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## ICTY CASES

### Cases at Trial

Hadžić (IT-04-75)

Karadžić (IT-95-5/18-I)

Mladić (IT-09-92)

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### Cases on Appeal

Popović *et al.* (IT-05-88)

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Tolimir (IT-05-88/2)

## ICTY NEWS

### Prosecutor v. Karadžić (IT-95-5/18-I)

#### Rebuttal and Rejoinder

On 7 October, the Defence and Prosecution presented their arguments in the rebuttal and rejoinder at the trial of Radovan Karadžić. This was the last appearance of Karadžić before the Trial Chamber. Both parties were allotted 90 minutes for rebuttal and rejoinder, while the Judges had an opportunity to ask questions during the last session.

In the rebuttal, Prosecutor Alan Tieger emphasised the striking difference between Karadžić's claims and arguments made by Peter Robinson, Karadžić's Legal Advisor. Robinson assigned the responsibility for the execution of prisoners in Srebrenica to Ljubiša Beara and other Army of Republika Srpska (VRS) officers. Karadžić however, "did provide support" to his Generals because he "cannot accept the reality of what happened to the Srebrenica men and boys because that reality charges him personally".

The Prosecutor claimed that Karadžić had "his finger on the pulse of the operation" from the very beginning and stressed that he had supervised the planning and issued an order to launch the operation and to transfer the prisoners "from the last place where they still had a chance of survival to the sites where the only reason for them being there was their execution". Moreover, the Prosecutor added that Karadžić received reports of all the developments and had later supervised the operation in which graves were dug up in order to prevent the world from ever learning about what had happened.

## ICTY NEWS

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According to the Prosecution, Karadžić repeatedly attempted to “justify, obstruct and misrepresent the evidence and generalise things to invent a new reality” because the truth did not militate in his favour. He emphasised that “[t]hese are not failed attempts of an uneducated man. This is a man who is desperately seeking to deny facts that indiscriminate him, the facts that show beyond any reasonable doubt his responsibility on all counts in the indictment”.

In conclusion, the Prosecutor said that Karadžić based his Defence on the accusations of terror against Sarajevo on his “charlatan use of statistics”, “terror over logic” and misinterpretation of witnesses’ evidence.

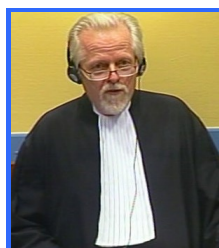
In his rejoinder Karadžić responded to the rebuttal arguments presented by the Prosecution. Karadžić emphasised that “[i]f the Trial Chamber carefully examines all the Prosecution and Defence evidence, I have no doubt that I will be acquitted”. Moreover, he said that there does not exist a single “basic document” produced by the Bosnian Serb Assembly, Government and Presidency, or a single order, appeal, speech or interview he made that could have incited the commission of the crimes against non-Serbs in Bosnia-Herzegovina (BiH). According to Karadžić, that was the reason for the Prosecution’s use of speeches made by “angry members” of the National Assembly who would not watch their words. Karadžić admitted that the crimes occurred but not as a consequence of any moves made by the Serb leadership in BiH. There was a civil war, and crimes were inevitable in a civil war. Karadžić denied that the Serb side was responsible for the crimes the Prosecution mentioned, one being the double artillery attack on the Markale Market in Sarajevo.

Concluding his intervention, Karadžić said “[t]hank God that the Bosnian Serbs did not have different

leaders during the war. There were so many humanists among the leadership: writers, medical doctors, lawyers, and university teachers. The war would have been even worse”. Furthermore, he underlined that he had “a clear conscience but a heavy heart” because the war “is not my liking”. The war in BiH was horrible and “God willing it will be the last war”.

Ultimately, Presiding Judge Kwon emphasised that the scope of this case was unprecedented. About 600 witnesses testified, more than 11,500 exhibits were admitted into evidence, the trial transcripts comprise 48,000 pages, and there are 148,000 pages of other evidence. He thanked the parties and those who made it possible for the trial to run smoothly and announced that a scheduling order for the delivery of the trial judgment would be issued in due course.

#### **Standby Counsel’s Assignment Terminated**



*Richard Harvey*

On 14 October, the Trial Chamber of the ICTY terminated Standby Counsel’s assignment to the proceedings. The “Decision on Designation of Standby Counsel” was issued on 15 April 2010. At the time, the Chamber considered that it was in the interests of justice to designate Richard Harvey as Standby Counsel. The Standby Counsel’s functions included the reception of all court documents, his presence in the courtroom and actively engaging in the preparation of the case. Noting its appreciation for Standby Counsel’s diligence in the exercise of his duties, the Chamber declared the proceedings closed pursuant to Rule 87 of the Rules of Procedure and Evidence and terminated the assignment.

#### **Prosecutor v. Mladić (IT-09-92)**

On 13 October, the Defence called its first witness of the week. Miladin Gagović was a teacher before the war broke out, at which point he was appointed as a Unit Commander in the municipality of Foča. He testified that Muslims had to leave the town before the conflict began, the only exception being the area of Donje Polje, inhabited mostly by Muslims, where

people of Serb ethnicity left instead. Gagović explained that before he was appointed Company Commander, he received his orders from the Crisis Staff of Foča, as there was no organised military structure in the area. The brigade he controlled set up its location in the Velečevo Prison, a women’s prison before the war.



Milenko Janković

Later on the same day, and continuing on 14 October, Milenko Janković testified. During the war in Bosnia and Herzegovina (BiH) Janković was a Unit Commander of the Rogatica Brigade. In the statement he provided to the Mladić Defence and during his testimony on trial, Janković explained that at first the Serbs were self-organised in Territorial Defence Units, and only later they joined the Bosnian Serb Army. Janković also claimed that many Muslims left the municipality of Rogatica on their own will before the war started and voluntarily went to the collection centers set up in Rasadnik and in the Veljko Vlahović school. He explained that the latter was secured to prevent any incidents, as everyone was armed at that time. Even though people were free to leave, they were advised against it for their own safety. Moreover, Janković affirmed that no mines were planted around the school and that tap water and food were provided for those accommodated there. He also specified that the food provided to the civilians staying in the collection centres was the same as the one supplied to the Serb members of the Rogatica Territorial Defence.

The witness recalled that a mosque and a synagogue were burned down in June 1992 in Rogatica. He claimed he did not know who was responsible for these acts, but stressed that the Catholic church located in the Serb-controlled part of the town remained untouched, and that on the same day that the synagogue was destroyed, fire was set to a couple of Serbian cafes and houses as well.

On cross-examination, Janković contradicted the Prosecution's allegation that people accommodated in the facilities had to perform forced labour, and instead claimed that they would volunteer to collect wood and in particular to work for private Serb farmers, who would provide them with better food. Janković also denied the existence of an organised transfer of Muslims, or a plan to kill one third of them, to expel another and to convert the remaining third to Christianity.

