STANIŠIĆ & SIMATOVIĆ

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MICT News

Prosecutor v. Stanišić & Simatović (MICT-15-96-PT)

A decision was issued by the Chamber on 2 February 2017 partly granting a request for stay of proceedings filed by Stanišić.

The motion, which was issued in the context of a prospective retrial, claimed that the Prosecution's Pre-Trial Brief and evidence contain allegations that should be excluded from the scope of the trial pursuant to the principles of *res judicata* and *non bis in idem*. Specifically, Stanišić argued that, in its pre-trial submissions, the Prosecution seeks to impermissibly expand the case against him by adding 62 new material facts, amounting to new charges or an expansion of the existing charges. In response, the Prosecution argued that none of the new evidence constitutes a material fact or an expansion of the charges, seeing as it falls within the permissible categories of evidence under the rules of the MICT. Furthermore, the Prosecution argued that Stanišić failed to demonstrate undue prejudice or how this course of action puts him at a disadvantage.

Contents

Although the Decision of the Chamber contended that the said evidence does not amount to new material facts since none of them could, on their own, support a charge, the Chamber also took into account the Accused's right to be tried within reasonable time. In this sense, the Court observed the length, scale and complexity of the proceedings, and the time the Accused has spent in detention. At the time of this decision, 14 years had passed since Stanišić's arrest and his transfer to the UN Detention Unit in The Hague on 11 June 2013.

In view of this, the Chamber dismissed Stanišić's submission relating to the principles of *res judicata* and *non bis in idem*, deeming them inapplicable. Nevertheless, having balanced the Accused's right to a fair trial, the gravity of the alleged offences, and the interests of justice, the Chamber contended that the Prosecution may be allowed to present new evidence only in exceptional circumstances, i.e. where such evidence was unavailable during the original trial, could not have been discovered through the exercise of due diligence, and is in the interests of justice. As to the request for a stay of proceedings, the Chamber deemed this unnecessary, seeing as no date has been set yet for the commencement of the trial. Nevertheless, the Prosecution is to submit an amended Pre-Trial Brief, no later than 2 March 2017.

On 9 February 2017, the Prosecution filed a motion in response urging the Chamber to reconsider its reasoning and Decision. Moreover, the Prosecution requested an urgent stay of the Decision, which limits its ability to present evidence at trial. In sum, the Prosecution argues that the Decision displays a clear error of reasoning, in that it imposes a presumptive limitation on a category of evidence that the Prosecution may adduce at trial. Furthermore, the Prosecution claims that the *proprio motu* nature of the decision denied them an opportunity to present arguments. Consequently, the motion of 9 February claims that a reconsideration of the Decision is necessary so as to avoid a miscarriage of justice.

On 21 February, the President of the MICT issued an order replacing Judge Bossa with Judge Chiondo Masanche, effective from 20 March 2017.

Prosecutor v. Karadžić (MICT-13-55)

A report published by the Medical Centre of the Erasmus University Rotterdam on 1 February 2017 concluded that there is no evidence to support the claim that the conditions in the UN Detention Unit (UNDU) in The Hague are carcinogenic. The report dismissed a causal relationship between the conditions of detention and the diseases of some of the detainees.

The report was published upon a request for investigation issued by President Theodor Meron in June 2016. The request came after repeated statements by Radovan Karadžić in which he claimed that there are a number of potential factors harmful to his health in the UNDU and that the incidence of malignancies in the UNDU is much higher than among the general population.

The report concluded that, in view of the lack of evidence, it is highly unlikely that the diseases were caused by the conditions in the Detention Unit in The Hague.

Prosecutor v. Popović et al. (MICT-15-85)

Ljubisa Beara, the former colonel and chief of security of the Bosnian Serb Army, died on 8 February 2017 at the age of 77. He was serving a term of life imprisonment in a prison in Berlin, two years after having been found guilty of committing genocide in Srebrenica and Bosnia.

Beara is the 13th ICTY defendant to die during trial or while serving a sentence.

