



ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE INTERNATIONAL COURTS AND TRIBUNALS

ISSUE 113

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ADC-ICT News

The Association Changes Its Name

On 1 June 2017, the Association of Defence Counsel practising before the ICTY officially changed its name to the Association of Defence Counsel practising before the International Courts and Tribunals or ADC-ICT. In light of the impending closure of the ICTY, the ADC-ICTY General Assembly, in December 2016, voted unanimously for the name change and an amended [Constitution](#).

The Association was established in September 2002 to represent defence counsel practising before the ICTY and was recognised by the Registrar of the ICTY as the association of defence counsel at the ICTY in accordance with the Rules of

Procedure and Evidence. After the establishment of the Mechanism for International Criminal Tribunals (MICT) the ADC-ICTY was also recognised by the Registrar as the association of counsel practising before the MICT.

The Association is regularly consulted on many tribunal-wide issues and members sit on the Rules Committee of the ICTY and MICT and have an equal position to that of the Prosecution. The Association has also been heavily involved in the negotiation of legal aid policies, directive on assignment and code of professional conduct. Members of the Association also

Contents

MICT News..... Page 2

ICTY News..... Page 4

News from International Courts.... Page 5

ICL News Round-Up..... Page 9

Articles and blogs..... Page 11

Events and Opportunities..... Page 12

sit on the Disciplinary Panels and Disciplinary Boards of the ICTY and MICT.

The ADC-ICT has a number of governing committees which are elected at the annual General Assembly. The Executive Committee is responsible for the day-to-day operations of the Association and comprises of a President and four Vice-Presidents. The Disciplinary Council is responsible for providing advisory opinions to members on professional conduct issues as well as potentially issuing Disciplinary Decisions.

Other Committees are responsible for training, drafting amicus briefs and reviewing membership applications.

The ADC-ICT remains the only association of defence counsel at any of the international courts or tribunals which is recognised by the Registrar as representing the interests of defence counsel. Membership is compulsory for all lawyers on the list of counsel at the ICTY and MICT but membership is also open to all legal professionals, students and

interns, for further information about the Association and membership visit the website at: www.adc-ict.org



ADC-ICT Sends Open Letter to UN Security Council

On 26 May 2017, the ADC sent a letter to all members of the UN Security Council requesting that strong action be taken with regards to the continued detention of MICT Judge Akay by the Republic of Turkey. He has been detained since September 2016, and despite the UN Office of Legal Affairs asserting his diplomatic immunity Turkey has refused to release Judge Akay. The President of the MICT has also ordered that Turkey release judge Akay but no response

has been received. This is delaying the finality of proceedings for Augustin Ngirabatware, the case to which Judge Akay is assigned on the Appeals Chamber to consider a request for review of judgement. The full ADC Open Letter to the UN Security Council is available [here](#).

On 15 June, a court in Turkey sentenced Judge Akay to 7.5 years imprisonment for a terrorism related offence. Judge Akay has

been released pending a decision from the Supreme Appeals Court but has a travel ban in place. On 19 June, the MICT Appeals Chamber granted Ngirabatware' request for review of judgement and a hearing will be scheduled.

MICT News

Prosecutor v. Stanišić and Simatović (MICT-15-96)

On 13 June 2017, the Prosecution made their opening statements in the re-trial in the case against Stanišić and Simatović. The re-trial was ordered by the ICTY Appeals Chamber on 9 December 2015 when they quashed the acquittal and ordered a re-trial on all counts in the indictment. There were two grounds for which the acquittal was quashed: there was a failure to properly reason the decision with regards to the role of the accused in the

joint criminal enterprise (JCE), specifically in analysing the *mens rea* without determining the *actus reus* of the JCE; secondly the Trial Chamber erred on a point of law with regards to the *actus reus* of aiding and abetting. The ICTY Appeals Chamber Judgement is available [here](#).

The Prosecution is seeking to establish the criminal responsibility of Jovica Stanišić and

Franko Simatović with regards to the "joint criminal enterprise to establish ethnically homogenous Serb-dominated territories across large parts of the territories

of Croatia and Bosnia-Herzegovina during 1991 to 1995". They are seeking to do this by establishing that both figures held senior positions in Serbia's intelligence organ the State Security Service or DB "Državna

Bezbednost" during those dates, and that through these positions advanced the JCE.

