ADC ICTY TPIY

NEWSLETTER

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ICTY CASES

Cases at Trial

Hadžić (IT-04-75)

Karadžić (IT-95-5/18-I)

Mladić (IT-09-92)

Šešelj (IT-03-67)

Cases on Appeal

Popović *et al.* (IT-05-88)

Prlić *et al.* (IT-04-74)

Stanišić & Simatović (IT-03-69)

Stanišić & Župljanin (IT-08-91)

Tolimir (IT-05-88/2)

Prosecutor v. Mladić (IT-09-92)

On 24 April, the Defence filed an urgent motion seeking to enlarge time due to technical issues within the Tribunal. In the motion the Defence outlined that a lack of assistance in resolving technical problems experienced by the Defence has impacted their ability to meet deadlines set by the Chamber for the preparatory phase of the proceedings. The Defence submitted that the equality of arms needs to be preserved at the Tribunal, as the delays experienced appear to be as a result of priority being given to the Prosecution for technical assistance. The Defence submitted that these problems constitute "good cause" for the Court to enlarge the time prescribed for the filing of submissions under Rule 65*ter* (G), pursuant to Rule 127 of the Rules of Procedure and Evidence. The Prosecution responded by highlighting the substantial delay that would be caused to the proceedings were the motion to be granted and requested a hearing be convened.

On 29 April, an out-of-court meeting was held to discuss the motion. The Court found that the Defence had failed to demonstrate how the technical issues impacted its ability to meet the filing deadlines. However, the Prosecution did not raise any major concerns in having a delay and the Court granted the motion in-part. The Defence case will now start on 19 May, a week later than originally planned.

At the Pre-Trial Conference on 12 May the Court received an update on the Defence's technical issues and discussed various procedural issues, including the disclosure requirements under Rule 67 (A) and the filing of the witness list, which was set for 16 May. The Defence has opted not to have any opening statements and has been assigned 207.5 hours by the Court in which to present its case.

ICTY NEWS

Also in this issue

LOOKING BACK...

International Criminal Tribunal for Rwanda

Ten years ago…

In May 2004, Judge Andrésia Vaz, the Presiding Judge in *The Prosecutor v. Karemera et al.* case, withdrew from the case. The decision was taken to eliminate any doubt about the integrity of the process as she was suspected of being biased by Defence Counsel.

Defence Counsel had previously filed five motions for disqualification, out of which three were aiming to disqualify the whole bench. Three motions were dismissed by the Bureau, composed of ICTR President Judge Erik Møse and Judge William Sekule. Two other motions were dismissed after the resignation of Judge Vaz. In one of the motions the Defence had argued that there was an appearance of bias on behalf of Judge Vaz, by bringing to attention the fact that Dior Fall, a Senegalese Magistrate in the case had resided at Judge Vaz's house upon her arrival in Arusha. This was before Judge Vaz was assigned to the case and before the Trial started.

On 24 May 2004, the two Judges remaining on the bench ordered the continuation of the initial trial with a substitute Judge. The Co-Defendants appealed this decision. On 21 June 2004, the Appeals Chamber sent the question back to the Trial Chamber Judges on the grounds of their failure to allow the parties to present their arguments before pronouncing their decision.

On 28 September 2004, the Appeals Chamber repealed the Trial Chamber's decision and ordered the reopening of the Trial. On 22 October 2004, the Appeals Chamber disqualified the two remaining Trial Judges for having made common cause with Judge Vaz, knowing her relations with a member of the Prosecution. On 24 August 2005, the Prosecutor filed a new amended indictment and the new Trial formally started on 19 September 2005.

Special Court for Sierra Leone

Ten years ago…

In May 2004, the Trial Chamber of the Special Court for Sierra Leone approved a motion by the Prosecution to add "forced marriage" as a new count the indictments against six Defendants suspected of being leaders of the former Armed Forces Revolutionary Concil (AFRC) and Revolutionary United Front (RUF).

The new charge, categorised as "sexual violence", was the 8th out of 18 counts in the indictment. This was the first time that forced marriage was persecuted as a crime against humanity under international law.

The motion of the Prosecution was upheld in two decisions by a 2-1 majority, comprising Judge Benjamin Mutanga Itoe and Judge Pierre Boutet. It was decided that the motions would not prejudice the rights of the Accused since the trial was not in session yet. It was ruled that the new evidence related to gender crimes and will not give advantage to the Prosecution.

The Presiding Judge of the Trial Chamber, Judge Bankole Thompson, dissented from both decisions. He labeled the new charges as prejudicial to the rights of the Defendants to a fair and speedy trial, due to the indefensible delay of the Prosecution.

Premises of the SCSL

International Criminal Tribunal for the Former Yugoslavia

Fifteen years ago…

On 7 May 1999, Zlatko Aleksovski was contained in his indictment on two counts and found guilty on one contained in his indictment. The Judgement was pronounced by Presiding Judge Almiro Simões Rodrigues, Judge Lal Chand Vohrah and Judge Rafael Nieto-Navia. This was the fourth case to be rendered by the ICTY and the seventh sentence.

Aleksovski was found not guilty on two counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute of the Tribunal) by majority of the Trail Chamber. It was not proven that the victims attributed to the Defendant were protected by the meaning of the Conventions.

He, however, was found guilty on violations of the customs of war both as an individual participant and as commander. A sentence of two years and six months imprisonment was imposed by the Trial Chamber.

In his case the application of sub-rule Article 101(D) of the Tribunal's Rules of Procedure and Evidence meant that Zlatko Aleksovski was given credit for time served for a period of two years, ten months and 29 days. Therfore, his immediate release was ordered by the Trial Chamber.

Zlatko Aleksovski was arrested on 8 June 1996 in the Republic of Croatia after an arrest order was issued by the Tribunal. He was arrested by the Croatian police and was transferred to the Tribunal's detention facility in The Hague on 28 April 1997.

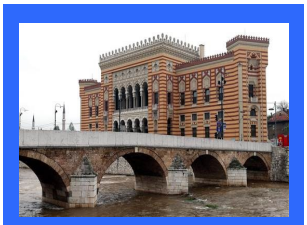
The first indictment was confirmed on 10 November 1995 and included five other Defendants; Dario Kordić, Mario Čerkez, Tihomir Blaskić, Ivan Santić and Pero Skopljak. The first three were trialed separately and the charges against Santić and Skopljak were dropped on 19 December 1997.

NEWS FROM THE REGION

Bosnia and Herzegovina

Landmark War-Damaged City Hall Reopens in Sarajevo

Sarajevo's newly renovated Vijećnica building reopened on 9 May, 22 years after it was badly damaged by Serb forces during the siege of the city.



