



NEWSLETTER JANUARY/FEBRUARY/MARCH 2007

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EDITORIAL

Dear Member,

2007 is the year of the centennial anniversary of the Second Hague Peace Conference. International humanitarian law is indeed not a new branch of law, but as you all know, it has been developed more and more throughout the past 100 years. The increasing amount of activity coming from the Society's National Groups is a proof that the study and dissemination of the rules of international humanitarian law remains a key objective of the community of members of the Society. I should congratulate our National Groups for their intensified efforts and encourage them to continue this way. Do not hesitate to call upon the General Secretariat of the Society for the publication of your announcements on the Society's website or through this newsletter or the mailing list.

Ludwig Van Der Veken
Secretary-General

NEWS, ANNOUNCEMENTS OF CONFERENCES, SEMINARS, ETC.

The **Managing Board and the Board of Directors** of the Society will convene in Stavern (Norway) from 24-27 April 2007.

The **Belgian National Group** of the Society will hold the following conferences in Brussels (Belgium):

- On 22 May 2007 on 'the application of international humanitarian law in recent and current conflicts';
- On 29 November 2007 (to be confirmed) on 'the militarisation of outer space'.

For more information please contact the General Secretariat.

The **US National Group** of the Society has held an international seminar in Washington D.C. on 1 March 2007 on Maritime Security Operations.

On 23 May 2007, the **UK National Group** of the Society will be meeting for a 'Soldiers as citizens in uniform' seminar at the McCoubery Centre for International Law at the University of Hull under the chairmanship of MajGen (Ret'd) Tony Rogers. Professor Peter Rowe and Brig McEvoy will deliver presentations during the seminar. For more information please contact Col Jim Stythe (james.stythe100@mod.uk).

The President of the Society, Mr. Arne Willy Dahl, will represent the Society at the Society's **Hungarian National Group's** 8th International Military Criminal Law Conference, which will take place in Budapest from 6 to 10 June 2007. The theme is 'Traditions and Future of the Military Justice'. For more information please contact Col Laszlo Venczl (venczl.laszlo@mku.hu).

HPCR International and the ICRC have announced the dates for their **fifth annual Advanced Training on International Humanitarian Law** (see enclosed flyer). The session in Brussels (Bel-

gium) from 10 to 14 September 2007 is hosted by the Belgian Ministry of Defence, with a participation of the Society.

The **4th European Symposium on Non-Lethal Weapons** will take place in Ettlingen (Germany) from 21 to 23 May 2007. The title of the symposium is 'Non-Lethal Weapons: Fulfilling the Promise?'. The symposium will *inter alia* deal with the legal and public acceptability of non-lethal weapons. For more information, please contact Mrs. Manuela Wolff (Manuela.Wolff@ict.fraunhofer.de).

The Russian Association of International Law & the European Studies Institute at Moscow State Institute of International Relations (MGIMO-University) are organising the 50th anniversary annual Congress of the Russian Association of International Law. The Congress will be held from 3 to 6 July 2007 in Moscow (Russia) and will be dedicated to the centennial anniversary of the Second Hague peace conference. For more information, please contact Mr. Sergey Bartenev (bartenevserg1@rambler.ru).

The Director of Publications of the Society, Mr. Frederik Naert, as well as the Assistant Secretary General of the Society, Mr. Alfons Vanheusden, have contributed to the **EAPC/PfP Roundtable on Customary International Humanitarian Law and its Relevance for the Interoperability of Armed Forces**, which was held in Geneva (Switzerland) from 1 to 2 February 2007. All contributions as well as the summaries of the debates have been uploaded under <http://pforum.isn.ethz.ch/events/index.cfm?action=detail&eventid=269>

The President of the Society, Mr. Arne Willy Dahl, has represented the Society at the **New Zealand Armed Forces Law Conference** at Trentham Military Camp (New Zealand) from 9 to 10 February 2007.

(A. Vanheusden)

The Netherlands Defence Academy and Emory University School of Law are co-organising a **Conference on 'Sexual Abuse and Exploitation of Women in Violent Conflict'** from 17 to 19 June 2007 in Amsterdam (The Netherlands). We invite you all to participate in the interdisciplinary expert meeting that we are aiming for. Confirmed speakers and commentators include Major-General Patrick Cammaert (Force Commander UN Mission to the Congo), Major-General Nilendra Kumar (India, JAG Office), Hansjorg Strohmeyer (Chief, UN Office for the Coordination of Humanitarian Affairs), Dr. Yakin Ertürk (UN Special Rapporteur on Violence against Women, its Causes and Consequences), Martha LA Fineman (Emory University - School of Law), Fionnuala Ni Aolain (University of Ulster), Muna Ndulo (Cornell University Law School) and Elisabeth Wood (Yale University). The program and registration form are attached (see also www.nlda.nl/symposia). If you have any questions, please feel free to contact Lt. Daniel Blocq RNLN, Assistant Professor in International Law, the Netherlands Defence Academy (ds.blocq@nlda.nl)

(LtCol M. Nooijen, Correspondent the Netherlands National Group)

The U.S. Institute of Peace has just opened a website: www.INPROL.org - The **International Network to Promote the Rule of Law** - intended to promote the rule of law in countries transitioning from war to peace. Its digital library contains primary documents relating to the rule of law and it offers facilitated discussion forums for three communities: general rule of law, senior police commanders, and stability police commanders. Membership is open to those currently serving in the fields in a rule of law related capacity, or those who have served previously, as well as scholars and others with specialized expertise of relevance to the community.

(Professor M. Noone, Catholic University of America, Columbus School of Law)

RECENT DEVELOPMENTS, LEGISLATION & JURISPRUDENCE

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

Note: Unless quotes are taken from authentic documents in the same language, they are not authentic.

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International Agreements and Conferences

OSLO CONFERENCE ON CLUSTER MUNITIONS

In February 2007 forty-eight states, UN bodies and agencies, the International Committee of the Red Cross and the Cluster Munition Coalition came together in Oslo to discuss possible realistic and effective measures for an international ban on cluster munitions that cause unacceptable human suffering. The countries signed a declaration in which they aim to conclude by 2008, 'a legally binding international instrument that will prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians' and they agreed 'to continue to address the humanitarian challenges posed by cluster munitions in all relevant fora'. Poland, Romania and Japan opposed the declaration. Negotiations toward a ban will now be continued in a series of meetings over the next year.

