NEWSLETTER
CRIMINOLOGYAND INTERNATIONAL CRIMES

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EDITORIAL

The African Union's (AU) proposal and the support for the establishment of a Hybrid Court for South Sudan clearly confirms that we do not learn from history hence we are condemned to repeat our mistakes. Yes, South Sudan needs accountability mechanisms to deal with the atrocity crimes committed since the outbreak of the brutal civil war in December 2013, but contemplating on establishing a hybrid Court under the current conditions in South Sudan appears to be ill timed.

Recently, the AU Commission of Inquiry on South Sudan published a 315-paged report with graphic and forensic evidence of atrocity crimes being committed in South Sudan. The Commission recommends the establishment of 'An African-led, African-owned, Africa-resourced legal mechanism under the aegies of the African Union supported by the international community, particular the United Nations to bring those with the greatest responsibility at the highest level to account. Such a mechanism should include South Sudanese judges and lawyers'. The same report, found out that the majority of the respondents viewed President Salva Kiir and Riek Machar to be responsible for the crisis, its escalation and the violations perpetrated. In other words, they are among those with the greatest responsibility of the atrocities being committed in South Sudan. On October 2015, the European Union welcomed the recommendation by the AU to take steps to establish a hybrid court.

South Sudan is not a state party to the ICC, which puts it outside the jurisdiction of the court. This could change if the UN-SC refers South Sudan to the Court, but the appetite for such a move is very low at the moment. It is unlikely that Russia and China would support such a resolution. Even the ICC would be naïve to accept to act positively towards such a referral considering that the previous referrals have become source of controversy between Africa and the ICC. In this case a Hybrid Court sounds to be a viable mechanism, at least on paper. It makes sense that such a mechanism should be African owned, although one wonders what exactly this means. Would it be 100% funded by African governments? In theory this should be possible considering that Africa is one of the richest continents, with massive natural resources.

Africa has demonstrated leadership and support to end impunity for international crimes on the continent. The commitment is enshrined in the AU Constitutive Act, was demonstrated by how African states ratified the Rome Statute and by the referrals of their own situations to the Court (Uganda, DRC, Central African Republic, Mali and the Comoros). Rwanda and Sierra Leone asked for international assistance to establish the ICTR and the SCSL. Africa was instrumental in establishing the Extra-ordinary chambers in Senegal to put the former Chadian President Habré Hissène to trial for torture allegations.

However, there is one caveat that should not be ignored – African Heads of States tend to support international criminal justice mechanisms in a selective manner. Their support seems to be limited to situations when accountability mechanisms focus on their political opponents and not one of them is targeted. .

It is therefore curious that the recommendation to establish a Hybrid Court for South Sudan with the possibility of targeting President Kirr and Riek Machar, has already gained such traction. It is unimaginable that the two leaders of the warring parties would be brought to trial because their political and military standing is still strong and balanced. Normally trials happen, when one side in a conflict has been defeated and arrested. There has to be a loser first, the one who is then dragged to court. In the situation in South Sudan there is (at least for now) no looser. Therefore, the chances of bringing them to trial are remote; it is rather an illusion. So if not them, who then should face trial? This puts into question the timing of the establishment of such a mechanism. Why talk about criminal accountability at this stage?

There is yet another argument. Those who have worked in South Sudan between the signing of the Comprehensive Peace Agreement in 2005 and the referendum for separation with Sudan in 2011, would agree that South Sudan needed far more than six years to build itself into being a viable sovereign state, perhaps under custodianship of the AU. Such a period could have at least contributed to the healing process.

In some African communities, and perhaps elsewhere, there is a tendency and wisdom that allows for a healing period between the period when a crime is committed and initial steps are taken to resolve it. Such period allows the tempers or the nerves of those involved including the victims to cool down. Perhaps South Sudan needs about a decade to cool down before any meaningful steps toward accountability are undertaken.

During such period the focus of the AU and its supporters should be on (re)building South Sudan. Justice can wait. This does not mean justice would be denied. Those who oppose this proposition may need to look at some of the existing institutions including the ICC and see how much time and resources they have exhausted without any timely tangible outcomes.

In other words focusing on the establishment of a hybrid court, sort of diverts the AU and its supporters from the real issues, such as the development needs in South Sudan.

Investing financial resources in establishing a hybrid Court for South Sudan is equivalent to throwing money into the Nile River. Instead the focus should be on investing such resources towards building infrastructure such as a highway linking Juba and Malakal and then Khartoum or a railway line. Additionally, a more rigorous approach towards disarmament, finding alternative ways of ending cattle rustling could go a long way towards peace building and social justice in South Sudan. There is definitely a need to refocus our priorities for South Sudan if we are serious about not repeating past mistakes.

By James Nyawo

AGENDA

The Third International Conference of the South Asian Society of Criminology and Victimology (SASCV), 28-29 January 2016 at GOA, India; www.sascv.org/conf2016 for more details.

The Centre of Excellence for International Courts (iCourts), Faculty of Law, University of Copenhagen, organises an international workshop and conference on the emerging transnational criminal law. 17-18 May 2016 in Copenhagen. See: http://jura.ku.dk/icourts/calendar/transnational-criminal-law/

The International Network of Genocide Scholars (INoGS) will hold its next conference in Jerusalem, 26-29 June 2016. See the conference website. http://www.inogs2016.org/ and call for papers: http://www.inogs2016.org/INoGS_2016_Call_for_Papers.pdf?v=3

If you organize a conference, workshop or symposium related to international crimes, please inform us
roelof.haveman@gmail.com
and we will make a reference on our website and in the newsletter.

THE HAGUE NEWS

Since the start of the electronic newsletter, Barbora Hola has written the "The Hague News", 14 volumes in total. The added value was for sure that it summarised and put together developments at all the international tribunals and courts in The Hague. However, as now the *ad hocs* are actually not doing much anymore, it is only the ICC that remains active, for which one can easily go to the ICC website. We therefore decided to stop "The Hague

News", thanking Barbora for all the much appreciated work.

All articles are welcome. Please send your contribution to one of the editors (addresses at the bottom of the newsletter)

A LONG READ

The Malabo Protocol: The Law and Politics of International Crimes

By Mark A. Drumbl

Delegates to the 14th session of the Assembly of States Parties to the Rome Statute (ASP) gathered in The Hague in mid-November 2015. Only the most clueless of delegates burrowing through the corridors of the World Forum Convention Centre could have been oblivious to the discontent that hung in the air. At ASP, Kenya lobbied loudly for greater freedom to interpret the rules and procedures governing the ICC's operation. The lobby was cosmetics for the real motivation, that is, the machinations of certain leaders over possible, withdrawn, reinstatable, and existing indictments (in particular, in the Kenyan situation).

African states vary widely in their attitudes towards the ICC, of course. Some African states feel targeted by the ICC. These states clearly aired their views in the opening days of the ASP, though – with the exception of Kenya – the rhetoric waned over time. Many other African governments endorse the ICC, both on principle and also instrumentally to bolster them in their internal politics. Even more strikingly supportive are the preferences of African civil society. A naysaying mood nonetheless entrenched itself at this ASP. This mood vexed ICC officials and partisans, who feared for the institution's independence.

This mood is not new. It has already affected institutional development on the African continent. One such development – scarcely discussed outside of Africa – is the preparation in June 2014 of an instrument called the Malabo Protocol.[1] Conducted under the auspices of the African Union, and pushed by Kenya, this Protocol creates jurisdiction (substantive crimes and penalties) for a proposed International Criminal Law Section (hereinafter Section) to be added to the mandate of the African Court of Justice and Human Rights.[2] The Malabo Protocol has a long way to go before securing the number of ratifications required to enter into force. In addition, the proposal is rife with concerns over judicial (and prosecutorial) independence and funding availability.

