

Universal Jurisdiction Developments: January 2006- May 2009

This informal update documents universal jurisdiction developments in 27 countries worldwide from January 2006 to 27 May 2009. It is divided alphabetically into countries, with developments in each country listed either in a chronological order or, where applicable, divided into cases from a certain region or relating to a specific conflict. The information is provided mainly in English and in some cases in French, with links to relevant articles, decisions or press statements. Developments include universal jurisdiction and related cases, relevant legislative reforms, the establishment of specialized war crimes units and relevant articles/ books published over the past three years. All developments are limited to serious international crimes, i.e. genocide, crimes against humanity, war crimes, torture and enforced disappearances. The update is exclusively based on information publicly available.

Victims and/ or NGOs initiated the majority of cases referred to in the update, as ‘parties civiles’ (private parties) where this is provided for in national law, as in **France** or **Spain**, or by filing complaints with the relevant national authority. Accordingly, approximately 50 complaints have been filed by third parties, whereas approximately 25 cases have been opened by state authorities, including cases initiated by way of an extradition request. However, national authorities do not always make information on the opening of cases public and therefore the actual number of cases initiated by national authorities is likely to be higher. Success in terms of prosecutions and eventual conviction over the past three years has been mixed, with 5 convictions on the basis of universal jurisdiction of perpetrators of grave violations of international humanitarian law (**Belgium**), of torture (**Netherlands** and **France**), war crimes (**Norway**) and genocide, crimes against humanity and war crimes (**Canada**). A trial of a Rwandan suspect is expected to start in Belgium in November 2009. The extradition of former Peruvian President Alberto Fujimori from **Chile** led to his conviction by a **Peruvian** court to 25 years imprisonment for human rights abuses. The Hague District Court in 2007 acquitted Abdullah F. of charges of torture as a war crime allegedly committed in **Afghanistan**.

At least 34 investigations based on universal jurisdiction and initiated since January 2006 are currently still ongoing, yet again this number is likely to be much higher, given that national authorities do not normally make information on ongoing cases public.

At least 10 complaints submitted by NGOs have been dismissed, including complaints against Donald Rumsfeld (and others) in **Germany**, **France** and **Sweden**, against Israeli officials in the **Netherlands**, **New Zealand**, **Norway** and **Turkey** and several complaints against individuals as well as companies in the US. We could not verify the outcome of complaints submitted to authorities in **Iceland**, **Israel** and **South Africa**. Cases were discontinued prior to prosecution due to a lack of evidence in one case involving a Rwandan suspect in **Denmark** and another, involving former Sri Lankan Tamil Tiger rebel Karuna Amman, in the **United Kingdom**. Extradition of four suspects from the UK and one suspect from Germany to Rwanda failed in 2009 and 2008 respectively and led to the release of all five suspects. The Swedish Supreme Court approved the extradition of one suspect to Rwanda. At the time of writing, the Swedish government had not taken a final decision whether or not to extradite the suspect to Rwanda.

Important legislative developments also took place. **East Timor** has adopted a new Penal Code providing for the obligation to extradite or prosecute not only crimes under international law such as genocide, crimes against humanity, war crimes and torture but also ordinary crimes such as kidnapping. **Norway** in early 2008 introduced legislation providing for retroactive universal jurisdiction over the crimes of genocide, war crimes and crimes against humanity. In **Switzerland**, the Conseil National agreed to include the aut dedere aut judicare obligation in an amendment to the Swiss Penal Code in March 2009. Legislative developments in **France** give reason for serious concern as draft legislation designed to incorporate the Rome Statute of the International Criminal Court seeks to prevent victims of international crimes to present themselves as ‘parties civiles’ and further renders the exercise of universal jurisdiction subject to the ‘habitual residence’ of the suspect in France.

The number of countries establishing specialized ‘war crimes’ units within their immigration, police and/ or prosecution authorities is increasing. **Sweden** and **Germany** joined **Belgium**, **Denmark**, **The Netherlands**, **Canada**, **Norway** and **the United States** in establishing specialized ‘war crimes’ units within their national police. According to interviews with officials, **Switzerland** and **France** are also considering to establish such specialized ‘war crimes’ units. The **United Kingdom** has a specialized ‘war crimes’ unit within its immigration authority, established to ensure that the UK does not provide a ‘safe haven’ to perpetrators of serious international crimes, yet this unit is not complemented by a similar police and prosecution unit, as the emphasis is to deport or extradite, rather than prosecute suspects.

On a political level, the exercise of universal jurisdiction was harshly criticised by the **African Union** and some of its Member States. Misunderstandings and misconceptions about the principle led to a report by the African Commission on ‘The Abuse of The Principle of Universal Jurisdiction’ in June 2008, recommending the AU to take up the issue with the EU and the UN. An AU- EU Expert Group on universal jurisdiction was subsequently put in place and on 16 April 2009 it published a report on the principle of universal jurisdiction, designed to clarify the respective understanding of the principle. While the report may in itself assist in providing a better understanding of the legal basis of universal jurisdiction in international conventional and customary law, more needs to be done – by NGOs but also States- to avoid future misconceptions and to raise awareness about the purpose of an exercise of universal jurisdiction as a key tool to fight impunity and provide victims with access to justice. Pressure has and is being exercised by a variety of States, in particular on **Spain** and the **UK**, to narrow domestic legislation providing for universal jurisdiction and to limit the role of victims and NGOs in relying on such jurisdiction.

