ADC-ICTY Newsletter, Issue 11

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ICTY Cases

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ICTY News

* The views expressed herein are those of the author(s) alone and do not necessarily reflect the views of the International Tribunal for the Former Yugoslavia or the Association of Defence Counsel Practicing before the ICTY.

Prosecutor v. Gotovina et al. (IT-06-90)

On 15 April 2011, the Trial Chamber delivered the judgment in the *Gotovina et al.* case. The Chamber found Ante Gotovina and Mladen Markač guilty of crimes against humanity and violations of the laws or customs of war during the 1995 'Operation Storm' ('Oluja') military offensive in Croatia. The Chamber acquitted Ivan Čermak and ordered his immediate release.

Ante Gotovina, Ivan Čermak & Mladen Markač

The trial commenced on 11 March 2008 and lasted 303 days. Gotovina, Markač and Čermak were charged with: acting individually and/or in concert with others, participating in a joint criminal enterprise, the common purpose of which was the permanent removal of the Serb population from the Krajina region in Croatia by force, fear or threat of force, persecution, forced displacement, transfer and deportation, appropriation and destruction of property, or by other means. The Chamber noted that the "events in this case took place in the context of many years of tension between Serbs and Croats in the Krajina". However, the Chamber further stated "this case was not about crimes happening before the Indictment period, nor was it about the lawfulness of resorting to and conducting war as such. This case was about whether Serb civilians in the Krajina were the targets of crimes and whether the Accused should be held criminally liable for these crimes".

Ante Gotovina, Colonel General in the Croatian Army and Commander of the Split Military District, was sentenced to 24 years of imprisonment. Gotovina was represented by Luka Misetic, Gregory Kehoe and Payam Akhavan. The Chamber found that by virtue of Gotovina's position, he commanded all units of the Split Military District and that crime prevention and crime processing were "not excluded from Mr. Gotovina's authority over the military police". The Chamber, in determining whether there was a joint criminal enterprise, considered the discussions that took place at the Brioni meeting of 31 July 1995, days before 'Operation Storm'. The participants at this meeting were found to have discussed the importance of the Krajina Serbs leaving after the result of an imminent attack. Based on the evidence heard considering Gotovina's involvement at the Brioni meeting, the Chamber "found that Gotovina had the state of mind that the crimes forming part of the objective should be carried out" and was a member of the joint criminal enterprise.

The *Gotovina et al* trial commenced on 11 March 2008 and lasted a total of 303 days. There were 4,819 exhibits admitted into evidence and 145 witnesses were called. The Defence called 57 witnesses, while the Prosecution called 81 and the Trial Chamber 7.

Mladen Markač , Assistant Minister of Interior in charge of Special Police matters was represented by Goran Mikulcic and Tomislav Kuzmanovic. The Chamber found that "through Markač 's acts and omissions he created a climate of impunity amongst his subordinates which encouraged the commission of crimes against Krajina Serb persons and property". Markač 's participation in the Brioni meeting was found to contribute to the planning and preparation of 'Operation Storm'. Markač was found guilty of crimes against humanity and violations of the laws or customs of war and sentenced to 18 years of imprisonment. Gotovina and Markač were not found guilty of Count 3, inhumane acts (forcible transfer) as a crime against humanity.

Ivan Čermak, Commander of the Knin Garrison, was acquitted of all charges. Čermak was represented by Steven Kay and Gillian Higgins. Čermak was found to have some influence over the civilian and military police, but he was found neither in charge or legally responsible for maintaining law and order. The Chamber concluded that the evidence did not establish Čermak was a member of the joint criminal enterprise nor was he found liable under any other mode of liability charged against him.

The full judgment can be found at:

Volume 1 http://www.icty.org/x/cases/gotovina/tjug/en/110415_judgement_vol1.pdf;

Volume 2 http://www.icty.org/x/cases/gotovina/tjug/en/110415_judgement_vol2.pdf

Prosecutor v. Stanišić and Župljanin (IT-08-91)

On 11 April 2011, the defence of delivered its opening statements. Slobodan Zečević, defence counsel for Mićo Stanišić highlighted the social and political processes in the former Yugoslavia and in particular those in Bosnia and Herzegovina. As Minister of Interior for Republika Srpska, Stanišić did what was required and necessary, insisted on the strict application of the laws, regulations and professional conduct of MUP members and took measures to have his orders and dispatches implemented in the difficult circumstances of a non-functioning state.