According to Human Rights Watch cluster munitions are stockpiled by at least 75 states and have been used in at least 23 countries. Existing cluster munitions worldwide contain billions of individual submunitions. Globally, 34 countries are known to have produced over 210 different types of air-dropped and surface-launched cluster munitions including projectiles, bombs, rockets, missiles, and dispensers. At least 13 countries have transferred more than 50 types of cluster munitions to at least 60 other countries. The UN estimates that Israel dropped up to four million cluster bomblets in southern Lebanon during last year's war.

NGO's worldwide hope that the Oslo conference will mark a crucial first step towards bringing about an international ban on cluster bombs.

For more information see: <http://www.stopclustermunitions.org> and *Sentinelle* No 99 of 4 March 2007.

(I. Heyndrickx)

PARIS COMMITMENTS AGAINST CHILD SOLDIERS

On 6 February 2007, at the end of a summit in Paris sponsored by France and UNICEF, some 60 countries adopted the Paris Commitments to protect children from illegal use or recruitment by armed groups or forces. The text of the commitments is available online in French at <http://www.unicef.fr/mediastore/7/3142-4.pdf?kmt=51bdeb8dda8ea39378f9b010c95d3482> and will be submitted to the UN General Assembly. See http://www.diplomatie.gouv.fr/fr/actions-france_830/droits-homme_1048/droits-enfant_4669/index.html and *Sentinelle* No. 97 of 18 February 2007.

(F. Naert)

SIX-PARTY TALKS REACH AGREEMENT ON NORTH KOREAN NUCLEAR PROGRAMME

On 13 February 2007, North and South Korea, China, Japan, Russia and the US reached an agreement on North Korea's nuclear programme. This follows North Korea's proclaimed nuclear test in October, after which the UN Security Council imposed sanctions on the country (see previous issues of this *Newsletter*). The full text of the agreement is available online at <http://www.state.gov/r/pa/prs/ps/2007/february/80479.htm>. The agreement was welcomed by the top UN and IAEA officials, see <http://www.iaea.org/NewsCenter/News/2007/sixpartytalks.html> and UN press release of 14 February 2007. See also C. Le Mon, 'Six-Party Talks Produce Action Plan on North Korean Nuclear Disarmament', *ASIL Insight*, 6 March 2007, Volume 11, Issue 5, <http://asil.org/insights/2007/03/insights070306.html>.

(F. Naert)

International Organisations

DEVELOPMENTS AT THE UN SECURITY COUNCIL¹

During the first three months of 2007, the Security Council *inter alia* adopted thematic Presidential Statements on security sector reform (S/PRST/2007/3, 20 February; see also *Sentinelle* No 98 of 25 February 2007), cooperation with other international organisations on non-proliferation (S/PRST/2007/4, 23 February) and women and peace and security (S/PRST/2007/5, 7 March).

Furthermore, it extended the missions in Côte d'Ivoire (Resolution 1739 of 10 January), Ethiopia-Eritrea (Resolution 1741 of 30 January), the DRC (Resolution 1742 of 15 February), Haiti (Resolution 1743 of 15 February, in which it *inter alia* "Requests that MINUSTAH continue the increased tempo of operations in support of the HNP against armed gangs as deemed necessary to restore security, notably in Port-au-Prince, and encourages MINUSTAH and the Government of Haiti to undertake coordinated deterrent actions to decrease the level of violence" (§ 7)) and Timor Leste (Resolution 1743 of 15 February) and set up a UN political mission in Nepal (Resolution 1745 of 22 February). It also authorised a new mission in Somalia, see below.

(F. Naert)

NEW PEACE FORCE AUTHORIZED FOR SOMALIA

In Resolution 1744 of 20 February 2007, the UN Security Council, acting under Chapter VII of the UN Charter, unanimously authorised the African Union to establish a mission in Somalia (AMISOM). The new mission overrides the previously authorised operation led by the Inter-

¹ See <http://www.un.org/documents/> for the documents.

governmental Authority on Development (see the previous issue of this *Newsletter*). See also *Sentinelle* No 99 of 4 March 2007.

(F. Naert)

UN MISSION IN SUDAN STRUGGLES WITH ABUSE BY PEACEKEEPERS

Four peacekeepers of the UN Mission in Sudan (UNMIS) have been repatriated to Bangladesh following investigations into allegations of sexual exploitation and abuse and their cases will be dealt with by that country. The Department of Peacekeeping Operations (DPKO) will follow up with Bangladeshi authorities on the outcome of the cases of the four repatriated peacekeepers to find out what action has been taken. Inquiries are continuing into misconduct allegations – not all of which involve sexual exploitation – against 13 other staff at UNMIS. In the mean time, UNMIS has agreed with the Sudanese Government and UNICEF to set up a joint task force to foster coordination, information-sharing and action to stamp out the problem wherever it may occur. See UN press releases of 4 and 18 January 2007 and *Sentinelle* No. 91 of 5 January 2007.

(F. Naert)

International(ised) Courts

JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE IN THE BOSNIAN GENOCIDE CASE

On 26 February 2007, the International Court of Justice issued its Judgment in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. It was the first time a State sued another State for violations of the Genocide Convention.

The Court ruled that the acts of those who committed genocide at Srebrenica cannot be attributed to Serbia under the rules of international law of State responsibility. Indeed, referring to its jurisprudence in the 1986 Judgment in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* the Court observed that persons, groups of persons or entities may, for purposes of international responsibility, be equated with State organs, provided that in fact the persons, groups or entities act in complete dependence on the State, of which they are ultimately merely an instrument. In the case against Serbia, the Court could not find that the persons or entities that committed the acts of genocide at Srebrenica had such ties with the Belgrade authorities.

The Court also concluded that the international responsibility of Serbia is not engaged for acts of complicity in genocide mentioned in article III, paragraph (e), of the Genocide Convention, as it was not conclusively shown that the decision to eliminate physically the adult male population of the Muslim community from Srebrenica was brought to the attention of the Belgrade authorities when it was taken.

On the other hand, the Court ruled that Serbia violated its obligation to prevent the Srebrenica genocide against Bosnian Muslims in such a manner as to engage its international responsibility. In view of the undeniable influence and of the information, voicing serious concern, in their possession, the Belgrade authorities should, in the view of the Court, have made the best efforts within their power to prevent what happened.

It also appeared to the Court sufficiently established that Serbia failed in its duty to punish genocide. In particular Serbia failed to co-operate fully with the ICTY, in violation of the Dayton Agreement, article VI of the Genocide Convention and its obligation as a Member of the United Nations.