Ljubisa Beara

News from other International Courts

International Criminal Court

Audrey Neveu, Legal Intern, Office of the Public Counsel for the Defence
The views expressed herein are those of the author alone and do not reflect the views of the ICC.

Prosecutor v. Bosco Ntaganda (ICC-01/04-02/06)

On 4 January 2017, the ICC Trial Chamber VI rejected a Defence challenge to the jurisdiction of the Court in respect of Counts 6 and 9 of the charges, namely rape and sexual slavery of child soldiers pursuant to Article 8(2)(e)(vi) of the Rome Statute.

The charges against Bosco Ntaganda were confirmed by Pre-Trial Chamber II in June 2014. At that time, the Defence had argued that the crimes covered by Counts 6 and 9 do not fall within the ambit of Common Article 3 of the Geneva Conventions. The rationale behind the Defence's challenge was that victims of war crimes must be protected persons within the meaning of Common Article 3 and that the criminalisation of acts committed against members of one's own forces does not form part of customary law. This challenge was dismissed by Trial Chamber VI on the basis that such questions of substantive law were not jurisdictional in nature but a matter to be addressed at trial. The Defence appealed this decision, pursuant to Article 82(1)(a), and the Appeals Chamber overturned the finding in March 2016, holding that 'the question of whether there are restrictions on the categories of persons who may be victims of the war crimes of rape and sexual slavery is an essential legal issue which is jurisdictional in nature'. The matter was remanded to Trial Chamber VI in order to assess whether the requirements of Article 19(4) of the Statute have been met and, depending on the outcome, move on the merits of the Defence's challenge.

Pursuant to Article 19(4), in the absence of exceptional circumstances, a challenge to the Court's jurisdiction shall only be made once and prior to, or at the commencement of the trial. The Chamber found that the Defence had already challenged the Court jurisdiction on the matter at hand, but nevertheless recognised that exceptional circumstances prevailed. The Chamber relied on the Appeals Chamber's decision outlining that "the resolution of the jurisdictional question in respect of these counts 'at an early stage is [...] important in terms of enhancing the efficiency of proceedings'". The Trial Chamber acknowledged the specific circumstances of the case and found it to be in the interest of justice and of judicial economy to rule on the merits of the challenge, especially considering the impacts the outcome may have on the scope of the defence case and in the interests of the alleged victims of the crimes.

Moving on the merits under Article 8 of the Statute, the Trial Chamber noted that "no particular victim status is explicitly mentioned for the crimes listed under (2)(b)(xxii) and (e)(vi)". After stressing that the prohibition of rape and (sexual) slavery are both peremptory norms (*jus cogens*) and a part of customary international humanitarian law, they determined that they are applicable equally in times of international and non-international armed conflicts; thus, the Chamber held that rape and sexual slavery are prohibited at all times, both in times of peace or during armed conflicts, and against all individuals irrespective of their status. The Chamber found that members of the same armed force are not excluded as potential victims of the war crimes of rape and sexual slavery, as listed in Article 8(2)(b)(xxii) and (e)(vi) of the Statute. Consequently, the Chamber held that it has jurisdiction over the conduct charged pursuant to Counts 6 and 9. As to whether such conduct constitute war crimes in the case at hand, the Chamber recalled that the nexus requirement of the

contextual elements of war crimes will have to be satisfied, which will be assessed by the Chamber in analysing the evidence in the case.

The Defence has filed notice of appeal of this decision, pursuant to Article 82(1)(a), seeking a declaration that the Trial Chamber has no jurisdiction over Counts 6 and 9 or that further instructions may be provided by the Appeals Chamber with remand to the Trial Chamber. Judge Sanji Mmasenono Monageng has been assigned as the Presiding Judge on the panel and the Defence has filed its document in support of appeal [ICC-01/04-02/06-1754] on 26 January 2017. The Defence submits, *inter alia*, that the Chamber's decision to allow jurisdiction for war crimes against members of the same armed force "is a substantial and unjustified extension of the scope of war crimes law." The Defence adds that the extension of the scope of war crimes "does not arise from the wording of Article 8," nor it is reflected in State practice, and this conduct "falls outside of the well-accepted jurisdictional scope of war crimes law". The Defence avers that nothing in Article 8(2)(e)(vii) suggests that States intended exceptions over the general principle that the status requirements are a precondition of war crimes and that Article 22(2) of the Statute especially states that the "definition of a crime shall be strictly construed and shall not be extended by analogy."

