

# Forum for International Criminal Justice Newsletter: July 2018

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

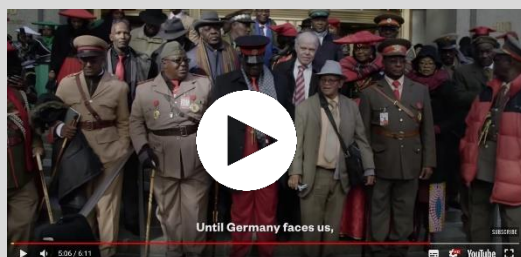
**Germany's** chief federal prosecutor issues an international arrest warrant for one of **Syria's** top intelligence officials; **Australia** notifies ICC Prosecutor that it is investigating possible war crimes committed by Australian troops in **Afghanistan**; **Germany** and **France** extradite **Serb** war crimes suspects to **Bosnia**; and **French** cement company **Lafarge** under investigation for complicity in crimes against humanity in **Syria**.

**\*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 about a court case in NYC filed by Namibians who are seeking reparations from Germany for the alleged genocide of the Herero and Nama ethnic groups between 1904 and 1908.



[Click here](#) to watch the Statement of ICC Prosecutor Fatou Bensouda on the recent decision of the ICC Appeals Chamber acquitting Mr Jean-Pierre Bemba Gombo of war crimes and crimes against humanity.



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## Germany's chief federal prosecutor has issued an international arrest warrant for one of the Syrian regime's top intelligence officials

Germany's chief prosecutor has issued an international arrest warrant for one of Syria's most senior military officials, in a landmark step for legal efforts against members of President Bashar al-Assad's security apparatus. The move against Jamil Hassan, head of Syria's powerful Air Force Intelligence Directorate, marks an important milestone for prosecutors and other lawyers who are trying to bring senior members of Assad's security apparatus to trial in Europe on charges of war crimes.



A portrait of Syrian President Bashar al-Assad hangs in Damascus last month. (Louai Beshara/AFP/Getty Images)

The detention centres run by Air Force Intelligence, where thousands are believed to have died because of torture or neglect, are among the most notorious in Syria. The charges filed with Germany's Federal Court of Justice claim that Hassan had command responsibility over Air Force Intelligence facilities and that he must have known of the abuse.

With Syria's military on a path to victory in the country's long civil conflict and few indications that those responsible for alleged war crimes will be tried at an international tribunal, lawyers have turned to the principle of universal jurisdiction, which allows national courts to investigate certain international crimes. Most cases brought so far focus on a culture of torture and abuse inside government-run detention centers.

Although few suspects, if any, are likely to stand trial in European courts, those bringing the cases hope that they will cast a chill throughout the upper echelons of the Syrian government, making it increasingly tough to travel outside of friendly capitals and dogging suspects with a permanent threat of arrest.

A spokeswoman for the prosecutor's office declined to comment publicly on the Hassan case but did not deny that an arrest warrant had been issued.

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The German arrest warrant is likely to be extended as an Interpol red notice, lawyers said, which would require the organization's member states to arrest Hassan on arrival in their territories and extradite him to Germany.

"For us, this is huge. Historical," said Patrick Kroger, a lawyer with the European Center for Constitutional and Human Rights, a Berlin-based legal organization that brought the suit, along with several Syrian lawyers. "That this arrest warrant has been signed off by the highest criminal court in Germany shows that they deem the evidence presented to the prosecutor is strong enough to merit urgent suspicion of his involvement."

- Read more on the [Washington Post](#) and [Der Spiegel](#) websites

## Former Congolese Vice President cleared of war crimes conviction on appeal at ICC

The Appeals Chamber at the International Criminal Court (ICC) has overturned Jean-Pierre Bemba's conviction for war crimes and crimes against humanity. In a [ruling](#) issued on 8 June, a majority of appeals judges found that the trial chamber erred in finding that Bemba did not take necessary and reasonable measures to prevent the crimes committed in the Central African Republic (CAR) by his subordinate troops 16 years ago. They also ruled that trial judges erroneously convicted Bemba for specific criminal acts that were outside the scope of the charges confirmed against him by the pre-trial chamber.



Judges Sanji Mmasenono Monageng and Piotr Hofmański disagreed with the majority's decision to acquit Bemba. Other judges on the Appeals Chamber were Christine Van den Wyngaert (presiding), Chile Eboe-Osuji, and Howard Morrison.

Bemba is the most high-profile individual tried at the ICC, having served as a vice president of the Democratic Republic of Congo (DRC) from July 2003 to December 2006, and later as the country's leader of the opposition. He was unanimously convicted by a three-judge panel of the court in March



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2016 for failure to deter and punish his Movement for Liberation of Congo (MLC) fighters who committed rape, murder, and pillaging. He was sentenced to 18 years in jail.

Despite the acquittal in his main case, Bemba was, in October 2016, convicted for tampering with witnesses before the court.

In that case, he was sentenced to a one-year prison term and a fine of €300,000. Last March, the Appeals Chamber upheld his conviction on the counts of giving false testimony and corruptly influencing witnesses but overturned the conviction over presentation of false oral testimony. Furthermore, the Appeals Chamber asked the trial chamber that convicted him to issue a new sentence for Bemba and his two former lawyers who were convicted alongside him.



The case dates back to 2008 when the ICC issued a warrant of arrest for Bemba, and the next day he was arrested near the Belgian capital Brussels. On 15 June 2018, Bemba was provisionally released with specific conditions back to Belgium.

**See also:**

- [\*Bemba Acquitted of War Crimes at the ICC\*, OSJI International Justice Monitor](#)
- [\*Appeals Judges Turn the ICC on its Head with Bemba Decision\*, by Alex Whiting, Just Security](#)
- [\*Fiddling While Rome Burns? The Appeals Chamber's Curious Decision in Prosecutor v. Jean-Pierre Bemba Gombo\*, by Leila N. Sadat, EJIL: Talk!](#)

## Prosecutor Serge Brammertz addresses the United Nations Security Council

On 6 June Prosecutor Serge Brammertz of the International Residual Mechanism for Criminal Tribunals addressed the United Nations Security Council (UNSC).

The Prosecutor updated the UNSC on the anticipated schedule for the completion of judicial proceedings in The Hague. With the delivery of the appeal judgment in *Šešelj*, there are now only three cases remaining. The *Karadžić* appeal is scheduled to be completed by the end of 2018, while the *Stanišić and Simatović* trial and *Mrđić* appeal are expected to be completed by the end of 2020. That would then only leave appeal proceedings, if any, in *Stanišić and Simatović*.

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Serge Brammertz | UN Photo/Eskinder Debebe

Turning to the search for the remaining eight fugitives indicted by the ICTR, the Prosecutor updated the UNSC on the efforts by the Office of the Prosecutor (OTP) to locate and arrest these fugitives. He said, “While the challenges in tracking fugitives are too significant to guarantee a positive outcome, my Office can commit that we will spare no effort. The victims of the Genocide against the Tutsi in Rwanda deserve nothing less.”

