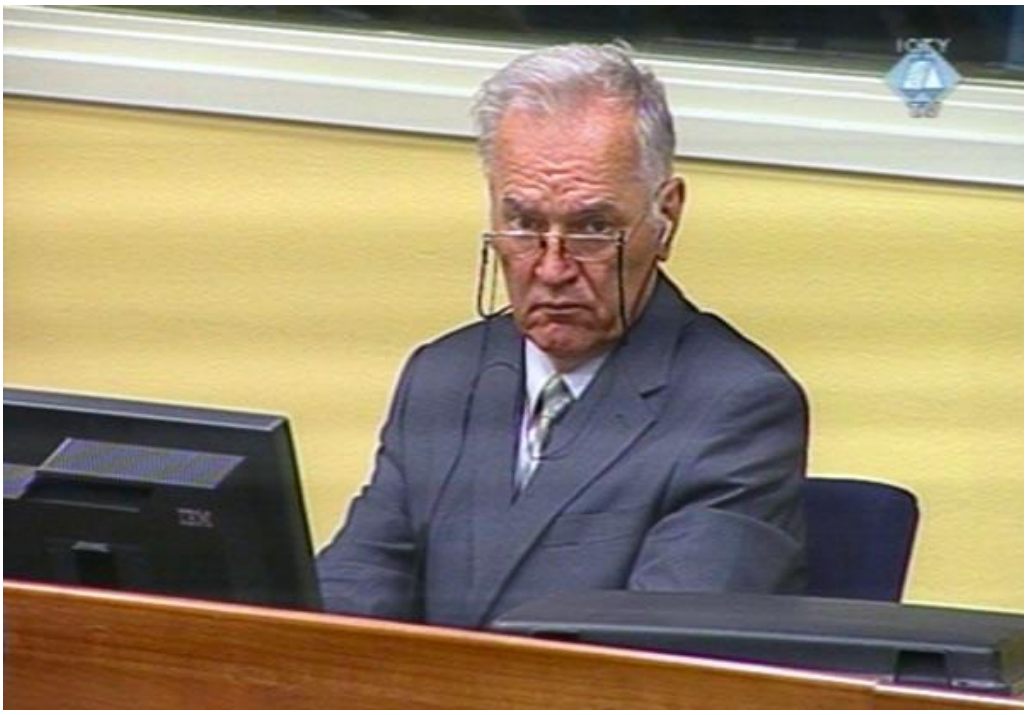

RATKO MLADIĆ

# ADC-ICTY NEWSLETTER 19 September 2016

ISSUE 105

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# ICTY News

## Prosecutor v. Mladić (IT-09-92)

**Closure of Defence Case**

On 19 May 2014, the Defence opened its case by presenting its first witness. On 16 August 2016, Chambers called the procedural history of the Defence's case and sought confirmation that the Defence had rested its case. The Defence declined to confirm, and announced its intention to file a motion in relation to witness Mašović. According to the Trial Chamber, the motion relating to witness Mašović did not seek leave for Mašović to be called as a Defence witness, therefore, having no impact on the closing of the Defence's case. The Defence objected and submitted that it had not rest its case and that the statement issued by the Trial Chamber was in fact contradictory and unclear. The Defence further contended that there were still unresolved evidentiary matters and motions awaiting final decisions. The Trial Chamber referred to the Defence's prior statement that no more evidentiary matters would have been filed after 22 July 2016 and that evidentiary matters were not certification motions, and had no impact on the closure of the Defence case.

The Trial Chamber dismissed the Defence's request for a reasoned decision regarding the closure of its case.

**Notice to Appeal the Decision Denying the Admission of Evidence**

On 9 June 2016, the Trail Chamber issued a decision, which denied the admission into evidence of certain 65ter documents because they were not tendered under Rules 92 bis or ter. On 16 June 2016, the Defence filed a motion to appeal the decision which was opposed by the Prosecution on 30 June 2016.

