

# Forum for International Criminal Justice Newsletter: November 2018

Welcome to the IAP's Forum for International Criminal Justice (FICJ) November 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: a hybrid Special Criminal Court with jurisdiction over atrocity crimes opens in the **Central African Republic**; **Sweden** authorises a trial of Lundin Oil executives in historic corporate war crimes case; **Kosovo** courts have tried 111 war suspects since 1999; and **Germany** charges former **Afghan** officer with 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](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 summary of the ongoing trial against Dominic Ongwen at the International Criminal Court



[Click here](#) to watch a lecture by Professor Steven Freeland on crimes against the environment under international criminal law



FICJ

Forum for International Criminal Justice

## New Central African Republic Court Seen as Milestone in Fight Against Impunity

22 October 2018 marked a significant day for international criminal justice in the Central African Republic (CAR). It marked the first session of the [\*Cour Pénale Spéciale de la République Centrafricaine\*](#) or Special Criminal Court (SCC), a hybrid tribunal integrated into the CAR's domestic legal system. The SCC represents an opportunity to bring accountability for international crimes and justice for the victims of these crimes in the CAR.

The SCC, passed by law in 2015, will now officially begin investigations into some of the most serious crimes against humanity committed in the country since January 2003. Comprised of local and international staff and backed by the United Nations, the creation of the SCC is a welcomed development in a country locked in conflict for much of its recent history.

The latest conflict in CAR erupted in 2012 after militia overthrew president François Bozizé, and the power grab sparked deadly violence among the mainly Muslim Séléka armed groups and the predominantly Christian anti-balaka militias, as well as others. The ensuing civil war has killed thousands and displaced more than 700,000. It is estimated that more than 14,000 children have been recruited by its various warring parties. According to the [UN's latest Children and Armed Conflict report](#), verified cases of child recruitment quadrupled in 2017 compared to 2016.

The ongoing nature of violence in the CAR, like many global conflicts, has led to a breakdown of government frameworks and institutions meaning that holding those accountable for child recruitment, sexual abuse, murder and other heinous crimes is a near impossible task. And while the International Criminal Court has tried several individuals on charges of child recruitment – the [ongoing trial of former LRA commander Dominic Ongwen](#) is one notable example – no one from CAR has ever been arrested and tried at The Hague.

Based in Bangui, the SCC is a hybrid court, but different from its predecessors such as the Special Court for Sierra Leone and the Special Tribunal for Lebanon. Unlike these courts (which were



COUR PENALE SPECIALE



SCC Judges at inaugural session of the Court in Bangui on 22 October

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

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



FICJ

Forum for International Criminal Justice

established by way of treaties between the UN and the host states) the SCC is a domestic court with special jurisdiction over international crimes but allowing for international participation and cooperation. Therefore, the SCC is composed of national and international judges, and it is also financed by voluntary contributions from the international community.

In a statement released on 26 October, [the Office of the United Nations High Commissioner for Human Rights](#)

[stated](#): “The Central African Republic achieved a milestone in the fight against impunity this week when the country’s Special Criminal Court held its inaugural session on 22

October. We congratulate the Government and its partners for their efforts to make this possible...

The credibility and legitimacy of prosecution initiatives require that they be conducted in a non-

discriminatory and objective manner, regardless of who the alleged perpetrators may be. We

therefore commend ongoing efforts by the SCC, with the support of the State and interested partners, to seek to reinforce or develop the national and international capacity for investigation and

prosecution, as well as to promote an independent, impartial and effective judiciary, ensuring also the

means to mount adequate legal defence. The UN Human Rights Office stands ready to continue

providing support, including for judicial proceedings, to the SCC.”



UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

## Nobel Peace Prize 2018 awarded to anti-rape activists Nadia Murad and Denis Mukwege

[The Norwegian Nobel Committee](#) has decided to award the Nobel Peace Prize for 2018 to Denis Mukwege and Nadia Murad for their efforts to end the use of sexual violence as a weapon of war and armed conflict. Both laureates have made a crucial contribution to focusing attention on, and combating, such war crimes. Denis Mukwege is the helper who has devoted his life to defending these victims. Nadia Murad is the witness who tells of the abuses perpetrated against herself and others. Each of them in their own way has helped to give greater visibility to war-time sexual violence, so that the perpetrators can be held accountable for their actions.



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

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



The physician **Denis Mukwege** has spent large parts of his adult life helping the victims of sexual violence in the Democratic Republic of Congo. Since the Panzi Hospital was established in Bukavu in 1999, Dr Mukwege and his staff have treated thousands of patients who have fallen victim to such assaults. Most of the abuses have been committed in the context of a long-lasting civil war that has cost the lives of more than six million Congolese.



Denis Mukwege is the foremost, most unifying symbol, both nationally and internationally, of the struggle to end sexual violence in war and armed conflicts. His basic principle is that “justice is everyone’s business”. Men and women, officers and soldiers, and local, national and international authorities alike all have a shared responsibility for reporting, and combating, this type of war crime. The importance of Dr Mukwege’s enduring, dedicated and selfless efforts in this field cannot be overstated. He has repeatedly condemned impunity for mass rape and criticised the Congolese government and other countries for not doing enough to stop the use of sexual violence against women as a strategy and weapon of war.

**Nadia Murad** is herself a victim of war crimes. She refused to accept the social codes that require women to remain silent and ashamed of the abuses to which they have been subjected. She has shown uncommon courage in recounting her own sufferings and speaking up on behalf of other victims.



Nadia Murad is a member of the Yazidi minority in northern Iraq, where she lived with her family in the remote village of Kocho. In August 2014 the Islamic State (IS) launched a brutal, systematic attack on the villages of the Sinjar district, aimed at exterminating the Yazidi population. In Nadia Murad’s village, several hundred people were massacred.

The younger women, including underage children, were abducted and held as sex slaves. While a captive of the IS, Nadia Murad was repeatedly subjected to rape and other abuses. Her assaulters threatened to execute her if she did not convert to their hateful, inhuman version of Islam.

Nadia Murad is just one of an estimated 3,000 Yazidi girls and women who were victims of rape and other abuses by the IS army. The abuses were systematic, and part of a military strategy. Thus they served as a weapon in the fight against Yazidis and other religious minorities.