Ruling on Bosnia-Herzegovina's claim for reparation, the Court could not conclude from the case as a whole and with a sufficient degree of certainty that the genocide at Srebrenica would in fact have been averted if Serbia had acted in compliance with its legal obligations. Since the Court could not regard as proven a causal nexus between Serbia's violation of its obligation of prevention and the genocide at Srebrenica, it held that financial compensation is not the appropriate form of reparation for the breach of the obligation to prevent genocide. According to the Court, the appropriate form of reparation for this breach is the

declaration in the Judgment that Serbia failed to comply with the obligation imposed by the Convention to prevent the crime of genocide. Turning to the question of appropriate reparation for the breach by Serbia of its obligation under the Genocide Convention to punish acts of genocide, the Court noted that it is satisfied that Serbia has outstanding obligations as regards the transfer to the ICTY of persons accused of the genocide, in order to comply with its obligations under the Genocide Convention, in particular in respect of General Mladic, who oversaw the massacre at Srebrenica.

The Judgment is available at http://www.icj-cij.org/icjwww/idocket/ibhy/ibhyjudgment/ibhy_ijudgment_20070226_frame.htm. For a review, see J. Morgan-Foster and P.-O. Savoie, *World Court finds Serbia Responsible for Breaches of Genocide Convention, but not Liable for Committing Genocide*, *ASIL Insight*, 3 April 2007, Volume 11, Issue 9. See also *Sentinelle* No. 99 of 4 March 2007.

(A. Vanheusden)

DEVELOPMENTS AT THE ICC

First, on 29 January 2007, Pre-Trial Chamber I of the International Criminal Court (ICC) confirmed the charges against Mr. Thomas Lubanga Dyilo, sending the case against him to trial, having found sufficient evidence to establish substantial grounds to believe that Mr. Lubanga is criminally responsible as a co-perpetrator for the charges made against him, i.e. the war crimes of (1) enlisting and (2) conscripting children under the age of fifteen and (3) using children under the age of fifteen to participate actively in hostilities. See <http://www.icc-cpi.int/press/pressreleases/220.html>; J. Morgan-Foster, 'ICC Confirms Charges against DRC Militia Leader', *ASIL Insight*, 9 March 2007, Volume 11, issue 6, <http://asil.org/insights/2007/03/insights070309.html>; *Sentinelle* No. 95 of 4 February 2007 and the previous issue of this *Newsletter*.

Second, on 27 February 2007, the ICC's chief prosecutor named Ahmad Harun, a former head of the "Darfur Security desk" which involved managing and recruiting, funding and arming the Janjaweed militia and currently Sudan's state humanitarian affairs minister, and Ali Kushayb, (also known as Ali Muhammad Ali Abd-Al-Rahman), a militia commander, as the first suspects he wants tried for war crimes and crimes against humanity in Sudan's conflict-racked Darfur region. The Security Council referred the Darfur issue to the ICC in March 2005 (see previous issues of this *Newsletter*). The Prosecutor presented evidence showing that the suspects bear criminal responsibility in relation to 51 counts of alleged crimes against humanity and war crimes and that they acted together, and with others, with the common purpose of carrying out attacks against the civilian populations. The Pre-Trial Chamber will review the evidence and if the judges determine that there are reasonable grounds to believe that the named individuals committed the alleged crimes, they will decide on the best manner to ensure their appearance in court. See <http://www.icc-cpi.int/press/pressreleases/230.html>; K.J. Heller, 'The Situation in Darfur: Prosecutor's Application under Article 58(7) of the Rome Statute', *ASIL Insight*, 16 March 2007, Volume 11, Issue 7, <http://asil.org/insights/2007/03/insights070314.html> and *Sentinelle* No. 99 of 4 March 2007. On Sudan, see also below.

Third, the Assembly of States Parties continued its 5th session, *inter alia* discussing the crime of aggression (see <http://www.icc-cpi.int/asp/aspaggression.html>).

(F. Naert)

DEVELOPMENTS AT THE ICTY AND ICTR²

First, on 17 January 2007, under a plea agreement reached with ICTY prosecutors, Dragan Zelenovic, a former Bosnian Serb soldier and de facto military policeman, pleaded guilty to 7 counts of crimes against humanity consisting of rape and torture of Bosnian Muslim women and girls in the eastern Bosnian town of Foca and surrounding villages in the second half of 1992. Prosecutors have asked for a sentence of 10 to 15 years' imprisonment, while the de-

² See generally respectively <http://www.un.org/icty> and <http://69.94.11.53>.

fence lawyers have recommended a sentence of between seven and 10 years' jail. See also *Sentinelle* No. 94 of 28 January 2007.

Second, on 16 January 2007, the ICTR Appeals Chamber confirmed the sentence of life imprisonment given to Emmanuel Ndindabahizi, a former finance minister, for his role in the 1994 genocide. The judges upheld the trial chamber's convictions for both genocide and extermination as a crime against humanity but overturned convictions for genocide and murder as a crime against humanity, although they ruled that the latter did not materially diminish from the gravity of the overall criminal conduct. See also *Sentinelle* No. 93 of 21 January 2007.

Third, on 23 February 2007, the ICTR sentenced Joseph Nzabirinda, a former Youth Organiser of Ngoma Commune, to 7 years imprisonment for one count of murder as crime against humanity, as an accomplice by omission, following a guilty plea in accordance with a plea agreement. See also *Sentinelle* No. 99 of 4 March 2007 and the previous issue of this *Newsletter*.

(F. Naert)

AGREEMENT ON HARIRI TRIBUNAL SIGNED AND AWAITING LEBANESE RATIFICATION

On 6 February 2007, the UN signed an agreement with Lebanon on the Hariri tribunal. The agreement had been signed by the Lebanese earlier and now awaits ratification and implementation by Lebanon (see previous issues of this *Newsletter*). See UN press release of 6 February 2007 and *Sentinelle* No. 96 of 11 February 2007. See also *Sentinelle* No 99 of 4 March 2007.