In attempting to establish that through the use of the State Security Services, the personnel and its resources, Stanišić and Simatović were able to advance the JCE. The Prosecution alleges that they used the service to establish elite DB units in Croatia and Bosnia, which Simatović oversaw and supported in the field, while Stanišić directed this establishment in conjunction with other leading members of the JCE.

The Prosecution began with the key areas in which the JCE took place, starting in 1990 when ethnic Serbs started self-declaring Serbian Autonomous Districts (SAOs) in Croatia (Republic of Serbian Krajina, RSK) and Bosnia (Republika Srpska, RS). The Prosecution alleges that he accused assisted the establishment and support of these regions using the DB.

The Prosecution in its opening statement mentioned specific attacks within the regions in Croatia, specifically Slavonia, Baranja and Western Srem (SBWS) in August of 1991. Following the Prosecution detailed crimes which occurred in Bosnia, specifically in Sanski Most, Bosanski Samac, Doboj, Bijeljina, Zvornik and the execution of six Muslim men and boys in Trnovo near Sarajevo.

In acknowledging that these crimes took place amid an ongoing conflict the Prosecution distinguished these specific crimes and the role that Stanišić and Simatović allegedly played, from their duty to act in the interest of the Serbian State as

members of the intelligence service in a time of war. The Prosecution holds that there was a course of conduct, a pattern followed in all the above territories that make it "clear" that the purpose for which the actions were taken was to further the "common criminal purpose to forcibly and permanently expel non-Serb population from the targeted territories".

The pattern which the Prosecution lays out of double-hatters, DB operatives that had official roles in the security services as well as playing key roles in the Serb-claimed territories. They allege that the establishment of training camps which were directly supported with equipment and supplies was undertaken to conceal the role of senior Serbian officials in implementing the JCE. The Prosecution therefore alleges that it was the intent of Stanišić and Simatović to further the common criminal purpose.

The Prosecution highlighted the roles of other JCE members and the way that Stanišić and Simatović's contributions can be seen in light of, and in tandem with the other JCE actors. Through these professional and personal relationships with other JCE members, the Prosecution is attempts to elucidate the standing of the accused as key members of the common criminal purpose.

The Prosecution also focused on specific incidents where Stanišić or Simatović were active either in the field delivering weapons or instructing the training of Bosnia Serb forces. They detailed the actions of the units which were trained and supported by the

DB: Arkan's Tigers and the Scorpions and how "Jovica Stanišić and Franko Simatović exercised authority over them at all times", with the aim of establishing a command responsibility link.

The Prosecution finally discussed the type of evidence which will be presented and how they will use this evidence to prove their case. An emphasis was placed on the secrecy of the JCE and that many of the witnesses may not have known the DB was involved. These witnesses will testify about the crimes which were committed against them and taken with the totality of the evidence including expert witnesses, written statements and journals of DB members will prove that Stanišić and Simatović are the perpetrators of the alleged crimes.

On 14 June, the first witness, a former employee of the DB, took the stand with protective measures including image and voice distortion and sections of the testimony were in private session. The witness explained that there were three levels of cooperation within the DB. "friendly relations", "operative relations" and "collaboration". During cross-examination by Stanišić's Defence Counsel, Wayne Jordash QC, he highlighted the discrepancies in the witness's statements and asked whether new information was based on what the witness had read in the media. The witness denied this was the case, however did agree that Belgrade media 'should be read with a great deal of caution, both at the time and now'. The trial continues on 20 June 2017.

ICTY News

Prosecutor v. Mladić (IT-09-92)

On 12 May 2017, the Trial Chamber Denied the Defence's Emergency Motion for Provisional Release Under Rule 65 seeking temporary custodial release for medical treatment of Ratko Mladić to Russia. This Decision focused primarily on the situation 20 years ago, when Mladić was a fugitive, and thus decided he was a "flight risk," despite his poor health even though guarantees were issued by the Russian Federation. The Defence filed an Appeal of that Decision on 19 May 2017, of which a Public Redacted Version was made available on 22 May 2017. The Public appeal can be found [here](#).

