



NEWSLETTER JANUARY/FEBRUARY/MARCH 2005

REF: ISMLLW 148 E

EDITORIAL

Dear member,

Once again we are able to offer you a newsletter, which also reports on national evolutions in the field of military law and international humanitarian law. This time the spotlights are for example on the Aviation Security Act in Germany. Certainly our association is meant to serve as a forum for information exchange among its members. The recent communications inquiry that was held among our members has learned the General Secretariat of the existence of a strong demand as regards information on national evolutions and of an unsatisfactory offer via the Society in this regard. Therefore I will draw the Managing Board's attention to this demand at its next meeting in Fribourg (Switzerland) from 14 to 16 April 2005. The Managing Board should search for and elaborate a solution that will guarantee a continuous, supple and complete information flow (regarding all national evolutions as to military law and international humanitarian law) from the Countries from which we have members to the General Secretariat. Such information flow should feed our newsletter in a for the members satisfactory way. You are invited to suggest solutions to the Managing Board by e-mail addressed to our Assistant Secretary-General, Mr. Alfons VANHEUSDEN (soc-mil-law@scarlet.be) before 10 April 2005.

Ludwig VAN DER VEKEN
Secretary-General

RESULTS OF THE COMMUNICATIONS INQUIRY

Dear Members of the Society,

As you know a questionnaire has been sent recently within the framework of a communications inquiry for the Society. We would like to inform you of the results of this inquiry and of the communications advice we have given to the Society.

The development of the communications advice is based on various aspects. As far as the daily management of the Society is concerned, we did not know how the current means of communications towards the members were valued and assessed by the members. Means have been improved recently like the website and the introduction of a digital newsletter. The Communications Concept has been recently developed and approved. After such adjustments in the field of communications it is now time for feedback information.

In addition to an advice on the internal means of communications, the advice has also focused on external communications of the Society, like communications with related organisations. Part of the communications advice is based on the results of the inquiry. As members you have had the opportunity to express your opinion about the current means of communications and your need for information. You have also had the opportunity to make suggestions for the Society in the field of the newsletter for instance, your need for information, communications from the National Groups and the website.

The conclusions of the inquiry that are most relevant to you will be submitted to you. Firstly generally speaking the digital newsletter seems to have been assessed in a positive manner. Both in terms of substance and appearance the newsletter appeals to you. There seems to be a demand for more information and news on developments in the field of military and humanitarian law in the various countries the members of the Society come from. To be in a position to reach this goal as Society your contribution as member is undoubtedly indispensable.

The inquiry has revealed that the website of the Society does not meet your wishes and expectations in many respects. Among them we can mention the layout, the information on the website, the part reserved for the members and the updates. A separate sitescan has also pinpointed a series of items open to improvement. The Society has received a list of hints and proposals it can use to adapt the website. We hope that our advice can help the Society to easily and quickly proceed with the adjustments and to gain insight of standard functions and possibilities of a website.

You have pointed out in the inquiry that you would like to be informed of activities and news of the various National Groups. At the moment the results of the inquiry have revealed that you think you do not know and hear enough about the National Groups. In this respect the initiative lies with the members of the National Groups. Members of the Society outside your National Group would like to know and hear more about you.

We insist on thanking you for your participation in the inquiry. It has become a comprehensive communications advice. We hope we can offer it to the Society, as a support in many respects in the field of communications. You can report questions or remarks concerning the inquiry to the Society.

Yours respectfully,

Communications Project group:
Wendel van MALDEGEM
Sarien MEIJER
Joyce van der NIET
Yvonne van VUGT
Hilske ZOETE

FROM THE GENERAL SECRETARIAT

Please send us any information that could be useful for future newsletters and/or our website.

Do not hesitate to forward any of your articles that could be published in the Military Law and the Law of War Review to the Director of Publications. You may inform your colleagues that the Military Law and Law of War Review also publishes articles of non-members.

In our efforts to economise, the newsletter is circulated electronically as an e-mail attachment, to the largest extent possible. If you have e-mail but have not yet notified us, please send your e-mail address to soc-mil-law@scarlet.be.

Issues of the newsletter are circulated by e-mail and fax only, except for specific members who requested and subsequently were granted a departure from this policy by the Secretary-General.