(F. Naert)

EUROPEAN COURT OF JUSTICE RULING ON TERROR LISTS

On 12 December 2006, the EU's Court of First annulled Council Decision 2005/930/EC of 21 December 2005 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2005/848/EC (*Official Journal* 2005 L 340, p. 64) as far as it concerns the applicant. This Council decision is a European Community decision taken pursuant to Community Regulation No. 2580/2001, adopted to give effect to Council Common Position 2001/931 (as updated), which in turn implements UN Security Council Resolution 1373 (2001). This Resolution leaves the identification of suspected persons and the procedure for freezing funds to States. Pursuant to this, EC Regulation No. 2580/2001 empowered the EU Council to maintain the list of persons to whom sanctions apply, acting on the basis of decisions of competent national authorities. Given this discretion, the CFI considered that fundamental rights are fully applicable (unlike the regime under Resolution 1267, see the *Yusuf* and *Kadi* judgments discussed in the 2005-4 issue of this *Newsletter*) and consequently found itself competent to conduct a review of the decision by which the applicant's name was added and kept on the list. It held that the absence of information regarding the circumstances leading to the inclusion in the list not only infringed the applicant's right to a fair hearing but also his right to effective judicial protection, since lacking such information the Court was incapable of reviewing the lawfulness of the decision. The judgment in this case T-228/02, *Organisation des Modjahedines du peuple d'Iran v. Council of the European Union*, is available at <http://curia.europa.eu/en/content/juris/index.htm> and is summarised in C. Lehnardt, 'European Court Rules on UN and EU Terrorist Suspect Blacklists', *ASIL Insight*, 31 January 2007, Volume 11, Issue 1, <http://www.asil.org/insights/2007/01/insights070131.html>. See also the changes in the Security Council's listing regime mentioned in the previous issue of this *Newsletter*.

(F. Naert)

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE CALLS ON RUSSIA TO ADDRESS CHECHNYA TORTURE CLAIMS

On 13 March 2007, the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment called on Russia to deal with allega-

tions of torture and abuse in Chechnya in its third public statement on this situation. See <http://www.cpt.coe.int/documents/rus/2007-17-inf-eng.pdf> and http://jurist.law.pitt.edu/paperchase/2007_03_13_indexarch.php#2229680466488694471.

(F. Naert)

National Developments

AFGHAN AMNESTY LAW ADOPTED

On 10 March 2007, a revised version of a controversial bill granting amnesty to groups that allegedly committed war crimes was signed into law Saturday by Afghan President Hamid Karzai after being approved by the Afghan parliament. See http://jurist.law.pitt.edu/paperchase/2007_03_11_indexarch.php#3942590152666525803.

(F. Naert)

AUSTRALIA: THE DEFENCE LEGISLATION AMENDMENT ACT 2006

The *Defence Legislation Amendment Act* (1) replaces the system of trials by Courts Martial and Defence Force Magistrates with an 'Australian Military Court' (AMC) and; (2) facilitates the creation of a 'Chief of Defence Force Commission of Inquiry'. Both amendments have developed from inquiries conducted by the Commonwealth Government in to the effectiveness of Australia's justice system. The Act is available online at http://www.austlii.edu.au/au/legis/cth/num_act/dlaa20061592006275.txt/cgi-bin/download.cgi/download/au/legis/cth/num_act/dlaa20061592006275.rtf.

The AMC is a service tribunal that has been created to maintain military discipline within the Australian Defence Force; and to reinforce the principles of impartiality and judicial independence (especially from the chain of command). The AMC is a permanent military court of record that comprises of military judges headed by a Chief Military Judge. Trials by the Court will either be with a military judge, or a military judge and military jury. When a military jury sits, it will consist of either 12 members (for class 1 offences) or 6 members (for class 2 and 3 offences).

The Chief of Defence Force Commission of Inquiry amendments to the *Defence Act* enable the creation of such commissions under the *Defence (Inquiry) Regulations 1985*.

(Bruce 'Ossie' Oswald)

CANADA APOLOGISES TO CLEARED TERROR SUSPECT

On 26 January 2007, the Canadian Prime Minister released a letter of apology to Maher Arar for any role Canadian officials may have played in his detention and alleged abuse in 2002 and 2003. Arar was born in Syria and became a Canadian citizen in 1991; on 26 September 2002, while in transit in a New York airport, he was detained by US officials and interrogated about alleged links to al-Qaeda; he was subsequently flown to Syria, where he was held until October 2003 and claims to have been tortured (see <http://www.maherarar.ca>). Arar will receive a fair compensation, has been removed from Canadian lookout lists and Canada has objected to Arar's treatment by Syria and the US and has requested that the US remove him from US lookout lists. See <http://www.pm.gc.ca/eng/media.asp?id=1510>. The Canadian Government has also accepted all the recommendations of a report on the case clearing Arar (see <http://www.ararcommission.ca/>). See also the 2006-1 issue of this Newsletter on Arar's lawsuit in the US.

(F. Naert)

CANADIAN SUPREME COURT RULES ON DETENTION PURSUANT TO SECURITY CERTIFICATES

A recent case at the Supreme Court of Canada addressed the need to strike a balance between the competing interests of human rights and national security. In *Adil Charkaoui v. Minister of Citizenship and Immigration and Minister of Public Safety and Emergency Preparedness* (see <http://scc.lexum.umontreal.ca/en/2007/2007scc9/2007scc9.html>), the Court examined the constitutionality of Canada's security certificate program, which allows the government to declare that a foreign national or permanent resident is inadmissible to Canada on grounds of security. The person named in the certificate can then be detained in anticipation of deportation, subject to the review of the certificate by a judge of the Federal Court. Three people who had been named in security certificates, and subsequently detained, for alleged association with Islamic terrorist organizations brought the challenge in this case under the Canadian *Charter of Rights and Freedoms* (the *Charter*).

The Court found that the security certificate regime violated the right not to be deprived of liberty or security of the person except in accordance with the principles of fundamental justice, a right protected under Section 7 of the *Charter*. A person named in a certificate was allowed a hearing, but could not access any information that the government deemed confidential. The Court found that this limit denied the named person the right to give full answer to the case against him, in violation of the principles of fundamental justice. The named person could not challenge the confidential evidence, and even though the judge had access to the government's evidence, the fact that the person could not respond to this evidence meant the judge may not be aware of all of the information necessary to properly decide the case.

The Court found that this infringement on the rights of the named person could be remedied by methods that fell short of revealing confidential information – such as the use of special, security-cleared counsel who would have access to all of the evidence and advocate for the named person. This method has been adopted in similar cases in the United Kingdom, and has been used in other Canadian contexts, including in the system that was the precursor to the current security certificate regime.

