



## NEWS FLASH N° 12

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### Upcoming conferences, seminars, etc. / Annonces de conférences, séminaires, etc.

The *International Society for Military Law and the Law of War* and the *Auditoría General* of the *Ejército de Chile* will hold an **International Conference**, which will be hosted by the *Auditoría General* in **Santiago de Chile (Chile)** from **20 to 23 November 2013**. For the programme, invitation and application form please visit:  
[http://www.ismllw.org/CHILI\\_EN.htm](http://www.ismllw.org/CHILI_EN.htm) (English)  
[http://www.ismllw.org/CHILI\\_FR.htm](http://www.ismllw.org/CHILI_FR.htm) (French)  
[http://www.ismllw.org/CHILI\\_ES.htm](http://www.ismllw.org/CHILI_ES.htm) (Spanish)

Please note that the application forms have to be received by the General Secretariat of the *International Society* no later than 1 September 2013.

Save the date: The *International Society for Military Law and the Law of War* will hold the **Flanders Fields Conference of Military Law and the Law of War** in the **City of Ypres (Belgium)** from **12 to 15 October 2014**. For more information please visit:  
[http://www.ismllw.org/YPRES\\_EN.htm](http://www.ismllw.org/YPRES_EN.htm) (English)  
[http://www.ismllw.org/YPRES\\_FR.htm](http://www.ismllw.org/YPRES_FR.htm) (French)

Invitation letters and application forms will be circulated at a later stage.

*(General Secretariat of the International Society for Military Law and the Law of War)*

Within the framework of the PfP Partnership Work Programme, Chapter XIII, Switzerland will be organizing an **international workshop**. The workshop focuses on the **central role of commanders** in the implementation of the International Law of Armed Conflict (LOAC), Human Rights Law (HRL) and Rules of Engagement (ROE) in military field operations. This workshop will take place at the GCSP in Geneva from **25 August to 30 August 2013**.

For more information see <http://www.gcsp.ch/Emerging-Security-Challenges/Training-Courses/Central-Role-of-the-Commander-CENTROC2>

(Geneva Centre for Security Policy)

The U.S. Naval War College, the NATO Cooperative Cyber Defence Centre of Excellence and the NATO School Oberammergau will host an **International Law of Cyber Operations Seminar** from **23 to 27 September 2013** at the NATO School in Oberammergau (Germany). The registration deadline for the seminar is 12 August 2013. For more information see: [https://www.natoschool.nato.int/new\\_www/conferences/Cyber\\_2013.pdf](https://www.natoschool.nato.int/new_www/conferences/Cyber_2013.pdf).

**Report of the IXth Seminar for Legal Advisors of the Armed Forces of the International Society for Military Law and the Law of War**

From 9 to 13 April 2013 the 1 (German/Netherlands) Corps hosted the *Society's* IXth Seminar for Legal Advisors of the Armed Forces at the Prince Claus Barracks in Münster, Germany. Some 99 participants from 34 different countries and international organisations came together to discuss 'Contemporary Challenges for Legal Advisers in International Military Operations', the central theme of the Seminar.

The Seminar was officially opened on Tuesday 9 April 2013 by a welcome reception hosted by Major General M. van der Laan, Deputy Commander of the 1 (German/Netherlands) Corps. Several office holders of the *Society*, including the President (Brigadier General (ret.) Jan Peter Spijk) and one Vice-President (Brigadier General Dimitrios Zafeiropoulos), attended the opening ceremony. The Director of the Seminar was Colonel Ben Klappe, who was assisted by the Deputy Director of the Seminar, Mrs. Ulrike Froissart.

In his keynote speech the next day, Lieutenant General A.J.H. van Loon, Commander of the Corps, provided useful advice on military cooperation with different national and international actors backed by examples drawn from his own experience. This was followed by a presentation and update of the *Society's* Research Project on International Law in Peace Operations by Mr. Alfons Vanheusden, the Assistant Secretary General of the *Society*. The morning concluded with interesting clarifications of the UK's current doctrine and the ICRC's position on detention in

peace operations. Firstly, based on the recommendations from the Baha Moussa Public Inquiry Report, the UK reformed its detention policy into a system of common minimum standards for all captured persons, regardless of their status or the qualification of the conflict. Emphasis is put on the need for prior planning, clarity of command and staff responsibilities and equivalency as a base level, providing soldiers with some basic reflexes concerning detention. Further, the ICRC's contribution highlighted some of the legal issues arising from detention operations in non-international armed conflict, including the confusion around its legal basis, procedural safeguards for internment, the conditions and treatment in detention and the impact of the principle of non-refoulement on transfer of detainees.