Vijećnica Building

The iconic building hosts the Bosnian capital's city hall and the national library. It was built in 1896 at the height of the Austro-Hungarian rule. Its distinctive neo-Moorish architectural style pays tribute to Sarajevo's multi-cultural heritage.

In what was one of the great ironies of history, the Vijećnica—originally intended as a celebration of tolerance and the intermingling of cultures—was the last site visited by Archduke Franz Ferdinand moments before his assassination by a Serb nationalist on 28 June 1914, which eventually triggered the outbreak of World War I.

The building's notoriety was cemented some 80 decades later when it was burned down in a Serb shelling attack on 25 August 1992. Around two million manuscripts, books, articles and magazines were lost. The $16 million, 18-year restoration was funded by the European Union, United States Agency for International Development (USAID) and other heritage groups and government bodies. Progress was slowed by painstaking efforts to recreate the original design and by local politics. The reconstructed building will house the national library, the city council and a museum. Bakir Izetbegović, the Chairman of the Bosnian tripartite Presidency, stated that the reopening of the building represented "the triumph of civilisation over barbarism, light over dark, life over death".

Defence Closing Arguments in the Trusina Incident Trial

The Defence for Edin Džeko, former member of the Bosnian Army's Zulfikar Squad currently tried for the execution of six Croats in Trusina, presented its closing arguments on 6 May.

The incident took place on 16 April 1993 in the village of Trusina in the BiH municipality of Konjić. Twenty-two Croats were killed by the Army of the Republic of Bosnia and Herzegovina (ARBiH). The Defence case focused on demonstrating the lack of credibility of key witnesses.

Protected witness "E" testified that Džeko killed an elderly couple in addition to the six Croats. According to other witnesses, however, "E" boasted that he had killed a man and a woman in Trusina himself, and that he had participated in the execution of six Croats. Witness Rasema Handanović pleaded guilty in a previous trial to participating in the execution of six Croats in Trusina and was sentenced to five-and-a-half years in prison. However, the Court has received witness testimonies to the effect that Handanović also committed other murders in Trusina for which she has not been prosecuted.

According to Džeko's Defence, "E" and Rasema Handanović are trying to avoid prosecution for crimes they have committed by blaming on the Accused. The Defence also claimed that the testimony of Protected witness "X", who testified that Džeko killed a woman called Kata Drljo in Trusina, was not credible as "X" was not in Trusina on 16 April 1993. Defence Counsel further maintained that the evidence had shown that Džeko did not murder the elderly couple, and that he left Trusina before the six Croats were killed.

The indictment also charges Džeko with having participated in the unlawful arrest and detention of nine Croat civilians in Donja Jablanića in the second half of 1993. Defence Counsels claimed that the Accused acted under superior orders when three of the victims were arrested, and that there was no evidence that he participated in the arrest of the other. The Zulfikar Squad's base was situated there at the time.

Edin Džeko

Defence Counsel claimed that the Accused acted under superior orders when three of the victims were arrested, and that there was no evidence that he participated in the arrest of the others.

Furthermore, the description of his torturer provided by witness J-2 did not match Džeko's physical appearance at the time. It rather corresponded to that of Džeki, former Commander of the Handžar Division that was stationed in Rogatica at the time.

Request for Making all War Crimes Trials Public

On 6 May, a conference entitled "The Right to Privacy and the Public Interest" was held in Sarajevo to discuss the proposal to make public all war crimes trials and to disclose the identities of perpetrators.

Speakers at the conference claimed that documents of public interest such as war crimes indictments should not be "anonymised". It was suggested that as soon as an indictment is filed and proceedings are launched, the process must become public and the media should be allowed unhindered access to report on the trial. The public will only be excluded where there are legitimate reasons to do so.

The practice of anonymisation, or making public only a suspect's initials in court documents began in March 2012, when it was adopted by the BiH State Court on the recommendation of the Personal Data Protection Agency. The Agency later claimed that its advice has been misinterpreted, but the practice continued. The State Court also restricted the length of the publicly available audio and video recordings from hearings to ten -minute segments, and the state prosecution suspended its practice of publishing indictments.

Serbia

Advisory Council for Bosnia and Herzegovina Claims Republika Srpska Violates Dayton Peace Accords

The Advisory Council for Bosnia and Herzegovina (ACBH) has strongly condemned what is seen as violations of the Dayton Peace Accords on the part of Republika Srpska (RS).

On 17 April, the Government of RS adopted a Decision on Permanent and Temporary Residence that strips Bosnian Americans of their right to vote in RS, guaranteed by their dual citizenship and the Dayton Peace Accords. To retain voting rights in RS one must now provide proof of property ownership, proof of lease and/or an agreement with an employer that they will be residing at a certain address.

While the National Assembly of RS claims the new law would close security gaps, some observers see it as violating Annex 7 of the Dayton Peace Accords: Agreement on Refugees and Displaced Persons. "This law directly threatens Bosnian Americans given that most of them hail from what is now the RS. [...] This would take their right to vote away by the mere fact that for many of them, their pre-war place of residence no longer exists because it has been destroyed or taken", stated ACBH President, Mirzeta Hadžikadić.

According to Annex 7 "[a]ll refugees and displaced persons have the right freely to return to their homes of origin. The Parties shall ensure that [they] are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion". The parties must also repeal discriminatory domestic legislation and administrative practices.

NEWS FROM OTHER INTERNATIONAL COURTS

International Criminal Court

Xia Ying, Intern, Office of the Public Counsel for the Defence, International Criminal Court

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SITUATION IN THE REPUBLIC OF KENYA

THE PROSECUTOR v. WILLIAM SAMOEI RUTO and JOSHUA ARAP SANG

Dissenting Opinion of Judge Herrera Carbuccia on the 'Decision on Prosecutor's Application for Witness Summonses and Resulting Request for State Party Cooperation'

On 29 April, Judge Herrera Carbuccia delivered her dissenting opinion to the Trial Chamber summons decision of 17 April. Though Judge Herrera agreed with the Majority that Article 64 (6) (b) of the ICC Statute allows the Trial Chamber to issue summonses *vis-à-vis* witnesses who are not willing to testify in court voluntarily, she disagreed with the Majority's findings that the Government of Kenya has the legal obligation, pursuant to Article 93 (1) (d) and (l), to enforce such summons. According to Judge Herrera, the Court has no mechanism to make an individual liable for refusing to testify in contravention of a Court order under Article 64 (b) (b).