Prosecutor Brammertz then briefed the UNSC about the search for missing persons in the former Yugoslavia. He noted that many stakeholders have taken the initiative to raise this issue with the OTP and seek its assistance. He emphasized, “Efforts are urgently needed to strengthen the search for missing persons. 10,000 families – from all sides – still do not know the fate of their loved ones.”

The Prosecutor informed the UNSC that the International Committee of the Red Cross is launching a five-year strategy to support the search for missing persons, and that the OTP is also committed to providing all possible assistance. However, he said, “governments have made many commitments to support this work that remain only on paper,” and “political will is also needed to create the conditions for witnesses to come forward with information.” Prosecutor Brammertz concluded, “The search for missing persons is a humanitarian imperative. It is time for political authorities to be accountable for their commitments, and to show the courage to put aside all other considerations.”

- See also: [Prosecutor’s speech](#) and [Mechanism’s Progress Report](#)

## UN rights expert ‘strongly recommends’ probe by International Criminal Court into ‘decades of crimes’ in Myanmar

In an oral briefing to the Human Rights Council on 27 June, Special Rapporteur Yanghee Lee underscored that accountability for crimes committed in Myanmar “is the only way” to end the long-term cycle of violence. “I strongly recommend the persons allegedly responsible for the violations of international human rights law and international humanitarian law be investigated and prosecuted by the ICC or a credible mechanism,” she said.

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Since late August 2017, widespread and systematic violence against Myanmar's mainly-Muslim minority Rohingyas, has forced hundreds of thousands to flee their homes in Rakhine state and seek refuge across the country's border, in Bangladesh. Even though the number of new arrivals has tapered off and an agreement reached on establishing conditions in Myanmar to allow the refugees to return voluntarily and in safety, UN agencies on the ground have reported that such conditions are yet not present.



Special Rapporteur on the human rights situation in Myanmar Yanghee Lee. UN Photo/Jean-Marc Ferre

In her briefing, Ms. Lee also drew attention to the possible war crimes and crimes against humanity by security forces in other regions of Myanmar, including in Kachin and Shan states, where other minorities have endured protracted conflicts since shortly after the country gained independence in 1948, she said. "Far too many crimes have been committed, and have been documented and reported with scant consequences faced by those who perpetrated them," said the Special Rapporteur.

The UN human rights expert also voiced "deep concern" over the "apparent inability" of the UN Security Council to unite to refer the situation to the ICC, and urged the Human Rights Council, "as a matter of urgency", to back her proposal to establish an international accountability mechanism.

She explained that the mechanism should have three components: first, to interview victims, investigate and document alleged violations and abuses, and consolidate investigations already undertaken; second, the mechanism should have legal and judicial experts to examine patterns and trends of violations; and third, the development of a framework for victim support in their pursuit of "justice, reconciliation and reintegration".

"To prepare for credible investigation and prosecution, and in order to finally put an end to decades of such crimes and to take effective measures to bring justice, I recommend that the [Human Rights]

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Council establishes an accountability mechanism under the auspices of the UN without delay,” she said.

In December last year, the Government of Myanmar denied all access to Ms. Lee and withdrew cooperation for the duration of her tenure.

*Read further about this issue:*

- [\*\*The ICC and the plight of the Rohingya\*\*](#), *Al Jazeera*, 1 June 2018: The ICC can, and should, hold Myanmar's authorities to account for the crimes they committed against the Rohingya. The prosecutor for the ICC submitted a request to the judges of the court on April 9. In her application to the Pre-Trial Chamber, the prosecutor requested the judges to find that she has jurisdiction to investigate and, if necessary, prosecute the deportation of the Rohingya population to Bangladesh at the (likely) hands of the Myanmar authorities...
- [\*\*Gang raped and set on fire: ICC pushes to investigate Myanmar Rohingya atrocities\*\*](#), *The Guardian*: Harrowing accounts of Rohingya women tied to trees and raped for days by Myanmar's military and men being pushed into mass graves, doused with petrol and set alight have been sent to the international criminal court. The evidence has been sent by a coalition of Bangladesh organisations to ICC prosecutors who are pushing to investigate allegations of forced deportation from a country where it has no jurisdiction.
- [\*\*Top Myanmar military officers should be tried for crimes against humanity: Amnesty International\*\*](#), *Reuters*, 27 June 2018: Senior Myanmar military officials, including the commanders of its defense services and army, should face trial for crimes against humanity over the treatment of Rohingya minorities, Amnesty International said in a report on Tuesday... Amnesty, which began its investigation in September, said in its report that the “military-led operations ... amounted to an orchestrated campaign of murder, rape, torture, and destruction aimed at punishing the Rohingya population in northern Rakhine State and at driving them out of the country.” ...

## UN Security Council passes a historic resolution acknowledging the deliberate starvation of civilians as method of warfare

On 24 May 2018, the UN Security Council unanimously passed a historic Resolution 2417 (2018) acknowledging the deliberate starvation of civilians as a method of warfare. The resolution, sponsored by the Netherlands, highlights the link between armed conflict and food insecurity.

The UNSC recalled that on-going armed conflict and related violence have devastating humanitarian consequences on the civilian population, including high risks of famine. It further recognised that armed conflict directly impacts upon food security. It strongly condemned the use of starvation of



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Photo/Hani Mohamed

civilians as a method of warfare in conflict situations. In particular, the UNSC called for all parties to spare civilian objects, including objects necessary for food production and distribution – farms, markets, water systems – and to refrain from attacking objects that are necessary to the survival of the civilian population – crops, livestock, agricultural assets, drinking water installations and supplies.

Article 8(2)(b)(xxv) of the Rome Statute prohibits the deliberate use of starvation as a tactic of warfare; however, it is handicapped by its application to international armed conflicts (IAC) only. This omission creates an accountability lacuna whereby those being deliberately starved to death in non-international armed conflicts (NIAC) have no recourse before the International Criminal Court. The fact that all five countries currently suffering conflict-induced hunger are arguably designated as NIACs is significant. It is very noteworthy that UNSC Resolution 2417 does not make the same distinction between the different types of armed conflict, instead underlining that the use of starvation of civilians as a method of warfare may constitute a war crime – whether that be in the context of an IAC or NIAC. The resolution therefore represents a landmark step in the fight against conflict-related starvation.

For several decades, the world had witnessed considerable improvement regarding the fight against hunger, but recent conflicts have reversed the tendency: the number of people facing serious, life-threatening food insecurity has risen from 80 million to 124 million in two years. It is estimated that 60% of the chronically hungry people around the world live in a conflict zone, which amounts to 489 million people suffering from conflict-induced hunger.