All of the crimes within the Section's[3] jurisdiction are described as international crimes. This description, however, belies a more complex reality. The Section's jurisdiction includes 'core' international crimes (genocide, crimes against humanity, war crimes, and aggression),[4] piracy,[5] as well as an array of crimes that Charles Jalloh calls 'ICC +'. The 'ICC +' category, which can also aptly be cast as 'international criminal law +', comprises a veritable smorgasbord of offenses, only some of which could be said to form part of transnational criminal law. The 'ICC +' category includes: terrorism, mercenarism, corruption, money laundering, trafficking in persons, trafficking in drugs, trafficking in hazardous wastes, and illicit exploitation of natural resources.[6] The Malabo Protocol definitions of these crimes are rather detailed, but at times conflict *inter se*. In cases where crimes may already be specified under pre-existing treaty law, the Malabo Protocol definitions are not always faithful to the treaty language, thereby suggesting the Malabo Protocol's push to make 'new' law, so to speak. In addition, the Section is given jurisdiction over an offence called 'unconstitutional change of government' (Article 28E). While ostensibly protecting a 'democratically elected government' from a *coup d'état*, and ensuring routine and fair elections, this provision might also criminalize challenges to sitting governments, so long as those governments show themselves to be democratically elected, and regardless of the conduct of those governments. This offense also overlaps somewhat awkwardly with the 'mercenarism' offense.

Although the definitions of the 'core' crimes within the Section's jurisdiction track the definitions of crimes proscribed by the Rome Statute, they do not always mirror them. For example, the Section's jurisdiction over child soldiering war crimes would extend the protected age to eighteen, rather than fifteen (as is also the case at the SCSL and under *lex lata* custom).[7] In this regard, then, the Malabo

[1] This occurred at the 23rd Ordinary Summit of the Assembly of the African Union (AU), held in Malabo, Equatorial Guinea, June 26-27, 2014. The Malabo Protocol available at Annex 5 (pp. 123-166) of this document.

[2] The Malabo Protocol would amend the Protocol on the Statute of the Court.

[3] The jurisdiction is actually that of the African Court of Justice and Human Rights. However, for purposes of simplicity, I refer to the entity as the Section.

[4] Articles 28B, 28C, 28D, and 28M, respectively.

[5] Article 28F.

[6] Respectively: Articles 28G, 28H, 28I, 28I*bis*, 28J, 28K, 28L, and 28L*bis*.

[7] The proposed jurisdiction of the Section excludes minors (Article 46D, defined as persons under the age of 18), thereby

Protocol could serve as evidence supporting the *lex ferenda* push towards the Straight-18 position desired by child rights advocates.

Article 43A(1) permits the Section to impose 'sentences and/or penalties' for 'persons' convicted of 'international crimes'. The term persons in Article 43A assumptively refers both to 'legal persons' and to 'natural persons'. The phrases 'legal persons' and 'natural persons' derive explicitly from Article 46C(6) (on corporate criminal liability), which specifies that: 'The criminal responsibility of legal persons shall not exclude the criminal responsibility of natural persons who are perpetrators or accomplices in the same crimes.' Indeed, this means that the Malabo Protocol permits the prosecution of corporations (but not states, which are expressly excluded from the category of legal persons (Article 46C(1)). The Section can impose 'prison sentences' and/or 'pecuniary fines'.[8] The Malabo Protocol provides no minimum sentences; no sentencing grid; no specified maximum sentence for any crime; nor does it gesture towards any specified range of fines or develop penological or criminological theory when it comes to sentencing legal persons. In determining the length of prison sentence and the quantum of pecuniary fines, the Section should take into account such factors as 'the gravity of the offense' and 'the individual circumstances' of the convicted person.[9] This language is standard among international and internationalized tribunals. Comparable to the Rome Statute, but unlike the enabling instruments of the *ad hocs*, Article 43A does not refer to any obligation to look at national sentencing practices. As with the ICC, but different from the SCSL and the *ad hocs*, the Malabo Protocol creates a separate compensation and reparations procedure for victims (articles 45 and 46M).

Political concerns fuelled the proposal to establish the Section. These concerns include shielding African leaders from international indictments.[10] Article 46A*bis* of the Malabo Protocol in fact expressly includes a bald-faced immunity provision.[11] This immunity could ensconce an abusive leader in power, hamper opposition, and then insulate that leader from criminal responsibility. It is not surprising, then, that Zimbabwe's Robert Mugabe is among the Malabo Protocol's proponents. In this regard, the Malabo Protocol readily can be seen as 'negative' complementarity.[12] From a virtue ethics perspective, it is difficult to find much grace in the genesis of the Section. The success of frustrated African states in stymying the ICC (in particular, in the Kenyan and Sudanese situations) would directly correlate to their disinterest in continuing to champion the Malabo Protocol. This Protocol's enthusiasts see it as a thorn in the side of the ICC rather than a meaningful end in and of itself. The politics are obstreperous and fluid: the impetus behind the Malabo Protocol would presumably revive depending on the future course of ICC investigations and prosecutions.

All this is readily evident. But if one looks closer, another story – however faint and admittedly naïve, albeit far more interesting – also emerges.

The Malabo Protocol, regardless of the circumstances of its birth, serves as a laboratory to push our imaginations. While activists rightfully would deride many of the Malabo Protocol's provisions, they would presumably welcome some of its content, notably the instantiation of corporate criminal responsibility and the criminalization of corruption, trafficking, and natural resources exploitation. The role of transnational capital and the economic abuse of corporate actors has been central to mass violence yet remains outside international criminal law's reach. The Malabo Protocol is among the very few instruments to broach this blind-spot. Its detailed attempts to codify 'ICC +' offenses, and to embed these in an institution geared to the prosecution of international crimes, also suggests a reconfiguration of the transnational, national, and the international. This reconfiguration, moreover, would advance within the framework of a continental institution that, in theory at least, advances Africa as a creator of international law rather than merely a subject of international law.

The Malabo Protocol also opens a door to dialogue about what sentencing and penalties mean in the context of corporate entities. How to sentence in situations where natural persons and legal persons are both found liable? Would the dual liability mitigate punishment for one or the other or, perhaps, serve as an aggravating factor (or be neutral in this regard)? Furthermore, the Protocol triggers a broader conversation about gravity in

matching the ICC's and foreclosing the need for a special juvenile sentencing regime such as the one that had been established (but never deployed) for the SCSL.

[8] Article 43A(2).

[9] Article 43A(4).

[10] *See e.g.* Eliud Owalo, *Proposed African Court is a legal decoy for self-preservation by African tyrants*, Kenya Today (February 10, 2015).

[11] 'No charges shall be commenced or continued before the Court against any serving AU Head of State or Government, or anybody acting or entitled to act in such capacity, or other senior state officials based on their functions, during their tenure of office.'

[12] Assuming, of course, that a continental or regional institution constitutes a 'national' court for the purpose of ICC admissibility. Regardless, here too the Malabo Protocol prompts a new conversational space.

cases of core international crimes, on the one hand, and transnational crimes, on the other. This conversation might engage debates over typologizing perpetrators according to the extent to which they are influenced by collective political/ideological motivations rather than dispositional/material ones. At first blush, it seems that core crimes may be more ecological in nature than transnational crimes.

The temptation to treat the Malabo Protocol as unworthy of study because of its craven origin and dim prospects, however, should be resisted. Law, after all, is not (nor should it be) virtue ethics; law's start does not preordain its future; and the path of international law often surprises.

SHORT ARTICLES

Victims and Reparations at the ICC

By Chris Amani

The ICC has brought many new notions that are very likely to influence the development of international criminal justice and international law. The most interesting innovation though, would be the reparation for victims. This notion is going to be used for the first time in a very distinct way. Individuals are going to be obliged to provide reparations to victims, following their sentencing, as provided by article 75(2) of the Rome Statute:

"The Court may make an order directly against a convicted person specifying appropriate reparation to, or in respect of, victims, including restitution, compensation and rehabilitation"

The challenges of the enforcement of the notion of reparation will be the purpose of this article. In international law, the notion of reparation is not new, but the individuation of the reparation will be quite an innovation. International law recognizes mainly the notion of reparation by States. This has been implemented in several cases, where States were to provide reparation following a judgement in which the State's misdeed was proven by law. For the ICC, reparation will be imposed following the conviction of an accused individual. Reparation is thus linked to individual criminal liability. The first convictions – in the case of Lubanga and that of Katanga – give the ICC the opportunity to implement for the first time Article 75. It is on the 7th August 2012 that the Trial Chamber I of the ICC issued in the case against Thomas Lubanga for the first time a decision on the principles that would be applied to reparations for the victims. Here, two challenges were already to deplore: Mr. Lubanga was declared indigent and individual reparation for his victims was impossible to conceive. Lubanga was convicted for *"conscripting and enlisting children under the age of 15 in armed groups and using them to participate actively in hostilities"*. He was accused to have done this in the district of Ituri, meaning we have countless potential victims from whom to draw those eligible for reparation. Since it was not possible to award individual reparation, it was decided that collective reparation should be awarded in a sense of creating activities that would be beneficial for the victims. On 3rd March 2015, the Appeal Chamber issued its final decision against the previous one on this matter and decided that the Trust Fund for Victims (TFV) should present a draft for collective reparation in this case.

