



NEWSLETTER APRIL/MAY/JUNE 2005

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EDITORIAL

Dear member,

This newsletter reports on many important steps forward in the fight against impunity. The International Criminal Tribunals and the International Criminal Court, on the one hand, and various national courts or tribunals, on the other hand, are clearly working hard to make sure that justice will be done. This fact is encouraging for our association, which focuses on the dissemination of international humanitarian law and military law, because now it becomes also clear to former critics that studying and disseminating international humanitarian law is a useful undertaking. Those who do not abide by international humanitarian law obligations are running an ever greater risk of being prosecuted and sentenced afterwards.

Ludwig Van Der Veken
Secretary-General

NEWS

The **National Institute of Military Justice** is seeking applications for the newly-created position of Executive Director. For details, see <http://www.nimj.com>.

The Society's **Managing Board** has held a meeting in Fribourg (Switzerland) from 14 to 16 April 2005. The Swiss National Group and our Vice-President Col R. Loretan hosted this meeting in an excellent way with the appreciated support of the ECAB (a Swiss insurance company), the Swiss Federal Office of Civil Protection and the Town of Fribourg.

A seminar, sponsored by the Netherlands, took place at the **Law School of the Argentinian Catholic University of Rosario**, from 6 to 7 May 2005. The theme of the seminar was "The Hague, judicial capital city of the world". Among the speakers there were members of the Argentinian National Group as well as Dutch colleagues.

The Belgian National Group has held a successful **seminar in Brussels** on 18 May 2005, with presentations from the UK, the Netherlands and Belgium. The theme was "the treatment of captured personnel". The proceedings will normally be published later this year.

RECENT DEVELOPMENTS, LEGISLATION & JURISPRUDENCE

Note: *ILIB* stands for *International Law in Brief*, available at <http://www.asil.org/resources/e-newsletters.html#lawinbrief> and *Sentinelle* (French) is available at <http://www.sfdi.org/actualites/index.html>.

Adoption of new Anti-Terrorism Conventions

On 13 April 2005, the UN General Assembly has adopted the International Convention for the Suppression of Acts of Nuclear Terrorism (Annex to UN Doc. A/RES/59/290, available at <http://www.un.org/Depts/dhl/resguide/r59.htm>). For a brief comment in French, see *Sentinelle* of 10 and 17 April 2005.

On 16 May 2005, the Council of Europe has adopted two Anti-Terrorism Conventions: the Council of Europe Convention on the Prevention of Terrorism (CETS No.196) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No.198), both available at <http://conventions.coe.int> . For a brief comment in French, see *Sentinelle* of 15 May 2005.

(F. Naert)

Nuclear Non-Proliferation Treaty Review Conference is unsuccessful

The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons was held at the UN Headquarters in New York from 2 to 27 May 2005 but ended without agreement on any recommendations. For more details, see <http://www.un.org/events/npt2005> . For a brief comment in French, see *Sentinelle* of 8 and 29 May 2005.

(F. Naert)

Protocol against the Illicit Manufacturing of and Trafficking in Firearms enters into force

Following the 40th ratification (by Zambia on 24 April 2005), the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (adopted on 31 May 2001, Annex to UN Doc. A/RES/55/255, available at http://www.unodc.org/unodc/crime_cicp_resolutions.html) will enter into force on 23 July 2005. For more details, see <http://www.unis.unvienna.org/unis/pressrels/2005/bkkcp26.html> and *Sentinelle* of 8 May 2005.

(F. Naert)

UN action against sexual abuse in UN peacekeeping operations

On 24 March 2005, UN Secretary General Kofi Annan has endorsed a report by his special advisor Prince Zeid Ra'ad Zeid Al-Hussein entitled 'A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations' (UN Doc. A/59/710, 24 March 2005, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/710>). On 31 May 2005 the UN Security Council has adopted a Presidential Statement welcoming this report and condemning "in the strongest terms, all acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel" (UN Doc. S/PRST/2005/21, available at http://www.un.org/Docs/sc/unsc_pres_statements05.htm). See also *Sentinelle* of 3 April and 5 June 2005.