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Sigrid Kaag, the Dutch Minister for Foreign Trade and Development Cooperation, had [called the Security Council to act](#) on the recent increase in conflict-related hunger on 23 March 2018. According to Ms Kaag, “starvation is a heinous, medieval method of warfare which must be outlawed once and for all. By taking action the UN Security Council sends a powerful signal to all states and individuals that are guilty of this crime.”

- Read more on the [Global Rights Compliance \(GRC\) website](#)

## Australia briefs the ICC on war crimes inquiry

Australia has notified the International Criminal Court in The Hague that it is investigating possible war crimes committed by Australian troops in Afghanistan, raising the possibility that Australia may have to provide details of its Afghan probe to prevent international prosecutors trying Australian troops. The ICC’s prosecutor Fatou Bensouda has



Members of Australia's special forces. © Mick Tsikas / Reuters

reportedly been officially informed of the Australian Defence Force Inspector-General’s inquiry into possible atrocities committed by members of Australia’s elite special forces in Afghanistan.

According to Inspector-general James Gaynor, his staff had interviewed 220 witnesses since his inquiry into the Special Operations Task Group in Afghanistan began in May 2016. “The focus of the inquiry is what, if any, substance there is to reports and rumours of breaches of the law of armed conflict by or concerning the Special Operations Task Group deployments in Afghanistan during the period 2005 to 2016. The scope of the inquiry includes organisational, structural and cultural factors which may have contributed to any such conduct or rumours of it.”

Under ICC rules, member states, of which Australia is one, are given the first option to prosecute war crimes or crimes against humanity committed by their own people. If they are unable or unwilling to mount a credible prosecution the ICC prosecutor can step in under a provision known as the “complementarity principle”.

Bret Walker SC, who served as independent national security legislation monitor until 2014, said Australia might have to brief the ICC on the details of the investigation to satisfy the ICC that it had done a rigorous job. “It may involve making available documents that would otherwise be confidential and it may involve direct discussions”. Mr Walker said in his view there was no practical

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risk of Australian troops being hauled before The Hague as Australia's investigative and judicial processes were first-rate, meaning the ICC had no claim to jurisdiction.

The inspector-general began his investigation into the special-forces community in May 2016 after the SASR hierarchy received credible information its troops might have committed war crimes. Mr Brereton is expected to report by the end of the year.

■ Read more on [The Australian website](#)

## South Africa and the ICC: Dismantling the international criminal justice system to protect one individual?

*By Navi Pillay, former UN High Commissioner for Human Rights and member of the Africa Group for Justice and Accountability and Angela Mudukuti, International Criminal Justice Lawyer at the Wayamo Foundation*

The introduction of the International Crimes Bill before the portfolio committee on justice and correctional services, two weeks ago, signals steadfast resolve to eventually withdraw



President of Sudan, Omar al-Bashir, addresses Parliament in Khartoum, Sudan. EPA/MORWA

from the Rome Statute. Is South Africa dismantling its own international criminal justice framework for one man who they will, despite withdrawal, still be legally obligated to arrest and surrender for as long as he remains wanted by the International Criminal Court? Impetus and momentum for withdrawal was generated by President Omar al-Bashir's 2015 visit and the subsequent fallout from South Africa's failure to arrest him. South Africa finds itself in this quandary because of Bashir. Just over a year after President Bashir's *Sudan 01* plane took off from the Waterkloof Air Force Base, Minister of Justice and Correctional Services Michael Masutha announced South Africa's intention to withdraw from the Rome Statute.

The Notice of Withdrawal was sent to the UN secretary-general on 19 October 2016. Subsequent litigation resulted in the revocation of the Notice of Withdrawal due to the government's failure to firstly withdraw the Implementation of the Rome Statute Act (ICC Act) before submitting its notice of

withdrawal. Having learnt from previous mistakes and in a bid to follow proper procedure this time round, Masutha, has opted to begin with the introduction of a Bill that repeals the ICC Act which will allow withdrawal from the ICC to follow.

South Africa's reasons for withdrawal have ranged from allegations that the ICC is targeting Africa, to statements about how, as stated in the Preamble of the new International Crimes Bill, "South Africa, in exercising its international relations with heads of state of foreign countries, particularly heads of state of foreign countries in which serious conflicts occur or have occurred, is hindered by the implementation of the Rome Statute of the International Criminal Court Act, 2002, which together with the Rome Statute of the International Criminal Court compel South Africa to arrest heads of state of foreign countries wanted by the ICC".

Bashir stands accused of two counts of war crimes, five counts of crimes against humanity and three counts of genocide against black Sudanese people. This includes allegations of murder, extermination, torture, rape, and exercising "full control" over the vicious and ruthless Janjaweed militia who chanted, " You make this place dirty; we are here to clean this place. You blacks are like monkeys. You are not human" as they razed villages to the ground.

To date, Bashir is the only head of state who is wanted by the ICC. There are currently no other heads of state who are in the same position. Therefore, South Africa is about to withdraw from the Rome Statute, abandon the international criminal justice project, amend its ICC Act, Geneva Conventions Act, Torture Act and six other domestic Acts, for an individual whom they will have to arrest *despite* withdrawing should he be found on South African soil.

Why does the duty to arrest and surrender Bashir, survive withdrawal from the Rome Statute? Withdrawal is effective one year after a notice of withdrawal is sent to the UN secretary-general. Even after that one year has lapsed, withdrawal does not absolve South Africa from its legal obligation to arrest and surrender Bashir as article 127 (2) of the Rome Statute states that a state "shall not be discharged from the obligations arising from this Statute while it was a Party to the Statute". South Africa's withdrawal will not affect its obligations to co-operate with the ICC with regard to "proceedings in relation to which the withdrawing State had a duty to co-operate and which were commenced prior to the date on which the withdrawal became effective."

Given that South Africa has had a duty to arrest Bashir since his first indictment in 2009, that duty will survive withdrawal from the ICC system. Burundi finds itself in the same position, despite its withdrawal coming into effect on 27 October 2017. It remains bound to co-operate with the ICC's ongoing investigation...

Is the visit of one head of state really worth all of this trouble? Why is the government going to such great lengths to protect one individual? ...This is a crucial time for parliamentarians, politicians, policymakers and the leaders of this nation to consider the grave consequences of withdrawing from





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the ICC. Given the nation's familiarity with the consequences of apartheid, which is also a crime under the Rome Statute, the significance of South Africa's membership to the only permanent international accountability mechanism, should not be lost on its leaders.

South Africa played a crucial role as the leader of the like-minded group that fought for the creation of a strong independent ICC. South Africa's commitment to fight impunity was captured succinctly in former minister of justice, Dullah Omar's wise words in 1998, "[The creation of the ICC will send a clear and unequivocal message that perpetrators of these crimes will not get away with impunity.](#)" Surely constructive and sustained engagement is the way forward, not withdrawal.