The afternoon presentations on 'remote piloted aerial vehicles' gave rise to many interesting questions and debate from the audience. A useful oversight of the main lines of critique launched against drones was provided by Air Commodore Frans Osinga, Professor Military Operational Sciences at the Dutch National Defense College, together with some remarks balancing these critiques, e.g. the potential of precision strikes to lead to more humane warfare. His colleague Professor Terry D. Gill subsequently raised some questions and provided very informative answers on the *ius ad bellum* and *ius in bello* issues relative to remote piloted aerial vehicles. The legal and operational questions raised by the use of this kind of new technologies were debated further on the basis of particular case studies, for which the participants were divided into smaller discussion groups. The conclusions from the different groups provided useful new insights on accountability and the legal framework governing the use of remote piloted aerial vehicles.

The morning of Thursday 11 April 2013 focused on practical issues for legal advisers in military operations. Lieutenant Colonel Jean Michel Cambron, Legal Advisor, Canadian Joint Operations Command, Department of National Defence Canada, started with an overview of the legal implications of Special Operations. This was followed by a comprehensive presentation about the role of the legal adviser in the targeting process given by Lieutenant Colonel Christian De Cock, Chief Operational Law, Ministry of Defence Belgium. Afterwards, the different challenges faced by legal advisers during special operations and in the targeting process, as addressed by the morning presentations, were explored more fully by participants in the smaller discussion groups.

In the afternoon, Colonel Ben Klappe, former Chief of Staff of the NATO Rule of Law Field Support Mission, shared insights from his experience with the rule of law in

Afghanistan. Afterwards, Mr. Pascal Limpens, Legal Adviser, Joint Forces Command, Brunssum, the Netherlands, offered an informative presentation on recent developments in the settlement of claims for damages caused by armed forces in international operations, with a particular focus on NATO operations. Again the presentations, questions of the audience and discussions in the smaller groups stimulated an interesting panel reflection on these themes.

On Friday 12 April of 2013, Captain (Italian Navy) Dr. Fabrizio Ratto-Vaquer introduced the participants to the topic of the morning session 'Maritime operations and Rules of Engagement'. An example of a maritime ROE was given for those participants not so familiar with the topic. It was explained that the peculiar characteristics of maritime peace operations deserves a separated analysis due to the overlap of several legal provisions. Relevant legal documents for maritime operations were said to be the UN Charter, UN Security Council Resolutions, relevant UN conventions as well as SOFAs. Moreover, attention has to be paid to the particular character of maritime law as reflected in the United Nations Convention on the Law of the Sea (UNCLOS). Indeed the division of maritime space and contiguous zones is not clear-cut in every case.

Next, Mr. Rolf Einar Fife of the Norwegian Ministry of Foreign Affairs offered an overview of the legal framework as well as current and future challenges at sea. In the past, international relations were based on the question of authority or power. States used the gunshot rule, which means that the authority of a state was based on the territory under its control. This authority could be translated into military power. The Law of the Sea is based on a strategic compromise between the sovereignty of the coastal state and the freedom of the High Seas. With regard to its negotiation, UNCLOS was the result of a third attempt to codify maritime law, 40 years after the first one. In the context of military operations one can only board and seize a vessel if it sails under his national flag, with consent or with a UN Security Council Resolution. This leads to the question of what kind of consent is useful or sufficient: the captain's consent or the government's? The definition of consent requires careful consideration and needs to be adapted to the particular situation of the case. On the question of the use of force, the judgment of the International Tribunal in Hamburg in the Saiga Case (1999) clarifies that the use of force must be avoided if possible. When unavoidable, the use of force should not go beyond what is necessary. It was also noted that maritime law takes concepts of international humanitarian law into consideration. Finally, it was remarked that when peace and security are at stake, the

Oil Platforms judgment provides useful information on the burden of proof and the issue of securing evidence.