After a three-month nightmare Nadia Murad managed to flee. Following her escape, she chose to speak openly about what she had suffered. In 2016, at the age of just 23, she was named the UN's first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking.

This year marks a decade since the UN Security Council adopted Resolution 1820 (2008), which determined that the use of sexual violence as a weapon of war and armed conflict constitutes both a war crime and a threat to international peace and security. This is also set out in the Rome Statute of 1998, which governs the work of the International Criminal Court. The Statute establishes that sexual violence in war and armed conflict is a grave violation of international law. A more peaceful world can only be achieved if women and their fundamental rights and security are recognised and protected in war.

This year's Nobel Peace Prize is firmly embedded in the criteria spelled out in Alfred Nobel's will. Denis Mukwege and Nadia Murad have both put their personal security at risk by courageously combating war crimes and seeking justice for the victims. They have thereby promoted the fraternity of nations through the application of principles of international law.

## Mechanism's OTP & ICRC sign Memorandum of Understanding on Cooperation in the Search for Missing Persons

[International Residual Mechanism for Criminal Tribunals Office of the Prosecutor Press release](#)

Prosecutor Serge Brammertz of the Mechanism's Office of the Prosecutor (OTP) and Vice President Gilles Carbonnier of the International Committee of the Red Cross (ICRC) have signed a Memorandum of Understanding (MoU) in Geneva to promote their cooperation in the search for persons still missing from the conflicts in the former Yugoslavia.



Prosecutor Serge Brammertz and the ICRC Vice President Gilles Carbonnier

Following the signing ceremony, Prosecutor Brammertz said, "My

*Office has always been fully committed to locating persons missing from the conflicts. We have been working together with the ICRC already for a number of years, which has resulted in a number of*

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

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

*mass graves being found. I am very pleased that we are now formalizing and strengthening our cooperation. The search for the missing is a humanitarian imperative, and no effort can be spared.”*

The OTP and ICRC have agreed to cooperate with and assist each other, in conformity with their respective mandates, in order to contribute to clarifying the fate and whereabouts of persons who are still missing in relation to the conflicts in the former Yugoslavia. This cooperation and assistance will include accessing, analysing and transmitting for action information from the OTP evidence collection and other sources. In their joint efforts, the OTP and ICRC will continue and strengthen their assistance to local authorities in the countries of the former Yugoslavia.

This MoU is within the context of the ICRC’s five-year strategy on missing persons (2018–2022) to increase the capacities of national actors to deal with the residual caseload and to explore all feasible avenues to clarify the fate and whereabouts of as many missing persons as possible.

## Sweden authorises trial of Lundin Oil executives for Sudan war crimes

**AFP** - Sweden has given its green light for the indictment of the chief executive and chairman of Swedish group Lundin Oil, accused of being complicit in war crimes in the 2000s. The Swedish government authorised the prosecution authority to proceed with an indictment against Alex Schneider, a Swiss national currently serving as chief executive of Lundin Oil (now known as Lundin Petroleum), and Ian Lundin, the company's Swedish chairman of the board.



Alex Schneider (left) and Ian Lundin. Photo: Fredrik Sandberg / TT

“Given the severity of the crime, justice must be allowed to run its course,” Justice Minister Morgan Johansson said. Sweden can prosecute crimes committed abroad in its court system, but the government's approval is needed to press charges against a foreign national for crimes committed abroad, a justice ministry spokeswoman told AFP. The pair face a life sentence if convicted.

Lundin Oil is suspected of funding the Sudanese army and several militias to chase away local populations from regions where the company planned to carry out oil exploration. According to aid organisations, oil activities in the politically unstable region of southern Sudan fuelled a conflict

between Khartoum and rebels. Aid organisation Ecos said in 2010 that 12,000 people were killed or died of starvation, exhaustion or disease directly linked to the conflict between 1997 and 2003 in the area where Lundin Oil was active.

Swedish prosecutors opened a preliminary inquiry into the case in 2010. In 2016, Schneider and Lundin were formally suspected of being complicit to violations of international law, a term in the Swedish justice system that covers war crimes, crimes against humanity and genocide.

On its website, the oil group said it believes “there are no grounds for any allegations of wrongdoing by any representative of the company... Lundin Petroleum strongly believes that it was a force for development in Sudan and was at all times an advocate for peace by peaceful means in the region.”

## Statement of the ICC Prosecutor on the Situation in Palestine

[\*ICC Office of the Prosecutor press release\*](#)

I have been following with concern the planned eviction of the Bedouin community of Khan al-Ahmar, in the West Bank. Evacuation by force now appears imminent, and with it the prospects for further escalation and violence. It bears recalling, as a general matter, that extensive destruction of property without military necessity and population



transfers in an occupied territory constitute war crimes under the Rome Statute. I am similarly alarmed by the continued violence, perpetrated by actors on both sides, at the Gaza border with Israel.

As Prosecutor seized of the situation in Palestine, I therefore feel compelled to remind all parties that the situation remains under preliminary examination by my Office. I continue to keep a close eye on the developments on the ground and will not hesitate to take any appropriate action, within the confines of the independent and impartial exercise of my mandate under the Rome Statute, with full respect for the principle of complementarity.

- See also [West Bank: ‘imminent’ demolition of Palestinian village could be ‘war crime’ – ICC Prosecutor](#), UN News





FICJ

Forum for International Criminal Justice

# The UN needs a new body to investigate war crimes so that no one can escape justice

***The Telegraph, By Lord William Hague and Angelina Jolie, co-founders of the Preventing Sexual Violence In Conflict Initiative, a global campaign to end the use of rape as a weapon of war***

The UN General Assembly is viewed each year through the prism of speeches by world leaders at the marble podium. But the UN exists for the millions of people worldwide who will never set foot in its corridors: the “men and women of nations large and small” whose equal rights to justice and security are enshrined in the UN Charter.