This update illustrates that universal jurisdiction plays an increasingly important role in an increasing number of countries worldwide. Even if the exercise of universal jurisdiction does not always lead to a successful prosecution and conviction, the assertion of jurisdiction in itself., for instance by filing a complaint on the basis of universal jurisdiction against a suspect who is not held accountable elsewhere, can be an important contribution to the end of the culture of impunity and raise important awareness about the need for accountability and justice.

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ARGENTINA

12 February 2007

Argentina seeks Isabel Peron Extradition

Argentina said on 12 February 2007 it has sent Spain an extradition request for former President Isabel Peron who is wanted for questioning about a disappearance that occurred when death squads terrorized the country during her rule.

<http://www.highbeam.com/doc/1Y1-103220420.html>

AUSTRALIA

17 March 2009

Wall of secrecy shields police hunt for killers

At least six suspected war criminals are living in Australia after entering the country legally. The Australian Federal Police are investigating the cases after tip-offs by immigration authorities. The cases are believed to involve refugees from the former Yugoslavia and possibly Africa and East Timor. They are among 25 alleged war criminals referred to the AFP by the Department of Immigration since 1997.

<http://www.news.com.au/heraldsun/story/0,21985,25196539-662,00.html>

16 September 2008

When war criminals hide out in the open

The Rudd Labor Government is turning it's back on core principles of humanity. Four years ago, Labor MPs Nicola Roxon and Tanya Plibersek bared their concerns for the victims of war crimes living in Australia in an interview with the *7.30 Report* and expressed the hope those victims would never have to worry about being confronted by their torturers in the streets of their adopted nation.

<http://www.news.com.au/dailytelegraph/story/0,22049,24349249-5001031,00.html>

14 January 2007

Calls to track down War Criminals

The Federal Government is refusing to track down suspected war criminals living in Australia, despite having access to data that has led to several arrests in the United States. War crimes experts have accused the Howard Government of a passive approach to pursuing suspects- including migrants and Australian citizens – linked to atrocities in the former Yugoslavia.

<http://www.smh.com.au/news/national/calls-to-track-down-war-criminals/2007/01/13/1168105230395.html>

AUSTRIA

13 June 2008

ECCHR files criminal complaint in Austria against Chechen President Ramzan Kadyrov regarding torture

Background Information: On 13 January 2009, Umar Israilov, considered a persecuted political refugee in Austria, was shot dead in the streets of Vienna. The circumstances of the event show that Israilov was the victim of a politically-influenced contract murder. Previously, Israilov had served as a chief witness in the court proceeding against Russia, held before the European Court of Human Rights (ECtHR) in Strasbourg, and in another proceeding led by the European Centre for Constitutional and Human Rights (ECCHR) against Ramzan Kadyrov, the sitting president of the Republic of Chechnya. On 13 June 2008, Austrian lawyers on behalf of ECCHR filed a complaint against Kadyrov on charges of torture and attempted duress. The public prosecution in Vienna is currently pursuing a preliminary investigation concerning this issue.

<http://ecchr.eu/kadyrov.html>

BELGIUM

Hissène Habré Case

28 May 2009

UN court lets Senegal hold Habre

The UN's highest court has accepted Senegal's pledge to keep in the country ex-Chadian dictator Hissene Habre, ahead of his trial for rights abuses. Belgium had asked the International Court of Justice (ICJ) to order Senegal to place Mr Habre under custody to prevent him from fleeing justice. But the ICJ said it was satisfied with Senegal's assurances it would not let him go, before the trial in Dakar.

<http://news.bbc.co.uk/2/hi/africa/8071782.stm>

19 February 2009

Belgium institutes proceedings against Senegal and requests the Court to indicate provisional measures

<http://www.icj-cij.org/docket/files/144/15052.pdf?PHPSESSID=dde2d31bcbf081f69df3d64c0ed4f083>

24 February 2009: La Belgique porte plainte contre le Sénégal, réticent à juger Hissène Habré

http://www.lemonde.fr/afrique/article/2009/02/24/la-belgique-porte-plainte-contre-le-senegal-reticent-a-juger-hissene-habre_1159641_3212.html (French)

For a transcript of the hearing of 6-8 April 2009 see:

CIJ: <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=5e&case=144&code=bs&p3=2/>

For more information of the Habre Case, see:

FIDH: <http://www.fidh.org/-Affaire-Hissene-Habre-Tchad->

HRW: <http://www.hrw.org/fr/affaire-habre>

RPF Cases

10 February 2009

Belgian court to rule on Rwandans

A court in Belgium is to decide whether to proceed with the prosecution of two Rwandan generals in a case which has sparked a diplomatic row. The two are accused of involvement in shooting down the plane carrying the Rwandan President Juvenal Habyarimana, which triggered the 1994 genocide. French judge Jean-Louis Bruguiere has issued an arrest warrant for the pair, to the fury of the Rwandan government.

<http://news.bbc.co.uk/2/hi/africa/7881384.stm>

18 July 2008

Brussels can give effect to arrest warrants against RPF suspects

Brussels, 18 July 2008 (FH) - Philippe Meire, Belgian Federal Prosecutor, remains determined to execute on Belgian soil, if necessary, the Spanish arrest warrants that target members of the Rwandan Patriotic Front (RPF) currently in power in Kigali. "Let's be clear, these arrest warrants will be executed except for people who benefit from a jurisdictional immunity", he told Hironde Agency, by referring to the cancellation by Rwanda, in May, of the visit of the Rwandan Minister of Foreign Affairs after the Belgian authorities had noted presence in the delegation of Joseph Nzabamwita, number two of exterior security and wanted by Spanish judiciary.