The Court's TFV has been involved in collective assistance projects related to child soldiers in the DRC. When the final decision will be issued, it will be most definitely draw from those existing projects.

Also for this case, since Lubanga is not financially able to provide reparation for its countless victims, the Court has decided that the TFV should be the one presenting a plan for reparation. However, we should be aware that neither the Rome Statute, nor the Rules of Procedure and Evidence (RPE), nor the TFV Regulation mention that the TFV should be a substitute body to provide for reparation for a convicted person declared indigent by the Court. Nevertheless, TFV regulation 42 states that *"the resources of the Trust Fund shall be for the benefit of the victims of crimes within the jurisdiction of the Court…"*, this is why it was admissible for the Court to order the TFV to act as a substitute body and repair the victims of Mr. Lubanga.

On 27th August 2014, the Court's Trial Chamber II issued an order to the Registry to report on applications for reparation for the case against Germain Katanga. Unlike Lubanga, Katanga was convicted for crimes committed in a specific village (Bogoro) on a specific day (24th February 2003). Awarding reparation for this case will be very dependent of those two elements. In 2003, some 364 victims were recognized to participate in the trial for the Katanga case. These are supposed to be people who have suffered acts for which Katanga was accused, meaning they should have suffered from the attack which happened in the village of Bogoro in the morning of the 24th February 2003.

It is important to remember that Mr. Katanga was convicted for much less acts than he was charged. His charges included: wilful killing, murder,

directing an attack against a civilian population as such, destruction of property, pillage, using children under the age of 15 to participate actively in hostilities, sexual slavery, and rape. However, in his conviction, only four charges were retained: as an accessory for murder (as a crime against humanity and as a war crime), attack against a civilian population as such, destruction of enemy's property, and pillaging. This means that not all the victims who participated in the proceedings as witnesses for the crimes he was charged with, will be included in the reparation process. This applies for example to women who were raped or enslaved following the attack of Bogoro village.

Looking at these two cases and thinking of what the reparation scheme is going to be, one could see already some challenging aspects which will come out in time of actually awarding or implementing those decisions. We should keep in mind the nature of the crimes and their impact to the victims as well as the essence and meaning of the intended reparation. These should be actions that should aim at 'making amends for the wrong that Lubanga and Katanga have done, by providing payment or other assistance to the victims of Ituri, who have been wronged'.

Despite that the victims in both cases are entitled to reparation, they are fundamentally different, so that rules for one can hardly be applied for the other. To our understanding, reparations will depend on three key elements: conviction; definition of 'beneficiary', and applicability of the principles provided for by the Rome Statute and RPE.

Concerning the conviction in the case of Katanga, it is likely that there will be a lot of frustration as many victims will be excluded from the reparation process because the crimes for which they were victimized were not part of the conviction. It will be challenging to explain to a woman who was raped on the 24th February 2003 during the attack of Bogoro, that she is not a 'suitable' victim for this case because the prosecutor did not prove his case beyond reasonable doubt. Does this mean they are not victims? How to recognize their victimhood? This is likely to influence the very essence of reparation and the perception of justice the Court has been striving for.

Concerning the definition of 'victim' who will benefit from reparation, this will be very narrow. In the case of Katanga, only those inhabitants of Bogoro (or strangers who happened to be present there on the morning of the 24th February 2003) who suffered an injury (physical, moral or material) due to the misdeed of Mr. Katanga, shall be considered. However, proving that you were in the village that day will prove to be challenging, especially because everybody fled, some for good, some to return only after many years.

For the case against Lubanga, the victims are the conscripted children and their families. Although it is clear that the victims were defined by the crime for which Lubanga was convicted, one would question this very definition. It would be difficult for instance, to define those children as victim while they actually were fighting for the cause of the UPC, led by Lubanga. The difficulty here resides in the definition of a victim, being one who suffered the prejudice. On the other hand, how would such a thing be implementable? How to make sure that the reparation – collective for this case – will be actions to redress the harm done to the victims?

The case against Lubanga also opens another practical question: the number of the victims. Lubanga was convicted for conscripting children in the whole district of Ituri. The hard part of this would be to know the concerned victims, especially when it has been more than a decade since the facts and since the victims are less likely to come forward now.

Finally the principles, as laid down in the Statute and the RPE, will face serious challenges upon applying them to actual cases. As we saw already for the indigence of the defendants, adjustments will have to be made. The main reason why those rules have to be laid down is, to our opinion, to make sure that they lay down the path for the development of more adequate and inclusive principles. They should then be flexible.

The final decisions on the reparation for both cases are still pending. It will be interesting to see if there will be similarities between the two – very different – cases when it comes to applying those principles of reparation. We have already witnessed some of the shortcomings, namely the insolvency of the defendant, the enormous amount of destruction to be repaired, or the huge number of concerned victims. The challenge will be for the ICC to provide for a reparation scheme which will reinforce its legitimacy. Adding to its already controversial review, another failure in the form of ill-placed or unsatisfactory reparations will only serve to decrease its consideration and question its legitimacy.

A LETTER FROM ...

SARAJEVO

By Caroline Fournet
(University of Groningen, Faculty of Law)

One hundred years after the Armenian genocide, 70 years after the end of the Second World War and twenty years after the genocide in Srebrenica, 2015 was undoubtedly a year of commemoration and remembrance.

Just like every month of July, Bosnia-Herzegovina commemorated the Srebrenica genocide through the burial of the identified victims in Potočari, a village in the vicinity of Srebrenica where the United Nations' Dutch battalion had its headquarters during the war. Since, Potočari has become a Memorial and Cemetery for the victims of the Srebrenica genocide.

In an unprecedented manner, the crimes perpetrated in Bosnia-Herzegovina have prompted a scientific response and an endeavor to search for the victims, to identify them and to give them back to their families so that they can be 'honourably buried' to use the humanitarian law terminology. Twenty years after the genocide, the International Commission on Missing persons (ICMP) reports that, of the 8,372 Srebrenica victims (this is the number engraved on the Memorial stone in Potočari), 6,930 have now been identified. Twenty years to reach these figures…some will say 'only twenty years' for this scientific progress and welcomed forensic turn, others will say 'already twenty years' and some victims are still missing. What you see undoubtedly depends on where you stand.

The fact that 2015 marked the twentieth anniversary of the genocide was of course not ignored in Bosnia-Herzegovina, including Sarajevo. The need to commemorate the crime was visible, if not palpable almost. But was it precisely because it had been twenty years? Or was it because it was July, the month when the genocide happened? Or was it simply because it is Bosnia-Herzegovina, a country where in the 1990s the inexplicable happened?

In comparison with other years, one could not have but note the increased media presence in Sarajevo, the fact that the genocide was making the headlines in international news, and the it-list of guests and guest speakers during the 11 July ceremony. This special attention on the part of the international community was most probably due to the fact that 2015 marked the twentieth anniversary of the genocide. For some reason, we all like rounded up numbers and the international community at large and the media are no exceptions. But in Bosnia-Herzegovina, that July 2015 marked the twentieth anniversary was probably not why the 11th of the month mattered so much: in comparison with other years, for the people of Bosnia-Herzegovina, the event was as important as any other year, the suffering was as intact and the sadness was as present.

July 2015 was also the moment when Russia vetoed the United Nations Security Council resolution to qualify the crime perpetrated in Srebrenica as genocide. While walking in the streets of Sarajevo, I saw a young man holding a sign with the words 'the UN failed us again'…and I think this is what will stay for me from this trip to Sarajevo in July 2015: the memory that twenty years ago, the United Nations abandoned the people of Srebrenica and of Bosnia-Herzegovina to their tragic fate and that twenty years later they abandoned them again.

THE HAGUE and BAMAKO

By Roelof Haveman

The Dutch Ministry of Foreign Affairs together with Impunity Watch and IDLO organised a conference in the Hague end of November about the state of the art of Transitional Justice (TJ). Attending were experts in theory and practice from all over the world, including Dutch MFA policy makers in Colombia, South Sudan, Burundi and Mali.