NEW E-MAIL ADDRESS AND NEW PASSWORD FOR THE WEBSITE'S MEMBERS ONLY AREA

Please note that due to a change of internet provider, the e-mail address of the Society has changed into “ soc-mil-law@scarlet.be (and is no longer soc-mil-law@planetinternet.be).

Please find hereafter your new password and username for the website's members only area:

Password: soc_mil_law_34

Username: societe

NEWS

The General Secretariat has sent the **questionnaire for the preparation of our XVIIth Congress** in 2006 to the National Groups and to the Ministers of Defence. The chosen overall theme of the Congress is “The Rule of Law in Peace Operations” and it will focus on the legal issues regarding mandates, rules of engagement etc. Answers have been asked by 31 March 2005.

The Romanian Government has granted the Romanian Association of Humanitarian Law (RAHL) the status of a juridical person of public utility, in the service of the civic society. In addition, the Romanian President has awarded some members of the board of RAHL with the national orders “The Faithful Service” and “For Merit” in the Knight degree, for their meritoriousness in the field of Humanitarian Law, International Human Rights Law and the Law of Refugees. Moreover, in the near future RAHL will publish a homage volume and organise an international seminar concerning the most compelling contemporary humanitarian law problems.

(Letter from Professors I. Closca, I. Suceava and C. Vlad, summarized by I. Heyndrickx)

RECENT DEVELOPMENTS, LEGISLATION & JURISPRUDENCE

The German Aviation Security Act

On 15 January 2005, the Act for the New Regulation of Aviation Security Tasks came into operation in Germany. With this Act, appropriate steps were taken to react to the terrorist attacks of 11 September 2001 in the United States and to other incidents in the airspace. It pools the regulations governing defence against external dangers to airspace security. In this context, the Aviation Security Act lays down the rules for the employment of the “Bundeswehr” in cases in which the police authorities do not have the necessary personnel and technical equipment to counter threats from the air.

The armed forces' authority, which has now been regulated by law, ranges from identifying and warning an aircraft to forcing it off course and threatening to use force down to direct weapon employment, i.e. to shooting down a civilian aircraft that has been hijacked by terrorists. Such a measure, however, will only be authorised as a last resort if it has to be assumed that there are plans to use the aircraft against people and that the use of force is the only means of countering this imminent danger. Only the Federal Minister of Defence has the right to issue such an order.

When he signed the Act, the Federal President put forward constitutional reservations. He took the view that, for one thing, the basic right of life and the dignity of man did not allow weighing the

lives of innocent air passengers against the lives of citizens on the ground. Furthermore, the Federal President doubts whether the Aviation Security Act complies with the provisions of the Basic Law pertaining to competence, since the German Constitution differentiates between police and military tasks. Except in a state of defence or tension and in a state of emergency, it permits employment of the armed forces in the domestic sphere solely for the purpose of providing support to the “Länder” authorities in the event of natural disasters and particularly serious accidents. The Federal President is doubtful whether a terrorist attack using an aircraft meets these requirements. Nevertheless, he did sign the Act and thus enabled it to take effect. At the same time, however, he initiated a reappraisal by the Federal Constitutional Court. Meanwhile, several constitutional complaints against the Act have already been lodged with the Constitutional Court in Karlsruhe.

The text of the Aviation Security Act has been incorporated in the compendium of laws on the internet site of the Federal Ministry of the Interior (www.bmi.bund.de). An up-to-date overview of current legislation on military law in Germany can be found on the homepage of the Deutsche Gesellschaft für Wehrrecht und Humanitäres Völkerrecht (Dt. WehrrGes e. V.) which can be accessed via a link on the site www.deutsches-wehrrecht.de.

(Dr. D. Weingärtner)

International Court of Justice dismisses remaining Kosovo cases

On 15 December 2004, the International Court of Justice ruled in the remaining *Legality of Use of Force cases* between Serbia and Montenegro on the one hand and Portugal, United Kingdom, Netherlands, Italy, Germany, Canada, France, Belgium on the other hand that it had no jurisdiction over the claims made by Serbia and Montenegro (the cases against the US and Spain had already been dismissed in 1999). The judgements are available at <http://www.icj-cij.org>.

