It indicted Kenyatta on charges of crimes against humanity for 2007 postelection violence in which more than 1,000 Kenyans died, but the case collapsed because of what the prosecutor called lack of cooperation by Kenya’s government.

Elise Keppler, deputy director of Human Rights Watch’s international justice program, said Kenya’s request for an advisory opinion “does not negate the outstanding requests” from the court for its member countries to arrest al-Bashir if he is on their territory. “The ICC has ruled several times that its member states are obliged to arrest this fugitive from justice if he is on their territory, and multiple states have avoided or curtailed such visits by rescheduling conferences or making clear he risks arrest on their territory,” she said.

See also: The African Union, the International Criminal Court, and the International Court of Justice: At the Fault Lines of International Accountability, by Priya Pillai, The American Society of International Law

Short course on classification of armed conflicts

Course dates 29 November 2018 - 11 January 2019
Application start 8 August 2018 | Application end 22 November 2018 | Fee: 1150 Swiss Francs

Course Description

This course aims to study, in depth, an emblematic example of the complexity of international humanitarian law (IHL) and the challenges it raises: the classification of armed conflicts (ACs). The course first analyzes the contours of the various categories of ACs (e.g. international AC, internationalised non-international ACs, wars of national liberation, belligerent occupations, high-intensity and low-intensity non-international ACs) in connection with the
traditional distinction between non-international and international ACs. The course then questions the relevance of this last distinction in light of the requirements of contemporary ACs and the increased role played by independent actors within them. The course relies, as much as possible, on concrete examples illustrating the different categories of ACs and the controversies they raise.

**Audience**

This course forms part of the Geneva Academy Executive Master in International Law in Armed Conflict. It is open to professionals – diplomats, lawyers, legal advisers, judges, NGO staff, human rights advocates, media specialists, professionals working in emergency situations, UN staff and staff from other international organizations – who are not enrolled in the Executive Master and who want to deepen their expertise in this specific issue.

- For more information visit the [Geneva Academy website](http://www.geneva-academy.ch/).

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**Salzburg Law School on International Criminal Law, Humanitarian Law & Human Rights Law**

**special 20th anniversary summer session**

IAP Legal Consultant and FICJ Coordinator, Danya Chaikel, attended and supported the special SLS 20th anniversary summer session held in Salzburg from 5th-16th August.

For 20 years, the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law (SLS) has offered an intensive summer course for participants who wish to advance their knowledge in international criminal law and related fields. SLS was founded by Professor Otto Triffterer at the University of Salzburg in 1999. The programme disseminates knowledge, promotes understanding, and encourages critical discourse of international criminal law as it stands and as it is evolving. This summer, SLS held its final session.

At its 20th anniversary summer session, SLS concentrated on the enforcement of international criminal law through multiple judicial mechanisms. When the Statute of the ICC
was adopted in Rome in 1998, hopes were high that the complementarity regime with the ICC at its centre would be an adequate tool to close the impunity gap. 20 years later, there is notable progress regarding implementing legislation, establishing competent national organs, and exercising territorial as well as extraterritorial jurisdiction. But on a wider perspective, many states have still not lived up to their primary duty to exercise criminal jurisdiction over those responsible for international crimes. On international level, the ICC continues to face limitations in terms of jurisdiction and resources and has not been seized with major situations of impunity, as for instance in Syria.

SLS discussions also focussed on different generations of international courts and tribunals: From the post-World War II military tribunals to the ad hoc and hybrid tribunals of the 1990s and the ICC. In addition, SLS covered latest developments such as the regional criminal chambers at the African Court of Justice and Human Rights, the Extraordinary African Chambers, the Kosovo Specialist Chambers, and the International, Impartial and Independent Mechanism on international crimes committed in the Syrian Arab Republic. With multiple actors within a global system of international criminal justice, coordination becomes paramount.

