ADC-ICTY Newsletter
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Head of Office: Dominic Kennedy
Coordinator: Jana Hofmann
Contributors: Matt Cicchetti, Diego Naranjo, Kirsten Schlewitz & Kushtrim Zymberi

ICTY Cases

Cases in Pre-trial

Hadžić (IT-04-75)

Mladić (IT-09-92)

Cases at Trial

Haradinaj et al. (IT-04-84)

Karadžić (IT-95-5/18-I)

Prlić et al. (IT-04-74)

Šešelj (IT-03-67)

Stanišić & Simatović (IT-03-69)

Stanišić and Župljanin (IT-08-91)

Tolimir (IT-05-88/2)

Cases on Appeal

Đorđević (IT-05-87/1)

Gotovina et al. (IT-06-90)

Lukić & Lukić (IT-98-32/1)

Perišić (IT-04-81)

Popović et al. (IT-05-88)

Šainović et al. (IT-05-87)

Inside this Issue

• News from the ICTY •

In this section

Prosecutor v. Karadžić (IT-95-5/18-1)

The trial in the case of Prosecutor v .Karadžić continued with the testimonies of the witnesses Đurđević, Škrbić, and Ristić, as well as protected witnesses KDZ245, KDZ126 and KDZ357.

The court heard testimony from Robert Đurđević, a Serbian-American, on 7 March. The witness travelled extensively in the Balkans during the conflict, meeting with many top leaders of Republika Srpska. Đurđević then wrote and published articles, both online and in print, regarding these meetings and his perceptions. Karadžić met with Đurđević on 14 July 1995, and most of his testimony was focused on this meeting. Karadžić asked the witness about his difficulties in setting up meetings with the Bosnian Serb leaders, and Đurđević confirmed that it was impossible for him to get through on the secure lines.

Later that same day, Petar Škrbić took the stand. The former VRS general previously testified about receiving an order from Ratko Mladic to provide busses for evacuation. During this testimony, Karadžić questioned Škrbić about the declaration of war in Republika Srpska, and the extraordinary circumstances that surrounded such an event. Karadžić used his cross-examination to help establish that he and his party were merely responding to events, rather than creating proactive policy.

Robert Đurđević

Slavica Ristić testified on 12 March. Ristić was born in Bosnia but moved to North America in 1985, and began as-

sisting refugees from the region in the early 1990s. The witness was in Serbia on vacation in 1995 and was present in meetings with Karadžić on July 13 and 14. Ristić also spoke about the inefficiency of communications with Karadžić, noting that the telephones were not working properly and in the rare case that a call did get through, the sound quality was terrible, making it difficult to understand what was being said.


Slavica Ristić

The remaining witnesses, all of whom are protected by means of pseudonyms, image distortion, or both, were all called to testify about intercepted conversations collected during the conflict. For the prosecution, the aim was to have the authenticity of recordings and transcripts corroborated, by describing how they were collected, recorded and documented. During cross-examination, one of the primary goals of Karadžić was to ascertain the legality of the intercept process. Karadžić also put forth questions concerning the identity of the interlocutors and the process under which conversations were documented. Karadžić also suggested that those involved in the intercepted conversations were exaggerating or even lying.

Before the Karadžić trial adjourns for the Easter recess, the court will hear further testimony relating to the process of collecting and analysing intercepts.

Prosecutor v. Šešelj (IT-03-67)

Closing arguments of the Defence were postponed for a week due to Vojislav Šešelj's health problems, necessitating his transfer to a civilian medical facility. Šešelj began his closing arguments instead on 14 March 2012. He began his closing arguments by asserting that foreign intelligence services were controlling the Tribunal with the hopes of getting a conviction in his case. He argued that they attempted to do this initially by trying to impose a defence lawyer on him. Now, he believes that his recent health problems are a result of outside electronic interference with his cardiologic implants.

In response to the Prosecution's closing arguments about his pre-war speeches inciting violence, specifically referring to his statement that "there will be rivers of blood" if Croatia and Bosnia and Herzegovina declared independence, he argued that this was not a threat but rather a warning. Therefore, he concluded that those who did not heed his warning should be responsible for the crimes that occurred during the wars. He also argued that only incitement to genocide, not incitement to commit war crimes, existed as a crime in international law.