Commander Kenneth Buhl of Denmark subsequently discussed the legal battle for the Arctic. In case of the Arctic, climate change has created new possibilities, among which access to the resources at land and sea, a shorter route between the Pacific and the Atlantic and even tourism. On the other hand, it also created new challenges for the fragile environment and safety at sea. Due to their geographical position as coastal states of the Arctic, there are legal interests at stake for the Arctic five (Canada, Denmark, Norway, Russian Federation and the US). Other states, such as maritime nations, can nevertheless be concerned by the situation in the Arctic as well and eventually have access to the resources available. Several legal disputes arising in the Arctic, amongst which the Lomonosov Ridge (Denmark-Russia) and the continental shelf delineation (USA-Canada), put pressure for the adoption of new conventions to cover the Arctic environment. Although the US has not ratified UNCLOS, it considers itself bound by the rules on continental shelf delineation, which it accepts as constituting customary international law. Further, the constructive ambiguity of UNCLOS was discussed, as the treaty was a compromise between nations, which led to different interpretations by states. When the five coastal states were united to solve the Arctic 'problem' themselves, the ILULISSAT Declaration created a new legal framework. It states that no new legislation is needed and that UNCLOS is applicable to the Arctic. Mr. Buhl ended by concluding that the Arctic states demonstrated their will to avoid conflict and settle their differences peacefully through various agreements, both multilateral and bilateral. Hence, although law is not the solution to all problems, it plays a role in achieving goals of national interest.

The afternoon session looked at the current status of the implementation of UN Security Council concepts, by first focusing on UN Security Council Resolutions on sexual violence and the protection of children and women. The different Resolutions in this areas aim to enhance women's leadership in peace building and conflict prevention as well as to prevent and respond to conflict-related sexual violence. The presentation did not only focus on relevant UN Security Council Resolutions, but also looked at the impact of the UN Secretary-General's Bulletin on sexual abuse by peacekeepers and the measures taken to strengthen participation of women in UN peacekeeping operations.

Lieutenant Colonel Richard Brennan of the Irish Defence Forces subsequently elaborated on the impact of the Responsibility to Protect (R2P) doctrine on the concept of safe areas. After an explanation of the general concept, origins and evolution of the Responsibility to Protect, it was pointed out that the concept can sometimes be considered a Trojan horse. Indeed, a quote of Gareth Evans reflects this opinion: *'... it is a fundamental mistake to maintain, as some still do, that R2P is no more than old humanitarian intervention wine in a new bottle'* (Gareth Evans on 'Responsibility to Protect after Libya'; the World Today, Vol 68, Number 8/9). Further, the conflict in Libya exposed some of the issues tied to the concept. First of all, by providing a mandate to protect civilians, the UN Security Council challenged the traditional definition of a military objective. Secondly, the use of the R2P concept created a problem for certain states, who considered the intervention to be a hidden regime change. Thirdly, the question can be asked against whom the civilians needed protection: rebel groups or government forces? Finally, it was concluded that the concept of Responsibility to Protect consists of two layers: a layer reflecting the international law concept and one being the translation into operational advice by military legal advisers.

Lastly, on Saturday 13 April 2013, the participants enjoyed an excursion to the historic city of Münster. The excursion started in the historical City Hall of Münster whereby Dr. Jörg Twenhöven, President of the Regional Section of the German Red Cross, Lord Mayor (ret.) of Münster and Governor (ret.) of Westphalia, gave a comprehensive introduction about the characteristics and the history of the city. In the City Hall, the participants had the chance to visit the 'Hall of Peace'. As this was the site of the Peace of Westphalia of 1648, the participants were well-placed to appreciate the historical value of the location. Afterwards, a guided tour of the city of Münster was provided. The participants visited the St. Lamberti's Church and heard the gruesome history about the three cages hanging up on the spire of this church. Afterwards they went to the Münster Cathedral (St.-Paulus-Dom) in which they saw the famous astronomical clock.