(F. Naert)

News from international tribunals

Following the referral of the situation in Darfur (Sudan) to the ICC by UN Security Council Resolution 1593 (31 March 2005) (see our previous newsletter), the Chief Prosecutor of the ICC has decided to formally open an investigation into this situation on 6 June 2005. For more details, see http://www.icc-cpi.int/cases/current_situations/Darfur_Sudan.html and *Sentinelle* of 12 June 2005.

Furthermore, on 12 May 2005 the Dominican Republic became the 99th State Party to the ICC Statute. On the other hand, the US reported that on 2 May 2005 it signed its 100th so-called 'immunity agreement' (see <http://www.state.gov/r/pa/prs/ps/2005/45573.htm> and *Sentinelle* of 8 May 2005). For background information on this issue, see also http://www.amicc.org/usinfo/administration_policy_BIAs.html and <http://www.hrw.org/campaigns/icc/us.htm>.

(F. Naert)

The ICTR convicted Mikaeli Muhimana (Prosecutor v/ Mikaeli Muhimana) on 28 April 2005. Mikaeli Muhimana's trial has been opened before the ICTR on 29 March 2004. Since 1990 defendant had been the adviser for the Gishyita sector, in the Kibuye prefecture. 4 counts have been accepted: genocide or subsidiary, aiding and abetting genocide, murders and rapes constituting crimes against humanity. As to the charge of genocide, Muhimana had been accused of having participated in several attacks against Tutsi civilians, in the mobilisation of the attackers and in the distribution of weapons. In June 1994 he would also have encouraged, through trickery, Tutsi civilians to leave their hiding-places. Defendant will assert not to have left his domicile. The trial chamber dismisses this argument considering the witnesses' statements. It also finds that he has taken part in several attacks against civilians. These attacks were intentionally aimed at the Tutsi group, and committed with the intention of destroying, either in whole or in part, this group. The tribunal convicts defendant of genocide and consequently dismisses the count of aiding and abetting genocide. Defendant has also been blamed for having participated in several rapes of Tutsi women between April and June 1994. The tribunal has been induced to look into the definition of rape. The defendant party and the prosecutor accept the definition given by the ICTR in the Akayesu case (2 October 1998) where the rape was considered as « a physical invasion of a sexual nature, committed on a person under circumstances which are coercive. » The Court considers that coercion is a factor likely to cancel the necessity to produce evidence of consent and that the circumstances of the genocide judged under international criminal law are almost always coercive. The Court also states that certain ICTY judgements depart from the definition referred to in the Akayesu case, especially the «Kunarac, Kovac and Vukovic » judgement given by the ICTY (22 February 2001) that attempts to specify the elements constituting acts considered as a rape, and this, as opposed to sexual violence. The trial chamber is going to accept the theoretical definition of the Akayesu case while including the elements constituting the Kunarac case. In the light of this definition, the Court has considered that defendant had committed acts of rape, encouraged other persons to commit rapes and this in a perspective of discriminatory, generalised and systematic attacks against Tutsi civilians. Muhimana has also been convicted of murders constituting crimes against humanity. On 28 April 2005, Mikaeli Muhimana has been convicted of 3 of the 4 charges and has been sentenced to life imprisonment.

(L. Clabau)

Furthermore, the ICTR Appeals Chamber confirmed in part two convictions but altered the sentence in both cases: it reduced the sentence of Juvenal Kajelijeli because his rights were violated during his arrest and detention (judgement of 23 May 2005, summarised in *ILB* of 14 June 2005 and *Sentinelle* of 5 June 2005) and it increased the sentence of Laurent Semanza (judgement

of 20 May 2005, summarised in *ILIB* of 25 May 2005 and *Sentinelle* of 5 June 2005). For more details, see <http://www.ictj.org> .

On 17 May 2005, the ICTY referred the case against Radovan Stankovic to Bosnia and Herzegovina, noting the existence of War Crimes Chamber of the State Court of Bosnia and Herzegovina (see our previous newsletter). This is the first time the Tribunal has referred one of its indictments to a national court. For more details, see <http://www.un.org/icty/pressreal/2005/p971-e.htm> and *Sentinelle* of 22 May 2005. Furthermore, on 20 April 2005, the UN Security Council adopted resolution 1597 (available at http://www.un.org/Docs/sc/unsc_resolutions05.htm), amending article 13^{ter} of the ICTY Statute with respect to the Election and appointment of *ad litem* judges. For a brief comment in French, see *Sentinelle* of 24 April 2005.