The Court also found that the *Charter* guarantee against arbitrary detention was violated by the length of time between when foreign nationals were detained and when that detention could be reviewed. For permanent residents named in security certificates, review was automatic within 48 hours. Foreign nationals, on the other hand, had to wait until 120 days after a judge deemed the certificate reasonable before they could ask that the security certificate be reviewed. In view of the drastically different standard, the Court determined that the 120-day period could not be considered a reasonable minimal impairment of a foreign national's rights.

Charkaoui and his co-applicants were not successful on all counts. The Court found that the applicants' lengthy detentions were not "cruel and unusual treatment" because the regime provided a process for regularly reviewing and amending detentions. Furthermore, the Court determined that the equality rights of the subjects were not violated because there is no right for non-citizens to remain in Canada, and the detention of the applicants was ultimately linked to their deportation, so they did not amount to discrimination based on their status as non-citizens.

In this decision, the Court recognized that terrorism must be addressed in a robust fashion, but that human rights cannot be unduly sacrificed in this pursuit. Now, it will be up to Parliament to revisit the legislation and strike the appropriate balance.

(C. Elliott-Magwood)

DRC WAR CRIMES JUDGMENTS

On 19 February 2007, a military court in Bunia, in the Democratic Republic of the Congo (DRC), has condemned 4 former militia members for killing two UN military observers in May 2003 (one from Jordan and the other from Malawi) and sentenced them to life imprisonment. Two others charged in the case were sentenced to 10 and 20 years in prison. In another case, 13 DRC soldiers who massacred 31 civilians in the second half of 2006 also received life sentences, including the battalion commander, while his deputy received a 180 days sentence and one soldier was acquitted. Substantial compensation was also awarded.

See UN press release of 20 February 2007; the MONUC press release at <http://www.monuc.org/News.aspx?newsId=13942>; *Sentinelles* No. 98 of 25 February 2007 and *IHR Bericht* 2007-6 of 21 February 2007 of the Flemish Red Cross.

(F. Naert)

EAST TIMOR EX-MINISTER CONVICTED OF FUELING MILITIA VIOLENCE

On 7 March 2007, a court in East Timor convicted and sentenced to seven-and-a-half years in prison former Interior Minister Rogerio Lobato for promoting violence during the 2006 riots in the country by arming the militias and for criminal negligence in the deaths of nine police officers killed during the violence. See http://jurist.law.pitt.edu/paperchase/2007_03_07_indexarch.php#2456081641262978287.

(F. Naert)

GERMAN AND ITALIAN PROSECUTIONS IN CIA KIDNAPPING CASES ADVANCE

On 31 January 2007, German prosecutors in Munich issued arrest warrants for 13 CIA operatives suspected of kidnapping a German man of Lebanese descent in Macedonia in December 2003 and taking him to Afghanistan. He was released five months later without charges in Albania. Germany's role in or knowledge of the case is unclear. See e.g. C. Whitlock, 'Arrest Warrants Issued for 13 CIA Operatives in Germany Kidnapping', *The Washington Post*, 31 January 2007 and M. Lander, 'German Court Challenges C.I.A. Over Abduction', *The International Herald Tribune*, 1 February 2007.

Furthermore, on 16 February 2007, a Milan judge gave approval for a criminal trial of 25 CIA officers, a US Air Force lieutenant colonel and five Italian spies (including a former director of Sismi, the Italian military intelligence agency) accused of kidnapping a radical Muslim cleric four years ago in a covert counterterrorism operation. The cleric was then taken to his native Egypt, where he claims he was tortured in prison for more than three years. He was released by an Egyptian court only in February 2007 and is considering filing a civil lawsuit against the Italian and US governments. The trial is scheduled to start on 8 June 2007 and the Americans accused are likely to be tried *in absentia* as none of them is in custody. Arrest warrants against the CIA operatives were obtained in 2005 and the Italian judiciary has requested the Italian Government to request their extradition, but without success so far. In addition, the Swiss government announced in February 2007 that it had approved a criminal investigation into the use of Switzerland's airspace to the cleric from Italy to a US military base in Germany after his abduction. See S. Delaney & C. Whitlock, 'Milan Court Indicts 26 Americans in Abduction', *The Washington Post*, 17 February 2007 and previous issues of this *Newsletter*. In the mean time, the Italian Government has asked the Italian Constitutional Court to cancel the indictments, see http://jurist.law.pitt.edu/paperchase/2007_03_16_indexarch.php#1021187333955439002.

(F. Naert)

IRAQ: RAMADAN SENTENCED TO DEATH

The Iraqi High Tribunal's Appeals Chamber ruled on 26 December 2006 that the life sentence of former Iraqi vice president Taha Yassin Ramadan was too lenient and ordered the court to re-sentence him (see http://jurist.law.pitt.edu/jurist_search.php?q=Taha+Yassin+Ramadan). The UN High Commissioner for Human Rights submitted a 'friend of the court' brief in this case arguing that imposition of the death sentence on Ramadan would violate Iraq's obligations under the International Covenant on Civil and Political Rights due to shortcomings in the proceedings which are said to constitute an unfair trial. See UN press release, 8 February 2007. Nevertheless, Ramadan was subsequently sentenced to death by hanging on 12 February 2007 (see <http://jurist.law.pitt.edu/paperchase/2007/02/iraqi-tribunal-sentences-saddam-vp-to.php>). His lawyers then filed an appeal and a commutation request (see <http://jurist.law.pitt.edu/paperchase/2007/03/saddam-vp-asks-iraq-tribunal-to-lift.php>). However, he was hanged on 20 March 2007 (see http://jurist.law.pitt.edu/paperchase/2007_03_20_indexarch.php#2523489820404341907).

(F. Naert)

ITALIAN COURT SENTENCES FORMER ARGENTINE OFFICERS

On 14 March 2007, a court in Rome convicted and sentenced to life imprisonment five former officers of the Argentine military on charges of torturing, kidnapping and murdering three Italian citizens during Argentina's 1976-83 "Dirty War". All five defendants were tried *in absentia* but four of them are being held in Argentina for similar charges and could face extradition. See

http://jurist.law.pitt.edu/paperchase/2007_03_15_indexarch.php#2096038343920881823. In the mean time, an Argentine federal Judge ruled on 21 March 2007 that former Argentine president Reynaldo Bignone will face criminal charges for his alleged role in disappearances and human rights abuses during the same "Dirty War", in particular illegal arrest, torture and killing of dissidents at secret detention centers. See

http://jurist.law.pitt.edu/paperchase/2007_03_22_indexarch.php#6245149572208336117. Also, in January, Argentine ex-president Isabel Peron was arrested in Spain on order of an Argentine judge, see http://jurist.law.pitt.edu/paperchase/2007_01_12_indexarch.php#116863736858356951.

