



NEWSLETTER 2008-4
OCTOBER/NOVEMBER/DECEMBER 2008

INTRODUCTION

Dear reader,

As you already know, our next Congress will be taking place in Tunis from 5 to 9 May 2009, with the support of the Tunisian authorities. Under the agreed title of the Congress (*Practice and Customary Law in Military Operations, including Peace Support Operations*), the Congress will feature plenary sessions and parallel specialized committee sessions, as usual. The topics addressed in the plenary sessions include the interrelation between practice and customary law, in particular in the Armed Forces' context; the importance of customary international humanitarian law for peacekeeping operations; practice and customary law with respect to the means and methods of conducting military operations; and State practice and customary law regarding the use and status of private military and security companies. The topics addressed in the parallel sessions are military justice and discipline in military operations; the law of neutrality in maritime and other military operations from a historical perspective; the rule of law in failing States, including their maritime zones; and practice and customary international humanitarian law in armed conflicts against non-State actors. Various other organizations, such as the Harvard Program on Humanitarian Policy and Conflict Research and the San Remo International Institute of Humanitarian Law, will also be present to present some of their projects to the participants. The Congress is expected to attract well over 200 participants, composed of a mixture of scholars, legal advisors, diplomats, magistrates, military personnel and other public officials from across the world. I sincerely hope to count you among them and to meet you at this very important event of the Society.

Ludwig Van Der Veken
Secretary-General

NEWS, ANNOUNCEMENTS OF CONFERENCES, SEMINARS, ETC.

The Hungarian Group of the Society and the Military Prosecutor General's Office of Hungary will be organizing their **9th International Military Criminal Law Conference** in Budapest from 3 to 5 September 2009. The President of the Society, Mr. Arne Willy Dahl, will participate and present his views on different ways of organizing military appeal in disciplinary (summary punishment) cases in an international perspective. For more information please contact Colonel Laszlo Venczl at tel. +36-1 311-5888 or at venczl.laszlo@mku.hu.

The Armed Forces Law Association of New Zealand (AFLANZ) in conjunction with the University of Canterbury invites you to their **2009 Military Law Conference** to be held in Wellington, New Zealand, between 28 and 30 August 2009. The theme of the 2009 conference will be *Human Rights and the Military: A duty to Protect?* Please find attached a formal call for papers for your perusal.

The "Istituto Superiore Internazionale di Scienze Criminali" (ISISC) announced its **9th Specialization Course in International Criminal Law for Young Penalists** on the *Legal Status and Responsibilities of Non-State Actors Under International Humanitarian Law, International Criminal Law and International Human Rights Law*. The course will take place from 24 May to 3 June 2009 and is open to all international graduate law students. The deadline for application submissions is 10 March 2009. ISISC will select 60 participants who should have as a minimum a first degree in law, have graduated in the last eight years (2001-2009), and be 35 years of age or under. Furthermore, the Institute will offer 10 scholarships to applicants from Developing and Less Developed Countries. All relevant information and the application form are available at www.isisc.org.

The **XVIIIth Congress of the Society** will be taking place in Tunis from 5 to 9 May 2009, with the support of the Tunisian authorities. All members of the Society will receive their personal invitation. *Inter alia* Ministries of Defense and Justice are also invited to send participants to the Congress. The title of the Congress is *Practice and Customary Law in Military Operations, including Peace Support Operations*. An updated program is available at the Society's website.

The Turkish Supreme Military Court of Appeals is organizing an **International Symposium on the System of Judgment in the Year 2009**. The symposium will be running from 6 to 8 April 2009. For more information: nailoral@yahoo.com.

The Naval Tactics Center in Bremerhaven (Germany) will be hosting a **Seminar on Legal Dimensions of Maritime Forces in Operations** from 16 to 20 March 2009. For more information, see: RalphGrabow@bundeswehr.org.

The International Society for Military Law and the Law of War, and the Belgian Branch of the International Law Association are organizing a **Presentation on Challenges to the Application of International Humanitarian Law**. The presentation will take place in Brussels on 26 January 2009. For more information, please contact the General Secretariat.

The Belgian Group of the Society held a one day conference in Brussels on 15 December 2008 on **the Prosecution of Crimes against International Humanitarian Law**. Other one day conferences in Brussels organized by the Belgian Group will deal with **Weapons with Sub-munitions** (5 March 2009), **the Interplay between the Law of Armed Conflict and International Human Rights Law** (23 April 2009), **Missing Persons** (9 June 2009), and **Proposals to Modify Provisions of Military Penal Law** (13 October 2009). For more information, please contact the General Secretariat.

The **Managing Board of the Society** convened in Brussels on 23 October 2008. *Inter alia* the preparation of the XVIIIth Congress of the Society was on the agenda of the meeting. Colonel Ali Fatnassi, member of the Board of Directors of the Society, attended the meeting as representative of the Tunisian Organizing Committee.

(Alfons Vanheusden)

On 13-14 March 2009, the Santa Clara Journal of International Law, together with the Center for Global Law and Policy at the Santa Clara University School of Law, will host a **Symposium on the Future of International Criminal Justice**. The keynote speaker is Professor M. Cherif Bassiouni, one of the world's leading experts on international criminal law. The conference will feature four main papers on the following topics: the controversial exercise of universal jurisdiction, the principle of complementarity before the International Criminal Court, responses to collective and systemic criminal behavior, and the contested crime of terrorism. The symposium will feature four panels, one for each of the four main papers, in which expert commentators will provide a range of perspectives on the topics addressed in those papers.

The symposium will conclude with a roundtable discussion in which panelists will explore how the international legal system may better achieve the goals of international criminal law. For more information, see: <http://law.scu.edu/international-criminal-justice-symposium/index.cfm>.

On 12-13 March 2009, The Robert S. Strauss Center for International Security and Law at the University of Texas will host the **Second Annual National Security Law Junior Faculty Workshop**. In addition to presentation and discussion of works-in-progress on a range of national security law topics, participants will receive training in the fundamentals of International Humanitarian Law from instructors provided by the International Committee of the Red Cross and the U.S. Army JAG School. If you are interested in presenting a work-in-progress at this event, please send a short abstract (or the draft itself, if you prefer and are able) to Bobby Chesney at rchesney@law.utexas.edu no later than 15 January 2009. Even if you do not wish to submit a paper, scholars with an interest in national security affairs are invited to attend in order to take part in the article discussions, the IHL training, and the networking opportunities. If you wish to attend, or if you have questions, email Bobby Chesney at rchesney@law.utexas.edu or call him at 512-232-1298. For more information, see: <http://natseclaw.typepad.com/files/announcement-2009-final.doc>

On 20-21 February 2009, a conference entitled "**War Crimes - Retrospectives and Perspectives**" will be held in London, at the Institute of Advanced Legal Studies with the sponsorship of SOLON, the Institute of Advanced Legal Studies, and the Centre for Contemporary British History. For more information, see: www.perc.plymouth.ac.uk/solon/.

