



Forum for International Criminal Justice Newsletter: October 2016

Welcome to the IAP's Forum for International Criminal Justice (FICJ) October 2016 Newsletter which focuses on the prosecution of war crimes, crimes against humanity and genocide, including a roundup of video highlights, announcements, events, new publications and major news developments from the past month.

Domestic legal developments covered in this Newsletter include: **Uganda's** International Crimes Division began the pretrial hearing against former Lord's Resistance Army commander Thomas Kwoyelo; **Ukraine's** general prosecutor says that Kiev plans to prosecute **Russian** officials in absentia for annexing Crimea and is also amassing evidence to bring cases to the ICC; and **Bangladesh** is considering a new law to seize assets of war criminals.

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

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



Video Highlights



[Click here](#) to watch a documentary: 'African Justice Mechanisms and their interplay with the ICC' produced by the Wayamo Foundation and introducing the Africa Group for Justice and Accountability (AGJA).



[Click here](#) to watch a trailer for the free online Leiden University course: 'Investigating and Prosecuting International Crimes' - providing an insider perspective into the work of international criminal courts and tribunals.



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Remarks by David Schwendiman, Newly Appointed Kosovo Special Court Chief Prosecutor

On 1 September 2016, David Schwendiman, Lead Prosecutor of the EU Special Investigative Task Force (SITF), was appointed Specialist Prosecutor (Chief Prosecutor) of the newly established Kosovo Specialist Prosecutor's Office (SPO), based in The Hague. Kosovo passed legislation in August 2015 that created the SPO to investigate and prosecute grave trans-boundary and international crimes which occurred during the conflict in Kosovo from 1998 to 2000. The new special court will reportedly hear cases arising from the recent SITF report which specified that unnamed Kosovo Liberation Army officials would face indictments for a "campaign of persecution" against Serbs, Roma and Kosovo Albanians believed to be collaborators with the Belgrade regime. The alleged crimes include killings, abductions, illegal detentions and sexual violence. Schwendiman made the following remarks at an inaugural press conference on 15 September 2016 in The Hague:

As you probably already know, I was appointed Chief Prosecutor of the newly created Kosovo Specialist Prosecutor's Office on September 1. My appointment marks the formal transition of the EU Special Investigative Task Force into the Specialist Prosecutor's Office. The appointment gives me the authority to prosecute cases arising out of the investigations carried out by the task force and by the newly established prosecutor's office. I have looked forward to this day since I first arrived in Brussels to take over the task force from Ambassador Williamson in May 2015.



David Schwendiman speaking at a press conference on 15 September 2016. Source: Specialist Prosecutor's Office

I have been deliberately silent since then because I wanted to focus my efforts on the investigation. My goal today is to let you hear how I view my role and responsibilities and, to the extent I can, to answer as many of your questions as possible in the time we have. As some of you know, I was a prosecutor in the United States for over thirty years before I became an international prosecutor in Bosnia and Herzegovina. I know from personal experience how painful and difficult investigating and prosecuting mass atrocity is; for those conducting them, but especially for those affected by the

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investigations and prosecutions. I know first-hand the time, effort and dedication it takes to do these kinds of cases. I was chosen for this job because I have demonstrated the ability to conduct successful investigations and prosecutions of war crimes and crimes against humanity. I have experience leading a prosecutor's office doing this kind of work. And, most importantly, I have a reputation for acting independently.

I intend to do this job the way I have always done things in the past; fairly, vigorously, and without fear or favour. I would not have accepted the appointment as the Specialist Prosecutor unless I believed there was a case to answer. My responsibility now is to conduct myself and to pursue the investigation and prosecution of whatever charges I decide to bring independently and professionally. I will make decisions based solely on the facts we have and will continue to collect and our best reading of the law; not on whether what I decide to do has political, diplomatic or other implications or consequences. I am aware of the political sensitivity of what I am doing, but I repeat – I will be guided only by the facts and the law.

Before I go further, let me first remind you what progress has already been made.

PROGRESS

Since it began its work, the Special Investigative Task Force has painstakingly collected evidence related to its mandate; not to vindicate the Council of Europe report, but to determine independently whether evidence exists to justify charging anyone with a crime. Putting the means in place to formally address the issues raised by the investigation was the next step. If you look back just one year, you will see that remarkable progress has been made in that regard:

- In August 2015, a constitutional amendment and law were passed by the Kosovo Assembly making that possible;
- An interim host state agreement between the Netherlands and Kosovo was concluded in January this year starting the process that allows all this to be done here in The Hague;
- The administration for the new court the law created relocated to The Hague in April 2016;
- The Special Investigative Task Force moved from Brussels to The Hague in June;
- The EU member states approved a budget just recently that supports this whole effort;
- On September 1, the Specialist Prosecutor was appointed and the Specialist Prosecutor's Office was formally established.