The field of TJ is in flux. One can seriously doubt the legitimacy and effectiveness of the concept. TJ has become a technical instrument – TRC, check; prosecutions, check; reparations, check – but It is hardly focusing on the root causes of the conflicts and the human rights violations. More dogmatic than pragmatic. However, in countries where TJ is important, the situation more often than not is highly political, volatile, divided, and in no way following the theoretical concepts of TJ. An important reason for the Dutch MFA to reconsider its TJ-policy.

Some aspects that were presented as to be affirmed and deepened are:

- Tradition of focusing on victims;
- Tradition of holistic approaches;
- Tradition of innovation;
- Tradition of transnational solidarity.

Aspects of the field that warrant rethinking:

- Prioritising technical expertise, neglecting the political dimensions of challenging impunity;

- Prioritising gross violations of civil and political rights, neglecting structural factors enabling and shaping human rights abuse, i.e. the architecture of impunity;
- Prioritising national history in defining the accountability agenda, neglecting international dimensions of the human rights record and the implications for the accountability agenda;
- Prioritising top-down indicators in measuring impact and determining funding priorities, neglecting local legitimacy and more complex and locally relevant approaches to defining success and measuring impact.

What triggered me most was the innovative approach. Once having started as an innovative approach to gross human rights violations and international crimes, TJ has become a vested, dogmatic art of theory instead of a pragmatic, problem based, context specific and iterative approach. As once a TRC was an innovative approach (having turned now into a checkbox issue), nowadays the Rwandan Gacaca or the Liberian Palaver Tree can be considered as innovative – not so much by the respective societies but by the TJ scholars – and should not be rejected because they do not fit into the TJ-dogma.

Maybe not politically correct but sound in any case is the critique on the focus on gross human rights violations instead of – more important – on the root causes. Attacking the root causes, the architecture of impunity, is the core of TJ, with the overarching aim of preventing repetition. The gross human rights violations are the symptoms of the architecture of impunity, not the cause in itself. The core question for every TJ intervention should be: "What does the intervention contribute to the transformation of a society where gross human rights violations were committed into a society where this will not happen (as easy) again".

More specific for the Malian context: Yes, TJ seems to have become a technical mechanistic process. One may very well doubt whether the TRC (*Commission de Verité, Justice et Réconciliation*) has been established as a wish from the Malians themselves or as a response to an internationally expressed urge, as many of the TJ activities seem to be more internationally than Malian driven. Does this mean that there is no political will? Not per definition. But it may mean that the country seeks ways of TJ that are not internationally dogmatically accepted as TJ mechanisms. More or less unofficial and spontaneous inter-community talks between various groups in society, for example, may be more home-driven and effective than an official national truth and reconciliation commission. From a policy makers point of view this means: not thinking in multiannual blueprint programmes, but in terms of programmes that are able to adapt to the circumstances in place, iterative and process-driven. A Transitional Justice policy that does not think in terms of mechanically ticking checkboxes but in terms of context-driven processes, with one overarching goal: the transformation of a society where gross human rights violations were committed into a society where this will not happen (as easy) again.

DISSERTATIONS

Sexual Assault Survivors Anonymous: A low-cost intervention for victims of sexual assault in Kenya (PhD dissertation)

By Anouk Geraets

Almost half of the Kenyan girls experience sexual violence before the age of 18 (Sommarin et al, 2014). Especially in the slum areas the rates of sexual violence are high. Kidman & Palermo (2015) have proven that paternal orphaning, double orphaning, and paternal absence were significantly associated with being victimized of sexual violence in childhood in 13 countries in sub-Saharan Africa. The World Health Organization (WHO) has shown that the short- and long-term effects of sexual violence are severe, not only for the victims, but also for their families and communities, and constitute a serious societal concern. Sexual assault causes many psychosocial problems and serious health problems. Because of their mental illnesses victims have problems to finish school. They have a higher chance to get in financial, social, and judicial problems. Sexual violence is associated with an increased risk of a range of sexual and reproductive health problems, including unwanted pregnancy, pelvic inflammatory disease, infertility, gynaecological disorders, and the transmission of HIV/AIDS and other sexually transmitted infections (Krug et al., 2002).

The thesis will focus on a low-cost intervention for victims of sexual assault and will include a systematic review of outcome studies related to non-professional mental health care for victims of sexual assault. Various types of interventions have shown to be effective in response to sexual violence (Vickerman & Margolin, 2009; Rothbaum, Astin, & Marsteller, 2005; Avinger & Jones, 2007; Deblinger, Mannarino, Cohen, & Steer, 2006; Bicanic et al, 2014). The problem with these interventions is the need of professional care, what is lacking in low-income countries where the rates of gender-based violence are the highest. Studies have proven that also low-cost interventions can be effective (Sarnquist et al, 2014; Sinclair et al, 2014;

Humphreys, Blodgett, & Wagner, 2014). Since the beginning of the anti-rape and bettered women's movements, groups have been used as an intervention strategy for survivors of sexual assault (Schechter, 1982). Group services are particularly instrumental for trauma victims. Traumatic events call into question basic human relationships. They breach the attachment of family, friendship, love, and community (Herman, 1997). A side of other therapies, groups can help survivors to tell their stories, reconnect with others, and learn to trust again.

In the thesis the short and long-term effectiveness of Sexual Assault Survivors Anonymous (SASA) will be investigated. SASA are mutual help groups based on a twelve-step model to recover from problems related to sexual assault. The purposes of these groups are reducing isolation, discussing taboo areas, learning of new behaviours and thoughts, and connecting with others with similar (and different) experiences. In general the purpose of SASA is to reduce mental health problems related to the assault

Next to this SASA empowers victims of sexual violence. Many studies have shown that victims of sexual violence have a higher chance to get sexual assaulted again (Arriola et al, 2005; Roodman & Clum, 2002). Also there is a positive relation between victims of sexual violence and perpetrators on later age (Jespersen et al, 2009; Paolucci et al, 2001). Furthermore it is important to increase the rate of disclosure. Most rape cases go unreported because of fear of victimization by family or gangs in the slums if the assailants were one of these. Lisak and Miller (2002) have shown that undetected rapists were repeat rapists, and a majority also committed other acts of interpersonal violence. A lack of stringent laws contributes to repeat these crimes, as perpetrators know that nobody will report or convict them. Victims tend to get raped again because they feel they have nobody to report to or talk to about it. SASA gives survivors a platform to talk about these heinous events and encourages them to talk about it. At least with this confidence they are able to heal and maybe report because they are now able to talk about it.

Framed by both social group work theory and the 12 steps methodology, SASA reports on the infusion of specific steps for survivors of sexual assault into group work. SASA groups will be held in the informal settings of Nairobi and will be facilitated by trained non-professionals who are familiar with the environment. Meetings are conducted weekly and take one hour. SASA groups use a booklet that consists 12 steps, 12 promises, and 12 traditions. Data concerning psychopathology, rates of disclosure, and rates of sexual assault will be collected at baseline, 6 months follow-up, and 12 months follow-up. The dissertation will include a process evaluation of SASA to investigate if the intervention is executed how proposed. It will also give a cost-effectiveness analysis of SASA. Testimonials of victims will be collect to investigate the perpetrator theory.

SELECTED NEW PUBLICATIONS

The editors selected some books which they think you might want to read. If you have any suggestions, please send this to roelof.haveman@gmail.com

Aroussi, Sahla. Women, Peace and Security. Intersentia 2015.

The adoption of Security Council resolution 1325 on women, peace and security in October 2000 marked the beginning of a global agenda on women in armed conflicts and post-conflict transition. Women, Peace and Security: Repositioning gender in peace agreements discusses the context and the content of this UN agenda and provides a systematic review of its implementation, over the last fifteen years, in peace agreements around the world.

This book is timely, offering a valuable contribution to the literature on gender in armed conflicts, peace agreements, peace mediation, and transitional justice and is essential reading for practitioners and scholars working in this field. The study adopts an interdisciplinary approach to raise key theoretical and practical questions often overlooked by scholars working within the strict boundaries of the distinct disciplines. The book introduces a new dataset on peace agreements that provides important comprehensive evidence on the extent to which resolution 1325 and other subsequent resolutions on women, peace and security have impacted on peace agreements. Through the reflections of elite peacemakers, the book provides additional insights into the practice of peacemaking and the challenges of implementing the UN resolutions on women, peace and security on the ground.