In his statement, Janković affirmed that the actions of the Bosnian Serb Army were in line with the laws of conduct during hostilities contained in the Geneva

Conventions. However, the Prosecution contested that an unarmed member of the Croatian Revolutionary Movement (Ustasha), from Srebrenica, was killed by members of the Rogatica Brigade, and Janković agreed that the killing of prisoners violated the Geneva Conventions. Nonetheless, during re-examination, Branko Lukić, Lead Counsel for Mladić, noted that the records do not show that the Ustasha was a prisoner, and that he might have been an unarmed member of a group of fellow soldiers who were firing at the Serbs. In such a case, international humanitarian law does not require those engaged in combat activities to check whether all of their adversaries are armed or not.

The next witness called by the Defence was protected and was referred to as GRM277. Witness GRM277 was a nurse working in the Foča hospital at the beginning of April in 1992, when the fighting began in the area and the hospital was blockaded. The witness recalled that in the early days of the war, only Muslim people were allowed in the hospital. Some of them were not even sick, but simply looking to escape from skirmishes in the town.

GRM277 testified that when the Serb forces took control of the hospital and correction facilities which had been under Muslim control, many Muslims left Foča. However, during the cross-examination the witness was confronted with the evidence received by the Chamber, alleging that there were Serb units securing the hospital as early as 7 April 1992. The witness denied that and insisted that in April 1992 she was in the hospital for at least ten or fifteen days while it was still controlled by Muslim forces. She also indicated that because the hospital was located in an area under Muslim control, no Serbs were accepted in the hospital, leading the Foča Territorial Defence to set up an infirmary for wounded members of the Serb community in a restaurant.

The witness also talked about her work in the dispensary where she provided care to Dragan Nikolić's unit. She noted that once the blockade was lifted from the hospital, they were able to move, and because there was a great shortage of medical personnel, many nurses were mobilised. This included working in field offices where combat was going on. She had good relations with the members of Dragan Nikolić's unit, and never received any orders to discriminate patients with regard to their ethnicity. She never noticed

any unlawful or inhumane treatment of the members of the unit she provided medical care for.

The witness was asked if, when she met the unit members at the beginning of the war, they were wearing Olive-drab uniforms, and the witness responded negatively. The Prosecution then confronted her with her previous testimony where she had said that a member of the unit, Radomir Kovač, was in fact wearing these types of uniforms for a while, after which he acquired camouflage uniforms. She explained that maybe he specifically had these clothes, but most of the young men forming the brigade were simply wearing civilian clothes, at least until August 1992. Each unit was acquiring what they could afford, and that she personally almost never wore uniforms of any sort.

The witness was unable to say whether orders had come from the Army of Republika Srpska (VRS) Foča Tactical Group, which organ issued the orders, or whether all the orders/assignments given came from the superior command of the Garrison. She also did not know which unit she was attached to specifically. These imprecisions, according to the witness, can be explained by her unfamiliarity with military terms and definitions. On all these declarations, the Prosecution confronted the witness with her previous testimony, where answers to the same questions were much more precise. The Prosecution also pointed out that having worked for Dragan Nikolić's unit from 1992 to 1995, it was highly unlikely that she did not familiarise with the military command structure and military jargon after such a long time.



**Ratomir Maksimović**

On 14 and 15 October, the Chamber heard the testimony of Ratomir Maksimović, a retired Naval Officer who had previously testified in the Karadžić trial. During his career, Maksimović was part of the Sarajevo Romanija Corps Command. In his statement, Maksimović explained that the main task of this unit was to protect the Serbian territories and population and to prevent the BiH Army from leaving Sarajevo. Maksimović also stressed that the Corps lacked professional officers and therefore was not able to carry out offensive operations. Moreover, according to the witness the unit always abided by the

orders received and never targeted civilians or means of public transportation in the Muslim-controlled areas. Conversely, the witness claimed that the BiH Army often engaged shelling and sniping against Serb civilians.

Maksimović testified about his four encounters with Mladić, which took place between May 1992 and June 1994. According to Maksimović, Mladić had been trained according to the traditional Serbian military values and he was always respectful of the enemy, fatherly towards his troops and modest, as proven by the fact that he would eat the same food as everybody else and never asked for any special treatment. Maksimović also claimed that the media carried out anti-Serb propaganda, which did not depict truthfully what was happening in Sarajevo.



**Mile Ujić**

Mile Ujić, former President of the Rogatica Executive Board, was the last witness of the week, heard on 15 and 16 October. In his statement, Ujić reported that an agreement to divide the municipality of Rogatica into a Serb and a Muslim part existed, but it failed to be implemented as a consequence of the constant Muslim provocations. For instance, the witness recalled that on 22 May 1992, Muslims killed a Serb boy, Mihajlović Draženko, and then refused to hand over the body to his family. As, the conflict broke out many civilians of both ethnic groups left Rogatica. According to Ujić, some Muslim extremists set fire to the houses of Serbs who had left the town, Serbian bars, a hotel, the synagogue and to the power station. During direct examination conducted by the Defence, the witness was confronted with a map of the town of Rogatica and had to explain to the Chamber how the town was divided between Serbs and the Muslims before and after the conflict broke out in 1992.

Ujić was also asked about the Veljko Vlahović School and the Rasadnik Farm, which he referred to as safe houses where civilians could take shelter during the hostilities. When Judge Orić asked whether the civilians accommodated in these two centres were left alive and in good condition, Ujić recalled that once 25 Muslims were taken out and killed by a Bosnian Serb soldier, who was then convicted by a Bosnian Court

for this crime. According to the witness, the soldier was not acting under anyone's orders when this occurred.

On cross-examination, Ujić was confronted with a couple of documents allegedly showing that the Serbs

planned to take over the entire municipality of Rogatica and not to divide it with the Muslims. The witness explained that the Serbs decided to try and take the whole municipality only once the negotiations had failed because of the Muslims' provocations.

### Prosecutor v. Hadžić (IT-04-75)



Vojin Šuša

In the week of 6 October, Vojin Šuša, the Municipal Public Prosecutor in Vinkovci until September 1991 and the former Minister of Justice in the government of Slavonia, Baranja and Western Srem (SBWS), testified. Šuša said that in early 1990 there were hints that special groups composed only of Croatians were being created. He stated that armed persons in military uniforms which belonged to the Croatian National Guards (ZNG), started to appear in public. These units were located in training camps and stadiums and they began to monitor traffic and check persons, especially in the areas where there were Serb villages.

This patrolling and blocking of villages by the Croatian formations caused fear among Serbian people. Serbs reacted by organising themselves and forming the so-called Village Guards, whose purpose was to prevent incursions into villages. The Village Guards also kept record of who was interrogated and taken in on a particular day. The Guards came to the Prosecutor's Office where Šuša worked and they reported cases of mistreatment to the police, but the police said that it was not under their jurisdiction. Šuša claimed that the Prosecutor's Office never received any investigation reports from the police that they could act upon. People from Stari and Novi Jankovci even filed an official petition to the authorities in 1991 asking for protection, but nothing was done about it. There were beatings, interrogations and killings by the ZNG and police, and people were afraid to leave their houses. The situation worsened to the point when people started moving to Serbia; Šuša himself moved to Belgrade after the beatings he had experienced.

Šuša also described his relationship with Hadžić and his knowledge about Radovan Stojičić, known as Badža, and Željko Ražnatović, known as Arkan. Šuša has known Hadžić since high school. One time, after Šuša had moved to Belgrade in 1991, they met and Hadžić asked him if he wanted to assume a position in a body of the SBWS. At that time Hadžić did not know what the name of the body would be, but he told Šuša that it would be some kind of a centre for civilian affairs in the region. Šuša agreed and was later appointed by Hadžić Minister of Justice in the SBWS government.