Things are steadily moving ahead, but more needs to be done, of course. As we speak, we are hiring into the Specialist Prosecutor's Office the best and brightest to add to our core of exceptional staff from the task force to build the team I need to take this all to the next level. The European Union, the Netherlands, Kosovo, and the international community have expended great energy and resources to bring things to this point. I am grateful we have the financial backing and support of the European Union, the Netherlands, the US, and the international community at large. I am certain that support

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will continue. My message is that no one should doubt that this is a very serious undertaking. It is happening.

EXPECTATIONS

Let me take a minute and address some of the more obvious expectations and answer some of the questions that people have about the work of the prosecutor's office.

When can we expect to see charges? As I said, there is more to do, more to come, before everything is in place that will allow me to make formal charging decisions. In the end, I will do what the evidence and the law compel me to do when we are ready – not a minute before; not a minute later. I firmly believe that haste is no friend of justice, but neither is unnecessary delay. I am committed, to the extent I can control it, that there will be no unnecessary delays when it comes to me discharging my responsibilities. Speculation about any of this is just that – speculation – and it serves no legitimate purpose.

Who do you expect to charge? You will know when someone is accused when an indictment or charging document accusing them is made public by the court if and when charges are confirmed. Again, speculation about any of that is just that – speculation – but further, it is unfair and potentially destructive both to those who are victims and witnesses and to those who are or aren't accused. In short, when it comes to speculation and reports purportedly coming from "sources close to the prosecution," if it has to do with this investigation or any prosecution related to it, nothing you hear or read should be taken for truth unless it comes from me or the court when the time comes for the court to speak.

OBLIGATIONS

A word about my obligations as a prosecutor and as the chief prosecutor.

Independence: The constitutional amendment and the law that created the position I now hold make it very clear; I am independent. I do not take instruction from anyone. This is a legal, professional and personal commitment that I made freely when I accepted the position.

Make appropriate prosecution decisions: My professional duty is to authorize charges that are supported by evidence that is available and admissible at trial and is sufficient in quality and quantity to result in convictions when presented to a neutral and objective trier of fact and tested by a defense. Any conviction must be legally sufficient so as to withstand appeal and it must be enforceable. These are the international standards that govern what I do and I am committed to them.

Inform: One of my obligations as the chief prosecutor is to inform those who are interested in and affected by my work; primarily, to make sure to the extent I can that victims are regularly and appropriately informed about the progress of investigations and prosecutions affecting them. I

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understand and I am determined to meet that obligation. You are one of the most important means of getting information to those affected by all of this. I respect what you do. I believe a vigorous and free, responsible media is necessary to help ensure that the outcomes achieved by the Specialist Prosecutor's Office and the court are legitimate and, equally as important, are perceived as legitimate by those they affect. My job involves, among other things not compromising an investigation or prosecution by disclosing information that might be harmful to victims, witnesses, or indeed to an accused, except pursuant to rule or in court under the direction, supervision, and protection of the judges. For this reason, I will not talk about our investigation, our means, our methods, or our sources, our findings or our conclusions. To the extent I can, without compromising the investigation or any prosecution and without violating my professional and ethical responsibilities, I will be open with you.

Victims: I am fully committed to ensuring that victims are properly included when it comes to everything we do and that vulnerable victims receive all the support I am able to provide. This is a legal, but also a moral obligation I take personally and seriously.

Protecting witnesses and confidential information: I am obligated to protect witnesses and to keep confidential and secure all information that should be protected to ensure that witnesses who give evidence are not intimidated or harmed or threatened. This, too, is more than a legal obligation. I will not discuss nor disclose information about our witnesses. Neither will I discuss our means and methods for protecting those who are vulnerable because of their role in our investigations or any prosecution.

JURISDICTION

A final note on the jurisdiction of the Specialist Prosecutor and Specialist Prosecutor's Office. The law passed last year is very specific in the limitations it imposes on the jurisdiction of the Specialist Prosecutor's office – it is the same for the Specialist Chambers. Generally, my jurisdiction extends to the investigation and prosecution of:

- Acts engaged in by individuals that relate to conduct addressed in the Council of Europe Report published in 2011;
- Such acts committed by individuals between the beginning of 1998 and the end of 2000;
- Such acts by individuals when they amount to a war crime or crime against humanity as defined by the 2015 law or by applicable customary international law;
- And, acts affecting the integrity of the investigation or proceedings; that is, witness intimidation, perjury, etc.

To read more, visit the new [Kosovo Specialist Chambers and Specialist Prosecutor's Office website](#)

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Interview with TRIAL on challenges and progress in fighting impunity for sexual violence in the DRC

By Vony Rambolamanana, JusticeInfo

Abuses against civilians happen all too often in eastern Democratic Republic of Congo (DRC). Following a massacre in Beni on the night of August 13-14 this year that left some 50 civilians dead, six men of Ugandan, Congolese and Tanzanian nationality have gone on trial at the North Kivu military court. Another trial has been taking place since August 12 at the military court in



Therapy session for victims of sexual violence at the Panzi hospital of Bukavu, Marc Jourdiere/AFP

Bukavu, South Kivu, of seven men accused in connection with the Mutarule massacre of 37 members of the Bafulero ethnic group on June 6, 2014. The accused include four Congolese soldiers, Swiss NGO TRIAL International, whose mission is to fight impunity, has supervised a group of lawyers representing victims in this case.