- Read the full opinion piece on the [Daily Maverick website](#)

## Pay more attention to witness protection and reparations, says sexual violence expert

*Sexual violence in conflict is one of the most important but also hardest crimes to prosecute. Swiss NGO TRIAL International, a partner of JusticeInfo and Fondation Hirondelle that supports victims of international crimes, put the spotlight on this at a series of events in Geneva on June 18-19 to mark its fifteenth anniversary. Kim Thuy Seelinger, director of the sexual violence project at the Human Rights Center of Berkeley University in California, spoke to JusticeInfo about this issue.*



A woman walks amid thousands of dresses hanging on clotheslines set-up at the Pristina Stadium on June 12, 2015 as part of an installation "Thinking of You" by Kosovo born artist Alketa Xhafa Mripa dedicated to the 20,000 woman victims of Sexual Violence during the 1998-1999 Kosovo War. ARMEND NIMANI / AFP

### JusticeInfo: What are the specific challenges and difficulties of investigating sexual violence in conflict?

**Kim Thuy Seelinger:** There are so many. Obviously at the time, it's incredibly difficult and often dangerous. What happens more often than not is that investigation happens later... sometimes

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months later, but often years or even decades later. Then there are additional challenges: lapse of time, so physical evidence of harm has disappeared, lapses in memory because time has passed, you have victims and witnesses who have left the area so they are not trackable any more... and particularly with this type of crime, if people have somehow managed to survive and cobble together a life, they might not want to return to that moment. So there are a lot of reporting barriers related to stigma and the passage of time. And then there may also be structural and political barriers. Plus sexual violence is always hard to investigate.

### **How much progress do you think has been made in recent years in getting accountability for victims of this type of crime?**

I think we've both made a lot of progress and at the same time surprisingly little progress. On the one hand we have jurisprudence, very clear jurisprudence, out of the ad hoc tribunals in the 1990s, the Special Court for Sierra Leone, the ICC now. We have rape and other forms of sexual violence being prosecuted as war crimes, crimes against humanity. We've paid a lot of attention to the cases out of Rwanda, former Yugoslavia, Sierra Leone, the forced marriage cases out of Cambodia. So in that way, we've made a lot of progress, and we've also got a lot of guidance now. We now have an [international protocol](#) on the documentation and investigation of this crime, while the ICC Prosecutor has put out her policy paper on sexual and gender-based crimes. So there has been some effort to improve the way we investigate and prosecute this as an international crime.

But at the same time, we keep making some of the same mistakes, despite having jurisprudence and guidance. Despite indications and sometimes very clear evidence of sexual violence, these crimes are still not being charged in the initial charging documents. They are still being either ignored or lumped in with some more generalized or euphemistic term, when they could have been charged more explicitly. So that's something I've been focused on at the national level in particular, trying to work with national level prosecutors to think about the types of evidence of sexual violence they have, and figure out why it wasn't part of the charging. We had that in the [Habré case](#) in Senegal and also in the Kwoyelo case in Uganda. So the challenge that we see over and over again is the omission of articulated sexual crimes in charging documents early on, which forces the prosecutor to go back and request permission to amend the charges later when they feel they do have the evidence or when civil society groups have put pressure on them to reconsider. It's happened over and over again, at the ad hoc tribunals, the ICC and national courts.

### **The international courts -- even if they go for crimes of sexual violence in conflict and get convictions -- can only try a handful of people. In terms of national procedures, do you think there's been much progress?**

I think there's been tremendous progress at national level. This is all in keeping with the idea of complementarity. You see it, for example, in countries that are already on the ICC's radar or are trying to avoid having their situations taken up by the ICC. So you see national jurisdictions trying to



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show that they are willing and able to have meaningful prosecutions of crimes that happened within their boundaries. Uganda again is an example, Colombia is an example. I think we'll see national prosecutors and courts creating specialized teams to look at international crimes so they can show they have the institutional capacity and also the political will. Colombia started charging, they are doing cases in their system. Guatemala has also been addressing conflict era crimes within their national courts, so we do see that happening. It's important because the international courts can't take everything on and also they try the people considered to be most responsible, whereas the national courts have more leeway and are better situated to go after mid- and lower-level perpetrators.

You see also there are cases of military prosecutions happening. For example, we've got a number of military tribunals in eastern DRC that have been trying soldiers and commanders for sexual violence, some of which is conflict related, so I think that's helpful. It is also tricky, because you never know how meaningful the national system's effort is. Is it just a dog and pony show to ward off the ICC, or is it really an attempt to take matters into their own hands? I think that's a mixed bag, which has to be decided on a case by case basis.

### **Do you think there has been much progress on reparations for victims?**

I think this is where we have failed pretty egregiously so far. We build these cases around victims, on their testimony and presumably in their name, and if lawyers do their jobs well for the prosecution, for example, they'll manage to convict some of the folks who are guilty. But at the end of the day the survivors often come away with nothing, even if reparations are provided for by statute. And technically it has been so hard to seize sufficient assets, to determine how reparations are going to work and actually get reparations into people's hands in a way that is swift and meaningful for them.

This is a huge challenge in the Habré case also, which was on paper a huge victory for survivors, including for reparations. There was a very generous decision that would award tens of thousands of dollars to individual survivors of sexual violence. But once the petition was granted, there was really no structure to actually administer the reparations. And so finally with the appeals judgment, the court was able to request that the African Union set up a trust fund, and hopefully it will happen. But where is that money going to come from? They didn't seize enough from Habré and his estate.

Despite the triumph that women of Chad felt in the courtroom -- and they stood up and they were singing and dancing when the judgment was read out --, a week later they were back in Chad. Now they've been outed to their communities as sexual violence survivors, so they have a new stigma attached to them, plus it's news that they're coming into money, so they also have bull's eyes on them, because it was understood they were going to get a lot of money from the court, which they haven't received a penny of yet. I think we really, as an international community, need to think more about how to support witness protection and reparations.

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## Why we may never know if British troops committed war crimes in Iraq

The Iraq Historic Allegations Team was set up by the government to investigate claims of the abuse of civilians. After its collapse, some fear the truth will never come out. By Samira Shackle, [Guardian](#)



Front cover of the News of the World from Sunday 12 February 2006. Photograph: PA

January 2004. The mobile phone footage is grainy, the sounds of a riot audible in the background. A group of British soldiers grab four Iraqi boys on the street and drag them into their barracks. The camera zooms in and out as the soldiers beat them. A soldier walks up to one boy and kicks him between the legs. Another punches a boy in the head and stomach. The soldier filming keeps up a steady patter. "Oh yes! You're going to get it," he says. He imitates their screams for mercy. "Oh please! Please no!" Other soldiers pass in and out of shot, apparently indifferent.

This footage, from southern Iraq, would be passed to the News of the World and published two years later. It was one of the first cases of British soldiers abusing Iraqi civilians to become public, and provoked fury both in Iraq and Britain. "Jail them," demanded a Daily Star article. Across the Middle East, the footage looped on news channels. In the southern Iraqi city of Basra, where British troops were stationed, 1,000 people took to the streets in protest, chanting "No, no, Tony Blair" and burning British flags outside the consulate.