On 21 February 2017, the Prosecution has filed the corrected version of its response to the Defence appeal stating that it should be dismissed [ICC-01/04-02/06-1794-Corr]. The Prosecution claims that "the provisions under article 8(2)(b) and (e) are not limited to the scope of customary international law and behaviour criminalised under the Statute might not 'have been subject to prior criminalisation pursuant to a treaty or customary rule of international law'". The Prosecution argues, *inter alia*, that the 'adverse party' requirement "pertains only to grave breaches of [Geneva Conventions III and IV], punishable under article 8(2)(a), unless otherwise expressly provided". The Prosecution maintains that conduct of rape or sexual slavery under Articles 8(2)(b)(xxii) and 8(2)(e)(vi) are punishable at the ICC "whether committed against civilians, members of non-State organised armed groups, or members of State armed forces alike, regardless of their activities". Moreover, the Prosecution observes that the structure of the Statute shows the progression of international law, "supplementing the narrower protections afforded by the 'grave breach' provisions under article 8(2)(a) with the broader approach of article 75 of API, among others, under article 8(2)(b)." The Prosecution further asserts that the protective logic of Common Article 3 "is that equal protection against inhumane treatment applies to any person not taking active part in hostilities, with no lesser protection afforded because a person may be deemed a "member of armed forces" and that "it was dropped altogether in article 4(2) of APII, reaffirming that the material inquiry for the purpose of protection against inhumane treatment concerns the activities of the person at the relevant time, and not any view of their 'status'."

The victims have filed their observations on 23 February 2017 requesting the Appeals Chamber to dismiss the Appeal in its entirety [ICC-01/04-02/06-1798]; the Defence have responded [ICC-01/04-02/06-1810]. The Defence have also filed a request seeking leave to reply to the Prosecution response [ICC-01/04-02/06-1800] on the basis that the response presents novel submissions; the Prosecution have submitted that the request for reply should be dismissed.

Following any potential replies, the Appeals Chamber will take consideration of all submissions and render its judgement on the merits in an open hearing (pursuant to Article 83(4)) in due course.

Bosco Ntaganda

Special Tribunal for Lebanon

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On 10 January, protected witness PRH 711, a representative of the Exploitations-Operations Directorate and Billing Sector at the Lebanese telecommunication company Ogero, testified before the Trial Chamber. The witness confirmed his part of Ogero's 2 March 2016 statement (a consolidated record of the evidence of five Ogero representatives) and his own witness statement of 4 January 2017. In the March statement, PRH 711 described the processing and use of CDRs in Ogero's operations, including details on the company's billing process. He explained how the subscriber database was retrieved from Ogero's system and explained the fields contained in the database provided to the OTP. The January statement provides information on the witness's education, work experience, and describes his position at Ogero and the role of his department in the company's operations. The Prosecution maintained that the statement contains evidence relevant to the Trial Chamber's assessment of the reliability of Ogero's evidence (including CDRs and subscriber information), which will help attribute certain telephones relevant to the Prosecution's case to individual users.

Defence Counsel for Ayyash cross-examined the witness on the call flow of the CDRs, including international calls and landline-to-landline calls. PRH 711 explained that in 2004 and 2005, Ogero only kept records of international calls or calls to cell phones, but not calls between two landlines. landline call details only from 1 January 2006 onwards. The witness was also questioned about the retrieval of the CDRs and about Ogero's response to a request for assistance by the United Nations International Independent Investigation Commission (UNIIIC) from 13 April 2006 requesting all telephone traffic records from September 2004 to 31 December of 2005. Defence Counsel for Merhi cross-examined the witness on file corruption and the capacity of Ogero's system during 2004-2005 in having those files rejected by its system. The witness explained that if a file is corrupt, the Technical Directorate extracts the file again and it is sent to the billing center to be processed.