Stojan Župljanin & Mićo Stanišić

The first witness, a former chief of security service centre (CSB) in Doboj Andrija Bjelošević began his testimony on 12 April. His testimony is will cover three municipalities from the indictment and in particular relations of CSB with the crisis staffs, with the army or functioning of the police at the territory.

During the two month trial recess, Mićo Stanišić was denied a provisional release that was sought in order to allow him to work with his defence counsel in Belgrade on preparation of his case. The Trial Chamber in its decision of 25 February 2011 argued that there were no "compelling humanitarian grounds" that would justify provisional release at this advanced stage of the trial proceedings. The Chamber ruled that despite the fact that, in its opinion, the Accused fulfilled all the criteria under Rule 65(B), it felt compelled by the jurisprudence of the Appeals Chamber to deny the motion.

The decision referred to the Appeals Chamber's rulings in the *Prlić et al* case which, introduced a separate requirement of "sufficiently compelling humanitarian grounds", evocating the "exceptional circumstances" criterion removal from Rule 65(B) in November 1999. The Trial Chamber noted that in its post-2008 jurisprudence, the Appeals Chamber has not referred in its decisions to the International Covenant on Civil and Political Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Appeals Chamber as also not referred to the principle of presumption of innocence but, instead, emphasised policy considerations such as the perception of the Tribunal and its work in the former Yugoslavia.

In the Trial Chamber's view, the Appeals Chamber, failed to explain why this should become the basis for the creation of a new standard or become determinative for granting provisional release, particularly in late stages of the trial. The Trial Chamber also noted a *Prlić et al.* Decision of 23 April 2008, in which the Appeals Chamber recalled the necessity of assessing any humanitarian ground in the context of the two requirements expressly listed in Rule 65(B). This Decision confirmed that Rule 65(B) did not mandate humanitarian justification for provisional release and pointed out the difference between the burdens borne under the regimes for provisional release of a convicted person under Rule 65(I) and one that is still presumed innocent under Article 21(3) of the ICTY Statute.

The subsequent jurisprudence, does not refer to the April 23 Decision, and the Trial Chamber concluded that the change in circumstances from the last provisional release, granted to Mr Stanišić in December 2010 and January 2011, did not change its view that the Accused satisfied the Rule 65(B) requirements. Nonetheless, the change of the stage of proceedings, i.e. closure of the prosecution case and no motion for Rule 98bis hearing, required it to deny the motion due to the overriding effect of the Appeals Chamber jurisprudence.

In the light of the above, Judge Guy Delvoie urged the Appeals Chamber in a separate declaration to reconsider the precedent it had created for material errors in its reasoning or in the alternative, provide the Trial Chamber with concrete guidance by setting out the exceptional circumstances that justified departure from the applicable law with cogent reasons in the interest of justice.

On 28 February 2011, the defence of Mićo Stanišić appealed the Trial Chamber decision on the basis of error in a matter of law and abuse of discretion by the Trial Chamber, however the Appeals Chamber has not decided on the appeal.

On 10 March the Trial Chamber partly granted a defence motion for access to confidential documents from the Stanišić and Simatović case and ordered the Office of the Prosecutor to identify relevant documents to the Registry for their subsequent disclosure to the Accused. It has also previously partly granted a motion for access to confidential information in the Karadzić case. However, the Chamber has denied the defence motion for disclosure of confidential materials from the *Prlić et al*, with Presiding Judge Antonetti dissenting based on the equality of arms principle.

Rule 65(B)

Release may be ordered by a Trial Chamber only after giving the host country and the State to which the accused seeks to be released the opportunity to be heard and only if it is satisfied that the accused will appear for trial and, if released, will not pose a danger to any victim, witness or other person.

Rules Committee Rejects Proposed Amendment to Rule 65

Peter Robinson, Member of the Rules Committee

On 5 April 2011, the Rules Committee rejected the amendment to Rule 65 proposed by the ADC-ICTY.