Guy Mushiata is TRIAL International's human rights coordinator for the DRC and is based in Bukavu. [In this interview he talks to JusticeInfo](#) about the difficulties and progress in the Mutarule trial, and in fighting impunity for sexual crimes in South Kivu province, eastern DRC. In 2014, Trial International joined with other NGOs and international organizations to produce a unique International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (also referred to as the British protocol) setting out basic norms and good practices for investigating acts of sexual violence as international crimes.

JusticeInfo: How do you assess the impact of the International Protocol in terms of investigation and procedure? Does it facilitate the work of documenting these crimes and assisting victims?

Guy Mushiata: The Protocol is a kind of practitioner's guidebook. It makes the work of NGOs on the ground more efficient and is in line with the needs of the justice system. Its effects are many. They can be seen first at the level of local actors, especially local NGOs, who appreciate that they at last

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have methodology that is really suited to their work with victims of sexual violence. Judges and lawyers also appreciate the practical nature of the investigation techniques proposed by the Protocol.

We can also see that it is having an effect in terms of procedures, especially when it comes to managing evidence. The Protocol's methodology allows practitioners to identify and gather the evidence necessary for judicial action in an accurate way. For example, the model medical certificate recommended by the Protocol helps better describe the violation suffered and assess the physical and psychological effects on the victim. This certificate can then serve as evidence in a trial. That is an important step forward for victims!



Guy Mushiata, TRIAL International's human rights coordinator

JusticeInfo: How do you think your work of fighting impunity for sexual crimes is seen in Bukavu? Do you think people are starting to recognize the need to let victims talk, to investigate and to punish?

GM: We are working in a complex context in Bukavu. Both mentalities and the justice system are changing in South Kivu, but there is still a long way to go. On the one hand, civil society firmly and unanimously condemns sexual violence and hopes to see the victims destigmatized. But on the other hand, judicial reality is different and judicial bodies still tend to practice uneven justice based on the rank and prestige of the suspected perpetrator. There are some promising advances, but the judicial system is still full of dysfunctions which hamper the fight against impunity.

That is why TRIAL is working on several fronts: legal aid to victims of grave violations, strengthening the capacities of lawyers and local NGOs, moving jurisprudence forward. These last aspects are vital in changing mentalities and the practices of the institutions. Fighting impunity remains a sensitive subject, but our work is welcomed on the whole.

JusticeInfo: The trial of seven men has recently started before a military court for the ethnic massacre in Matarule committed on the night of June 6-7, 2014. We have seen the procedure going relatively fast, but do you think there is a real desire to stop such massacres in this region? In your work for TRIAL International, have you seen positive effects from such local/national procedures?

GM: The Mutarule massacre trial opened on August 12 and is continuing. Its relative speed can be explained I think by a combination of three variables: the dynamism of the Mutarule victims' community, the involvement of the central government and recurrent pressure from the international community. These variables do not always exist at once, but sometimes they do. The recent tragic massacres in Beni show that mass crimes are continuing, but that they nevertheless draw strong mobilization and a strong will for justice. So every trial that opens will add a building block to justice and rule of law in the DRC. Local and national procedures are vital to fight impunity,

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for various reasons. They often take place near the people hit by these tragedies, making justice more tangible for them. This factor is even stronger when the court goes to conduct hearings at the crime sites – as is the case in Mutarule. Unfortunately, the number of prosecutions is still low in relation to the number of violations committed, and that does not send the right signal to prevent the commission of new crimes. Hence the advantage of bringing recourse to international mechanisms into the DRC anti-impunity strategy if procedures are blocked nationally. That helps redraw the lines of the anti-impunity fight more efficiently at all levels.

JusticeInfo: What are the remaining challenges for the victims of conflicts in Bukavu to get justice? Is there an efficient Bar that can give legal advice adapted to the needs of victims of these most serious crimes? What role can an NGO like TRIAL International play?

GM: There is Bar in Bukavu, where several lawyers are providing quality assistance to both victims and suspects in cases linked to grave crimes. The Bar has also set up a free counselling clinic and conducts missions to the interior of the province. But its action remains limited and depends a lot on international support.