He turned next to the crimes that occurred in the town of Zvornik, alleged in the indictment against him. While he accepted that his volunteers took part in the attack on the town, under the command of the Yugoslav People's Army (JNA), he insisted that they returned to Serbia immediately after the attack. He placed responsibility for the murders of Muslims in the town immediately after it was overrun on "Arkan's men", the volunteer paramilitary groups under the control of the infamous Željko Ražnatović, also known as Arkan.

He also offered his theory behind the crimes in Vukovar, where 200 men were taken from the town hospital to the Ovcara farm in November of 1991 and executed. He argued that there was a conspiracy behind the tragic event. According to him, the chief of JNA military security, who had the Canadians behind him, and Croatian intelligence services colluded to kill exactly 200 prisoners at Ovcara. While there were 207 prisoners taken there initially, only 200 remains were found, leading Šešelj to assert that these 7 people were released because they were Kurdish mercenaries.


Vojislav Šešelj

Šešelj continued to espouse his innocence for the other crimes alleged in the indictment by arguing that there was no evidence against him. In particular, he claimed that the Prosecution erroneously tied him to war leaders in Sarajevo, arguing that while he visited them occasionally, he never sent his volunteers to these war leaders, known as Chetnik vojvodas. He offered a similar argument for the other locations of war crimes alleged in the indictment, insisting that his volunteer groups were never deployed there. Šešelj also asserted in his closing arguments that the Prosecution and the Tribunal were an "instrument of the dark forces" and the new world order whose goal was to remove him from the political scene.

In between his closing arguments, Šešelj also appeared at a Status Conference on 19 March 2012 for his third contempt of court proceedings. He has twice been convicted of contempt of court and sentenced to 15 months in prison for his first conviction and 18 months for his second. He is indicted for allegedly publishing confidential information on his website which the Prosecution believes could identify protected witnesses.

Once Šešelj completes his closing arguments, the Prosecution has an opportunity to respond in rebuttal and then it will be back to the Defence to respond in a rejoinder.

Prosecutor v. Stanišić & Simatović (IT-03-69)

On 13 and 14 March, Franko Simatović's defence witness, Goran Opačic, former member of the Territorial Defence in SAO Krajina during the relevant period, testified. During the examination-in-chief, conducted by Simatović defence counsel Mihajlo Bakrač, Opačic denied Yugoslav People's Army (JNA) reports that identified him as a perpetrator of crimes against Croat civilians in the villages of Nadin and Skabrnja. Opačic denied having ties to the Serbian State Security Service (DB).

Simatović and the former chief of the DB, Jovica Stanišić, are being tried for, *inter alia*, crimes committed by paramilitary forces in Croatia. The indictment alleges Stanišić & Simatović directed and organised the financing, training, logistical support and other substantial assistance to various special military units that committed crimes against humanity and violations of the laws or customs of war within the Serbian Autonomous District of Krajina (SAO Krajina) in Croatia. Opačic minimised the role of the accused in the events in SAO Krajina.

A 1993 Croatian intelligence report stated that Opačic was known for his martial arts prowess and that he killed a Croat prisoner in the Knin prison. The witness admitted to being skilled in martial arts but denied the prison killing.

David Brown

The following week the Simatović defence presentation of evidence was interrupted by the testimony of David Brown, a forgery expert for the Stanišić defence. Brown claimed there are "anomalies" in Ratko Mladić notebooks. Mladić was the commander of the Main Staff of the Bosnian Serb Army (VRS) from June 1991 to November 1996. In April 2011, the Prosecution introduced into evidence, excerpts from 37 notebooks which were seized from Mladić's wife's apartment.

Martinović arrested at Croatia-BiH border

Vinko Martinović was arrested at the border between Croatia and Bosnia and Herzegovina on 16 March 2012. Martinović, who was sentenced by the International Criminal Tribunal for the Former Yugoslavia (ICTY) to 18 years in prison, was released from an Italian prison in January after serving two thirds of his sentence.