*(Marika Lefevre, Laureen Van Assche and Adélaïde Kanyange)*

## **The website of the *International Society for Military Law and the Law of War* goes multilingual**

It is with great pleasure that we inform you that the website of the *Society* ([www.ismllw.org](http://www.ismllw.org)) is now also available in Spanish. We are looking forward to expanding the accessibility of the site by offering it in more UN languages. Please note that a Russian version is currently under preparation.

Nous avons le plaisir de vous informer que dorénavant le site web de la *Société* ([www.ismllw.org](http://www.ismllw.org)) est également disponible en espagnol. Nous sommes impatients d'élargir l'accessibilité du site en le présentant dans plus de langues des Nations Unies. Veuillez noter qu'une traduction en russe est en cours de préparation.

Nos complace informarle de que ahora la página web de la *Sociedad* ([www.ismllw.org](http://www.ismllw.org)) se encuentra disponible en Español. Esperamos con ilusión la ampliación de la accesibilidad del sitio en más idiomas de las Naciones Unidas. La traducción al ruso está en curso.

Мы с большим удовольствием сообщаем Вам, что теперь веб-сайт Общества доступен также на испанском языке ([www.ismllw.org](http://www.ismllw.org)). Мы с нетерпением ждем расширения возможности доступа к сайту на других языках ООН. Обратите внимание, что перевод на русский язык в настоящее время находится в стадии подготовки.

*(Isabelle NEE, webmaster)*

## **Developments / Développements**

### **Affaire TOUAX – arrêt de la Cour d'appel de Bruxelles du 16 mai 2013**

Le jeudi 16 mai 2013, la Cour d'appel de Bruxelles a rendu un arrêt dans l'affaire Touax, du nom des sociétés sœurs TOUAX SA et TOUAX ROM qui ont cité l'Etat belge afin d'obtenir une indemnisation pour leur dommage subi suite aux bombardements de l'OTAN en ex-Yougoslavie en mars 1999. Lesdits bombardements avaient causé la destruction de huit ponts sur le Danube, dont les débris ont rendu le fleuve non-navigable. Les sociétés de location de bateaux ayant investi dans le but d'opérer sur le fleuve ont en conséquence subi des pertes économiques importantes.

Le tribunal de première instance de Bruxelles s'était déclaré sans juridiction pour statuer sur la demande car cela aurait impliqué « [...] un jugement sur la légalité, au regard du droit international de la décision prise par les Etats membres de l'OTAN, en ce compris la Belgique, d'intervenir militairement au Kosovo, et de la mise en œuvre de cette décision, notamment par la destruction des ponts sur le Danube ». Le tribunal avait ainsi donné raison à l'Etat belge qui considérait que le fait de juger l'Etat belge dans cette affaire revenait à juger les autres Etat membres de l'OTAN, ce qui est contraire à l'immunité de juridiction dont jouissent les Etats membres non partie au procès.

La Cour d'appel de Bruxelles nuance cette question relative au principe de l'immunité de juridiction et n'a pas suivi le tribunal de première instance sur ce point-là car selon la Cour : « La question de l'appréciation par une juridiction de la légitimité de la décision prise par l'Etat belge au sein d'une organisation internationale ne peut être assimilée à une décision par laquelle elle s'immiscerait dans la sphère de compétence d'une organisation internationale. ». La décision dont il est question ici est le fait que l'Etat belge ne s'était pas opposé à l'intervention militaire en ex-Yougoslavie. La partie appelante soutenait qu'en posant son veto à l'intervention militaire, l'OTAN n'aurait pas pu intervenir en ex-Yougoslavie étant donné qu'une telle intervention nécessite l'unanimité des Etats membres.

Dans son arrêt, la Cour fait la distinction entre une décision prise par un Etat membre au sein d'une organisation internationale et la sphère de compétence de l'organisation internationale en tant que telle. La Cour n'a pas remis en cause le principe de l'immunité de juridiction des Etats membres de l'OTAN devant les juridictions belges, mais elle a estimé que l'appréciation d'une éventuelle faute de l'Etat belge ne porte pas atteinte à l'immunité des autres Etats membres. La Cour reconnaît toutefois qu'apprécier l'éventuelle faute dans le chef de l'Etat belge d'avoir pris part à une décision prise par une organisation internationale implique une appréciation indirecte de la licéité de la décision de cette organisation, mais la Cour estime qu'une telle appréciation ne porte pas atteinte aux biens, aux droits, aux intérêts et aux activités des Etats membres de l'organisation internationale.