The findings of this book have important policy implications for governments, international organisations and NGOs who must refocus their efforts on bridging the gap between the theory and practice of gender sensitive peacemaking.

Bassiouni, M. Cherif. Globalization and Its Impact on the Future of Human Rights and International Criminal Justice. Intersentia 2015.

Globalization is not a new phenomenon. New realities have emerged over the past two decades which have given it greater influence in the affairs of states. This coincided with the increasing inability of states and international organizations to carry out their institutional functions for the common good. This is testing a number of assumptions about the future of human rights and international criminal justice.

The changes in state priorities concerning human rights and international criminal justice evidence a subtle change in the values of the international community. This is particularly evident in the enhanced concerns of states with issues of national security as they are perceived in so many different ways. At the same time states' ability to govern and deliver public services are increasingly being challenged.

Science and technology dominate the present state of globalization and in some positive ways and have increased human interdependence and interconnectedness but with paradoxical positive and negative effects and outcomes.

They enhance the power and wealth of certain states while increasing the gap between those states and others. This gap between the "haves" and the "have nots" continues to increase. With world population projected to grow from seven to nine billion, with disproportionate availability of food and other resources for those most in need of it, social, economic and political disparities are enhanced. Internal state dysfunction is on the increase as evidenced by the number of failed and failing states among developing and under-developed societies.

Globalization has not only enhanced the power and wealth of certain states with resources and technological, including military capabilities, it has also given these states a claim of exceptionalism. That claim has also extended to certain multinational corporations and other non-state actors (NSAs) because of their wealth, worldwide activities, and their economic and political power and influence over national and international institutions. For all practical purposes, many of these multinational entities have become beyond the reach of the law, whether national or international. As a result they and their principal actors benefit from impunity notwithstanding the harmful consequences of their conduct on human beings and on the environment. Environmental changes resulting from the international community's failure to develop and adequate system of control over fossil fuel consumption and other factors impacting climate change have and will continue to unleash harmful consequences on certain parts of the world, which will impact certain populations.

As these and other negative consequences of globalization occur, it is already evident that the values and legal protections afforded to human rights, including an end to impunity for international crimes is receding. The "Responsibility to Protect," adopted by world summit of 2005 has never been put into effect. Similarly, the United Nations Declaration on the Rights of Victims of Crime has also never been put into effect.
How states and the international community will react in the face of the forthcoming challenges of population growth, resource scarcity, environmental disasters and other natural and human tragedies is a legitimate source of concern.

The absence of an international system to regulate these needs for human survivability will necessarily mean that the human rights of some will be sacrificed. All this has negative consequences for human rights, yet nothing that the international system presently offers can mitigate these consequences – only the occasional good will of some states.

What remains to help counteract and mitigate the cascade of negative effects and outcomes of unbridled globalization on our planet are international civil society institutions and some concerned states. What they may be capable of achieving in the face of the changing landscape of the world order is, however, difficult to assess.

Beckmann-Hamzei, Helen. The Child in ICC Proceedings. Intersentia 2015.

International law and state practice mirrors the recognition of children's particular need for protection during peacetime, but in situations in which international crimes are being committed the prosecution of international crimes committed against children before international courts and tribunals is also well embedded. While international prosecutions are thus in line with the overall development of protecting children from the consequences of armed conflict and large scale violence, the involvement of the child in international criminal proceedings also gives rise to new questions which relate to the procedural involvement of the child.

As child participation in the proceedings before the International Criminal Court (ICC) constitutes a

matter of fact, one may raise the question whether such participation is a welcome development. This study examines the procedural implications of child participation and thereby intends to contribute legal views and perspectives to the underlying debate on the adequacy of child participation in ICC proceedings. The study concludes with ten recommendations that underline the call.

Brems, Eva, Giselle Corradi, Martien Schotsmans. International Actors and Traditional Justice in Sub-Saharan Africa. Intersentia 2015

This book studies the role of international actors in the areas of transitional justice and justice sector aid with respect to traditional justice and legal pluralism in sub-Saharan Africa. Based on a number of case studies, the chapters describe the kinds of policies and interventions that are supported and financed by international actors, with special attention for the kinds of strategies that are deployed in order to address areas of tension with human rights. The volume then explores the relationship between international actors' practices and the body of knowledge that exists in these domains, as well as in general socio legal theory. Thereby, this contribution offers empirical data drawn from examples of who is doing what in a series of case studies, identifies regional trends and links them to the existing literature by examining the extent to which the insights generated so far by scholars and practitioners is reflected in the work of international actors. Based on this, the book formulates a number of hypotheses that may explain current trends and proposes additional issues that need to be considered in future research agendas. Finally, the volume links two fields of intervention that have so far evolved in rather parallel ways and explores the commonalities and differences that can be found in the areas of transitional justice and justice sector aid.

Chamberlain, Cynthia. Children and the International Criminal Court. Intersentia 2015.

This book offers a comprehensive analysis of the International Criminal Court (ICC) and its core legal texts from a children's rights perspective. It examines the ICC provisions and its case law, evaluating whether these meet international children's rights standards, particularly as regards the protection of child victims and witnesses, their participation as victims in ICC proceedings and their role as beneficiaries in reparations. The author proposes recommendations that could be adopted in order to guarantee children's rights in ICC proceedings.

This book is a useful tool for practitioners as well as for academics, both in the area of international criminal law as well as children's rights.

Chappell, Louise. The Politics of Gender Justice at the International Criminal Court. Legacies and Legitimacy. Oxford University Press 2015.

In 1998, the Rome Statute to the International Criminal Court (ICC) emerged as a ground breaking treaty both due to its codification of international criminal law and its recognition of the crimes committed against women in times of war and conflict. The ICC criminalized acts of rape, sexual slavery, and enforced pregnancy, amongst others, to provide the most advanced articulation ever of gender based violence under international law. However, thus far no scholarly book has analyzed whether or not the implementation of the ICC has been successful.

The Politics of Gender Justice at the International Criminal Court fills this intellectual gap, specifically examining the gender justice design features of the Rome Statute (the foundation of the ICC), and assessing the effectiveness of the statute's implementation in the first decade of the court's operation. Louise Chappell argues that although the ICC has provided mixed outcomes for gender justice, there have also been a number of important breakthroughs, particularly in regards to support for female judges. Meticulous and comprehensive, this book refines the notion of gender justice principles and adds a valuable, but as yet unrecognized, gender dimension to the burgeoning historical institutionalist approach to international relations. Chappell links feminist international relations literature with feminist institutionalism literature for the first time, thereby strengthening and adding to both fields.

Ultimately, Chappell's analysis is an essential step towards attaining a greater degree of gender equality in the context of international law. The definitive volume on gender and the ICC, The Politics of Gender Justice at the International Criminal Court is a valuable resource for students and scholars of international relations, international law, and human rights.

Clapham, Andrew, Paola Gaeta & Marco Sassòli (eds.). The 1949 Geneva Conventions. A Commentary

The first commentary in over fifty years on the four 1949 Geneva Conventions, the cornerstones of international humanitarian law. Provides an analysis of each key issue dealt with by the Geneva Conventions by over sixty international law experts. Interprets and explains the Conventions' provisions as they have practically operated, with

reference to judicial decisions, state practice, and the Conventions' interaction with human rights law and international criminal law. Includes thought-provoking cross-cutting chapters addressing issues such as the transnational nature of conflicts and the geographical scope of the Conventions.

Elias-Bursać, Ellen. Translating Evidence and Interpreting Testimony at a War Crimes Tribunal. Working in a Tug-of-War. Palgrave Macmillan 2015.

How can defendants be tried if they cannot understand the charges being raised against them? Can a witness testify if the judges and attorneys cannot understand what the witness is saying? Can a judge decide whether to convict or acquit if she or he cannot read the documentary evidence? The very viability of international criminal prosecution and adjudication hinges on the massive amounts of translation and interpreting that are required in order to run these lengthy, complex trials, and the procedures for handling the demands facing language services. This book explores the dynamic courtroom interactions in the International Criminal Tribunal for the Former Yugoslavia in which witnesses testify—through an interpreter—about translations, attorneys argue—through an interpreter—about translations and the interpreting, and judges adjudicate on the interpreted testimony and translated evidence.