The proposed amendment would have added a sentence to Rule 65(A) as follows: Once detained, an accused may not be released except upon an order of a Chamber. **Such an order may be made upon motion of a party or by a Chamber *proprio motu*.**

This was proposed to address the problem of our clients who are ultimately acquitted, sitting in detention for months while the Chamber writes its elaborate judgements. In the past, Miroslav Radić spent 195 days in detention from the time his case closed until the time his judgement of acquittal was announced. The most recent example is that of Ivan Čermak who was detained for 225 days before he was acquitted on 15 April 2011. Others who were similarly detained pending the drafting of the judgements of acquittal were Milan Milutinović—183 days; Ramush Hardinaj—93 days; Fatmir Limaj and Isak Musliu—91 days and Ljube Boskoski —63 days.

It was hoped that the amendment would encourage the Chambers to grant provisional release to our clients once they had determined that the accused was likely to be acquitted.

The Judges on the Rules Committee felt that they already had the power to grant provisional release *proprio motu* and that the amendment was unnecessary.

The ADC expressed the hope that at least by having called the Judges' attention to this problem, steps would be taken in the future that would avoid such lengthy detention prior to acquittal.

Prosecutor v. Perišić (IT-04-81)

The trial phase of *Prosecutor vs. Momčilo Perišić* closed on 31 March 2011 with the conclusion of the closing arguments of the Parties. General Perišić's Defence team was comprised of Gregor Guy-Smith, Novak Lukic, Tina Drolec, Chad Mair, Dee Montgomery and Boris Zorko.

The trial of Momčilo Perišić commenced on 2 October 2008. The Prosecution took 124 days to present its case and called 94 witnesses. The defence case began on 22 February 2010 and was rested on 11 January 2011.

Gregor Guy-Smith began the defence closing statement by reiterating that the main task of the Trial Chamber is to determine the guilt or innocence of General Perišić, followed by the *Martić* definition of reasonable doubt. As the Prosecution carries the burden of proof, Guy-Smith argued "it is clear that the Prosecution here cannot prove that its interpretations are entirely plausible, let alone that they are the only reasonable explanations of the evidence [...] because we have been in trial for a long time and we have seen an astounding amount, weight of evidence, but that in and of itself does not prove a case [...] if there are two explanations, plausible explanations, one which points to guilt and the other which points to innocence, you must adopt that which points to innocence. That is your job. That is your duty. That is the law". In addition, Guy-Smith stated that "each of the elements of the crimes that they have charged must be proved beyond a reasonable doubt".

Momčilo Perišić

Guy-Smith stated that the crucial point in this case is that "the evidence that was presented [...] came from a highly dynamic situation, a situation that was in flux. From the beginning of the difficulties before Perišić's tenure through the Dayton Peace Accord, the parties involved in this conflict took different positions, maintained different interests and had different agendas. And specifically in that regard. FRY, the government for which General Perišić was working as the Chief of Staff of the military, had distinct political and strategic differences from that of the Republika Srpska and the Republika Srpska Krajina".

Novak Lukic argued that the Prosecution avoided "the wider evidence" and what happened after General Perišić was appointed Chief of General Staff of the Army of Yugoslavia. The Defence asserted that there was a difference between officers in the VRS and the VJ: "the majority of these officers had the status of, initially, officers of the Army of Republika Srpska and that was their status throughout the war. When the Law on the Army of Republika Srpska was passed in June, 1992 [...] of their own free will they became active-duty personnel of the Army of Republika Srpska in accordance with Article 377 of that law. [...]From that moment onwards they became part of that single chain of command. They had their actual place within the establishment and in any army, there can be only one for any particular officer. They held their respective ranks, their respective positions, they had their uniforms, they had their insignia, their emblems stating that they belonged to the Army of Republika Srpska. They had their own oath and they had their own superiors".