(F. Naert)

Öcalan Case before the European Court of Human Rights

On 12 May 2005, the European Court of Human Rights handed down its judgement (on appeal) in the case of *Öcalan v. Turkey*. The Court found that Turkey violated several provisions of the European Convention on Human Rights with respect to the former PKK leader who is currently imprisoned in Turkey. The Court *inter alia* condemned as violations of the Convention the applicant's 7-day detention without being brought before a judge, the sitting of a military judge in the court that condemned him and his inadequate access to his case file and to legal representation. However, his solitary confinement and restricted means of communication were deemed acceptable by the Court. The Court decided that, in principle, the most appropriate form of redress would be for the applicant to be given a retrial without delay if he so requests. The judgement is available at <http://www.echr.coe.int> and summarized in *ILIB* of 25 May 2005 and in *Sentinelle* of 15 May 2005.

(F. Naert)

UN Commission on Human Rights adopts Basic Principles on Reparation for Victims of Serious Violations of International Human Rights / Humanitarian Law

On 19 April 2005, the UN Commission on Human Rights adopted 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' (Annex to Human Rights Resolution 2005/35, available at http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2005-35.doc). According to this document, the obligation to respect, ensure respect for and implement international human rights law and international humanitarian law, includes, *inter alia*, the duty to (a) take appropriate measures to prevent violations; (b) investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law; (c) provide victims with equal and effective access to justice; and (d) provide effective remedies to victims, including reparation. For a brief comment, see *ILIB* of 25 May 2005.

(F. Naert)

UK legal advice on the war against Iraq released

After much public pressure and some media leaks, an elaborate advice of the UK Attorney General on the legality of the war against Iraq was released on 28 April 2005. The document is available at http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/28_04_05_attorney_general.pdf . The legal advice provided to the UK Parliament, which has been public from the beginning, is available at

http://news.bbc.co.uk/2/hi/uk_news/politics/vote_2005/frontpage/4492195.stm . For a brief comment in French, see *Sentinelle* of 1 May 2005.

(*F. Naert*)

German Parliamentary Participation Act comes into force

In Germany the “Act governing Parliamentary Participation in Decisions on the Deployment of Armed Forces Abroad (Parliamentary Participation Act)” has entered into force on 24 March 2005 (Federal Law Gazette 2005 I No. 17, p. 775 ff.). Before, the cooperation between the Federal Government and the Bundestag (Parliament) in decisions on missions abroad of the Bundeswehr was not based on an act but, above all, on a decision by the highest German court, the Federal Constitutional Court, of 12 July 1994. On that day the court had - in connection with the participation of German armed forces in NATO missions against Yugoslavia - found that the Basic Law was no obstacle to armed missions outside Germany. The court said that the Basic Law covered such missions in Article 24, Paragraph 2. This provision allows Germany to join a system of mutual collective security in order to maintain peace. Such systems are the United Nations, NATO and in the meantime also the European Union.

However, against the background of German constitutional tradition and from the military law provisions of the Basic Law, the Federal Constitutional Court derived the principle that the employment of armed forces cannot be decided by the Federal Government alone but requires the constitutive consent of the Bundestag. In the years passed since then and after numerous Bundeswehr missions abroad, the procedures of parliamentary participation have become routine. Nevertheless, a few questions have remained open. For that reason, the legislative power decided to introduce a legal basis.

According to the new Act, the consent of the Bundestag is required when soldiers of the Bundeswehr abroad are involved in armed operations or such involvement must be expected. No consent is required for preparation measures and humanitarian assistance when weapons are carried only for self-defence. In cases of imminent danger and for missions to save lives in particular danger situations, the Parliamentary Participation Act allows to obtain the consent afterwards. For low-intensity missions of a limited scope, a simplified procedure may be chosen. In that case, the request of the Federal Government is considered as approved even without an explicit decision by the Parliament unless one of the fractions calls for an explicit resolution within seven days. The Act lists the details the Federal Government has to give in its request, and it obliges the government to comprehensively inform the Bundestag about the course of the missions and the development of the situation in the area of deployment. It is of particular importance that the Bundestag can revoke its consent to the employment of armed forces at any time. Then the Federal Government must call back the soldiers immediately.

