



NEWSLETTER 2009-1
JANUARY/FEBRUARY/MARCH 2009

INTRODUCTION

Dear reader,

Various contributions in this newsletter relate to counter-piracy operations. The problem of dealing with pirates is currently high on the political agenda of many countries. We are therefore particularly pleased that this topical issue also features in the program of our upcoming Congress in Tunis. Indeed, at the Congress the session of the Society's Committee for General Affairs will deal with "*the rule of law in failing States, including their maritime zones*". I am looking forward to hearing and participating in the exchanges of ideas, expertise and experience in that respect between the approximately 200 participants from all over the world who have registered for the Congress.

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 from an international perspective. For more information please contact Colonel Laszlo Venczl at tel. +36-1 311-5888 or at venczl.laszlo@mku.hu.

As you already know, 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. The updated detailed program is available at www.soc-mil-law.org.

The Belgian Group of the Society held a one day conference in Brussels on 5 March 2009 on **Weapons with Sub-munitions**. Other one day conferences in Brussels organized by the Belgian Group will deal with **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.

(Alfons Vanheusden)

RECENT DEVELOPMENTS, LEGISLATION & JURISPRUDENCE

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

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

International Agreements and Documents

Code of Conduct against Somali Pirates Adopted

On 29 January 2009, Indian Ocean and Red Sea countries have pledged to cooperate in seizing, investigating and prosecuting pirates off the coast of war-ravaged Somalia and adopted a Code of Conduct to this effect at a high-level meeting in Djibouti convened by the International Maritime Organization. Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Tanzania and Yemen have already signed the Code, which *inter alia* calls for shared operations, such as nominating law enforcement or other authorized officials to embark in the patrol ships or aircraft of another signatory. The Code is open for signature by the 21 countries in the region. See UN press releases of 28 and 30 January 2009.

(Frederik Naert, KU Leuven)

International Organizations

UN Security Council

On 13 February 2009, the Council unanimously extended the UN Observer Mission in Georgia (UNOMIG) on the ceasefire line between the Government and Abkhaz separatists in Georgia for another four months, pending recommendations on its future following last year's Russian-Georgian conflict (Resolution 1866). Earlier, the UN Secretary-General reported that UNOMIG was in a precarious position that could quickly become untenable (see UN Doc. S/2009/69 of 3 February 2009).

Furthermore, the Security Council extended the authorization for the AU mission in Somalia (AMISOM) and expressed its intent to establish a UN Peacekeeping Operation in Somalia as a follow-on force to AMISOM, subject to a further decision of the Security Council by 1 June 2009 (Resolution 1863 of 16 January 2009). On 25 February 2009, the UN Security Council condemned in the strongest terms the suicide attack on the African Union Mission in Somalia (AMISOM) base in Mogadishu, which caused the deaths of 11 Burundian peacekeepers and injured 17 others on 22 February 2009. See UN press releases of 25 and 23 February 2009.

In addition, on 14 January 2009 in Resolution 1861, it decided to extend for a period of 12 months, the multidimensional presence in Chad and military presence in the Central African Republic. In Chad, the UN will take over the military presence from the EU operation there.

The Security Council also extended the mandates of the UN missions in Timor-Leste (Resolution 1867 of 26 February 2009), Côte d'Ivoire (Resolution 1865 of 27 January 2009) and Nepal (Resolution 1864 of 23 January 2009). Moreover, the Council urged Djibouti and Eritrea to resolve their border dispute peacefully, as a matter of priority and in a manner consistent with international law and demanded certain measures from Eritrea (Resolution 1862 of 14 January 2009).

Among the Presidential Statements adopted by the Council, S/PRST/2009/1 of 14 January 2009 deals with the protection of civilians in armed conflicts.

Secretary-General Ban Ki-moon has outlined in a new report (UN Doc. A/63/677 of 12 January 2009) a three-pronged approach to implement the 'responsibility to protect', a doctrine that holds States responsible for shielding their own populations from genocide and other major human rights abuses and requires the international community to step in if this obligation is not met. At the 2005 World Summit, Heads of State and Government unanimously affirmed that each State has the 'responsibility to protect' (R2P). Mr. Ban proposed a three-pillar strategy. The first pillar encompasses the protection responsibilities of the State. The second entails the international community providing assistance to States to carry out the R2P through measures such as confidential or public persuasion, education and training. In the last pillar, the UN and other organizations would focus on saving lives through "timely and decisive action", instead of on "arbitrary, sequential or graduated policy ladders that prize

procedure over substance and process over results". See also UN press release, 30 January 2009.