Access to justice remains a path strewn with obstacles and the challenges are many. The victims and the rural population in general often do not know how to take recourse to justice or how it works. Often they also do not know their rights! The size of the territory is also an obstacle, as the crimes are often committed very far from prosecutors and judicial bodies. That makes the contact between the victims and judicial officers more complicated, sometimes impossible. Not to speak of the legal fees, which are beyond the means of most victims. Certain difficulties are logistical but others arise from the justice system itself, and that is where the challenges are greatest. We need to make sure that perpetrators with social status do not benefit from impunity, that judicial decisions are fully executed and that the victims get reparations. This would allow the DRC justice system to fulfil its functions: preventive, punitive and restorative.

TRIAL International has been working in this direction since 2015, through a complete programme. Our work on legal assistance helps raise the quality of the trials in which we support the victims. We also offer coaching to lawyers from the Bukavu Bar before, during and after the trial to help them get victims' voices better heard. And finally the support we provide to local NGOs in their investigations with military and civil prosecutors helps strengthen official investigations. Little by little we are trying to redistribute the cards of justice in the DRC. We have been active in the DRC for 18 months and 158 victims have got legal assistance as a result, of whom two-thirds are women. We have carried out 20 missions to document sexual violence, trained 50 human rights defenders and 15 lawyers. It is uphill work but it is bearing fruit and encourages us to continue the struggle.

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Conference: Special Criminal Court for Central African Republic — Context, Challenges and Perspectives

On 22 September 2016, the Africa Group for Justice and Accountability hosted a multi-stakeholder conference in Bangui, Central African Republic (CAR). Entitled “Special Criminal Court for Central African Republic — Context, Challenges and Perspectives” the conference offered an opportunity to reflect on how the soon to be established Special Criminal Court (SCC) will operate and what challenges its mixed international and national court staff will face.



The Africa Group for Justice and Accountability's expert delegation to Bangui meet Procureur Général de la République of the Central African Republic Emmanuel Ndakala. Back row: Didier Preira, former Deputy Registrar of the ICC; Patryk Labuda, Geneva Academy of International Humanitarian Law and Human Rights; Stephen Rapp, former Ambassador-at-Large for War Crimes Issues, Office of Global Criminal Justice, Department of State, United States of America; AGJA member Hassan Bubacar Jallow, former Prosecutor at the International Criminal Tribunal for Rwanda and International Residual Mechanism for Criminal Tribunals. Front row: AGJA member Catherine Samba-Panza, former Central African Republic Transitional President; Judge Brigitte Izamo Balipou; Emmanuel Ndakala, Procureur Général de la République of the Central African Republic; Bettina Ambach, Director of the Wayamo Foundation.

Inaugurated by CAR's Chief Cabinet Secretary Jean-Christophe Nguinza, the conference brought together Central African government representatives and judicial officials, members of the diplomatic community, international organisations (especially the UN's peacekeeping mission MINUSCA in CAR), NGO representatives, as well as ordinary Central African citizens wanting to find out more about the proposed hybrid tribunal.

Moreover, two AGJA members, Catherine Samba Panza and Hassan Bubacar Jallow, led the Group's mission to CAR and contributed to the conference discussions.

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“We organised this conference so that Central Africans could take ownership of the court,” Samba Panza told the gathering. “You, me, all of us here, national actors, we are learning... and now we know where our national efforts to build this Special Criminal Court are.”

“Most crimes will be dealt with by the ordinary national courts. It is necessary to support these courts which are the foundation of the Special Criminal Court so that the entire Central African judicial system can make progress”

AGJA member and former Prosecutor at the International Criminal Tribunal for Rwanda and International Residual Mechanism for Criminal Tribunals Hassan Bubacar Jallow kicked off the first panel with an overview of prosecutorial strategies used at other international criminal tribunals, arguing that the SCC will have to strike a balance between the need to provide justice to a large number of victims and the operational realities and resource constraints of a hybrid tribunal.

Chief of MINUSCA’s Justice and Corrections Unit Frank Dalton and first President of the Court of Cassation Jose Christian Londoumon both focused on the legal framework and procedural aspects of setting up the tribunal, in particular the challenges of recruiting international and national magistrates to staff the SCC.

Stephen Rapp, the former United States Ambassador-at-Large for War Crimes Issues moderated the second panel and provided context to the whole debate, drawing on his experience of the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda to flag potential challenges and opportunities for the SCC.

In the second panel, four panelists addressed the practical needs of various groups that will be involved with the SCC, specifically victim and witness protection, rights of the accused and defense counsel, the challenges of effective outreach and securing a lasting legacy for the Tribunal.

Didier Preira, former Deputy Registrar of the International Criminal Court and expert consultant of the Africa Group for Justice and Accountability, underlined in his presentation the importance of outreach. He said that expectation management was of utmost importance, and that it was fundamental to inform the population about what the court could and could not do.

There was a wide range of comments from various stakeholders, marked by an enthusiasm for the SCC and a firm belief that it must be established and operationalised as soon as possible.

However, there were a number of practical concerns. Many commenters from the floor reflected on the uncertainty about what the SCC could do for them. Judges, prosecutors and police officers voiced concerns about how the SCC could guarantee their safety. Other questions focused on procedural and substantive issues regarding the SCC’s legal framework, showing a clear need to provide more information about the SCC and progress made thus far.