Angelina Jolie and William Hague during a trip together in 2013 to a displaced persons camp in the Democratic Republic of the Congo Credit: MINISTRY OF DEFENCE/ EPA

In principle, the UN belongs as much to the poorest refugee as it does to any President or Prime

Minister. In practice, the interests and priorities of powerful member states determine which violations of human rights are addressed and which continue unchecked.

World leaders gathered at the UN this week should recommit to the principle that there can be no long-term peace and security without accountability for war crimes and crimes against humanity. This is a matter of self-interest as much as idealism. The erosion of the rule of law in any part of the world eats away at the foundations of our long-term security. Peace settlements that give amnesty for crimes against civilians perpetuate insecurity. Don't take us on our word, look at history.

The United Nations was born out of World War Two and the deaths of some 80 million people. The brave generation who fought and endured concluded that no country would be safe from the threat of war without international laws and institutions to prevent armed conflict and hold aggressors accountable.

It is why planning for the creation of the UN began long before military victory was assured. It is why the Allied Powers prosecuted Nazi leaders for war crimes in a court of law, rather than simply vanquishing them on the battlefield. The principle that no country should be allowed to use its sovereignty as an excuse to attack its neighbours or commit crimes against its own people derives from that experience.

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

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



Since then we have seen decades of efforts to erode impunity for crimes against humanity, including the war crimes tribunals for Cambodia, Rwanda and the former Yugoslavia, among others, and the International Criminal Court: set up not to supplant national justice but as a court of last resort in cases where there is neither the will nor the capability to achieve justice locally.

The existing system is far from perfect and justice has been selectively applied, but our goal should be to improve, not undermine, the gains of recent years, at a time of growing threats to international security. There is no nation so powerful that it can afford a weakening of the rules-based international system.

The conflicts in Syria and Myanmar trigger every trip wire for collective diplomatic international action through the UN: alleged war crimes against a civilian population, threats to international peace and security and, in the case of Syria, the repeated use of banned weapons. Much of the same could be said of the conflict in Yemen.

---

*“We believe that UN Member States should now go further, to create a permanent, independent investigatory body with a mandate to be deployed to gather and assess evidence in cases involving alleged war crimes, crimes against humanity, and other grave violations of human rights.”*

---

Yet millions of the citizens of these and other countries still see no credible prospect of justice and accountability. We hear again the excuse of national sovereignty being used to shield those responsible for atrocities. If this goes unchallenged, there will be no deterrent against future aggressors and the result will be an even more dangerous international environment.

Leaders at UNGA should adopt measures to promote accountability even in cases where there is little current prospect of Security Council action. Specifically, we should strengthen our ability to gather and assess evidence, particularly in cases involving mass rape and other gender-based crimes.

Two years ago the UN General Assembly voted to establish an Independent International Mechanism to collect, preserve and analyse evidence of violations of international humanitarian law and human rights in Syria. There are now calls for the creation of a similar body for the investigation of crimes against the Rohingya people, to prepare files for a future prosecution.

We believe that UN Member States should now go further, to create a permanent, independent investigatory body with a mandate to be deployed to gather and assess evidence in cases involving alleged war crimes, crimes against humanity, and other grave violations of human rights.

Such a body should have a clear mandate, strong investigative powers, dedicated staff and sustainable funding. It could either grow out of the existing Mechanism for Syria, which could be

enlarged and made permanent, or it could be established as a new and separate body modelled, for instance, on the Organisation for the Prohibition of Chemical Weapons.

A country's action to uphold human rights internationally is a measure of its strength in foreign policy. It is no coincidence that many of the people most committed to the principle of international justice have had personal experience of war, just as some of the loudest voices calling for greater investment in diplomacy and development today are senior military figures.

Generations before us have tried to create the conditions for lasting peace, and to widen and deepen respect for human rights internationally. We have benefited from their farsightedness and ought to be capable of equal strength of purpose.

To neglect to do everything in our power to ensure that accountability and redress are at the centre of our efforts to resolve contemporary conflicts would be a strategic as well as a moral failure.

- See also [An Independent Mechanism for Myanmar: A Turning Point in the Pursuit of Accountability for International Crimes](#), EJIL:Talk!

## Poor Cooperation Leaves Balkan War Crime Suspects at Large

### Balkan Transitional Justice Opinion

**Prosecutors in Bosnia, Croatia and Serbia signed protocols to cooperate on war crimes cases five years ago, but few cases have been exchanged due to a lack of political will, leaving dozens of suspects at liberty.**

On the eve of the verdict in 2014 that convicted him of war crimes for ordering an artillery strike on the town of Tuzla that killed 71 people, Novak Djukic, the wartime commander of the Bosnian Serb Army's Ozren Tactical Group, fled to Serbia. The Bosnian state court sentenced Djukic to 20 years in prison, but he is still living freely in Serbia, where the authorities have so far not agreed to take over the enforcement of the verdict that convicted the Bosnian Serb commander of ordering the attack in May 1995.

A warrant for Djukic was issued in October 2014, but the Higher Court in Belgrade has postponed - several times - a hearing at which the takeover of responsibility for his imprisonment was due to be discussed. Djukic's case is just one of around 40 cases in which the Bosnian authorities are seeking people who are suspected or accused of genocide or war crimes who currently reside in Serbia or Croatia. Among them are former Bosnian Serb Interior Minister Tomislav Kovac and Zlatan Mijo Jelic, a retired general from the Bosnian Croat wartime force, the Croatian Defence Council.



FICJ

Forum for International Criminal Justice

War victims from Bosnia and Herzegovina, as well as the chief prosecutor at the UN war crimes court in The Hague, Serge Brammertz, have repeatedly criticised the continuing delays in Serbia taking over the enforcement of the sentence in the Djukic case. “It is definitely one of the cases we have been mentioning for the last two years, that it is unacceptable that this judgment is not being executed. It is a judgment which has been rendered by jurisdictions in Bosnia and Herzegovina, respecting all procedural safeguards, and it is the duty, based on international conventions, of Serbia to execute this sentence,” said Brammertz.



A Serbian gendarme guards the entrance of the special court for war crimes in Belgrade, 2011. Photo: EPA/KOCA SULEJMANOVIC.