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The nine soldiers involved – eight carrying out the beating, one filming the attack – were questioned. But almost a year later, the Service Prosecuting Authority (SPA), the military equivalent of the Crown Prosecution Service, decided not to bring charges. Although there was sufficient evidence to prosecute two of the soldiers, the statute of limitations had expired and it was deemed not in the public interest to pursue them.

This was not the only case of alleged abuse by British soldiers in Iraq. Over time, a steady drip of shocking allegations about British troops emerged in the press. One of the most notorious was at Camp Breadbasket, an aid distribution centre in Basra, where a group of soldiers beat and humiliated Iraqi prisoners, taking photographs of the abuse. As stories of torture and unlawful killings in British custody came out, they fed into the wider sense of outrage about the war. The public wanted answers about how politicians had sold the war to them in the first place, how the media had failed to scrutinise politicians' claims in the run-up to the war, how the military had failed to prepare and equip its troops. The shocking stories of abuse and torture by British troops added to the fury.

But over the past three years, the question of whether British soldiers committed crimes in Iraq, and the scale on which it happened, has been largely displaced by outrage over attempts to investigate them. In the media, rhetoric has shifted radically – from horror at the alleged crimes of British soldiers, to outrage against human rights lawyers pursuing such allegations. “Mr Cameron MUST stop these vile witch-hunts against our brave troops,” read a 2016 column in the Daily Mail. Conservative politicians have echoed this line. David Cameron, then prime minister, promised to stop “spurious” claims. Defence secretary Michael Fallon criticised “unscrupulous” lawyers; armed forces minister Penny Mordaunt described these lawyers’ actions as the “enemy of justice”. When Cameron left office, his successor, Theresa May, lambasted “activist, leftwing human rights lawyers”.

The target of most of these complaints from cabinet ministers has been an investigation launched by the UK government itself. The Iraq Historic Allegations Team (Ihat) was set up by the Labour government in 2010, to draw a line under lingering allegations from an unpopular war and dispatch the idea that military misconduct was widespread. It aimed to investigate credible claims of abuses in Iraq and secure criminal prosecutions where appropriate. But if Ihat was supposed to be a way to decisively establish guilt or innocence, it failed spectacularly.

By February 2017, the investigation had become the centre of a national scandal over its methods and scope, and the government announced it would shut Ihat down. “What was meant to be an administrative exercise, tidying up a few loose ends, had taken off into the stratosphere,” Nick Harvey, minister for the armed forces from 2010-12, told me. A parliamentary inquiry concluded Ihat had “directly harmed the defence of our nation” by making soldiers on the battlefield anxious about later legal repercussions. When Ihat closed, outstanding cases were reduced, overnight, from 3,400 to just 20. It had cost the taxpayer £34m and failed to secure a single prosecution.



The collapse of Ihat seems likely to mark the end of serious attempts to investigate alleged crimes by British soldiers in Iraq, leaving questions about the scale of abuses and accountability unanswered. After such a public failure, what politician would want to reopen the issue? Yet, behind the headlines of corrupt lawyers and incompetent investigators, the true story of Ihat is more complicated. Both military advocates and human rights defenders agree that the scandal around Ihat was at the very least, politically convenient for the Ministry of Defence. With human rights lawyers cast as the villains, the MoD could avoid uncomfortable questions about its own role in training soldiers in procedures that breached the Geneva conventions. “At times, the MoD has been tempted to throw the uniform under the bus,” says Johnny Mercer, a Conservative MP who was instrumental in Ihat’s closure.

Fifteen years after it began, we are no closer to holding any politicians or high-ranking soldiers accountable for the disaster of the Iraq war. The further we get from the events, the more elusive proper examination has become. Rather than time giving a measure of distance, the tenor of the debate has degenerated to a point where the very words “human rights lawyer” are used as an insult by top politicians. Meanwhile, anger at the government’s own investigation into alleged abuses by British soldiers in Iraq has fuelled scepticism about civilians’ right to even question the actions of the armed forces overseas...

- Read the full article on the [Guardian’s website](#)
- See also ICC Prosecutor Fatou Bensouda’s [Report on Preliminary Examination Activities \(2017\)](#) in which the Prosecutor states that there is a “reasonable basis” to believe that UK armed forces committed war crimes against detainees during the Iraq conflict between 2003 and 2009, including wilful killing/murder, torture and inhuman/cruel treatment, outrages upon personal dignity, and rape or other forms of sexual violence.

## New tools

### Guidelines: Case Mapping, Selection and Prioritisation of Conflict and Atrocity-Related Crimes

The Case Matrix Network (CMN) has released [Guidelines](#) setting out their recommended approach to case mapping, selection and prioritisation for conflict and atrocity-related crimes. The Guidelines are based on their experience in different post-conflict settings, as well as empirical observation and theoretical research. They outline:

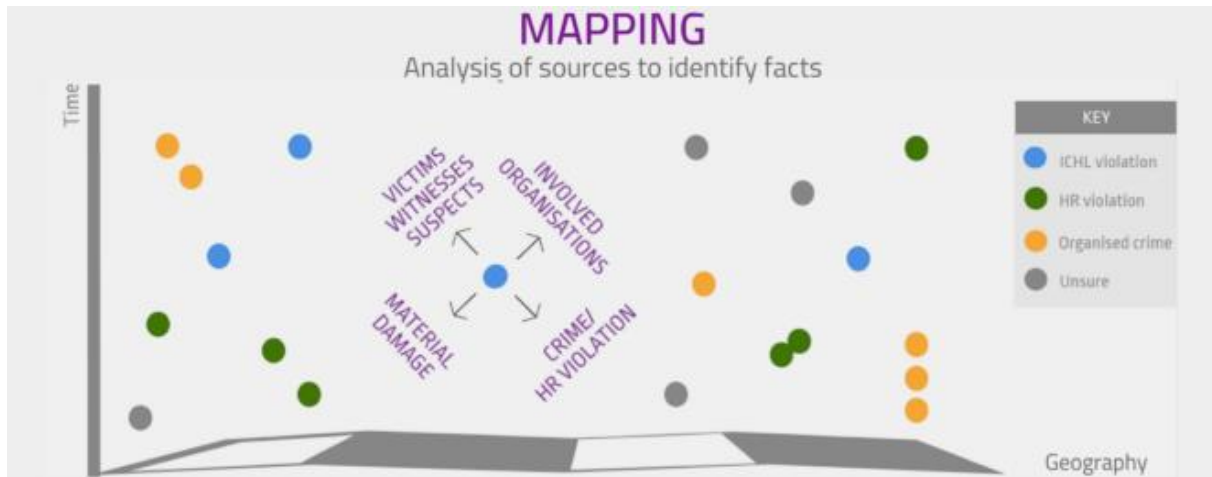
- Key general principles that help to guide case mapping, selection and prioritisation;
- The scope of, and process for, mapping backlogs of open case files and broader incidents;



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- Considerations for the adoption of a policy to guide case mapping, selection and prioritisation process;
- Model criteria for the selection and prioritisation of cases.