In Judge Herrera's view, when cooperation from State Parties is required, Article 64 (6) (b) should be interpreted in light of Article 93 (1) (e), which provides that States Parties shall comply with requests by the Court to provide the following assistance: "Facilitating the voluntary appearance of persons as

witnesses or experts before the Court". In her opinion, the history of this provision confirms that the intention of the drafters was to explicitly and solely include the voluntary appearance of the witnesses. Moreover, Judge Herrera noted that the principle of voluntary appearance has been confirmed by ICC Chambers in previous occasions, and stressed that the legal framework as to the voluntariness of witnesses is unequivocal when one reads Article 93 (1) (e). Finally, Judge Herrera warned against the Majority's use of the doctrine of implied powers "beyond what was provided for" in the ICC Statute and reminded that "Trial proceedings must be done respecting the principle of legality, the guarantees of due process, and the rights of the accused to a fair Trial".

Rome Statute

Article 93 (1) (d), (e) and (l)

States Parties shall, in accordance with the provisions of this Part and under procedures of national law, comply with requests by the Court to provide the following assistance in relation to investigations or prosecutions:

(d) The service of documents, including judicial documents;

(e) Facilitating the voluntary appearance of persons as witnesses or experts before the Court;

(l) Any other type of assistance which is not prohibited by the law of the requested State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court.

Extraordinary Chambers in the Courts of Cambodia

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

Case 003 *Amicus Curiae* Filing

On 14 May, Ang Udom and Michael G. Karnavas, Co-Lawyers for a suspect in Case 003 filed a request for leave from the Trial Chamber in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) to file an *amicus curiae* brief, which was attached to the request. The brief contained legal submission on the Statute of Limitation for Grave Breaches of the Geneva Conventions, arguing in favour of a Statute of Limitations of ten years. According to the co-lawyers, the principle of non-retroactivity mandates that the law be applied as it was in 1975-79. At this time, Cambodian domestic law prescribed a statute of limitations of ten years for all felonies, including grave breaches of the Conventions as mentioned in the ECCC Law. Furthermore, there was no legal provision deriving from an international treaty or customary international law to that effect at the time. Since the jurisdiction of the ECCC is confined to acts committed between 17 April 1975 and 6 January 1979, the brief concluded that due to the expired statute of limitations, grave breaches could not be prosecuted as such at the Tribunal.

Fernanda Oliveira, Nuon Chea Defence Team Intern, Case 002

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Case Updates

In Case 002, both the Nuon Chea and the Khieu Samphân Defence teams have devoted their time to preparing for the upcoming trial in Case 002/02 since the Trial Chamber's (TC) decision on the scope of the trial, issued on 4 April. Their work has mainly focused on examining documents and exhibits as well as witnesses' and experts' information that will be included in the lists to be filed soon, in compliance with the TC's complementary order to the above mentioned decision, dated 8 April. The teams have also worked with the Office of the Co-Prosecutors (OCP) and the Civil Party Lead Co-Lawyers to file two joint motions requesting clarification and amendments to some of the procedures for the Case 002/02 trial.

In addition, the Khieu Samphân Defence team has also prepared an appeal against the severance decision for the trial in Case 002/02 in order to protect the rights of the Accused.

The Case 003 Defence has continued to file submissions, classified as confidential by the Office of the Co-Investigating Judges (OCIJ) and Pre-Trial Chamber (PTC), to protect the Suspect's fair trial rights and continues to review publicly available material, since the Case File remains inaccessible to the Defence team.

Similarly, in Case 004, all the Defence teams have continued their attempts to gain access to the Case File while still preparing their clients' defence on the potential case against them by consulting publicly available sources. One of the Case 004 teams has also been pursuing its efforts to recruit more support staff. Furthermore, the Defence Support Section has assigned John R.W.D Jones of the United Kingdom as the foreign Co-Lawyer to join Cambodian Co-Lawyer Bit Seanglim and lead a third Defence team in Case 004.

Special Tribunal for Lebanon

STL Public Information and Communications Section

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

Status Conference in the *Ayyash et al.* Case

On 12 May, the Trial Chamber held a status conference in the *Ayyash et al.* case. The hearing covered the resumption of Trial and Lebanon's cooperation with the STL.

On the cooperation with Lebanon, the Trial Chamber stated that if Lebanon does not have in its possession the material the Sabra Defence is requesting, it should communicate this to the STL.

On the resumption of trial, the Prosecution provided an overview of how they will continue the presentation of the first part of their case. Co-counsel for Merhi stated that the *Merhi case* is large and complex and that this is exacerbated by the *in absentia* circumstances of the case.

Following an adjournment, the Trial Chamber issued an oral ruling, setting the date for the resumption of trial on Wednesday 18 June. The Prosecutor's opening statement of the case against Merhi will be scheduled for 18 June. Counsel for Merhi may then, if they choose, make their own opening statement.

Ayyash et al. Status Conference

The Trial Chamber will then sit on a reduced basis of several days a week until the judicial recess in July, so as to allow more free time for counsel for Merhi to prepare. The Trial Chamber will re-assess this sitting schedule in July. Counsel for Merhi had asked not to resume the proceedings before end of September 2014.

Contempt Cases

The initial appearances in the contempt case against NEW TV S.A.L. and Karma Tahsin Khayat, Deputy Head of News and Political Programmes Manager at Al Jadeed TV, opened on 13 May. Karim Khan QC represented both NEW TV S.A.L. and Khayat. Counsel said that "for the first time in legal history, a legal entity has been charged as opposed to a natural person like Khayat". Dmitry Khodr, appearing on behalf of Al Jadeed, entered a plea of not guilty on behalf of the news corporation.

Contempt Judge Nicola Lettieri, gave Khayat leave to address the court before entering a plea. The Accused read a statement saying "I am here before you in order to confront charges that touches my core principles and the core principles of international journalism. Searching for the truth, seeking information is a sacred right for the press and journalists in accordance with all international instruments and governance that guarantee the rights and freedom of rights and human rights". She claimed that the source of the information that was published is the STL. Khayat then entered a plea of not guilty.

The *Amicus Curiae*, Kenneth Scott, indicated during the hearing that his team would disclose materials supporting the indictment by 14 May and witness statements and transcripts by 30 May. The Amicus noted that Rule 90 of the STL's Rules of Procedure and Evidence provides that preliminary motions dealing with matters of jurisdiction or challenging alleged defects in the form of the indictment be submitted in formal written submissions.

The Contempt Judge invited "any interested party, such as media organisations, non-governmental organisation, or academic institution to file an Amicus Curiae brief on the issue of the Tribunal's jurisdiction [...] by 30 May 2014. They may not exceed 3.000 words". He granted an extension for filing preliminary motions until 16 June.