En ce qui concerne le droit applicable, la Cour estime que c'est le droit belge qui est applicable au litige en question. Conformément à l'article 99, 3° du Code de droit international privé belge, la Cour retient que c'est l'Etat belge qui présente les liens



les plus étroits avec l'obligation de réparer le dommage car il s'agit d'apprécier la faute éventuelle commise par lui.

La Cour prend ensuite position par rapport aux allégations des violations du jus ad bellum. Elle suit le raisonnement de l'Etat belge en estimant que l'article 2, §4 de la Charte des Nations Unies est dépourvu d'effet direct et qu'en conséquence, il ne peut être invoqué directement par un particulier devant les tribunaux en l'absence de mesures d'exécution. Invoquer l'article 2, §4 de la Charte des Nations Unies par le détour d'une faute au sens de l'article 1382 du Code civil belge (l'article régissant le principe de la responsabilité civile en général) est, aux yeux de la Cour, également sans fondement. En effet, pour démontrer une faute extracontractuelle il faut soit un acte ou une abstention qui méconnaît une norme de droit international ayant des effets directs dans l'ordre juridique national, soit un manquement à l'obligation générale de prudence. A défaut de méconnaissance d'une norme de droit international ayant un effet direct et à défaut de manquement à l'obligation générale de prudence (car la partie appelante ne l'a pas abordé) il ne peut être question de faute extracontractuelle, ni de violation du jus ad bellum.

La Cour estime également qu'il n'a pas de violation du jus in bello. Pour ce faire, elle s'appuie sur les commentaires des protocoles additionnels du 8 juin 1977 aux Convention de Genève du CICR qui considèrent que des ponts peuvent être considérés comme des objectifs militaires légitimes « [étant] des biens qui, sans être de nature militaire, apportent, en raison de leur emplacement, une contribution effective à l'action militaire. ». Pour finir, la Cour suit l'analyse faite par la Bundergerichtshof dans une décision du 2 novembre 2006 qui avait été saisie pour les mêmes faits, en déclarant que « [...] la destruction des ponts visait à empêcher les serbes de poursuivre l'approvisionnement – notamment en pétrole – de leurs forces au Kosovo ».

Il reste trois points sur lesquels la Cour se prononce, et ce, de manière assez expéditive. La partie appelante estime que la non-navigabilité du Danube en raison des bombardements constitue une violation de la liberté de navigation sur le Danube. La Cour considère que les Traités garantissant la liberté de navigation sont suspendus durant le temps des hostilités.

La partie appelante invoque également une violation du Traité de l'Atlantique Nord. La Cour rejette cet argument en considérant que le Traité de l'Atlantique Nord est également dépourvu d'effet direct.

Enfin, contrairement à ce que soutenait la partie appelante, la Cour déclare qu'il n'y pas eu de violation de l'article 167 §1er, al 2 de la Constitution belge car la décision d'engager les forces armées belges dans le cadre d'une opération menée par l'OTAN ne doit pas « [...] revêtir une expression formelle – tel un arrêté royal – pour pouvoir produire ses effets. ». Par ailleurs, la partie appelante ne prouve pas de lien de causalité entre la prétendue faute d'avoir engagé les forces armées sans arrêté royal et son dommage.

Les sociétés TOUAX se sont pourvues en Cassation.

*(Pierre Degezelle, Capitaine d'Aviation, juriste, DG Legal Support & Mediation, Claims Office, Belgian MOD)*

### **UN General Assembly approves Global Arms Trade Treaty**

On 2 April 2013, the UN General Assembly adopted its first-ever treaty that aims at controlling the international trade in conventional weapons. Member states represented in the UN General Assembly voted by 154 to 3, with 23 abstentions, to control a multibillion-dollar trade. The treaty covers battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, as well as small arms and light weapons.