Guy-Smith also discussed how the complexity of international relations can be baffling to anyone not directly involved. He compared the FRY's attempts at peace to those in Afghanistan: "While those various attempts for peaceful resolutions are occurring, there is no doubt that various forces continue to receive arms and logistics for purposes of prosecuting the war, or [...] for keeping the peace. It seems to be part and parcel of that particular international formula. And in th[at] context [...] I think it is very dangerous to take the position that supplying logistics for purposes of prosecuting a war necessarily exposes a commander of a non-participating force or country or a commander of a participating force or country to criminal liability. Because that is ultimately what is being suggested here. And if that, in fact, is what the outcome is that's being requested, then each and every political leader throughout the world and each and every commander in the world better take heed, because I think it is difficult [...] to say that in a war, crimes are not committed. And I don't know whether or not that is the standard that we wish to adopt. And I mean this as a legal matter, not as a political matter. In essence, what is being suggested, as I understand the conversation is, not the direct, but the indirect criminalisation of the waging of war".

Judgement is expected over the coming months.

News from International Courts and Tribunals

Extraordinary Chambers in the Courts of Cambodia

David Fagan, Legal Intern, Defence Support Section

Case 001 - Kaing Guek Eav alias Duch

The Appeal Hearing for Case 001 commenced before the Supreme Court Chamber on Monday 28 March 2011 and continued until Wednesday 30 March. On the first day of the hearing, the Co-Lawyers for Kaing Guek Eav alias Duch (Duch) argued that the Trial Chamber (TC) had erred in finding that Duch fell within the personal jurisdiction of the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is mandated to try senior leaders of Democratic Kampuchea (DK) and those most responsible for national and international crimes committed between 17 April 1975 and 6 January 1979.

The Co-Lawyers argued that only those occupying senior positions within the administrative hierarchy of the State could be considered senior leaders of DK and referred to a decision of the Communist Party of Kampuchea (CPK) Standing Committee dated 30 March 1976, which named seven central leaders of DK. It was argued that as the chairman of the security centre S-21, Duch had no input into the policies of the DK regime and had no ability to act on his own initiative, object to orders, or intervene in the process of arresting, interrogating and "smashing" enemies of the CPK.

The Co-Lawyers also disputed the TC's characterisation of S-21 as a unique institution within the infrastructure of the CPK due to its close connection to the CPK centre, its nationwide coverage and its detention and interrogation of high level party cadre. It was argued that the crimes against humanity committed at S-21 – enslavement, wilful killing and torture – were common at many of the other 195 prison centres in DK, with some of these prison centres responsible for the execution of a greater number of people than died at S-21. As no other prison centre chairman has been investigated or prosecuted by the ECCC, the Co-Lawyers concluded that the Co-Prosecutors had assessed that such persons fell outside the personal jurisdiction of the ECCC and argued that Duch should be assessed in the same way. The Co-Lawyers therefore requested Duch's acquittal and recognition of his potential role as a key witness in Case 002.

It was also argued that the TC had relied excessively on jurisprudence of the ICTY and ICTR in the judgment for Case 001, in contravention of the ECCC Agreement and Establishment Law, which both state that trials are to be conducted in accordance with existing Cambodian procedure unless the existing procedure does not deal with the matter or is inconsistent with international standards. The Co-Lawyers cited a number of provisions of Cambodian law which they argued had been ignored by the TC, including Article 5 of the 2009 Penal Code of the Kingdom of Cambodia, which states that the law is to be applied strictly, without recourse to analogy.

Tuol Sleng Genocide Museum

On day two of the Appeal Hearing, the SCC heard arguments from the Co-Prosecutors relating to the adequacy of the sentence imposed by the TC and the decision to subsume the crimes of humanity of torture, enslavement, rape and wilful killing into the crime of humanity of persecution for the purpose of the final sentence. Wishing to rely exclusively on their argument based on personal jurisdiction, the Co-Lawyers for Duch were reluctant to respond to the Co-Prosecutors' submissions but noted that should their appeal fail and the appeal of the Co-Prosecutors succeed, the maximum sentence imposed on Duch should be 15 years of imprisonment rather than the 45 years called for by the Co-Prosecutors.

The **Security Centre S-21**, was a former high school, used as a security prison and interrogation centre by the Khmer Rouge between 1975 and 1979. Nowadays, the S-21 is a publicly open Genocide Museum, called Tuol Sleng, 'Hill of the Poisonous Trees'.