(Frederik Naert, KU Leuven)

International(ised) Courts

International Court of Justice (ICJ)

Belgium Brings Case against Senegal before ICJ over Habré Case

On 19 February 2009, Belgium instituted proceedings against Senegal before the International Court of Justice, in relation to the prosecution of former Chadian president Hissène Habré, who is accused of mass torture and other human rights abuses. Belgium has asked the Court to rule on its demand that Senegal prosecute or extradite Habré, who is now under house arrest in Senegal and has also requested the Court for provisional measures to ensure that the former president remains in custody in the meantime. Belgium contends that under conventional international law, "*Senegal's failure to prosecute Mr. H. Habré, if he is not extradited to Belgium to answer for the acts of torture that are alleged against him, violates the [United Nations] Convention against Torture [of 10 December 1984], ...*" and that, under international custom, "*Senegal's failure to prosecute Mr. H. Habré, or to extradite him to Belgium to answer for the crimes against humanity which are alleged against him, violates the general obligation to punish crimes against international humanitarian law which is to be found in numerous texts of derived law (...) and treaty law*". See <http://www.icj-cij.org/docket/files/144/15052.pdf>.

(Frederik Naert, KU Leuven)

International Criminal Court (ICC)

On 4 March 2009, the ICC issued an arrest warrant for Sudanese President Omar Al-Bashir, the first sitting Head of State to be indicted by the Court. The pre-trial chamber found there was insufficient evidence to charge Mr. Al-Bashir with genocide, but indicted him on two counts of war crimes and five counts of crimes against humanity relating to Darfur. See <http://www.icc-cpi.int/NR/exeres/0EF62173-05ED-403A-80C8-F15EE1D25BB3.htm>, UN press release of 4 March 2009 and, more generally on the Darfur situation before the Court, <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200205/darfur%20sudan?lan=en-GB>.

(Alfons Vanheusden)

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

On 27 February 2009, Emmanuel Rukundo, a former chaplain in Rwanda's armed forces, was sentenced to 25 years for the abduction, murder and sexual assault of Tutsi civilians constituting genocide, murder as a crime against humanity and extermination as a crime. See <http://69.94.11.53/ENGLISH/PRESSREL/2009/587.html> and UN press release of 27 February 2009.

On 26 February 2009, the ICTY convicted five former high-ranking Yugoslav and Serbian officials for crimes against humanity, while former Serbian President Milan Milutinovic was acquitted of all charges. Prosecutors charged the six defendants with crimes committed during a campaign of terror and violence that aimed to change the ethnic balance in Kosovo to ensure Serbian authorities' control through criminal means, including deportations, murder and forcible transfers. Former Yugoslav Deputy Prime Minister Nikola Šainovic, Yugoslav Army General Nebojša Pavkovic, and Serbian Police General Sreten Lukic were each sentenced to 22 years in prison for crimes against humanity and for violating the laws or

customs of war. Meanwhile, Yugoslav Army General Vladimir Lazarevic and Chief of the General Staff Dragoljub Ojdanic were found guilty of aiding and abetting the commission of a number of charges of deportations and forcible transfer of the Albanian population, for which they each received 15-year sentences. The trial chamber found, after analyzing evidence, that there was a broad violence campaign, carried out by army and Interior Ministry police forces, under the control of Yugoslav and Serbian authorities, against Albanian civilians in Kosovo during NATO air strikes in the Yugoslavia that began on 24 March 1999. However, it was Slobodan Milošević, not Mr. Milutinovic, who had direct individual control over the Yugoslav Army at the time, the Tribunal said. See also UN press release of 26 February 2009.

(Frederik Naert, KU Leuven)

Special Tribunal for Lebanon

On 25 March 2009 the United Nations-backed Special Tribunal for Lebanon announced that it appointed its main officials and adopted rules of procedures and evidence. The Tribunal has been set up to try the perpetrators of the massive car bomb blast that killed former Lebanese Prime Minister Rafiq Hariri and 22 others in Beirut.