Šuša stated that the Commander of the SBWS Territorial Defence, Badža, was often present at government sessions, but he never informed the SBWS government members of the military situation or future military plans. Badža only talked about casualties and statistics. The government of SBWS never issued any strategic and executive decisions in respect of police and military structures. According to Šuša, Badža was appointed by federal or Serbian organs.

Arkan also attended government sessions, but not as often as Badža. Šuša denied that Hadžić let Arkan use the premises of the centre in Erdut to train his units. Šuša explained that there was nobody who could forbid anything to Arkan or those persons who had been deployed in the area to defend Serbian people and engage in military activities. He added that Arkan had never been in charge of Hadžić's security, as he spent most of his time in Erdut, while Hadžić travelled frequently to different places to attend political meetings, including Novi Sad and Belgrade. He explained that Arkan's training centre in Erdut was located only 200 meters from the government offices, and only in that sense, could he have been "guarding" the government.

Šuša stated that Hadžić had never been in a position to issue military orders. He added that the government also had no legal or factual authority to order Badža or Arkan to do anything. The government was also unable to issue orders to villagers organised to defend themselves or the Territorial Defence, in relation to their work or formation. Asked about the relationship of the SBWS government with the Yugoslav People's Army (JNA), Šuša said that the JNA did not inform the government about its activities. However, Badža reported to the JNA and coordinated his activities with the JNA and its officers.

Šuša also talked about the situation in Ilok after October 1991, when the majority of the Croat population moved out. He said that at this time the SBWS had no contact with the military administration in Ilok and that they were able to establish contact only later, after a large number of displaced people from Western Slavonia arrived to a place across the Danube from Ilok, Bačka Palanka. Šuša explained that the military was in charge of both, the military and the civil segment of life in Ilok, and that the SBWS government received only unofficial information about what was going on there. According to Šuša, the JNA did everything to stop the SBWS government's participation in the resettlement and the government could not even access the area.

Šuša also discussed the incapability of the judiciary to process crimes in 1991. According to him, the judiciary lacked basic resources such as typewriters and paper, and had no vehicles to carry out on-site investigations. For this reason, the military or the police alone carried out on-site inspections without an investigative judge. The reports composed in this way had errors hard to correct. He added that the communication between the judiciary and the JNA was poor and that the JNA rarely informed the government about the crimes that they might have detected.

Military courts were in charge of handling judicial cases in the SBWS starting from October 1991. The jurisdiction of the SBWS judiciary was narrowed down considerably. Only the cases of less serious crimes were forwarded to the SBWS judiciary. This continued until the JNA withdrew and the immediate threat of war ceased to exist in June 1992, when a large number of cases of serious crimes, previously dealt by military courts, were returned to the civilian courts.

Šuša stated that, according to the laws and regulations, Hadžić had very few powers while he was President of the Republika Srpska Krajina (RSK) and that he avoided imposing himself and engaging himself politically in that area. For this reason, he explained, Hadžić never gained much popularity there. Šuša added that the political goals of the RSK outlined in a declaration adopted by the government did not advocate the creation of Greater Serbia. He explained that this declaration only meant that they had finally ceased to desire to remain in Yugoslavia.

Asked about the involvement of the RSK government in the return of refugees, Šuša stated that the official position of the government was that there was no distinction between the "citizens of first and second class" and that the return of Croats was a normal process that the government did not try to stop in any way. The government was in favour of the Croats' return, he explained, and was encouraging their return via mass media. At the same time, there were no similar invitations addressed to Serbs from the Croatian side, neither did the technical capabilities allow for the return of Serbs as their houses had been burned. On the contrary, most of the Croatian property in SBWS and most of Krajina was protected and preserved. Šuša explained that the reason why the Croatian refugees did not return to their homes is that they insisted that Croatian authorities be established first.

Šuša denied the Prosecution's statement that the JNA Military Courts failed to initiate proceedings against local Serbs in SBWS for crimes committed against the non-Serbs civilians or those *hors de combat*. Šuša claimed that the focus of the judiciary was not only the investigation and prosecution of crimes committed by non-Serbs. He added that the judiciary dealt with civil crimes which had been mostly committed by Serbs. He denied that the priority of the government was not to prosecute Ustasha.

Šuša made a clear distinction which, at that time, represented the view of the SBWS government as well, and explained that the civilian perpetrators who had committed crimes against civilians were under the jurisdiction of regular courts, while military officers who had committed a crime against civilians or military personnel were under the jurisdiction of the military organs. Šuša also denied that he had proposed the abolition of military courts in 1993 because their

formation would usurp Hadžić's powers as President and explained that the actual reason was a lack of qualified personnel.

Answering the Prosecution's questions about the SBWS government's powers and involvement in the return of refugees, Šuša admitted that it was the government's policy to receive refugees, but said that they dealt only with how many houses were available and how many people needed accommodation, without looking at whether the houses they offered to refugees belonged to Croats who joined the armed forces and committed crimes. He denied that the civilian authorities in some Western Srem villages pressured the remaining non-Serb population to move out of the area. Šuša particularly declined that the government intended the moving in of Serbian people to Croatian abandoned houses to be permanent. He explained that the ownership had not been changed while the property was used by someone else and the property was later returned to their owners. He also denied that the instructions received from the government ensured that the RSK authorities controlled how property was distributed in the SBWS and said that the instructions only ensured that the property was not being exchanged under suspicious circumstances and that the ownership would not be changed. Šuša noted that the property that Croats abandoned was not subject to purchase or sale because it had the status of property temporarily given to someone else to use and nobody was able to buy it.



*Savo Štrbac*

On 15 October, the Defence presented the testimony of Savo Štrbac, who was a member of the RSK government's State Committee for Relations with UNPROFOR, President of the Government Commission for the Exchange of Prisoners and Mortal Remains and later the Secretary of the RSK government. In the beginning of his testimony the witness talked about the events at Miljevački Plateau and the exhumation of a mass grave in June 1992. Štrbac stated that the bodies had been dug out by the District Court in Šibenik and in the presence of UNPROFOR, the International Committee of the Red Cross and the European Community Monitoring Mis-

sion. He added that these events were known in Krajina in 1992 and the authorities of Krajina and UNPROFOR communicated this to the Croatian side. According to Štrbac, later, during the Maslenica operation in 1993, 10,000 Serb refugees fled this area and 348 civilians and soldiers were killed on the Serbian side. The attack under this operation started in January 1993 and continued throughout the whole year in the area of Ravni Kotari.

Štrbac affirmed that, while he was the Secretary of the government, Hadžić hardly ever came to Knin and he never attended any government sessions. According to Štrbac, Hadžić had no role in government decisions. Štrbac explained that, during the Maslenica and Medak pocket operations in 1993, Hadžić could not even travel across the RSK territory because the eastern part, where he lived and worked, was physically cut off from the western part and Knin. He said that Hadžić rejected six invitations to appear in Knin because he was blocked in Banja Luka which was surrounded by tanks. He also stated that the ministers never reported to President Hadžić through the Secretariat.