Efforts to enhance effectiveness was another topic of this year’s SLS. On national level, we looked at the status of implementing legislation and national institutional building, as well as on initiatives to the strengthening of international cooperation for crimes under international law, such as the draft Convention on Crimes Against Humanity and the initiative for a Mutual Legal Assistance Treaty for Core Crimes. On international level, performance indicators and the institutional reform at the ICC as well as campaigns for self-restraint of the Security Council’s veto powers in the face of mass atrocities were considered.
SLS 2018 offered us many opportunities to debate current developments in the field of international criminal law, including the activation of the crime of aggression, the withdrawals of Burundi and the Philippines from the Rome Statute, the situation in Afghanistan, and the ICC Prosecutor’s recent Request for a Ruling on Jurisdiction under Article 19(3) of the Statute with a view to crimes committed against the Rohingya.

SLS 2018 faculty: HE Kimberly Prost, ICC Judge; Dr Philipp Ambach, Chief, ICC Victims Participation & Reparations Section; Gilbert Bitti, Senior Legal Advisor, ICC Pre-Trial Division, ICC; Eleni Chaitidou, Legal Officer, ICC Pre-Trial and Trial Divisions, ICC; Julie de Huits, Deputy Head of the Belgian Central Authority for the Cooperation with the ICC & other international criminal jurisdictions; Dr David Donat Cattin, Secretary-General, Parliamentarians for Global Action; Franziska Eckelmanns, Legal Counsel, Kosovo Specialist Chambers; Prof. Benjamin Ferencz, Nuremberg Prosecutor (via video message); Prof. Gerhard Hafner, Emeritus Professor of International Law, University of Vienna; Michelle Jarvis, Deputy Head, International, Impartial & Independent Mechanism on Syria; Prof. Claus Kress, Professor of Criminal Law and International Law, Chair for German & International Criminal Law, University of Cologne, Germany; Prof Susan R. Lamb, Visiting Professor, Faculdade Direito, Universidade NOVA de Lisboa; Prof. Suzannah Linton, Professor, International Law Department, Zhejiang Gongshang University, China; Angela Mudukuti, International Criminal Justice Lawyer, Wayamo Foundation; and Dr Astrid Reisinger Coracini, Director of the Salzburg Law School.

News August 2018

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

31 August
UN ‘alarmed’ by reports of China’s mass detention of Uighurs
(BBC)
The UN says it is alarmed by reports of the mass detention of Uighurs in China and called for the release of those held on a counter terrorism "pretext". It comes after a UN committee heard reports that up to one million Muslim Uighurs in western Xinjiang region, were held in re-education camps. Beijing has denied the allegations but admitted that some religious extremists were being held for re-education...

28 August
Yemen conflict: UN experts detail possible war crimes by all parties
(BBC)
UN human rights experts believe war crimes may have been committed by all parties to the conflict in Yemen. In their first such report, they allege...
Yemeni government forces, the Saudi-led coalition backing them, and the rebel Houthi movement have made little effort to minimise civilian casualties. They point to attacks on residential areas in which thousands have died. The warring parties are also accused of arbitrary detentions, torture, enforced disappearances and recruiting children...

Philippines’ Duterte hit by new ICC complaint over deadly drug war
(Reuters)
Activists and families of eight victims of the Philippines’ “war on drugs” filed a complaint on Tuesday with the ICC, a second petition accusing President Rodrigo Duterte of murder and crimes against humanity...Presidential spokesman Harry Roque said the latest petition was “doomed”, because the Philippines’ was no longer covered by the ICC’s Rome Statute. Duterte unilaterally withdrew in March from the ICC’s founding treaty, saying it skirted due process and presumption of his innocence and sought to portray him as a “ruthless and heartless violator of human rights”. He even threatened to arrest ICC prosecutor Fatou Bensouda if she were to come to the Philippines to investigate him, and said he would convince other countries to follow him in quitting the ICC...

27 August
Assad’s Syria recorded its own atrocities. The world can’t ignore them
(The Guardian)
The regime photographed the corpses of over 6,700 people it murdered in detention...War crimes investigators have recently uncovered documents they say provide corroboration of the Caesar photographs by the regime itself...Investigators at the Commission for International Justice and Accountability (many of them veterans of the international criminal court and the tribunal for the former Yugoslavia) discovered the evidence among hundreds of thousands of records abandoned by the Syrian regime when it lost control of areas to opposition forces...