### ‘Leave our men alone’

In 2013, the prosecutor’s offices of Bosnia and Herzegovina, Croatia and Serbia signed protocols enabling the free exchange of war crime cases, investigations and case documents. Despite the fact that several cases have been exchanged and processed, very few against high-ranking suspects have been successfully transferred to neighbouring countries’ jurisdictions. On top of that, numerous suspects have never been arrested, nor have proceedings been brought against them.

The work of the Serbian judicial authorities on war crime cases has been the subject of criticism for years, both in European Commission progress reports and monitoring conducted by the Belgrade-based Humanitarian Law Centre NGO. “We have a small number of indictments and the number is getting smaller and smaller each year,” said Marina Kljaic of the Humanitarian Law Centre.

“Besides that, in the past two years we have only dealt with cases transferred from Bosnia and Herzegovina, but those are smaller cases with few perpetrators. High-ranking members of the army and police are not being processed. No big cases are being processed either, but only those covering smaller crimes with one or a few victims. We have never had a single genocide indictment,” Kljaic added.

Serbia does not recognise the Srebrenica massacres carried out by Bosnian Serb forces as genocide, despite the rulings of international courts. The Serbian authorities also remain politically unwilling to prosecute senior Serb officials for wartime crimes, experts believe.

A Belgrade-based expert in transitional justice, Ivan Jovanovic, also noted that no indictments of high-ranking suspects have been filed in Serbia. “This is because politics has an influence on transitional justice processes, including war crimes trials,” Jovanovic said.

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

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

Even in cases in Serbian courts that are portrayed as successful, such as the Strpci massacre trial or the trial for murders of Bosniaks from Srebrenica in the village of Kravica, which are being held in Belgrade, there has been a lot of criticism of the way the proceedings have been conducted.

The change in the classification of the Srebrenica crimes from genocide to a crime against civilians, as well as the constant postponement of hearings by the Belgrade court, have exasperated some observers. Legal expert and former Croatian President Ivo Josipovic argued that the root cause of such situations was “the philosophy that says that ‘we should leave our men alone’”.

“Criminals always belong to other nationalities and I think that is a universal principle applied by all countries in the region. The ruling structures obviously don’t have the correct attitude to war crimes. So on one hand they are protecting perpetrators, one way or the other, and on the other hand, victims are not getting the satisfaction they should get,” Josipovic said.



Former Croatian President Ivo Josipovic argues that authorities in all ex-Yugoslav countries try to shield their own nationals from prosecution. Photo: BIRN.

“Why is this so? Firstly because there is national sentiment, which, in my opinion, is distorted and wrong, and secondly, some of the people accused of war crimes belong to ruling structures or have a mythologised position in the public arena, so governments do not dare take the necessary legal measures,” he added.

But the deputy county state’s attorney in Zagreb, Jurica Ilic, disagreed with Josipovic, arguing that Croatia’s cooperation with other Balkan countries over war crime cases has been “appropriate”. The only possible reason for not taking over a criminal prosecution from another country would be “the strict criteria set by Croatian courts”, Ilic insisted.

“We must follow those criteria and, for those reasons, in most cases when a criminal prosecution is taken over, an investigation is initiated. We collect evidence on the basis of the criteria we must meet and only then do we file an indictment,” he explained.

But the acting chief prosecutor at the state prosecution in Sarajevo, Gordana Tadic, insisted that according to the cooperation protocols that the three countries have signed, Bosnia can send a case at any point, and that if it has amassed a “significant quantity of evidence”, it should result in an indictment whatever criteria the Croatian courts use.





FICJ

Forum for International Criminal Justice

### ‘International court standards should apply’

Veteran Bosnian lawyer and former judge Vasvija Vidovic argues that all judicial institutions in the region must follow international standards and follow the precedents set by the International Criminal Tribunal for the Former Yugoslavia, ICTY in The Hague. “Therefore, through the application of these standards, we can overcome the disparity between stances and views about certain events and their legal classification,” Vidovic said.



The first session of the International Criminal Tribunal for the Former Yugoslavia in The Hague in 1993. Photo: ICTY.

At present, Croatia refuses to accept that it took part in a joint criminal enterprise along with Bosnian Croat leaders during the war in Bosnia and Herzegovina, as the ICTY has found, while Serbia refuses to prosecute people for genocide in Srebrenica, as it does not accept the ICTY’s ruling that the massacres constituted genocide, and instead tries them for crimes against civilians.

The chief Hague prosecutor, Serge Brammertz, said that he was disappointed with the continuing lack of cooperation between Bosnia and Herzegovina and Serbia, but that the cooperation between Bosnia and Herzegovina and Croatia has been even worse.

“There are a number of cases we have transferred years ago to Sarajevo. Some of them, in the meantime, have been transferred to Croatia, because the physical perpetrators are there. We see very little progress. What is in particular disappointing, if not to say unacceptable, is that there is a political conclusion taken by the government several years ago not to cooperate in certain cases, which is, in our opinion, political interference within judicial process,” Brammertz pointed out.

- Read the full article on the [Balkan Transitional Justice website](#)
- See also: [Hague Prosecutor: War Crimes Cooperation Deteriorating](#): Serge Brammertz, chief prosecutor at the Mechanism for International Criminal Tribunals in The Hague, warns that cooperation between ex-Yugoslav states on prosecuting suspects from the Balkan wars was “regressing”.

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

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



FICJ

Forum for International Criminal Justice

# THE LONG READ: Justice for Syria: Lessons from Innovative Tools for Accountability

***Peace Lab***, by **Sareta Ashraph**, former Chief Legal Analyst on the Independent International Commission of Inquiry on the Syrian Arab Republic ([IIIC](#)), and a former consultant to the International, Independent and Impartial Mechanism for Syria ([IIIM](#))

Justice remains elusive in the case of Syria. With the UN Security Council blocked, the hope of securing justice rests with national prosecutors. The IIIM was established to organise the largely uncoordinated documentation effort, necessary to support prosecutors. But for states seeking accountability, two questions loom: what could have been done better? And what more can, and should, they do?