On 10-12 November 2008, the Asia Pacific Centre for Military Law at Melbourne Law School hosted a conference to commemorate the sixtieth anniversary of the judgment in the Tokyo War Crimes Trial. The conference included a public lecture "**The Tokyo War Crimes Trial: Humanity's Justice or Victors' Justice?**" delivered by Professor Hisakazu Fujita. For more information, see: <http://intranet.law.unimelb.edu.au/staff/events/files/Tokyo%20Brochure%20at%2023%20Sep.p df> and http://www.law.unimelb.edu.au/events/tokyo_flyer.pdf.

(Marco Benatar)

TRIBUTE TO FREDERIC DE MULINEN

Colonel Frédéric de Mulinen is no longer with us. He passed away just a few days before the celebration of his 80th birthday. Thus departs a true « seigneur », an idealist, a builder and a friend. Frédéric left an indelible mark at the ICRC through his endeavors in the dissemination of international humanitarian law within the armed forces. For example, as an ICRC delegate to the Armed Forces, he led a remarkable "crusade" in defense of two very simple ideas. The first idea was that in order for international law to be respected in times of war or occupation, the military must have prior knowledge thereof. The second idea, which nobody will dispute his ownership, was that one should not teach the laws of war to a soldier in the same way that one would to a general. For each level of knowledge and responsibility, there must be a corresponding level of understanding, not contradictory but different. Based on these principles, he developed a teaching method, many practical exercises and teaching manuals in various languages that are still used worldwide, for instance in Geneva and at the International Institute of Humanitarian Law in San Remo, for which he designed the basic course for officers. Hence, through his impressive body of work, Frédéric must have directly or indirectly influenced tens of thousands of servicemen from all over the globe with respect to their approach to and knowledge of humanitarian law.

Besides his exemplary engagement in the framework of the ICRC, Frédéric was a pillar of strength to the International Society for Military Law and the Law of War (ISMILLW). Being an extremely active member of the Society for more than 25 years, its participants benefited not only from his vast knowledge of the law of armed conflict, but also from his skillful interventions in many foreign languages. In this role, he served both as an eminent specialist in this field

and as a translator to enhance the understanding and communication between speakers from different countries. Prior to this contribution, namely in 1978, with great enthusiasm and together with *maj gen* Eugène Dénéréaz and *br gen* Raphaël Barras, he co-founded the Swiss Group of the Society, and subsequently presided over that Group for several years. Furthermore, he rapidly became an eminent and respected member of the Society's Board of Directors and Managing Board whilst playing a very active role as President of the "Committee for the Protection of Human Life in Armed Conflict", currently called the "Committee for International Humanitarian Law"!

It was at the Society's XVIIth Congress in May 2006 while he and I were having a discussion during a break between two sessions that he had a stroke. Despite the rapid arrival of the medical service and his transfer to the hospital in The Hague, he was unable to overcome this traumatism. Frédéric left us as he had always lived: with modesty and serenity. He leaves behind him his admirable and dedicated wife to whom we express our sincere sympathy. For those who knew him well, he leaves us with the memory of an "inventive, original and creative" personality, to use the words of Mr. Jacques Moreillon, representative of the ICRC at his funeral in Vevey, on 4 November 2008. And lastly, he leaves behind many friends from all continents, who will always remember the Gentlemen that he always was, who enlightened so many of their meetings.

(Colonel Rolet Loretan, Senior Vice-President of the Society, Former Secretary-General of the Swiss Group of the Society)

RECENT DEVELOPMENTS, LEGISLATION & JURISPRUDENCE

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

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

International Agreements and Documents

94 Countries sign up to the historic Treaty banning the use of cluster bombs

Representatives of 94 countries gathered in Oslo, Norway, from 2 to 4 December 2008 to sign the treaty adopted at a diplomatic conference in Dublin in May 2008, renouncing the use, production, transfer and stockpiling of cluster bombs.

For more information about the Convention, see the Society's newsletter 2008-2.

See also: <http://www.stopclustermunitions.org/the-solution/the-treaty/?id=84>.

(Alfons Vanheusden)

Montreux Document on Private Military and Security Companies

On 17 September 2008, a Swiss Initiative on Private Military and Security Companies, in cooperation with the ICRC (see <http://www.eda.admin.ch/psc>), culminated in the adoption of the 'Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict'. The document is available online at

<http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/humlaw.Par.0056.File.tmp/Montreux%20Document.pdf> and at

<http://geneva.usmission.gov/Press2008/September/Montreux%20Document.pdf>.

International Organizations

UN Security Council

Anti-Piracy operations off the coast of Somalia

As the number of acts of piracy and armed robbery off the coast of Somalia increased in 2007 and 2008, several individual States conducted naval operations to escort the World Food Program's shipping to Somalia, as provided for by UNSC Resolution 1814 (15 May 2008). The UNSC subsequently called for and authorized further anti-piracy cooperation and activities in UNSC Resolutions 1816 (2 June 2008; see the 2008-2 edition of this Newsletter), 1838 (7 October 2008), 1846 (2 December 2008; extending the substance of UNSCR 1816 for 12 months) and 1851 (16 December 2008; also covering the land territory of Somalia). In this framework, Standing NATO Maritime Group 2 (see <http://www.nato.int/shape/news/2008/10/docs/factsheet-The Standing NATO Maritime Group 2.pdf>) conducted operation 'Allied Provider' to provide close protection to WFP chartered ships and to conduct deterrence patrols in the areas most susceptible to criminal acts against merchant shipping from October to early December 2008 (see <http://www.nato.int/shape/news/2008/12/081212a.html>). In addition, the European Union first set up a military Coordination Action in support of UNSCR 1816 (EU NAVCO) and subsequently launched, on 8 December 2008, Operation Atalanta, in order to contribute to the protection of vessels of the WFP delivering food aid to displaced persons in Somalia and the protection of vulnerable vessels cruising off the Somali coast, and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU NAVFOR Somalia, see http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=1518&lang=en and <http://www.mschoa.eu/>). Furthermore, several States (including Russia, India and China) have sent or have decided to send war ships to the region to deter and combat piracy.