<http://www.hirondellenews.com/content/view/2290/332/>

17 July 2008: Belgium/Genocide – 'Rwandan genocide cases are difficult to manage'

<http://www.hirondellenews.com/content/view/2284/329/>

Rwandan Cases

25 February 2009: Génocide rwandais: un ancien banquier devant la justice belge en novembre

Le procès d'un Rwandais accusé d'avoir joué un rôle important dans le financement du génocide dans son pays en 1994 s'ouvrira le 9 novembre devant la Cour d'assises de Bruxelles, a-t-on appris mercredi auprès de la cour. Ephrem Nkezabera, 56 ans, ancien directeur de la Banque Commerciale du Rwanda, devra répondre d'accusations de viols et de "crimes de droit international humanitaire" pour des massacres commis durant le génocide.

<http://www.google.com/hostednews/afp/article/ALeqM5hXor5WShQ8DUQw4aOMy5PUR1i0uQ>

28 January 2008: Eventuel procès d'un présumé financier du génocide rwandais

http://www.bbc.co.uk/french/news/story/2008/01/080128_belgiqueproces.shtml (French)

5 July 2007: Rwandan gets 20 years in genocide trial

BRUSSELS (Reuters) - A Belgian court sentenced a former Rwandan army major to 20 years in prison on Thursday for the murder of 10 Belgian peacekeepers and an undetermined number of Rwandan civilians at the start of the 1994 genocide.

Bernard Ntuyahaga was earlier acquitted on two other charges of involvement in the murder of then Prime Minister Agathe Uwilingiyimana and killing civilians in the Butare district.

<http://www.reuters.com/article/worldNews/idUSL051276320070705>

More background info available (in French) at 'Avocats sans frontieres':

<http://www.asf.be/index.php?module=publicaties&lang=fr&id=53>

19 April 2007: Rwandan on Trial over Belgian Peacekeeper Killings:

<http://www.genocidewatch.org/news/RwandaRwandanOnTrialOverBelgiumPeacekeeperKillings19April2007.htm>

Background: http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/bernard_ntuyahaga_477.html

(English)

5 July 2006

African Rights wants Belgium to arrest Rutiganda

A human rights advocacy group, African Rights, has urged the Belgian Government to arrest Jean-Damascene Rutiganda, a genocide suspect currently believed to be living in Belgium.

http://www.rwandagateway.org/article.php?id_article=2168

Other Cases

30 January 2007

Plainte contre Ould Vall pour tortures et assassinats

Le président de l'Association des veuves et orphelins de militaires mauritaniens (AVOMM), Ousmane Sarr a affirmé, Mardi a Paris, que son organisation a réuni "suffisamment" de preuves pour porter plainte pour "crimes de tortures et crimes d'assassinats" contre le chef de l'Etat Ely Mohammed Ould Vall.

<http://www.mauritanie-web.com/actualite.php?id=2168>

CANADA

22 May 2009: Court finds Rwandan guilty of war crimes

With conviction in 1994 genocide, Canada begins to live up to international legal system it helped create

<http://www.theglobeandmail.com/news/national/court-finds-rwandan-guilty-of-war-crimes/article1150495/>

Judgment available here: http://www.jugements.qc.ca/primeur/documents/r_c_munyaneza-22052009_an.doc (in English)

http://www.jugements.qc.ca/primeur/documents/r_c_munyaneza-22052009.doc (in French)

18 December 2008: Canada's first war-crimes trial closes

<http://www.ihf.com/articles/ap/2008/12/18/america/NA-Canada-Genocide-Trial.php>

13 June 2007: Final Witness wraps up testimony at war crimes trial

<http://www.canada.com/montrealgazette/news/story.html?id=395eaff7-b930-4413-af54-e8d7ac639ebf&k=29373>

19 March 2007: Trial brings Rwandan genocide to Canada

<http://www.canada.com/nationalpost/news/story.html?id=1d7440e9-9a58-4684-8794-2782e423f040>

24 November 2008

Canada denies Serb's hostage-taking appeal

TORONTO, Nov. 25 (UPI) - A Canadian appeals court has upheld the conviction of a Serbian-Canadian man for taking three U.N. peacekeepers hostage in Bosnia in 1995. The three judges of the Ontario Court of Appeals ruled unanimously in Toronto against every claim by Nicholas Ribic that he was merely following orders on May 26, 1995, when three unarmed U.N. peacekeepers at a Serbian ammunition depot were taken hostage and used as human shields in the town of Pale, near Sarajevo.

http://www.upi.com/Top_News/2008/11/25/Canada-denies-Serbs-hostage-taking-appeal/UPI-34851227619639/

14 June 2008: Professor Darryl Robinson Comments about International Laws and Nicholas Ribic Standing Trial for War Crimes in Bosnia
<http://law.queensu.ca/news/robinson08June14.html>

24 October 2006

Canada can help end Mugabe's Terror, says Gabriel Shumba

The Government of Canada has a key role to play in helping end the human rights catastrophe unfolding in Zimbabwe, says Gabriel Shumba, a leading human rights lawyer now based in South Africa.
http://www.zimbabwejournalists.com/story.php?art_id=1205&cat=1

19 October 2006: Leading rights activist from Zimbabwe says Canada can help end Mugabe's terror;
<http://www.dd-rd.ca/site/media/index.php?id=1977&subsection=news>

5 July 2006

Canadian MP seeks Mugabe indictment for crimes against humanity

A Canadian member of parliament, Dr Keith Martin, has been able to get the Foreign Affairs Committee in that country to pass a motion calling on the government to use its 'crimes against humanity legislation' and try to bring Robert Mugabe to justice.