25 August
Jean-Pierre Bemba ’cannot run for DRC president’
(BBC)
Former warlord Jean-Pierre Bemba cannot run to be the next president of the Democratic Republic of Congo, the country's electoral commission said. Mr Bemba was one of six would-be candidates deemed ineligible following hours of deliberation. The ex-rebel leader had a war crimes conviction overturned in June. However, the commission said Mr Bemba was excluded because of his conviction by the International Criminal Court for bribing witnesses...

23 August
“ISIS Widows” and “Boko Haram Wives”: Overlooked Abuses in Iraq and Nigeria
(Just Security)
International news media and research institutes have brought important attention to the hundreds of foreign women (primarily Western) and their children who have been rounded up in territory recaptured from the self-styled Islamic State (IS). Reports have outlined the complex legal issues involved and convictions of women in grossly unfair trials. The situation for these women has been grim: In May of this year, for example, the Guardian reported that 40 foreign women had been sentenced to death in a Baghdad court after 10-minute hearings for crimes including membership of IS...

Chair of UN probe of Gaza violence quits less than month into job
(Reuters)
Former war crimes prosecutor David Crane, an American who was named only last month to lead a UN investigation into violence in Gaza this year, has resigned, the United Nations said... Crane, recently retired as a Syracuse University professor, worked for decades for the U.S. government, including as senior inspector general in the Department of Defense. When chief prosecutor of the Special Court for Sierra Leone he indicted the then Liberian leader Charles Taylor for war crimes...

22 August
Unpacking the request for early release by three Rwanda genocide prisoners
(The Conversation interview)
Three Rwandan prisoners convicted of genocide by the International Criminal Tribunal for Rwanda
have requested early release from the United Nations Mechanism for International Criminal Tribunals. This has drawn widespread anger in Rwanda – from citizens and the government. We spoke to Jennifer Trahan about how this process might unfold...

21 August
Nazi guard Palij deported by US to Germany (BBC)
A 95-year-old former Nazi collaborator who served in the notorious SS as a labour camp guard in World War Two has arrived in Germany after a long deportation battle in the US. Jakiw Palij has been stateless since a federal judge revoked his US citizenship in 2003. For years Germany refused to accept him as he never had German nationality...

16 August
Woewiyu and Jabbateh verdicts: How court cases abroad bolster the momentum for justice in Liberia (Justice Hub)
The Liberian access to justice movement has gained momentum since the beginning of 2018 with national and international civil society joining forces to put pressure on the government. With an increasing number of trials of alleged Liberian war criminals happening abroad, victims demand explanations from President George Weah as to why other countries are prosecuting alleged Liberian war criminals while their own government remains inactive. Liberia’s civil society has led rallies in Monrovia to petition the House of Representatives for the establishment of a war and economics crimes court in Liberia; receiving over 10,000 signatures. In March 2018, a UN Deputy Secretary-General reminded the newly elected President that it was time to implement the TRC recommendations...

15 August
INTERVIEW: ‘Defend the people, not the States’, says outgoing UN human rights chief (UN News)
For four years, Zeid Ra’ad Al Hussein, the United Nations High Commissioner for Human Rights, has been taking governments across the world to task, exposing human rights violations and robustly advocating for the rights of victims. Throughout his career, Zeid has demonstrated a commitment to international law, playing a major role in the establishment of the International Criminal Court, as the first President of the Assembly of States Parties to the Rome Statute of the ICC - turning the court from an idea into a reality - and, eight years later, overseeing the legal definition of the crime of aggression and the court’s jurisdiction over it...

Radovan Karadžic’s Final Verdict Expected in December (Balkan Transitional Justice)
The UN court in The Hague said it plans to hand down the final verdict in December this year in the trial of former Bosnian Serb President Radovan Karadžic, who is appealing against his initial conviction for genocide and other wartime crimes...