On 31 August 2016, the Trial Chamber dismissed the motion and found that the Defence had not established that an immediate resolution of the issue by the Appeals Chamber would have advanced the proceedings, and that the certification to appeal had failed the second limb of Rule 73(B) of the Rules.

**Extension to Tender Sentence Related Information**

On 16 August 2016, the Defence requested an extension of time to tender evidence pursuant to Rule 85 (A) (VI) of the Rules. The Prosecution responded to this request on 31 August 2016. Pursuant to Rule 127 of the Rules, Chambers denied the motion.

AMOR MAŠOVIĆ

# MICT News

## Prosecutor v. Kamuhanda (MICT-13-33)

Jean de Dieu Kamuhanda was convicted of genocide at the ICTR, which was affirmed on appeal. He maintained his innocence throughout the proceedings.

On 2 July, Defence counsel for Kamuhunda, Peter Robinson, requested the President or Single Judge for authorization to interview Prosecution witness GET with the consent of the witness. It is believed that the witness gave false information about the fact that they saw Kamuhunda at Gikomero Parish where the attacks took place. The purpose of the interview is not only for gathering information that the evidence was falsely given, but also to identify witnesses who did not see Kamuhunda although they stated so in their testimony.

The Prosecution responded that the motion lacks merit and should be dismissed. The witness is a protected witness and should, according to the Prosecution, not be bothered anymore since the case is closed. Moreover, the Prosecution believes that the motion from Kamuhunda is based on assumptions that since the witness does not hold authoritative power in the commune anymore, the witness might change his testimony. The Prosecution states further that in order to interview a protected witness, especially after the case is closed, there should be a high necessity to interview the witness which is not the case here.

On 19 July, the Single Judge in this case, Judge Jean-Claude Antonetti, delivered his decision on Kamuhunda's motion, stating that he considered the motions of both the Defence and Prosecution. Judge Antonetti also recognised that since the witness is a protected witness the ICTR Trial Chamber has ordered protective measures in which the Defence needs to seek judicial authorization to contact the individual. Judge Antonetti determined that Kamuhunda has met the necessary criteria and ordered the Registry's Witness Support and Protection Unit to contact witness GET and ask for consent to be interviewed by counsel for Kamuhunda. On 5 August, Judge Antonetti rejected the application to interview the witness based on the written

and signed statement from witness GET refusing to give consent to be interviewed.

On 17 August, the Defence responded to the decision of Judge Antonetti after receiving the written and signed statement of witness GET. The Defence has concerns related to the language used in the consent form which states that the Witness Support and Protection Unit (WISP) and the Mechanism is not responsible for any moral and material prejudice. The Defence believes that this language could discourage the witness to give consent for the interview and therefore deny consent. The Defence requested the Registry to remove this information in future consent forms. However, the Registry refused to take out that part of the consent form, as it has been used in the past for both Prosecution and Defence witnesses. Therefore, the Defence requested an order that witness GET appears at an oral hearing before the Single Judge to determine the consent of the witness to be interviewed by counsel for Kamuhunda.

On 29 August the Prosecution have filed its submission on the request for an oral hearing, stating that this motion should be dismissed on the grounds that the Single Judge was satisfied by the language used in the consent form over which he rendered his decision on 5 August. The Prosecution further stated that this information is necessary for a witness to make a proper decision whether to give consent for the interview or to refuse to give their consent.

In response to this, the Defence replied on 6 September, stating that Kamuhunda did not have the information of the content of the consent form until after the decision of the Judge. Therefore, no motion on the language used in the consent form was brought earlier. The Defence also stated that this language can lead to many more witnesses refusing to be interviewed when they read the consent form. It might appear as if the witnesses will lose their protection of the UN or WISP when consenting to being interviewed by the defence counsel. Therefore, the Defence requests an oral hearing before the Single Judge.