On 11 January, protected witness PRH 709, a representative of the Technical Directorate at Ogero, testified before the Trial Chamber. He confirmed his two statements of 2 March 2016 and 4 January 2017. In his first statement, the witness described the company's network structure and the generation, storage, and retrieval of CDRs, including those produced for landlines and pre-paid calling cards. As for the second, he provided information on his education and relevant work experience, describing his functions at Ogero and the role of his department in the company's operations. Defence Counsel for Merhi cross-examined the witness on his professional duties, the generation and storage of CDRs, and the technical functioning of the switches and internal clocks at Ogero. The witness 2005, CDRs for landline-to-landline calls did not exist for local calls. He also spoke about the tests that were run on landline-to-landline calls from 1999 to December 2005.

The witness was further questioned about the possibility that the calls made from Lebanese landlines to Al Jazeera's landline number on 14 February 2005, the day of the attack, did not generate CDRs. The witness explained that in 2004 and 2005 for local calls within the landline network, Ogero did not use CDRs for billing but rather counters, however with regard to international and mobile calls, CDRs were used. The witness was then questioned about his March statement that in 2006. Defence Counsel for Ayyash cross-examined the witness on the tests Ogero conducted. The witness explained that the purpose of the tests was to ensure that there were CDRs for all subscribers at all times. The witness was also questioned as to whether Ogero's Technical Directorate was involved in extracting CDRs in 2006 in response to the UNIIIC request for assistance.

On 12 January, Toufiq Chbaro, Director of Information Technology at Ogero, testified before the Trial Chamber. Chbaro confirmed his section of Ogero's 2 March 2016 statement. In the statement, he described the customer care software application used by Ogero at its points of sale to handle customer relations and information. He also provided information on the storage of subscriber information and the integration of this information with the

CDRs. The witness discussed his role working for the IT Directorate at Ogero. Defence Counsel for Ayyash cross-examined Chbaro on the IT Directorate's involvement with the CDRs and the UNIIIC assistance request for Ogero to provide all telephone traffic and subscriber records from 1 September 2004 to 31 December 2005.

On 16 January, Prosecution Counsel filed three reference documents it said would assist in the understanding of the upcoming testimony of OTP investigator Gary Platt: a "chronology timeline" setting out the network activity of the communications evidence concerning the assassination of the late PM Hariri, a "narrative overview" of the chronology (filed confidentially), and an introductory PowerPoint presentation of the chronology. Prosecution Counsel presented the phases of the set-up and execution of the attack from September 2004 to 14 February 2005. He spoke about the roles of the different phone networks, alleging that the Green phones were the mission command and control phones; the Purple phones were the false claim set-up phones; the Blue phones were the mission set-up and mission execution support phones; and the Red phones were the mission execution phones. He elaborated on phone activity, noting that they were all inactive on 16 January 2005. He also described the calls related to the alleged false claim for the assassination. From 17-27 January, Platt returned to complete the third part of his testimony before the Trial Chamber, where he presented maps, CDRs, and call sequence tables (CSTs) using the electronic presentation of evidence software (EPE).

On 17 January, Platt tried to establish a link between various September 2004 political meetings and telephone call activity before, after, and en route to these meetings. He explained the activity and behavior of the alleged covert telephone networks and the Purple phone group from 16 September 2004 to 13 October 2004. He specifically spoke about the locations of the phones and Ayyash's alleged Yellow network activity during that period, as well as the relevant locations and call movements of PM Hariri's security detail during his meeting with Secretary General of Hezbollah, Hassan Nasrallah, on 22 September 2004. The witness then described the first calls allegedly made by the accused Merhi, Ayyash and former accused Badreddine with the Green phones and Ayyash's alleged Yellow network call activity en route from Beirut to the Anjar area in September 2004.

On 18 January, Platt testified about the alleged network activity and phone locations of Ayyash on 29 September 2004, the day PM Hariri went to Paris to meet with former President Jacques Chirac for the second time in a two-week period. He then discussed the alleged phone calls and movements of the Green and Yellow networks from 30 September to 1 October 2004.