Already in 1998, the County Court of Zagreb had issued a decree nisi and handed down an eight year prison sentence to Martinović for the murder of Jasmine Đukić in Mostar (Bosnia and Herzegovina). At the time, Martinović defended himself, saying that he was set up. However, five days before his extradition to The Hague in 1999, the Croatian Supreme Court quashed the ruling and ordered a retrial. An international arrest warrant was issued and it was under the power of this warrant that Martinović was arrested and transported to Zagreb.

Vinko Martinović

Council of Europe report about post-war justice in former Yugoslavia published

Thomas Hammarberg

The Council of Europe High Commissioner for Human Rights, Thomas Hammarberg, has presented a report about post-war justice in the former Yugoslavia in Sarajevo on 19 March. According to Hammarberg, the states in the region need to address the human rights violations of the 1990 wars more seriously in order to achieve reconciliation and a lasting peace. "Despite efforts and progress achieved, the legacy of the violent recent past still dangerously lingers across the region of the former Yugoslavia" said the Commissioner. "Impunity for wartime crimes has not been eliminated".

Ending impunity is indeed the most important of 25 recommendations in the report towards a lasting peace in the region. Hammarberg regards the continuation of cases launched by the International Criminal Tribunal for the Former Yugoslavia vital in this regard but also stresses the fundamental importance of establishing efficient national judicial systems in the region's countries, especially as the Tribunal nears its closure.

Moreover, the report emphasises the need to establish and recognise the truth concerning human rights and international humanitarian law violations that occurred during the wars in the former Yugoslavia. Although progress has been made, Hammarberg calls for more determined political engagement in this field. "Efforts have been seriously hampered by persistent ethnic polarisation and divisions among politicians and populations", he said.

• News from other international courts & tribunals •

In this section

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Contributed by: Jinah Roe, Legal Intern, Defence Support Section

* The views expressed herein are those of the author alone and do not necessarily reflect the views of the Extraordinary Chambers in the Courts of Cambodia.

Case 002 - Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thrith

International Covenant on Civil and Political Rights

Article 2(3)

3. Each State Party to the present Covenant undertakes:

(a)To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Defence Filings:

On 3 February 2012, the Ieng Sary Defence Team (ISDT) filed a response to the Co-Prosecutor's Request to Include Additional Crime Sites Within the Scope of the Trial in Case 002/01. The response argued that the Co-Prosecutor's request was "yet another attempt by the [Co-Prosecutor's] to request the Trial Chamber to reconsider its Severance Order" and submitted that the request should be summarily dismissed.

Ieng Sary

On 7 February 2012, the ISDT filed a reply to the Co-Prosecutor's Response to Ieng Sary's Appeal Against the Trial Chamber's Decision Refusing His Request For The Trial Chamber to Direct its Senior Legal Officer to Maintain Open and Transparent Communication with All the Parties. The ISDT defended its interpretation of ECCC Internal Rule 104 and argued that the Trial Chamber violated parties' rights by condoning a Senior Legal Officer's *ex parte* communications with certain parties. The ISDT requested that the Chambers of the ECCC respect and uphold Article 2(3) of the International Covenant on Civil and Political Rights, pursuant to the Cambodian Constitution, requiring Ieng Sary to have an effective remedy.

On 9 February 2012, the Nuon Chea Defence Team (NCDT) filed Further Submissions regarding the Request for Clarification of Provenance/Chain of Custody of DC-Cam Documents. The submissions related to a request that the NCDT had previously made in court and requested that the Trial Chamber request the Documentation Center of Cambodia (DC-Cam) to provide information from its database contained in two specific fields, the first recording the source of a document and its former or current owners, and the second indicating whether a document was a copy or an original.

On 13 February 2012, the Khieu Samphan Defence Team (KSDT) filed a Response to the Co-Prosecutors' Request to Include Additional Crime Sites Within the Scope of the First Trial of Case 002 and asked the Trial Chamber to reject the Co-Prosecutors' request on the grounds that it was repetitive, but with a reduced scope, and thus inadmissible. The KSDT reminded the Chamber that it had already dismissed in its entirety the Co-Prosecutors' Request to reconsider the terms of the 22 September 2011 Severance Order and asked that the Chamber reject the Co-Prosecutors' request without further notice.