The Defence Appeal stressed that the Decision did not adequately take into account nor render a reasoned decision on the Russian guarantees and specifically excluded from consideration that part that affirmed Russia's obligation to effect "the timely return of the accused R. Mladić to the seat of the Tribunal on the date and at the time determined by the ICTY." which was argued to remove any risk of flight since Mladić, unlike 20 years ago, would be in official custody. The Appeal further noted

the Decision did not take into account or render a reasoned opinion on the health of the Accused, saying only it found UN Doctors "Reliable" without addressing deviations in medical care as prescribed by American and European Medical Boards as mandatory for the conditions that Mladić suffers from, as well as the fact: a) Dr. Falke's conclusions were subsequently contradicted by his own subordinate medical officer; b) Dr. Falke's preoccupation relating to the higher risk of infection in Dutch Hospitals as the main reason he did not want to hospitalize Mladić; c) Dr. Falke's dismissive attitude towards treatments mandated by American/European Cardiology boards for patients like Mladić; d) the Independent Medical Examiners' (IMEs) conclusions being contradictory; e) the IME's failure to deny that the aforesaid deviations from applicable medical standards occurred; and, among other things f) that even the UN Doctors and IME's agreed and confirmed 90% of the Defence Doctors, including the assessment of Mladić being at high risk for a recurrent cerebral, vascular incident including with a fatal outcome due to his current condition.

Thereafter, to stress the seriousness of the situation, on 24 May 2017 the Defence, and Mladić's family held a press conference in Belgrade to announce and highlight their Appeal. Highlights from the conference (with English text of the highlights) can be found at the following [link](#).

At the press conference it was stressed that all the criteria for provisional release had been met, and that guarantees of non-states that were creations of the Security Council of the UN were accepted in the past by the same Judges as to other accused, so it was difficult to understand why the guarantees of a permanent member of the same UN Security Council - Russia, were not even considered. It was stressed, Ramush Haradinaj was released without restrictions on his travel and political activities even though he was not ill. The Defence stressed it expected the Appeals Chamber judges to adhere to their own prior jurisprudence to correct this erroneous Decision. Two Russian participants participated remotely from Moscow and the Russian Duma in the Press Conference, and stressed that the guarantees were signed by President Putin, and that this was a humanitarian effort, and that the Vatican was being consulted to obtain support from the Pope for the provisional release, and that the highest echelons of the Russian Orthodox Church had already voiced their support.

Darko Mladić talked of the state of health of his father and said the family feared the Decision was a "Death Sentence" for his father, because the serious symptoms that indicate an impending or existing stroke or TIA that could lead to death were being treated by "alternative" methods such as massage and Yoga rather than hospitalization.



RATKO MLADIĆ

The Prosecution filed a Public Version of its Response on 30 May 2017, after the Appeals Chamber ordered an expedited briefing schedule. The Prosecution Response can be found [here](#). The Prosecution repeated its earlier arguments about the senior position of the Accused in the VRS and the severity of the crimes he is charged with and that the

Trial Chamber considered the Dutch and Russian submissions sufficiently. The Defence has filed a Reply Brief on 30 May 2017, and issued a Public Version that same day, which can be found [here](#). The Defence highlights the wealth of Appeals Jurisprudence negating the Prosecution's arguments as to the severity of the crimes

charged, given the presumption of innocence to the Rule 65 provisional release process. It further detailed jurisprudence signed by both the Trial Chamber and Appeals Chamber judges from the instant case in other cases that supported the Defence position and the release being sought. It is not known when the Appeals Chamber will issue a decision.

News from other International Courts

Extraordinary Chambers in the Courts of Cambodia



Jacob Granger, MEAS Muth Defence Team

The views expressed herein are those of the author alone and do not reflect the views of the ECCC.

Nuon Chea Defence

On 2 May 2017, the Nuon Chea Defence submitted its 550-page closing brief in Case 002/02, addressing multiple charges of genocide, crimes against humanity, and grave breaches of the Geneva Conventions. The Defence also filed an extensive Table of Authorities for that brief. Throughout the rest of May, the Defence has focused on preparing its closing oral arguments, which are scheduled to begin in mid-June 2017.

Khieu Samphân Defence

"In May 2017, the KHIEU Samphân Defence filed its closing brief (E457/6/4) and was then fully engaged in preparing the closing statements."