During cross-examination, Štrbac stated he did not know whether Hadžić issued decrees pursuant to his war-time powers. He added that Hadžić could not have influenced the structures of the authorities such as the police and the army, as he had never heard that Hadžić issued orders to the RSK forces. This was also never discussed at government sessions.

The Prosecution questioned the truthfulness of the information posted on the website run by Štrbac, "Veritas", such as the lists of Serb victims of Croatian crimes. According to the Prosecution, there were at least five examples that were given of persons listed as 'Serbs killed by the Croatian forces' who were in fact not killed. The witness stated that his intention was not to publish false information, but that technical slips can always occur. He added that not all victims listed were victims of genocide, but victims of war in general, "people who could have been killed while riding a bicycle or going to and back from the front line". Hence, the lists contained both direct and indirect victims of war.

Asked about Milan Martić's claims that Hadžić's behaviour had a negative impact on the work of the gov-

ernment, Štrbac said that these problems were not caused by the behaviour of Hadžić and his associates. He pointed out that this was the opinion of the Minister of Interior, Martić, which was not supported by the whole government. In fact, they were a good team, as 90 percent of the government decisions were brought unanimously. Štrbac emphasised that it was

true that Hadžić rarely went to Knin and claimed that he could not have objectively exerted any pressure on the ministers of the government. In the end, he added that nobody ever prosecuted Hadžić for crimes and denied that this was the reason he was relieved of the duties of the President.

## Prosecutor v. Tolimir (IT-05-88/2)

### Appeals Hearing Scheduled



Zdravko Tolimir

On 15 October, the Appeals Chamber announced that an appeals hearing will be held on 12 November in the case against Zdravko Tolimir. The announcement was issued under the consideration that the filing of the appeals briefs are complete. Zdravko Tolimir has been appealing the Judgment rendered by Trial Chamber II since it was issued on 12 December 2012. The 15 October Scheduling Order for the Appeals Hearing lays out the timetable for the proceedings, which will begin at 9.50h. It allows for a total of 2.5 hours of submissions by Tolimir (2 hours of submissions in chief and 30 minute in reply), 2 hours by the Prosecution, and an additional ten minutes for a personal address by Tolimir to the Court to close the hearing.

Tolimir served as one of the Assistant Commanders of the Main Staff of the Army of the Republika Srpska, and Chief of the Sector for Intelligence and Security Affairs within the Main Staff during the Yugoslav conflict. He was first indicted in 2005 on counts of genocide, conspiracy to commit genocide, crimes against humanity (murder, extermination, persecutions, inhumane acts through forcible transfer, and deportation), as well as murder as a violation of the laws and customs of war. He was found guilty of all charges and sentenced to life imprisonment, though no conviction was entered on the count of murder as a crime against humanity.

### Status Conference



Judge Meron

A status conference was held in the same case on 22 October by Pre-Appeal Judge and Tribunal President, Judge Meron. Judge Meron took appearances from the parties, including Tolimir who is self-represented and accompanied by his *amicus* Legal Advisor, Aleksandar Gajić. Judge Meron clarified that for purposes of the status conference, Gajić was allowed audience, but was only competent to address legal and administrative matters.

Judge Meron enquired after Tolimir's health and conditions of detention, Tolimir reported that his health remained unchanged and therefore did not need to discuss it further at the conference. Judge Meron then offered the explanation of the procedure and purposes of a Rule 65bis status conference. There were few case updates: on 20 June the Appeals Chamber issued a Decision to allow the Legal Advisor to make oral submissions at the upcoming Appeals Hearing.

The recent Order by the President replacing Judge Khan in the Tolimir Appeals Chamber and the latest of several such replacements were not mentioned. No additional issues were raised by the parties.

## LOOKING BACK...

### International Criminal Court

#### Five years ago...

On 16 October 2009, the Prosecutor of the International Criminal Court (ICC) Luis Moreno-Ocampo, received a Palestinian delegation, headed by Dr. Ali Khashan, Minister of Justice of the Palestinian National Authority (PNA). Part of the delegation was a team of legal experts and the Palestinian Ambassador to the Netherlands. The PNA submitted at the time a preliminary report presenting its legal arguments, accepting the jurisdiction of the Court over crimes committed in Palestine. The Prosecutor noted

that the “[e]fforts undertaken by the PNA and the extensive legal arguments presented” were appreciated.

On 3 April 2012, the Office issued its decision on the preliminary examination in Palestine and stated that as long as it is considered an “observer” by the United Nations it cannot consider crime allegations in Palestine. Recent events in Palestine have not changed this determination.

### International Criminal Tribunal for the Former Yugoslavia

#### Ten years ago...



On 9 October 2004, The Helsinki Committee for Human Rights in Republika Srpska and the Tribunal’s Outreach Programme organised a conference in Foča, Bosnia and Herzegovina, entitled “ICTY Cases in Relation to War Crimes Committed in Foča”.

The event aimed to provide key audiences in the region, such as victim’s associations, municipal authorities and civil society representatives, with a picture of the Tribunal’s activities related to violations of international humanitarian law during the 1992-1995 armed conflict. Various senior ICTY officials who

were involved in Foča-cases shared information related to the investigations and how the cases were prepared. The Conference was part of a series entitled “Bridging the Gap between the ICTY and Communities in Bosnia and Herzegovina”, a project in which the Tribunal dealt with communities directly affected by the crimes at the core of ICTY cases.

The conference emphasised, the strategic importance that Foča had during the armed conflict. This series of events was supported by the “Neighbourhood Programme” of the Danish Ministry of Foreign Affairs and by voluntary contributions of the European Commission.

### International Criminal Tribunal for Rwanda

#### Fifteen Years...



Ignace Bagilishema

On 27 October 1999, the Trial of Ignace Bagilishema commenced before Trial Chamber I of the International Criminal Tribunal for Rwanda (ICTR), composed of Judges Erik Møse (Norway), presiding, Asoka de Zoysa Gunawardana (Sri Lanka) and Mehmet Güney (Turkey). Bagilishema, a former Bourgmestre of Mabanza, was defended by Counsel François Roux (France) and Diabira Maroufa (Mauritania), facing seven counts of genocide, crimes against humanity and violations of the Geneva Convention.

The Accused was alleged to have murdered, assisted in murdering and conspired to murder thousands of Tutsis in various regions within the Kibuye prefecture. Early in the trial, the Judges of the Trial Chamber together with the Prosecution and Defence, inspected certain sites of the alleged massacres. This visit was the first to Rwanda by ICTR Judges acting in their judicial capacity. On 13 February 1999, Bagilishema agreed to surrender himself to the custody of the Tribunal.

The trial against Ignace Bagilishema marked the first ICTR acquittal. In 2001 Bagilishema was unanimously acquitted of genocide and crimes against humanity by two of the three judges of Trial Chamber I.

## NEWS FROM THE REGION



### *Bosnia and Herzegovina, Montenegro & Serbia*



#### **EU Criticises Balkans Efforts Towards Criminal Prosecution**

The last European Commission report, dealing with the progress of Western Balkan states in light of European Union (EU) accession, said that efforts towards the criminal prosecution of war crime perpetrators are insufficient. Lack of political will to prosecute high state officials is underlined as one of the most serious issues when it comes to criminal justice in the Balkans. The report states that Bosnia and Herzegovina continues to deal with a large number of unsolved war crime cases and is in the process of implementing a national war crimes strategy, but that the pace is inadequate.