Fitchtelberg, Aaron. Hybrid Tribunals. A Comparative Examination. Springer 2015.

This book examines hybrid tribunals created in Sierra Leone, Kosovo, Cambodia, East Timor, and Lebanon, in terms of their origins (the political and social forces that led to their creation), the legal regimes that they used, their various institutional structures, and the challenges that they faced during their operations. Through this study, the author looks at both their successes and their shortcomings, and presents recommendations for the formation of future hybrid tribunals.

Hybrid tribunals are a form of the international justice where the judicial responsibility is shared between the international community and the local state where they function. These tribunals represent an important bridge between traditional international courts like the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and various local justice systems. Because hybrid tribunals are developed in response to large-scale atrocities, these courts are properly considered part of the international criminal justice system. This feature gives hybrid tribunals the accountability and legitimacy often lost in local justice systems; however, by including regional courtroom procedures and personnel, they are integrated into the local justice system in a way that allows a society to deal with its criminals on its own terms, at least in part.

This volume combines historical and legal analyses of these hybrid tribunals, placing them within a larger historical, political, and legal context. It will be of interest to researchers in Criminal Justice, International Studies, International Law, and related fields.

Freeland, Steven. Addressing the Intentional Destruction of the Environment during Warfare under the Rome Statute of the International Criminal Court. Intersentia 2015.

Acts perpetrated during the course of warfare have, through the ages, led to significant environmental destruction. These have included situations where the natural environment has intentionally been targeted as a 'victim', or has somehow been manipulated to serve as a 'weapon' of warfare. Until recently, such acts were generally regarded as an unfortunate but unavoidable element of armed conflict, despite their potentially disastrous impacts. The existing international rules have largely been ineffective and inappropriate, and have in practical terms done little to deter deliberate environmental destruction, particularly when measured against perceived military advantages. However, as the significance of the environment has come to be more widely understood and recognised, this is no longer acceptable, particularly given the ongoing development of weapons capable of widespread and significant damage.

This book therefore examines the current international legal regime relevant to the intentional destruction of the environment during warfare, and argues that such acts should, in appropriate circumstances, be recognised as an international crime and should be subject to more effective rules giving rise to international criminal responsibility. It also suggests a framework within the Rome Statute of the International Criminal Court as to how this might be achieved.

Krieger, Heike (ed.). Inducing Compliance with International Humanitarian Law. Lessons from the African Great Lakes Region. Cambridge University Press 2015.

The number of armed conflicts featuring extreme violence against the civilian population in areas with no or little State authority has risen significantly since the early 1990s. This phenomenon has been particularly prevalent in the

African Great Lakes Region. This collection of essays evaluates, from an interdisciplinary perspective, the various traditional and alternative instruments for inducing compliance with international humanitarian law. In particular, it explores the potential of persuasion, as well as hierarchical means such as criminal justice on the international and domestic level or quasi-judicial mechanisms by armed groups. Furthermore, it evaluates the role and potential of human rights bodies, peacekeeping missions and the UN Security Council's special compliance system for children and armed conflicts. It also considers how Common Article 1 to the Geneva Conventions and the law of State responsibility could both potentially increase compliance with international humanitarian law.

Meester, Karel de. The investigation phase in international criminal procedure. Intersentia 2015.

The number of academic writings on international criminal procedure is growing rapidly. Nevertheless, the investigation phase has so far received less attention than the trial phase itself. The importance of investigative actions for the further proceedings is not yet reflected to the full extent in academic writings on international criminal proceedings.

This book seeks to cover this gap. It examines the existing law and practice of the different international(ised) criminal courts and tribunals with regard to the conduct of investigations in order to identify any (emerging) rules of international criminal procedure. More precisely, it enquires whether, notwithstanding their nature of 'self-contained regimes', these institutions have adopted certain common rules. Additionally, it aims to examine the fairness of the law and practice of the different international(ised) criminal courts and tribunals with regard to the conduct of investigations.

Minow, Martha, C. Cora True-Frost, and Alex Whiting (eds.). The First Global Prosecutor. Promise and Constraints. University of Michigan Press 2015.

The establishment of the International Criminal Court (ICC) gave rise to the first permanent Office of the Prosecutor (OTP), with independent powers of investigation and prosecution. Elected in 2003 for a nine-year term as the ICC's first Prosecutor, Luis Moreno Ocampo established policies and practices for when and how to investigate, when to pursue prosecution, and how to obtain the cooperation of sovereign nations. He laid a foundation for the OTP's involvement with the United Nations Security Council, state parties, nongovernmental organizations, victims, the accused, witnesses, and the media.

This volume of essays presents the first sustained examination of this unique office and offers a rare look into international justice. The contributors, ranging from legal scholars to practitioners of international law, explore the spectrum of options available to the OTP, the particular choices Moreno Ocampo made, and issues ripe for consideration as his successor, Fatou B. Bensouda, assumes her duties. The beginning of Bensouda's term thus offers the perfect opportunity to examine the first Prosecutor's singular efforts to strengthen international justice, in all its facets.

Roth, John K. The Failures of Ethics. Confronting the Holocaust, Genocide, and Other Mass Atrocities. Oxford University Press 2015.

Defined by deliberation about the difference between right and wrong, encouragement not to be indifferent toward that difference, resistance against what is wrong, and action in support of what is right, ethics is civilization's keystone. *The Failures of Ethics* concentrates on the multiple shortfalls and shortcomings of thought, decision, and action that tempt and incite us human beings to inflict incalculable harm. Absent the overriding of moral sensibilities, if not the collapse or collaboration of ethical traditions, the Holocaust, genocide, and other mass atrocities could not have happened. Although these catastrophes do not pronounce the death of ethics, they show that ethics is vulnerable, subject to misuse and perversion, and that no simple reaffirmation of ethics, as if nothing disastrous had happened, will do.

Moral and religious authority has been fragmented and weakened by the accumulated ruins of history and the depersonalized advances of civilization that have taken us from a bloody twentieth century into an immensely problematic twenty-first. What nevertheless remain essential are spirited commitment and political will that embody the courage not to let go of the ethical but to persist for it in spite of humankind's self-inflicted destructiveness. Salvaging the fragmented condition of ethics, this book shows how respect and honor for those who save lives and resist atrocity, deepened attention to the dead and to death itself, and appeals for human rights and renewed spiritual sensitivity confirm that ethics contains and remains an irreplaceable safeguard against its own failures.

Sharma, Serena K. & Jennifer M. Welsh (eds.). The Responsibility to Prevent. Overcoming the Challenges of Atrocity Prevention. Oxford University Press 2015.

Among the constitutive elements of the responsibility to protect (R2P), prevention has been deemed by many as the most important. Drawing on contributions from an international group of academics and practitioners, this book seeks to improve our knowledge of how to operationalize the responsibility to prevent genocide, crimes against humanity, war crimes, and ethnic cleansing.

The central argument is that the responsibility to prevent should be conceptualized as crimes prevention. The first part of the volume develops a strategic framework, which includes identifying the appropriate scope and substance of R2Ps preventive dimension and distinguishing between systemic and targeted approaches. The second section examines some of the tools that can be used, and have been used, to prevent the escalation of dynamics towards the commission of atrocity crimes (tools such as sanctions, mediation, international criminal justice, and the use of military means), as well as the operational challenges that tend to obstruct global efforts to prevent such crimes. The third and final section draws lessons from actual cases of preventive action, both historical and recent, about the relative success of particular tools and approaches.

As the first edited collection of its kind, devoted exclusively to the preventive dimension of R2P, The Responsibility to Prevent intends to inform and shape the growing debate on how to approach atrocity crime prevention and how to build the capacities needed to implement the imperatives at the heart of R2P.

Turan, Tuba. Positive Peace in Theory and Practice. Strengthening the United Nations's Pre-Conflict Prevention Role. Brill 2015.

Examining the shortcomings of eliciting sustainable intra-state peace through the UN system and the underlying positive peace paradigm of the liberal traditions, the book maintains that a novel positive peace vision and framework under the auspices of the UN is warranted. Building upon grievance-based explanations of violent conflicts and conflict transformation research, this book develops a comprehensive positive peace framework that involves the early tackling of identity divisions (i.e. Fundamental Conflicts) through UN facilitated deliberative and dialogical processes at the 1.5 track diplomacy level. This framework is designed to complement current UN post-conflict peacebuilding and structural prevention practice. By dealing both with how to operationalise early conflict prevention in a workable manner and developing a comprehensive yet viable positive peace approach, this book entails an extensive interdisciplinary approach and new in-depth analyses of the wide-ranging normative and policy aspects of the quest of elevating positive peace to a core objective of UN practice.