- To read more, visit the [Wayamo Foundation website](#)

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New Sexual Crimes in Conflict Database

The Nuremberg Academy's new [Sexual Crimes in Conflict Database](#) is a unique tool that allows users to conduct research on conflict-related sexual and gender-based violence. It combines a broad collection of relevant jurisprudence from international, hybrid, regional and national courts together with relevant findings from other transitional justice mechanisms, such as commissions of inquiry or truth commissions. Recognizing the role of academic literature in offering an enhanced understanding and critique of SGBV prosecution, the database also provides users with a combination of academic and grey literature. This includes, *inter alia*, research publications, working papers, official or policy related documents, and NGO reports, which address specific issues related to sexual and gender-based violence. Relevant areas of focus include causality of conflict-related sexual violence, gaps in jurisprudence, obstacles to establishing accountability, negative impacts of prosecution, means of prevention as well as training materials dealing with investigation and prosecution.



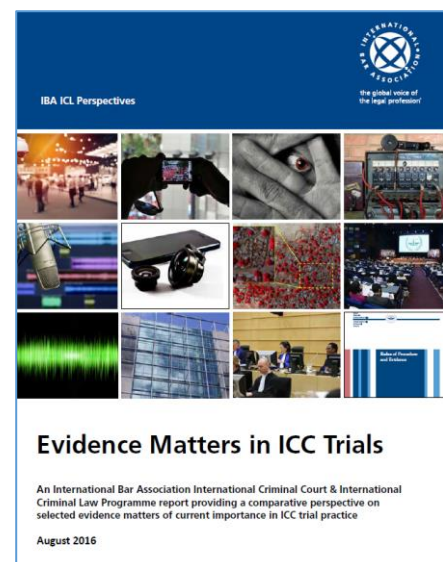
- To read more, visit the [Nuremberg Academy's website](#)

New Report: Evidence Matters in ICC Trials, International Bar Association

'Evidence Matters in ICC Trials' is the latest report of the IBA's ICC and ICL Programme as part of the thematic series *IBA ICL Perspectives*. This series presents the Programme's views on developments in international criminal law that have a particular impact on fair trial standards.

In this report, the IBA addresses the existence and relevance of new types of evidence in trials before the International Criminal Court, and looks at current issues in the development of the Court's procedural law for hearing and ruling on evidence.

The report considers how evidence matters are affected by other dynamics at the Court, including the overall project of making the ICC's proceedings more efficient, and the roles played by Judges and States Parties. This report provides an in depth review and analysis of issues



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relating to: digital and technologically derived evidence; the use of prior recorded testimony as evidence; and assessments of evidence within trial proceedings through ICC Regulation 55 and through 'no case to answer' proceedings. Taking a comparative perspective, the report brings in examples from the legal frameworks and jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda and the Special Tribunal for Lebanon. Each chapter also explores some future considerations for evidence matters through the lens of fair trial and equality of arms.

- Click [here](#) to download Evidence Matters in ICC Trials (An IBA ICL Perspectives report).

News September 2016

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

30 September

['Blood diamond' suspect dies in Belgian custody](#)

(World Bulletin)

Michel Desaedeleer, a Belgian-U.S. businessman accused of links to the so-called 'blood diamond' trade in Sierra Leone died Wednesday in prison in Belgium, the authorities confirmed Thursday. He was arrested in August 2015 on allegations he had committed crimes including inhuman and degrading treatment as well as crimes against humanity through his participation in the trade in Sierra Leone and Liberia...Desaedeleer's trial was scheduled to take place in the coming months in Brussels...

29 September

[ICC opens preliminary probe into Gabon unrest](#)

(France24)

The chief prosecutor of the International Criminal Court said Thursday she was opening an initial probe into the deadly unrest in Gabon triggered by disputed elections...

[Report Accuses Sudan of 'Scorched Earth' Tactics in Darfur](#)

(New York Times)

Amnesty International said on Thursday that Sudanese government forces had laid waste to dozens of villages in the restive region of Darfur, bombing them from the air, burning homes, looting livestock and raping women — while

preventing United Nations peacekeepers from going there to protect civilians...

27 September

[ICC finds Malian extremist guilty of war crime in destroying historic sites in Timbuktu](#)

(UN News Centre)

The ICC today found a Malian Islamist accused of destroying historical and religious monuments in the fabled city of Timbuktu guilty in the first-ever prosecution of the destruction of cultural heritage as a war crime. The judges sentenced Ahmad Al-Faqi Al-Mahdi, a member of a jihadist group linked to Al Qaeda, to nine years in prison for committing a war crime by deliberately destroying in 2012 nine mausoleums and the secret gate of the Sidi Yahia mosque in the UN Educational, Scientific and Cultural Organization (UNESCO) World Heritage site of Timbuktu in Mali, the ICC said in a press release...