According to the Tribunal, President Cassese and Daniel Fransen of Belgium, the Pre-Trial Judge, will soon take up their duties on a full-time basis. The other judges, for the Trial and Appeals Chambers, will take office on a date to be determined by the Secretary-General, in consultation with the President, and their names will be announced once all security measures are in place, the Tribunal said. The investigation of the murders continues under the guidance of Prosecutor Daniel Bellemare, who also headed the probe while the case rested with the International Independent Investigation Commission (IIIC), and a trial will take place when he has sufficient evidence in place. See also UN press release of 25 March 2009.

(Alfons Vanheusden)

Special Court for Sierra Leone (SCSL)

On 25 February 2009, the SCSL found three former leaders of the Revolutionary United Front (RUF) guilty of charges relating to forced marriage, attacks against peacekeepers and use of child soldiers as war crimes and crimes against humanity. Former RUF Interim Leader Issa Hassan Sesay and RUF commander Morris Kallon were each found guilty on 16 of the 18 counts in the indictment, which included the child recruitment charges. Former RUF Chief of Security Augustine Gbao was found guilty on 14 counts. All three were found guilty of specific war crimes relating to attacks on peacekeepers, the first time ever such charges have been successfully pressed, and on the forced marriage charges. See UN press release of 26 February 2009 and <http://www.scsl.org/LinkClick.aspx?fileticket=K2RdSI3L9KM%3d&tabid=214>.

(Frederik Naert, KU Leuven)

Extraordinary Chambers in the Courts of Cambodia (ECCC)

On 17 February the United Nations-backed ECCC opened the first trial of a Khmer Rouge official, namely Kaing Guek Eav, whose alias is "Duch". The ECCC is tasked with trying senior leaders and those most responsible for serious violations of Cambodian and international law committed during the Khmer Rouge rule.

Duch has been indicted by the ECCC in relation to alleged offences committed while he was chief of the notorious S-21 camp (also known as Toul Sleng) where numerous Cambodians were unlawfully detained, subjected to inhumane conditions and forced labour, tortured and executed in the late 1970s. He faces charges of crimes against humanity, grave breaches of the Geneva Conventions, in addition to the offences of homicide and torture under Cambodian criminal law. See also UN press release of 17 February 2009.

(Alfons Vanheusden)

National Developments

Annual Report on Afghan Deaths Shows Increase

The number of Afghan civilian casualties in 2008 amounts to 2118, the highest recorded since the ouster of the Taliban in 2001 and an almost 40 per cent increase over 2007, the Human Rights Unit of the UN Assistance Mission in Afghanistan says in a new report, which calls on all parties to ensure the protection of innocents. 55 per cent of these casualties were attributed to anti-government elements and 39 per cent to pro-government forces (six per cent could not be attributed). Some 41 per cent occurred in the country's volatile southern region. 85 per cent of those killed by anti-government elements died as a result of suicide and improvised explosive devices. Air-strikes were responsible for some 64 per cent of civilian deaths attributed to pro-government forces. "While pro-government forces have instituted a number of changes to tactical directives, more needs to be done to avoid the loss of innocent lives. Afghans are, rightly, calling for greater accountability as well as precautionary measures to safeguard the lives of civilians," said UNAMA. Also, attacks on schools and educational facilities rose to 293 incidents in 2008 and 38 aid workers were killed and a further 147 abducted. See http://www.unama-afg.org/docs/_UN-Docs/_human%20rights/2009/UNAMA_09february-Annual%20Report_PoC%202008_FINAL_11Feb09.pdf; http://www.unama-afg.org/news/_pr/2009/English/09feb17-Protection-of-civilians.pdf and UN press release of 17 February 2009.

(Frederik Naert, KU Leuven)

United Nations-backed Military Justice Refresher Course held in the Democratic Republic of the Congo (DRC)

Armed forces officials in the DRC underwent a United Nations-backed military justice refresher course of one week in Kinshasa. Participants reviewed the country's legal texts and international humanitarian law, as well as subjects such as sexual abuse, military court management and the code of conduct for judiciary officials. More workshops, aimed at promoting greater communication to all involved in the military legal structure, will be held throughout the DRC until June and participants will include magistrates, members of the judiciary, police inspectors, court clerks, prosecutors' secretariat staff, registrars, military commanders and lawyers. Civilian lawyers are also expected to participate to familiarize themselves with military law. The project called "Support for the Reinforcement of the Capacities of the Military Justice System in the Democratic Republic of Congo" is funded by the Netherlands. See also UN press release of 19 February 2009.