Verbitsky, H. & Bohoslavsky, J.P. The Economic Accomplices to the Argentine Dictatorship. Cambridge 2015.

Much has been written on the Argentine dictatorship and the transitional justice movement that brought its members to justice. However there has been no study to date of the economic accomplices to this dictatorship and the recent advancements in Argentina towards holding these actors accountable. What was the role of banks, companies, and individuals in perpetuating a murderous regime? To what extent should they be held responsible? As the first academic study on economic complicity in Argentina, this book attempts to answer these questions. Renowned human rights scholars investigate the role played by such actors as Ford, Mercedes Benz, the press, foreign banks, and even the Catholic Church. Across numerous case studies, the authors make a compelling argument for the legal responsibility of economic accomplices. A ground breaking interdisciplinary study, this book will be essential to anyone interested in transitional justice, business, and human rights.

Some other publications

The **'Publication Series'** of the **Torkel Opsahl Academic EPublisher (TOAEP)** was first established to make available to a broader audience papers presented at FICHL seminars and other suitable texts. Texts not presented at FICHL seminars which are considered particularly valuable to the international criminal justice, transitional justice or general international law discourses may also be published in the Series. Unsolicited texts are subjected to peer review. The books are made freely available as PDF files through this web page (which uses persistent URLs, ensuring that the unique URL of each book is never changed). The TOAEP offers quality publications through the Internet and in print to anyone interested. Reviews of books in the Publication Series are available here.

Case Matrix Network. The Commentary on the Law of the International Criminal Court (CLICC, often referred to as the 'Klamberg Commentary') provides a provision-by-provision analysis of the Rome Statute and the Rules of Procedure and Evidence of the International Criminal Court. It will

gradually become available online through the website of the Case Matrix Network. It enables the user to find case-law, doctrine and comments efficiently and without cost. It is being developed by its Chief Editor Dr. Mark Klamberg and a team of international law experts.

Opportunities and Challenges for Peacebuilding. November 2015, ICTJ launched a report on Education and Transitional Justice: Opportunities and Challenges for Peacebuilding. This report is one of the final products of joint ICTJ-UNICEF research project that aimed at better understanding how the relationship between Education and transitional justice can contribute to peacebuilding.
Starting in March of 2013 and concluding in September of 2015, 20 different authors participated in this project by drafting 14 case studies and 3 thematic papers dealing with issues related to education reform, reparations and outreach/education programs all over the world. Based on this effort, and completed with additional research and a expert meeting held last year, the report seeks to provide ideas for linking education to the development of transitional justice measures, while considering as well some of the main challenges and how they can be dealt with.

Following the online release of the report, ICTJ will then launch the 3 thematic papers, written by Lynn Davies, Cristián Correa,and Elizabeth "Lili" Cole in its website and several op-eds on the topic. Later next year an edited volume on the topic with a selection of the case studies will be published by SSRC on the Advancing Transitional Justice Series.

For more information, you can check today's feature on the report at ICTJ's website which includes a podcast discussion about the project goals and findings.

A Selection of Journals

Human Remains and Violence: An Interdisciplinary Journal

This is a biannual, peer-reviewed publication which draws together the different strands of academic research on the dead body and the production of human remains en masse, whether in the context of mass violence, genocidal occurrences or environmental disasters. Inherently interdisciplinary, the journal publishes papers from a range of academic disciplines within the humanities, social sciences and natural sciences. Human Remains and Violence invites contributions from scholars working in a variety of fields and interdisciplinary research is especially welcome.
See:
http://www.ingentaconnect.com/content/manup/hrv/2015/00000001/00000002;jsessionid=5c34v45fe9j1u.alice

Genocide Studies and Prevention: An International Journal (GSP)

This is the official journal of The International Association of Genocide Scholars (IAGS). IAGS is a global, interdisciplinary, non-partisan organization that seeks to further research and teaching about the nature, causes, and consequences of genocide, and advance policy studies on prevention of genocide. IAGS, founded in 1994, meets to consider comparative research, important new work, case studies, the links between genocide and other human rights violations, and prevention and punishment of genocide.

GSP is a peer-reviewed journal that fosters comparative research, important new work, case studies, the links between genocide, mass violence and other human rights violations, and prevention and punishment of genocide and mass violence. The E-Journal contains articles on the latest developments in policy, research, and theory from various disciplines, including history, political science, sociology, psychology, international law, criminal justice, women's studies, religion, philosophy, literature, anthropology, and museology, visual and performance arts and history.

Current Issue: Volume 9, Issue 2 (2015) Time, Movement, and Space: Genocide Studies and Indigenous Peoples:
http://scholarcommons.usf.edu/gsp/

Justice and Reconciliation Project's magazine Voices.

This latest issue is a special one looking back at the past 10 years of transition, justice and reconciliation both in northern Uganda and at the Justice and Reconciliation Project.

Highlights in this issue include:
- The journey of the Mukura Memorial Development Initiative
- The evolution of the Right to Know campaign
- The Women's Advocacy Network and engendering transitional justice
- Cultural concepts in ICT design for conflict contexts

To read and download a pdf version this issue, please visit http://justiceandreconciliation.com/publications/newsletters-magazines/2015/voices10/

About Voices: Since 2012, Voices has featured articles on victim-centred views on a range of timely transitional justice issues including amnesty, reparations, truth-telling, SGBV and accountability. Limited copies of the magazine are available for free in print and online. To view past issues and articles visit http://voices.justiceandreconciliation.com.

Journal of Trafficking and Human Exploitation (JHTE)

The JHTE was launched in October of this year and aims to provide a forum to facilitate scholarly, as well and practical discourse on pressing legal issues surrounding the ever increasing global market which commodifies human beings.

In an effort to combat such actions, domestic, regional and international legal systems have outlawed trafficking in persons and various forms of human exploitation. Freedom from trafficking and such practices including slavery, servitude and forced or compulsory labour have also been codified in every human rights instrument across the globe establishing national obligations to investigate alleged abuses and prosecute offenders. And while there is a plethora of scholarship claiming various inadequacies pertaining to these laws and their use in practice, an academic and practical outlet focused on the laws of trafficking and human exploitation has yet to manifest.

The *JHTE* will aim to fill this gap and serve as the premier forum to discuss and debate the legal and policy issues involving prevention, intervention, investigations, prosecution, individual, state and corporate responsibility, and the actual codified offenses, their application in practice, subsequent judicial interpretation and any ramifications emanating therefrom. As the mass perpetration of trafficking and human exploitation only appears to continue, the need to research, understand and clarify these laws and their use in practice is paramount
.
This journal seeks high quality submissions reflecting a diverse range of perspectives addressing domestic, regional, international and comparative legal issues. The core submissions are intended from the following legal realms:

- Criminal law
- Human rights law
- International law
- Labour law
- Migration and asylum law

Addressing the substantive laws and jurisprudence involving human exploitation is an underexplored realm in need of attention and analysis. These include, but are not limited to:

- Slavery
- Servitude
- Forced and compulsory labour
- Sexual exploitation
- Recruitment and use of child soldiers
- Forced and early marriage
- Organ trafficking

The JTHE is primarily concerned with publishing high quality legal articles and significant case notes from domestic, regional and international jurisdictions. However, this journal will also consider interdisciplinary submissions and book reviews. In order to be considered for the first issue, please deliver your submission before 1 April 2016. For more information and instructions for authors, please visit the JTHE's website: www.jthex.com. Specific questions may be directed to the journal's executive editor, Nicole Siller (n.j.siller@rug.nl).

MISCELLANEOUS

Africa Group for Justice and Accountability

The Wayamo Foundation announced the formation of the Africa Group for Justice and Accountability, an independent group of senior African experts on international criminal law and human rights, including political figures, members of international and domestic tribunals, and human rights advocates.

The group will support efforts to strengthen justice and accountability measures in Africa through domestic and regional capacity building, advice and outreach, and enhancing cooperation between Africa and the International Criminal Court.