ICTR-98-44-I

The Prosecutor
v.
Karemera et al

Karamera is a trained lawyer and was Minister of the Interior in the Interim Government of Rwanda of 8 April 1994. During 1994, he was also first Vice-President of the MRND political party and a member of its steering committee.

He is accused of genocide, rape and exterminations, murder and causing violence to health, etc. He is indicted together with Mathieu Ngirumpatse and Joseph Nzirorera.

On 5 June 1998, he was arrested in Togo and transferred to the tribunal one month later. His trial began on 19 September 2005.

On the final day of the Appeal Hearing, the Co-Lawyers for three civil party groups made submissions regarding the TC's rejection in the final judgment of the civil party status of some of their clients and the rejection of a number of requests for collective and moral reparations.

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

On 23 March 2011, an alternative TC issued a decision dismissing the applications from Ieng Thirith, Nuon Chea and Ieng Sary for the disqualification of the TC that adjudicated Case 001. The alternative TC found that the question to be determined was not whether there is a reasonable apprehension that the judges would decide certain issues in Case 002 in the same way as they did in Case 001, but whether they would bring an impartial and unprejudiced mind to the issues in the second case. It was held that the applicants had failed to substantiate the alleged apprehension of bias or provide evidence to displace the TC judges' presumption of impartiality. In relation to Nuon Chea's application the alternative TC noted that the findings in the Duch judgment relating to Nuon Chea concerned his formal position in the CPK hierarchy, findings that alone did not establish *actus reus* or criminal intent. It was held that the judgment could not be perceived as reflecting an assessment of the guilt of Nuon Chea.

On 25 March 2011, the Khieu Samphan and Nuon Chea defence teams filed notifications to the Trial Chamber in response to an order to file a joint list of uncontested facts. The Khieu Samphan defence team notified that their client did not support any of the facts set out in the Closing Order but that he would nonetheless "actively contribute to the work of justice in providing his account of the facts during trial…" The Nuon Chea defence team noted that they had submitted a preliminary objection relating to the legality of ECCC Internal Rule 80(3)(e), which provides that the Trial Chamber may order parties to file a list of uncontested facts and that they had been unable to reach agreement with the Office of Co-Prosecutors regarding any of the facts alleged in the Closing Order.

On 28 March 2011, the Ieng Sary defence team filed two motions: a motion against facts of "common knowledge" – facts that do not need to be proved as they are not considered subject to reasonable dispute – being applied at the ECCC and a motion against the taking of judicial notice of adjudicated facts from Case 001. It was noted that neither of these practices was provided for in the ECCC Internal Rules or the Code of Criminal Procedure of the Kingdom of Cambodia. In relation to the first motion, the team noted that in the *Karemera* case at the ICTR, an Appeals Chamber found that "the fact that genocide occurred in Rwanda in 1994 should have been recognized by the TC as common knowledge". They argued that a similar finding in relation to the alleged crimes in Case 002 would prejudice the right of their client to be presumed innocent until proven guilty. In relation to the second motion, the team noted that a number of facts in Case 001 were not disputed by the Defence in that case and that if judicial notice was taken of adjudicated facts from Case 001, this would shift the burden of proof in Case 002 to the Defence and violate Ieng Sary's right to be presumed innocent until proven guilty.

On 4 April 2011, the TC issued a decision rejecting the Ieng Sary defence team's motions regarding judicial notice of adjudicated facts from Case 001 and facts of common knowledge being applied in Case 002. The TC noted that, as emphasised in both motions, there is no legal basis for either practice in the ECCC Law or the ECCC Internal Rules and that the TC had provided no indication that they intended to apply such practices. The Interpretation and Translation Unit was directed to refrain from translating the motions and the matter was referred to the Defence Support Section pursuant to its ability to refuse part payment for work claimed where the work is not "necessary and reasonable".

On 5 April 2011, a Trial Management Meeting was held in preparation for the commencement of the trial in Case 002.

Defence Rostrum

Azra Bašić Accused of Bosnian War Crimes

Croatia born Azra Bašić, 51, was arrested on 15 March 2011 in the U.S. Federal State of Kentucky on suspicion that she had taken part in war crimes committed in BiH during the Yugoslav war.