Meas Muth Defence

In May, the Meas Muth Defence filed one Request to the Co-Investigating Judges, which has been classified as confidential.

The Defence also filed an appeal against the International Co-Investigating Judge's decision that an attack need not be committed against a civilian population to constitute a crime against humanity, but could be committed against a state's own soldiers. The Defence also prepared its submission to be filed in response to a request by Co-Investigating Judges concerning the budgetary situation of the ECCC and its effect on Case 003.

Im Chaem Defence

In May, the Im Chaem Defence filed a request raising concerns regarding the impact of the ECCC budgetary situation on Case 004/1. The Defence is currently preparing for a potential response to an appeal against the Closing Order and endeavours to safeguard Ms. IM Chaem's fair trial rights and interests throughout the remaining proceedings of the pre-trial stage of Case 004/1.

Ao An Defence

In May, the Ao An Defence filed an Application to Seize the Pre-Trial Chamber with a View to Annulment of the Investigation; and filed an Appeal Against the International Co-Investigating Judge's Notification on the Interpretation of Attack Against the Civilian Population in the Context of Crimes Against Humanity with Regards to a State's or Regime's Own Armed Forces. The Defence also filed a submission on the funding situation of the Tribunal and what it may mean for the future of the cases before it. Finally, the Defence continues to review all materials on the Case File and prepare other filings to safeguard AO An's fair trial rights.

Yim Tith Defence

The Yim Tith Defence continued to analyse the contents of the Case File in order to participate in the investigation, prepare Yim Tith's defence and endeavour to protect his fair trial rights.



Special Tribunal for Lebanon

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Witness overview

2-4 May: Edward Philips (Witness PRH435), an expert in telecommunications, cell site analysis, and Global System for Mobile Communications (GSM) as applied to cell site analysis, was cross-examined by Defence Counsel for Merhi and Oneissi.

8 May: Andrew Donaldson (Witness PRH230), a Prosecution analyst, was examined on his qualifications in the area of telephone co-location.

17 May: Presiding Judge David Re, acting as Judge Rapporteur, held a status conference to discuss matters including a [filing by the Legal Representative of Victims](#), two [Registry submissions](#), and the resumption of Donaldson's testimony following an adjournment in the proceedings to deal with Defence submissions related to his evidence.



HASSAN HABIB MERHI

Witness Testimony

Cross-Examination of Philips by Defence Counsel for Merhi (2-4 May)

Co-Counsel Jad Khalil continued his cross-examination of Philips on 2 May. The cross-examination focused on the concept of "best server coverage," which featured prominently in Philips' reports.

Khalil asked the witness about the coverage maps and their reproduction in the Electronic Presentation of Evidence (EPE) software; the possibility of a cell phone in one location connecting to various cell sites; and cells surrounding the alleged residence of Merhi.

The witness explained that in his presentation he stated the difference between "coverage" and "best server coverage," and that the EPE shows best server coverage maps. He also explained how signals can vary depending on a mobile phone's proximity to cell sites and relative strength. The witness also explained the various factors that can affect the signal strength such as the power of the cell site, frequency, distance from the cell site, height and orientation of the cell relative to a building, the building's material, the depth of the person within a building, gain of the antenna, tilt of the antenna, and the surrounding buildings or terrain.

Counsel then asked the witness regarding specific examples, such as the surroundings of the alleged residence of Merhi.

Counsel also asked the witness about several other issues, including radio frequency cell site surveys; his investigative methods; the qualification of Green 071 as a mission phone; and the possibility of having two "dirty phones" handled by one user for a single mission, and the users' subsequent discipline in terms of the mission.

The witness explained that anonymity of contacts and concealment of location and movement were essential to mission phones. He stated that similar levels of anonymity would be expected from two "dirty" phones possibly handled by one user.

Co-Counsel Dorothee Le Fraper Du Hellen cross-examined Philips from 2-4 May. The cross-examination focused on the methodology used by Philips in his reports and the mission phones, in particular Green 071 and its alleged attribution to Suspect (Subject) 3 (Merhi).