He then spoke about the alleged Green network activity from 2 October to 13 October 2004, saying that from 13 October, calls where only made between the three phones in the Green network. Platt concluded the day's testimony by speaking about the alleged inception of the Blue network and the first use of the three Blue phones on 18 October 2004, including a series of calls that took place on that day. He then discussed the variety of calls covered in the Blue, Green, and Yellow networks on 19 October 2004.

On 19 January, Platt discussed calls made by the security detail of PM Hariri on the day of his resignation, 20 October 2004. According to the Prosecution, this was the first day of Blue network surveillance of PM Hariri's Quraitem Palace. The witness elaborated on a series of calls made throughout the day, charting the Blue network's activity against the security detail of PM Hariri in addition to some calls allegedly made by the Green network. The witness then discussed network phones and the movement of the security detail of PM Hariri on 21 October 2004, during a trip he made from Quraitem Palace to the residence of Lebanese politician, Marwan Hamade. He then highlighted calls on 22 October 2004 relevant to the Blue network's behavior by reference to the security detail activity of PM Hariri's second visit to Hamade's residence. Platt examined the Blue network activity within the period from 23 to 29 of October 2004, noting PM Hariri's term officially came to an end on 26 October 2004. Additionally, he spoke about the phone calls made through the Green network on 28 October 2004. He also stated that from 1 to 3 November 2004, there were two Blue phones in the vicinity of Quraitem Palace. He added that on 4 November 2004, Blue calls were made in the area of the Quraitem Palace in the morning, after which the phones moved to the vicinity of the Parliament in the afternoon and then back to

the Palace afterwards. Prosecution Counsel explained that PM Hariri returned back from a short trip from Italy to Beirut that afternoon and immediately travelled to the Parliament area, where he stayed for less than an hour before returning to Quraitem Palace, and then went back to the airport again. Platt explained that the Blue network did not follow PM Hariri to the airport on that day, as the Blue phones were still active around Quraitem Palace.

He testified that on 5 November 2004, the Blue network activity around Quraitem Palace was consistent with surveillance. He stated that PM Hariri returned to Lebanon from Abu Dhabi that morning. As for 6 November 2004, the Green phones were in close proximity to each other and there was also some Blue network activity.

On 24 January, Platt claimed that the Blue network activity on 8 November 2004 used the same cell site as PM Hariri's security detail, which also made calls during the

same period of time. He stated that the Blue network was active in the area at the approximate time that PM Hariri arrived to visit Hamade at his residence. Platt also spoke about the alleged call activity, on 10 November 2004 on the Green phones until 20 December 2004. He added that all Green phones were switched off for 40 days until 20 December 2004, alleging that during that period there was no operational necessity for them to be used. He went on to say that the Blue phones were active with the resumption of call patterns seen from the previous days until 11 November 2004, and then there were no further inter-Blue calls made until 22 November 2004. Platt then looked at a call on 13 November 2004 by the Purple phone. He alleged that there was a pattern of activity forming around the Quraitem Palace from 23 to 25 November 2004, as there was consistent and regular Blue network activity in that vicinity.

On 25 January, Platt spoke about the limited Blue network activity in the area of Quraitem Palace on 29 November 2004, when PM Hariri was abroad. He added that this was the last day that a Blue phone was used until 17 December 2004, when PM Hariri was back at the Palace. The witness analysed the Yellow and Blue network call activity and their locations, as well as the use of cells on 21 December 2004 by PM Hariri's security detail, when PM Hariri met with Nasrallah in South Beirut that evening. He explained that just before the meeting, the network activity showed that there was no surveillance at Quraitem Palace but that allegedly there was a surveillance team in place in the area of the meeting when PM Hariri arrived. He then spoke about a series of calls allegedly using the Green network on 22 December 2004.