(F. Naert)

European Court of Human Rights hands down Judgments on Chechnya

On 24 February 2005, the European Court of Human Rights held that Russia violated the right to life and the right to an effective remedy (respectively articles 2 and 13 of the European Convention on Human Rights) in the cases of *Isayeva, Yusupova and Bazayeva v. Russia* (Applications Nos. 57947/00, 57948/00 and 57949/00), *Khashiyev and Akayeva v. Russia* (Applications Nos. 57942/00 and 57945/00) and *Isayeva v. Russia* (Application No. 57950/00), which all concern events that took place during the conflict in Chechnya in 1999-2000.

The *Khashiyev and Akayeva* case concerned torture and extra-judicial executions by the Russian military, while in *Isayeva, Yusupova, and Bazayeva* bombings by the Russian military in or around a “humanitarian corridor” were at stake. The *Isayeva* case also dealt with the bombing of a village. The judgements are available at <http://www.echr.coe.int> and are summarised in the 19 March 2005 issue of *International Law in Brief* (available at <http://www.asil.org/ilib/ilibarch.htm>) and in the 27 February 2005 issue of *Sentinelles* (in French, available at <http://www.sfdi.org/actualites/Sentinelles8.html#russie>).

(F. Naert)

Partial Awards of the Eritrea-Ethiopia Claims Commission (Permanent Court of Arbitration)

The Eritrea-Ethiopia Claims Commission handed down two partial awards on 17 December 2004 which both address a number of issues of international humanitarian law. The awards (Civilian Claims – Eritrea’s Claims 15, 16, 23 & 27-32 and Civilian Claims – Ethiopia’s Claim 5) are available at <http://www.pca-cpa.org/ENGLISH/RPC/#Eritrea-Ethiopia%20Claims%20Commission> and are summarised in the 28 January 2005 issue of *International Law in Brief* (available at <http://www.asil.org/ilib/ilibarch.htm>) and briefly discussed in French in the 30 January 2005 issue

of *Sentinelle* (available at <http://www.sfdi.org/actualites/Sentinelle4.html#ethiopierythree>). Some of the findings may be particularly relevant to the debate on the detention and treatment of alleged terrorists.

(F. Naert)

Developments at the ICTY, ICTR and ICC

The ICTY Appeals Chamber handed down judgements in the cases of *Prosecutor v. Dario Kordic and Mario Cerkez* (17 December 2004), *Prosecutor v. Dragan Nikolic* (4 February 2005) and *Prosecutor v. Miroslav Kvočka, Mladjo Radic, Zoran Zigic and Dragoljub Prcac* (28 February 2005) and the ICTY Trial Chamber issued judgments in the cases of *Prosecutor v. Vidoje Blagojevic and Dragan Jokic* (17 January 2005) and *Prosecutor v. Pavle Strugar* (31 January 2005). In addition, the ICTY publicly released the indictment of Ramush Haradinaj on 10 March 2005. Haradinaj was the Prime Minister of Kosovo at that time and he resigned from this office and has voluntarily presented himself at the ICTY. The texts of the judgements and indictment are available at <http://www.un.org/icty> and some of the judgements are summarised in various issues of *International Law in Brief* (available at <http://www.asil.org/ilib/ilibarch.htm>). Finally, the inauguration of the War Crimes Chamber of the Court of Bosnia and Herzegovina took place on 9 March 2005. The War Crimes Chamber will play a key role in dealing with the cases the ICTY has not addressed (for a brief commentary in French, see <http://www.sfdi.org/actualites/Sentinelle10n.htm>).

The ICTR Appeals Chamber passed judgement in *Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana* (13 December 2004) and the ICTR Trial Chamber in *Prosecutor v. Vincent Rutaganira* (14 March 2005). Moreover, on 10 March 2005 the traditional community courts in Rwanda (the so-called “gacaca” courts) began trying people accused of involvement in the 1994 genocide in more than a hundred places. Approximately 12.000 gacaca courts have been set up in total (more than 100.000 suspects are awaiting trial in jail). The highest sentence the gacaca courts can hand down is life imprisonment. See *International Law in Brief*, 19 March 2005 (available at <http://www.asil.org/ilib/ilibarch.htm>) and BBC, ‘Rwanda killers face local justice’, 10 March 2005, <http://news.bbc.co.uk/1/hi/world/africa/4335405.stm>.

