



## NEWS FLASH N° 13

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### Upcoming Events

The Irish Red Cross will host a conference entitled **Contemporary Challenges in International Humanitarian Law** on **17 October 2013** in Dublin (Ireland).

Information is available here

<http://www.icrc.org/eng/resources/documents/feature/2013/08-07-ihl-conference-dublin-call-for-papers.htm>

Please note that the deadline for the submission of abstracts is 3 September 2013.

The **3<sup>rd</sup> Amity International Moot Court Competition** is scheduled to take place in **Noida (India)** from **17 to 19 October 2013**. This year's moot problem will address the topic of military law and the law of war. The problem, rules, and registration form are available at <http://amityintl moot.blogspot.in/>

Participation should be confirmed by 15 September 2013.

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 on **Modern Challenges in the Military Legal Domain**, which will be hosted by the *Auditoría General* in **Santiago de Chile (Chile)** from **20 to 23 November 2013**. Please note that the deadline for registration is 1 September 2013. A limited number of places are still available.

An application form can be found here

[http://ismllw.org/conferences/2013\\_11\\_20\\_Chili\\_ins.pdf](http://ismllw.org/conferences/2013_11_20_Chili_ins.pdf)

For the programme 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)

Save the date:

An International Conference on **Defence Procurement and Cyber Warfare** will take place in **Riga (Latvia)** from **28 to 30 May 2014**. Additional information will be announced in newsflashes to come.

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 date.

*(Nicolette Pavlovics & Laura De Schryver)*

## **Developments**

On the 19th of August 2013, the work of aid workers was celebrated all over the world at **World Humanitarian Day**. This year marked the 10<sup>th</sup> anniversary of the 2003 bombings of the UN headquarters in Iraq. Aid workers and relief organizations are protected by the Geneva Conventions and their additional protocols, under which they are non-combatants who can thus not be lawful targets. Unfortunately, several of the ICRC's reports show that targeting of aid workers and relief organizations has tripled over the last 10 years, with over 880 killed and more than 1450 wounded or kidnapped, while delivering aid. In 2012, 272 aid workers were the victims of major attacks, 66 of which were killed. Among the most dangerous countries for aid workers remain Afghanistan, Somalia and Sudan, according to statistics of the European Commission. On the EU website, a documented memo can be consulted : [http://europa.eu/rapid/press-release MEMO-13-742 en.htm](http://europa.eu/rapid/press-release_MEMO-13-742_en.htm)

*(Laura De Schryver)*

## **Trial of Bradley Manning**

On July 30, 2013 **Bradley Manning**, the US Army Private who leaked thousands of classified military documents to the website Wikileaks, was convicted by court martial of several violations of the Espionage Act. Manning was originally charged with 22 offences but had previously pled guilty to 10 of the charges, which included violation of military regulations for providing the classified documents to Wikileaks. In US Army Court-Martial, Judge Col. Denise Lind found Manning guilty of almost all charges against him, however he was acquitted on the most serious charge: aiding the enemy by knowingly giving out intelligence through indirect means.

In sustaining the charge of "Causing Publication of Intelligence Belonging to the United States on the Internet Knowing the Intelligence is Accessible to the Enemy", Judge Lind defined "intelligence" as "any information helpful to the enemy," and "enemy" as not limited only to "organized opposing forces in time of war" but also encompassing "any other hostile body that our forces may be opposing" and including "civilians as well members of military organizations."

"Knowledge" according to the court's ruling requires that "PFC Manning acted with actual knowledge that intelligence published on the internet was accessible to the enemy." The judge specified that the government was not required to prove that the information obtained was in fact used to the injury of the US or the advantage of another country. Additionally, it was not necessary for the accused to have reason to believe the information would be used against the US, only that the information be able to be used for this purpose. Other charges for which Manning was convicted include theft and six counts of espionage.

On August 21, Manning was sentenced to 35 years of imprisonment in a military prison and given a dishonorable discharge.