With the Parliamentary Participation Act, the legislative power has carried out the order by the Federal Constitutional Court to put down the shape and scope of parliamentary participation in more detail. The question remains whether that will remove all problems resulting from the German peculiarity of parliamentary reservation. Further need for action might arise, among other things, from the participation of German soldiers in integrated formations such as the NATO Response Force.

(*Dr. D. Weingärtner*)

Georgian-Russian troop withdrawal deal

Somewhere between 30 May and 1 June 2005, Georgia and Russia agreed on the withdrawal of the Russian forces from Georgia, which is to be completed by 2008. See the Joint Statement of the

Foreign Ministers of the Russian Federation and Georgia, 1 June 2005, <http://www.mfa.gov.ge/news.php?newsid=updates/EEEZyplyZkSnRicDwJ.php>.

(F. Naert)

Syrian troop withdrawal from Lebanon

Lebanon is one of the smallest nations in the world. It is located on the eastern bank of the Mediterranean Sea. It is 220 km long and borders Syria in the East and in the North and Israel in the South. Its area covers 10,452 sq. km. Its population approximately amounts to 4.5 million inhabitants and to 9 million expatriates. This population is made up of Christians and Muslims, but also of small minorities like the Jewish minority...

From time immemorial, the land of cedars has been the gateway to Asia for the West, it has been the shortest way for trade with the Arab Mashreq countries and the Middle East.

Situated at the crossroads of three continents, it has always been an ideal meeting place for civilisations, an arena of political confrontations. The Great Powers have always taken an interest in the country.

Lebanon is the only secular State throughout the Arab world. The Lebanese people are divided up into three main religions: Christianity, Islam and Judaism. There are also 18 denominations that are officially recognised by law.

Political and military observers have described the two-year war (1975-1976) as follows: several superimposed, intermingled or merged wars, secret or not, are being waged simultaneously in this country known as Switzerland of the East. The dimensions of the war comprise a Lebanese-Lebanese, a Lebanese-Palestinian, an Israeli-Arab, a Palestinian-Israeli, an Arab-Arab conflict etc. The situation was so complicated, the causes were so ambiguous, the facts so contradictory and the interactions so varying that things are not very clear.

The events of the two-year war (1975-1976) in Lebanon result from its political, economic and social structures as well as from its geopolitical environment and eventually from the circumstances of its creation as a sovereign State.

In April-May 1976, the former Republic's president and the right-wing political parties have requested the Syrian intervention in Lebanon to end this conflict.

Around 12 April 1976, the Syrian troops entered Lebanon and deployed throughout the country except in southern Lebanon (along the Lebanese-Israeli borders). From this date onward, the Syrian presence has been considered as a factor of civilian peace in Lebanon. Certain political parties have considered this presence as interference in the Lebanese domestic policy and others have considered it as an element of political balance.

Certain facts can be reminded of:

- The Israeli invasion of Lebanon in 1982;
- The internal armed conflicts (1984,1987,1989) and General Michel Aoun's exile (1990);
- The liberation of southern Lebanon in 2000. Syria has supported Lebanon in this operation.

From August 2004, the political parties will split up into two political camps: the loyal camp faithful to President Lahoud's Cabinet (pro-Syrian), and the opposition camp (whose best-known

representatives are former Prime Minister Mr. Rafic Hariri and the opposition leader Walid Jumblatt).

The loyal camp accepts to renew President Lahoud's term (pro-Syrian) by 3 years, whereas the opposition camp demands the organisation of new elections in compliance with the constitution.

On 2 September 2004, after extension of presidential term, the UN Security Council adopts resolution 1559 requiring the withdrawal of Syrian troops from Lebanon. The opposition parties also demand this withdrawal based on the TAEF agreement (the constitution) signed in 1989 (in compliance with this agreement, this withdrawal was to be carried out in 1992).