## Prosecutor v. Radovan Karadžić (MICT-13-55)

On 29 July, both parties requested a joint motion for extension of time to file appeal and response briefs. The reason for this extension is because of the complexity of the issues in the case. Karadžić appealed his judgment rendered by the ICTY Trial Chamber on 24 March. Both parties stated that they needed more time to go through all the counts and the corresponding evidence. All the evidence needs to be re-examined which takes a long time for both parties. Furthermore, both parties also recognize that the judgment is the "longest judgement ever issued by the ICTY or any other international criminal tribunal" which also takes significant time to go through. Both parties requested a delay of 135 days for the filing of each brief and response brief thereof.

On 9 August 2016, the Appeals Chamber granted the extension for the reasons given by both parties and allowed for a 135 day extension for the filing of each brief, however, for the response brief the Appeal Chamber grants a delay of 85 days instead of 135 days. The Appeals Chamber considers the difficulties both parties have in re-examining evidence and reading the Judgment but do not find, however, that 135 days extensions for both briefs will be necessary. An internal memorandum has also been sent out to all the judges informing them about the delay due to the complexity of the case.

## Stanišić & Simatović (MICT-15-96)

On 9 August, the Trial Chamber made a public submission in relation to the decision that the Trial Chamber rendered on 24 June. In this decision, the Trial Chamber gave Jovica Stanišić provisional release due to medical health issues. However, Stanišić was ordered to report regularly to the UNDU Reporting Medical Officer on his medical condition. The Trial Chamber considered the fact that due to the health issues an independent examination is necessary to determine when the Trial could be started. Stanišić appointed two independent experts to examine his health condition in Belgrade and to submit a detailed written medical report. One of the medical experts has indicated he will be able to submit his report by 20 September and the second medical expert will submit his report by 22 September.

With this information, the Trial Chamber has concluded the scheduling order on 31 August stating that the next status conference will be held on 28 September.

## Prosecutor v. Šešelj (MICT-16-99)

On 30 August, the ICTY Office of the Prosecutor appealed the acquittal of Vojislav Šešelj, the leader of the Serbian Radical Party (SRS), seeking his conviction or a retrial. Šešelj was acquitted by the Trial Chamber on 31 March, who found him not guilty on any of the nine counts of the indictment. The ICTY Prosecutor stressed that the Trial Chamber, with Judge Jean-Claude Antonetti presiding, erred in fact in finding that Šešelj did not physically commit persecution, deportation and other inhumane acts. Šešelj was indicted in 2003, both individually and as a part of a joint criminal enterprise, for war crimes during the conflicts in Bosnia-Herzegovina and Croatia, as well as for persecutions of Croats in Serbia's province of Vojvodina.

# News from other International Courts

Cour Pénale Internationale
International Criminal Court

## International Criminal Court

*The views expressed herein are those of the author(s) alone and do not necessarily reflect the views of the ICC.*

## The Prosecutor v. Ahmad Al Faqi Al Mahdi (ICC-01/12-01/15)

On 22 August, the trial in the case against Ahmad Al Faqi Al Mahdi opened at the ICC. Al Mahdi pleaded guilty to a war crime relating to the alleged destruction of historical and religious monuments in Timbuktu, Mali, between June and July 2012. Notably this is the first international case relating to the destruction of cultural property, and the first trial at the ICC where the accused has made an admission of guilt.

Al Mahdi is alleged to have been an active member of Ansar Dine, a militant Islamic group extremist group in North Africa, associated with al-Qaeda in the Islamic Maghreb.

He allegedly worked closely with both armed groups during the occupation of Timbuktu, in addition to being the head of the "Hisbah" (a religious body with the aim of upholding public morality), and enforcing the decisions of the Islamic Court of Timbuktu.

Following Al Mahdi's admission of guilt at the opening of the trial, the Prosecution presented its case against Al Mahdi, including calling three witnesses. The Legal Representative of the Victims, Mayombo Kassongo, and Defence Counsel for Al Mahdi, Mr. Mohamed Aouini, presented their remarks on 24 August before the trial was concluded.

AHMAD AL FAQI AL MAHDI

The judgment, and any applicable sentence, is expected to be delivered by the Court on 27 September.