When it comes to pursuing justice for the Syrian people, the why has never been in doubt. The conflict, and the unrest which preceded it, have been a theatre of unrestrained brutality, a consequence of the warring parties' utter disregard for international law. Over the last eight years, dozens of entities - non-governmental, governmental, and UN-mandated - have documented violations of international law in Syria. The [Independent International Commission of Inquiry on the Syrian Arab Republic](#), established by the UN Human Rights Council in August 2011, has published over 15 reports documenting crimes against humanity and war crimes committed by the Syrian government as well as a number of armed groups.

While sporadic political negotiations have carefully skirted the issue of accountability, justice for the Syrian people - or at least a reckoning for those who committed these crimes with impunity - has always been held up as being non-negotiable. Layered into this is an increasingly urgent need to reassert the value of international law. Achieving justice has largely been understood as the holding of criminal trials. Consequently, the immediate and continuing focus has been on gathering and preserving potential evidence not only of the crimes themselves, but also of the criminal responsibility of those further up the chain of command.

## **The growing importance of national trials for international crimes**

Syria is now one of the best-documented crime scenes in human history. On the frontline of documentation efforts have been Syrians themselves. Facing immense danger, Syrian civil society organisations, activists, and journalists collected and preserved significant amounts of information,

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

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



FICJ

Forum for International Criminal Justice

and continue to do so. Their work underpins efforts to secure accountability. Yet, as evidence accumulated, the Syrian war - which was drawing in an increasing number of international actors and interests - laid

---

*“Syria is now one of the best-documented crime scenes in human history.”*

---

bare the paucity of existing approaches to international justice. With Syria not party to the Rome Statute, the only viable path to the International Criminal Court was through a UN Security Council referral. In May 2014, a draft Security Council resolution to make such referral - supported by over 65 countries - was [vetoed](#) by Russia and China. No other attempt has since been made. The idea of establishing some variation of an ad hoc tribunal for Syria never made it to a serious debate: it, too, would require Security Council consensus.

With the Security Council unable to reach agreement on referring the situation in Syria to justice at an international level, it is most likely that the sparks of accountability will find their fuel in the tinderboxes of the domestic courts, as the recent [conviction](#) of the commander of the Syrian armed group Ghoraba as-Sham in German courts shows. Yet national prosecutors, even those who work in specialised units, encounter significant challenges when it comes to investigating and prosecuting international crimes committed in Syria. Chief among them - aside from the salient matter of apprehending defendants - is the fact that they face a deluge of information collected during multi-year documentation efforts, conducted by numerous organisations with little coordination, and using different methodologies and standards of proof.

### **Current donor practices hinder collaborative approaches**

Two factors drove this multitude of documentation. First, there was little lateral communication among donors as to the types of documentation projects that they were funding, with the consequence that there were often similar projects run by different organisations, sometimes operating in the same places and targeting the same population. Second, donors tended to fund projects that were directed towards relatively short-term objectives, often with tangible deliverables (such as trainings being delivered, guidance material being produced, or testimonies of survivors being taken). Donors were less likely to fund projects that were inherently collaborative or which aimed to improve coordination practices among those undertaking documentation work on the ground.

The adverse impact of these donor practices were manifold: survivors of particular types of violations, notably torture and sexual violence, were unknowingly interviewed on multiple occasions by different organisations; interviewing practices varied widely, increasing the likelihood of re-traumatisation of survivors; there was no uniform protocol followed regarding the collection of physical evidence and open source material, potentially affecting its probative value; and

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

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

organisations seeking funds were effectively competing with each other, vastly reducing the possibility of much-needed collaboration. There was also a notably gendered impact: female-led organisations, particularly those which took more collaborative and participatory approaches, received less funding. The result was a mass of documentation divided among multiple organisations, in an environment where an entrenched reluctance to discuss or share information had developed. The consequence was no one - not prosecutors, donors, or the organisations themselves - understood what the totality of the evidence of crimes was.

Limited intra-donor communication is perhaps an inevitability given the independent nature of their decision-making. This is particularly so in regard to states, as decisions over who and what they fund are often a reflection of their national values and interests. Nevertheless, international donors such as Germany can have a tremendous impact by prioritising the funding of collaborative initiatives among those undertaking documentation work on the ground. They can - and should - ensure that grantees employ properly trained staff well-versed on the protocols of interviewing traumatised individuals, and of collecting and preserving documentary evidence. They should also support - politically and financially - entities that are established to organise the vast and often unruly documentation effort.

### **IIIM's financial stability must not depend on political vagaries**

In December 2016, the UN General Assembly [established](#) the International, Independent and Impartial Mechanism, or [IIIM](#).



Headed by [Catherine Marchi-Uhel](#), the IIIM is charged with collecting, consolidating, preserving, and analysing evidence that could be quickly moved before a tribunal, whether national or international, with jurisdiction over crimes committed in Syria. Marchi-Uhel has stated that the IIIM is preparing case files and has engaged with war crimes investigative units of various states - including in European countries, whose courts can exercise universal jurisdiction to prosecute. The IIIM embarked upon a particularly collaborative approach in its interactions with grassroots organisations, drawing them closer not only to the IIIM, but also to each other. It has also sought to include organisations that often are not represented at meetings in Geneva, notably groups without ready access to Europe, and Syrian women's rights organisations.

The IIIM's work is likely to be particularly important to national prosecutors, notably in Germany and Sweden where the war crimes units have taken a particularly active approach. The IIIM, despite its being the most likely means of ensuring justice for the Syrian people, is funded through voluntary contributions, forcing its senior officials to go on fundraising missions and rendering the IIIM's financial stability hostage to political vagaries. It is essential, if the commitment to justice is to bear any weight, that states support efforts to move the IIIM's funding from voluntary contributions to the



regular UN budget. States should consider whether to share, under agreed conditions of confidentiality, information held by its own intelligence agencies. Similarly, as donors, states are in a position to require their grantees to work effectively with the IIIM. As the Syrian conflict becomes less intense and new political realities take hold, the IIIM will need continued support from states, e.g. Germany. Finally, if justice for Syria is to be found in domestic courts, states will need to support - with resources and political backing - their own specialised investigative and prosecutorial teams.