Le Fraper Du Hellen questioned the inconsistencies in co-location of Green 071 and Purple 231 prior to the attribution dates. Counsel also asked the witness about inconsistencies in co-location between: Green 071 and Purple 472 from 2 October 2004 to 7 February 2005; between Associate

Purple 375 and Green 071 from 20 September 2004 to 7 February 2005; between Green 071 and Associate Purple 415 from 24 September 2004 to 7 February 2005; and between Green 071 and Phone 126 between 1 September 2004 to 7 February 2005.

Le Fraper Du Hellen asked the witness about the filtered data he received from the Prosecution while drafting his single-user report, and whether it concerned Green 071. Counsel also asked the witness if he looked into the “cell dump” for each cell activated by Green 071.

The witness explained that he worked on the data he was given in regard to Suspect 3, which included call sequence table data and best server coverage data, but excluded locations and background events. He added that he did not look into cell dumps, and only analyzed the data related to Green 071 as of 24 September 2004 (the date of attribution to Suspect 3).

Le Fraper Du Hellen also asked about the methodology the witness used as an expert in order to establish the identity of the user Green 071, and whether the latter used other telephones.

The witness explained that he did not have full data records for Green 071 prior to preparing the single-user analysis report.

Defence Counsel for Oneissi (4 May)

Natalie von Wistinghausen cross-examined the witness about cell phone connections to neighboring cells, the impact on coverage of changes to azimuths and of clutter, and the

information the witness received from the Prosecution.

von Wistinghausen raised the possibility of mistaken interpretations of Call Data Records (CDRs) as indicating movement of a phone between theoretical areas of coverage when the content of an SMS or phone call is unavailable. The witness explained that if there are no end cells data or previous and subsequent call information, then this could be a possibility.

Counsel relied on the example of an SMS exchange between Al Jazeera news agency staff members in the afternoon of 14 February 2005 (the day of the attack), the possible cells activated around the tree where the videotape containing the alleged false claim of responsibility was located, and the best server coverage in that area.

The witness reiterated that a telecommunications network provides coverage and capacity over a geographical area. If a network is affected by differences in clutter, the network would adjust that area of best server coverage.

Re-examination by Prosecution Trial Counsel (4 May)

Philips was re-examined by Marc Desalliers in relation to the use of Green 071 before and after 20 September 2004. The witness reiterated the significance of the concentration of calls for Green 071.

The witness was also questioned regarding his use of a “pivot table” (a tool used to sort data) in order to carry out cell site analysis. When looking at the call sequence table of a

specific mobile, the witness would use a pivot table to analyze the cells that were used and how many times they were activated.

Examination of Donaldson’s Qualifications (8 May)

A week before Donaldson was scheduled to testify, Counsel for Ayyash and Merhi filed a motion requesting the Trial Chamber to prevent Donaldson giving evidence on co-location. The Defence argued that certain paragraphs in Donaldson’s reports concerning co-location constituted inadmissible expert opinion because co-location required a level of knowledge that Donaldson – as a Prosecution non-expert witness – did not possess.

The Trial Chamber in its decision of 5 May 2017 (filing F3126), deferred its decision on whether Donaldson could provide opinion evidence on co-location until it held a *voir dire* on this issue.

On 8 May 2017, during the *voir dire* session, Prosecution Trial Counsel Carrier-Desjardins examined Donaldson on his professional experience and qualifications to present opinion evidence on co-location. His curriculum vitae and the methodology he used in his reports were received into evidence.

The examination focused on the skills that Donaldson used to produce his co-location analysis and sought to demonstrate that his experience and methodology were sufficient for the Trial Chamber to consider his co-location opinion as reliable.

Donaldson worked as an analyst from 2000-2007 in law enforcement in the UK, where he dealt occasionally with telecommunication analysis. He was recruited as a communications analyst to work at the United Nations International Independent Investigation Commission (UNIIC) in October 2007 and has worked with Lebanese CDRs since. Donaldson went on to explain the tasks he was assigned in relation to the Lebanese CDRs. In total, Donaldson stated he had 17 years of analytical experience, of which almost the last 10 focused solely on analysis of Lebanese CDRs. Carrier-Desjardins informed the Trial Chamber that the OTP sought Donaldson's and Philips' evidence independently, and that their conclusions are consistent in many ways.