On 14 February 2012, the NCDT filed a Third Application for Disqualification of Judge Cartwright. The NCDT argued that comments by Judge Cartwright to the New Zealand media, in which the Judge was reported as commenting that "[Defence Counsel at the ECCC] put more emphasis on disruption than representing their clients" demonstrated actual bias against the Defence or, in the alternative, would lead a reasonable observer, properly in-

Khieu Samphan


Silvia Cartwright

formed, to conclude that Judge Cartwright lacked sufficient impartiality to judge Case 002. In support of its application, the NCDT cited several European Court of Human Rights (ECtHR) cases (*Buscemi v Italy,* 1999*; Lavents v Latvia,* 2003; *Olujic v Latvia,* 2009*).* The NCDT argued that these cases established that where a sitting judge publicly expresses an unfavorable view of the Defence case or strategy, this may be incompatible with the impartiality required of a court under Article 6(1) of the European Convention.

On 22 February 2012, the NCDT filed an Application for Summary Action Against Hun Sen Pursuant To [ECCC Internal] Rule 35. The application was filed in response to alleged comments by the Cambodian Prime Minister Hun Sen, reported in the Vietnamese press on 5 January 2012. The NCTD argued that the Prime Minister's reported comments, referring to a former Khmer Rouge leader that had testified at the ECCC in December 2011 as "the killer and genocide perpetrator", violated Nuon Chea's right to be presumed innocent under the Cambodian Constitution and, as such, constituted an act of interference with the administration of justice at the ECCC. The NCDT relied in particular on the ECtHR case *Ribemont v France* (10 February 1995), which the NCDT argued "long ago confirmed that the presumption of innocence applies to non-judicial actors and can be violated by individuals in high public office". The NCDT argued that because the Prime Minister "is, quite simply, without peer in shaping the political and social landscape in Cambodia", his reported remarks would be understood by "any reasonable observer…as an attempt to influence the Trial Chamber". As a remedy, the NCDT requested that the ECCC Trial Chamber issue a public condemnation of Hun Sen's remarks and a public warning that further comments will be met by even more stringent action.

In the Courtroom:

The defence teams for Nuon Chea, Khieu Samphan, and Ieng Sary participated in 8 days of substantive hearings before the Trial Chamber in February.

On 2 February 2012, the KSDT and the NCDT participated in cross-examining witness Chhang Youk, Director of DC-Cam, regarding the provenance of their documents, chain of custody, authenticity, and information regarding inculpatory evidence. In particular, the NCDT focused on the motives of DC-Cam in gathering documents and pursued a line of questioning that implied the choice of selecting the documents was not non-partisan or non-biased, as DC-Cam claims its organisation is supposed to be. The NCDT's cross-examination in this regard was halted by Judge Cartwright who requested the NCDT to move on to a new phase of examinations. At the end of the day's hearing Judge Cartwright responded, on behalf of the Trial Chamber, to the NCDT's previous objections to public statements allegedly made in the media by Prime Minister Hun Sen about the guilt of their client. Judge Cartwright noted that Article 38 of the Cambodian Constitution states that "the accused shall be considered innocent until the court had judged finally on the case" and that "the Court will not take account of any public comment concerning the guilt or innocence of any Accused in reaching its verdict".

On 13 February, counsel for Nuon Chea, Michiel Pestman, noted that the Trial Chamber President had on 8 February 2012 repeatedly addressed him as "*neak aeng*" in Khmer, an expression which counsel argued was "inappropriate, if not simply rude, and it could even be interpreted as intimidating, not just to me, but, more importantly, also to my client". Counsel argued that the use of this expression to address him or his client "only helps to further undermine the integrity of this Court, and, equally important, it could give the appearance of bias".