The initial appearance of Akhbar Beirut S.A.L. and Ibrahim Mohamed Al Amin opened before the Contempt Judge in the absence of the Accused. Upon the Judge's request, Deputy Registrar Amelie Zinzius spoke about the sequence of communications between Al Amin and the Registry. Head of the Defence Office François Roux presented the observations of the Defence Office regarding the appearance of an Accused in contempt cases. Roux indicated that Al Amin needs to be given time and requisite facilities to properly mount a defence.

Karim Khan QC

Judge Lettieri appreciated the efforts to assist Al Amine in the appointment of lawyers and raised the option of a video-conference for the initial appearance. The Contempt Judge ordered the initial appearance of Al Akhbar and Al Amin for 29 May at 9:30 (CET).

DEFENCE ROSTRUM

The Fourteenth Defence Symposium

By Lucy Turner

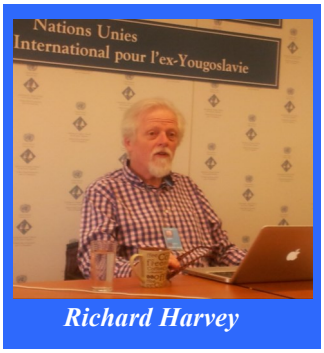
The ADC-ICTY hosted its fourteenth Defence Symposium on 6 May, featuring Karadžić's Stand-By Counsel Richard Harvey. The symposium focused on the intersection between Human Rights and International Criminal Law. Such a broad topic allowed scope for discussion of a breadth of issues, including the role of Defence Counsel within the Tribunals, rules governing the admissibility of hearsay evidence, the presumption of innocence and the efficacy of Tribunals in resolving conflict and reinstating peaceful relationships, all interconnected by anecdotes and insights from Harvey's own professional experience.

As part of the introduction Harvey took a wider look at international law, and commenced the discussion by acknowledging some of its accomplishments. Remarking on the notion of international covenants, Harvey recalled how his classmates had thought that international criminal law could not possibly exist or function as there could never be adequate consensus and cooperation between states, or a court for addressing disputes. In these respects, at least, international law has so far been successful.

Harvey suggests that international law be conceived of as an evolving system, always to be adjusted and modified by the lawyers working in the field.

Harvey continued to explain that whilst most states have committed themselves to honour principles of basic human rights to some extent, at least in principle, countries that find or claim themselves to be under threat of terrorism or conflict have been quick to jettison these principles. Reminiscent of Guantánamo Bay Naval Base's improbable motto "Honour bound to Defend Freedom", this intrusion of the state on human rights is often conducted in the name of the very rights they are eroding. The examples given of McCarthyism, Northern Ireland and Gezi Park demonstrate that this is neither a recent nor an obsolete phenomenon. And if the highest national courts can fall short of the UN's standards under pressure, Harvey avers, what about the UN's own courts?

In examining the importance of maintaining Human Rights in the Tribunals, Harvey turns to exploring what exactly the Tribunals seek to achieve. He quotes former ICTY President Antonio Cassese, who stated that "Justice is an indispensable ingredient of the process of national reconciliation. It is essential to the restoration of peaceful and normal relations between people who have lived under a reign of terror. It breaks the cycle of violence, hatred and extra-judicial retribution. Thus peace and justice go hand in hand". Fairness and justice, and ipso facto human rights, then, are essential to a peaceful society.



Richard Harvey

In identifying a perceived problem with international Tribunals Harvey stated that the presumption of innocence of the Accused is one of the hardest rights to guarantee. When courts gather legal professionals from varying jurisdictions, there arises a tension between the approaches of judges from civil and common-law jurisdictions, and judges can vary in their positions towards a true presumption of innocence once an indictment has been confirmed, and similarly vary in the reliability they attribute to witness statements. Harvey stated that it would be deeply disconcerting for a Defendant to be convicted when the case would fail in a national jurisdiction. Harvey continued that when war crimes have occurred and victims and media demand justice, it can be difficult to ensure that the presumption of innocence prevails.

The discussions returned to the existence and purpose of the Tribunals themselves. Having already recounted anecdotes of unresolved resentments and disharmonious feelings in the Balkans, and remarking that the problems and "cycles of violence" of former Yugoslavia cannot be considered "resolved" by the ICTY, Harvey continued discussing the efficacy of the tribunals in relation to its broader goals.

What is it that the ad hoc Tribunals seek to achieve - peace, justice, truth, resolution or "closure" for the victims? Harvey commented that in his time working in international law he has seen victims both traumatised and consoled by the process of testifying, referring to the idea of "closure". Harvey states that sometimes it seems that a judgement handed down thousands of miles away, about crimes committed decades ago, can understandably have very little forbearance to the lives of the groups affected. And what of peace: can we say that the ICTY has broken the "cycle of violence" and conflict in the region, as Cassese seemed to say it ought? Harvey said he does not think so just yet.

The subsequent discussion turned to Harvey's own case, the Karadžić case, specifically Karadžić's decision to self-represent, and whether there is a conflict between the right to self-represent and the rights of the witnesses. For example, if the self-representing Defendant has directly violated a testifying witness in some way, how soluble is the tension between the two parties' competing rights, and the fairness of the Trial? It is up to the Court to decide, though Harvey suggests that perhaps the Counsel for the Defendant ought to conduct the questioning in such cases.

Harvey turned to the topic of South Africa's Truth and Reconciliation Commission (TRC), and invited the audience to reassess what justice might entail. The Commission was established in 1995 with a mandate to determine the underlying causes of apartheid in South Africa, rather than to punish past crimes. Asking what it is we mean when we say we should establish "the truth", and whether that is what victims need, the presentation turns to Albie Sachs, former Judge at the Constitutional Court of South Africa and jurist on the TRC.

One of the products of the Commission was the four categories of truth: Microscopic or forensic truth, the kind that is sought by lawyers and seeks to determine each precise detail of every incident; Personal or narrative truth, which focuses of personal accounts of events and acknowledges that a person's experience of events, "however flawed with forgetting", leave an enduring effect on the person; Social truth, which refers to a communal truth that can be established through multiple narratives, discussion and debate, and gives rise to a societal truth; and finally reconciliatory or healing truth, which, again predicated on the notion that no single narrator is privy to the objective truth, is a communal public truth which exposes past events and raises public awareness of the atrocities. In addition to this, Harvey referred to the concept of

Ubuntu, a Nguni Bantu term that can be translated as "human-ness" or "humanity towards others", but is used philosophically to denote a universal bond that connects all people, and, as Harvey phrased it, that a person is a person through other people. Harvey explains that he sees relevance of this idea to the latter categories of the TRC's divisions of truth and to societies attempting to recover from conflict. He suggests that this complex process of reconciliation requires this acknowledgment of inherent humanity, which is, ultimately, many miles away from the courtroom as we currently understand it.