(Frederik Naert, KU Leuven)

The UN Office on Drugs and Crime (UNODC) proposed a regional approach to bringing pirates off the Somali coast to justice similar to one that has proved successful in fighting drug traffickers in the Caribbean. In the face of the collapse of Somalia's own justice system, the unwillingness of ship-registering countries to deal with crimes committed thousands of miles away, and possible legal problems for trial in countries providing the warships, the proposed option would be for the pirates to be tried in the region after being arrested by local policemen deployed on the warships. Under such a deal, similar to the Caribbean drug operation, an officer from Djibouti, Kenya, Tanzania or Yemen would join a warship off the coast as a 'ship rider,' arrest the pirates in the name of his or her country, and then have them sent to their national court for trial.

For more information, see:

<http://www.un.org/apps/news/story.asp?NewsID=29324&Cr=somali&Cr1=piracy>

(Alfons Vanheusden)

MONUC called upon to make the protection of civilians a priority

On 22 December 2008, the UN Security Council extended the mandate of the UN Mission in the Democratic Republic of the Congo (MONUC) for another year until 31 December 2009, and renewed until 30 November 2009 sanctions intended to stem the illicit flow of weapons into the DRC and the illicit export of mineral resources that fuel the rebel groups.

UNSC called upon MONUC to use "all necessary means within the limits of its capacity" and to work in close cooperation with the DRC Government, in order to make the protection of

civilians, including aid workers, a priority, contribute to improved security for the provision of humanitarian aid, and assist the voluntary return of refugees and internally displaced persons.

UNSC stressed the importance of MONUC fully implementing the mandate, "*including through robust rules of engagement*," and called on the Mission to strengthen its efforts to prevent and respond to sexual violence, "*including through training for the Congolese security forces*".

For more information, see:

<http://www.un.org/apps/news/story.asp?NewsID=29389&Cr=democratic&Cr1=congo>

(Alfons Vanheusden)

International(ised) Courts

International Court of Justice (ICJ)

Case Concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)

In the case concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination by Georgia against the Russian Federation, the International Court of Justice indicated provisional measures against both Georgia and the Russian Federation. The provisional measures are that both Georgia and the Russian Federation have to (1) refrain from any act of racial discrimination against persons, groups of persons or institutions; (2) abstain from sponsoring, defending or supporting racial discrimination by any persons or organizations; (3) do all in their power, whenever and wherever possible, to ensure, without distinction as to national or ethnic origin: (i) security of persons; (ii) the rights of persons to freedom of movement and residence within the borders of the State; (iii) the protection of the property of displaced persons and of refugees; (4) ensure that public authorities and public institutions under their control or influence do not engage in acts of racial discrimination against persons, groups of persons or institutions. Furthermore, the Court ordered Georgia and the Russian Federation to "*facilitate, and refrain from placing any impediment to, humanitarian assistance in support of the rights to which the local population are entitled under the International Convention on the Elimination of All Forms of Racial Discrimination.*", as well as to "*refrain from any action which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve*".

For more background and details on the decision, see ILIB of 17 October 2008.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide – Preliminary Objections (Croatia v. Serbia)

On 18 November 2008, the International Court of Justice held that it had jurisdiction over the application by Croatia against Serbia regarding the applicability of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) pertaining to the armed conflict in the former Yugoslavia in 1992.

For more background and details on the decision, see ILIB of 3 December 2008.

The Former Yugoslav Republic of Macedonia (FYROM) Sues Greece for Alleged Breaches of the 1995 Interim Accord between the FYROM and Greece by Vetoing NATO Accession

On 17 November 2008, the FYROM instituted proceedings before the ICJ alleging that Greek actions have denied FYROM membership in NATO, in violation of article 11.1 of the 1995 Interim Accord between the two Countries.

For more background and details on the dispute, see ILIB of 29 December 2008.

(Alfons Vanheusden)

International Criminal Court (ICC)¹

Prosecutor v. Thomas Lubanga Dyilo

On 21 October 2008, the Appeals Chamber of the ICC reversed the Trial Chamber's decision to release Mr. Lubanga, holding that where the "proceedings have only been stayed conditionally ... the Court is not necessarily permanently barred from exercising jurisdiction in respect of the person concerned."

On 18 November 2008, the ICC Trial Chamber I decided to lift the conditional stay of the proceedings, imposed on 13 June 2008. The Chamber set a provisional date of 26 January 2009, for the commencement of the trial. The reason to lift the stay "is based on the conviction that the reasons for imposing a halt 'have fallen away'" (see press release, available at <http://www.icc-cpi.int/press/pressreleases/445.html>).

For more information about the imposed stay of proceedings, see the Society's newsletter 2008-2.

For more background and details on the decision, see ILIB of 4 November 2008 and of 3 December 2008.

(Alfons Vanheusden)

Darfur, the Sudan

Mid-October 2008, Sudanese officials disclosed that Sudan had arrested Ali Kushayb - also known as Ali Muhammad Ali Abd-al-Rahman and the "colonel of colonels" -, a notorious janjaweed militia leader charged by the International Criminal Court in 2007 with crimes against humanity in Darfur. A government spokesman said Sudan is investigating to see if he has committed crimes in Darfur or not. Sudan has not indicated that it would surrender Ali Kushayb to the ICC and its government's longstanding position is that it would conduct its own trials for war crimes suspects. See J. Gettleman, 'Sudan Arrests Militia Chief Facing Trial', *The New York Times*, 14 October 2008.

(Frederik Naert, KU Leuven)

The ICC Prosecutor, Mr. Moreno Ocampo, has requested the issuance of arrest warrants against several rebel commanders (names have not yet been disclosed) for their role in last year's storming of an AMIS camp in Haskanita. During the attack twelve peacekeepers were killed.

For more background and details on the application, see ILIB of 3 December 2008.

(Alfons Vanheusden)

¹ See generally <http://www.icc-cpi.int>.

International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY)

On 19 December 2008, the UN Security Council called on the ICTR and ICTY to conduct their trials as quickly and efficiently as possible. The Security Council noted with concern "*that the deadline for completion of trial activities at first instance has not been met and that the Tribunals have indicated that their work is not likely to end in 2010*".