# Defence Rostrum

## ECCC Prosecutorial Awakening is No Profile in Courage

By Michael G. Karnavas, 22 August 2016

*One has a moral obligation to take responsibility for one's actions, and that includes one's words and silence, yes, one's silence …*

*Roberto Bolaño, By Night in Chile*

A couple of weeks ago I posted a commentary that appeared in the Cambodia Daily concerning Henri Locard's remarks while being examined by International Co-Lawyer for Accused Khieu Samphan, Ms. Anta Guisse, and his out-of-court remarks about the defence in general, which also appeared in the Cambodia Daily.

Locard's out-of-court remarks prompted the Nuon Chea Defence to file a submission requesting a. that the press article that reported on Locard's remarks be placed on the case file, and b. for the Trial Chamber to disregard Locard's testimony because, having prejudged Nuon Chea's guilt, Locard's testimony was "not impartial or neutral and therefore fails to meet the criteria required to be considered expert evidence." The Co-Prosecutors responded.1 Hence this post.

The Co-Prosecutors have no objections to the press article being included in the case file. What other position could they take? Hardly a bold manifestation of fairness.

The Co-Prosecutors did however object to the Nuon Chea Defence's characterization of Locard and his testimony. Despite Locard's in-court and out-of-court remarks, the Co-Prosecutors find him to be an erudite, objective and credible expert witness.

Predictable. Although, what else could they be expected to say? It takes a particularly honest and moral sense of a prosecutor's higher duty to justice to step out of the adversarial boots and cease vouching for a demonstrably defective witness.

Before getting to the Co-Prosecutors' reasoning for standing by their man, their comments on Locard's comments warrant scrutiny. Though sadly late to the game, the Co-Prosecutors' concession of the wrongfulness of Locard's testimony, weak brew though it is, merits acknowledgement – but just barely.

The Co-Prosecutors remark that it was "inappropriate" for Locard to h ave accused Ms. Guisse of having subjected him to "cold torture", and that her questions "were legitimate and aimed at assisting the Trial Chamber in ascertaining the truth." They then go on about the rights of the accused, invoking such lofty, though rarely realized standards as "equality of arms" and "the credibility and fairness to the proceedings" and "the possibility for the defence to exercise their rights in an independent manner.

How refreshing, and how hypocritical.

When Ms. Guisse was posing "legitimate" questions, and when Locard was spewing his "inappropriate" accusations against Ms. Guisse, that her manner of questioning him had tortured him by applying one of the methods employed by KAING Guek Eav alias "Duch"at Tuol Sleng / S-21 (the torturers at S21, which Duch ran, used, at Duch's directions, three torture methods: hot, cold, and chewing),2 the assistant prosecutors in court (national and international) sat mute.

Granted, they are minnows in the Co-Prosecutors' chain of command. Nonetheless, they should have reacted – swiftly and unequivocally. This is especially so when considering that the ECCC, despite it being a hybrid court, is supposed to be civil law based. The prosecutors are part of the magistracy. Supposedly they are objective, fair, and justice-driven as opposed to winning-driven as is the norm with common law prosecutors. Did these assistant prosecutors not appreciate Locard's absurd and deplorable attacks on Ms. Guisse? Of course they did. But just as the judges brazenly remained silent, so did they.

Perhaps the professional warning bells of those assistant prosecutors were not

triggered by the clanging klaxon of Locard's accusations. Maybe they were briefly distracted, or taking a sip of water at that moment. However, when circumstances offered them an opportunity for redemption, in the form of Ms. Guisse's invitation to the unresponsive judges, their deafening silence continued. Once is perhaps understandable in the moment, but a second failure, when specific prompts are presented, is deliberate decision-making.

Even if it was too much to ask for the assistant prosecutors to react, why did the Co-Prosecutors not speak up at their first opportunity – especially after Locard's outrageous out-of-court railing? Why not promptly, publicly renounce the rascal's remarks, if not the rascal himself? At the very least issue a bland, generic press release – as the ECCC Defence Support Section did – repudiating Locard and reminding the public of the rights of the accused, such as the presumption of innocence, the right to confront witnesses, the right to put on a defence, and so on. The Co-Prosecutors' eventual musings in their response to Nuon Chea's request were too little, too late.