In concluding remarks Harvey posits that Western Europe's and the United States' notions of justice are not exhaustive of the possible approaches to conflict resolution reconciliation, and are not the only methods by which conflict between communities and injustice can be remedied. Furthermore, genuine justice should not be short circuited in the pursuit of convicting those already considered guilty by the Prosecutor and the press, as without fairness and perceived fairness, the process only inflames conflicts between communities.

United Kingdom War Crimes in Iraq

By Dilyana Apostolova

On 10 January, Birmingham - based law firm Public Interest Lawyers (PIL) and German NGO European Centre for Constitutional and Human Rights (ECCHR) submitted to the ICC-OTP a 250-page communication alleging systematic detainee abuse amounting to war crimes on the part of the UK armed forces in Iraq in the period between 2003 and 2008. On 8 May, a panel discussion on the communication was held under the auspices of Leiden University (Campus Den Haag). Panelists for the discussion were Phil Shiner and Wolfgang Kaleck, human rights lawyers and founders of PIL and the ECCHR respectively, and Joseph Powderly, Assistant Professor of Public International Law in the Grotius Centre for International Legal Studies.

The focus of the panel discussion was on presenting the gist of the communication, the available evidence, the applicable international legal norms and the history of the attempts to hold UK civilian and military authorities to account. Special attention was given to the principle of complementarity and the likelihood of its being used to prevent a thorough investigation and prosecution by the International Criminal Court (ICC).

The communication was filed under Article 15 of the ICC Statute and requests the OTP to launch a preliminary investigation into the matters discussed therein and to submit a request for the authorisation of a fully-fledged investigation to the Pre-Trial Chamber. This is not the first communication of this kind. In February 2006 the ICC-OTP declined to open a preliminary examination of communications regarding the conduct of the British forces in Iraq. The OTP concluded that there was reasonable basis to believe that war crimes had been committed; however, the gravity threshold had not been met as there were fewer than 20 allegations, making the case inadmissible before the ICC. However, the Prosecutor pointed out that this conclusion could be reconsidered in the light of new information.

Meanwhile, domestic inquiries into these issues have been few and far between. One low-ranking soldier, Corporal Donald Payne, pleaded guilty to inhumane treatment of detainees and was sentenced to one-year imprisonment by a court-martial. Six other soldiers were acquitted. The Iraq Historic Allegations Team, a body set up by the UK Ministry of Defence, is currently looking into 52 complaints of unlawful killings and 93 allegations of mistreatment. Despite all this, there has been a marked unwillingness to prosecute politicians or senior civil servants and military personnel. Crucially, a number of domestic judicial review proceedings have been launched, resulting in the UK Government making available a massive amount of documentation that forms the bulk of the evidence supplied with the latest ICC communication.

The 2014 communication presents and analyses facts that have been uncovered since 2006. 85 representative cases have been chosen by PIL and the ECCHR out of more than 400 witness testimonies alleging grave mistreatment. The allegations are supported by an overwhelming mass of supporting evidence, such as witness statements and accounts of Iraqi victims and documentation supplied by the UK Government.

The communication alleges numerous incidents of willful killing, inhuman treatment and torture of Iraqis in UK custody. Some of the interrogation methods allegedly employed by British military personnel include hooding, sensory and sleep deprivation, food and water deprivation, physical assaults, electrocution, mock executions, sexual assault, forced nakedness, religious and cultural humiliation and threats to the safety of the detainees' families and friends. The scale and number of victims and the geographical and temporal scope of the crimes are significantly larger than in the 2006 communication. Clear patterns emerge of identical interrogation techniques being used in a systematic and widespread manner throughout UK detention facilities in Iraq, with a number of the coercive interrogation techniques forming part of the official training manuals of British military personnel. The evidence implicates a number of persons all the way up the UK Army's chain of command, including former Secretaries of State for Defence and Ministers for the Armed Forces Personnel.

In the light of all this, the authors of the communication believe that the ICC's gravity requirement has been clearly met this time, and that any decision other than the opening of a preliminary examination would be arbitrary. Whether the OTP will then proceed with a full investigation will depend on a number of political considerations, as well as on the OTP's assessment of the complementarity principle and the UK's willingness and capacity to prosecute the matters domestically. Powderly said he believes that the communication presents the ICC with a chance to make a statement of dramatic impact that would generate significant media response and would defy criticisms that the Court is following the policy line of the major contributors to its budget. According to Shiner, even if the ICC opens an investigation, prosecution of senior political figures is unlikely as there is "not a shred of evidence" linking the political establishment to the events in Iraq: "Modern democracies leave no marks".

On 13 May, the ICC announced its decision to conduct a preliminary examination into around 60 alleged cases of unlawful killing and more than 170 instances of mistreatment. While British Defence officials believe that the OTP will not proceed to launch a formal investigation as the UK is capable of looking into the matter domestically, the announcement remains an event of historic proportions. The UK has become the first western state to face ICC scrutiny and has joined other countries currently under preliminary investigation such as the Central African Republic and Afghanistan.

Kaleck considers the launching of the ICC examination "a milestone for Iraqi victims and international criminal law" and a step towards the elimination of double standards and the "sense of impunity" among western states. Whatever the results of the preliminary examination, it is hoped that further cooperation between the ICC-OTP and the UK judicial system will serve as an example of positive complementarity in the investigation and prosecution of international crimes.

The Potential Legacy of the Kampala Compromise on Aggression for Statesmanship

By Molly Martin

The 2010 Review Conference of the Rome Statute of the International Criminal Court in Kampala, resulting in the so-called Kampala compromise – the amendments to the Rome Statute relating to the crime and acts of aggression – has been lauded as a watershed moment in International Criminal Law and the prohibition on aggression. However, various aspects of the compromise have been much criticised and the full value of such optimism and criticisms will only be seen if and when the amendments are ratified and enter into force. Though the aggression amendments adopted at the Kampala Conference attempt to meet Robert Jackson's vision above by formalising the mechanism for criminal enforcement on the prohibition on acts of aggression, they may fall short of his lofty aims to affect statesmanship as a result of their ambiguities and their failure to close enforcement gaps.