Dennis Byron of the ICTR said that instead of the decreased workload that might have been expected with the ICTR moving towards the completion of its mandate, the ICTR was now confronted with 10 new cases. At the same time, the ICTR is faced with the resignation of judges and 13 fugitives who are at large. To assist in expediting the ICTR's work, the Council unanimously adopted a resolution authorizing the Secretary-General to appoint up to three additional *ad litem* judges to the ICTR.

The ICTY's President, Patrick Robinson, told the Security Council that while the Tribunal was still on track to complete most of its trials during 2009, a number of trials would continue into the first part of 2010, which would also affect the dates for appeals, a small number of which would then spill over into 2012. The Security Council authorized the Secretary-General to appoint, as a temporary measure and within existing resources, additional *ad litem* judges to the Tribunal, in order to complete existing trials or conduct additional ones. Serge Brammertz, Prosecutor of the ICTY, said that "*the arrest of the two remaining fugitives*", Ratko Mladic and Goran Hadžićs, "*is the highest priority of the Office*", and that, in order to succeed in completing the trial and appeals programme, there would be heavy reliance on cooperation from the States of the former Yugoslavia and the support of the international community.

See <http://www.un.org/News/Press/docs/2008/sc9549.doc.htm> and <http://www.un.org/apps/news/story.asp?NewsID=29298&Cr=criminal+tribunal&Cr1>

On 18 December 2008, the ICTR sentenced Colonel Théoneste Bagosora and two co-defendants to life imprisonment for genocide, crimes against humanity and war crimes. Colonel Bagosora was the Director of Cabinet in the Rwandan Ministry of Defense in April 1994. The ICTR found him responsible for the killing, on 7 April, of Prime Minister Agathe Uwilingiyimana, Joseph Kavaruganda, the President of the Constitutional Court, as well as Frédéric Nzamurambaho, Landoald Ndasingwa and Faustin Rucogoza, who were opposition party officials and government ministers. He was found guilty in connection with the killing of ten Belgian peacekeepers who were killed by soldiers at Camp Kigali on 7 April. Bagosora was also responsible for the organized killings perpetrated by soldiers and militiamen at a number of sites throughout Kigali and Gisenyi between 6 and 9 April. The ICTR found Lieutenant-Colonel Anatole Nsengiyumva guilty as commander of the elite Para Commando Battalion for the participation of his soldiers in killings at Kabeza, Nyanza Hill and the African and Mauritian Statistical and Economic Institute in Kigali. Major Aloys Ntabakuze was found guilty in connection with the massacres at Mutende University, the targeted killings of civilians in the Gisenyi prefecture, and for sending militiamen to Bisesero in the Kibuye prefecture to kill displaced Tutsis in June 1994. A fourth defendant, Brigadier-General Gratien Kabiligi, was acquitted and ordered to be released, as the ICTR found that it was not proven that he had operational authority or targeted civilians. All of the accused were acquitted of conspiring to commit genocide before 7 April, when the violence erupted following the death of President Juvénal Habyarimana.

See <http://www.unictr.org/ENGLISH/PRESSREL/2008/582.html>

In another case the ICTR sentenced Protais Zigiranyirazo to 20 years jail on charges of genocide and extermination as a crime against humanity. The ICTR acquitted Mr. Zigiranyirazo of conspiracy to commit genocide, complicity in genocide and murder as a crime against humanity, declaring that the prosecution had failed to prove that he conspired

with officials to plan or facilitate attacks on Tutsis or that he had criminal responsibility for alleged involvement in the Interahamwe militant Hutu group.

See <http://www.unict.org/ENGLISH/PRESSREL/2008/581.html>

Furthermore the ICTR sentenced singer and composer Simon Bikindi to 15 years in prison for direct and public incitement to commit genocide, through his songs and speeches during the 1994 killings of Tutsis. The ICTR found that three of his songs manipulated Rwanda's history to exalt Hutus, with two having been composed specifically to promote pro-Hutu and anti-Tutsi sentiment. The ICTR noted that the three songs were used as part of a 1994 propaganda campaign to incite people to attack and kill Tutsi, but said that it had not been proven beyond a reasonable doubt that he had taken part in the broadcast or dissemination of these songs. Mr. Bikindi was acquitted on charges of conspiracy to commit genocide, genocide, complicity in genocide, and murder and persecution as crimes against humanity.

See <http://69.94.11.53/default.htm>

On 8 October 2008 the Appeals Chamber of the ICTY confirmed the sentence of 35 years of imprisonment handed down against former Serb leader in Croatia Milan Martić.

For more background and details on the decision, see ILIB of 17 October 2008.

On 17 December 2008, the Trial Chamber of the ICTY ordered the Prosecution to disclose to Karadžić any written agreement and related notes in its possession that were made during the meeting between Karadžić and Holbrooke. However, the Trial Chamber also noted that *"it [is] well established that any immunity agreement in respect of an accused indicted for genocide, war crimes and/or crimes against humanity before an international tribunal would be invalid under international law."*

For more background and details on the decision see ILIB of 31 December 2008.

(Alfons Vanheusden)

International Independent Investigation Commission (IIIC) for Lebanon

On 18 December 2008, the UN Security Council extended for a further two months the mandate of the independent probe into the 2005 assassination of former Lebanese Prime Minister Rafiq Hariri and several other political killings in Lebanon. The extension will allow the Commission to continue to function until the day the international tribunal being set up in The Hague to try those responsible starts to operate on 1 March 2009.

See <http://www.un.org/News/Press/docs//2008/sc9543.doc.htm>">extended.

(Alfons Vanheusden)

National Developments

UN Envoy in Afghanistan calls for a revision of detention, search and air attack tactics

The UN Envoy in Afghanistan called for a revision of the agreement between the Government of Afghanistan and international military forces on detention, house searches and the use of air power.

Secretary-General Ban Ki-moon's Special Representative Kai Eide stated that *"[t]here is a need for greater integration, better cooperation and better operational cohesion between the international forces and the Afghan national forces."*

With regard to house searches, I believe that Afghans should always be in front. The Afghans are aware of the cultural sensitivities in a completely different way than internationals are or can be. And cultural sensitivity is critically important for those kind of activities.