Whereas the "political conflict" reached its peak between both camps, a "political earthquake" hit Lebanon: Mr. Hariri's assassination on 14 February 2005 (after the attempted assassination of Cabinet Minister Marwan Hamade, one of the opposition leaders, in September 2004).

After pressure of the international community (especially by the US, France, Germany and Europe, Saudi Arabia, a few Arab countries) and after tough pressure of the Lebanese opposition, two events have occurred:

- 1- The withdrawal of the Syrian troops on 26 April 2005 after a 29-year presence in Lebanon;
- 2- The UN Security Council adopts resolution 1595 on 07 April 2005: it sets up an international independent investigation Commission to assist Lebanese authorities in their investigation of former Prime Minister Rafiq Hariri's assassination.

On the other hand, in its resolution 1566 of 8 October 2004, the Security Council reaffirms "that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security" and consequently justifies its action in the Lebanese issue.

Whereas a heavy "political conflict" is still prevailing in Lebanon nowadays, general elections have been held from 29 May until 19 June 2005.

(Dr. Brigadier General A. AWAD)

US Draft Joint Detention Doctrine and review of US Army Interrogation Manual

On 23 March 2005 the Pentagon released a final draft of a Joint Doctrine for Detainee Operations (Joint Publication 3-63, Final Coordination, available at <http://hrw.org/campaigns/torture/jointdoctrine/jointdoctrine040705.pdf>). For a brief comment, see the Human Rights Watch webpage <http://hrw.org/english/docs/2005/04/07/usdom10440.htm> and *Sentinelle* of 24 April 2005 (French). However, the document does not (yet) appear to have been adopted and it is not listed on the Joint Publications website (<http://www.dtic.mil/doctrine/jpoperationsseriespubs.htm>).

Earlier this year, it was reported that the US army was planning a review of its Interrogation Manual. It appears that, on 1 May 2005, the Department of the Army published the U.S. Army Intelligence and Interrogation Handbook: The Official Guide on Prisoner Interrogation, which reviews the original 1994 version (it does not seem to be available online).

(F. Naert)

Second Rwanda Trial before the Brussels Court of Assizes.

On 9 May 2005, the trial of two Rwandan wholesalers was opened before the Brussels Court of Assizes for their alleged participation in the 1994 genocide, in the Kibungo prefecture in the south-east of Rwanda.

Etienne Nzabonimana and Samuel Ndashyikirwa were arrested in Belgium in 2002.

They were accused of having participated in preparatory meetings after the outbreak of the genocide and of having made vehicles available to the Interahamwés militias for their deadly expeditions. Nzabonimana would, more in particular, have participated in the RPF (Rwanda Patriotic Front) party funding, have concealed weapons and provided the militias with a training area. Ndashyikirwa would, in turn, have been present at the genocide by giving orders, and even by hitting himself his victims.

They were prosecuted for war crimes, for aiding and abetting war crimes, for murders and attempted murders.

The Brussels Court of Assizes had jurisdiction over these matters in compliance with the Act of 5 August 2003 that had put an end to the unlimited universal jurisdiction but kept an extended active status (the persons living in Belgium for three years are classed into the category of nationals).

The universal jurisdiction had been created by the Act of 16 June 1993 related to “the repression of grave breaches of the Geneva International Conventions of 12 August 1949 and Protocols I and II of 8 June 1977, additional to these Conventions”, that does not require any tie with the Belgian territory (whatever the scene of commission of the breach, the nationality of the perpetrator or of the victim). This jurisdiction has nevertheless been restricted by the Act of 23 April 2003 to be eventually abrogated by the Act of 5 August 2003.

The latter is applicable in this particular case since the criminal provisions related to the procedure escape the principle of absence of retroactive effect of criminal law.

The Court’s jurisdiction was based on the fact that defendants have lived in the Belgian territory for more than three years.

On 29 June 2005, the Court of Assizes has condemned these men to 12 and 10 years imprisonment.

(L. Clabau)

Dutch prosecutions

On 18 March 2005, Frans Van Anraat was indicted in the Netherlands for complicity in genocide and war crimes by delivering chemical agents to the Iraqi regime in the late 1980s knowing that they would be used for chemical weapons. Dutch authorities also announced the arrest and prosecution of a man suspected of having committed war crimes in Liberia and of having violated an embargo on arms exports to that country. For a brief comment in French on both cases, see *Sentinelle* of 3 April 2005.