<http://www.swradioafrica.com/news050706/martin050706.htm>

CHILE

22 September 2007

Chile: Fujimori can be extradited

Chile's Supreme Court has ruled that former Peruvian President Alberto Fujimori can be extradited to Peru on five corruption and two human rights abuse charges.

Alberto Chaigneau, a court judge, made the announcement about the order on Chilean TV on Friday.

<http://edition.cnn.com/2007/WORLD/americas/09/21/chile.fujimori/index.html>

8 June 2007: Peru's Fujimori under house arrest in Chile

<http://edition.cnn.com/2007/WORLD/americas/06/08/chile.fujimori/index.html>

7 June 2007: Chile Prosecutor recommends extraditing Fujimori to Peru

<http://jurist.law.pitt.edu/paperchase/2007/06/chile-prosecutor-recommends-extraditing.php>

(For recent development regarding Fujimori's conviction, see information mentioned below, Peru)

13 December 2006

Pinochet shall not escape from justice, nor be forgotten

FIDH and its affiliated league in Chile CODEPU regret the death of the ex-dictator Augusto Pinochet Ugarte. We wish he had lived long enough to face his responsibility for crimes against humanity. Nevertheless, we stress that the demonstrations by victims of his oppressive regime won battles that shall remain landmarks in the history of the people.

http://www.fidh.org/article.php3?id_article=3887

http://www.lefigaro.fr/international/20061211.FIG000000307_pinochet_est_mort_au_chili_sans_avoir_ete_juge.htm
1

DENMARK

10 March 2009

Achievements of the ‘Special International Crimes Office (SICO)’

The Special International Crimes Office investigates criminal acts committed abroad and has, since its establishment in 2002, received 167 cases. The crimes in question have taken place in about 30 different countries in Europe, Africa, the Americas and Asia. A majority of them have taken place in Ex-Yugoslavia, the Middle East and Afghanistan, which all have been areas of conflict for a number of years.

<http://www.sico.ankl.dk/page34.aspx>

8 September 2006

Genocide Suspect held in Denmark

The Danish government early arrested Sylvaire Ahorugeze, the former Chairman of Civil Aviation Authority, on genocide charges. The arrest is a result of months of investigation into the case by Danish investigators. Ahorugeze, who sought refuge in the Scandinavian country after the genocide, is accused of having participated in the killings that took place in Kigali city.

http://www.rwandagateway.org/article.php3?id_article=2850

http://www.trial-ch.org/en/trial-watch/profile/db/facts/sylvere_ahorugeze_476.html (see also developments in Sweden)

29 August 2006

Danish lawmaker wants Livni arrested

A left-wing lawmaker wanted to have Israel's foreign minister detained during her visit in Denmark on 29 August, saying that as an Israeli Cabinet member, she is partly responsible for alleged war crimes in Lebanon.

<http://www.ynetnews.com/Ext/Comp/ArticleLayout/CdaArticlePrintPreview/1,2506,L-3297479,00.html>

EAST TIMOR

Legal development

30 March 2009

‘Suplemento – Aprova o Codigo Penal’

According to the Official Gazette of Timor Leste a new Penal Code has been promulgated by President Horta, providing for extensive ‘aut dedere , aut judicare provisions.

<http://www.mj.gov.tl/jornal/?mod=artigo&id=1044%22>

FINLAND

20 February 2009: Genocide suspect not to be extradited to Rwanda

Finland will not extradite the Rwandan man held in custody in Finland suspected of genocide. The decision of the Ministry of Justice is based on the decisions made last year by the International Criminal Tribunal established to investigate the genocide in Rwanda in 1994. In its decisions, the tribunal prohibited the referral of three pending cases to Rwandan courts. The Ministry of Justice states in its decision that it has neither any reason to question the conclusions of the ICTR nor any grounds to assess the prevailing circumstances in Rwanda any differently than the ICTR.

<http://www.pressi.com/pressrelease/detail.do?pressId=22998&type=thisweek&searchKey=aaf48d9b-ff3b-11dd-8f92-d501d9e9bb&languageId=all&pageIndex=1> (Ministry of Justice, Finland, Press release)

22 December 2008: Police complete investigation into Rwanda Genocide Suspect

http://www.yle.fi/uutiset/news/2008/12/police_complete_investigation_into_rwanda_genocide_suspect_446188.html

14 April 2007: Rwanda genocide case tests international reach of Finnish law

<http://www.hs.fi/english/article/COMMENTARY+Rwanda+genocide+case+tests+international+reach+of+Finnish+law/1135226628288>

The witnesses of Nyantanga- 20 May 2007- overview of developments in Finnish case:

<http://www.hs.fi/english/article/The+witnesses+of+Nyantanga/1135227430942>

FRANCE

Rwandan Cases

11 December 2008

Isaac Kamali: France blocks Rwanda Extradition

A Paris appeals court has rejected an extradition request for a man accused of a role in Rwanda's 1994 genocide.

A Rwandan court sentenced Isaac Kamali in his absence in 2003 to death for his alleged participation in the massacre.

Mr Kamali, a mathematics professor, who also holds French nationality, was detained at a Paris airport in 2007.