As a HVO (Croatian Defence Council) soldier, she allegedly killed a Serb prisoner and tortured others by forcing them to drink human blood and gasoline in the period from April through June 1992 in the municipality of Derventa.

Bašić, who had been using the names Azra Alesević, Azra Kovacević and Izabela Bašić has been living in Stanton Kentucky for years. She has been working in a sandwich factory and as a caretaker of elderly nursing home patients. Among her neighbours and clients she was know as "nice" and "lovely" person, "very diligent in her work".

Azra Bašić arrested in Kentucky

According to the U.S. media, the documents submitted to the District court in Lexington allege details on the torture and killing of Serbs and include testimonies by Radojica Garić and Dragan Kovacević on the murder of Blagoje Djuras.

Bosnian authorities have been slowly building a case against Bašić for years, taking statements from witnesses, forensic experts and doctors between 1992 and 2001 to identify her.

In 2004, Interpol located her in Kentucky and the Court of BiH issued an international arrest warrant in October 2006. Allegedly, the United States of America received an official request for Bašić's extradition in February 2007. However, the U.S. government requested more evidence pertaining to the alleged offenses, which Bosnian prosecutors provided in February and April 2010.

The District Prosecution Office in Doboj is currently conducting investigations against Azra Bašić, due to grounded suspicion that, as the commander of the 108th Rijeka Brigade of the Army of the Republic of Croatia in the period of April-July 1992, she committed serious war crimes.

Jovan Divjak Arrested in Vienna on War Crimes Charges

Jovan Divjak, the highest ranking Serb in the Bosnian army during the war in Bosnia and Herzegovina, was arrested on 3 March 2011 in Vienna on war crimes charges. The Austrian Ministry of Foreign Affairs has, however, excluded his extradition to Serbia which has issued an arrest warrant. General Divjak, deputy commander of BiH's territorial defence forces between 1992 and 1993 and deputy commander of ABiH Headquarters from 1993 to 1997, is together with 19 others accused of the Dobrovoljačka street incident in Sarajevo. It is alleged that in May 1992, 42 Yugoslav People's Army (JNA) troops were killed and 73 wounded following an attack by the Bosnian army on a JNA convoy after it had been offered safe passage and was being escorted out of Sarajevo by U.N. troops. Divjak was released from custody on bail on 8 March and further investigation is pending. Divjak has not been indicted before the ICTY.


Jovan Divjak

A further two persons have been arrested in the USA based on arrest warrants issued by Bosnia and Herzegovina. US-citizen Edin Džeko and Rasema Handanović are charged with participation in killings of civilians and captured members of the Croation Defense Council (HVO). Džeko is accused of being a member of a Bosnian military unit that attacked the village of Trusnice in April 1993 and killed 16 civilians, as well as being part of a squad executing captured and unarmed HVO troops.

Blog Updates

- Manal al Chaarani, **Special Tribunal for Lebanon: President Cassese Issues A Practice Direction On The Role Of The Head Of The Defence Office,** 10 April 2011, available at: http://www.internationallawbureau.com/blog/?p=2728

- Deirdre Montgomery, **Initial Appearances in the Kenya PEV Cases at the ICC,** 9 April 2011, available at: http://www.internationallawbureau.com/blog/?p=2724

- Geraldine Coughlan, **Dutch Parliament: Concerns Over EU Cross Border Law**, 7 April 2011, available at: http://www.rnw.nl/international-justice/article/dutch-parliament-concerns-over-eu-cross-border-law

- **Observers Fear Khmer Rouge Court Being Wound Down,** 6 April 2011, available at: http://www.rnw.nl/international-justice/article/observers-fear-khmer-rouge-court-being-wound-down

- **A landmark provisional ruling of the African Court on Human and People's Rights on Libya,** 2 April 2011, available at: http://internationallawobserver.eu/2011/04/02/acthpr_provisional_ruling_on_libya/

- Renee Doplick, **Bassiouni "Quite Doubtful" International Criminal Court Will Succeed—The Failures, Challenges and Future of International Criminal Law,** 31 March 2010, available at: http://www.insidejustice.com/law/index.php/intl/2010/03/31/p256

On 8 April 2011, Bosnian-born Ahmet Makitan was sentenced to five years imprisonment for committing crimes in the Dretelj detention camp , such as threatening the Bosnian Serb inmates, subjecting them to violence and staging two fake executions. Makitan, a Swedish citizen since 2006, was further ordered to pay 165,800 Euro as a compensation to victims. He was arrested in January 2010, after an investigation by the Swedish war crimes commission and the ICTY. It is the first case that has come to trial ever since the establishment of the Swedish war crimes commission.