Had it not been for Nuon Chea's request to declare Locard a biased, result-driven, damaged "expert" whose testimony should be utterly ignored and discarded by the Trial Chamber, the Co-Prosecutors, I dare say, would have smugly remained silent and satisfied with Locard's remarks. After all, though they certainly knew how contemptible Locard's words were, the disappointing silence of the Trial Chamber gave the Co-Prosecutors cover to likewise do and say nothing.

Maybe, in retrospect, Locard's language was a wee bit over the top for the Co-Prosecutors. I would like to think that words such as "perverse" and "criminal" in characterizing the defence and their theories or strategies in defending their clients even penetrated the hardest prosecutorial shell. But the rest of the message about the defence employing dilatory tactics and staking out positions that are antithetical to the guilty verdict handed down in the court of public opinion, seemed to have resonated with the Co-Prosecutors. Perhaps this explains their non-reaction. One need only see the Trial Chamber's treatment of the defence with the most provoking air of condescension during court proceedings, and in no small measure by the prosecution as well, to appreciate how Locard's accusations – his out-of-court ones at least – would have been favorably received.

But let's move on to the rest of the Co-Prosecutors' response. Setting aside Locard's "oversensitivity to challenges to his expertise," the Co-Prosecutors argue that his academic work and testimony was unbiased and impartial, citing his methodology, his doctoral thesis and his publications. But that is exactly what was being challenged by Ms. Guisse. That was the bane of Locard's anticipated triumph.

If Locard had provided "objective information in his testimony," as the Co-Prosecutors claim, then why was Locard so worked-up after the first day of being questioned by Ms. Guisse that he felt the need to accuse her of applying cold torture – and perhaps to seek solace and succor from the judges and prosecutors (which they all provided in their silence).

Scrutiny of an expert's methodology, source material, analysis and conclusions is not merely fair game, it is essential. A solid and sound expert can easily meet the challenge – especially since the expert is engaging in his or her field of expertise against a non-expert lawyer.

Embarrassed by his performance and impotent to repel the challenges to his expertise and testimony, Locard felt the need to strike against the defence lawyers inside and outside the courtroom. His out-of-court remarks speak volumes of his bias and result-determinative testimony.

The Co-Prosecutors argue that the Trial Chamber has recognized Locard to possess "specialized knowledge and experience that may assist the Chamber for the purposes of its assessment of the evidence." Laughable. Such threshold admissibility is the lowest possible bar, signaling only that on a prima facie level he possesses certain of the most basic pretensions to expertise. This recognition of Locard – which is, as for any expert, little more than agreeing to hear him – as having "specialized knowledge" is hardly an inexorable path to the claim that he "provided objective information." One can possess "specialized knowledge" and be irredeemably subjective in applying it so a desired or predetermined result is achieved. If "objective information" flows from a

witness once being deemed to possess "specialized knowledge," then after anointing Locard as an expert, the Trial Chamber could – assuming it had done its homework – pose a series of questions to solicit a narrative without subjecting Locard to any meaningful questioning by the parties, or better yet, it could just admit Locard's published material as "objective information," not subject to challenge. After all, we are in civil law land.

Experts are subjected to scrutiny just as all other witnesses are. In Daubert v. Merrell Dow Pharms.,3 a seminal sea-change case of the United States Supreme Court lowering the bar for threshold admissibility of expert testimony, the Supreme Court observed: "Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence." Indeed, a common law jury would be instructed that an expert's credibility is to be tested like that of any other witness and the expert's opinions may be disregarded if the reasons given in support are not sound, if not supported by the facts shown by the evidence, or if outweighed by other evidence. 4 Nothing about these concepts is antithetical to the analysis the Trial Chamber should be undertaking.