On 26 January, Platt talked about a series of calls involving the Purple phone users on 20 December 2004. The witness then discussed the alleged expansion of the Blue Network on 23 December 2004 to the "Principal Six" (phones alleged to belong to Ayyash and Subjects 5, 6, 7, 8, and 9), who were involved in most of the active and static surveillance. According to the Prosecution, these six phones users also had Red phones, which were closely associated with the attack on the 14 February 2005. Platt then mapped the phone activity of the alleged Principal Six around Quraitem Palace on 23 December 2004. He illustrated what the network phones did for the rest of the day, and began taking a more proactive coordination role in the surveillance. He then spoke about the Blue, Yellow and Purple network activities on 24 December 2004, the day PM Hariri was at Quraitem Palace and then went to his villa in Faqra. He further discussed the cell sites in Faqra as well as the communication of PM Hariri's security detail in the area. Platt noted that the Blue and Yellow phones were not used in the area of Faqra on 24 December 2004, but they were present there, commencing their surveillance, on 25 December 2004.

On 27 January, Platt spoke about the alleged Principal Six network activity in Faqra and the location of their phones on 26 December 2004. He then showed that by the evening, the Principal Six (except for one) had returned to South Beirut. He then explained briefly the Purple phone activity on that day, highlighting five calls within this group. He added that another day of surveillance of the Faqra villa was 27 December 2004, when PM Hariri departed Faqra and returned to Quraitem Palace in the morning. The witness alleged that this was the first time that there was surveillance along the route that PM Hariri took. He then looked at the network activity on that day and mapped their locations on the network cells. He also showed the use of cell sites around the Quraitem Palace area and that the Blue phones were active around the Palace when PM Hariri was there. He later spoke about Purple phone activity on 29 December 2004.

News from the Region

Bosnia and Herzegovina

Bosnia Appeals the International Court of Justice's Ruling On the Srebrenica Genocide

Bosnia and Herzegovina has filed an appeal on 23 February concerning the 2007 verdict of the ICJ in the case concerning the Genocide Convention, which concluded that the events that occurred in Srebrenica in 1995 qualify as genocide. Nevertheless, this judgment also stated that there was insufficient evidence to prove that the Bosnian Serb forces were acting under the effective control of Serbia.

Bosnian Serb officials have reiterated their stance that a new legal action in this sense is more damaging than conciliatory. Nedljko Čubrilović, the President of the National Assembly of Republika Srpska, stated that an appeal represents the path towards the disappearance of Bosnia and Herzegovina as a state and that it would deteriorate relations between Bosnia and Serbia. Anton Kasipović, the Justice Minister of Republika Srpska, stated that this action deepens the crisis in the already-tense Bosnian politics.

In response, Bakir Izetbegović, the Bosniak member of the tripartite presidency, stated that this appeal was lodged with the aim of establishing the truth and that the crisis was caused by those who committed the aggression and crimes in the first place.

The initial judgment of the ICJ found that Serbia had failed to fulfil its responsibility to prevent genocide, but no direct responsibility was found.

Serbia

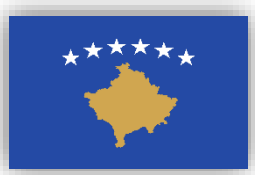
Serbia Criticises a Kosovo Court's Decision to Send Oliver Ivanović For Retrial on War Crimes Charges

Belgrade has issued a statement strongly condemning the decision of the Kosovo Court to send Oliver Ivanović, a Kosovo Serb political party leader, for retrial. The decision of the court comes after Ivanović had been found guilty in January 2016 of ordering the murder of 9 ethnic Albanians in April 1999.

Marko Đurić, the head of the Serbian Government's Kosovo Office, stated that he regrets the decision of the Pristina Court, calling it 'unjust' and 'politically motivated'. He further added that Ivanovic enjoys Belgrade's support and that 'the fight for justice unfortunately will have to continue'.

Ivanović had lodged an appeal against his January verdict in October 2016, claiming that the criminal procedures were violated and that the facts were wrongly established at trial. He further insisted that his prosecution was politically motivated. He also protested his allegedly unjust prosecution by going on a hunger strike several time during the trial.