Michiel Pestman

On 15 February 2012**,** the NCDT argued before the Trial Chamber that their client had the right under Cambodian law, and in conformity

The European Convention on Human Rights

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

with international law, to present their full range of documents relating to the historical segment portion of the trial before the Court at a date of the Court's choosing. The Trial Chamber responded that the NCDT's allocated time for presenting the relevant documents chosen for the day's proceedings was "either today or never". The NCDT took issue with the Trial Chamber's decision to close the historical segment portion of the trial arguing that "[the Court] cannot understand the acts and possibly the inactions of the leaders of the DK regime if we do not also look at the historical and sociological context in which they had to operate…". The Chamber reiterated that the NCDT was not allowed to make further oral submissions on this and ruled that the 15 February 2012 session would conclude for the day.

On 16 February 2012, the NCDT asked the Trial Chamber for more time to respond to documents put forward by the Co-Prosecutors and the Civil Party Lead Co-Lawyers on the historical context section of the trial. The Chamber denied the request but noted that the Defence could make written submissions in this regard. Additionally, Nuon Chea spoke about the necessity of fully illuminating the historical background to the Democratic Kampuchea period in order to shed light on the actions of the Khmer Rouge and noted "…we seem to only have understood portion of the story. We only got the head of the crocodile, not the whole body, and we failed to discuss the policy of the Americans who dropped bombs on Cambodia. Why have we not discussed these documents – or relevant documents as well?" The defence teams for Ieng Sary, Nuon Chea, and Khieu Samphan raised objections to the 95 documents cited in the Closing Order pursuant to Internal Rule 87(3) with regard to the documents' authenticity, reliability, and the admissibility of S-21 confessions and statements made by Duch amongst others. The Co-Prosecutors and the Civil Party Lead Co-Lawyers responded to the Defence's objections on the 95 documents under discussion while the NCDT made submissions in reply.

Nuon Chea

Case 003 and 004

ECCC Internal Rules

Rule 21. Fundamental Principles

1. The applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted so as to always safeguard the interests of Suspects, Charged Persons, Accused and Victims and so as to ensure legal certainty and transparency of proceedings, in light of the inherent specificity of the ECCC, as set out in the ECCC Law and the Agreement.

On 16 December 2011, the Pre-Trial Chamber issued its decision on the "DSS Request for a Stay in Case 003 Proceedings Before the Pre-Trial Chamber and For Measures Pertaining to the Effective Representation of Suspects in Case 003," filed on 29 July 2011. The Defence Support Section's (DSS) Request submitted *inter alia* that the DSS had standing to bring the request before the Pre-Trial Chamber; that Art. 24 of the ECCC Law, read in conjunction with Rule 21(1) of the Internal Rules (IR) and the definition of "suspect" in the IR Glossary, leaves no ambiguity as to the suspects' unconditional right to legal representation; that pursuant to ECtHR jurisprudence, the suspects' situation satisfies the substantive concept of a 'charge' for the purpose of their right to representation being applicable; and that the initial determination as to whether an individual is entitled to a lawyer falls within the autonomous mandate of the DSS and is not subject to administrative review. The DSS Request sought a stay on the grounds that "continuation of these proceedings without the participation of the Defence would breach various aspects of the right to a fair trial, including the right to equality of arms, effective representation and the adversarial nature of proceedings enshrined in Rule 21(1) IR".

The Pre-Trial Chamber dismissed the DSS Request. Although it recognised that it has previously invoked its inherent jurisdiction to review requests for stay involving issues of fairness to the proceedings and although it acknowledged the fact that several appeals in Case 003 were pending before it, the Pre-Trial Chamber did not examine the DSS Request on its merits, finding it inadmissible. The Chamber held that the Request was inadmissible because at the time of filing, the criminal proceedings in Case 003 were still pending investigation before the Co-Investigating Judges and the issue of legal representation for suspects fell within the jurisdiction of the Co-Investigating Judges.

On 20 February 2012, the Pre-Trial Chamber published a Public Redacted Decision on the DSS Request for a Stay in Case 004 Proceedings before the Pre-Trial Chamber and for Measures Pertaining to the Effective Representation of Suspects in Case 004. For the same reasons set out in its December 2011 decision in relation to Case 003, it dismissed the DSS Request.