<http://news.bbc.co.uk/2/hi/africa/7777129.stm>

23 June 2007: Man wanted in Rwandan genocide arrested with Interpol coordination

<http://www.ihf.com/articles/ap/2007/06/23/europe/EU-GEN-France-Interpol-Rwanda.php>

Interpol Press release:

<http://www.interpol.int/Public/ICPO/PressReleases/PR2007/PR200726.asp>

See also: 12 July 2007: "Isaac KAMALI arrêté ! Qu'attend la France pour arrêter MUNEYSHYIACA, BUCYIBARUTA et NTAWUKURIRYAYO?", FIDH-LDH

Press release: <http://www.fidh.org/Isaac-KAMALI-arrete-Qu-attend-la>

20 April 2009

Pascal Simbikangwa: Mayotte, un Rwandais accusé de génocide

Pascal Simbikangwa, Rwandais interpellé en octobre à Mayotte, a été mis en examen jeudi pour "génocide" pour sa participation présumée aux tueries de 1994 et a fait l'objet d'un placement en détention provisoire, a-t-on appris aujourd'hui auprès du parquet général local.

<http://www.lefigaro.fr/flash-actu/2009/04/20/01011-20090420FILWWW00498-mayotte-un-rwandais-accuse-de-genocide.php>

14 November 2008: Extradition refusée pour un Rwandais recherché pour génocide

<http://www.google.com/hostednews/afp/article/ALeqM5j3VvyhBe9D4A7rf71WQ5WUqU72ZA>

6 November 2008: Wanted genocide suspect arrested in Mayotte Island

http://www.rwandagateway.org/article.php3?id_article=10213

9 July 2008

Clavere Kamana: French court overturns extradition of Rwandan genocide suspects

France's top court on Wednesday [July 9, 2008] overturned a decision to extradite Rwandan genocide suspect Clavere Kamana, a businessman accused of being a key instigator of the 1994 mass killings. Kamana, born in 1940 and a legal resident of France since 1999, was arrested in February in the southeastern city of Annecy by police acting on an international arrest warrant issued by Rwanda. The Cour de Cassation overturned a lower court ruling in favour of extradition and sent the case back to the Lyon appeals tribunal for a review.

http://afp.google.com/article/ALeqM5hIQ8t_IgGt8JUgKAUwHPedhxVOHQ

28 October 2008

Marcel Bivugabagabo: French Court Blocks Extradition Of Rwanda Genocide Suspect

Toulouse: A French court of appeal has ruled against the extradition of a senior Rwandan ex-army officer accused by Kigali of taking part in the 1994 genocide, officials said Tuesday.

In the Oct. 23 ruling, the Toulouse court of appeal ruled against the Rwandan request to extradite Marcel Bivugabagabo, who was in charge of military operation in Rwanda's northern Ruhengeri sector from April to July 1994.

<http://www.lloyds.com/CmsPhoenix/DowJonesArticle.aspx?id=409668>

9 January 2008: Police arrest Rwanda genocide suspect

<http://www.news.com.au/heraldsun/story/0,21985,23031507-5005961,00.html>

13 February 2007

Agathe Habyarimana: Genocide suit filed in France against ex- Rwandan first lady

On 13 February, survivors of the Rwandan genocide have filed suit in France against the widow of the country's former Hutu president for complicity in crimes against humanity, sources close to the case said.

<http://www.liberation.fr/actualite/monde/235013.FR.php> (French)

16 February 2007: Rwanda, Agathe Habyarimana Loses Asylum Appeal

http://www.rwandagateway.org/article.php3?id_article=4337

Transfer to the ICTR

8 May 2008

France allows Rwanda genocide suspect handover

France's highest appeals court opened the way for a former Rwandan official accused of coordinating the massacre of thousands of people during the 1994 genocide to be handed over to a U.N. court. The Cour de Cassation rejected an appeal by Dominique Ntawukuriryayo, who had been living in France before his arrest last year, against a transfer to the International Criminal Tribunal for Rwanda in Arusha, Tanzania.

<http://www.reuters.com/article/latestCrisis/idUSL07472275>

16 January 2008: French court overturns ruling on Rwandan genocide suspect

<http://afp.google.com/article/ALeqM5hh51cei6qfRFIsvtlAmGP1tN7LeA>

Transfer from the ICTR

21 February 2008

Wenceslas Munyeshyaka et Laurent Bucyibaruta devant la justice française - Dominique Ntawukulyayo transféré au TPIR

La Fédération internationale des ligues des droits de l'Homme (FIDH), la Ligue des droits de l'Homme et du citoyen (LDH), le Collectif des parties civiles pour le Rwanda (CPCR) et Survie expriment leur satisfaction à propos de la décision, adoptée mercredi par la Chambre de l'instruction de la Cour d'appel de Paris, de confirmer le transfert aux tribunaux français des dossiers d'enquête instruits par le Tribunal pénal international pour le Rwanda (TPIR) à l'encontre de Wenceslas MUNYESHYAKA et Laurent BUCYIBARUTA.

Press release online available at <http://www.fidh.org/Wenceslas-MUNYESHYAKA-et-Laurent>

20 February 2008: France to Prosecute Two Rwandan Genocide Suspects

<http://www.redress.org/news/08-02-20%20Press%20Release%20-%20France%20to%20Prosecute%20Rwandan%20Genocide%20Suspects%20-%20REDRESS.pdf>

22 November 2007: Le TPIR a ordonné le renvoi devant la justice française de Wenceslas MUNYESHYAKA et Laurent BUCYIBARUTA”,

FIDH-LDH-CPCR-Survie, Press release: <http://www.fidh.org/Le-TPIR-a-ordonne-le-renvoi-devant>

27 September 2007: ICTR/ France- Legal mess between the ICTR and France

<http://www.hirondellenews.com/content/view/934/193/> <http://fr.hirondellenews.com/content/view/391/326/> (French)

<http://69.94.11.53/ENGLISH/cases/Munyeshyaka/decisions/071120.pdf> (ICTR Decision to refer the case of Wenceslas Munyeshyaka).