Text of the Treaty is available at: [http://www.un.org/disarmament/ATT/docs/Draft\\_ATT\\_text\\_27\\_Mar\\_2013-E.pdf](http://www.un.org/disarmament/ATT/docs/Draft_ATT_text_27_Mar_2013-E.pdf). For more information see <http://www.reachingcriticalwill.org/disarmament-fora/att>.

### **Decision of the U.S. Court of Appeals for the Armed Forces on Sgt Lawrence G. Hutchins III**

On 26 June 2013, the U.S. Court of Appeals for the Armed Forces overturned a murder conviction against a U.S. Marine in an Iraq war case. The charges against Hutchins arose from an incident that occurred in April 2006 when an unarmed 52

year old Iraqi man was killed while Hutchins was a squad leader in Iraq where his unit was carrying out counterinsurgency operations.

For more information see <http://www.asil.org/ilib130628.cfm#j2>. The decision is available at <http://www.armfor.uscourts.gov/newcaaf/opinions/2012SepTerm/12-0408.pdf>.

### **Second report of the Turkel Commission**

The Israeli Public Commission to Examine the Maritime Incident of 31 May 2010 (the so-called *Turkel Commission*) published the Second Report on Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Laws of Armed Conflict According to International Law on 6 February 2013. The report itself represents analysis of the question whether Israeli investigations of claims of breaches of international law and war crimes meet international law standards. The Commission held that *"the examination and investigation mechanisms in Israel for complaints and claims of violations of the laws of armed conflict generally comply with Israel's obligations under international law. Notwithstanding, the Commission is of the opinion that in several of the areas examined there are grounds for improving the examination and investigation mechanisms and for changing the accepted policy. The Commission is also of the opinion that certain accepted practices, which are appropriate in themselves, should be enshrined in express written guidelines that are made publicly available"*. The report details 18 recommendations to promote the efficiency of Israel's examination and investigation mechanisms so that they will reflect best practice.

Summary: <http://www.turkel-committee.gov.il/files/newDoc3/Summary.pdf>

Report: <http://www.turkel-committee.gov.il/files/newDoc3/The%20Turkel%20Report%20for%20website.pdf>

(Diana Pryanichnikova)

## Publications of interest / Publications intéressantes

HB = hardback; PB = paperback

### Books

Ciarán BURKE, *An Equitable Framework for Humanitarian Intervention*, Hart Publishing, 2013, 398 pp., ISBN 9781849464048, £60 / €78 (HB), <http://www.hartpub.co.uk/BookDetails.aspx?ISBN=9781849464048>

Eugene R. FIDELL, *Military Court Rules of the United States: Procedure, Citation, Professional Responsibility, Civility, and Judicial Conduct*, LexisNexis, 2012, 1024 pp., ISBN 9781422496695, \$149.00 (PB), <http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&prodId=prod18865085&WT.tsrc=PAC-CommunityServer-StoreRelatedDocs>

Stefan TALMON, *The Occupation of Iraq: Volume 2*, Hart Publishing, 2013, 1572 pp., ISBN 9781841136424, £80 / €104 (HB), <http://www.hartpub.co.uk/BookDetails.aspx?ISBN=9781841136424>

### Miscellaneous

*Journal of National Security Law & Policy's* Vol. 6, No. 1 <http://jnslp.com/topics/read/vol-6-no-1/>

Nicholas A. JONES, Stephan PARMENTIER and Elmar G.M. WEITEKAMP, *Dealing with International Crimes in Post-War Bosnia: Looking through the lens of the affected population*, *European Journal of Criminology* September 2012 vol. 9 no. 5, pp. 553-564

Frederik NAERT, *Legal Framework Governing the Protection and Promotion of Human Rights in EU Missions – Application of EU Law Principles and Instruments*, Aurel SARI and Ramses A. WESSEL (eds.), *Human Rights in EU Crisis Management Operations: A Duty to Respect and to Protect?*, Centre for the Law of EU External Relations, Working Paper 2012/6, CLEER / T.M.C. Asser Institute, The Hague, 2012, pp. 39-49. <http://www.asser.nl/upload/documents/20121221T112600-CLEER%20Working%20Paper.pdf>