Submissions by Defence teams (8 May)

Defence Counsel for Ayyash, Chad Mair made oral submissions arguing that Donaldson did not have sufficient specialized knowledge, skills, and training to provide evidence on co-location. Mair argued that Donaldson had minimal training and none since 2010 and although his work in the police force touched upon cell site data, he did not specialize in it. He also challenged the methodology adopted and the conclusions drawn in Donaldson's reports.

Submissions by Prosecution (8 May)

In response to the Defence's submissions, Prosecution Trial Counsel Carrier-Desjardins argued that Donaldson's experience and methodology were sufficient for the Trial

Chamber to consider his opinion on co-location. Counsel argued that he had worked extensively with cell dumps, analyzing single phones, and conducting co-location analysis.

The Trial Chamber adjourned to consider the submissions of the Parties on this issue.

Status Conference (17 May)

On 17 May, Presiding Judge David Re, acting as Judge Rapporteur, held a status conference to discuss several matters. These included the [request of the Legal Representatives of Victims to call witnesses and tender other evidence](#), two submissions from the Registry, and the resumption of the evidence of Prosecution witness Andrew Donaldson.

The Presiding Judge asked the parties to file their submissions, and the Legal Representatives of Victims their observations, regarding the Registry's submissions by 22 May.

Regarding Donaldson's evidence, the Presiding Judge informed those present that the Trial Chamber was in the process of preparing two decisions in relation to Defence motions prior to the resumption of proceedings.

The first motion, filing F3045, [Merhi Defence Motion for Disclosure of Documents Relating to the Witness Andrew Donaldson \(PRH230\)](#), was filed on 21 March 2017.

The second motion, filing F3098, [Joint Defence Motion In Limine Regarding Expert Evidence From Prosecution Witness](#)

[PRH230](#), was filed on 21 April 2017. Counsel for Merhi and Ayyash sought the exclusion of paragraphs on co-location from three of the five reports the Prosecution sought to introduce through the witness Donaldson (those related to Merhi and Ayyash, as well as former accused, Mustafa Amine Badreddine).

The Special Tribunal for Lebanon has published a Primer on Telecommunications Evidence. The primer can be found [here](#).



**PRIMER ON
TELECOMMUNICATIONS
EVIDENCE**

ICL News Round-up

No interest or no information? Northern Ugandans disappointed in coverage of Dominic Ongwen's trial, *Let's Talk Uganda*

Locals in northern Uganda have expressed concerns over limited, inadequate and inconsistent information concerning the court proceedings of alleged LRA commander Dominic Ongwen at The Hague based International Criminal Court. We spoke to people from Acholi, West Nile and Teso sub-regions to gather their views on their access to the trial... [Read more.](#)

ICC and Africa: The case of Zambia, *Coalition for the ICC.*

The Southern African Centre for the Constructive Resolution of Disputes (SACCORD) has been helping popularize the results of public consultations held in Zambia in 2017 on the country's future at the ICC - an overwhelming 93.3% of those who participated voted to stay with the Court. Now, according to SACCORD Executive Director Boniface Cheembe, civil society is making sure the government does not turn its back on this concrete endorsement... [Read more.](#)

40th Anniversary of the Additional Protocols of 1977 of the Geneva Conventions of 1949, *EJIL: Talk!*

On 8 June 1977, at the invitation of Switzerland, plenipotentiaries of more than one hundred States gathered at the

"Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts" to finalize and adopt Additional Protocols I and II (APs I and II) to the 1949 Geneva Conventions (GCs). Together with the GCs, APs I and II form the core of international humanitarian law. Their adoption forty years ago marks a milestone in the regulation of armed conflicts... [Read more.](#)

Saif al-Islam: Gaddafi's son 'released after more than five years of detention', *Independent*

Saif al-Islam, the son and one-time heir apparent of late Libyan dictator Muammar Gaddafi, has been released after more than five years in detention, his captors said. A statement by his captors, the Abu Bakr al-Siddiq Battalion, said Saif al-Islam was released on Friday, but gave no details on his whereabouts. Battalion officials at Zintan, a town south of the capital Tripoli, confirmed his release. They declined to disclose his whereabouts, citing concerns over his safety... [Read more.](#)

Serbian Lawsuits over NATO Bombing 'Likely to Fail', *Balkan Transitional Justice*