(F. Naert)

ITALIAN COURT CONVICTS FORMER SS SOLDIERS FOR WW II ATROCITY

On 13 January 2007, an Italian military court convicted (in absentia) and sentenced to life imprisonment 10 former SS soldiers and acquitted 7 others in the 1944 killing of more than 700 people in Marzabotto, a small town in northern Italy, which is considered the worst killing of civilians in Italy during WW II. See http://jurist.law.pitt.edu/paperchase/2007_01_13_indexarch.php#116872751929381015.

(F. Naert)

MEXICAN COURT ANNULS LAW BANNING SOLDIERS WITH HIV

On 27 February 2007, The Supreme Court of Mexico released a decision overturning a law that banned those with HIV from serving in the military, finding the law an unconstitutional infringement on principles of equality. The military may now only expel soldiers if a doctor certifies that their condition prevents them from performing their duties. See http://jurist.law.pitt.edu/paperchase/2007_02_28_indexarch.php#9028999486862877219.

(F. Naert)

NETHERLANDS EXTRADITE TERRORIST TO US

Late January 2007, the Netherlands extradited Dutch citizen Wasem al Delaema to the US for his role in attempted killings of US soldiers in Iraq during October 2003. The extradition follows a ruling by the Appeals Court in The Hague that he could be extradited for the terror attacks, saying the Court expected the US to observe the prisoner's rights. The US Department of Justice asserts that he will face trial in federal district court. The trial will be the first for a person accused of terrorist activities in Iraq during the war in that country. Dutch authorities captured al Delaema in the Netherlands in May 2005 and he was indicted in the US in September 2005 on four conspiracy charges in addition to several charges related to possession and training in the use of explosives. See http://jurist.law.pitt.edu/paperchase/2007_01_27_indexarch.php#116993441735358803.

(F. Naert)

SENEGAL ADOPTS LAW TO TRY HABRÉ

On 31 January 2007, the Senegalese National Assembly adopted a law to allow Senegalese courts to try the exiled former dictator of Chad, Hissène Habré. See <http://hrw.org/english/docs/2007/02/02/senega15249.htm> and Newsletter du DIH No 86 of the francophone Belgian Red Cross (<http://www.croix-rouge.be/UserFiles/File/Publications/Newsletter%20du%20DIH/News%20du%20DIH-86.pdf>). See also various previous issues of this Newsletter.

(F. Naert)

THE SITUATION IN SUDAN

A special mission of the UN Human Rights Council has submitted its report on the situation in Sudan. The report (Doc. A/HRC/4/80, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/116/20/PDF/G0711620.pdf?OpenElement>) *inter alia* concludes that "the situation of human rights in Darfur remains grave, and the corresponding needs profound. The situation is characterized by gross and systematic violations of human rights and grave breaches of international humanitarian law. War crimes and crimes against humanity continue across the region. The principal pattern is one of a violent counterinsurgency campaign waged by the Government of the Sudan in concert with Janjaweed/militia, and targeting mostly civilians. Rebel forces are also guilty of serious abuses of human rights and violations of humanitarian law" (§ 76; see also the section on the ICC above) and regrets the "Government's manifest failure in its responsibility to protect civilians" (§ 77). The report also makes various recommendations to the UN, the International Community and the Sudanese Government and rebels. However, it remains to be seen whether this will prompt appropriate action. Rather, the Sudanese Government continues to raise obstacles to the deployment of a true UN-AU hybrid peace force for Darfur, despite its earlier consent to that deployment. The UN Secretary-General criticized the Sudanese response to his earlier letter on this matter as "not satisfactory" and the Under-Secretary-General for Peacekeeping Operations sees "fundamental strategic differences" on the matter. See UN press releases of 12, 15, 16 and 19 March 2007; <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/E6DF2E2811EABFA3C12572A000717B7E?opendocument> and *Sentinelle* No 101 of 18 March 2007. See also previous issues of this Newsletter.

(F. Naert)

UK DEVELOPMENTS

The Armed Forces Act 2006, which received Royal Assent on 8 November 2006 (text at http://www.opsi.gov.uk/acts/acts2006/ukpga_20060052_en.pdf), introduced significant changes to British Military Justice, see <http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Legal/ArmedForcesAct/ArmedForcesAct2006.htm> for a short summary.

Furthermore, Mid March 2007, the UK Government secured Parliamentary approval for a decision to renew the UK's Trident nuclear weapon system, although the Prime Minister added that decisions concerning the "actual contracts for the design and construction are to be left for a later time". See http://www.acronym.org.uk/uk/trident_reaction.htm. See also the previous issue of this Newsletter.

Moreover, on 20 March 2007, UK Defence Secretary Des Browne announced that British forces are to abandon the use of "dumb" cluster bombs such as the RBL 755 aerial delivered cluster munitions and the multi-launch rocket system M26 munitions, to reduce the risk of civilian casualties and will only deploy cluster bombs with features such as self-destruct mechanisms. More than 28 million sub-munitions will be destroyed. See Press Association, 'Military to cease using 'dumb' cluster bombs', 20 March 2007, <http://www.guardian.co.uk/international/story/0,,2038472,00.html> and http://jurist.law.pitt.edu/paperchase/2007_03_20_indexarch.php#2224383452143786691.

In addition, on 23 January 2007, Sir Ken Macdonald, the UK's Director of Public Prosecutions (i.e. the country's most senior criminal prosecutor), said that there is no "war on terror" on the streets of Britain in comments made to the Criminal Bar Association. He said those responsible for atrocities like the July 7 bombings should be dealt with by the criminal justice system and are not soldiers in a war. He also gave warning against allowing the threat of terrorism to trigger a "fear-driven and inappropriate" security response which damaged Britain's traditions of freedom and called for a "culture of legislative restraint" in passing terror laws. Furthermore, he appeared to question whether terrorism was threatening the very life of the nation justifying a derogation from the European Convention on Human Rights in order to allow detention without trial. He said the criminal justice response to terrorism must be "proportionate and grounded in due process and the rule of law" and that "We must protect ourselves from these atrocious crimes without abandoning our traditions of freedom".

See L. Bannerman, 'There Is no War on Terror in the UK, says DPP', *The Times online*, 24 January 2007, <http://business.timesonline.co.uk/tol/business/law/article1295756.ece>.