The expert moniker does not magically imbue either objectivity or erudition. As an illustration, let's look at the ICTY Trial Chamber's findings on Ewa Tabeau, a demographic expert for the prosecution, in the Prlić case.

Ewa Tabeau had testified as an in-house employee/demographics analyst on behalf of the prosecution in several cases at the ICTY.5 In Prlić et al., she was called to provide expert testimony and reports with statistical analysis regarding the persons killed and wounded during the siege of Mostar (first two reports), as well as the critical analysis on the ethnic composition, internally displaced persons and refugees in eight municipalities of Herceg-Bosna from 1991 to 1997-98 (a third report).6

The Prlić Defence – on which I was lead counsel – contested the reliability, the relevance and the probative value of Ewa Tabeau's expert reports through cross-examination and its own expert witness, Svetlana Radovanović. Professor Radovanović's report and testimony revealed Ewa Tabeau's impermissible methodological errors that resulted in unreliable statistical data and calculations.

Ewa Tabeau's testimony and her three expert reports were disregarded by the Prlić Trial Chamber as not providing sufficiently precise information (first two reports) and having no probative value (third report).7 This was not the first time her evidence was roundly and conspicuously ignored by a Trial Chamber.8

So much for the Co-Prosecutors' claim: specialized knowledge = objectivity.

In a warning international and internationalized courts would do well to heed, a judge of the United States Eleventh Circuit Court of Appeals wrote: "Special dangers attend the introduction of testimony about history in judicial proceedings. '[W]hen a historian, whose methodology is unsound, is placed before a [factfinder], the historian has the ability to paint a picture of the past as he or she so desires. And this, in turn, has the potential to change and shape the way the public views, interprets, and understands the past.'"9 Locard may be a historian, but his expressed views demonstrate – or at least give the undeniable appearance of – bias, partiality, and subjectivity. The Trial Chamber will need to wait until it hears all of the evidence before it can begin to assess and give weight to Locard's testimony. It should seriously consider Locard's testimony in conjunction with and in the context of his in-court and out-of-court outrageous and prejudicial remarks. It should question Locard's motives for his anti-defence antics as scrupulously as it should examine his methodology, his sources, his analysis, and his conclusions.

Ultimately, in fairness to Nuon Chea and Khieu Samphan, the Trial Chamber should refrain from giving any credence or weight to Locard's testimony and published works. Nuon Chea and Khieu Samphan deserve the benefit of the doubt, the presumption of innocence and fairness in the proceedings. These basic fair trial rights, which Locard so publicly denigrated, must be taken seriously.

The Co-Prosecutors, implicitly through their initial inaction and tepidly self-serving response, have shown that they are unwilling to scrutinize, let alone jettison, Locard. The Trial Chamber should.

# News from the Region

## Bosnia and Herzegovina

### Srebrenica Mayor against the upcoming referendum

Ćamil Duraković, who is the President of the Srebrenica Municipality stressed that he will not support the upcoming referendum in Republika Srpska (RS) and will not form the commission that should organise it in this municipality, which means Srebrenica will not take part in the referendum.

The referendum on 25 September will ask the citizens whether they support that the 9 January 9 is marked and celebrated as the National Day of the RS. The Constitutional Court of Bosnia-Herzegovina decided last November that the marking of the National Day on 9 January is unconstitutional. Duraković criticised Dodik for acting unconstitutional, by putting the entity above the state. He explained his decision as an act of defence of the legal framework of state of Bosnia-Herzegovina, within which the RS functions.

ĆAMIL DURAKOVIĆ

## Serbia

### Serbia's top officials about the RS meeting

NIKOLIĆ & VUČIĆ

On 1 September, Tomislav Nikolić, the president of Serbia and PM Aleksandar Vučić met the top officials from the Republika Srpska (RS) at the Presidency in Belgrade. At the meeting, Nikolić and Vučić concluded that they do not support the holding of the announced referendum, but do not want to in any way influence the political attitude of the legitimately elected political institutions in RS. In a joint statement handed out after the meeting it is underlined that Serbia's policy is to respect the territorial integrity of Bosnia and Herzegovina and the integrity of the entity of the RS. Nikolić and Vučić stressed that despite different perception of the situation in the region, Serbia will always support Serb people, the citizens of the RS and its institutions. In the joint announcement it is stressed that the main topic of the meeting was the preservation of peace and stability in the region.