25 September

[UK accused of blocking UN inquiry into claim of war crimes in Yemen](#)

(Guardian)

Britain has blocked European Union efforts to establish an independent international inquiry into the war in Yemen, prompting dismay among human rights groups. The Netherlands had hoped to garner broad support for its proposal that the UN Human Rights Council (HRC) in Geneva set up an inquiry to examine civilian deaths in Yemen, where the Saudi Arabia-led coalition is accused of committing war crimes...

24 September

[Investigators finding little support for ISIS war crimes trials](#)

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(Fox News)

War crimes investigators collecting evidence of the Islamic State (ISIS) group's elaborate operation to kidnap thousands of women as sex slaves say they have a case to try ISIS leaders with crimes against humanity but cannot get the global backing to bring current detainees before an international tribunal...

23 September

[Rights groups urge international investigation into Yemen war crimes](#)

(Jurist)

International human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), issued a joint letter on Thursday to the permanent representatives of member and observer states of the UN Human Rights Council urging them "to support the High Commissioner's call for an international, independent investigation into civilian deaths and injuries in Yemen." Pointing out that nearly 3,800 civilians have been killed and more than 6,700 wounded since March 2015...

[Report: An Essential Agenda for the Next UN Secretary-General](#)

(United States Holocaust Memorial Museum)

The next Secretary-General of the United Nations will take office at a time when mass killings of civilians are on the increase. From South Sudan to Syria, mass atrocities— large-scale, systematic violence against civilian populations—are overwhelming the political, peacekeeping, and humanitarian work of the UN. It is essential that the Secretary-General sets out a clear agenda for preventing and responding to such atrocities that can gain the support of the UN system, the Security Council, and UN member states at a time of political and financial strain...

22 September

[Afghanistan war crimes investigation unit receives 600 complaints against UK soldiers](#)

(Jurist)

A policing unit in Afghanistan set up to investigate alleged war crimes committed by UK soldiers stationed in the war-torn country reportedly received around 600 complaints of ill treatment and abuse occurring between 2005 and 2013...

[Europe court nixes bid against Dutch soldiers over Srebrenica](#)

(AFP)

The European Court of Human Rights on Thursday dismissed a claim that Dutch commanders should be prosecuted for failing to prevent the deaths of three victims of the 1995 Srebrenica massacre. The pan-Europe court "unanimously declared the application inadmissible", in what it called a "final" decision. The families of the three Bosnian Muslims, who were killed along with some 5,000 others after leaving the protection of Dutch UN peacekeepers, had asked the ECHR in October 2015 to prosecute three ex-UN commanders for their deaths...

[UN/African Union: Reject ICC Withdrawal](#)

(Human Rights Watch)

The African Union (AU), in advance of a meeting with the United Nations Security Council on September 23, 2016, should end consideration of a call for mass withdrawal of its members from the International Criminal Court (ICC), a group of African nongovernmental organizations and international groups with a presence in Africa said today...

21 September

[Kwoyelo Pre Trial Finally Commences \[Uganda\]](#)

(Uganda Radio Network)

The pretrial hearing against former Lord's Resistance Army commander Thomas Kwoyelo has commenced before the International Crimes Division of the High Court in Gulu... Kwoyelo faces 12 counts of war crimes and crimes against humanity and 53 alternative charges he is alleged to have committed while fighting for the Lord's Resistance Army...

[BIRN Launches Interactive War Crimes Verdict Map](#)

(Balkan Transitional Justice)

The Balkan Investigative Reporting Network has launched a unique database of the publicly-available final verdicts delivered in 348 war crimes cases by courts in the former Yugoslavia and by the UN tribunal in The Hague...

20 September

[Risk of genocide in Burundi: UN probe](#)

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(AFP)

Burundi's government is behind systematic human rights violations, including executions and torture, UN investigators said Tuesday, warning of the looming risk of "genocide". In a sharp response, Burundi accused the UN of bias, saying its investigators were "politically motivated" and their conclusions based on anonymous and unverifiable sources...

[Dutch FM.: Attack on aid convoy in Syria was a war crime](#)

(NLTIMES)

Minister Bert Koenders of Foreign Affairs "strongly" condemns a bombing attack on an aid convoy in the Syrian province of Aleppo. According to him, the bombing "resembles a war crime", he said from New York on Tuesday, where he is attending the UN General Assembly, the Telegraaf reports...

19 September

[ICC Trial Chamber V\(B\) refers non-cooperation of the Kenyan Government to the Assembly of States Parties to the Rome Statute](#)

(ICC Press Release)

... Trial Chamber V(B) of the International Criminal Court (ICC) issued a decision finding that the Republic of Kenya had failed to comply with its obligations to cooperate with the ICC and referred the matter to the Assembly of States Parties to the Rome Statute (ASP) which, according to the Trial Chamber, "would be best placed to address the lack of cooperation, in order to provide an incentive for the Kenyan Government to cooperate with the Court"...