#### **EUROPEAN COMMISSION**

The report indicates that the EU Rule Of Law mission in Kosovo, EULEX, must continue to investigate and prosecute war crimes because local judges are not able to do so. Witness intimidation still remains an issue, although the police have done much progress with regard to witness protection according to the report. The report also sheds some light on Montenegro's current situation, where there has been no serious effort to deal with the issue of impunity of high officials. It is also noted that even after acquittals and light sentences handed down by Montenegrin courts, the country has yet to lay charges for command responsibility over war crimes.

With regard to Serbia, the report says that there is no effective compensation mechanism for the victims of war crimes under the current legal framework. The report comments on the small number of investigations against high-level officials. In the same document, the European Commission calls on all four Balkan states to do more in resolving the fate of over 11,000 people still missing from the 1990s wars, urging "greater political commitment and renewed efforts" to tackle the problem.

### *Bosnia and Herzegovina*



#### **Former Bosnian Soldier Acquitted of war crimes**



*Hajrudin Trle*

The Supreme Court of the Federation of Bosnia and Herzegovina has acquitted a former member of the Army of Bosnia and Herzegovina, Hajrudin Trle, who was accused of war crimes committed in the area of Kalesija. After retrial, the Chamber concluded that there is no evidence that Trle murdered Drago Stevanović, a captured soldier of the Army of Republika Srpska, on the Majevisa Mountain on 21 April 1993.

The Chamber's Presiding Judge, Nidzara Zlotrg, said that the witnesses have not succeeded to confirm that Trle had murdered Stevanović. The Court accepted the statements of prisoners of war, which indicated that Stevanović was alive when they were captured and shot by one of the Army of Bosnia and Herzegovina soldiers. However, "[t]he Chamber cannot determine without reasonable doubt that the person who shot the prisoner of war was Hajrudin Trle", said Zlotrg. This Judgement is final and not subject to appeal.

#### **Accused Deny Abuse of Prisoners in Srebrenik**

E krem Ibracević, Faruk Smajlović and Sevdalija Cović have pleaded not guilty before a Bosnia and Herzegovina court. They are charged with unlawful imprisonment, inhumane treatment and torture of Serbian civilians in the villages of Tinja, Potpeć and Jasenica in the area of Srebrenik.

According to the indictment, these crimes were committed during the summer of 1992. Ibrancević was the Chief of Military Security of the Municipal Headquarters of the Territorial Defence in Srebrenik, Smajlović was the Commander of the Military Police Platoon of the Territorial Defence of Srebrenik and Cović was member of the Military Police. The Accused are not taken into custody, but they are banned from any communication with potential witnesses. The trial is due to start in the next two months.

## NEWS FROM OTHER INTERNATIONAL COURTS



### *International Criminal Court*

*The views expressed herein are those of the authors alone and do not necessarily reflect the views of the ICC.*

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

##### **ICC Regulation 55**

Authority of the Chamber to modify the legal characterisation of facts

1. In its decision under article 74, the Chamber may change the legal characterisation of facts to accord with the crimes under articles 6, 7 or 8, or to accord with the form of participation of the accused under articles 25 and 28, without exceeding the facts and circumstances described in the charges and any amendments to the charges.

2. If, at any time during the trial, it appears to the Chamber that the legal characterisation of facts may be subject to change, the Chamber shall give notice to the participants of such a possibility and having heard the evidence, shall, at an appropriate stage of the proceedings, give the participants the opportunity to make oral or written submission.. [...]

**T**rial Chamber IV (Judges Ozaki, Fremr and Henderson) scheduled the commencement of the case, *The Prosecutor v. Bosco Ntaganda* (ICC-01/04-02/06) for 2 June 2015. Ntaganda is charged with 13 counts of war crimes, among them, murder, rape, sexual slavery of civilians, pillaging and use of child soldiers in hostilities under age 15) and five counts of crimes against humanity arising out of the conflict in the Ituri Province (Democratic Republic of the Congo) from 2002 to 2003.

The Prosecution has charged Ntaganda with several modes of liability, including direct perpetration, indirect co-perpetration, order or inducing, other contribution to (attempted) commission of crimes, and military command responsibility for his role as the alleged Deputy Chief of Staff and

Commander of Operations of the Forces Patriotiques pour la Libération du Congo (FPLC) [Patriotic Forces for the Liberation Front]. While the modes of liability listed are fairly comprehensive, the ICC's Regulation 55 leaves open the possibility that the Trial Chamber changes the legal characterisation of the facts.

Ntaganda voluntarily surrendered to Court custody in March 2013, following the issuance of a second arrest warrant in July 2012. His Confirmation of Charges proceedings were conducted in mid-February 2014 and charges were unanimously confirmed by Pre-Trial Chamber II on 9 June.

#### **The Prosecutor v. William Samoei Ruto & Joshua Arap Sang (ICC-01/09-01/11)**

In other recent news from active cases at the ICC, in *The Prosecutor v. William Samoei Ruto & Joshua Arap Sang* (ICC-01/09-01/11), the Appeals Chamber affirmed Trial Chamber V(a)'s decision requiring witnesses to appear (either *in situ* or via video-link) and thereby dismissed Ruto and Sang's appeal of the 17 April decision on 9 October. The dispute stems from the Prosecution's April request to summon witnesses who ceased cooperating or were no longer willing to testify and to require assistance from Kenya in serving the summonses on the witnesses. However, the Trial Chamber rejected Defence requests for an injunction for the decision pending a decision from the Appeals Chamber; as a result, this decision is of limited practical value in the *Ruto and Sang* case, as the summoned witnesses began appearing on 1 September and four of nine have already testified.

## Prosecutor v. Bemba (ICC-01/04-02/06)

### ICC Pre-Trial Chamber II Grants Interim Release to Four Suspects

Lucy Turner, Intern, Office of the Public Counsel for the Defence, International Criminal Court

*The views expressed herein are those of the author(s) alone and do not reflect the views of the International Criminal Court.*



Judge Tarfusser

On 21 October, the Single Judge in Pre-Trial Chamber II of the ICC, Judge Cuno Tarfusser, ordered *motu proprio* the interim release of four suspects in the *Article 70 contempt case of Prosecutor v. Bemba et al.* Bemba's former Defence lawyer Aimé Kilolo Musamba, former case manager Jean-Jacques Mangenda Kabongo, former Chief of Staff Fidèle Babala Wandu, and Defence witness Narcisse Arido are charged with presenting false evidence and corruptly influencing a witness to provide false testimony in the case of *Prosecutor v. Jean-Pierre Bemba Gombo*.

The Pre-Trial Chamber stated that the release was necessary to avoid the duration of the pre-trial detention becoming disproportionate, since "the reasonableness of the duration of the detention has to be balanced *inter alia* against the statutory penalties applicable to the offences at stake [...]". In this case, if convicted, the Court may impose a term of imprisonment not exceeding five years, or a fine, or both.