### **A broader reach of transitional justice needed**

As the world begins to grapple with the complexities of a post-conflict Syria, murmurings about the broader reach of transitional justice are becoming louder. Discussions about reparations (be they individual, collective, material, and symbolic), memorialisation, and legislative and institutional reform have been slow in coming, a likely consequence of the unpredictability and intensity of the on-going conflict.

For now, attention continues to focus on the spectre of a defendant in a dock, and a fair trial. The crimes committed in Syria have long provided the why; the IIIM is the best answer thus far to the question 'how'. The Syrian people and their allies continue to wait impatiently for justice to arrive. When? Soon, we hope.

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

## Nuremberg Forum 2018 - 20<sup>th</sup> Anniversary of the Rome Statute: Law, Justice and Politics



On 19 and 20 October, the International Nuremberg Principles Academy held its annual international conference “Nuremberg Forum” on “The 20th Anniversary of the Rome Statute: Law, Justice and Politics” at the historic Courtroom 600 in the Nuremberg Palace of Justice. Leading practitioners and academics in the fields of international criminal law and international human rights were amongst the around 150 participants who came together at the historic Courtroom 600 in the Nuremberg

Palace of Justice. German Federal Minister for Foreign Affairs Heiko Maas and the Prosecutor of the International Criminal Court Fatou Bensouda delivered the keynote addresses.

German Federal Minister for Foreign Affairs Heiko Maas asserted in his keynote address the impacts of a worldwide crisis of multilateralism, which also affect the ICC. The ICC needed every support in order to ensure that perpetrators are consistently held to account. “When some people now declare this institution, of all institutions, to be dead in the water, then we must not allow that to go unchallenged. On the contrary,” Heiko Maas emphasized “we should take it as an incentive to continue doing all we can to promote acceptance of the International Criminal Court and its jurisprudence around the globe. “To perpetrators and victims he sent the clear message that “justice will prevail”.

The Prosecutor of the ICC Fatou Bensouda welcomed the timely explicit vocal support for the ICC from numerous states during the 73rd session of the UN General Assembly. She underlined the necessity of tangible and timely cooperation, including with respect to the arrest and surrender of ICC suspects, in order to effectively advance the important goals of the Rome Statute. In reiterating her call for robust support for the ICC, she added that “[a]ttacks on the Court aimed at undermining its important work, must continue to be met with the determined and unequivocal voices of support from principled States Parties and civil society, who stand by international criminal justice without reserve or distinction.”

In a series of seven panels, the experts, including policymakers whose work and efforts led to the creation of the court, discussed, inter alia, the making of the Rome Statute, criteria relating to case selection and length of proceedings, role of victim participation and reparation in the proceedings of the court, the engagement of states with the court and the potential future trail of the ICC in the next 20 years.

A number of needs were identified from the wealth of experience of the experts gathered in Nuremberg, including strengthening of the cooperation between the ICC and regional and national



mechanisms; the development of a constructive approach to complementarity; and the enhancement of the role of the Assembly of State Parties (ASP) for better engagement of the states with the court. It would be welcomed if the ICC applied better selection criteria for the election of nominated officials and found solutions for the problems, which the court faces from the Rome Statute itself. Regarding the Security Council they expressed the wish of more vigilance and more effective agreement within the UN would help the court in carrying out its mission.

## Register your interest for the IBA War Crimes Committee 2019 conference: The Next Big Questions for International Criminal Justice

**Date; 13 April 2019, The Hague, the Netherlands**



International Bar Association

**Topics include:**

- **Corporate accountability for war crimes, crimes against humanity, and genocide: what gives?**  
From Facebook's alleged role in Myanmar's incitement to violence to environmental disasters that might amount to crimes against humanity, can corporations be held accountable for their acts or omissions under international criminal justice?
- **Private actors and investigations: aide or hindrance to international criminal justice?**  
The advantages and potential dangers of these actors' operations within the international justice field, and draw wherever possible lessons learned and best practices.
- **Novel investigative models to fight impunity: the IIIM, the Iraq Mechanism, and justice for Syria, Iraq and Myanmar** What is new about these mechanisms and their mandates? To what extent can they constitute precedents for future investigations? What challenges are they encountering?
- **Gender justice: progress and challenges of prosecuting sexual and gender-based violence**

To find out more and register your interest visit the [IBA WCC website](http://IBA WCC website) or email Danya Chaikel, IBA WCC Conference Officer at [LC@iap-association.org](mailto:LC@iap-association.org)

## New free online course: International Humanitarian Law in Theory and Practice

**About this course:** "International Humanitarian Law in Theory and Practice" is the first MOOC of the Kalshoven-Gieskes Forum on International Humanitarian Law, which is the platform within the Grotius Centre for International Legal Studies of

**coursera**

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

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




# FICJ

Forum for International Criminal Justice

Leiden University for the research, teaching and dissemination of international humanitarian law (IHL). In this course, Prof. Robert Heinsch, Dr. Giulia Pinzauti and Dr. Emma Irving will give you a deep insight into the rules that govern armed conflict, and aim to mitigate human suffering on the battlefield. You will explore the why and how of IHL, followed by the different types of conflict. In no time you will find out which rules apply to the civil war in Syria, the military intervention in Ukraine and the occupation of the West Bank. During this course, you will learn how hostilities should be waged: Which weapons can be used by combatants and other fighters? And, who should never be a target during military operations? We will also look into the concept of protected persons, and you will find out how IHL affords protection to the sick and wounded, medical personnel, detainees, children, journalists and other persons who are not - or not anymore - fighting. At the end of this course, you are introduced to the different implementation and enforcement mechanisms that aim to increase respect for IHL. Here, you are invited to think critically whether IHL works!

- Enrol on the [Coursera website](#)

## News Oct 2018

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

### 30 October

[South Korean court orders Japanese firm to compensate WWII slaves](#)

(Aljazeera)

South Korea's top court ruled on Tuesday a company from Japan must compensate four South Koreans for their forced labour during World War II when the Japanese imperial army occupied the Korean Peninsula. The Supreme Court ordered Nippon Steel & Sumitomo Metal Corp to pay 100 million won (\$87,700) to each of the four plaintiffs...