Oliver Ivanović



Kosovo

France Delays Haradinaj's Extradition Ruling

The Appeals Court in Colmer, France has decided for a second time on 2 March to postpone its ruling on whether to send former Kosovo Prime Minister Ramush Haradinaj to Serbia to face war crimes charges. The court stated that it needed further time for information from Serbia

Haradinaj was arrested in France on 4 January 2017 under a Serbian arrest warrant. He was subsequently released on bail and put under judicial supervision on 12 January. When asked about his extradition, Haradinaj stated that Serbia's demands are completely political and 'an abuse of the law'. He further stated that he believes that he has already proven his innocence, since he was twice acquitted by the ICTY.

The French Court's decision to delay its ruling has angered Belgrade, which has warned against reprisals. Marko Djuric, the Head of the Serbian Government's Kosovo Office, has stated that should France fail to extradite Haradinaj, Serbia will respond with countermeasures. Specifically, Djuric stated that Serbia will act the same way in the future towards warrants issued by France. Djuric also took this opportunity to send the same message to Slovenia and Switzerland, which have released war crimes suspects in the past 'for political reasons'.

Looking Back…

International Criminal Court (ICC)

Five years ago…

On 1 March 2012, the ICC issued an arrest warrant for the Minister of National Defence of the Sudanese Government Abdel Raheem Muhammad Hussein. He was also the former Minister of the Interior and former Sudanese President's Special Representative in Darfur. The Pre-Trial Chamber issued the warrant on 41 counts of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur, Sudan.

The Chamber considered that there were reasonable grounds to believe that Hussein is criminally responsible for the counts which were primarily committed against the Fur populations. The crimes were committed by the Sudanese armed forces and the Militia called Janjaweed who were against the Sudanese Liberation Movement/Army, the Justice and Equality Movement and other groups opposing the Government. The Chamber considered that in his role as Minister of the Interior and Special Representative of the President in Darfur, he was an influential member of the Government of Sudan and made essential contributions to the formulation and implementation of the common plan for the unlawful attack on the part of the civilian population perceived to be close to the rebel groups.

The Pre-Trial Chamber sent a request to all State Parties to the Rome Statute to arrest and surrender Hussein once captured. Until now his arrested has not occurred.

Abdel Raheem Muhammad Hussein

International Criminal Tribunal for the former Yugoslavia (ICTY)

Ten years ago…

On 15 March 2007, the Appeals Chamber affirmed the Trial Chamber's judgement in the contempt case against the Croatian journalist, Josip Jović. On 30 August 2006 Jović was found guilty of publishing closed session transcripts from the trial of Tihomir Blaškić.

In its decision the Appeals Chamber dismissed all seven grounds of appeal filed by Jović and ordered him to pay a fine of €20,000 within 30 days which he was allowed to pay in equal installments of five thousand Euros. The Trial Chamber judgement stated that Jović, a former editor-in-chief of the Croatian daily newspaper *Slobodna Dalmacija,* published closed session court transcripts and parts of a witness statement given to the Office of the Prosecutor by witness Stjepan Mesić. Mesić, who since became the President of Croatia, testified as a protected witness in the case against former Croatian Army general Tihomir Blaškić.

The trial of Josip Jović was held on 11 July 2006.

Josip Jović

International Criminal Tribunal for Rwanda (ICTR)

On 6 March 2002, Judge Williams, the Presiding Judge in the Cyangugu Trial, announced the majority decision of the Trial Chamber to acquit Samuel Imanishimwe of the charge of conspiracy to commit genocide. Nevertheless, Imanishimwe still faced seven counts of genocide, crimes against humanity and war crimes.

The Decision came after a Defence motion to acquit Imanishimwe on the basis of the fact that the evidence presented by the Prosecution was insufficienet to sustain a conviction on the count of conspiracy. In disagreeing with the majority decision, Judge Dolenc contended that the motion was actually based upon a claim of defects in the indictment, which should be dismissed since it should have been raised earlier in the proceedings. This motion was the first of its kind to be successful before the ICTR.