### Why prioritise conflict and atrocity-related cases?

Contemporary armed conflicts are characterised by an overwhelming range and scale of illegal conduct, often carried out against vulnerable or marginalised groups. Justice efforts should address the total character of victimisation, including the geographic area of victimisation and the affected communities, as well as the responsible organisations and individuals. However, it is rarely possible to provide criminal justice for all violations. Justice institutions are often limited in the number of cases that can be processed at any one time: without an objective and transparent strategy, cases will be pursued on an *ad hoc* basis without a clear structure – such as first come first served – while many others will remain unaddressed. This type of selective approach may – inadvertently or purposely – be discriminatory, partial or unfair, and could result in *de facto* impunity for certain offences, perpetrator groups or victimised groups.

### How does prioritisation provide accountability for conflict and atrocity-related cases?

Case mapping, selection and prioritisation aim to address these challenges by enabling the totality of victimisation in any conflict to be addressed in an impartial and socially-sensitive way. They seek to balance the quest to end impunity for the perpetrators of mass atrocity with the constraints of justice and accountability mechanisms, ensuring a more efficient and transparent administration of justice. This does not necessarily mean the deselection of cases, nor the closing of all but a handful of cases, but rather establishes an objective and transparent process for the allocation and phasing of cases within and across appropriate justice mechanisms.

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### What kinds of cases should be prioritised for criminal prosecution?

The Guidelines propose that criminal prosecution should prioritise cases involving offences committed in the areas and communities most affected by violence. Equally, organisations or institutions most responsible for the commission of offences should face criminal justice to a greater extent than, or ahead of, organisations and institutions of lesser significance. Other cases or incidents may be allocated to other accountability mechanisms, depending on the post-conflict needs of the country and its legal framework.

## New publications

### New ILAC Report: The Guatemalan Justice Sector in the Long Shadow of Conflict

The International Legal Assistance Consortium (ILAC) has released a new report that examines the situation of the judiciary and public prosecution in Guatemala. ILAC's [Rule of Law Assessment Report on Guatemala](#) provides a baseline for efforts to analyse the rule of law in Guatemala, including challenges such as the justice for crimes committed during the 1960-1996 internal armed conflict, disputes over land and natural resources, criminalization of protests, discrimination against women and LGBTI persons, and marginalization of indigenous communities.

### NGOs for International Justice: Criminal or Victims' Justice?


*The Judicialization of International Law: A Mixed Blessing?* 2018 A. Føllesdal & G. Ulfstein (eds)  
Oxford University Press, by Kjersti Lohne, University of Oslo

**Abstract:** The chapter approaches international criminal justice from a legal sociology perspective to shed light on the anxiety and hybridity in international criminal justice as 'being' criminal justice or victims' justice. Continuing the story of NGO influence upon then Rome Statute system of justice, the chapter provides an analysis of their organisational structures and advocacy issues, and the rationalities and sensibilities therein. It reveals a fundamental discrepancy between advocacy on behalf of victims and defendants' in international criminal justice. While legal professionals' associations emphasise parallels with domestic systems of criminal justice in terms of due process and the objectives of criminal law procedures, human rights NGOs appear to put a greater emphasis on international criminal justice as part of transitional justice, seeking to help the criminal justice process establish 'truth' and 'memory' and public recognition of victims' suffering. For human rights NGOs, international criminal justice is primarily a means to enforce human rights; indeed, the

'punitive turn' in the human rights movement indicates that the fight against impunity has become a central human rights issue. In consequence, it is victims - not defendants - that are the focus of human rights advocacy in international criminal justice. And yet while victims' advocacy can be both unproblematic and morally defensible when seen in isolation, when taken together, the dominance of victims' advocates can in part explain how imbalances and tensions between 'victims' or 'criminal' justice emerge in the field of international criminal justice.

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

## News May 2018

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

### 28 June

[French firm Lafarge under investigation for complicity in crimes against humanity in Syria](#)  
(France24)

French cement giant Lafarge was placed under formal investigation Thursday for complicity in crimes against humanity and financing a terrorist enterprise in Syria. Lafarge is suspected of paying nearly €13 million in murky deals to the Islamic State (IS) group after the jihadist group seized control of the Jalabiya region in northern Syria where the company was running a cement plant...

[Application filed by team of local & international lawyers before Sierra Leone Supreme Court for victims of rape & torture for crimes allegedly committed by ECOMOG forces during Sierra Leone war](#)

(Centre for Accountability and Rule of Law)  
... On June 22, 2018 the team filed an application with the Supreme Court of Sierra Leone under Section 28 of the Constitution against the Government of Sierra Leone seeking redress for violations of the constitutional rights of 9 Sierra Leoneans who are also the plaintiffs in this suit. The application relates to alleged abuses by ECOMOG Forces committed against the civilian population of Sierra Leone in 1999. This is an action by Sierra Leoneans against the Government of Sierra Leone – not the Republic of Nigeria – for

the violation of their rights guaranteed under the 1991 Constitution of Sierra Leone...

[New types of weapons need new forms of governance](#)

(International Review of the Red Cross)  
The existing national and international tools used to control the emergence and use of weapons that may contravene international humanitarian law (IHL) have proved largely effective. New types of emerging weapons, however, are testing the capability of these tools...

### 27 June

[OPCW chemical watchdog gains power to assign blame](#)

(BBC)  
The world's foremost chemical weapons watchdog has granted itself new powers to assign blame for attacks, despite protests by Russia. Until now, the Organisation for the Prohibition of Chemical Weapons (OPCW) could only say whether chemical weapons were used - but not who had used them. Britain successfully argued that new powers were needed to deal with repeated chemical attacks in Syria...

### 26 June

[UN Accuses Congolese Soldiers, Militias of War Crimes](#)

(Bloomberg)  
Security forces and militia fighters in the Democratic Republic of Congo carried out war crimes and crimes against humanity in a conflict in the country's Kasai region, the United Nations said. Congolese soldiers and two armed groups - Kamwina Nsapu and Bana Mura --





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committed "multiple atrocities, including numerous cases of sexual violence and abuses against children, which can be described as crimes against humanity or war crimes," the UN's High Commissioner for Human Rights said in a report published on Tuesday...

## 25 June

### 'All atrocity crimes are preventable' and can never be justified – UN chief

(UN News)

Speaking at a General Assembly debate on the 'responsibility to protect' on Monday, Secretary-General António Guterres highlighted that upholding the obligation, when it is most needed, is critical...The responsibility to protect, widely known as R2P, refers to the obligation of States toward their populations and toward all populations at risk of genocide and other mass war crimes...