Frederik NAERT, *The International Responsibility of the Union in the Context of Its CSDP Operations*, P. KOUTRAKOS and M. EVANS (eds.), *The International Responsibility of the European Union*, Hart Publishing, 2013, pp. 313-338

Stephan PARMENTIER, *Editoriaal: Van Mechelen naar Kigali en Srebrenica: pleidooi voor een criminologie van de internationale misdaden (Editorial Comment: From Mechelen to Kigali and Srebrenica: plea for a criminology of international crimes)*, Panopticon. Flemish journal for criminal law, criminology and forensic welfare, 34(1), 2013, pp. 1-4 (Dutch)

Stephan PARMENTIER and Elmar G.M. WEITEKAMP, *Punishing perpetrators or seeking truth for victims: what does the population in Serbia think about dealing with war crimes?*, International Criminal Law Review (Special Issue: The Realities of International Criminal Justice), vol. 13, 2013, pp. 43-62

Jordan PAUST, *Iran's Nuclear Weapons Program and Lawful Israeli Self-Defense*, JURIST - Forum, 15 Jan., 2012, <http://jurist.org/forum/2013/01/jordan-paust-iran-israel.php>

Cedric RYNGAERT, *Accountability of International Organizations for Human Rights Violations: the Cases of the UN Mission in Kosovo (UNMIK) and the "UN Terrorism Blacklists"*, Malgosia FITZMAURICE and Panos MERKOURIS (eds.), *The Interpretation and Application of the European Convention on Human Rights*, Leiden and Boston: Brill, 2013, pp. 73-91

Cedric RYNGAERT, *State Cooperation with the International Criminal Tribunal for Rwanda*, International Criminal Law Review (Special Issue: The Realities of International Criminal Justice), vol. 13, 2013, pp. 125-146

(Diana Pryanichnikova)

### **International Crimes Database**

The soon-to-be-launched International Crimes Database (ICD), hosted and maintained by the T.M.C. Asser Instituut in The Hague and financially made possible by the Dutch Ministry of Security and Justice, will offer a comprehensive database of international crimes adjudicated by national, as well as international and internationalized courts. In addition to case law on international crimes, the website will incorporate general background information about international crimes, academic as well as news articles, working papers, a discussion forum, streaming and video presentations and a social media platform to facilitate and stimulate interaction by our various users.

The ICD will provide access to a range of information not just for lawyers and judges

but also for students, academics, families and communities of victims of crimes, and others. We hope that the Database will become a leading and indispensable resource for users in developing a better understanding of international criminal law.

The ICD is based on the earlier project DomCLIC, the Domestic Case Law on International Criminal Law Database, which can be accessed temporarily via [www.domclic.nl](http://www.domclic.nl) or [www.domclic.org](http://www.domclic.org).

The DomCLIC/ICD project has already received expressions of support from several institutions, such as the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, the International Committee of the Red Cross, the International Institute of Humanitarian Law, the Société Internationale de Droit Militaire et de Droit de la Guerre, the International Association of Prosecutors, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon and the Supreme Court of the Netherlands.

Though the ICD will be managed by a competent team of editors and interns, any help and suggestions would be greatly appreciated. We kindly request whether you could send suggestions for new additions to the database, information regarding important cases from any jurisdiction, and particularly original court documents to the editors: [editors@domclic.nl](mailto:editors@domclic.nl).

Please note that we unfortunately do not have the funds to translate these original court documents into English ourselves. Therefore, we would much appreciate if we could receive, besides the original court documents, a translation of these documents into English. Many countries are proud of the fact that they are able to prosecute such crimes and are hence willing to take care of the translations. Perhaps, the translation bureaus of the armed forces or local interpreter schools may be able to help in this process.

Thank you very much in advance for your assistance, and we look forward to building a comprehensive and user-friendly International Crimes Database together.

If you wish to be kept informed of the developments as well as the launch date of the website, please send an e-mail to [editors@domclic.nl](mailto:editors@domclic.nl).

*(The DomCLIC/ICD team)*

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