Publications

Books

Malcom Davies, Hazel Croall, Jane Tyrer, 2010. *Criminal Justice*. Harlow: Longman

Helen Fenwick, Gavin Phillipson, 2011. *Text, Cases and Materials on Public Law and Human Rights*. London: Routledge-Cavendish

Tom Campbell, K.D. Ewing, Adam Tomkins (eds.), 2011. *The Legal Protection of Human Rights: Sceptical Essays*. Oxfored: Oxford University Press

William A. Schabas, Nadia Bernaz (eds.), 2011, [online]. *Routledge Handbook of International Criminal Law*. London: Routledge

Kyriaki Topidi, Alexander H.E. Morawa (eds.), 2011, [online]. *Constitutional Evolution in Central and Eastern Europe*. Farnham: Ashgate

Articles

Gabrielle Blum, February 2011. On a Differential Law of War. *Harvard International Law Review* 52(1), pp. 163 ff.

Niaz A. Shah, March 2011. Islam and the Challenge of Human Rights. *Human Rights Law Review,* 11(1), pp. 206-210

Marko Milanovic, March 2011. Applicability of the ECHR to British Soldiers in Iraq. *The Cambridge Law Journal,* 70(1), pp.4-7

J.R. Spencer, March 2011. Strasbourg and Defendants' Rights in Criminal Procedure. *The Cambridge Law Journal,* 70(1), pp.14-17

Victor Peskin and Mieczyslaw P. Boduszyński, March 2011. Balancing International Justice in the Balkans: Surrogate Enforcers, Uncertain Transitions and the Road to Europe. *The International Journal of Transitional Justice,* 5(1), pp.52-74

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WE'RE ON THE WEB!

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Upcoming Events

Seminar on the World Development Report 2011
Date: 27 April 2011
Venue: Hague Institute for the Internationalisation of Law
Organiser: HiiL, World Bank, INCAF and the Ministry of Foreign Affairs of the Netherlands.

Security Sector Reform (SSR) and the Rule of Law
Date: 28-29 April 2011
Venue: Leiden University, Campus The Hague
Organiser: Hague Rule of Law Network

Launch Conference: Post-Conflict Justice and 'Local Ownership'
Date: 5-6 May 2011
Venue: Peace Palace, University Leiden Campus The Hague
Organiser: Grotius Centre, University Leiden

Course on 'Inside International Justice'
'From Nuremberg to The Hague: reporting on International Justice'
Date: 23-27 May 2011
Venue: The Hague
Organiser: TMC Asser Instituut and RNTC

The European Union's Shaping of the International Legal Order
Date: 27 May 2011
Venue: University Foundation, Brussels
Organiser: TMC Asser Instituut and the Centre for the Law of EU External Relations (CLEER)

Opportunities

Evidence Management Assistant, Leidschendam, Netherlands (G-5)
The Special Tribunal for Lebanon (STL) - Office of the Prosecutor/Investigations Division
Closing Date: Sunday, 24 April 2011

Legal Coordinator, Voorburg, Netherlands (P-3)
The International Criminal Court (ICC) - Registry/Victims Participation and Reparations Section
Closing Date: Wednesday, 27 April 2011

Legal Officer, Leidschendam, Netherlands (P-3)
The Special Tribunal for Lebanon (STL) - Registry/Victims Participation Unit
Closing Date: Saturday, 30 April 2011

Legal Officer, Voorburg, Netherlands (P-3)
The International Criminal Court (ICC) - Judicial/Pre-Trial Division
Closing Date: Wednesday, 4 May 2011