Kenya became the 98th State Party to the ICC Statute, which it ratified on 15 March 2005 (in 2004 five States became Party to the Statute: Burkina Faso, Burundi, Congo, Guyana and Liberia) (see <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty10.asp>).

Furthermore, Pre Trial Chamber One of the ICC convened a status conference to discuss with the Prosecutor or his representatives matters related to the investigation in the Democratic Republic of Congo (DRC) on 15 March 2005 in closed session. It is recalled that the DRC referred its situation to the ICC and that the ICC Chief Prosecutor, Mr. Luis Moreno-Ocampo, has decided to open an investigation into the situation in the DRC (the only other investigation also concerns a situation referred to the ICC by the State concerned, namely Uganda). Also, in early January 2005, the Central African Republic referred the situation of crimes within the jurisdiction of the Court committed anywhere on its territory since 1 July 2002 to the ICC. Finally, on 31 March 2005, the UN Security Council adopted resolution 1593 referring the situation in Darfur to the ICC (see also *infra*). This is the first case referred to the ICC by the Security Council. For more details, see <http://www.icc-cpi.int>.

(F. Naert)

International Commission of Inquiry on Darfur Issues Report

On 25 January 2005, the International Commission of Inquiry on Darfur, established pursuant to UN Security Council Resolution 1564 of 18 September 2004, issued its *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, available at <http://www.ohchr.org/english/docs/darfurreport.doc>.

The Commission concluded “that the Government of the Sudan and the Janjaweed are responsible for a number of violations of international human rights and humanitarian law. Some of these

violations are very likely to amount to war crimes, and given the systematic and widespread pattern of many of the violations, they would also amount to crimes against humanity.” The Commission further found that “the rebel movements are responsible for violations which would amount to war crimes” (§ 630).

While the Commission held the view that “the Government of the Sudan has not pursued a policy of genocide”, because “the crucial element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned”, it recognized “that in some instances, individuals, including Government officials, may commit acts with genocidal intent (§§ 640-641). Moreover, the Commission added that “international offences as crimes against humanity or large scale war crimes may be no less serious and heinous than genocide. This is exactly what happened in Darfur, where massive atrocities were perpetrated on a very large scale, and have so far gone unpunished” (§ 642).

The Commission identified 51 individual suspects and will list the names in a sealed file that will be placed in the custody of the UN Secretary-General, with the recommendation that this file be handed over to the Prosecutor of the International Criminal Court (§§ 643-646).

The Commission “strongly recommend[ed] that the Security Council should refer the situation in Darfur to the International Criminal Court, pursuant to Article 13(b) of the Statute of the Court” since “[m]any of the alleged crimes documented in Darfur ... meet all the thresholds of the Rome Statute for the International Criminal Court” and “[t]he Sudanese justice system has demonstrated its inability and unwillingness to investigate and prosecute the perpetrators of these crimes” (§§ 647-648). The Commission also proposed other measures and *inter alia* recommended that “measures designed to break the cycle of impunity should include the exercise by other States of universal jurisdiction” (§§ 649-653).

On 31 March 2005, the UN Security Council adopted resolution 1593 referring the situation in Darfur to the ICC (see also *supra*).

(F. Naert)

UK Anti-Terrorism Act Amended after House of Lords Judgment

In the UK, the Anti-Terrorism, Crime and Security Act 2001 (ATCSA) has been amended by the Prevention of Terrorism Act 2005 (available at <http://www.hmso.gov.uk/acts/acts2005/20050002.htm>) after fierce debate in Parliament following a House of Lords decision which held that section 23 of the ATCSA was contrary to the European Convention on Human Rights (ECHR) (*Judgment A (FC) and others (FC) (Appellants) v. Secretary of State for the Home Department (Respondent)*, 16 December 2004, [2004] UKHL 56, available at <http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd041216/a&oth-1.htm>). Section 23 ATCSA allowed the indefinite detention of foreigners without charge on suspicion of terrorism and had required a derogation from article 5 ECHR and article 9 International Covenant on Civil and Political Rights.