### 29 October

[Germany Charges Former Afghan Officer With War Crimes](#)

(The New York Times)

German prosecutors say they have charged a 26-year-old former officer in the Afghanistan military with war crimes on allegations he facilitated the abuse of prisoners in his care. The federal prosecutor's office said Monday that Ahmad Zaheer D., whose last name wasn't given in line

with German privacy laws, is accused of presiding over the interrogation of three prisoners at an unspecified time in Afghanistan...

### 26 October

[Judge to investigate Franco-era crimes against Spanish women](#)

(The Guardian)

A judge in Argentina will examine cases of sexual assault, murder, forced abortion and the theft of children in Franco's Spain after widening her inquiry into the atrocities committed during the civil war and dictatorship to include crimes committed specifically against women.

Judge María Servini de Cubría has been looking into human rights abuses during the Spanish dictatorship since 2010, when a group of survivors petitioned her to launch an investigation under the principle of universal jurisdiction...

### 25 October

[Kosovo Courts Try 111 War Suspects Since 1999](#)

(Balkan Transitional Justice)

The Humanitarian Law Centre Kosovo on Thursday published an overview of war crimes cases in Kosovo from 1999 to mid-June this year. Of the 48 cases heard in Kosovo courts during the period, 25 were trials of Serbs, 19 of ethnic Albanians, three of Montenegrins and one of a Roma defendant, a

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

Follow us on twitter: [@iaprosecutors](#)





# FICJ

Forum for International Criminal Justice

total of 111 defendants. In the trials, 38 were acquitted and 39 were convicted, of whom 34 were ethnic Albanians, four were Serbs and one was Montenegrin...

## [Canada should increase support for International Criminal Court](#)

(Policy Options opinion)

Canada last month joined Argentina, Chile, Colombia, Paraguay and Peru in a referral of the situation in Venezuela to the International Criminal Court. Canada's involvement in this referral is based on a report documenting human rights abuses that include torture, politically motivated disappearances and extrajudicial executions... But in the current international climate, when the court is facing budgetary constraints that it says are limiting its ability to function effectively, Canada should be lending it additional financial and diplomatic support...

## [Commander of Khmer Rouge's most notorious prison in intensive care in hospital](#)

(Channel News Asia)

A senior Khmer Rouge figure who ran Cambodia's most notorious prison during the genocidal regime is in intensive care in hospital, but his health has stabilised, the director of a prison where he is serving a life sentence said on Thursday. Kaing Guek Eav, also known as Comrade Duch, was the first Khmer Rouge commander convicted of crimes against humanity in 2010, and sentenced in 2012 after a UN-backed tribunal rejected his appeal claim that he was a junior official following orders...

## [Iraq Is Tempting Fate by Punishing Women](#)

(Foreign Policy)

...The fate of the wives of accused war criminals is not a new question for the international community. From the Nazis to Colombian guerrillas, peace and reconciliation processes have wrestled with the role of women in war crimes. It's a critical issue for justice, gender equality, and for those hoping to lay the groundwork for future stability and peace in a post-war setting, in which the quest for truth and justice requires great nuance...

## **24 October**

### [Rohingya genocide is still going on, says top UN investigator](#)

(The Guardian)

Genocide is still taking place against Rohingya Muslims remaining in Myanmar and the government is increasingly demonstrating that it has no interest in establishing a fully functioning democracy, according to UN investigators. Marzuki Darusman, chair of the UN fact-finding mission on Myanmar, said thousands of Rohingya were still fleeing to Bangladesh, and the estimated 250,000 to 400,000 who have remained following last year's brutal military campaign in the Buddhist-majority country "continue to suffer the most severe" restrictions and repression. "It is an ongoing genocide," he told a news conference on Wednesday...

## **18 October**

### [Pioneering Kosovo Rape Victim Relives Battle for Justice](#)

(Balkan Transitional Justice)

Breaking the silence about rape in Kosovo, Vasilje Krasniqi Goodman, a survivor of wartime sexual violence, has become the first woman to speak out about her experience during the Kosovo war between 1998 and 1999 in an interview...

## **17 October**

### [Spiritualism in the Trial of Dominic Ongwen: Myth or Reality?](#)

(International Justice Monitor)

On September 18, 2018, defense lawyers in the case of Dominic Ongwen began presenting their case before the International Criminal Court (ICC). From the start, it was clear that the lawyers intended to rely on the aspect of spiritualism as a key tenet and strategy in the defense of Ongwen. Whether spiritualism within the LRA was myth or reality, the judges presiding over the trial are now left with no choice but to pronounce themselves on the matter...

### [Norway apologises to its World War Two 'German girls'](#)

(BBC)

Norway's Prime Minister Erna Solberg has issued an official government apology to Norwegian



# FICJ

Forum for International Criminal Justice

women who were mistreated over World War Two-era relationships with German soldiers. Norway, a neutral country, was invaded by Nazi forces in April 1940. Up to 50,000 Norwegian women are thought to have had intimate relationships with German soldiers...

### [Why is Saudi Arabia under fire over Jamal Khashoggi, but not Yemen?](#)

(The Guardian)

The alleged killing of the royal court insider turned journalist Jamal Khashoggi has rightly triggered a diplomatic crisis for Saudi Arabia, but it would appear it has not jeopardised any of the multibillion-dollar arms deals between the US, Britain and the House of Saud...Yet these influencers appear to have a blind spot for the more routine victims of unchecked Saudi aggression. Unlike Khashoggi, the thousands of Yemeni civilians who have been blown up by the Saudi royal air force do not write for the Washington Post...

### **16 October**

#### [Justice Dept Must Open Criminal Investigation Into Potential War Crimes by U.S. Mercenaries in Yemen](#)

(Just Security opinion)

The Justice Department has clear authority to investigate a U.S. company and its band of American mercenaries for alleged killings carried out in Yemen, acts which may amount to murder and war crimes. The allegations of killings by the company and its ex-US servicemen, in many instances by their own admission, are presented in an investigative report by BuzzFeed's Aram Roston. Absent some exculpatory information, these activities appear to include attempted and completed murder of civilians in Yemen at the behest of the United Arab Emirates...