(F. Naert)

Spanish court condemns former Argentinian officer for crimes against humanity

On 19 April 2005, the Spanish *Audiencia Nacional* condemned former Argentinian navy captain Adolfo Scilingo for crimes against humanity committed during Argentina’s military régime. The text of the decision is available in Spanish at <http://www.derechos.org/nizkor/espana/juicioral/doc/sentencia.html> . For a brief discussion, see *ILIB* of 26 April 2005 and the *ASIL Insight* at <http://www.asil.org/insights/insigh122.htm> .

(F. Naert)

Argentinian Supreme Court annuls amnesty laws

On 14 June 2005, with a large majority, the Argentinian Supreme Court, in the case of Julio Simon, a former policeman, scrapped amnesty laws passed in 1986 and 1987, which prevented prosecution of disappearances, torture and other crimes during the military dictatorship. The court held these amnesty laws to be contrary to the constitution and to international law. See BBC, 'Argentine amnesty laws scrapped', 15 June 2005, <http://news.bbc.co.uk/1/hi/world/americas/4093018.stm>.

(F. Naert)

Canadian court condemns man who detained UN peacekeepers in Yugoslavia

On 12 June 2005, a Canadian court condemned Nicholas Ribic, born in Canada from a Yugoslav father, for detaining (but not for seizing) a Canadian Forces Major and a Czech soldier near Pale in 1995. See S. McKibbin, 'Verdict in Serbian war case. Canadian guilty of detaining pair of UN observers, not seizing them', *Ottawa Sun*, 13 June 2005, <http://www.canoe.ca/NewsStand/OttawaSun/News/2005/06/13/pf-1084315.html>.

(F. Naert)

US cases under the ATCA & TVPA and ATA

On 14 March 2005, the US Court of Appeals for the Eleventh Circuit, in the case of *Elsa Cabello et al. v. Fernandez-Larios*, upheld the judgement of the district court which held Armando Fernandez-Larios, a Chilean military officer, liable under the Alien Tort Claims Act (ATCA, 28 U.S.C. §1350) and the Torture Victim Protection Act (TVPA, 28 U.S.C. § 1350) for involvement in the murder of Winston Cabello, a Chilean national, in 1973. The judgement is available at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=11th&navby=year&year=2005-3> and is summarised in *ILIB* of 11 April 2005.

On 31 March 2005, the US Court of Appeals for the First Circuit, in the case of *Efrat Ungar et al v. The Palestine Liberation Organization et al.*, upheld a default judgement against the Palestine Liberation Organization and the Palestinian Authority awarding damages for a terrorist attack in Israel on 9 June 1996 under the Anti-Terrorism Act (ATA, 18 USC §§ 2331-2338). The judgement is available at <http://laws.findlaw.com/1st/042079.html> and is summarised in *ILIB* of 11 April 2005.

(F. Naert)

ANNOUNCEMENTS OF CONFERENCES, SEMINARS, ETC.

The **International Association of Prosecutors** will hold its Congress in Copenhagen from 28 August 2005 to 1 September 2005, about the theme "Witnesses, Experts and Victims". For more information see www.iapcopenhagen.org.

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 Argentinian National Group has announced the following current and future **activities in Argentina:**

1. A Seminar on "international humanitarian law and the repression of crimes against humanity and war crimes as of the, establishment of the International Criminal Court" to be held at the "Law School of the National University of Mar del Plata in June. Speakers include Dutch legal experts working for the Asser Institute and Argentinian legal experts, some of them, members of the Argentinian National Group;

2. A Seminar on "the current evolution of international humanitarian law and the Argentinian experience on its compliance during the South Atlantic Armed Conflict (The Falklands, 1982)" to be held next August at the Law School of the Argentinian Catholic University of Rosario, sponsored by the Inter-ministerial Commission on the International Humanitarian Law Enforcement Standards and by the Argentinian National Group;

3. A Postgraduate Course on International Humanitarian law for Armed Forces Officers and Civilian Personnel with a background of Law, Political Sciences or International Relations. The Course will be held at the Law School of the Pontific Argentinian Catholic University from August through December 2005. The said Course, organised for the fourth time, will be headed by General Carlos H. Cerda, in cooperation with speakers, Professors of the said University and Legal Experts, members of the Argentinian National Group.