Samuel Imanishimwe was a lieutenant in the Rwandan Army and the commander of the army barracks in Cyangugu. He stood trial together with André Ntagerura, the former Ministry of Transport, and Emmanuel Bagambiki, the former Governor of Cyangugu.

Imanishimwe was sentenced to 27 years' imprisonment on 25 February 2004 but had his sentence reduced on appeal to 12 years on 7 July 2006.

Samuel Imanishimwe

Blog Updates and Online Lectures

Blog Updates

The Policy Paper on Case Selection and Prioritisation: a (Vain?) Effort to Address Issues of Bias and Inefficiency. Blog by Stefano Marinelli. Blog is available here.

Bringing Human Rights Home: Reflections on the Treaty Supremacy rule. By Carmen Gonzales. Blog is available here.

Engaging with Theory – Why Bother? Blog by Andrea Bianchi. Blog is available here.

Online Lectures and Videos

The Future of International Criminal Justice. A lecture by Justice Richard Goldstone. For more information, click here.

Conscience and the Rule of Law: Is Breaking the Law ever Justified? Panel discussion by Lord Joel Joffe, Sir Sidney Kentridge QC and Kate O'Regan. Lecture from Oxford University. For more information, click here.

Criminal Strategy. A lecture by Dr James Cockayne from the United Nations University. For more information, click here.

Publications and Articles

Books

Aisling O'Sullivan (2017), **Universal Jurisdiction in International Criminal Law,** Routledge

James E. Pfander (2017), **Constitutional Torts and the War on Terror,** Oxford University Press

Aoife Nolan, Rosa Freedman and Therese Murphy (2017), **The United Nations Special Procedures System,** Brill

L.B. Cetinkaya (2017), **Safe Zone,** Springer

Articles

Fulvio Maria Palombino, **"Cumulation of Offences and Purposes of Sentencing in International Criminal Law: A Troublesome Inheritance of the Second World War",**(2017) International Comparative Jurisprudence

Yudan Tan, **"The Identification of Customary Rules in International Criminal Law"**, (2017) European Society of International Law (ESIL) 2016 Research Forum (Istanbul)

Derek Inman, **"International Crimes, National Trials and the Role of Victims' Rights: Locating the Problems and Possibilities of Victim Participation in the Democratic Republic of Congo"** (2017) in Hansen, T.O., ed., *'Victims and Post-conflict Justice Mechanisms in Africa'* (2017), pp. 28-47.

Calls for Papers

The Leiden Journal of International Law Symposium has issued a call for papers on 'The Trajectories of International Legal Histories'. The deadline is 15 March 2017. For more information, click here.

The Utrecht Journal of International and European Law has issued a call for papers on 'General Issues' relating to any area of law to be published in the 85th edition. For more information, click here.

Events

Asser-ICJ Series 'The International Court of Justice: Back to the Future and Keeping the Dream Alive'

Date: 8 March 2017

Location: T.M.C. Asser Instituut, The Hague

For more information, click here.

Understanding the United Nations' Failure to Confront Sexual Violence by UN Peacekeepers

Date: 9 March 2017

Location: Graduate Institute Geneva

For more information, click here.

ICLQ Annual Lecture 2017: The Right to Life and the International Law Framework Regulating the Use of Armed Drones

Date: 16 March 2017

Location: British Institute of International Law and Comparative Law, London

For more information, click here.

The Neutrality of International Law: Myth or Reality?

Date: 30-31 March 2017

Location: University of Granada

For more information, click here.

Opportunities

Associate Legal Officer (P-2), The Hague

International Court of Justice

Deadline: 10 March 2017

For more information, click here.

Associate Human Rights Officer (P-2), Geneva

UN Office of the High Commissioner for Human Rights

Deadline: 16 March 2017

For more information, click here.

Legal Officer (P-3), The Hague

Organization for the Prohibition of Chemical Weapons

Deadline: 23 March 2017

For more information, click here.

Judicial Affairs Officer (P-3), Tombouctou

UN Field Mission Administered by DPKO

Deadline: 18 March 2017

For more information, click here.