## Kosovo

### UN Security Council report about Kosovo

BAN KI-MOON

Ban Ki-moon, the UN Secretary-General, presented a report on the progress of the UN mission in Kosovo (UNMIK) in the period from 16 April until 15 July 2016.

The report contains, among others topics of political developments, security, rule of law and human rights, as well as the report of the activities of the European Union Rule of Law Mission in Kosovo (EULEX).

In the report it is stressed that the practical implementation of the agreements reached under the European Union-facilitated dialog process between Belgrade and Pristina has not moved forward significantly in the past quarter. Particular political situation in both countries, as opposition protest in Kosovo and parliamentary elections and the government formation in Serbia has affected the engagement in the implementation of the agreements.

Some process has been made in the integration of judges, prosecutors and support staff from the Serbian judicial system into the Kosovo system, pursuant to the agreement between Belgrade and Pristina on the integration of judicial authorities.

# Looking Back…

## International Criminal Tribunal for the former Yugoslavia (ICTY)

Five years ago…

On 6 September 2011, Momčilo Perišić, a former Chief of the General Staff of the Yugoslav Army was convicted for crimes against humanity and war crimes committed in Bosnia and Herzegovina and Croatia and sentenced to 27 years of imprisonment.

Perišić was found guilty of aiding and abetting murders, inhumane acts, persecutions on political, racial or religious grounds, attacks on civilians in Sarajevo and Srebrenica, and failing to punish his subordinates for their crimes of murder, attacks on civilians and injuring and wounding civilians during the rocket attacks on Zagreb on 2 and 3 May 1995. He was found guilty of all counts by a majority of the Trial Chamber, with Judge Moloto dissenting.

He was unanimously acquitted of the charges of aiding and abetting extermination as a crime against humanity in Srebrenica and of command responsibility in relation to crimes in Sarajevo and Srebrenica.

This judgment is significant because it is the first one handed down by the Tribunal in a case against an official of the Federal Republic of Yugoslavia for crimes committed in Bosnia and Herzegovina. Nevertheless, Perišić was subsequently acquitted off all counts on appeal on 28 February 2013 and was immediately released.

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## International Criminal Tribunal for Rwanda (ICTR)

Ten years ago…

On 25 September 2006, the trial of Siméon Nchamihigo, former Deputy Prosecutor in Cyangugu Prefecture, began at the ICTR. During his initial appearance on 29 June 2001 Nchamihigo pleaded guilty to all four counts he was charged with: genocide, extermination, murder and other inhumane acts as crimes against humanity.

SIMÉON NCHAMIHIGO

Nchamihigo was alleged to have recruited, armed and ordered the Interahamwe militia to massacre Tutsi civilians and moderates from the Hutu opposition who he considered traitors and accomplices of the Rwandan Patriotic Front. One of the goals of the prosecution was to show that Nchamihigo collaborated in a joint criminal enterprise with Samuel Imanishimwe, a military commander who had already been convicted by the ICTR and with Yussufu Munyakazi, an alleged Interahamwe leader, who was still awaiting trial.

## International Criminal Court (ICC)

Fifteen years ago…

On 27 September 2001, Nigeria ratified the Rome Statute, allowing the ICC to begin exercising its jurisdiction over Rome Statute crimes committed on the territory of Nigeria or by its nationals from 1 July 2002 onwards.

MUHAMMADU BUHARI

The Office of the Prosecutor (OTP) publicly announced the preliminary examination of the situation in Nigeria on 18 November 2010, focusing on alleged Rome Statute crimes committed in the country and in the context of the armed conflict between Boko Haram and the Nigerian security forces. In its Report on Preliminary Examination Activities of 12 November 2015, the OTP stated that it was continuing to monitor the situation in Nigeria, in particular analysing the genuineness of the ongoing national proceedings and determining the gender component of the crimes committed and whether these might constitute the crime against humanity of persecution on the basis of gender.