Indeed, the rhetoric of aggression has been invoked by many in response to Russian intervention in the crisis in Ukraine in recent months. However, the crisis and instability seem to be continuing despite claims of acts of aggression committed by Russia. This makes sense as the rhetoric is currently, and in particular in the Ukraine scenario, toothless: the aggression amendments, if and when they enter into

force, will not apply retroactively; and the restrictive jurisdiction requirements for the crime of aggression mean that both the aggressor State and the invaded State must be Parties to the Rome Statute or referred by the Security Council, which Russia would surely veto. Thus, with regard to Russian acts of aggression in Ukraine, the language of aggression is, if anything, useful as a rhetorical political tool, but does not offer an opportunity to test the aggression amendments or their effect on statesmanship because there is no potential applicability.

The result of the many compromises made and provisions agreed upon at Kampala was a set of amendments on aggression that have inspired some optimism, some ambivalence, and considerable criticism. Interestingly, much of the criticism focuses on unanswered questions and ambiguities in the amendments themselves, perhaps a legacy of the Rome Conference, where consensus on a definition of aggression was unachievable. However, the final effect of the Kampala amendments on statesmanship remains elusive: unanswered and apparently unexplored. There are several possible explanations for this dearth of exploration. The obvious answer is that the Court has no potential for jurisdiction over crimes that occur until one year after the amendments are ratified by thirty State Parties, so any impact seems remote, as only eleven States have ratified to date. Despite some optimism, the response to the amendments seems to be lukewarm at best and this lack of confidence makes ratification and entry into force appear even more distant. Another explanation is that in part because of its close ties to the Security Council, the amendments may not actually change the landscape of statesmanship because the Security Council has independent authority to take action where it determines an act of aggression.

The creation of the ICC itself represented a ceding of sovereign authority by States, a result that surely impacts the practice and psychology of statesmanship. Because jurisdiction for genocide, crimes against humanity, and war crimes does not require, like the new aggression amendments do, that all parties involved be State Parties, this impact might even have been felt by non-State Parties, aware that their nationals might be subject to the jurisdiction of the Court despite their non-ascension to the Court. However, this ceding occurred at the time of ratification, or entry into force, of the Rome Statute, not subsequent to the adoption of the aggression amendments. Indeed, even if and when the amendments are ratified by thirty Parties and ratified for activation, it seems unlikely that there will be a significant change in States' behaviour.

This is because the compromises made on the implementation and jurisdictional elements, requiring States first to opt in and later not to have opted out to be available for prosecution in the absence of a Security Council referral under Article 15*ter* leaves States free to exclude themselves from the effects of such amendments without withdrawing from the Court overall. This freedom stems both from the opt-out provision in Article 15*bis* (4) and from the Kampala compromise to pass the amendments via Article 121 (5), rather than Article 121(3), which would be applicable to all State Parties after ratification by seven-eighths of the State Parties, regardless of whether the State in question was one of the ratifying States. To date, the Security Council has only referred two situations to the Court, those in Sudan and in Libya, and has never actually determined an act of aggression. This makes the potentially far-reaching applicability of the amendments through a Security Council referral far less credible.

Further, even if the risk is deemed significant, the Security Council already has the power not only to determine acts of aggression, and threats and breaches of peace, but also to take various actions, both forcible and not, under Chapters VI and VII of the United Nations Charter. As has been seen both in the former Yugoslavia and Rwanda, these actions for enforcing and maintaining peace and security can include creation of judicial mechanisms and criminal liability with prison sentences. So, although the looming threat of prosecution by the ICC may be more visible and permanent, it is not necessarily true that it has created an entirely new threat of oversight and enforcement that might dissuade would-be aggressors. It is also difficult to establish whether a deterrent effect exists regarding international crime.

Finally, there has been apt criticism of the amendments for contemplating only acts of aggression by States, rather than more inclusively addressing acts by non-State groups, which are increasingly involved in international criminal behaviours, including many which might otherwise be crimes of aggression. If the presumption that non-State actors are as likely or

more than States to commit acts and crimes of aggression to be validated, then not only does this further marginalise the utility of the Kampala amendments and their impact on statesmanship, but also serves to exacerbate and reinforce an already existing international enforcement gap for terrorist groups and other non-State actors. However, a broad reading of acts of aggression in Article 8*bis* (2) could enable prosecution of State-sponsored terrorism, but this neither solves the lack of deterrent effect for such offenses nor addresses the impunity gap for the non-State actors.

The Kampala compromise may have been a success in reaching consensus on a controversial topic and in giving shape to a crime impotent but already included in the Rome Statute, but choices made in furtherance of that compromise have undoubtedly resulted in many ambiguities and shortcomings that threaten to prevent the amendments on aggression from being ratified and entering into force. The resulting compromise risks not entering into force, promises inconsistent applicability, and does not go far enough in providing an alternative to Security Council enforcement mechanisms. As a result, there is unlikely to be a corresponding change in the psychology of statesmanship, even when they enter into force.

While it is arguable whether Robert Jackson's assertion that the promise of prison is an effective deterrent of behaviour, when it comes to the Kampala amendments, they lack the consistency and novelty to provide a new deterrent mechanism and change State conduct. However, refusal to make any of these compromises would have compromised the entire amendment, defeating the consensus that was laudably achieved. Rather than having an imperfect and ambiguous set of amendments, there would likely be no amendments on aggression at all, at least until the next review conference. As such, although the amendments fail to live up to Robert Jackson's lofty aims regarding statesmanship, as far as international criminal law and accountability are concerned, this is a solid start.

ICC Premises in The Hague

Supporting references and additional analysis of the legal framework of the amendments are available with the author.

The Decision of the Court of The Hague on the Execution of the ICC's Request for Judicial Assistance

By Michelle Gonsalves

On 6 August 2013, the ICC Office of the Prosecution (OTP) requested judicial assistance from the Netherlands in obtaining telecommunication of several phone numbers for the period of 1 October 2013 until 23 November 2013, to further the criminal investigation of Legal Counsel in the case against Jean-Pierre Bemba Gombo before the ICC. The criminal investigation concerns two Defendants, Aimé Kilolo Musamba, Lead Counsel for Bemba, and Jean-Jacques Mangenda Kabongo, member of the Bemba Defence Team. Bemba is on trial for crimes against humanity and war crimes at the ICC. During the investigation against Bemba it has been submitted that the Accused has influenced witnesses to give false statements and has contacted witnesses in his criminal trial. It is alleged that Bemba has used the phones of his Legal Counsel to contact witnesses and that Legal Counsel has delivered payments to witnesses. On 28 April, the Court of The Hague found that the Prosecutor could provide the ICC with the taped conversations and the 'documents of evidence' (stukken van overtuiging) seized during the search.