Serbian experts hope to prove that depleted uranium used in the 1999 NATO bombing poisoned people and to file a series of

lawsuits, but legal analysts say they have almost no chance of success. A team made

up of Serbian and foreign lawyers and doctors plans to prepare lawsuits against NATO countries for using depleted uranium during the 1999 bombing of Yugoslavia, but legal experts doubt whether the cases will succeed, Serbian public broadcaster RTS reported on Sunday. The lawyers and doctors will try to connect an increase in severe illnesses to the use of depleted uranium in the bombing, so they can file charges against 19 members of NATO. They believe they can do this within two years... [Read more.](#)

Bosnia's Segregated Schooling Entrenches Wartime Divisions, *Balkan Transitional Justice*

In the second of two reports on the education system in Bosnia, where children are taught differently according to ethnicity, experts argue that segregated schooling is a way of keeping people divided. Three different curriculums - Croatian, Serbian and Bosnian - are taught in Bosnia and Herzegovina's schools in parallel. There are no joint textbooks, so children learn three different variations of the truth about the 1990s war in their history classes, as well as three different literature canons... [Read more.](#)

ICC prosecutor urges international community to help bring Darfur war crime suspects to justice, *Jurist*

The prosecutor for the International Criminal Court (ICC), Fatou Bensouda, on

Thursday [renewed her calls](#) [statement] to the [UN Security Council](#) [official website] and the international community to support her office's efforts in tackling impunity and pursuing justice for human rights violations in the Darfur region of Sudan. Bensouda particularly urged all UN member states, specifically ones that are party to the [Rome Statute](#) [text, PDF], to arrest and surrender suspects of alleged genocide, war crimes and crimes against humanity committed in Darfur... [Read more.](#)

DR Congo's 'The Terminator' to testify in war crimes trial, *Justice Info*

Congolese ex-rebel commander Bosco Ntaganda will finally testify Wednesday in his trial at the International Criminal Court, fending off accusations of using child soldiers and capturing sex slaves for his rebel army. Almost two years after the trial opened, the man once dubbed "The Terminator" will take the stand to recall events in 2002 to 2003, when his rebel forces rampaged through the vast central African country's gold-rich Ituri province, murdering and raping civilians and plundering their possessions. Ntaganda, 43, has denied 13 charges of war crimes and five counts of crimes against humanity committed by his Patriotic Forces for the Liberation of Congo (FPLC)... [Read more.](#)

Kosovo elections with war crimes court and international justice in mind, *Justice Info*

Kosovo voted Sunday for a new parliament that will have to navigate tense relations with Serbia, endemic corruption and possible war crimes indictments for some of

its leaders. The early general election is only the third since Kosovo unilaterally declared independence in 2008, but it "might be the hardest to predict," according to Florian Bieber, professor of Southeast European Studies at the University of Graz in Austria. A month after the last government lost a confidence vote, the battle for a new prime minister pitches an ex-guerrilla commander against a former student protest leader and an economist likened to French President Emmanuel Macron... [Read more.](#)

Bosnia's glorification of war criminals 'unacceptable': prosecutor, *Justice Info*

Serge Brammertz urged the Security Council to address the denial of war crimes in Bosnia during a meeting on the work of the International Criminal Tribunal for the former Yugoslavia (ICTY). The prosecutor criticized a recent decision of Bosnian Serb education officials to ban textbooks that teach students about the Srebrenica genocide and the siege of Sarajevo. "These facts are taught in classrooms around the world, but not in the country where the crimes were committed," Brammertz told the council... [Read more.](#)

Will the ICC take up crimes against migrants in Libya?, *Justice Info*

A few weeks later, after a surprise visit to Libya, UN High Commissioner for Refugees Filippo Grandi said he was "shocked to discover the difficult conditions in which refugees and migrants live", and denounced the "terrible" conditions in refugee centres in Libya. The two organizations launched a

humanitarian programme for the 600,000 migrants, refugees and displaced people in Libya. NGOs such as Médecins sans frontières, Amnesty International and Human Rights Watch have for months been denouncing the crimes being committed. Echoing these expressions of alarm, International Criminal Court (ICC) Prosecutor Fatou Bensouda declared on May 8 that "crimes, including killings, rapes and torture, are alleged to be common place" in Libya's refugee holding centres... [Read more.](#)