On the same day, the Prosecution, on an urgent basis, responded to the decision, requesting that the Pre-Trial Chamber stay the release of the four suspects until the Appeals Chamber rendered a decision on suspensive effect. Pursuant to Article 82(1)(b), the Prosecution concurrently filed a *Notice of Appeal of the Single Judge's decision on*

*release*, and a concomitant request for suspensive effect, stating that release would cause "irreparable prejudice" by defeating the purpose of its appeal. The Prosecution argued that all the suspects had been previously identified as posing "concrete flight risks" and that each had a network of potential supporters and the financial means to facilitate their evading the Court's jurisdiction. It was argued that the suspects would be released to four different jurisdictions that were not obliged to monitor them, and that the release order did not impose any additional conditions apart from the suspects' own commitment to appear at trial. The Prosecution asserted that, given the effort required by the Prosecution to apprehend the suspects, there was no assurance that they would return to trial when requested by the Court.

The next day, the Appeals Chamber ordered that the four detainees may respond to the Prosecutor's request for suspensive effect by 15.00h of that day, and each team filed that the Prosecution's request should be dismissed. Just thereafter, the Pre-Trial Chamber found that the Prosecution's request for a stay of its Decision failed to indicate the applicable legal basis; the Pre-Trial Chamber further stated that an appropriate and specific remedy for the request of the Prosecutor's Motion exists in the statutory documents, specifically that a request for suspensive effect addressed to the Appeals Chamber is provided in article 82(3) of the Rome Statute and rule 156(5) of the Rules of Procedure and Evidence. The Pre-Trial Chamber recognised that, as the Prosecution had mentioned, the Appeals Chamber had previously ordered suspensive effect of release decisions once it was seized of a case. The Pre-Trial Chamber found that, since the Appeals Chamber was now seized of the Motion, and would therefore take all measures it perceived to be warranted and necessary, the Prosecutor's Motion was without merit.

The Prosecution then filed an urgent motion to the Appeals Chamber requesting an immediate ruling, on

#### ICC Rome Statute

##### Article 82 (1) (b)

##### Appeal against other decisions

1. Either party may appeal any of the following decisions in accordance with the Rules of Procedure and Evidence:

[...]

(b) A decision granting or denying release of the person being investigated or prosecuted;

[...]

the same day, granting suspensive effect of the decision to grant interim release. However, the Appeals Chamber rejected the Prosecution's request. The Appeals Chamber noted "that the four suspects are alleged to have committed offences under article 70 of the Statute, which carry a maximum penalty of five years imprisonment, and that they have already spent several months in pre-trial detention". The Appeals Judges stated, whilst conceding that the Appeals Chamber had previously approved requests for suspensive effect in cases concerning the release of an individual, that the decision to grant suspensive effect remains discretionary and dependent upon the particular situation. They stated that ultimately in this case they did not consider it apposite to exercise their discretion to grant suspensive effect.

Late in the afternoon of 22 October, the authorities of the United Kingdom of Great Britain and Northern Ireland revoked the visa of Jean-Jacques Mangenda



Jean Mangenda

Kabongo, the fourth suspect who was granted interim release in this case, effective immediately. Consequently, he was not permitted to enter the territory and could not be released there.

On 23 October, Aimé Kilolo Musamba, Narcisse Arido and Fidèle Babala Wandu were released in Belgium, France and the Democratic Republic of Congo, respectively, after spending nearly eleven months in ICC custody. They shall be required to appear before the Court when requested by the Judges. The release of Jean-Jacques Mangenda Kabongo will be implemented once the ICC Registry finalises all the necessary arrangements.

The case is presently before the Pre-Trial Chamber awaiting a Decision on the Confirmation of Charges.



## Special Tribunal for Lebanon

Boutayna Lamharzi, STL Public Information and Communications Section

*The views expressed herein are those of the author(s) alone and do not necessarily reflect the views of the Special Tribunal for Lebanon (STL).*

### Prosecutor v. Ayyash *et al.* (STL-11-01)

On 30 September, Reza Gerretsen, a Dutch medical doctor in the Netherlands Forensic Institute, testified before the STL Trial Chamber. Gerretsen is a forensic anthropologist who has worked approximately on 80 cases over the past ten years. He specialises in osteology (bones and teeth).

Gerretsen was approached by the STL's Office of the Prosecutor on 22 May 2012 to undertake DNA analyses of various materials found on the crime scene that had not been previously examined. Gerretsen testified about six different DNA profiles extracted from human remains found on the crime scene. He asserted that one of the remains belonged to an unknown man. The witness was then cross-examined by Defence Counsel for Mustafa Amine Badreddine. Much of the Defence's cross-examination revolved around items that were located at the crime scene, in respect of which, the prospect of further DNA testing had been raised but not carried out.

On the weeks commencing on 14 and 20 October, the Trial Chamber sat in the absence of Judge Braidy who

was not present for urgent personal reasons (pursuant to Rule 26(A) of the Rules of Procedure and Evidence (RPE)).

On 14 October, a Prosecution witness identified by the pseudonym PRH076 gave live evidence about the convoy and the events leading up to, and following, the attack on 14 February 2005. PRH076 had worked for the family of the former Lebanese Prime Minister, Rafiq Hariri, since 1995. He was a close protection officer at the time of the attack. His testimony focused on the routes taken by Hariri's motorcade, the composition and security measures of the convoy, the jamming systems installed in the vehicles and Hariri's travels abroad including his meetings in Syria prior to his assassination. On the same day, PRH076 was examined by the Legal Representative of Victims (LRV). The witness still suffers physical and psychological injuries attributed to the attack.

On 15 October, Defence Counsel for Badreddine cross-examined the witness about his professional background as well as the composition of Hariri's convoy.

Counsel for Badreddine asked the witness about some aspects of his duties as a close protection officer of Rafiq Hariri. In addition to questions related to the meetings of Hariri with Syrian officials, the Badreddine Defence examined the witness about what he saw immediately prior to the attack.

The Sabra Defence cross-examined the witness about his professional trips abroad when accompanying Hariri and the procedures in place to protect him and his household at the time. The queries of the Merhi Defence centred on the composition of Hariri's convoy on 14 February 2005.

Amer Chehadeh testified from the courtroom on 16 October. Chehadeh was among Hariri's close protection officers since 1991/1992 until 2005, having first started working for his family in 1985. The Prosecution witness is a survivor of the 14 February 2005 attack, and he was driving the second car of Hariri's convoy. Chehadeh testified about the protection arrangements of the former Lebanese Prime Minister. He told the Trial Chamber his recollections of the attack. The witness was then examined by the LRV, who asked him about the physical and psychological injuries that he sustained from the attack.

The Defence for Badreddine cross-examined Chehadeh about his testimony. Many of the Counsel's questions related to Hariri's security team and in particular how many members of this team were related to the witness. Moreover, he asked Chehadeh about the convoy's composition, the distance between the vehicles and the jammers.

On the same day, Mohammed Dia, a security official working for the Hariri family, gave live evidence. Dia is also a survivor of the 14 February attack. His testimony was mainly about the vehicles of Hariri's convoy and the crime scene. The examination-in-chief of Dia concluded on 17 October. Dia was then examined by the LRV, who asked him about the psychological impact of the attack on the witness. The same day, Counsel for Badreddine cross-examined the witness. The Badreddine Defence focused on the debriefing meetings Dia had with Hariri's security team following the attack.