The members of the Africa Group for Justice and Accountability are:

• Femi Falana (Nigeria) Human rights activist and lawyer
• Hassan Bubacar Jallow (Gambia) Prosecutor at the International Criminal Tribunal for Rwanda and International Residual Mechanism for Criminal Tribunals
• Richard Goldstone (South Africa) Former Chief Prosecutor of the United Nations International Criminal Tribunal for Rwanda and the former Yugoslavia
• Athaliah Molokomme (Botswana) Attorney General of Botswana

• Betty Kaari Murungi (Kenya) Independent Consultant on Human Rights and Transitional Justice
• Mohamed Chande Othman (Tanzania) Chief Justice of Tanzania
• Navi Pillay (South Africa) Former UN High Commissioner for Human Rights
• Fatiha Serour (Algeria) Director of Serour Associates for Inclusion and Equity
• Abdul Tejan-Cole (Sierra Leone) Executive Director of the Open Society Initiative for West Africa

At the launch event, held on the sidelines of the International Criminal Court Assembly of States Parties on 23 November 2015 in the Hague, Attorney General Athaliah Molokomme said: "All of us in this group share a conviction that human rights are universal and inalienable, that no one should be victimized, and that the international system must rise above any differences to fight the scourge of impunity." She added that: "I have a strong belief that all efforts have to be put into fighting impunity and injustice at all levels, be it at the national level, regional level, or international level. As a group, we should be able to complement the efforts of others who are already making a contribution and I am very confident that with the collective experience and commitment of the members we will collaborate with everyone to improve the interaction between Africa and the ICC."

The former Chief Prosecutor of the ICTR and the ICTY Richard Goldstone spoke about the deplorable double standards in international criminal justice, as not all war crimes are committed in Africa but are out of reach of the ICC. "Our Africa Group should fight these double standards by improving the system. It´s the double standards that should be fought and not the institution that has been set up to exactly avoid the effect of those double standards."

Judge Silvia Fernández de Gurmendi, the President of the ICC who also spoke at the event, summed up the general opinion of the participants, that: "The Court's relationship with Africa is vital to its success, and the Africa Group for Justice and Accountability can add an important, independent voice to the discussions on the way forward." She concluded by saying: "I was heartened by the Group's mission statement: Who better to deal with these problems than people who have an intimate understanding of their own regions and a huge expertise in justice and human rights."

OTJR publications

Oxford Transitional Justice Research (OTJR) is a network of 150 University of Oxford staff and students working on transitional justice issues. Published a collection of 50 essays on international justice in Africa, most by African authors: https://www.law.ox.ac.uk/research-subject-groups/oxford-transitional-justice-research/past-debates/collected-essays-2008-2010

The International Nuremberg Principles Academy

The International Nuremberg Principles Academy is compiling a roster of experts in key areas that are relevant to its mandate and core functions. Please refer to our website for more information about the academy's work areas: www.nurembergacademy.org.

If you have extensive experience in one of these fields of expertise and would like to be considered for our roster of consultants/experts, please send a letter of interest and a detailed curriculum vitae to info@nurembergacademy.org.

When applying, please mention that you would like to be included in the "Nuremberg Academy Consultants/Experts roster" and indicate your field of expertise.

For future consultancies, the Nuremberg Academy will contact relevant experts who are registered in the roster.

2016 Summer Academy Tunis. Call for applications

The research units "Re-Configurations. History, Remembrance and Transformation Processes in the Middle East and North Africa" and "Figures of Thought | Turning Points. Cultural Practices and Social Change in the Arab World", based at Philipps University Marburg's Center for Near and Middle East Studies, in cooperation with Université de la Manouba (UMA), l'Institut de Recherche sur le Maghreb Contemporain (IRMC), both based in Tunis, and Europe in the Middle East – The Middle East in Europe (EUME), a research program at the Berlin-based Forum Transregionale Studien, invite scholars from the fields of sociology, human geography, history, cultural studies, literature, media and art, social anthropology, economics, political science, and educational studies to apply for an international Summer Academy that will be convened from 28 August to 04 September 2016 in Tunis on the theme: Reconfiguring the (non-) political. Performing and narrating change and continuity

For more information see: http://www.uni-marburg.de/cnms/forschung/re-konfigurationen/aktuelles/news/cfp-summeracademy-2016.pdf

Law Between Global and Colonial: Techniques of Empire

A call for papers has been announced for the Conference "Law Between Global and Colonial: Techniques of Empire", hosted by the Erik Castrén Institute of International Law and Human Rights on 3-5 October 2016 in Helsinki.

The Conference Law Between Global and Colonial: Techniques of Empire proposes to discuss the legal languages and techniques through which colonial powers ruled non-European territories and populations throughout the modern age. The aim of the Conference is to examine in detail the juridical practices and discourses of colonial powers when they exercised their supremacy over colonial subjects and disciplined them. Given the complexity and variety of these legal strategies and without neglecting the classical the study of "law of nature and nations", we intend to move beyond it in order to explore a hybrid normative body consisting of ad-hoc colonial laws, commercial laws and domestic laws adapted to colonial contexts. What came to be called the "empire of free trade", for instance, operated largely through a commercial law (sometimes, though not always called "lex mercatoria") that possessed features of both international and domestic law.

Although the focus of the conference is historical, its theme resonates in the present. With the great numbers of people moving about in Europe, Asia and Africa as migrants, guest workers, refugees and displaced persons, territorial states have often used methods and techniques that resemble those with which colonial populations once were treated. With research showing a sharp rise in world inequality, the conference poses the question whether legislative techniques and institutions inherited from the imperial past, once again see the light of day in the present.

How was the "law of nations" understood when it was used for imperial purposes? Would domestic laws apply to colonial expansion? What laws might govern the groups concerned – indigenous population, settlers, slaves, indentured servants, subjects of third nations? What was the role of the idiom of international law in Europe's colonial expansion? To what extent was colonial rule organised by domestic laws of a special character? How did special colonial laws and the "law of nature and nations" relate to each other? To what extent did any of these laws open an avenue to contesting colonial governance? How far did such techniques extend beyond the end of the period of formal colonialism and even decolonization?

To answer such questions, the relations between global and domestic laws in imperial expansion and colonial governance ought to be studied.

The deadline for submitting papers is March 1st, 2016. For the full call for papers please refer to the link below. For further information contact the organizers at monica.garcia@helsinki.fi or paolo.amorosa@helsinki.fi.
http://www.helsinki.fi/eci/Events/Call_for_Papers_Colonial_Law_2016.pdf

Master of Advanced Studies on Transitional Justice, Human Rights and the Rule of Law

The Geneva Academy of International Humanitarian Law and Human Rights has launched a new Master of Advanced Studies on Transitional Justice, Human Rights and the Rule of Law, which will start in September 2016.

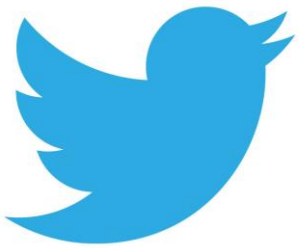
Based in the heart of international Geneva, this one-year programme combines in-depth theoretical knowledge with 'real world' perspectives. The Faculty comprises leading scholars and practitioners working in the area of transitional justice, human rights and the rule of law – including Professor William Schabas, Dr. Rama Mani and Professor Christof Heyns, UN Special Rapporteur extrajudicial, summary or arbitrary executions.

One of the special features of the programme is a resolute concern to link academic teaching and research with practical work and professionalizing activities. The programme offers students access to work experience in leading international agencies dedicated to transitional justice, human rights and rule of law concerns. Throughout the year, a transitional justice clinic will be held to serve as a platform for students to share their practical experiences and to facilitate dialogue and critical reflection on specific cases and situations.

The programme adopts a highly personalized approach to teaching and academic life by providing individualized guidance and one-to-one counselling for students, namely via personalized academic mentoring, career coaching and the coordination of internships.

For further information on the Master programme, see our new website: http://www.master-transitionaljustice.ch

Regular updates via Twitter



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The newsletter will be sent electronically to all who have signed up on the website. Scholars who conduct research in the field of international crimes, such as genocide, war crimes, crimes against humanity and other gross human rights violations, international (criminal) law or any other relevant subject matter are invited to send us their details and they will be enlisted on the website.

In case you are interested: please contact us: Roelof.haveman@gmail.com and give your names, position, institutional affiliation, e-mail address, research interest and website and we will enlist you as a scholar within two weeks.

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