(Alfons Vanheusden)

French Court Overturns Convictions Former Guantanamo Detainees

On 24 February, a French appeals court overturned terrorist conspiracy convictions of five former inmates of the Guantánamo prison camp who were tried and convicted in 2007, after they had been returned to France. The court ruled that testimony gathered by French intelligence officials in interrogations at Guantánamo Bay, Cuba, violated rules for permissible evidence and that there was no other proof of wrongdoing. See S. Erlanger, 'France Overturns 5 Terrorist Convictions', *International Herald Tribune*, 24 February 2009.

(Frederik Naert, KU Leuven)

German Court Finds Elderly Nazi Unfit for Trial

On 7 January 2009, a German court ruled that Heinrich Boere, an elderly former Nazi death squad member aged 87, is medically unfit to stand trial for the World War II reprisal killings of three Dutch civilians. Boere was sentenced to death in absentia by a Dutch court in 1949, later commuted to life imprisonment, but he has not been extradited to the Netherlands. See Associated Press, 'Nazi Defendant Unfit for Trial, Court Rules', *International Herald Tribune*, 7 January 2009.

(Frederik Naert, KU Leuven)

Somali Pirates Captured by German War Ship Handed over to Kenya for Prosecution

Nine Somali pirates captured by the German frigate Rheinland Pfalz on 3 March 2009 in the framework of the European Union's operation Atalanta (<http://ue.eu.int/showPage.aspx?id=1518&lang=EN>) were handed over for prosecution to Kenya. This step was possible due to the conclusion on 6 March 2009 of an agreement between the European Union and Kenya, providing for the handover of pirates seized off the coast of Somalia. Also, Hamburg-based prosecutors who primarily had requested arrest warrants for the Somalis later considered that there were not sufficient German interests at stake in order to try the pirates in Germany. The frigate had apprehended the pirates while these were attacking a merchant vessel owned by a German shipping company but sailing under an Antigua and Barbuda flag. Also there were no German nationals on board.

(Birgit Kessler)

Iraqi High Tribunal Rulings

On 2 March 2009, the Iraqi High Tribunal acquitted Tariq Aziz, former foreign minister and deputy prime minister of Iraq and two other Saddam aides but convicted Ali Hassan al-Majid, known as "Chemical Ali" for ordering poison gas attacks against the Kurds in the 1980s, for his role in those killings, sentencing him to death for a third time. However, later in March, Aziz was found guilty and jailed for 15 years for his role in the execution of 42 merchants in 1992 after summary trials for profiteering during economic sanctions. A number of other Iraqi officials were also convicted. See S. Lee Myers, 'Iraqi Court Acquits Former Top Aide to Saddam Hussein', *International Herald Tribune*, 2 March 2009 and http://news.bbc.co.uk/2/hi/middle_east/7937034.stm.

(Frederik Naert, KU Leuven)

Israeli Forces in Gaza

On 8 January 2009, the UN Security Council adopted Resolution 1860 on the Gaza crisis, *inter alia* stressing the urgency of and calling for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza; calling for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment and welcoming the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid.

On 12 February 2009, a UN investigation into several incidents in the Gaza Strip during Israel's offensive between 27 December 2008 and 19 January 2009 in which death or injuries occurred at, and/or damage was done to, UN premises or in the course of UN operations, kicked off. See UN press release of 12 February 2009 and <http://www.un.org/apps/sg/sgstats.asp?nid=3709>. The incidents include the killing of several local staff of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the hitting of UN schools by artillery shells and missiles early January. See e.g. UN press releases of 6 and 8 January 2009; T. El-Khodary & I. Kershner, 'Israeli Shells Kill 40 at Gaza U.N. School', *New York Times*, 7 January 2009 and <http://www.un.org/apps/sg/sgstats.asp?nid=3650>.

(Frederik Naert, KU Leuven)

On 12 January 2009 the UN Human Rights Council passed a Resolution strongly condemning the ongoing "Israeli military operation carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which have resulted in massive violations of human rights of the Palestinian people and systematic destruction of the Palestinian infrastructure." For more information see e.g. ILIB of 23 January 2009.