On 2 October the Legal Representative of Victims filed a confidential list of witnesses and exhibits confidentially along with a publicly-filed notice. Amended and updated versions of both the witness and the exhibit lists were filed on 29 August 2013 and on 26 February 2014.

### **In the Contempt Case against Karma Mohamed Tahsin Al Khayat and NEW TV S.A.L. (STL-14-05)**

On 10 October, the *Amicus Curiae* Prosecutor (*Amicus*) submitted [an application](#) before the Contempt Judge, Judge Nicola Lettieri, requesting the non-disclosure to the Defence of NEW TV S.A.L. and Karma Al Khayat, on a permanent basis, of material accompanying the indictment as required by Rule 110 of the STL's RPE. The *Amicus* further requests measures to prevent the disclosure of the identity or whereabouts of two witnesses to the public or the media.

On 13 October, the *Amicus* [requested](#) the Contempt Judge to admit the written evidence of five witnesses in lieu of *viva voce* testimony under Rule 155 of the RPEs. Under Rule 155, a Chamber may admit written statements instead of live testimonies if the evidence goes to proof of a matter other than the acts and conducts of an accused. According to the *Amicus*, those five testimonies relate to i) the impact and negative effects of the publication of witness information or actual, potential or actual witnesses; ii) the service of an order by the Pre-Trial Judge dated 10 August 2012 to the Accused; and iii) confirmation of the confirmation of the continuing availability of Al Jadeed broadcasts on outlet's TV's website by STL staff members.

On 16 October, the Defence for NEW TV S.A.L. and Al Khayat [requested](#) the President of the STL to disclose to the Defence all information and documentation pertaining to any internal trainings, seminars or meetings organised in the Tribunal's Chambers on the subject of whether the Tribunal may exercise jurisdiction over legal persons, including whether the STL's RPE should be amended to include such jurisdiction. The Defence argues that such disclosure is essential as it has serious consequences for the accused corporation in the Case 14-05 and will do so for other legal entities in other (and future) cases before the Tribunal. The Defence further claims that such materials have a bearing on the impartiality and appearance of impartiality of the proceedings. This comes after an Appeals Panel of three judges appointed to consider an appeal relating to the STL's jurisdiction in Case STL-14-05 has decided by majority that the STL does have jurisdiction to hear cases of obstruction of justice against legal persons (corporate entities).

## DEFENCE ROSTRUM

### Lessons Learned from Conflicts: Post-Conflict Resolutions

*By Fábio Kanagaratnam*



On 13 October, The Youth Peace Initiative (YPI) and the JASON Institute organised an interactive discussion, hosted by The Hague Institute for Global Justice. The event aimed at exchanging views on regional conflicts affecting young adults from troubled areas and it was opened by Thed Brouwer, Chairman of the YPI, and Nico Schrijver, Professor of International Law and Academic Director of the Grotius Centre for International Legal Studies at Leiden University. Schrijver began his presentation by stating that it is crucial to discuss conflict themes with young adults. He added that conflicts often have legal and political consequences, and it is important to make a clear distinction between those two. He indicated that during conflict, diplomatic procedures are extremely essential as according to Schrijver, mediation and negotiation “should not be underestimated”. He finished his speech noting that legal procedures are equally necessary but they are part of a long term solution.



**Abiodun Williams**

Dr. Abiodun Williams, the President of The Hague Institute for Global Justice was the next speaker. He congratulated the YPI and the JASON Institute for organising the event and opened his speech by saying that he does not believe that “conflicts are intractable”. Williams shared the same optimistic view as Schrijver, emphasising how important active participation in these discussions is. Williams talked about some of his experiences while working at the United

Nations (UN). The first example Williams offered was Macedonia’s conflict avoidance when Slovenia, Croatia and Bosnia went through secessionist wars. According to Williams, this was a consequence of the first and only UN Preventive Peacekeeping Mission, which ensured that the Yugoslav conflict did not spread to Macedonia. He added that if the conflict had spread to Macedonia it would be likely that two NATO allies, Turkey and Greece, would have been involved. Williams considered this example a successful and effective method of conflict prevention and indicated that it is important to “remember the past, but to not be held captive by it”.

According to Williams, the second example was not as successful. Williams referred to the war in Bosnia; in his opinion the main problem was the lack of political will. Another issue at the time was the fact that key members of the UN Security Council had no strong mandate to act and the mandates proved “tragically flimsy”. However, Williams believes that this exercise helped the development of the Responsibility to Protect (R2P) resolution.

For the third example, Williams talked about Haiti, which was in his view an important lesson where he learned that peacebuilding is much more important than peacekeeping. According to Williams, Haiti’s fragility cannot be attributed to the lack of effort by the international community, since the UN had intervened often and within various mandates. He noted that the most important outcome of these interventions was the creation of a peacebuilding architecture in which priority was given to setting up societal infrastructures in order to maintain peace in the region.

In the second part of the discussion panel, young adults invited by the YPI briefly shared their thoughts on conflicts in their regions. Ali Cetiner, a Turkish-Cypriot noted that although Cyprus is a strategic area, the war was over 40 years ago, rendering the continuous pressure of the international community in his opinion, unnecessary. Ben Mallon from Ireland re-

ferred to his country's past, touching on the bombings and political rivalries and indicated that a future with no political ideologies must be avoided and dialogue should be prioritised. Jessica Shim from South-Korea shared her experiences with veterans of the Korean War and indicated that people should be the main concern in the Korean peninsula. She added that co-dependency is the key to achieve peace. Wafaa Saadeh from Palestine noted that peace can be achieved and the opportunity to hear and share ideas must be given. Pearl Nicolle from Israel stated that "academia should not only be about studying but also about society", she believed that miscommunication is the main problem when trying to solve conflicts.

The discussion session was part of a series of events that contributed to the document "[Our Common Future](#)" which was presented to Embassies in The Hague. Initiatives similar to YPI show that young

adults are willing to participate actively in discussions that approach sensible matters. More importantly, activities like these contribute to an excellent forum of discussion and clearly indicate that today's youth is thinks differently and attempts to find solutions to complex problems.



## BLOG UPDATES AND ONLINE LECTURES

### Blog Updates

David Hart QC, **Strasbourg and why you must give reasons on domestic appeals**, 6 October 2014, available here: <http://tinyurl.com/ksgwd85>.

Yvonne McDermott Rees, **Criminal Liability for Legal Persons for Contempt returns to the STL**, 8 October 2014, available at: <http://tinyurl.com/pfhcd44>.

Julien Maton, **ICC: The Challenges of the Defence**, 9 October 2014, available at: <http://tinyurl.com/ko88ytx>.

Adam Wagner, **Kenyan President uses Tory human rights plans to defend war crimes charges**, 24 October 2014, available at: <http://tinyurl.com/k4b8gn8>.

### Online Lectures and Videos

*"Talking Foreign Policy: Combatting the Islamic State"*, Case Western Reserve University School of Law, 6 October 2014, available at: <http://tinyurl.com/pu6e2kp>.

*"Shifting the Paradigm - Bringing to Justice those who Commit Human Rights Atrocities"*, by Case Western Reserve University School of Law, 14 October 2014, available at: <http://tinyurl.com/o4aowza>.