The House of Lords decided (by 8 to 1) to quash the order regarding the UK derogation from article 5 ECHR and declared under section 4 of the Human Rights Act 1998 that section 23 of the ATCSA 2001 was incompatible with articles 5 and 14 of the ECHR insofar as it was disproportionate and permitted detention of suspected international terrorists in a way that discriminated on the ground of nationality or immigration status (the majority view is best reflected in § 73; see also §§ 85, 139, 160, 189-190, 239 and 240). Lord Hoffmann went even further and was of the opinion that there was not even an emergency threatening the life of the nation, that the power of detention in the ATCSA “in any form is not compatible with [the UK] constitution” and that “The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these” (§ 97). Lord Walker of Gestingthorpe was the sole dissenter (§§ 191-218).

The ATCSA had already been criticised in December 2003 by the Privy Counsellor Review Committee (composed of senior Members of the British Parliament), which had proposed that the ATCSA be amended on a number of counts (*Anti-terrorism, Crime and Security Act 2001 Review: Report*, 12 Dec. 2003, London, The Stationery Office, available at

<http://www.statewatch.org/news/2003/dec/atcsReport.pdf>). The Committee *inter alia* “strongly recommend[ed] that the powers which allow foreign nationals to be detained potentially indefinitely should be replaced as a matter of urgency. New legislation should: a. deal with all terrorism, whatever its origin or the nationality of its suspected perpetrators; and b. not require a derogation from the European Convention on Human Rights”.

The new legislation replaces sections 21-32 ATCSA, is no longer restricted to foreigners and grants the power to make ‘control orders’ against an individual, for purposes connected with protecting members of the public from a risk of terrorism, that impose any obligations “*that the Secretary of State or (as the case may be) the court considers necessary for purposes connected with preventing or restricting involvement by that individual in terrorism-related activity*” (a long but not exhaustive list of such possible obligations is included) (section 1). The power to make a control order “*shall be exercisable (a) except in the case of an order imposing obligations that are incompatible with the individual’s right to liberty under Article 5 of the Human Rights Convention, by the Secretary of State; and (b) in the case of an order imposing obligations that are or include derogating obligations, by the court on an application by the Secretary of State*” (section 1).

(F. Naert)

New French Law on Status of Military Personnel

On 15 March 2005, the French Parliament has passed a new law concerning the general status of military personnel: *Loi portant statut général des militaires*. This law will enter into force on 1 July 2005. See for the text and background information: <http://www.assemblee-nationale.fr/12/dossiers/statut-general-militaire.asp> and http://www.defense.gouv.fr/sites/defense/actualites_et_dossiers/statut_general_des_militaires.

(F. Naert)

US Court Dismisses Claims for use of ‘Agent Orange’ in Vietnam War

On 10 March 2005, the US District Court for the Eastern District of New York dismissed a claim for damages brought by Vietnamese plaintiffs against the firms that manufactured ‘Agent Orange’, a chemical used in the Vietnam war (*In re “Agent Orange” product Liability Litigation; The Vietnam Association for Victims of Agent Orange/Dioxin et al. V. Dow Chemical et al.*; see e.g. BBC, ‘Agent Orange legal case dismissed’, 10 March 2005, <http://news.bbc.co.uk/2/hi/americas/4336941.stm> and *International Law in Brief*, 19 March 2005). Judge Weinstein concluded that “*There is no basis for any of the claims of plaintiffs under the domestic law of any nation or state or under any form of international law*”. The 233-page decision is available at http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/10_03_05_agentorange.pdf.

(F. Naert)

German Prosecutor Dismisses Claim against US Officials

On 30 November 2004, the Center for Constitutional Rights (CCR, an American NGO) and four Iraqi citizens filed a criminal complaint, under the German Code of Crimes against International Law (German text and several translations available at http://www.iuscrim.mpg.de/forsch/online_pub.html#legaltext), with the German Federal Prosecutor’s Office at the Karlsruhe Court in Germany against several high-ranking US officials, including Secretary of Defense Rumsfeld, Former CIA Director George Tenet and a number of US military officers, alleging their responsibility for detainee abuse. On 10 February 2005 the prosecutor dismissed the complaint, arguing that the US, which has primary jurisdiction for prosecuting the alleged crimes, would investigate this case itself. The CCR is filing a petition for re-consideration with the prosecutor’s office and will file a formal appeal to a German superior court if this motion is denied. For more information, including links to the complaint and decision, see http://www.ccr-ny.org/v2/legal/september_11th/sept11Article.asp?ObjID=1xiADJOOQx&Content=472. For a brief

discussion in French, see the 20 February 2005 issue of *Sentinelle* (available at <http://www.sfdi.org/actualites/Sentinelle7.html#allemagne>).