[U.N. seeks access to Syrian refugees to probe war crimes](#)

(Reuters)

U.N. investigators reported on Monday they found it increasingly difficult to interview newly arrived Syrian refugees in Europe and urged countries to allow access to them to help document suspected war crimes. Their inquiry panel, which says it has a confidential list of suspects on all sides who have committed war crimes or crimes against humanity, called again for major powers to refer Syria to the International Criminal Court...

18 September

['I told my story face to face with Habré': courageous rape survivors make history](#)

(Guardian)

At night, Chad's dictator would sit at his desk, smoking and watching as his agents tortured Khadidja Zidane. Hissène Habré did not know Zidane, an illiterate, poor woman. When he had had enough of watching, he would send her away, then have her brought back in the early hours of the morning to rape her. For three decades, Zidane told no one. For the raped, tortured and starved women lucky enough to get out of Habré's secret jails alive, the guards had a very effective way of ensuring their silence: they threatened to bring them back. Zidane hid what Habré had done to her from her family, her friends, even her lawyers as they prepared for the trial of the former president for crimes against humanity in Senegal...

16 September

[Philippines: Independent Investigation of Duterte Needed](#)

(Human Rights Watch)

The Philippine government should invite an independent investigation involving the United Nations into allegations of direct involvement by President Rodrigo Duterte in extrajudicial killings, Human Rights Watch said today. On September 15, 2016, an admitted former "hit man," Edgar Matobato, testified at a Philippine Senate hearing about the alleged killings of about 1,000 people in Davao City involving Duterte, who was the city's mayor for more than two decades...

[The Legacy of the Extraordinary Chambers in the Courts of Cambodia: Why Defense Work is Essential in Shaping the Historical Narrative of the Court](#)

(Cambodia Tribunal Monitor)

...This year marks the 10th anniversary of the Extraordinary Chambers in the Courts of Cambodia (ECCC), the UN-backed tribunal created to bring to justice former leaders of the Khmer Rouge regime and those most responsible for the atrocity crimes of that era. Under the Khmer Rouge, the Cambodian people as well as foreigners were subject to starvation, forced labor, torture, and senseless killings. The ECCC has been the arena of fierce confrontations between the defense and the



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prosecution; and alternatively between the defense and the judges...

15 September

[Hague Tribunal Slams Serbia Again For Non-Cooperation](#)

(Balkan Transitional Justice)

The trial chamber of the International Criminal Tribunal for the Former Yugoslavia, ICTY, formally notified the UN court's president Carmel Agius on Wednesday that Serbia is still refusing to fully cooperate and transfer the three wanted Radical Party members for trial in The Hague. "Serbia's continued non-compliance with its obligations obstructs the course of justice," the trial chamber said in its motion...

[ICC Prosecutor, Fatou Bensouda, publishes comprehensive Policy Paper on Case Selection and Prioritisation](#)

(ICC Press Release)

The Prosecutor of the ICC, Fatou Bensouda has published a detailed policy document which provides guidance on how the Office of the Prosecutor exercises its discretion in the selection and prioritisation of cases...

[ICC widens remit to include environmental destruction cases](#)

(Guardian)

Environmental destruction and landgrabs could lead to governments and individuals being prosecuted for crimes against humanity by the international criminal court following a decision to expand its remit...In a change of focus, the ICC said on Thursday it would also prioritise crimes that result in the "destruction of the environment", "exploitation of natural resources" and the "illegal dispossession" of land. It also included an explicit reference to land-grabbing...

[Proof of central policy on marriage not clear: expert \[Extraordinary Chambers in the Courts of Cambodia\]](#)

(The Phnom Penh Post)

Japanese academic Kasumi Nakagawa returned to the stand at the Khmer Rouge tribunal yesterday, again testifying to the deep cultural impact of forced marriages under the Democratic Kampuchea regime, but stopping short of

confirming that there was a national policy of forced marriage at that time...

12 September

[Ukraine gathers evidence to try to force Russia to court](#)

(Financial Times)

Ukraine is amassing evidence to bring cases in the International Criminal Court against senior Russian officials and generals for annexing Crimea and fomenting the two-year war in eastern Ukraine that has claimed nearly 10,000 lives. Yury Lutsenko, Ukraine's general prosecutor, said that Kiev planned first to prosecute Russian officials in absentia in Ukraine, then take action at the court in The Hague where they could "face the fate of Slobodan Milosevic"...

[US, Iraqi Yazidis accuse ISIL of committing genocide](#)

(Aljazeera)

The US State Department has accused ISIL of committing genocide against the Yazidi community when it retreated from several villages and cities it controlled in northern Iraq. Islamic State of Iraq and the Levant (ISIL, also known as ISIS) fighters left dozens of mass graves in the Sinjar area, according to the State Department's annual report on religious freedom around the world, which was released on Saturday...