(Alfons Vanheusden)

Italian Court Ruling in CIA Rendition Case

On 11 March 2009, Italy's Constitutional Court dealt a potentially fatal blow to the trial against 26 Americans accused of involvement in the alleged CIA kidnapping of an Egyptian terror suspect in Milan in 2003. The Court said that prosecutors used classified information to build the case and threw out some top evidence on which the indictments were based. However, it did not formally throw out the indictments. See Associated Press, 'Italy's High Court Sinks CIA Rendition Case', *International Herald Tribune*, 11 March 2009.

(Frederik Naert, KU Leuven)

Compensation for Damage Resulting from Iraq's 1990 Invasion of Kuwait

The United Nations Compensation Commission (UNCC), established in 1991 as a subsidiary organ of the Security Council, announced that it has made 460 million USD available to 12 successful claimants, who suffered losses due to Iraq's 1990 invasion of Kuwait. See also <http://www.uncc.ch/>>UNCC.

(Alfons Vanheusden)

Dutch to Try Somalia Pirates Captures by Danes

Early January 2009, five pirates who attempted to attack a vessel flying the Netherlands flag and registered in the Antilles were captured by the Danish war ship Absalon. They were subsequently arrested by Dutch authorities on board the Danish ship after a formal surrender/extradition procedure and brought to the Netherlands to stand trial for piracy. See the reply by the Dutch Minister of Justice to parliamentary questions dated 25 February 2009, http://www.justitie.nl/images/zeeslag%20tussen%20Denemarken%20en%20Nederland_13370_tcm34-170824.pdf; <http://news.bbc.co.uk/2/hi/africa/7883493.stm>; http://rawstory.com/news/afp/Dutch_extradite_five_Somali_pirates_02102009.html and http://www.nrc.nl/binnenland/article2121260.ece/Nederland_gaat_piraten_berechten.

(Frederik Naert, KU Leuven)

UN Report Finds Sudanese Forces Used Unlawful Force in Darfur IDP Camp

On 23 January 2009, the UN High Commissioner for Human Rights (OHCHR) and the UN-African Union Mission in Darfur (UNAMID) issued a report on an investigation into the 25 August incident at the Kalma camp for internally displaced persons (IDPs) in South Darfur, which left 33 civilians dead and 108 wounded. The report concludes that "Government security forces committed violations of international human rights law against the civilian population of Kalma IDP camp. It was established that the security forces used lethal force in an unnecessary, disproportionate and therefore unlawful manner" and that "This amounts to a violation of the prohibition on arbitrary deprivation of life and constitutes a failure by the state to protect the right to life". See <http://www.ohchr.org/Documents/Countries/11thOHCHR22jan09.pdf> and UN press release of 23 January 2009.

(Frederik Naert, KU Leuven)

UK Hands Iraqi Detainees Over to Iraqi Court

In the case of *Al-Saadoon*, on 30 December 2008, the Court of Appeal upheld the High Court's decision of 19 December 2008, allowing British forces in Iraq to hand over two Iraqi criminal justice detainees to the Iraqi authorities for trial before the Iraqi High Tribunal, even though there was a real risk of the death penalty being imposed (see the previous issue of this *Newsletter*). Later that day, the European Court of Human Rights issued a Rule 39 order to prevent the hand-over of the two men to the Iraqi authorities. UK forces nevertheless handed them over on 31 December 2008, saying that they had no legal powers to hold them. See http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/7806445.stm.

(Frederik Naert, KU Leuven)

Developments in the US

On 14 January 2009, Judge Richard J. Leon of the Federal District Court ordered the release of Mohammed el Gharani, who was detained when he was 14, saying that the government's case was largely based on inconsistent accusations from two other Guantánamo detainees whose credibility the government itself had questioned. See W. Glaberson, 'Rulings of Improper Detentions as the Bush Era Closes', *New York Times*, 19 January 2009 and <http://www.amnestyusa.org/actioncenter/actions/uaa04909.pdf>.

On 22 January 2009, the new US President adopted 3 executive orders relating to detention and interrogation:

- 'Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities',
http://www.whitehouse.gov/the_press_office/ClosureOfGuantanamoDetentionFacilities/;

- 'Review of Detention Policy Options',
http://www.whitehouse.gov/the_press_office/ReviewofDetentionPolicyOptions/; and

- 'Ensuring Lawful Interrogations',
http://www.whitehouse.gov/the_press_office/EnsuringLawfulInterrogations/.