(F. Naert)

Complaint for US Detainee Abuse in French Courts

On 20 May 2003, the Court of Appeals of Lyon (*chambre de l'instruction*) dismissed a case brought by French citizens detained at Guantanamo Bay for illegal and arbitrary arrest and detention, in which the plaintiffs constituted themselves as civil partie (*partie civile*, i.e. a mechanism whereby the plaintiff can bring a civil action and at the same time initiate criminal proceedings). On 4 January 2005, the French Supreme Court (*Cour de cassation*) quashed this decision and referred the case to the Paris Court of Appeals. It held that the Court of Appeals erred by making an abstract analysis of the case and should have considered whether on the basis of the facts of the case, the Geneva Convention III and the International Covenant on Civil and Political Rights and the nationality of the plaintiffs, the alleged crimes fall within the jurisdiction of the French courts. The text of the judgment is available (in French) at <http://www.sfdi.org/actualites/040105Crimarretguantanamo.pdf> and is briefly discussed (also in French) in the 9 January 2005 issue of *Sentinelle* (available at <http://www.sfdi.org/actualites/Sentinelle1.html#cassguantanamo>).

(F. Naert)

US developments regarding detention and treatment of detainees

There are a number of judicial decisions, reports and other developments regarding persons detained by the US. The latest developments include new reports on the US treatment of detainees and a complaint filed on behalf of eight Afghan and Iraqi detainees against US Secretary of Defense Rumsfeld in a federal court in the District Court for the Northern District of Illinois by Human Rights First and the American Civil Liberties Union (ACLU) (on the latter, see http://www.humanrightsfirst.org/media/2005_alerts/etn_0301_lit.htm). We cannot summarise all these developments here, but those interested may find the following websites useful:

- the 'BOFAXE' Nos. 289, 290, 291 of the Institute for International Law of Peace and Armed Conflict (Bochum), available at <http://www.ruhr-uni-bochum.de/ifhv/publications/bofaxe/index.html> ;
- <http://www.nimj.org> ((US) National Institute of Military Justice);
- <http://www.defenselink.mil/news> (US Department of Defense website, with links to subsites on Detainees Investigations, Military Commissions, Combatant Status Review Tribunals / Administrative Review Boards and Detainees at Guantanamo Bay);
- http://www.humanrightsfirst.org/us_law/us_law.htm (Human Rights First (formerly Lawyers Committee for Human Rights) website on US law & security)
- <http://www.aclu.org/NationalSecurity/NationalSecurityMain.cfm> (ACLU website on national security);
- <http://www.aclu.org/International/International.cfm?ID=13962&c=36> (ACLU website on the treatment of detainees by the US);
- <http://www.ccr-ny.org/v2/home.asp> (Center for Constitutional Rights, which is involved in several cases concerning detainees);
- http://hrw.org/doc/?t=usa_antiterror (Human Rights Watch website on anti-terrorism post September 11, including detention, military commissions and torture and abuse);
- <http://web.amnesty.org/pages/guantanamoindex-eng> (Amnesty International website on Guantanamo detainees).

(F. Naert)

ANNOUNCEMENTS OF CONFERENCES, SEMINARS, ETC.

The **3rd European Symposium on Non-Lethal Weapons** will be held in Ettlingen (Germany) from 10 to 12 May 2005. One of the main topics will be the legal and public acceptability of non-lethal weapons. For more information see www.non-lethal-weapons.com.

Our association's **VIIth Seminar for Legal Advisors to the Armed Forces** will be held at the Eurocorps Headquarters in Strasbourg from 23 until 27 November 2005. Its title is: "Challenges for Legal Advisors in Peacekeeping Operations."

This central theme is divided into four sub-themes:

1. Legal uncertainties at the beginning of a peacekeeping operation;
2. Command-responsibility in a multi-national setting – how to deal with different interpretations of international (humanitarian) law;
3. Legal issues concerning detention of individuals during peacekeeping-operations;
4. "Role change" of a security-force: how to deal with legal aspects of emerging additional and different tasks of a security force.

More information (e.g. the programme as well as registration forms) can be found on www.soc-mil-law.org. The maximum number of participants has been set at 80.