### **15 October**

#### [A Genocide Incited on Facebook, With Posts From Myanmar's Military](#)

(New York Times)

...The previously unreported actions by Myanmar's military on Facebook are among the first examples of an authoritarian government's using the social network against its own people. It is another facet of the disruptive disinformation campaigns that

are unfolding on the site. In the past, state-backed Russians and Iranians spread divisive and inflammatory messages through Facebook to people in other countries. In the United States, some domestic groups have now adopted similar tactics ahead of the midterm elections...

### [Karadzic Demands Removal of Another Trial Judge](#)

(Balkan Transitional Justice)

Radovan Karadzic on Monday asked for judge William Sekule to be removed from the appeal process in his trial at the Mechanism for International Criminal Tribunals in The Hague. Karadzic's defence argued that Sekule is biased because he was on previous judging panels at the UN court that convicted former Bosnian Serb Army officers Vujadin Popovic, Ljubisa Beara, Drago Nikolic, Vinko Pandurevic and Radivoje Miletic and former Bosnian Serb intelligence and security chief Zdravko Tolimir. All were found guilty of involvement in the Srebrenica genocide...

### **13 October**

#### [French prosecutors move to drop probe into 1994 Rwanda presidential attack](#)

(The Local)

French prosecutors have requested the dismissal of a probe into the deadly 1994 attack on former Rwandan president Juvenal Habyarimana, which sparked the country's genocide, according to legal papers seen by AFP Saturday. The long-running probe has been a major source of tension between the two countries following accusations that a Tutsi militia headed by current Rwandan President Paul Kagame was responsible for the attack on the plane in April 1994...

### **11 October**

#### [Amnesty or no amnesty? African Commission weighs in on the Kwoyelo case](#)

(Beyond the Hague)

This week it was reported that the African Commission on Human and Peoples' Rights ("ACHPR") issued a long-awaited decision on the merits of Thomas Kwoyelo's complaints against the state of Uganda. Kwoyelo's story is a long and complicated one, about which much has been written. In brief, he has been wading through the Ugandan legal system since his capture in 2009.



# FICJ

Forum for International Criminal Justice

The first ex-LRA commander to be prosecuted before the International Crimes Division of the High Court of Uganda, his defence team initially argued that he was entitled to amnesty under the Amnesty Act 2000, which granted amnesty to anyone who “renounced rebellion”...

### [A Norm in the Making: Banning the Global Trade in Tools of Torture](#)

(The Global)

A highlight of the recently concluded 73<sup>rd</sup> session of the United Nations General Assembly was the first Ministerial Meeting of the Global Alliance for Torture-Free Trade, held on 24 September 2018. The Global Alliance was launched in September last year, under the leadership of Argentina, the EU, and Mongolia. What brought this diverse group of countries together was the noble cause of banning the trade in goods used for torture and capital punishment. Their first Ministerial Meeting was held a year after they proclaimed their determination to end international trade in instruments of torture and capital punishment...

### **10 October**

#### [Greece to renew call for Germany to pay €279 billion in WWII reparations](#)

(euronews)

Greece's government, now free of its bailout programme, is to renew its call for Germany to pay €279 billion in war reparations in compensation for the Nazi occupation during World War II, which could strain the already-fraught relations between the two countries. Greek President, Prokopis Pavlopoulos, will raise this issue with his German counterpart, Frank-Walter Steinmeier, this week during a meeting in Athens, Triandafyllos Mitafidis, president of the Greek parliamentary committee on war reparations, confirmed to Euronews...

### **5 October**

#### [Time to Clarify ICC Rules on Admission of Evidence](#)

(Amnesty International opinion)

In this third opinion piece on the Bemba Appeals Judgment, Amnesty's International Justice Team considers the majority's criticisms of the Trial Chamber's admission and adjudication of evidence. It considers measures that the ICC should take to clarify that ICC Rules require

Chambers to determine the admissibility of all evidence promptly and transparently during the trial...

### **4 October**

#### [Search for Balkan Wartime Missing 'Must be Depoliticised'](#)

(Balkan Transitional Justice)

The search for the remaining missing persons from the wars in the former Yugoslavia is still being hindered by politics, a BIRN conference on regional cooperation and post-conflict justice was told...

### **3 October**

#### [South Sudan Government Objects to War Crimes Court](#)

(VOA)

A top South Sudanese official says the government opposes creation of a war crimes court, a key aspect of the peace deal which the country's warring parties recently reaffirmed. The projected court would be a hybrid of South Sudanese judges and international war crimes experts, tasked with trying those accused of committing atrocities during South Sudan's nearly five-year civil war. Civil society activists say the "hybrid court" should be established without delay to end rampant impunity in South Sudan...

#### [Fujimori Is Ordered Back to Prison in Peru, Angering Supporters](#)

(The New York Times)

Alberto Fujimori, the former Peruvian dictator imprisoned for human rights abuses but then pardoned last year, was ordered back to prison on Wednesday, reigniting debate over the fate of one of the region's most contentious figures...

### **28 September**

#### [Duterte confesses: 'My only sin is the extrajudicial killings'](#)

(The Guardian)

President Rodrigo Duterte has admitted for the first time to authorising extrajudicial killings as part of his war on drugs in the Philippines. Duterte made the admission during a speech at the presidential palace on Thursday, where he directly challenged anyone who criticised how he ran the country. "I told the military, what is my fault? Did I



FICJ

Forum for International Criminal Justice

steal even one peso?" said Duterte. "My only sin is the extrajudicial killings." ...

## 24 September

### ICJ Commissioner Reed Brody: "Twenty years later, Pinochet's arrest remains an inspiration"

(International Commission of Jurists)

On October 16, 1998, the former dictator of Chile Augusto Pinochet was arrested in London on a

warrant from a Spanish judge. Reed Brody participated in the subsequent legal case. Reed Brody went on to apply the "Pinochet precedent" in the landmark prosecution of the former dictator of Chad, Hissène Habré, who was convicted of crimes against humanity in Senegal in 2016. He now works with victims of the former dictator of Gambia, Yahya Jammeh. The ICJ interviewed Brody about the Pinochet case and its legacy...

## Quick links

The following are some useful research links:

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

---

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

---

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

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