[The Next Genocide](#)

(New York Times)

...Today we think of the Nazi Final Solution as some dark apex of high technology. It was in fact the killing of human beings at close range during a war for resources. The war that brought Jews under German control was fought because Hitler believed that Germany needed more land and food to survive and maintain its standard of living — and that Jews, and their ideas, posed a threat to his violent expansionist program...

[South Sudan's Kiir and Machar profited during war - report](#)

(BBC)

...Commissioned by actor George Clooney, the document accuses President Salva Kiir, opposition leader Riek Machar, and top generals of profiteering...Entitled War Crimes Shouldn't Pay,

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the report has found that "top officials ultimately responsible for mass atrocities in South Sudan have at the same time managed to accumulate fortunes, despite modest government salaries"...

9 September

[Bosnian War Rape Victims Struggle for Compensation](#)

(Balkan Transitional Justice)

The Bosnian state court has made three compensation orders in wartime sexual violence cases, but none of the victims has received any payment from the perpetrators, BIRN has learned...

8 September

[Syria's war: Use of chemical gas to be investigated](#)

(Aljazeera)

The world's chemical weapons watchdog will investigate the suspected use of chlorine gas in an opposition area of the Syrian city of Aleppo, calling reports of the latest gas attack disturbing. The Security Council is also due to discuss a report by the United Nations and the watchdog group, the Organisation for the Prohibition of Chemical Weapons (OPCW), that blames Syrian government forces for previous toxic gas attacks...

[The Al-Mahdi case and thematic prosecution](#)

(Justice Hub)

...The Prosecutor's decision to pursue the Al-Faqi case in the Mali situation faced various challenges...Some argue that Al-Faqi is the wrong man on trial before the ICC, since he does not fall within the category of perpetrators who are known as 'big fish', a category that the Prosecutor of the Court prioritises over other categories of perpetrators as a matter of policy. In addition, as to the selected conduct, namely the destruction of cultural property, some believe that such an exclusive selection was wrong since it ignores other atrocities committed in Mali that are, allegedly, more significant than the destruction of some buildings...

7 September

[Bangladesh mulls law to seize assets of war criminals](#)

(Gulf Times)

The Bangladesh government is considering legal steps regarding war criminals' property against the backdrop of what the law minister said a growing public demand seeking confiscation of their assets. "Steps could be taken on the basis of a (possible) court order to be obtained after amending International Crimes Tribunal Act of 1973 or we can enact a new law (regarding war criminals property)," Law Minister Anisul Huq told reporters yesterday...

[Does the Int'l Criminal Court Have Jurisdiction Over U.S. Forces in Libya?](#)

(Just Security opinion by Ryan Goodman, Beth Van Schaack and Alex Whiting)

Recent US airstrikes against ISIL targets in Libya raise an intriguing question: does the International Criminal Court (ICC) have jurisdiction to investigate and prosecute US actions there? Ultimately it may depend on whether the United States can safely rely on an exemption from the court's jurisdiction that was included in the UN Security Council Resolution granting the ICC authority in Libya...

6 September

[Can new Rohingya commission jolt action on alleged Myanmar atrocities?](#)

(CICC)

Members of civil society working to end human rights violations and abuses in Myanmar, and in particular against the Rohingya ethnic group, have insisted that the European Union (EU) and its member states present a new resolution on the country's human rights situation during the 71st UN General Assembly (UNGA) session...

[Bosnia Arrests Six Serbs for Milici War Crimes](#)

(Balkan Transitional Justice)

Six former Bosnian Serb soldiers and military policemen were arrested on suspicion that they committed crimes against humanity against over 60 Bosniaks, including children, in the Milici municipality in 1992...

[Will Israel be put on trial for war crimes?](#)

(Aljazeera)

Israel has agreed to allow the International Criminal Court (ICC) in The Hague to send a delegation to Israel and the occupied territories. It was revealed over the weekend in a step that

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could dramatically increase the risk of Israeli officials being tried for war crimes...

1 September

[Mengistu aide faces fresh war crimes charges for Ethiopia genocide](#)

(Journalists for Justice)

After years on the run to evade justice, a member of former Ethiopian ruler Mengistu Haile Mariam's government will face trial for his role in the 1970s genocide in the country. Eshetu Alemu will be tried in Netherlands for war crimes committed in Ethiopia in the late 1970s. He is scheduled to appear in court on November 21, 2016, the Dutch Public Prosecutor's Office has announced. Alemu has already been convicted and sentenced to death in Ethiopia...

[Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army](#)

(ICC website)

The announcement on 24 August 2016 of the conclusion of the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army ("FARC-EP") is undoubtedly a historic achievement for Colombia and its people, whose lives have been deeply affected by the 52-year-long armed conflict. I welcome the announcement of the final peace agreement as a critical step toward ending this protracted conflict during which numerous atrocities were allegedly committed by all parties...

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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