• Defence Rostrum •

In this section

Questions relating to the Obligation to Prosecute or Extradite (Belgium *v.* Senegal): The case of Hissène Habré before the International Court of Justice

By Diego Naranjo

Hissène Habré

Hissène Habré (1942, Chad), former President of the Republic of Chad, who seized power in 1982 and held it until 1990, is the target of the Kingdom of Belgium. Belgium filed an application instituting proceedings against the Republic of Senegal in respect of a dispute concerning "Senegal's compliance with its obligation to prosecute Mr. Hissène Habré, former President of the Republic of Chad, or to extradite him to Belgium for the purposes of criminal proceedings".

The basis to do this is the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as other norms regarding international crimes and human rights. According to Belgium, Senegal has not started any proceedings to prosecute Habré in Senegal, where he lives since he fled from Chad. The acts that are attributed to the former president of Chad, who allegedly got to govern in this African country with the help of the CIA, are crimes of torture and crimes against humanity.

The African Union and the UN have been pushing to continue the case, urging Senegal to prosecute Habré themselves or to send it to any country that would do it. Yet, human rights organisations believe that he would not have a fair trial in Chad; in fact, in 2008 a court in the country sentenced him to death in absentia, as the BBC reports.

The International Court of Justice (ICJ) has had six hearings where the case has been exposed. During these hearings, Belgium has explained how even after several requests of extradition and the serious allegations against Habré, little has been done to overcome this situation. Thus, Belgium claims in the ICJ that there is reason to believe that there is no intention to prosecute the former president of Chad. Before the case arrived at the ICJ, the African Court on Human and People's Rights also had the opportunity to deal with this issue, although it was unsuccessful since the Court claimed lack of jurisdiction. The Economic Community of West African States (ECOWAS) also studied this case and decided that although the crimes allegedly committed by Hissene Habré "did not constitute criminal offences under national law in Senegal... they were held to be so under international law" (ECOWAS Court of Justice, Hissène Habré v. Republic of Senegal, Judgment, 18 November 2010, General List No. CW/CCJ/APP/07/08, para. 58, CMS, Vol. II, Ann. 2.) and that "in accordance with international custom", the proceedings against Hissène Habré should be conducted before an ad hoc international judicial body (Ibid., para. 61).

Called the "African Pinochet" by Human Rights Watch, Habré's judicial future will be decided after it is determined whether Senegal breached international law obligations to prosecute those who commit crimes against humanity. Either prosecuted or extradited, victims hope that the process will take less time than for the ICC to reach its first conviction in a decade of existence.

ICC delivered its first verdict but discussion about expenditure remains

Thomas Lubanga, a former Congolese rebel leader, became the first suspect to whom the International Criminal Court (ICC) delivered a verdict since it was established in 2002. On Wednesday, 14 March, Lubanga was found guilty of recruiting and using child soldiers during the final years of the Democratic Republic of Congo's 1998-2003 war. Lubanga was held in custody since 2006 and went on trial in 2009. The actual sentence will be handed down at a later date.

The court's critics say that the ICC is costing too much and that delivering one verdict in ten years of existence is not enough. Since its inception, the ICC has spent nearly $1bn. It has an annual budget of over $140m and 766 staff. In comparison, the ICTY had a budget of about $301m for the two-year period of 2010-11 and employs 869 staff. Over this period, more than 60 persons have been convicted and proceedings against 40-plus defendants are still ongoing.

Thomas Lubanga

• Blog Updates •

- Elli Goetz, **ICTR: Early Release Of Tharcisse Muvunyi Ordered**, 11 March 2012, available at: http://www.internationallawbureau.com/blog/?p=4277
- Alli Jernow, **SOGI in international human rights law**, 9 March 2012, available at: http://www.intlawgrrls.com/2012/03/sogi-in-international-human-rights-law.html
- Jens Ohlin, **Lubanga Decision Roundtable: Lubanga and the Control Theory**, 15 March 2012, available at: http://opiniojuris.org/2012/03/15/lubanga-and-the-control-theory-2/
- Angela Patrick, **Future of human rights court must not be decided by shadowy late night deals**, 13 March 2012, available at: http://ukhumanrightsblog.com/2012/03/13/future-of-human-rights-court-must-not-be-decided-by-shadowy-late-night-deals-angela-patrick/
- Jaya Ramji-Nogales, **No more refoul-ing around...**, 15 March 2012, available at: http://www.intlawgrrls.com/2012/03/no-more-refoul-ing-around.html
- Kristen Saloomey, **The continuing saga of UN impunity**, 7 March 2012, available at: http://blogs.aljazeera.com/americas/2012/03/08/continuing-saga-un-impunity
- Kirsty Sutherland, **Try Afghan Massacre Soldier in Afghanistan, suggests Mark McDonald**, 14 March 2012, available at: http://www.internationallawbureau.com/blog/?p=4329