13 August
The Rodríguez Sánchez Genocide Retrial, Part I: Highlights of the Proceedings (Open Society)
In this first of three posts on the retrial of chief of military intelligence Mauricio Rodríguez Sánchez for genocide and crimes against humanity, we provide a brief background into the process leading up to the retrial and highlight key aspects of the proceedings to date. A second post will analyze new evidence introduced by the plaintiffs in the case. A final post will analyze the role of military intelligence and the alleged responsibility of Rodríguez Sánchez in the Maya Ixil genocide. A verdict is expected in late August or September...

Bangladesh hands death sentence to 5 for war crimes (Anadolu Agency)
A Bangladeshi court on Monday sentenced five men to death over alleged crimes in the 1971 liberation war. The International Crimes Tribunal (ICT), a local court formed for cases related to the war, convicted them for crimes against humanity, including murder and rape...

With Syria’s War Nearly Over, Victims Take The Battle To European Courts (NPR)
The Syrian war is winding down after seven brutal years, with hundreds of thousands killed, millions...
displaced and neighborhoods in smoking ruins. President Bashar Assad is on course to win, with help from powerful allies Russia and Iran. Now, activists who lost the challenge to Assad’s rule on the streets of Syria are waging a new fight — in European courts...

12 August
Asylum and the Duty to Protect the Yazidis from Genocide
(Opinio Juris opinion)
August 15 marks the fourth anniversary of ISIS’s destruction of the Yazidis of Kocho village, the last intact Yazidi community in Sinjar, northern Iraq. Investigations uncovered ISIS’s commission of almost-unimaginable atrocities: of men being killed; of women and girls, some as young as nine, being sold into sexual slavery; and of boys being forced into ISIS training camps. These horrors were committed systematically against the Sinjari Yazidis, following ISIS’s initial attack on 3 August 2014. ISIS’s crimes against the Yazidis shocked the world. States such as Germany initially trumpeted their willingness to offer asylum to the Yazidis. In 2018, however, Yazidi asylum seekers are denied asylum on the ground that – since ISIS has, for now, lost its territorial grasp – the genocide is over and it is safe for them to return...

Sierra Leone and Liberia set to ratify African Court protocol
(Capital FM)
The Republic of Sierra Leone and the Republic of Liberia have expressed their willingness to ratify the Protocol establishing the African Court on Human and Peoples’ Rights and deposit the special declaration under Article 34(6) to allow individuals and NGOs to access the Court directly...

Report: Mass torture in network of UAE-run prisons in south Yemen
(Aljazeera)
A report obtained by Al Jazeera alleges that detainees in a network of clandestine prisons set up by the United Arab Emirates across southern Yemen have been exposed to a host of brutal interrogation techniques that included physical and psychological torture. The report - which was provided by Yemeni military figures who worked with the Saudi-UAE coalition battling Yemen’s Houthi rebels - described scenes of sexual abuse by Emirati army personnel and their Yemeni surrogates...

10 August
South Sudan: No Amnesty for War Crimes
(Human Rights Watch)
South Sudanese leaders should not undermine their efforts to bring an end to the country’s devastating conflict with an amnesty for war crimes and crimes against humanity, Human Rights Watch said. The parties to the conflict signed a peace agreement on August 5, 2018, in Khartoum, agreeing to new power sharing arrangements and a timetable for further talks. On August 8, President Salva Kiir offered a “general amnesty” to heads of armed groups involved in the nation's five-year civil war as part of the agreement to end the fighting...

No Justice for Yazidi Women Yet: Why Not?
(Pass Blue)
In light of international consensus that ISIS is committing genocide, it might seem surprising that there have been no prosecutions. In Iraq, the reason is deceptively simple — genocide is not a crime. Iraqi law does not provide for the prosecution of any international crimes, including war crimes, crimes against humanity or genocide. Nor is Iraq a party to the Rome Statute of the International Criminal Court, where such crimes can be prosecuted at the international level...

9 August
War Crimes Indictments Could Wreck Kosovo-Serbia Talks
(Balkan Insight)
"If former Kosovo Liberation Army leaders [now senior political officials] are indicted by new Hague-based war crimes court the crucial Pristina-Belgrade negotiations could be seriously disrupted as they enter a critical stage" says former international EULEX Judge...