6 September 2007: French police re-arrest 2 suspects in Rwandan genocide

<http://www.iht.com/articles/ap/2007/09/06/europe/EU-GEN-France-Rwanda.php>

For further information on Rwanda cases in France see website of the Collectif des Parties Civiles pour le Rwanda :

<http://www.collectifpartiescivilesrwanda.fr/>

“The Disappeared of the Beach” Case (Congo-Brazzaville)

13 May 2009

Dix ans après la disparition de centaines de Congolais, les victimes et leurs proches continuent de réclamer la vérité et la justice

Dix ans après les disparitions à grande échelle survenues au port fluvial du Beach de Brazzaville, la Fédération internationale des ligues des droits de l'Homme (FIDH), la Ligue française des droits de l'Homme (LDH), l'Observatoire congolais des droits de l'Homme (OCDH) et le Collectif des parents des disparus du Beach de Brazzaville appellent à l'établissement de la vérité et à l'obtention de la justice pour les victimes et leur famille.

<http://www.fidh.org/Dix-ans-apres-la-disparition-de>

9 April 2008

La Cour de cassation donne le feu vert à la poursuite de l'instruction

La Cour de cassation rejette le pourvoi formé par les avocats de la défense des personnes poursuivies, dont le général Norbert Dabira, motivant sa décision par la prise en compte de trois éléments importants :

- l'application de la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants adoptée le 10 décembre 1984,
- l'application du code de procédure pénale français, en particulier de son article 689-1, permettant de poursuivre toute personne soupçonnée d'actes de torture si elle se trouve sur le territoire français,
- et la validité du réquisitoire introductif du Parquet ayant permis l'ouverture de l'information judiciaire.

<http://www.fidh.org/La-Cour-de-cassation-donne-le-feu>

November 2007: "Note de position FIDH-OCDH : Evaluation du procès de Brazzaville par les familles des "disparus du Beach", la procédure en France doit continuer !"

<http://www.fidh.org/Note-de-position-FIDH-OCDH>, and

November 2007: FIDH report "Affaire des 'disparus du Beach' : Récapitulatif des procédures (décembre 2001 - novembre 2007)

<http://www.fidh.org/Affaire-des-disparus-du-Beach>

29 May 2007: Affaire des disparus du Beach

http://www.fidh.org/article.php3?id_article=4325

On the January 2007 decision of the French Supreme Court to quash the decision which annulled the proceedings in the Disappeared of the Beach case before French courts:

http://www.fidh.org/article.php3?id_article=3947 (English)

http://www.fidh.org/article.php3?id_article=3939 (French)

29 November 2006: L'affaire des "Disparus du Beach" devant la Cour de cassation

http://www.fidh.org/article.php3?id_article=3849

Chilean cases

6 May 2008

Adjournment of the trial against former officials of the Chilean dictatorship

Le Procureur Général de la Cour d'appel de Paris, a demandé au Président de la Cour d'assises, de reporter le procès du fait de difficultés rencontrées dans la délivrance des citations des nombreuses personnes résidant à l'étranger.

<http://www.fidh.org/Report-du-proces-contre-les>

24 April 2008

Ouverture en France du procès contre 15 responsables de la dictature chilienne : « Une grande étape pour nous tous », FIDH

Du 14 au 23 avril, la Fédération internationale des ligues des droits de l'Homme (FIDH) a réalisé une mission internationale au Chili. L'objectif de cette mission était d'informer les représentants de la société civile et les autorités chiliennes du procès visant 15 responsables de graves violations des droits de l'Homme, et auteurs présumés de torture et de la disparition forcée de quatre franco-chiliens pendant la dictature militaire. Le procès se tiendra devant la Cour d'assises de Paris du 19 au 23 mai 2008.

<http://www.fidh.org/Ouverture-en-France-du-proces>

12 February 2008: A historical trial in France on Crimes against Humanity committed under Chilean Military Dictatorship

<http://www.fidh.org/A-HISTORICAL-TRIAL-IN-FRANCE-ON>

21 February 2007: French judge orders 17 officials under late Chilean dictator Pinochet to stand trial

<http://www.iht.com/articles/ap/2007/02/21/europe/EU-GEN-France-Chile-Pinochet.php>

Rumsfeld Case

21 May 2008

Open letter to the French Minister of Justice in the Rumsfeld Torture Case

Several human rights organisations requested Justice Minister, Mrs. Rachida Dati, in an open letter to intervene with the Public Prosecutor of the Paris Appeals Court and to ask him to withdraw his decision of February 27, 2008 granting former U.S. Secretary of Defense Donald Rumsfeld immunity from criminal jurisdiction for acts of torture. The letter was also sent to Mr. Bernard Kouchner, France's Minister of Foreign Affairs.