*"The Evolution of Humanitarian Intervention: Lessons Learned From Past Interventions"*, by Council on Foreign Relations, 24 October 2014, available at: <http://tinyurl.com/khvop32>.

*"Terrorism and Counterterrorism: comparing Theory and Practice"*, by Leiden University, 3 November 2014, available at: <http://tinyurl.com/mqdoejz>.

## PUBLICATIONS AND ARTICLES

### Books

Donald Earl Childress III (2014), *The Role of Ethics in International Law*, Cambridge University Press.

Elies van Sliedregt and Sergey Vasiliev (2014), *Pluralism in International Criminal Law*, Oxford University Press.

Lukasz Gruszcynski and Wouter Werner (2014), *Deference in International Courts and Tribunals*, Oxford University Press.

James Crawford (2014), *State Responsibility*, Cambridge University Press.

### Articles

Leila Sadat and Jarrod Jolly (2014), "Seven Canons of ICC Treaty Interpretation: Making Sense of Articles 25's Rorschach Blot", *Leiden Journal of International Law*, Vol. 27, No. 3.

Arlinda Rrustemi and Moritz Baumgartel (2014), "Shooting in the Dark: Evaluating Kosovo's Amnesty Law and the Role of International Actors", *Hague Journal on the Rule of Law*, Vol. 6, No. 2.

Gudrun Hochmayr (2014), "Applicable Law in Practice and Theory: Interpreting Article 21 of the ICC Statute", *Oxford Journal of International Criminal Justice*, Vol. 12, No. 4.

## CALL FOR PAPERS

The **International Forum for Research & Analysis** has issued a call for papers for its International Virtual Conference on Law and Justice.

Deadline: 20 November 2014

More Info: <http://tinyurl.com/k7kvezc>.

The **University of Delhi Students' Union** has issued a call for papers to be considered for the Campus Law Centre Student Law Review.

Deadline: 10 January 2015

More Info: <http://tinyurl.com/ndwxpp4>.

## EVENTS AND OPPORTUNITIES

The European Court of Human Rights: Master of the Law but not of the facts?

Date: 6 November 2014

Location: University of London, London

More Info: <http://tinyurl.com/k8u2sgz>.

Conference: The Defence in International Criminal Courts

Date: 3 - 5 December 2014

Location: Hessisches Staatsarchiv Marburg, Germany

More Info: <http://tinyurl.com/nj8cqld>.

IBA Annual Conference on International Criminal Law: International Challenges for 2015

Date: 31 January—1 February 2015

Location: Peace Palace, The Hague

More Info: <http://tinyurl.com/ng9oqcc>.

Legal Officer (P-3), Goma

United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo

Closing Date: 3 November 2014

Legal Officer (P-3), Leidschendam

Registry, Legal Section

Special Tribunal for Lebanon

Closing Date: 16 November 2014

Associate Investigator (P-2), The Hague

Office of the Prosecutor,

International Criminal Court

Closing Date: 23 November 2014

## ADC-ICTY ETHICS TRAINING

This comprehensive one-day training will focus on ethical issues during the pre-trial, trial and appeal stages and will address a number of pertinent questions in the form of three panel discussions.

**Date:** 8 November 2014

**Time:** 9:00 – 17:00

**Location:** Bel Air Hotel, The Hague

**Registration via:** [iduesterhoeft@icty.org](mailto:iduesterhoeft@icty.org) (*limited spaces available*)

It is possible to obtain credits for continuing legal education purposes!

Lunch can be served at the Bel Air Hotel for 15 Euros per person at the participants' own expense. Please reserve in advance.

For further information please contact Isabel Düsterhöft at [iduesterhoeft@icty.org](mailto:iduesterhoeft@icty.org)

Join us for the **ADC-ICTY's Annual Drinks** at Hudson's Bar & Kitchen in The Hague on 8 November 2014 from 8 pm onwards.

## TRAINING PROGRAMME

08:45-09:00	<i>Registration – Bel Air Hotel, The Hague</i>
09:00-09:15	<b>Opening Remarks – Colleen Rohan, ADC-ICTY President</b>
09:15-09:45	<b>Keynote Speech – Michael G. Karnavas, ADC-ICTY Training Committee</b>
09:45-11:15	<b>Ethical Considerations during Pre-Trial Proceedings</b>
09:45-10:00	Introduction by the Moderator – <i>Gregor Guy-Smith</i>
10:00-11:00	Q&A Session with the Panellists <i>Douglas Stringer, Mira Tapuškević, Alan Yatvin</i>
11:00-11:15	Wrap Up by the Moderator – <i>Gregor Guy-Smith</i>
11:15-11:30	<i>Coffee Break</i>
11:30-13:00	<b>Ethical Considerations during Trial Proceedings</b>
11:30-11:45	Introduction by the Moderator – <i>Michael G. Karnavas</i>
11:45-12:45	Q&A Session with the Panellists <i>Judge Christoph Flügge, Stéphane Bourgon, Christopher Gosnell, Slobodan Zečević (tbc)</i>
12:45-13:00	Wrap Up by the Moderator – <i>Michael G. Karnavas</i>
13:00-14:30	<i>Lunch Break</i>
14:30-16:00	<b>Ethical Considerations during Appeal Proceedings</b>
14:30-14:45	Introduction by the Moderator – <i>Colleen Rohan</i>
14:45-15:45	Q&A Session with the Panellists <i>Judge Alphons Orie, Novak Lukić, Bas Martens</i>
15:45-16:00	Wrap Up by the Moderator – <i>Colleen Rohan</i>
16:00-16:15	<i>Coffee Break</i>
16:15-16:45	<b>Wrap Up Speech – Gregor Guy-Smith, ADC-ICTY Training Committee</b>
16:45-17:00	<b>Closing Remarks – Colleen Rohan, ADC-ICTY President</b>

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should be sent to Isabel Düsterhöft at  
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**WWW.ADC-ICTY.ORG**

**NEW WEBSITE**

**Remote Legal Internship Opportunity**

GRC seeks remote legal interns for upcoming projects related to business and human rights, international criminal justice and international trade and development.

Duties include performing legal research, drafting internal memoranda, and performing other tasks at the request of GRC staff. Research primarily relates to the core international human rights treaties, standards of the International Labour Organization, and other international laws. English fluency required. Fluency in a second language preferred.

GRC is a boutique international legal partnership that provides a range of confidential legal advice and consultative expertise to business enterprises, government, other public bodies and individuals on international human rights law and standards relevant to business.

For more information, please send your CV to:  
[info@globalrightscompliance.co.uk](mailto:info@globalrightscompliance.co.uk)

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<http://adc-icty.org/home/membership/index.html>

**or email:**

[iduesterhoeft@icty.org](mailto:iduesterhoeft@icty.org)



*The ADC-ICTY would like to express its sincere appreciation and gratitude to Andjelka Radević for her contribution to the Newsletter and ADC Head Office assistant Benjamin Schaefer for his excellent work and commitment to the Association. Benjamin has been with the ADC for the past four months, he has been in charge of the Newsletter and contributed to a myriad of projects. His support and assistance were invaluable. We wish him all the best for the future, he will be missed!*