Copies of the official U.S. Army forms detailing the charges against Manning are available here

<http://cryptome.org/manning/Manning-charge-sheet.pdf> and here

[http://cryptome.org/manning/maning\\_additional\\_charge\\_sheet\\_redacted\\_02mar11.pdf](http://cryptome.org/manning/maning_additional_charge_sheet_redacted_02mar11.pdf)

The decision issued in the form of Special Findings of the Court can be found here

[www.bradleymanning.org/featured/special-findings](http://www.bradleymanning.org/featured/special-findings)

*(Nicolette Pavlovics)*

### **MONUSCO welcomes the separation of 82 children from DRC armed group**

The UN peacekeeping mission in the Democratic Republic of the Congo reported the release of 82 children by the Mayi Mayi Bakata Katanga armed group on 11 and 15 August 2013. The group had reportedly recruited these children, who were between the ages of 8 and 17, for military purposes during the past six months. Martin Kobler (the Secretary-General's Special Representative and head of the UN Organization Stabilization Mission in DRC) expressed a high level of concern about the child recruitment by Mayi Mayi Bakata Katanga and other DRC armed groups, warning that the continued recruitment of children under 15 may result in responsibility for the commission of war crimes. This latest event brings the total to 163 children separated from Mayi Mayi Bakata Katanga since the beginning of the year.

The conscription, enlistment or use of child soldiers under the age of fifteen in active hostilities is prohibited and considered a war crime, also in non-international armed conflicts, by Art. 8 (2) (e) (vii) of the Rome Statute of the International Criminal Court. The DRC has been a party to the Rome Statute since 2004.

View the press release from the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) here

<http://monusco.unmissions.org/Default.aspx?tabid=10846&ctl=Details&mid=13890&ItemID=20069&language=en-US>

*(Nicolette Pavlovics & Laura De Schryver)*

### **World War II United Nations War Crimes Commission documents available online**

For the first time, the unrestricted records of the United Nations War Crimes Commission have been made freely available online pursuant to an agreement between the United Nations and the International Criminal Court.

The United Nations War Crimes Commission was established by 17 allied nations in October 1943 to compile lists of alleged war criminals, examine the charges against them, and pursue their arrest and trial. The commission was shut down in 1948 following the formation of the United Nations organization as we know it today.

The collection consists of more than 2200 documents including meeting minutes and other documents from the commission and its subordinate bodies as well as a portion of the war crimes trial reports, which were sent to the commission by

national authorities from Australia, Canada, China, Czechoslovakia, France, Greece, the Netherlands and Norway.

This resource is available on the website of the International Criminal Court at [http://www.legal-tools.org/en/go-to-database/ltfolder/0\\_28425/#results](http://www.legal-tools.org/en/go-to-database/ltfolder/0_28425/#results)

Source: <http://bigstory.ap.org/article/over-2200-world-war-ii-documents-now-online>

(Nicolette Pavlovics)

### **ICTR hands over last Rwanda case file**

On the 17<sup>th</sup> of July 2013, the last case file of the ICTR, Bernard Munyagishari, has been handed over to the Rwandese prosecutor's office. Soon enough, the former secretary of the MRND and commander of Interahamwe himself will be transferred to the Rwandese authorities as well to stand trial for his role in the Rwandan genocide. The referral follows the ICTR Appeals Chamber's decision of 3 May 2013 to uphold a referral decision of the Trial Chamber allowing the transfer of the case, following the Prosecutor's successful application under Rule 11bis of the ICTR Rules of Procedure and Evidence. Transferred to Arusha in June 2011, Munyagishari was charged with five counts of conspiracy to commit genocide, genocide, complicity in genocide and crimes against humanity for murder and rape of Tutsi women, to which he all pleaded not-guilty.

Read the Press Release of the ICTR at

<http://www.unictr.org/tabid/155/Default.aspx?id=1356>

(Laura De Schryver)

### **Publications of interest / Publications intéressantes**

#### **Books**

C. BURKE, *An Equitable Framework for Humanitarian Intervention*, Hart Publishing, 2013, 408p., 9781849464048, £60 / €78 / US \$ 120.