Nicaragua must end ‘witch-hunt’ against dissenting voices – UN human rights experts
(UN News)
Following weeks of civil unrest in Nicaragua, a group of 11 UN independent human rights experts
urged the Government on Thursday to stop the violent repression of protestors, which has left at least 317 people dead and 1,830 injured, stressing that "no one should be detained for the exercise of their human rights". "We are appalled that many human rights defenders, journalists and other opposition voices are being criminalised and accused of unfounded and overly punitive charges such as 'terrorism'," the UN experts said, warning that this is "creating an atmosphere of fear and uncertainty among different communities and among civil society representatives in the country."...

8 August

99-Year-Old Nuremberg Prosecutor Calls Trump's Detention of Children a 'Crime Against Humanity' (Common Dreams)
The last surviving prosecutor at the Nazi Nuremberg trials just offered harsh criticism for the Trump administration's family separation crisis resulting from its cruel immigration policies, calling it "a crime against humanity."...When he learned of the family separations, "it was very painful for me," Ferencz told Zeid. "I knew the Statue of Liberty. I came under the Statue of Liberty as an immigrant." Ferencz was a baby when his family came to the United States from Romania...

Prof Kuenyehia Pushes For Support For ICC (Modern Ghana)
Professor Akua Kuenyehia, a former First Vice President of the International Criminal Court (ICC), has called for increased support for the global court to end impunity. The extent to which the court succeeded in bringing down impunity would depend on the political will of nations in terms of gathering evidence and witnesses among other things...

7 August

Ivory Coast Pardons 800, Including Ex-First Lady Jailed for Role in Organizing Armed Gangs (Newsweek)
The president of the Ivory Coast pardoned 800 people, including the country's former first lady, who was serving a 20-year sentence for "attempting to undermine the security of the state," organising armed gangs and disturbing public order... Former first lady Simone Gbagbo was sentenced in 2015...She also stood trial for crimes against humanity and war crimes, but a jury acquitted her of these charges last year. While she is now pardoned in the Ivory Coast, she is still wanted by the ICC, which issued an arrest warrant in 2012 for charges of murder and rape...

Côte d'Ivoire: No Amnesty for Serious Crimes of 2010-11 Crisis (Amnesty International opinion)
There should be no amnesty for war crimes, crimes against humanity and other serious human rights violations committed in Côte d'Ivoire's 2010-11 post-election crisis, 11 national and international human rights groups said today. Contrary to all commitments for justice since 2011, President Alassane Ouattara announced on August 6, 2018 that he would grant an amnesty to 800 people accused of or convicted of crimes related to the 2010-11 crisis or subsequent acts of anti-state violence, which could include people implicated in serious human rights crimes...

4 August

Ex-I. Coast leader on trial at ICC, named head of party's dissident wing (AFP)
Former Ivory Coast president Laurent Gbagbo, currently on trial at the International Criminal Court (ICC) for crimes against humanity, has been chosen to head the dissident wing of the Ivorian People's Party (FPI), the party he created...

29 July

Rape in conflict zones a multi-faceted and underreported crime (swissinfo.ch)
Wartime sexual violence is a grave and growing problem. Yet the term "rape as a weapon of war" does not always capture the reality of this crime in conflict zones, says Dara Kay Cohen, an expert on the subject at Harvard University... international trials should not be touted as the main policy solution to the problem of wartime rape. I think they are unlikely to deter future incidents of mass rape...

27 July

Q&A: Yemen’s Humanitarian Catastrophe Demands Action

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The Yemeni people face almost unprecedented human suffering. One in three Yemenis is on the brink of famine. We faced the worst cholera outbreak in modern history. Yemen now is, according to UN experts, the worst humanitarian disaster in the world. It is a human-made disaster, created by warring parties who have committed violation after violation. And it is all so senseless, so preventable. We live in a land torn to shreds by a war largely fueled by outside forces...

Quick links

The following are some useful research links:

- FICJ Resource Library: research tools, best practice reports, commentaries and more
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- International Criminal Tribunal for the Former Yugoslavia Legal Library
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