On 19 February 2007, an independent review concluded that the control orders system (see previous issues of this Newsletter) was necessary and functions well, see <http://www.homeoffice.gov.uk/about-us/news/carlile-report>. However, on 4 March 2007, the UK Parliament's Joint Committee on Human Rights said in a report (text at <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/60/6002.htm>) that control orders issued by the government to limit the movement and conduct of uncharged terror suspects violate the European Convention on Human Rights and should give way to actual criminal prosecutions. See http://jurist.law.pitt.edu/paperchase/2007_03_04_indexarch.php#2398547003192326221.

On the judicial front, a UK magistrate refused to extradite to Croatia a war criminal who was convicted there *in absentia*, saying he may not receive a fair trial. See http://jurist.law.pitt.edu/paperchase/2007_03_20_indexarch.php#5381736509668363619.

Also, a UK coroner has ruled that a US friendly fire attack on a British convoy in Iraq in 2003 that killed a British soldier was criminal, see http://jurist.law.pitt.edu/paperchase/2007_03_16_indexarch.php#2760614287618069103. It remains to be seen what the consequences of this ruling will be.

In another case, in March 2007 charges were dropped against the last of seven British soldiers accused of causing the 2003 death of Iraqi civilian Baha Musa. Earlier, one soldier had pleaded guilty to a charge of inhumane treatment. See http://jurist.law.pitt.edu/paperchase/2007_03_13_indexarch.php#6678227450260432645 and http://jurist.law.pitt.edu/paperchase/2007_03_13_indexarch.php#2729717367436042149. For a comment, see <http://www.opiniojuris.org/posts/1173869440.shtml>.

Furthermore, on 4 January 2007, the UK Ministry of Defence said that nine soldiers videotaped beating Iraqi civilians in an incident in southern Iraq in 2004 will not face charges before military courts-martial. While there was enough evidence to bring assault charges against two of the soldiers, the time period for charging the soldiers had expired. Two other soldiers could still face court-martial, but most likely they will "be dealt with summarily by the commanding officer, or by internal army administrative action". See http://jurist.law.pitt.edu/paperchase/2007_01_05_indexarch.php#116801165739957056.

(F. Naert)

US DEVELOPMENTS

First, there are a number of new documents concerning the Military Commissions, including especially the 14 February 2007 Executive Order Trial of Alien Unlawful Enemy Combatants by Military Commission (available online at <http://www.whitehouse.gov/news/releases/2007/02/20070214-5.html>) and the 18 January 2007 Manual for Military Commissions (available online at <http://www.defenselink.mil/pubs/pdfs/The%20Manual%20for%20Military%20Commissions.pdf>)

Second, in the case of *Boumediene v. Bush* the United States Court of Appeals for the District of Columbia on 20 February 2007 ruled that the Military Commissions Act of 2006 strips US courts of the ability to hear petitions for writs of habeas corpus filed by the Guantanamo detainees and that there is no federal common law writ of habeas corpus that extends beyond US sovereign authority, which it considered did not extend to Guantanamo. The judgment is available online at <http://pacer.cadc.uscourts.gov/docs/common/opinions/200702/05-5062b.pdf> and is summarized in *ILIB* of 6 March 2007. Attorneys for the detainees said they would petition the Supreme Court to hear the case, see J. White, 'Guantanamo Detainees Lose Appeal', *The Washington Post*, 21 February 2007, p. A 01, http://www.washingtonpost.com/wp-dyn/content/article/2007/02/20/AR2007022000490_pf.html. See also A. Kent, 'D.C. Circuit Upholds Constitutionality of Military Commissions Act Withdrawal of Federal Habeas Jurisdiction for Guantanamo Detainees', *ASIL Insight*, 21 March 2007, Volume 11, Issue 8, <http://asil.org/insights/2007/03/insights070320.html>.

Third, on 7 February 2007, the trial of First Lt. Watada, the first US officer court-martialled for refusing to serve in Iraq and charged with conduct unbecoming an officer and missing movement for refusing to leave, ended with a mistrial because the accused did not fully understand a document he signed admitting to elements of the charges. However, after the mistrial charges were again brought against Watada. See e.g. G. Johnson, 'Army's Iraq War Objector Charged Again', 24 February 2007, <http://www.guardian.co.uk/worldlatest/story/0,-6437222,00.html> and http://jurist.law.pitt.edu/paperchase/2007_02_24_indexarch.php#6034798097296498069.

Fourth, the Bush Administration has stated that it will give the Foreign Intelligence Surveillance Court jurisdiction over National Security Agency's wiretapping program and will end the practice of eavesdropping without warrants on Americans suspected of terrorist ties, see E. Lichtblau & D. Johnson, 'Court to Oversee US Wiretapping in Terror Cases', *The New York Times*, 18 January 2007, p. A1.

Fifth, in a ruling that will have considerable repercussions, on 9 February 2007, the US Court of Appeals for the DC circuit held that suspected Iraq terrorist Shawqi Omar, detained by US forces in Iraq, has the right to argue his case before a US court and upheld an injunction prohibiting his transfer to the Iraqi authorities. See <http://pacer.cadc.uscourts.gov/docs/common/opinions/200702/06-5126a.pdf>; http://jurist.law.pitt.edu/paperchase/2007_02_09_indexarch.php#8311823785741145576 and http://jurist.law.pitt.edu/paperchase/2007_02_10_indexarch.php#5397500681870042911.

Furthermore, there have been developments in the case of the rape and murder of a 14-year-old Iraqi girl and the murder of her family in the Mahmudiya area in March 2006. On 22 February 2007, Sgt. Paul E. Cortez, who had pleaded guilty to felony murder, rape and conspiracy to rape, was sentenced to 100 years in prison with the possibility of parole after 10 years. On 21 March 2007, Pfc. Bryan Howard pleaded to conspiracy to commit rape and premeditated murder and conspiracy to obstruct justice guilty for his role in the case. Pfc. Jesse Spielman still faces an April 2 court martial, and former US Army Pfc. Steven D. Green has pleaded not guilty in his civilian trial in federal court in Kentucky. See http://jurist.law.pitt.edu/jurist_search.php?q=Mahmudiya. See also the previous issue of this Newsletter.