With regard to the use of air power – I think already changes have been made in the way international forces operate in order to avoid situations where there is use of air power, for instance in populated areas, which can lead to unnecessary civilian casualties.

With regard to detentions, I think greater transparency is required in order to avoid that people are detained and often are held for a long period of time on the basis of mistaken identity or mistakes with regard to whether these people are insurgents or not."

See <http://www.un.org/apps/news/story.asp?NewsID=29343&Cr=afghan&Cr1>

(Alfons Vanheusden)

Colombian army chief resigns over killings of civilians

The commander of Colombia's army resigned on 4 November 2008 after an investigation linking military personnel under his command to a scandal over the killing of civilians by the armed forces in what apparently were attempts to inflate the number of insurgents or criminal gang members killed in combat by security forces. Earlier, the Colombian government fired 27 officers and soldiers, including three generals, over reports of such killings. Prosecutors are investigating accusations that some one thousand civilians have been killed outside of combat since 2002. See S. Romero, 'Colombian Army Commander Resigns in Scandal Over Killing of Civilians', *The New York Times*, 5 November 2008.

(Frederik Naert, KU Leuven)

UN investigating alleged sexual misconduct of peacekeepers in the Democratic Republic of the Congo (DRC)

In keeping with the Secretary-General's "zero tolerance" policy for sexual exploitation and abuse by UN staff, the UN Office of Internal Oversight Services (OIOS) is investigating allegations of sexual exploitation and abuse by its MONUC peacekeepers stationed in the North Kivu province of the DRC.

See <http://www.un.org/apps/news/story.asp?NewsID=29413>

(Alfons Vanheusden)

Germany wants clarification on principle of State immunity by International Court of Justice (ICJ)

On 21 October, the Italian Court of Cassation, the country's Supreme Court, confirmed a lower court's ruling that Germany must pay damages equaling roughly 1 million euro in reparation for a massacre in Civitella, Italy, committed by German soldiers during World War II, in which more than 200 civilians were killed. Plaintiffs were the family members of some of the victims.

Reacting to the court's decision, the German Federal Government rejected the ruling and declared that it will bring a case against Italy before the ICJ, considering that the proceedings in Italy violated the principle of state immunity. There would be no intention to play down past acts of incontestable injustice. However the clarification of this issue by the ICJ would not only be in Germany's interest, but also in the interest of the community of states as a whole. The Federal Government considers that the material consequences of war

regularly were settled in peace treaties between the states involved. Reparations were paid by one state to another, which afterwards could distribute the monies obtained to the aggrieved individuals. Furthermore, Italy conclusively had waived all claims for reparation in the peace treaty it signed with the Allies in 1947, and reaffirmed this position in a bilateral agreement with Germany in 1961. Germany nonetheless made reparations to Italy on the basis of its historical responsibility and paid 40 million DM in connection with the so-called "Global-Agreement" of 1961.

<http://www.auswaertiges-amt.de/diplo/en/Aussenpolitik/InternatRecht/081103-igh.html>

In 2006, the German Constitutional Court (Bundesverfassungsgericht) held in a similar case, that Germany was not liable to Greek plaintiffs for reparation payments in relation to the massacre in the village of Distomo, Greece, caused by SS-troops in 1944 which were integrated into the German Wehrmacht. In 1997, a Greek court in Livadeia rendered a judgment against Germany and awarded damages. The judgment, however, could not be enforced in Greece because the Greek government refused to give its permission necessary under Greek law. The Court held that it could not give recognition to the Greek judgment as Greece lacked jurisdiction over Germany because the acts at issue were sovereign or public acts ("*acta iure imperii*") for which, according to a fundamental principle of international law, Germany was immune from another State's jurisdiction. There also was no cause of action under international law for damage resulting from a State's violation of the laws of war, for international law as of 1944 did not provide individuals with a cause of action but conferred upon States the right to diplomatic protection. Article 3 of the 1907 Hague Convention Respecting the Law and Customs of War on Land expressly provided that its provisions apply between parties only. The Court furthermore held that there was no legal basis for the plaintiffs' claim under German national law on reparation for harm caused by official acts, as this required reciprocity.

http://www.bundesverfassungsgericht.de/entscheidungen/rk20060215_2bvr147603.html?Suchbegriff=Distomo

(Birgit Kessler)

Iraq-US Agreement on Status of US Forces in Iraq and Their Withdrawal

On 16 November 2008, Iraq's cabinet approved a proposed security agreement that calls for a full withdrawal of American forces from the country by the end of 2011, unless the Iraqis and Americans negotiate a separate pact to extend the American military presence. The Iraqi Parliament ratified it on 27 November 2008 and the Presidency Council approved it on 4 December 2008. The agreement also requires an American military pullback from urban areas by 30 June 2009. The agreement will enter into force on 1 January 2009, the day after the expiration of UN Security Council resolution 1790 (18 December 2007), which currently authorizes and governs the presence of US and Coalition forces in Iraq. Either side will have the right to cancel the agreement with one year's notice. The agreement also *inter alia* requires Iraqi court orders for US forces to search buildings and detain suspects and Iraq obtained a significant degree of jurisdiction in some cases over serious crimes committed by Americans who are off duty and not on bases and over US contractors. Furthermore, the agreement bars the US from launching attacks on neighboring countries from Iraq. See C. Robertson & S. Farrell, 'Pact, Approved in Iraq, Sets Time for U.S. Pullout', *The New York Times*, 17 November 2008; A. Rubin & C. Robertson, 'Iraq Backs Deal That Sets End of U.S. Role', *The New York Times*, 28 November 2008 and

<http://www.cnn.com/2008/WORLD/meast/12/04/iraq.security/>. The text of the agreement (Agreement between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq, Baghdad, 17 November 2008) is available online at http://www.mnf-iraq.com/images/CGs_Messages/security_agreement.pdf.

(Frederik Naert, KU Leuven)

Sudan and UNICEF sign agreement to protect children

The Sudan Armed Forces (SAF), Sudan's National Council for Child Welfare (NCWW) and UNICEF signed a memorandum of understanding on 22 December 2008 to create a Child Rights Unit in the SAF to enforce the 2007 Sudan People's Armed Forces Act, which sets 18 as the minimum age for armed forces recruitment. The Unit will also help SAF educate personnel about the Act and other child protection laws ratified by Sudan. NCCW and UNICEF will give the Unit technical support. UNICEF will also offer more specialized training and funds for the Unit to carry out its work.