The open letter is available at the following links: <http://www.fidh.org/spip.php?article5522>

26 November 2007: France in Violation of Law Grants Donald Rumsfeld Immunity, Dismisses Torture Complaint
<http://www.fidh.org/spip.php?article4932>

29 October 2007

Rumsfeld Flees France, Fearing Arrest

Former U.S. Defense Secretary Donald Rumsfeld fled France today fearing arrest over charges of "ordering and authorizing" torture of detainees at both the American-run Abu Ghraib prison in Iraq and the U.S. military's detention facility at Guantanamo Bay, Cuba, unconfirmed reports coming from Paris suggest. U.S. embassy officials whisked Rumsfeld away yesterday from a breakfast meeting in Paris organized by the Foreign Policy magazine after human rights groups filed a criminal complaint against the man who spearheaded President George W. Bush's "war on terror" for six years.

<http://www.alternet.org/story/66425/>

See also "Rumsfeld Charged With Torture in French Court

<http://www.globalpolicy.org/empire/un/2007/1029rumsfeld.htm>

26 October 2007: Rights groups file French torture case vs Rumsfeld

<http://www.reuters.com/article/politicsNews/idUSL2658218120071026>

See also: Donald Rumsfeld charged with torture during trip to France, FIDH-CCR-ECCHR-LDH press release and file on the complaint:

<http://www.fidh.org/DONALD-RUMSFELD-CHARGED-WITH>

Other Cases

30 March 2009

Decision on the admissibility in the case of Ould Dah v. France (No. 13113/03)

The European Court of Human Rights has declared inadmissible the application lodged in the case of Ould Dah v. France concerning the conviction of a Mauritanian army officer by a French court for acts of torture committed in Mauritania.

Press release issued by the Registrar:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=848780&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

For Information in French: La Cour européenne consacre le principe de la compétence universelle

http://www.lemonde.fr/europe/article/2009/03/31/la-cour-europeenne-consacre-le-principe-de-la-competence-universelle_1174706_3214.html

7 April 2009: FIDH

<http://www.fidh.org/Decision-de-la-Cour-europeenne-des>

23 January 2009

La Cour de cassation française relance une procédure concernant des actes de torture commis au Cambodge

Cette décision intervient près de dix ans après le dépôt en France d'une plainte par Mme Billon Ung Boun Hor contre X pour des faits commis en avril 1975 à l'encontre de son époux, alors président de l'Assemblée nationale du Cambodge, qui, réfugié dans les locaux de l'ambassade de France à Phnom Penh, avait été contraint de suivre les représentants des autorités du nouveau « Kampuchea démocratique », avant de disparaître, sans aucune nouvelle depuis lors.

<http://www.fidh.org/spip.php?article6282>

<http://www.ldh-france.org/La-Cour-de-cassation-francaise>

15 December 2008

France jails Tunisian diplomat for torture

STRASBOURG, France (AFP) — A Tunisian ex-diplomat, accused of torturing the wife of an opposition member in the 1990s when he was a police chief in Tunisia, was sentenced to eight years in prison in France on Monday.

Khaled Ben Said, who served as Tunisian vice-consul in the French city of Strasbourg from 2000 to 2001, had faced up to 20 years in jail if found guilty of torture.

<http://www.google.com/hostednews/afp/article/ALeqM5gTIWQI7cr9uGHdU-0zW5gfr0mjxA>

See report of FIDH and LDH at: http://www.fidh.org/IMG/pdf/Bensaid512fr2008_FINAL.pdf

16 December 2008: Khaled Ben Saïd, former Tunisian Vice-consul in France, condemned for torture by the Criminal court of Strasbourg? FIDH-LDH Press release at <http://www.fidh.org/Khaled-Ben-Said-former-Tunisian>

12 December 2008: The first Trial in France of a Tunisian accused of torture in Tunisia

FIDH-LDH media kit: <http://www.fidh.org/The-first-Trial-in-France-of-a>

24 July 2006

Falun Gong brings charges against Chinese minister in France

Members of the Falun Gong spiritual movement brought charges before a French court on Friday against a visiting Chinese minister whom they accuse of torture.

Complaints were lodged on behalf of the three Falun Gong members before a Paris public prosecutor against Zhou Yongkang, the Chinese minister in charge of public order who was on a visit to France.

http://www.expatica.com/source/site_article.asp?subchannel_id=25&story_id=31754&name=Falun+Gong+brings+charges+against+Chinese

Legal/ practical developments

1 June 2008

France May Consider Creating Special Unit to Try Crimes Against Humanity

The French government may consider creating a specialised unit to investigate crimes against humanity, which currently she lacks and hinders her determination to try such suspects. An experts report was submitted on Monday [June 30, 2008] to the French Minister for Justice suggesting for setting up of such a specific unit, reports Hironnelle Agency. The creation of such a unit would constitute, according to the authors of the report, "a strong signal of the France's determination to fight against the gravest international crimes". The formation of the unit has also been supported by lawyers and Non-Governmental Organisations (NGOs) since December, last year, when they exhorted the French Foreign Minister Bernard Kouchner on the necessity of such a specialised component in the judiciary.

<http://allafrica.com/stories/200807020376.html>

12 June 2008

France Reinforces the Impunity of International Criminals on its Territory

The International Federation for Human Rights (FIDH) and the French League for Human Rights (LDH) denounce the adoption by the Senate, on the night of June 10th, of a draft law on universal jurisdiction in France that was supposed to allow French jurisdictions to prosecute and judge the perpetrators of crimes of genocide, war crimes, and crimes against humanity committed in other countries.