<http://hartpub.co.uk/bookdetails.aspx/ISBN=9781849464048>

P. DE HERT, J. FLAMME, M. HOLVOET, O. STRUYEN (eds), *Code of International Criminal Law and Procedure, annotated*, Larcier, 2013, 826 pp., ISBN 9782804452384,

€160. (English). <http://uitgeverijlarcier.larciergroup.com/titres/126607/code-of-international-criminal-law-and-procedure-annotated.html>

This book may also be obtained as an e-book by contacting [herman.verleyen@larciergroup.com](mailto:herman.verleyen@larciergroup.com)

S. TALMON, *The Occupation of Iraq: Volume 2 - the Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council*, Hart Publishing, 2013, 1572pp., 9781841136424, £80 / € 104.

<http://hartpub.co.uk/bookdetails.aspx?ISBN=9781841136424>

J. VOETELINK, *Militair Operationeel Recht*, Wolf Publishers, 2013, 388pp., ISBN 9789058509840. (Dutch).

### **Miscellaneous**

M. BERGSMO, A. W. DAHL and R. SOUSA, *Military Self-Interest in Accountability for Core International Crimes*, FICHL Policy Brief Series No. 14 (2013), Torkel Opsahl Academic EPublisher, Stanford, 2013, ISBN 978-82-93081-74-6 (English), 978-82-93081-75-3 (Arabic), 978-82-93081-76-0 (French), and 978-82-93081-77-7 (Spanish).

A. DUNNE, *The Proliferation Security Initiative : legal considerations and operational realities*, - Solna : Stockholm International Peace Research Institute, 2013. - VIII, 49 p. : ill. ; 25 cm. - (SIPRI policy paper, ISSN 1653-0432 ; 36).

D. FISHER, *Does Morality Matter in Security Policy?* In *Survival : Global Politics and Strategy*, ISSN 0039-6338: vol. 55, issue 3, page 129-146. 2013.

E. HUNTER, D. ESTRADA-TANCK and M. L. PIQUE, *'Nunca Más': Connecting Latin American Approaches to Impunity with Positive Complementarity Using Technology Driven Resources*, FICHL Policy Brief Series No. 16 (2013), Torkel Opsahl Academic EPublisher, Florence, 2013, ISBN 978-82-93081-70-8 (English) and 978-82-93081-71-5 (Spanish).

E. HUNTER and A. SKANDER GALAND, *'Arab Spring' to Accountability: Supporting Criminal Justice for Atrocity in North Africa and the Middle East*, FICHL Policy Brief Series No. 15 (2013), Torkel Opsahl Academic EPublisher, Florence, 2013, ISBN 978-82-93081-68-5 (English) and 978-82-93081-69-2 (Arabic).

A. ØIEN STENSLAND, *OCHA and «Protection of Civilians»: Authority and Symbolic Technologies in the Governance of the Humanitarian Field*. (OCHA og : autoritet og symbolske teknologier i styringen av det humanitære feltet), in *Internasjonal politikk*. ISSN 0020-577X: vol. 71, issue 2, page 195-220. 2013. (Norwegian).

J. PAUST, *Use of Military Force in Syria by Turkey, NATO and the United Nations*, 34 U. Pa. J. Int'l L. 431-446 (2013). Visit <http://ssrn.com/abstract=2272291> for a free download of this essay.

YI Ping, *The Contemporary Relevancy of the 'Just War' Concept in the Early Years of International Legal Studies in Japan*, FICHL Policy Brief Series No. 12 (2013), Torkel Opsahl Academic EPublisher, Beijing, 2013, ISBN 978-82-93081-72-2.

XIAO Jingren and ZHANG Xin, *A Realist Perspective on China and the International Criminal Court*, FICHL Policy Brief Series No. 13 (2013), Torkel Opsahl Academic EPublisher, Beijing, 2013, ISBN 978-82-93081-73-9.

(Laura De Schryver & Nicolette Pavlovics)

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