See http://www.unicef.org/media/media_46933.html

(Alfons Vanheusden)

Timor-Leste issues a Human Rights Guide for Armed Forces

A booklet that aims to build human rights awareness among the members of the armed forces of Timor-Leste has been developed by the Ministry of Defense of Timor-Leste with the assistance of UNMIT and is now available in Tetun, Portuguese and English. It provides an introduction to basic human rights concepts and addresses such issues as the role of armed forces in a democratic state and accountability of individuals for their actions.

See <http://www.un.org/apps/news/story.asp?NewsID=29281&Cr=timor&Cr1>.

(Alfons Vanheusden)

UK court allows transfer of detainees held by UK Forces to Iraq

On 19 December 2008, the High Court ruled in *R (Al-Saadoon & Mufdhi) v Secretary of State for Defence* ([2008] EWHC 3098 (Admin), available online at http://www.judiciary.gov.uk/docs/judgments_guidance/r-al-saadoon-mufdhi-v-ssdefence.pdf) that the proposed transfer of the persons detained by UK forces in Iraq pursuant to Iraqi criminal legal process to Iraqi authorities would be lawful and that the claimants' claim for judicial review must be dismissed. However, the court said it was "seriously troubled by the result", since on its assessment the claimants, if transferred, will face a real risk of the death penalty and in all normal circumstances the Convention (as well as the Extradition Act 2003 in extradition cases) would operate to prevent such a result. Hence it was minded to grant permission to appeal. The main findings of the court are the following:

95. *To summarise, we find that: (1) the claimants are within the jurisdiction of the United Kingdom for the purposes of article 1 of the Convention and therefore of the HRA 1998; (2) in accordance with the approach in R (B) v Secretary of State for Foreign and Commonwealth Affairs, the Convention is qualified in its application by the United Kingdom's obligation under public international law to comply with the request of the Iraqi court to transfer the claimants into the custody of the court; (3) if, however, the claimants would be exposed to such ill-treatment on transfer as to provide a justification in international law for declining to transfer them, the United Kingdom cannot then rely on its international law obligation as qualifying the application of the Convention, and the claimants can invoke the Convention and in particular the Soering principle in the normal way to resist their transfer.*

96. *As we explain below, our adoption of that approach rather than the unqualified application of the Convention leads in practice, on the facts of this case, to a different outcome in only one, though very important, respect, concerning the risk of the death penalty being imposed and carried out if the claimants are convicted.*

195. *... applying the tests in R (B) v Secretary of State for Foreign and Commonwealth Affairs, there is nothing to show that if the claimants are transferred into the custody of the Iraqi court, the Iraqi authorities intend to subject them to treatment so harsh as to constitute a crime against humanity or that there is an immediate likelihood of their experiencing serious injury (in the sense evidently contemplated in that case). There is indeed no real risk of their being treated in any way contrary to internationally accepted norms. It follows that there is no justification in international law for the United Kingdom declining to comply with its obligation to transfer the claimants. If, therefore, we are right in the conclusions we have*

reached on the application of the Convention (see the summary at para 95 above), the United Kingdom must comply with its obligation to transfer the claimants and the Convention does not prevent such compliance.

196. If we are wrong in the conclusions we have reached on the application of the Convention, and if the claimants are entitled to rely as they contend on the full force of the Soering principle, then in our view their transfer into the custody of the Iraqi court would be incompatible with article 1 of protocol no. 13 (concerning the death penalty) but would otherwise not be in breach of the Convention.

203. ... we conclude that the proposed transfer of the claimants into the custody of the IHT [Iraqi High Tribunal] would be lawful and that the claimants' claim for judicial review must be dismissed.

204. Whilst we have been led to that conclusion by our analysis of the legal principles and the factual evidence, we are seriously troubled by the result, since on our assessment the claimants, if transferred, will face a real risk of the death penalty in the event that they are convicted by the Iraqi court. In all normal circumstances the Convention (as well as the Extradition Act 2003 in extradition cases) would operate to prevent such a result. It arises here only because of the highly exceptional circumstances of the case and the application to them of the principles in *R (B) v Secretary of State for Foreign and Commonwealth Affairs*, as we have understood the judgment of the Court of Appeal in that case. In that and other respects the issues in the present case are of obvious difficulty and importance, and we should make clear that we are minded to grant the claimants permission to appeal if it is sought.

(Frederik Naert, KU Leuven)

Developments in the US

On 18 September 2008, an American soldier was sentenced to seven months in prison after pleading guilty to conspiracy to murder in the killings of four Iraqi prisoners who were bound, blindfolded, shot and dumped in a Baghdad canal between 10 March and 16 April 2007. The sentence was part of a deal that will see him testify against others alleged to have been involved in the killings. The judge said that had it not been for the plea agreement, he would have sentenced Ramos to 40 years in prison. Ramos will also have his rank reduced to private and be dishonorably discharged from the army. Shortly before, three others in the unit were charged with premeditated murder, conspiracy to commit premeditated murder and obstruction of justice. See The Associated Press, 'U.S. Soldier Sentenced over Murder of 4 Iraqis', *The International Herald Tribune*, 18 September 2008, <http://jurist.law.pitt.edu/paperchase/2008/09/three-us-soldiers-charged-with-murder.php> and http://jurist.law.pitt.edu/paperchase/2008_09_18_indexarch.php#4092826895806773034.

On 25 September 2008, the US Senate voted to give its advice and consent to ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. See <http://www.culturalheritagelaw.org/advocacy/1954%20Hague%20Testimony.doc/view> and <http://www.aaanet.org/issues/policy-advocacy/AAA-Supports-the-1954-Hague-Convention.cfm>.

On 7 October 2008, Ricardo M. Urbina, a federal judge in the US District Court for the District of Columbia, ordered the release of 17 ethnic Uighur detainees from China (see <http://www.scotusblog.com/wp/wp-content/uploads/2008/10/urbina-transcript-10-7-08.pdf>). The government conceded that the men were not enemy combatants, and said it was continuing to hold the Uighurs because it could not find a country willing to accept them. The Justice Department is appealing the ruling. See <http://jurist.law.pitt.edu/paperchase/2008/10/federal-judge-orders-release-of-uighurs.php> and W. Glaberson, 'Judge Declares Five Detainees Held Illegally', *The New York Times*, 21 November 2008.