Judges Decline to Restrict Ntaganda Contacts During His Testimony, *International Justice Monitor*

Trial judges have rejected prosecution requests to slap a range of restrictions on Bosco Ntaganda during his upcoming testimony at the International Criminal Court (ICC). They determined that the measures suggested by the prosecution were unnecessary or not enforceable. Among others, judges declined to bar Ntaganda from meeting his lawyers during his testimony that is expected to last for up to six weeks. The judges also declined to order Ntaganda's lawyers to tell defense witnesses not to watch the accused's testimony in any manner. Ntaganda, a former rebel commander in the Democratic Republic of Congo, will take the witness stand in his own defense on Wednesday... [Read more.](#)

Blog Updates and Online Lectures

Blog Updates

"**Chechnya's Anti-Gay Purge: Crimes Against Humanity**", by Junteng Zheng. Blog available [here](#).

"**Bemba, et al. Sentencing Decision: A Victory with a Bitter Taste**", by Ekaterina Kopylova. Blog available [here](#).

"**States Are Failing Us in Syria - Not International Law**", by Kevin Jon Heller. Blog available [here](#).

Online Lectures and Videos

"**The Chemical Weapons Convention, the Organization for the Prohibition of Chemical Weapons and Non-State Actors**", by Olufemi Elias. Lecture available [here](#).

"**International Criminal Law and Domestic Courts**", by Larissa van den Herik. Lecture available [here](#).

"**Human Rights Law in Africa**", by Christof Heyns. Lecture available [here](#).

Publications and Articles

Books

Gerhard Werle and Moritz Vormbaum (2016). **The African Criminal Court - A Commentary on the Malabo Protocol**, Springer.

Gregory S. Gordon (2017). **Atrocity Speech Law**, Oxford University Press.

Nick Gallus (2017). **The Temporal Jurisdiction of International Tribunals**, Oxford University Press.

Henrique Carvalho (2017). **The Preventive Turn in Criminal Law**, Oxford University Press. University Press.

Articles

Marko Milanović (2016). "**Establishing the Facts About Mass Atrocities: Accounting for the Failure of the ICTY to Persuade Target Audiences**", Georgetown Journal of International Law, Volume 47, p. 1321-1378.

Shana Tabak (2016). "**Ambivalent Enforcement: International Humanitarian Law at Human Rights Tribunals**", Michigan Journal of International Law, Volume 37, p. 661-715.

Christian Wenaweser and Sina Alavi (2017). "**From Nuremberg to New York: The Final Stretch in the Campaign to Activate the ICC's Jurisdiction over the Crime of Aggression**", Harvard International Law Journal, Volume 58.

Calls for Papers

The **International Journal for the Semiotics of Law** has issued a call for papers on "Representations of Law, Justice and the Subject in Engrenages". Deadline: 30 June 2017, for more information, click [here](#).

The **Journal of the International State Crime Initiative** has issued a call for papers on "State Crime and Colonialism". Deadline: 30 September 2017, for more information, click [here](#).

Events

HILAC Lecture: Respect for International Humanitarian Law at Sea

Date: 20 June 2017

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

For more information, click [here](#).

Conference on Current Issues in Armed Conflict

Date: 29 and 30 June 2017

Location: Graduate Institute of International and Development Studies, Geneva

For more information, click [here](#).

The Role of the European Union in the Adoption and Implementation of the Paris Agreement

Date: 23 June 2017

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

For more information, click [here](#).

IBA Fair Trials and Complementarity

Date: 6 July 2017

Location: Hague Institute for Global Justice, The Hague

For more information, click [here](#).

Opportunities

Junior Legal Adviser

Organization for Economic Co-operation and Development, Paris

Deadline: 21 June 2017

For more information, click [here](#).

Associate Legal Officer (P-2)

International Criminal Court, The Hague

Deadline: 23 June 2017

For more information, click [here](#).

Rule of Law Officer

Organization for Security and Co-operation in Europe, Warsaw

Deadline: 21 June 2017

For more information, click [here](#).

Associate Legal Officer (P-2)

Office of Human Resources Management, New York

Deadline: 7 July 2017

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