Article 48 of the Rome Statute sets out the privileges and immunities afforded to ICC staff, while Article 48 (4) of the Rome Statute provides that Counsel "shall be accorded such treatment as is necessary for the proper functioning of the Court". Article 18 of the Agreement on Privileges and Immunities before the ICC (APIC) defines and expands the immunities and

Rome Statute

Article 48 (4)

Counsel, experts, witnesses or any other person required to be present at the seat of the Court shall be accorded such treatment as is necessary for the proper functioning of the Court, in accordance with the agreement on the privileges and immunities of the Court.

privileges to which Counsel are entitled. Thus, under Article 18 APIC, Counsel is entitled to, *inter alia*, "immunity from legal process of every kind in respect of words spoken or written and all acts performed in his or her official capacity".

Kilolo submitted that the Netherlands, in executing the ICC's request for judicial assistance, violated his immunity and the principle of legitimate expectations. According to Kilolo, Lead Counsel of a Defendant before the ICC has absolute immunity based on Article 25 of the Head Quarter's Agreement between the ICC and the host State (hereinafter: Head Quarter's Agreement). Additionally, Kilolo and Mangenda submitted that it was unclear whether immunity had been revoked in time, and whether immunity was revoked only for the arrest or also for the searches and seizures executed by the magistrate.

The ICC Prosecutor adduced that the Head Quarter's Agreement can only be applied to Dutch criminal cases. She further maintained that different standards apply in case of implementation of requests for judicial assistance from the ICC. In the present case, the institution granting and revoking immunity for the Defendants is also the institution that has requested judicial assistance. Therefore, it is the ICC that will decide on the immunity of the Defendants. Moreover, the Defendants, in the capacity of Legal Counsel, do not enjoy absolute immunity. Since the international principle of trust is applicable the Court will not question the ICC regarding the question of immunity.

There does not seem to be a clear English translation for "vertrouwensbeginsel". The international vetrouwensbeginsel means that a State, on account of a request for judicial assistance, should trust in the judicial procedure of the requesting party. The Court stated that the international vertrouwensbeginsel is applicable to the relation between the Netherlands and the ICC. Therefore, the Dutch judge will not examine the request for judicial assistance from the ICC, as it is not for him/her to decide on whether or not the immunity of the Defendants was revoked before the start of the search and seizure. The Court further stated that the Dutch judge may trust in the judgement of an international judicial institution as it guarantees impartiality and independence. Thus, the Netherlands is bound to operate based on the presumption that the ICC has adequately applied its own law, including the law on immunities before the ICC. The Court concludes that ICC procedures may only be examined by the Dutch judge in case of a (imminent) violation of a right included in the European Convention for Human Rights (ECHR). This has not been the case in the decision at hand.

The Court concludes by addressing the right of the Defendants to refuse to answer questions in their capacity of Legal Counsel (verschoningsrecht) Bemba Dutch case law dictates that the right to refuse to answer questions is not absolute. Moreover, the Court has held that in extraordinary circumstances the need to uncover the truth can prevail over the right to refuse to answer questions. Such an extraordinary case is the case where Legal Counsel is under suspicion of having committed a serious criminal offence, e.g. influencing witnesses. In line with the international vertrouwensbeginsel, the Dutch authorities are obliged to trust the ICC's suspicion that a serious criminal offence has been committed by Counsel for Bemba. Additionally, based on the suspected serious criminal offence, requests for judicial assistance were made and the Netherlands has to comply with the requests for cooperation. Therefore, the Court agrees with the Prosecutor that the authorisation to intercept telephone conversations was lawful and that the searches and seizures were lawfully executed.

Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Jean-Pierre Bemba Gombo

In the present case, the ICC had clear suspicions regarding the actions of the Defendants. However, those suspicions will not be examined by the domestic Court. As the State has to execute the requests for assistance from the ICC under Article 93 of the Rome Statute it may set a dangerous precedent if the na-

tional courts cannot examine the decisions of the ICC when assistance from the State is requested. The right to refuse to answer questions for Legal Counsel should certainly not be absolute, and in those cases where Legal Counsel has committed serious offences they should not escape punishment. On the other hand, the confidentiality between a lawyer and his client is an important part in the Defence case and an examination by a domestic court may be prudent where there is a request for search and seizure.

European Union to open Kosovo War Crimes Court in 2015

By Kristina Belić

Plans for a Kosovo Tribunal are underway by the European Union for the upcoming year. The Tribunal is planned to focus on crimes committed during the war with Serbia, by Kosovo's ethnic Albanian rebels in the Kosovo Liberation Army (KLA).

The opening of such a Tribunal, which would be funded by the European Union, is controversial for a number of reasons. For one, the support of the West is troublesome because it would equal an admission of failure for the western nations that supported the independence movement of Kosovo Albanians from Serbia. This shows that they failed to exercise oversight to hold their allies accountable for crimes they were committing during the war. These crimes alleged include organ harvesting and trafficking and the disappearance of over 400 people, mainly Kosovo Serbs.

The ethnic Albanians occupying political seats in Kosovo's government are faced with a conflict with this Tribunal because if they do not agree to have it set up, they weaken their own claim to legitimacy and statehood.

There has been criticism expressed as well as outright anger against the notion of such Tribunal from, among others, several former KLA members. This is significant insofar as many of these same persons hold important positions of power in the civilian governmental structures of Kosovo. Thus, their cooperation with the Tribunal on the one hand would be required and yet on the other hand, would seem unlikely, or at the very least, reluctantly provided.

Kosovo's president, Atifete Jahjaga, has stressed that “this process is focused on individuals, and is not a judgement of the country's collective efforts for liberation”.

Another problem that is facing the establishment of such Tribunal is that there is a split amongst EU Member States as to whether and how to support the Tribunal. Certain states such as Spain, Greece, Slovakia, and Romania, have been reluctant to support the fledgling Tribunal for fear that such support would negate their stance on non-recognition of Kosovo's independence. The argument advanced is that support of the work of the Tribunal infers indirectly that these states recognise the legitimacy of the local government and laws of Kosovo.

The Serbs in Kosovo, along with other Serbs, readily welcome this Tribunal. It projects to the outside world that the Serbs were not guilty of everything that happened in Kosovo and Metohija during the war, while allowing the Kosovo Albanians to finally be held accountable for their crimes.

This is all taking place on the European Union Rule of Law Mission in Kosovo’s mandate (EULEX), which is set to expire this summer. Kosovo Albanian leaders are keen to demonstrate their capability to exert full control over the Kosovo justice system in a fair and acceptable manner themselves, thereby moving forward in their own desires of legitimising their authority. The symbolic seat would be placed in Priština, but all of the actual proceedings would take place in The Hague, the Netherlands.