The orders include a decision to close the US detention centre at Guantanamo Bay within one year and set clear standards for interrogations, through a reference to Army Field Manual 2 22.3 (Human Intelligence Collector Operations, dated 6 September 2006), the revoking of prior inconsistent directives, orders and regulations and prohibiting reliance, in conducting interrogations, upon any interpretation issued by the Department of Justice between 11 September 2001 and 20 January 2009.

On 29 January 2009, a military judge denied the government's request to delay the case of Abd al-Rahim al-Nashiri, a detainee accused of planning the 2000 attack on the USS Cole. Judges in other cases had agreed to the government's request. See P. Finn, 'Guantanamo Judge Denies Obama's Request for Delay', *Washington Post*, 30 January 2009, p. A14.

The federal appeals court on 18 February 2009 unanimously overturned a judge's order that would have freed 17 detainees at Guantánamo Bay, Cuba, into the US. The ruling did not bar the President from permitting American resettlement of the men, members of the largely Muslim Uighur minority in western China. See W. Glaberson, 'Appeals Court Stops Release of 17 Detainees in U.S.', *New York Times*, 19 February 2009.

On 6 March 2009, the Supreme Court decided to erase a 2008 lower-court ruling (Court of Appeals for the Fourth Circuit, *Al-Marri v. Spagone*) which held that the President had the power to order the indefinite military detention of legal residents of the United States. However, the one-paragraph ruling leaves open the question of whether such detention is constitutional. The ruling came in the case of Ali Saleh Kahlah al-Marri, a citizen of Qatar who was lawfully in the US as a student when he was arrested in 2001. The court had agreed to hear Marri's challenge to his detention in December but now said it would not hear the case after all in light of his indictment last week on criminal charges in federal court. See <http://origin.www.supremecourtus.gov/docket/08a755.htm>; A. Liptak, 'U.S. Court Erases Ruling that Allowed a Detention', *International Herald Tribune*, 7 March 2009 and D. Johnston & N.A. Lewis, 'U.S. Will Give Qaeda Suspect a Civilian Trial', *New York Times*, 27 February 2009.

Mid March 2009, the Obama administration said that it would no longer use the term "enemy combatant" but it did continue to argue that it had the power to continue to detain terrorism suspects there without criminal charges, much as the Bush administration had asserted. See the court filing at http://www.pegc.us/archive/In_re_Gitmo_II/gov_ec_memo_20090313.pdf; W. Glaberson, 'U.S. Won't Label Terror Suspects as 'Combatants'', *New York Times*, 14 March 2009 and <http://www.sotusblog.com/wp/wp-content/uploads/2009/03/ccr-release-3-13-09.doc>.

Furthermore, some additional US memoranda in relation to combating terrorism have been listed at <http://www.propublica.org/special/missing-memos>.

(Frederik Naert, KU Leuven)

INTERESTING PUBLICATIONS

hb = hardback pb = paperback.

*The publications marked with * have been offered by their publishers to the documentation centre of the International Society, where our members can consult them.*

Philip ALSTON & Euan MACDONALD (eds.), *Human Rights, Intervention, and the Use of Force*, Oxford University Press, September 2008, 312 pp., ISBN 978-0-19-955272-6, £ 24.99 (PB), www.oup.com

Christoph BARTHE, *Joint Criminal Enterprise (JCE): Ein (originär) völkerstrafrechtliches Haftungsmodell mit Zukunft?*, Duncker & Humblot, 2009, 282 pp., ISBN 978-3-428-12937-9, € 84.00, www.duncker-humblot.de

Beatrice I. BONAFÈ, *The Relationship Between State and Individual Responsibility for International Crimes*, Martinus Nijhoff, 2009, 284 pp., ISBN 978-90-04-17331-6, € 100.00 / US\$ 160.00 (HB), www.brill.nl

Antonio CASSESE, *The Oxford Companion to International Criminal Justice*, Oxford University Press, January 2009, 1096 pp., ISBN 978-0-19-923832-3, £ 45.00 (PB), www.oup.com