4. A Regional Seminar (MERCOSUR) is being organised and will be held during 2006 on the following subject: "the use of force for humanitarian reasons within the framework of the new threat against international security".

INTERESTING PUBLICATIONS

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

Notes:

*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 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.*

M.J. ALLEN, *Elliot & Wood's Cases and Materials on Criminal Law*, Sweet and Maxwell, 2001, 8th edition, ISBN 0 421 71740 8;*

R. ARNOLD & P.-A. HILDBRAND (EDS.), *International Humanitarian Law and the 21st Century's Conflicts. Changes and Challenges*, Edis, 2005, ISBN 2-940341-04-4;

Y. BEIGBEDER, *International Justice against Impunity, Progress and New Challenges*, Martinus Nijhoff, 2005, ISBN 900414451X;

P. BIEGER ET AL. (EDS.), *Die Stimme, die durch Beton geht – La voix qui traverse le beton – Una voce que traversa il cemento*, BBL-Bundespublikationen, 2004, ISBN 3-85545-135-4* (donated by the Département fédéral suisse de la défense, de la protection de la population et des sports);

H. BORN, P. FLURI & A.B. JOHNSON (EDS.), *Parliamentary Oversight of the Security Sector: Principles, Mechanism and Practices*, series "Handbook for Parliamentarians n° 5, IPU/DCAF, 2003, available in 35 languages, including most for free at <http://www.dcaf.ch>;

H. BORN, P.H. FLURI & S. LUNN (EDS.), *Oversight and Guidance: the Relevance of Parliamentary Oversight for the Security Sector and its Reform. A Collection of Articles on foundational Aspects*

of *Parliamentary Oversight of the Security Sector*, DCAF, 2003, ISBN 92-9222-019-5* (donated by DCAF);

H. BORN, K. HALTNER & M. MALESICC (EDS.), *Renaissance of Democratic Control of Armed Forces in Contemporary Societies*, series “Militär und Sozialwissenschaften” n° 36, Nomos, 2004, ISBN 3-8329-0659-2* (donated by DCAF);

H. BORN & I. LEIGH, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies*, Publishing House of the Parliament of Norway, 2005, ISBN 92-9222-017-9 (donated by DCAF and available for free at <http://www.dcaf.ch>);*

A. BRYDEN & H. HÄNGGI (EDS.), *Reform and Reconstruction of the Security Sector*, DCAF title, Lit Verlag, 2004, ISBN 3-8258-7770-1 (donated by DCAF and available for free at <http://www.dcaf.ch>);*

R. BURCHILL, J. MORRIS & N. WHITE (eds.), *International Conflict and Security Law. Essays in Memory of Hilaire McCoubrey*, Cambridge UP, 2005, ISBN-10: 0521845319 / ISBN-13: 9780521845311;

M. CAPARINI (ed.), *Media in Security and Governance. The Role of the News Media in Security Oversight and Accountability*, series “BICC/DCAF Security Sector Governance and Conversion Studies” n° 8, Nomos, 2004, ISBN 3-8329-0858-7* (donated by DCAF);

M. CAPARINI & O. MERENIN (EDS.), *Transforming Police in Central and Eastern Europe. Process and Progress*, DCAF title, Lit Verlag, 2004, ISBN 3-8258-7485-0* (donated by DCAF);

E. COLE ET AL. (EDS.), *Defence and Security Sector Governance and Reform in South East Europe*, series “Militär und Sozialwissenschaften” n° 38, Nomos, 2005, ISBN 3-8329-1048-4* (donated by DCAF);

F. COOMANS & M. KAMMINGA (eds.), *Extraterritorial Application of Human Rights Treaties*, Intersentia, 2004, ISBN 90-5095-394-8;*

R. CRYER, *Prosecuting International Crimes. Selectivity and the International Criminal Law Regime*, Cambridge UP, 2005, ISBN-10: 0521824745 / ISBN-13: 9780521824743;

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