The Belgian National Group is planning to hold a **seminar in Brussels** on 18 May 2005. The theme will be "the treatment of captured personnel" and the presentations will normally only be given in French and Dutch, without translation. The seminar is open to all members of the Society. For more information, please contact the General Secretariat.

INTERNS

The Society is looking for interns. For more information see the flyers annexed to this newsletter.

INTERESTING PUBLICATIONS

(hb = hardback/hard cover and pb = paperback/soft cover)

*Note: The publications marked with * have been offered by their publishers or editors to the documentation centre of the International Society, where our members can consult them. A separate book review will be published in the Military Law and the Law of War Review 2005*

The long-awaited ICRC study on *Customary International Humanitarian Law* (ed. J.-M. Henckaerts & L. Doswald-Beck) is now available at Cambridge University Press (multiple volumes & editions, see http://www.cambridge.org/uk/browse/browse_highlights.asp?subjectid=157);

A. ABASS, *Regional Organisations and the Development of Collective Security*, Hart, 2004, ISBN 1-84113-480-5;

K. AMBOS, E. MALARINO & J. WOISCHNIK (eds.), *Temas actuales del derecho penal internacional. Contribuciones de América Latina, Alemania y España*, KAS, 2005;

K. AMBOS (traducción E. MALARINO), *La parte general del derecho penal internacional. Bases para una elaboración dogmática*, KAS, Temis – Duncker & Humblot, 2005;

ANDEAN COMMISSION OF JURISTS, *The International Criminal Court and the Andean Countries*, Andean Commission of Jurists, 2004 (2nd ed.), ISBN 9972-637-82-4 (<http://www.cajpe.org.pe/Publicaciones.htm>);

K. BANNELIER et al. (ed.), *L'intervention en Irak et le droit international*, Paris, Pedone, 2004, ISBN 2-233-00448-5;

- D. BASAK, *Die Zuständigkeitsregeln internationaler Strafgerichte und Art. 101 GG. Zum Verhältnis der deutschen Strafgerichtsbarkeit zu den Internationalen Tribunalen für Jugoslawien und Ruanda sowie zum Ständigen Internationalen Strafgerichtshof*, Peter Lang, 2005, ISBN 3-631-53578-3;
- M.C. BASSIOUNI (ed.), *Documents on the Arab-Israeli Conflict*, Transnational, 2004, ISBN 1-57105-290-9;
- W. BENEDEK & A. YOTOPOULOS-MARANGOPOULOS (eds., on behalf of the Marangopoulos Foundation for Human Rights and the European Training and Research Centre for Human Rights and Democracy), *Anti-Terrorist Measures and Human Rights*, Martinus Nijhoff, 2004, ISBN 90 04 14073 5;
- R. BIRKE, *Strafverfolgung nach dem NATO-Truppenstatut. Grundlagen und Praxis eines »international-arbeitsteiligen« Strafverfahrens*, Nomos, 2004, ISBN 3-8329-1039-5;
- M. BOHLANDER, R. BOED & R.J. WILSON (eds.), *Defense in International Criminal Proceedings*, Transnational, 2005, ISBN 1-57105-331-X;
- L. BOISSON DE CHAZOURNES et al. (eds.), *Crimes de l'histoire et réparations: les réponses du droit et de la justice*, Bruylant, 2004, ISBN 2-8027-1891-6; *
- J. BOSCH, *Immunität und internationale Verbrechen*, Nomos, 2004, ISBN 3-8329-0803-X;
- A. BUCHWALD, *Der Fall Tadic vor dem Internationalen Jugoslawientribunal im Lichte der Entscheidung der Berufungskammer vom 2. Oktober 1995*, Berliner Wissenschafts-Verlag, 2005, ISBN 3-8305-0908-1;
- M.I. CHEVRIER et al (eds.), *The Implementation of Legally Binding Measures to Strengthen the Biological and Toxin Weapons Convention*, Springer, 2004, ISBN 1-4020-2097-X (pb) / ISBN 1-4020-2096-1 (hb);
- E. DAVID, *Code de droit international pénal 2004*, Bruylant, 2004, ISBN 2-8027-2004-X; *
- E. DAVID, F. TULKENS & D. VANDERMEERSCH, *Code de droit international humanitaire 2004* (2nd ed.), Bruylant, 2004, ISBN 2-8027-1955-6; *
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