### France Extradites Serb War Crimes Suspect to Bosnia

(Balkan Transitional Justice)

Radomir Susnjar, alias 'Lalco', who is charged with committing crimes against civilians in Visegrad in eastern Bosnia in June 1992, appeared in court in Sarajevo on Monday after being extradited from France to Bosnia and Herzegovina the previous day. He is accused of participating in a war crime in which 57 Bosniak civilians from the village of Koritnik were forcibly detained in a house in Pionirska Street in Visegrad, which was then set on fire...

### Immunity, Accountability and Politics – the AU's bid for an ICJ Advisory Opinion

(Groningen Journal of International Law)

...During the 30th Ordinary Session of the African Union, held on 28 – 29 January 2018, the Assembly requested that, 'the African Group in New York immediately place on the agenda of the United Nations General Assembly a request to seek an advisory opinion from the International Court of Justice on the question of immunities of a Head of State and Government and other Senior Officials as it relates to the relationship between Articles 27 and 98 and the obligations of States Parties under International Law.' Much has been said about the significance of this step...

### Canada should end immunity for perpetrators of torture

(Toronto Star)

As a state party to the Convention Against Torture, Canada is obligated to prohibit, prevent, and punish acts of torture, as well as to provide redress to survivors in Canada. In the past, the federal government has condemned torture "in the strongest possible terms" and has provided some minimal financial support to the UN Voluntary Fund for Victims of Torture. However, it is not enough to merely denounce torture. Canada must also hold perpetrators accountable and provide legal avenues to survivors in Canada seeking reparations.

## 22 June

### Venezuela crisis: UN says security forces killed hundreds

(BBC)

Venezuelan security forces have carried out hundreds of arbitrary killings under the guise of fighting crime, the UN's human rights body says. In a report, it cites "shocking" accounts of young men being killed during operations, often in poor districts, over the past three years. The UN's human rights chief said no-one was being held to account, suggesting the rule of law was "virtually absent"...

## 21 June

### Seeking justice in The Gambia: Why Jammeh's days are numbered

(African Arguments)

If The Gambia's former president Yahya Jammeh thought he could escape to a quiet exile in Equatorial Guinea, he may have underestimated the determination of his compatriots. His 22-year rule was marked by alleged disappearances, extrajudicial killings and arbitrary detention. And since early-2017, when Adama Barrow took over as president, there have been public calls for senior figures in the previous government to be prosecuted. Although it has only been 18 months since Jammeh was forced to step down after losing elections, there have already been two serious attempts to seek justice.



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## 20 June

### [Both sides committed war crimes during siege of Syria's Ghouta: U.N.](#)

(Reuters)

Syrian government troops and affiliated forces committed war crimes and a crime against humanity in their long siege of eastern Ghouta through heavy bombardment and “deliberately starving” 265,000 people, U.N. investigators said on Wednesday.

## 19 June

### [Malian suspect at ICC: New opportunity for accountability for sexual crimes](#)

(Intlawgrrls)

Few women in northern Mali believed that this day would come. One of the chiefs of the Islamic police of Timbuktu during the jihadist groups take over of the north of the country in 2012-2013 appeared before the ICC last April. The prosecution alleges that Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud is responsible for rape and sexual slavery, torture, persecution, outrages upon personal dignity, passing of unlawful sentences, and attacking religious and historical buildings...

## 18 June

### [How Croatia's Last WWII Camp Commander was Extradited](#)

(Balkan Transitional Justice)

In the first of a two-part series, BIRN reports on how Dinko Sakic, the last living commander of Croatia's World War II concentration camp Jasenovac, was tracked down in Argentina and extradited 20 years ago...

## 17 June

### [Modelling the rules of targeting](#)

(Intlawgrrls)

The rules of targeting of international humanitarian law play a pivotal role in protecting civilians. They achieve this by requiring military commanders to take appropriate steps when planning and executing military operations to mitigate danger to civilians. Yet, there is little guidance on how parties to the conflict apply the rules of targeting on the battlefield. Consequently, the task of Non-Governmental Organizations to hold parties to the conflict to account for breaches of the rules is extremely difficult...

## 15 June

### [EU top court affirms asset freeze of Bashar al-Assad's cousin](#)

(Jurist)

The European Court of Justice (ECJ) on Thursday affirmed a decision to freeze assets of Syrian President Bashar al-Assad's cousin, Rami Makhoul. The ECJ referred to Council Decision (CFSP) 2015/1836 of 12 October 2015 that amended Decision 2013/255/CFSP discussing restrictive measures against Syria. Relying heavily on Article 27 and 28, a travel ban and asset freeze are mandated of “persons responsible for the violent repression against the civilian population in Syria, persons benefiting from or supporting the regime, and persons associated with them.” ...

## 14 June

### [British Columbia or East Africa? Court to help decide venue of human-rights case](#)

(Times Colonist)

The Supreme Court of Canada will help decide whether a human-rights lawsuit against a Canadian mining company should be heard in British Columbia or Eritrea. The high court has agreed to hear an appeal by B.C.-based Nevsun Resources (TSX:NSU), which argues the East African country would be the more appropriate forum. Refugees from Eritrea allege they were forced to work at a gold mine controlled by subsidiaries of Nevsun and Eritrean state companies. They contend construction of the mine flouted international legal provisions against forced labour, slavery and torture — accusations that have not been tested in court...

## UN rights chief calls for investigation of Kashmir

(Jurist)

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein called for an investigation Tuesday into potential human rights abuses committed in both the Indian-administrated and Pakistan-administrated sections of the Kashmir region. According to the first UN report on Kashmir, in the Indian-administrated section, soldiers use excessive force against civilians, which led to approximately 145 deaths within the past few years. Civilians are also subjected to enforced disappearance, torture, and sexual violence.

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Victims are often barred access to justice because Indian soldiers have almost complete immunity...

## [Germany Extradites Serb War Crimes Suspect to Bosnia](#)

(Balkan Transitional Justice)

The Bosnian prosecution said on Wednesday that the German authorities have extradited Bosnian Serb ex-fighter Milorad Obradovic, alias Stiven, who is suspected of committing war crimes in Miska Glava in the Prijedor municipality in July 1992. Obradovic was flown to Bosnia and Herzegovina after he was located, identified and arrested in Munich. He is suspected of taking part in the illegal arrests and torture of 120 Bosniaks in Miska Glava near Prijedor, who were later killed in the nearby town of Ljubija...

## [EU ends Kosovo rule of law mission amid criticism over results](#)

(Deutsche Welle)

The EU's rule of law mission in Kosovo is handing over responsibility for judicial affairs to local authorities. Critics say the decade-long program failed to hold high-level criminals and corrupt officials to account...

## **13 June**

### [Hague Court Transfers Serbian Radicals' Trial to Belgrade](#)

(Balkan Transitional Justice)

The Mechanism for International Criminal Tribunals in The Hague said on Wednesday that the case against Serbian Radical Party officials Petar Jovic and Vjerica Radeta should be transferred to Serbia because Belgrade has expressed readiness to take the case and the alleged crime was committed in Serbia. "Serbia indicated that the defendants lived in that country and that they expressed readiness to appear before a Serbian court," said the decision by judge Aydin Sefa Akay...