On 21 October 2008, Susan Crawford, the Pentagon official in charge of prosecutions at Guantánamo Bay, Cuba, dismissed war crimes charges against five detainees (Binyam Mohammed, Noor Uthman Muhammed, Sufyiam Barhoumi, Ghassan Abdullah al Sharbi and Jabran Said Bin al Qahtani). The charges were dismissed without prejudice, which means "the government can raise the charges again at a later time". After the decision was announced, Colonel Lawrence Morris, the chief military prosecutor, said that supervising lawyers in his office had asked Crawford to withdraw the charges. He said all five would be resubmitted after a review of their files. See W. Glaberson, 'War crimes charges dismissed in 5 Guantánamo cases', *The International Herald Tribune*, 21 October 2008.

On 12 November 2008, in *Winter v. Natural Resources Defense Council* (No. 07-1239, <http://www.supremecourtus.gov/opinions/08pdf/07-1239.pdf>), the Supreme Court said that courts must be wary of second-guessing the military's considered judgments and lifted judicial restrictions on submarine training exercises off the coast of Southern California that may harm marine mammals. "*The lower courts failed properly to defer to senior Navy officers' specific, predictive judgments*" and "*forcing the Navy to deploy an inadequately trained antisubmarine force jeopardizes the safety of the fleet*", wrote Chief Justice John G. Roberts, who also considered that however many animals could be harmed, those injuries are "outweighed by the public interest and the Navy's interest in effective, realistic training of its sailors". He added that "*military interests do not always trump other considerations, and we have not held that they do. In this case, however, the proper determination of where the public interest lies does not strike us as a close question*". Justice Breyer, writing only for himself on this point, said he would have imposed more limited restrictions. Justice Ruth Bader Ginsburg, joined by Justice David H. Souter, dissented and would have upheld restrictions imposed by a federal judge in Los Angeles and affirmed in February by the US Court of Appeals for the Ninth Circuit, in San Francisco. The restrictions, which the appeals court stayed while the Supreme Court considered the case, required the Navy to suspend the use of sonar if it detected a marine mammal within 2,200 yards and to reduce sonar levels when water temperatures reached certain levels whether or not animals were present. Neither the majority nor Justice Breyer's opinion directly addressed the merits of the case, reaching only the question of whether a preliminary injunction had been properly entered. Justice Ginsburg, by contrast, concluded that the Navy had violated the National Environmental Policy Act, which requires the government to prepare environmental impact statements before undertaking major actions that will affect the environment. See A. Liptak, 'Supreme Court Rules for Navy in Sonar Case', *The New York Times*, 13 November 2008 and http://jurist.law.pitt.edu/paperchase/2008_11_12_indexarch.php#1636997348916655141.

On 20 November 2008, Judge Richard J. Leon of the Federal District Court in Washington, D.C. ruled that five Algerian men, including Lakhdar Boumediene, had been held unlawfully at the Guantánamo Bay detention camp for nearly seven years and ordered their release. The case was the first in which the Justice Department was required to present its full justification for holding specific detainees since the Supreme Court ruling in June in *Boumediene*. The judge said the government's secret evidence in the case ("*a classified document from an unnamed source*" for its central claim against the men, with little way to measure credibility) had been sufficient for intelligence purposes but not for the court. "*To rest on so thin a reed would be inconsistent with this court's obligation*," Judge Leon said. He urged the government not to appeal and said the men should be released "*forthwith*", noting that an appeal could take as long as two years and saying that "*seven years of waiting for our legal system to give them an answer to a question so important is, in my judgment, more than plenty*". He said his decision, which involved men first detained in Bosnia, was unique and should not be read as a reflection on the strength of the cases against other detainees. The judge also ruled that Bensayah Belkacem, a sixth Algerian man, was being lawfully detained because he was a facilitator for Al Qaeda and there had been some corroborating evidence that linked Mr. Bensayah to a "*senior Al Qaeda facilitator*". The Justice Department said it was reviewing the case. See W. Glaberson, 'Judge Declares Five Detainees Held Illegally', *The New York Times*, 21 November 2008. For the text of the decision, see https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2004cv1166-276. Mid-December

2008, the Department of Defense announced that three of the detainees had been transferred to Bosnia, see http://jurist.law.pitt.edu/paperchase/2008_12_16_indexarch.php.

On 8 December 2009, in Washington, D.C., the Justice Department unsealed its case against five Blackwater private security guards, built largely around the testimony of a sixth guard about the 16 September 2007 shootings that left 17 unsuspecting Iraqi civilians dead and at least 20 wounded at a busy Baghdad traffic square (Nisour Square). The shootings were without provocation or justification, said Patrick Rowan, the Assistant Attorney General for National Security, adding that 13 other Blackwater guards in the convoy had acted professionally. The five guards named in the indictment rejected the charges and, in a legal move aimed at challenging the venue for the case, surrendered to federal authorities in Salt Lake City. Prosecutors said they would argue that a 2004 amendment to the Military Extraterritorial Jurisdiction Act that gave the government broad authority to prosecute personnel whose work directly supports the military overseas, gives the government jurisdiction for filing charges against the guards, who were hired by the State Department. See G. Thompson & J. Risen, '5 Guards Face U.S. Charges in Iraq Deaths' and 'Plea by Blackwater Guard Helps Indict Others', *The New York Times*, respectively 6 and 9 December 2008.

Khalid Sheikh Mohammed, the self-confessed mastermind behind the 2001 terrorist attacks on New York and Washington, announced this week that he and his four co-defendants want to plead guilty to their role in the attacks. All five face the death penalty if convicted. See <http://news.bbc.co.uk/2/hi/americas/7770856.stm>; 'Doubly Damned', *The Economist online*, 11 December 2008 and http://jurist.law.pitt.edu/paperchase/2008_12_08_indexarch.php#3269092307068749038.

Mid-December 2008, parts of the Senate Armed Services Committee's report of its inquiry into the treatment of detainees in U.S. custody were made public (see e.g. <http://levin.senate.gov/newsroom/supporting/2008/Detainees.121108.pdf>). The report *inter alia* concludes that "The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, ... appeared in Iraq only after they had been approved for use in Afghanistan and at GTMO. Secretary of Defense Donald Rumsfeld's December 2, 2002 authorization of aggressive interrogation techniques and subsequent interrogation policies and plans approved by senior military and civilian officials conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody. What followed was an erosion in standards dictating that detainees be treated humanely". See also 'The Pentagon and the Torture Report', *The International Herald Tribune*, 18 December 2008.