Kalliopi CHAINOGLOU, *Reconceptualising the Law of Self-Defence*, Bruylant, 2008, 488 pp., ISBN 978-2-8027-2614-2, € 85.00, www.bruylant.be

Yoram DINSTEIN, *The International Law of Belligerent Occupation*, Cambridge University Press, February 2009, 336 pp., ISBN 978-0-5218-9637-5, £ 60.00 (HB), www.cambridge.org

* Paul DUCHEINE, *Krijgsmacht, geweldgebruik & terreurbestrijding. Een onderzoek naar juridische aspecten van de rol van strijdkrachten*, 2008, Wolf Legal Publishers, 667 pp., ISBN-13: 978-90-5850-336-7 (HB), 50,00 euro, www.wolfpublishers.nl

Alexandra GHECIU, *Securing Civilization? The EU, NATO and the OSCE in the Post-9/11 World*, Oxford University Press, August 2008, 240 pages, ISBN 978-0-19-921722-9 (HB), £45.00, www.oup.com/uk/catalogue/?ci=9780199217229

Tom HADDEN (ed.), *A Responsibility to Assist. Human Rights Policy and Practice in European Union Crisis Management Operations, A COST Report*, Hart, February 2009, 142 pp., ISBN 9781841139340 (PB), £30.00, www.hartpub.co.uk

Björn JESSE, *Der Verbrechensbegriff des Römischen Statuts*, Duncker & Humblot, 2009, 327 pp., ISBN 978-3-428-12910-2, € 84.00, www.duncker-humblot.de

Daniel H. JOYNER, *International Law and the Proliferation of Weapons of Mass Destruction*, Oxford University Press, March 2009, 304 pp., ISBN 978-0-19-920490-8, £ 60.00 (HB), www.oup.com

John M. KABIA, *Humanitarian Intervention and Conflict Resolution in West Africa. From ECOMOG to ECOMIL*, Ashgate, Jan 2009, ISBN: 978-0-7546-7444-3 (HB), 234 pp., £55.00, www.ashgate.com

Christiane KAMARDI, *Die Ausformung einer Prozessordnung sui generis durch das ICTY unter Berücksichtigung des Fair-Trial-Prinzips*, Springer, 2009, 426 pp., ISBN 978-3-540-88612-9, € 84.07 (HB), www.springer.com

Vaughan LOWE, Adam ROBERTS, Jennifer WELSH & Dominik ZAUM (eds.), *The United Nations Security Council and War. The Evolution of Thought and Practice since 1945*, Oxford University Press, June 2008, 816 pages, ISBN : 978-0-19-953343-5 (HB), £90.00, www.oup.com.uk

Hitoshi NASU, *International Law on Peacekeeping: A Study of Article 40 of the UN Charter*, Martinus Nijhoff, 2009, 324 pp., ISBN 978-90-04-17226-5, € 130.00 / US\$ 208.00 (HB), www.brill.nl

Héctor OLASOLO, *The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes*, Hart, May 2009, 360 pp., ISBN : 9781841136950 (HB), £50.00, www.hartpub.co.uk

Mark J. OSIEL, *The End of Reciprocity: Terror, Torture, and the Law of War*, Cambridge University Press, March 2009, 592 pp., ISBN 978-0-52-151351-7, £ 65.00 (HB), www.cambridge.org

David RODIN & Henry SHUE (eds.), *Just and Unjust Warriors: The Moral and Legal Status of Soldiers*, Oxford University Press, July 2008, 320 pp., ISBN 978-0-19-923312-0, £ 50.00 (HB), www.oup.com

Carsten STAHN & Göran SLUITER (eds.), *The Emerging Practice of the International Criminal Court*, Martinus Nijhoff, 2009, 772 pp., ISBN 978 90 04 16655 4, € 195.00 / US\$ 312.00 (HB), www.brill.nl

Felicitas WANNEK, *Zur Verwertbarkeit außergerichtlicher Zeugenaussagen im Völkerstrafprozess*, Duncker & Humblot, 2008, 399 pp., ISBN 978-3-428-12824-2, € 82.00, www.duncker-humblot.de

Siobhán WILLS, *Protecting Civilians: The Obligations of Peacekeepers*, Oxford University Press, February 2009, 318 pp., ISBN 978-0-19-953387-9, £ 60.00 (HB), www.oup.com

(Marco Benatar & Stanislas Horvat)

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