## [I'll rejoice in Trump's triumph when Kim opens his gulags to scrutiny](#)

(The Sydney Morning Herald)

...So I am glad that President Trump and Chairman Kim met in Singapore. I am prepared to swallow the praise that was showered on Kim Jong-un and his former spy chief at his side at the summit...I will

begin to respect his word when he opens up his isolated country to allow United Nations inspectors to visit the mass detention camps. Let him do this immediately and then I can join in the rejoicing for the self-proclaimed triumph of the Singapore Summit of June 2018...

## **12 June**

### [Bosnian Serb Soldiers' Srebrenica Genocide Trial Opens](#)

(Balkan Transitional Justice)

Mile Kosoric, the former commander of the Bosnian Serb Army's Vlasenica Brigade, and Momcilo Tescic, a member of the brigade's Military Police Squad went on trial at the Bosnian state court on Tuesday on charges of committing genocide in Srebrenica in 1995. According to the charges, on the morning of July 12, 1995, members of the Vlasenica Brigade demined a road in the village of Luke, near Vlasenica, so that buses and trucks transporting Bosniak prisoners from Srebrenica could pass, and set up a checkpoint...

## [Hearing postponed again in 1995 Srebrenica massacre trial](#)

(AP)

Another hearing was postponed on Tuesday in the Serbian trial dealing with the 1995 massacre of 8,000 Muslims from Srebrenica, further delaying the landmark proceedings that opened over a year ago. The trial of eight former Bosnian Serb policemen charged with killing hundreds of Bosnian Muslim prisoners is seen as a test of Serbia's resolve to help punish those responsible for Europe's worst crime since World War II...

## **11 June**

### [Rights groups call on ICC to investigate Mexico authorities for crimes against humanity](#)

(Jurist)

Several organizations presented a report [text, PDF] Monday to the Office of the Prosecutor [official website] of the International Criminal Court (ICC) concerning crimes against humanity committed from 2008-2010 by the Mexican Army known as the Chihuahua Joint Operation (CHJO). The report outlines the murders, torture, sexual violence and forced disappearances of more than 121 victims committed by the Mexican military in the region of Chihuahua, Mexico that "have still

not been investigated, prosecuted, or punished” by the ICC...

#### [Silent War: How Rape Became a Weapon in Syria](#)

(Aljazeera)

... In *Silent War*, Syrian women break the taboo surrounding rape to speak openly about the abuse they endured at the hands of pro-regime militias and government soldiers... "Since I made my first film in Homs in 2011, I have thought about how to make a film about the unnameable," she says. "The family I was staying with took me to a house where there lived a woman who had just been released from the torture cells of Bashar al-Assad. She stood pale and frail by the door, then left without saying a word, too afraid to speak. For all those years, I wondered how to tell this story."...

#### **7 June**

##### [Justice Talks: Adewale Iyanda](#)

(Wayamo Foundation)

In this wide-ranging interview, Adewale Iyanda from the African Union Commission's Office of the Legal Counsel explores the landscape of justice and accountability for mass atrocities in Africa. Iyanda discusses the relationship between the ICC and the African Union and African states, the trial and conviction of Hissène Habré at the Extraordinary African Chambers, the development and potential establishment of the Hybrid Court for South Sudan, as well as the Malabo Protocol which, if enacted, would expand the jurisdiction of the African Court for Human and Peoples' Rights to include core international crimes. Iyanda eloquently reflects upon the challenges and opportunities facing this multitude of relationships and institutions...

##### [Hague Court Urged to Probe Journalists' Deaths in Kosovo](#)

(Balkan Transitional Justice)

The European Federation of Journalists, EFJ adopted a resolution jointly proposed by Serbian and Kosovo journalists' associations on Thursday calling for an investigation into the murders and kidnappings of 14 journalists between 1998 and 2005. The resolution, passed at the annual EFJ meeting in Lisbon, says that the crimes against journalists and media workers should be under the jurisdiction of the new Hague-based Kosovo

Specialist Chambers which will issue indictments for wartime and post-war crimes...

##### [Albania Agrees to Start Search for Communists' Victims](#)

(Balkan Transitional Justice)

The government agreed on Wednesday evening to engage the International Commission on Missing Persons to help the authorities to investigate the whereabouts of some of the almost 6,000 Albanians who were killed or disappeared during the 45 years of Communist rule in the country, search for their remains and identify them... The EU has granted the ICMP about 450,000 euros for the start of the work, which will cover research in two known grave sites believed to contain unnamed victims. There are dozens more suspected burial sites around the country...

##### [Counting the cost of Trump's air war in Afghanistan](#)

(BBC)

... Since President Trump announced his Afghanistan strategy and committed more troops to the conflict last August, the number of bombs dropped by the US Air Force has surged dramatically. New rules of engagement have made it easier for US forces to carry out strikes against the Taliban, and resources have shifted to Afghanistan as the fight against the Islamic State group in Syria and Iraq winds down. Heavy bombing against the Taliban and IS saw more Afghan civilians killed and injured from the air in 2017 than at any time since the UN began counting in 2009...

#### **6 June**

##### [The in-between of being a civilian and combatant – circular return in eastern DR Congo](#)

(LSE)

In this article, we introduce the notion of circular return to explain the permanent state of mobility between civilian and combatant life of combatants. The phenomenon is widely seen in eastern DRC, where thousands of Congolese youth have been going in and out of armed groups for several decades now. While the notion of circular return has its origins in migration and refugee studies, we argue that it also serves as a useful lens to describe





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and understand processes of incessant armed mobilisation...

## 1 June

### Policy and Legal Implications of European Court's Ruling on CIA "Black Sites"

(Just Security)

On Thursday, the European Court of Human Rights handed down its judgments in two cases involving European countries that had hosted CIA "black sites" in their territory. In the two cases – [Al](#)

[Nashiri v. Romania](#) and [Abu Zubaydah v. Lithuania](#) – the Court found that both States, through their cooperation with CIA extraordinary renditions of the applicants, had committed multiple violations of the European Convention on Human Rights (ECHR). In reaching its findings against the two European States, the Court also delivered blistering criticism of the U.S. Military Commissions as well as the CIA's interrogation practices, black sites, and High-Value Detainee Program...

## Quick links

The following are some useful research links:

- FICJ [Resource Library](#): research tools, best practice reports, commentaries and more
- FICJ [Global Legal Developments](#): specialised units, legislation, international & national cases
- International Criminal Court Legal Tools Database: an electronic library on international criminal law and justice with over 41,000 documents: [browse](#) | [search](#) | [annotated Rome Statute](#) | [annotated Rules of Procedure and Evidence](#) | [National Implementing Legislation Database](#)
- International Criminal Tribunal for the Former Yugoslavia [Legal Library](#)
- International Criminal Tribunal for Rwanda [Documents](#)

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