(Frederik Naert, KU Leuven)

INTERESTING PUBLICATIONS

hb = hardback pb = paperback.

Christine BELL, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria*, Oxford University Press, September 2008, 200 pp., ISBN-13 978 0 19 922683 2, £ 60.00 (HB), www.oup.com

Gideon BOAS, James BISCHOFF & Natalie REID, *International Criminal Law Practitioner Library. Volume 1: Forms of Responsibility in International Criminal Law & Volume 2: Elements of Crimes under International Law*, Cambridge University Press, 2008, ISBN 978-0-521-87831-9 & 978-0-521-87830-2, 2 x £ 85.00 (HB), www.cambridge.org

Rhonda L. CALLAWAY & Elizabeth G. MATTHEWS, *Strategic US Foreign Assistance. The Battle Between Human Rights and National Security*, Ashgate, October 2008, 236 pp., ISBN: 978-0-7546-7326-2, £ 55.00 (HB), www.ashgate.com

Carla DEL PONTE & Chuck SUDETIC, *La caccia: Io e i criminali di guerra*, Feltrinelli, 2008, 416 pp., ISBN 8807171449, € 20.00 (PB), www.feltrinellieditore.it/

Mohamed M. EL ZEIDY, *The Principle of Complementarity in International Criminal Law: Origin, Development and Practice*, Martinus Nijhoff, 2008, 368 pp., ISBN-13 2007 978 90 04 16693 6, € 100.00 / US\$ 149.00 (HB), www.brill.nl

Ola ENGDAHL & Pål WRANGE, *Law at War: The Law as it Was and the Law as it Should Be*, Martinus Nijhoff, 2008, 332 pp., ISBN-13 978 90 04 17016 2, € 125.00 / US\$ 200.00 (HB), www.brill.nl

Katrin HASSEL, *Kriegsverbrechen vor Gericht: Die Kriegsverbrecherprozesse vor Militärgerichten in der britischen Besatzungszone unter dem Royal Warrant vom 18. Juni 1945 (1945-1949)*, Nomos, 2008, 342 pp., ISBN 978 3 8329 3825 3, € 85.00 (PB), www.nomos-shop.de

Jann KLEFFNER, *Complementarity in the Rome Statute and National Criminal Jurisdictions*, Oxford University Press, December 2008, 424 pp., ISBN-13 978-0-19-923845-3, £ 60.00 (HB), www.oxford.com

André KLIP & Göran SLUITER, *Annotated Leading Cases of International Criminal Tribunals 14: The International Criminal Tribunal for the Former Yugoslavia 2003*, Hart, November 2008, 846 pp., ISBN 9789050957892, £ 166.50 (PB), www.hartpub.co.uk

Bernhard KNOLL, *The Legal Status of Territories Subject to Administration by International Organizations*, Cambridge University Press, 2008, ISBN 978-0-521-88583-6, £ 75.00 (HB), www.cambridge.org

Robert KOLB & Richard HYDE, *An Introduction to the International Law of Armed Conflicts*, Hart Publishers, October 2008, 372 pp., ISBN 9781841137995, £ 30.00 (PB), www.hartpub.co.uk

Scott LECKIE, *Returning home: housing and property restitution rights for refugees and displaced persons*, Martinus Nijhoff, October 2008, ISBN 978 1 5710 5241 4, € 125.00 (HB), www.brill.nl

Avril McDONALD, Jann KLEFFNER & Birgit TOEBES (eds.), *Depleted uranium weapons and international law*, Asser Press (distributed by Cambridge), 2008, ISBN 978-90-6704-265-9, £ 50.00, www.cambridge.org

Anne-Sophie MILLET-DEVALLE, *Religions et droit international humanitaire. Colloque Nice 18-19 juin 2007*, UFR Institut du Droit de la Paix et du Développement de l'Université de Nice & Institut de Droit International Humanitaire de San Remo, Bruylant, 2008, 220 pp., € 26.00, www.bruylant.be

Frederik NAERT, *International Law Aspects of the EU's Security and Defence Policy, with a Particular Focus on the Law of Armed Conflict and Human Rights*, Leuven, KU Leuven, 2008 (Ph.D. thesis)

Sebastiaan RIETJENS & Myriame BOLLEN (eds.), *Managing Civil-Military Cooperation. A 24/7 Joint Effort for Stability*, Ashgate, 2008, 280 pp., ISBN: 978-0-7546-7281-4, £ 55.00, www.ashgate.com

Niaz A. SHAH, *Self-Defence in Islamic and International Law – Assessing Al-Qaeda and the Invasion of Iraq*, Palgrave MacMillan, ISBN-0-230-60618-0

Farideh SHAYGAN, *La compatibilité des sanctions économiques du Conseil de sécurité avec les droits de l'homme et le droit international humanitaire*, Bruylant, 2008, 688 pp., ISBN 978 2 8027 2575 6, € 85.00, www.bruylant.be

Mark SWATEK-EVENSTEIN, *Geschichte der "Humanitären Intervention"*, Nomos, 2008, 270 pp. (PB), ISBN 978 3 8329 3850 5, € 59.00, www.nomos-shop.de

Paul TAVERNIER & Jean-Marie HENCKAERTS (eds.), *Droit international humanitaire coutumier: enjeux et défis contemporains*, Bruylant, 2008, 290 pp., ISBN 978-2-8027-2564-0, € 45.00, www.bruylant.be

Véronique ZANETTI, *L'intervention humanitaire - Droit des individus, devoir des Etats*, Labor et Fides, September 2008, 352 pp., ISBN 978 2 8309 1269 2, 38.00 CHF, www.laboretfides.com

A PDF-version of the proceedings of the *Seminar on National Military Manuals on the Law of Armed Conflict* held in Oslo on 10 December 2007 is available at http://www.prio.no/upload/FICHL/National_Military_Manuals_on_the_Law_of_Armed_Conflict.pdf

(Stanislas Horvat and Marco Benatar)

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 economize, 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.

Responsible editor: A. Vanheusden, Assistant Secretary-General, International Society for Military Law and the Law of War, 30, Avenue de la Renaissance, 1000 Brussels

The authors contributed to this newsletter in their personal capacity. All views expressed in this newsletter are solely those of its respective author.

Editorial Board: M. Benatar, N. Lange and A. Vanheusden.