# Blog Updates and Online Lectures

## Blog Updates

**"Protection of Civilians Symposium: An Overview of Legal and Practical Challenges of Protecting Civilians in Peacekeeping"**, by Mamiya, Ralph. Blog is available here.

**"Is an attack by a state or organization against members of its own armed forces an attack directed against a civilian population amounting to a crime against humanity?"**, Michael Karnavas. Blog is available here.

## Online Lectures and Videos

**"The Administrative Challenges to Be Faced in Setting Up an International War Crimes Court and the Lessons Learned", by Robin Vincent.** Lecture is available here.

**"The Era of International Tribunals", by Judge A. A. Cançado Trindade.** Lecture is available here.

**"Genocide and International Law", by William A. Schabas.** Lecture is available here.

# Publications and Articles

## Books

Roland Moerland (2016). **The killing of death: denying the genocide against the Tutsi,** Cambridge University Press.

Alexander Orakhelashvili (2015). **Research Handbook on Jurisdiction and Immunities in International Law,** Northampton and Edward Elgar Publishing.

Rain Liivoja and Tim McCormack (2016). **Routledge Handbook of the Law of Armed Conflict,** Routledge and Taylor and Francis Group.

## Articles

Tatiana E. Sainati (2016). **"Divided We Fall: How the International Criminal Court Can Promote Compliance with International Law by Working with Regional Courts"**, Vanderbilt Journal of Transnational Law, Volume 49, p. 191-243.

Olivia Flasch (2016). **"The Classification of Transnational Armed Conflicts in IHL: Widening the Scope of Regulation"**, HHS ILSA Law Journal, Volume 1, p. 63-68.

Nicole Siller (2016). **'Modern Slavery': Does International Law Distinguish between Slavery, Enslavement and Trafficking?** Journal of International Criminal Justice, Volume 14, Issue 2.

# Calls for Papers

The University of Copenhagen has issued a call for papers on **"Cognitive Sociology, Culture, and International Law"**. Deadline: 1 November 2016, for more information, click here

The Nordic Journal of Human Rights has issued a call for papers on **"Current developments and Emerging Perspectives on the Theory and Practice of Human Rights"**. For more information, click here.

# Events

Economic, Social and Cultural Rights and Armed Conflict

Date: 21 September 2016

Location: Geneva Academy of International Humanitarian Law and Human Rights, Geneva

For more information click here

Economic, Social and Cultural Rights and Transitional Justice

Date: 29 September 2016

Location, Geneva Academy of International Humanitarian Law and Human Rights, Geneva

For more information click here

Justice for Victims and Accountability for Torturers: Past, Present and Future Strategies

Date: 29 September 2016

Location: Carlton Ambassador Hotel, The Hague.

For more information click here

The Death Penalty and International Law

Date: 5 October 2016

Location, The Hague Institute For Global Justice, The Hague

For more information click here

# Opportunities

International Law Enforcement Specialist
UNDP- United Nations Development Programme
UNDP Regional Centre, Bangkok
Deadline: 25 September 2016
For more information, click here

Visiting Professional - Victims Participation and Reparation Section
International Criminal Court
Victims Participation and Reparations Section-Registry, The Hague
Deadline: 1 October 2016
For more information click here

Rule of Law Officer
Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights, Warsaw
Deadline: 3 October 2016
For more information click here

Legal Officer (P-3)
Staff Legal Assistance
Office of Administration of Justice, Beirut
Deadline: 14 October 2016
For more information click here

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## GOODBYE AND THANK YOU!

The ADC-ICTY would like to thank Manon Verdiesen, Assistant to the Head Office, for all her dedication and hard work towards assisting with the operation of the Association and also the Newsletter. We wish Manon all the best for the future – she will be missed at the ADC Office!