In another case, A US military jury recommended on 19 March 2007 that Sgt. Raymond Girouard be sentenced to 10 years in prison after being convicted on 16 March of three counts of negligent homicide for the deaths of three Iraqi detainees held after a May 2006 raid in Thar Thar. He was also found guilty of one count of obstruction of justice for lying to investigators, one count of conspiracy for trying to conceal the crime, and one count of failure to obey a general order. In the same case, earlier this year US Army Specialist William Hunsaker received an 18-year prison sentence after pleading guilty to murder, attempted murder and obstruction of justice charges, Specialist Juston Graber received a nine-month sentence after pleading guilty to aggravated assault with a dangerous weapon and US Army Pfc. Corey R. Clagett pleaded guilty during his court-martial on Thursday to charges of murder, attempted murder, conspiracy to commit murder and conspiracy to obstruct justice and received an 18-year prison sentence. See http://jurist.law.pitt.edu/paperchase/2007_03_20_indexarch.php#7798911255101994684; http://jurist.law.pitt.edu/paperchase/2007_01_25_indexarch.php#116975612144030422 and http://jurist.law.pitt.edu/paperchase/2007_01_12_indexarch.php#116865681487903574.

In yet another case, on 17 February 2007, US Marine Lance Cpl. Robert B. Pennington was sentenced to eight years in military prison for his role in the death of Iraqi civilian Hashim Ibrahim Awad in Hamdania in April 2006. See http://jurist.law.pitt.edu/paperchase/2007_02_18_indexarch.php#2517761185842871101 and <http://www.usmc.mil/lapa/Iraq/Hamdania/HAM-Rel-070218.htm>.

Furthermore, in January 2007, US Army Col. Michael Steele has been formally reprimanded for giving improper orders to soldiers in Iraq, leading to the deaths of four unarmed Iraqi civilians near Samarra last May. See http://jurist.law.pitt.edu/paperchase/2007_01_23_indexarch.php#116955890250804661.

In addition, on 13 February 2007, a federal judge in Raleigh, North Carolina sentenced David Passaro, a former CIA contractor, to eight years and four months in prison as well as three years of supervised release on charges related to his abuse of a detainee in Afghanistan.

Passaro is the first and so far only US civilian to be tried in connection with detainee abuse in Iraq or Afghanistan. See <http://jurist.law.pitt.edu/paperchase/2007/02/judge-sentences-former-cia-contractor.php>.

Moreover, on 14 March 2007, a federal judge held Sudan liable in the 2000 al-Qaeda bombing of the USS Cole and moved the civil trial of a suit brought by families of seventeen US sailors killed in the bombing to the damages phase. Because the US has listed Sudan as a sponsor of terrorism since 1993, Sudan cannot claim sovereign immunity. See http://jurist.law.pitt.edu/paperchase/2007_03_14_indexarch.php#2019383501196992393.

In addition, on 6 March 2007, US Army Specialist Agustin Aguayo was convicted of desertion for fleeing a base in Germany to avoid redeployment to Iraq and was sentenced to eight months. See http://jurist.law.pitt.edu/paperchase/2007_03_06_indexarch.php#455699185850357616.

Finally, the US has publicly displayed a heat-ray weapon to repel enemies or disperse hostile crowds and called the Active Denial System, including by testing on a journalist. The weapon projects an energy beam that heats up the skin to 50° C but penetrates the skin only a little and just enough to cause discomfort but no lasting harm, from up to 500 meters. See BBC, 'US Military Unveils Heat-Ray Gun', 25 January 2007, <http://news.bbc.co.uk/2/hi/americas/6297149.stm>.

(F. Naert)

Mr John B. Bellinger III, the legal adviser for the State Department and Mr. William J. Haynes II, general counsel of the Department of Defense have sent a letter dated 3 November 2006 to the International Committee of the Red Cross criticizing the methodology authors J.-M. Henckaerts and L. Doswald-Beck used in compiling the ICRC study on *Customary International Humanitarian Law*. The full text of the letter is available at <http://www.ushrmission.ch/Press2007/0327CustomaryIntlLaw.html>.

(A. Vanheusden)

INTERESTING PUBLICATIONS

Notes:

The publications marked with * have been offered by their publishers 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;

hb = hardback/hard cover and pb = paperback/soft cover.

P. Bergling, *Rule of Law on the International Agenda. International Support to Legal and Judicial Reform in International Administration, Transition and Development Co-operation*, Intersentia, 2006, 16+310 p., ISBN 90-5095-981-9, www.intersentia.com.

O. Engdahl, *Protection of Personnel in Peace Operations. The Role of the 'Safety Convention' against the Background of General International Law*, Martinus Nijhoff Publishers, 2007, 16+360 p., ISBN-13 978-9004154-66-7, ISBN-10 90-04-15466-3, www.brill.nl. *

U. Häussler, *Ensuring and Enforcing Human Security: The Practice of International Peace Missions*, Wolf Legal Publishers, 2007, ISBN 9789058502575, <http://www.wolfpublishers.nl/eu/product.php?id=245>. *

R. Haveman & O. Olusanya (eds.), *Sentencing and Sanctioning in Supranational Criminal Law*, Intersentia, 2006, 10+212 p., ISBN 90-5095-607-6, www.intersentia.com.

G.-J. Knoops & R. Arnold (eds.), *Practice and Policies of Modern Peace Support Operations under International Law*, Martinus Nijhoff Publishers, 2006, 300 p., ISBN-13 978-15-7105361-9, ISBN-10 1-5710-5361-1, www.brill.nl.

L. Moreillon et al. (eds.), *Droit pénal humanitaire*, Bruylant, 2006, 380 p., ISBN 2-8027-2215-8, www.bruylant.be.

M. Schmitt & J. Pejic (eds.), *International Law and Armed Conflict: Exploring the Faultlines. Essays in Honour of Yoram Dinstein*, Martinus Nijhoff Publishers, 2007, 600 p., ISBN-13 978-9004154-28-5, ISBN-10 90-04-15428-0, www.brill.nl.

H. Schroeder, *Die völkerrechtliche Verantwortlichkeit im Zusammenhang mit failed und failing States*, Nomos, 2007, 278 p., ISBN 978-3-8329-2586-4, www.nomos.de.

R. Wilde, *Territorial Administration by International Organizations*, Oxford University Press, 2007, 304 p., ISBN 0-19-927432-0 / 978-0-19927432-1, www.oup.com.*

S. Wollenberg, *Die Regierung von Konfliktgebieten durch die Vereinten Nationen*, Nomos, 2007, 295 p., ISBN 978-3-8329-2463-8, www.nomos.de.

FROM THE GENERAL SECRETARIAT

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