Given all this uncertainty, it remains to be seen what will become of this Tribunal and how successful it will be in the eyes of the public. The failure to recognise the serious concerns of the criminal and terrorist elements of the KLA when negotiating an end to the Kosovo war in 1999 are proving to be a continuing dark mark of the West's initial support for Kosovo's independence.

ADC-ICTY Bowling Event

By Laura Burmeister

On 2 May, the ADC-ICTY organised a disco bowling event for members of the Executive Committee and the Head Office. The team met at the bowling centre in Scheveningen where two lanes, some wine and an evening of great fun were waiting. Everyone, although some had no experience in throwing a few kilo bowling ball down an 18 meter long wood lane to hit ten bowling pins, enjoyed the evening out of the office.

Some individuals appeared to have a history of professional bowling experience, as they were scoring one strike after another. As the evening went on, however, and the wine kept coming, the outstanding performance somewhat declined. On the other hand, it seemed the wine enabled some people to aim more precisely and increase their success rate, even scoring a strike here and there.

As the event was such a great success and provided the team with some quality time to get to know each other out of the usual working hours, everyone is looking forward to the next social event.

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This new category is aimed at young practitioners, scholars, students and interns that have an interest in the ADC-ICTY and its activities. By becoming an ADC-ICTY affiliate member, young professionals will have the chance to stay in touch with fellow colleagues and friends, participate in monthly seminars, trainings and field trips, take part in the ADC Mock Trials and advocacy trainings, and remain part of the ADC-ICTY's larger network.

Members will receive the biweekly ADC-ICTY newsletter and are invited to contribute to its Rostrum section. Moreover, the ADC-ICTY will be sending monthly information on job openings and events in the field of international (criminal) law.

Membership fees are **70 Euros** per year. A reduced rate of **30 Euros** per year is available for students and unpaid interns.

For more info visit:

http://adc-icty.org/adcmembership.html

or email:

iduesterhoeft@icty.org

ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE ICTY

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For further information, please contact adcicty.headoffice@gmail.com

BLOG UPDATES AND ONLINE LECTURES

Blog Updates

Julien Maton, **Hackers Groups And Enforcement Of The Law Of Armed Conflict,** 5 May 2014, available at: http://tinyurl.com/lyx3xfq.

Reka Hollos, **ICC Dismisses Communication Purporting to Accept Jurisdiction over Egypt,** 5 May 2014, available at: http://tinyurl.com/ptckch9.

Rosalind English, **Serious Fraud Trial Abandoned because of Cuts to Legal Aid for Defence Representation,** 6 May 2014, available at: http://tinyurl.com/koabf3f.

Peter Dixon, **Administering Justice at the ICC: New Developments in Court's first Article 70 case (Bemba 2),** 9 May 2014, available at: http://tinyurl.com/nhepuf6.

Online Lectures and Videos

"Beyond the UN Guiding Principles: Strategies to Improve Corporate Compliance with Human Rights", by Justine Nolan, published on 30 April 2014, available at: http://tinyurl.com/m7xck4y.

"*Designing Systems and Processes for Managing Disputes",* published on 5 May 2014, available at: http://tinyurl.com/mx7uoc3.

"*Forging an Open Legal Document Ecosystem",* The Stanford Center for Legal Informatics published on 7 May 2014, available at: http://tinyurl.com/me2or63.

"Imagining Global Health with Justice", by Lawrence Gostin, Richard Ashcroft, Emily Jackson, published on 10 May 2014, available at: http://tinyurl.com/myjt8pq.

PUBLICATIONS AND ARTICLES

Books

Andrew Clapham and Paola Gaeta (2014), *The Oxford Handbook of International Law in Armed Conflict,* Oxford University Press.

Leena Grover (2014), *Interpreting Crimes in the Rome Statute of the International Criminal Court,* Cambridge University Press.

Nicola Monaghan (2014), *Criminal Law Directions,* Oxford University Press.

Conor McCarthy (2014), *Reparations and Victim Support in the International Criminal Court,* Cambridge University Press.

Articles

Kirsten J. Fisher (2014), "Purpose-based or knowledge-based intention for collective wrongdoing in international criminal law?", *International Journal of Law in Context,* Vol. 10, No. 2.

Nikolas M. Rajkovic (2014), "Rules, Lawyering, and the Politics of Legality: Critical Sociology and International Law's Rule", *Leiden Journal of International Law,* Vol. 27, No. 2.

Lydia A. Nkansah (2014), "Justice within the Arrangement of the Special Court for Sierra Leone versus Local Perception of Justice: A Contradiction or Harmonious?", *African Journal of International and Comparative Law",* Vol. 22, No. 1.

CALL FOR PAPERS

The **International Society of Public Law** has issued a call for papers for its "Rethinking the Boundaries of Public Law and Public Space" conference.

Deadline: 31 May 2014 More info: http://tinyurl.com/pkwtcjp.

The **German Yearbook of International Law** has issued a call for papers in any topic related to Public International Law.

Deadline: 22 September 2014 More info: http://tinyurl.com/m893w5j.

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Any contributions for the newsletter should be sent to Isabel Düsterhöft at iduesterhoeft@icty.org

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The ADC-ICTY would like to express its appreciation and thanks to Kristina Belić for her hard work and dedication to the Newsletter. We wish her all the best in her future endeavours.

EVENTS

Rethinking Culpability through the Impunity Gap

Date: 22 May 2014

Location: T.M.C. Asser Institute

More info: http://tinyurl.com/mpgrj2j.

Atrocity Crimes Year-In-Review Conference 2012-2014

Date: 30 May 2014

Location: Special Tribunal for Sierra Leone (STL), The Hague

More info: http://tinyurl.com/l6bealf.

Conference on the 21 Century Borders: Territorial Conflict and Dispute Resolution

Date: 13 June 2014

Location: Lancaster University, United Kingdom

More info: http://tinyurl.com/krwmqq9.

OPPORTUNITIES

Associate Victims Expert (P-2), The Hague

International Criminal Court, Office of the Prosecutor

Closing date: 1 June 2014

Human Rights Officer, (P3),Geneva

Office of the High Commissioner for Human Rights

Closing date: 3 June 2014

Assistant Situation Analyst (P-1), The Hague

International Criminal Court (ICC), Office of the Prosecutor

Closing date: 5 June 2014

Associate Programme Officer, (P2), Bonn

United Nations Environment Programme

Closing date: 16 June 2014