• Publications and Articles •

Books

Donald Earl Childress (Ed.) (2012) *The Role of Ethics in International Law*, Cambridge University Press

Alison Kesby (2012) *The Right to Have Rights. Citizenship, Humanity and International Law*, Oxford University Press

Adam McBeth, Justine Nolan, and Simon Rice (2012) *The International Law of Human Rights,* Oxford University Press

Sundhya Pahuja (2011) *Decolonising International Law. Development, Economic Growth and the Politics of Universality* , Cambridge University Press

Tai-Heng Cheng (2012) *When International Law Works. Realistic Idealism After 9/11 and the Global Recession*, Oxford University Press

Articles

Jann K Kleffner (2012) "Section IX of the ICRC Interpretive Guidance on Direct Participation in Hostilities: The End of *Jus in Bello* Proportionality as We Know It?", Israel Law Review 45(1), p. 35-52

Mohamed Shahabuddeen (2012) "The International Criminal Tribunal for the Former Yugoslavia: The Third Wang Tieya Lecture", Chinese Journal of International Law 11(1), p. 13-44

Christopher Stephen (2012) "International Criminal Law: Wielding the Sword of Universal Criminal Justice?", International and Comparative Law Quarterly 61(1), p. 55-89

Antje Wiender, Anthony F. Lang, James Tully, Miguel Poiares Maduro and Mattias Kumm (2012) "Global Constitutionalism: Human Rights, Democracy and the Rule of Law", Global Constitutionalism 1(1), p. 1-15

Head Of Office

ADC-ICTY

ADC-ICTY
Churchillplein 1
2517 JW The Hague
Room 085.087

Phone: +31-70-512-5418
Fax: +31-70-512-5718
E-mail: dkennedy@icty.org

Any contributions for the newsletter should be sent to Dominic Kennedy at dkennedy@icty.org

WE'RE ON THE WEB!

WWW.ADCICTY.ORG

ADC-ICTY Legacy Conference 2012

At the 2011 ADC-ICTY General Assembly it was decided that the association should organise a legacy conference in late 2012. The Executive Committee would like to involve as many members as possible in achieving this goal. The Executive Committee would therefore like to ask members to send their ideas on possible topics which could be covered, who the conference should be aimed at, where it should be held and whether you would be interested in participating. Please send any suggestions to the ADC-ICTY Head of Office: dkennedy@icty.org

• Upcoming Events •

Judicial Creativity and the Progressive Development of the Law: Aspects of Current ICC Practice

Date: 4 April 2012

Venue: The Hague Institute for Global Justice, Sophialaan 10, 2514 JR, The Hague

More info: http://thehagueinstituteforglobaljustice.org/index.php?page=Events&pid=123&id=32&archive=0

Philosophies of Judgment

Date: 17 April 2012

Venue: The Hague Institute for Global Justice, Sophialaan 10, 2514 JR, The Hague

More info: http://thehagueinstituteforglobaljustice.org/index.php?page=Events&pid=123&id=33&archive=0

The Judicial Function and Legal Pluralism

Date: 25 April 2012

Venue: The Hague Institute for Global Justice, Sophialaan 10, 2514 JR, The Hague

More info: http://thehagueinstituteforglobaljustice.org/index.php?page=Events&pid=123&id=34&archive=0

• Opportunities •

Legal Officer (Family Law), The Hague, Netherlands

Hague Conference on Private International Law (HCCH)

Closing date: 9 April 2012