<http://www.fidh.org/France-Reinforces-the-Impunity-of>

French Coalition for the International Criminal Court (CFCPI):

<http://www.cfcpi.fr/>

FIDH-LDH report on "Status of the implementation of the principle of universal jurisdiction in France" (April 2006):

<http://www.fidh.org/Status-of-the-implementation-of>

GERMANY

Rwandan Cases

22 December 2008

Onesphore Rwabukombe: Germany arrests Rwandan Genocide Suspect

The 51-year-old Hutu man, Onesphore Rwabukombe, was arrested in the Frankfurt area on Monday, one month after Rwanda's own attempts to obtain his extradition from Germany collapsed.

<http://www.dw-world.de/dw/article/0,,3898237,00.html>

23 December 2008: Press release of the Federal Prosecutor (in German):

<http://www.generalbundesanwalt.de/de/showpress.php?themenid=10&newsid=325>

28 April 2008 Rwanda: Former Mayor Arrested in Germany

<http://allafrica.com/stories/200804290100.html>

8 October 2008

Ngirabatware Transferred to Arusha

Augustin Ngirabatware, former Minister of Planning, who is facing charges of genocide and serious violations of international humanitarian law was today transferred from Frankfurt, Germany to the UN Detention Facility in Arusha, Tanzania. Ngirabatware was arrested in Germany on 17 September 2007. He will soon make his initial appearance before Trial Chamber II composed of Judges William Sekule, presiding, Arlette Ramaroson and Solomy Bossa, to answer charges preferred against him.

<http://www.rnw.nl/internationaljustice/tribunals/ICTR/081008-Ngirabatware>

20 September 2007

The First Arrest of a Rwandese Genocide Suspect in Germany

<http://www.redress.org/news/Press%20Release%20Germany%2020Sept07.pdf>

13 November 2008

Release of FDLR Secretary General, Callixte Mbarushimana

Callixte Mbarushimana, Secretary General of the Democratic Forces for the Liberation of Rwanda (FDLR), was released by German authorities on November 4.

<http://164.109.48.103/r/pa/prs/ps/2008/nov/111822.htm>

7 November 2008: Rwanda: NPPA Undeterred by fugitives' release

<http://allafrica.com/stories/200811070676.html>

9 July 2008: Callixte Mbarushimana: Rwandan war crimes suspect held in Germany

http://www.bt.com.bn/en/world_news/2008/07/10/rwanda_war_crimes_suspect_held_in_germany

8 July 2008: See also 'Rwandan genocide suspect arrested in Germany: prosecutor',

http://afp.google.com/article/ALeqM5js1hOEK9VRgNK0PDN4JGW_p8-1uQ

Rumsfeld Case

13 November 2007

Human Rights groups ask German Court to review federal prosecutor's decision to dismiss Rumsfeld torture case

Today an appeal was filed before the Frankfurt High Regional Court seeking review of the German Federal Prosecutor's April 2007 decision not to proceed with an investigation of former Defense Secretary Donald Rumsfeld, former Attorney General Alberto Gonzales, former CIA Director George Tenet, and other high-ranking U.S. officials for torture and war crimes committed in Iraq, Afghanistan, and Guantánamo.

<http://www.fidh.org/HUMAN-RIGHTS-GROUPS-ASK-GERMAN>

12 June 2007: Motion for Reconsideration of Complaint's Dismissal Filed Today with German Federal Prosecutor

http://www.fidh.org/article.php3?id_article=4372&var_recherche=donald+rumsfeld

27 April 2007: German Federal Prosecutor's Office dismisses Rumsfeld, Gonzales War Crimes Case - Critics call move political capitulation to U.S. pressure

Press release:

http://www.fidh.org/article.php3?id_article=4232&var_recherche=donald+rumsfeld (English)

http://www.fidh.org/article.php3?id_article=4271 (French)

13 November 2006: Human Rights groups seek criminal investigation in Germany of Rumsfeld and other high-ranking U.S. officials for authorizing torture in the "war on terror"

http://www.fidh.org/article.php3?id_article=3801

Further Background Material:

<http://www.rav.de/rumsfeld2.html>

Other Cases

November 2008

Official invitation shields Uzbek head of secret service

In early November, the German Federal Public Prosecutor (Bundesanwaltschaft) in Karlsruhe declined to initiate an investigation against Rustan Injatow, the Uzbek head of the secret service under the German Code against International Crimes (CCIL).

http://www.ecchr.eu/altmatov_en.html

2 February 2007

Victims Appeal Decision on Uzbek Ex- Minister

Uzbek survivors of torture and the 2005 massacre of unarmed protesters in Andijan have appealed a decision by Germany's federal prosecutor not to open an investigation against former Uzbek Interior Minister Zokir Almatov, Human Rights Watch said on 2 February.

<http://www.hrw.org/english/docs/2007/02/02/german15232.htm>

22 June 2006: Uzbek victims challenge decision of German Federal Prosecutor:

<http://hrw.org/english/docs/2006/04/06/german13124.htm>

GUATEMALA

24 January 2008

International Commission against Impunity in Guatemala (CICIG) Begins Operations

The International Commission Against Impunity in Guatemala began operations under an agreement between the United Nations and Guatemala. The mandate of CICIG is to investigate and promote the prosecution of illegal security organizations. These powerful clandestine groups are allegedly responsible for frequent attacks against human rights defenders, as well as involved in corruption, organized crime, drug trafficking and political violence.

http://www.cicig.org/documents/CICIG_factsheet.pdf

15 February 2007

Born-again killer Rios Montt plans to run for Guatemalan Congress

In an effort to escape prosecution for genocide and other crimes against humanity, former Guatemalan dictator Rios Montt plans to run for the Guatemalan Congress.

<http://www.indybay.org/newsitems/2007/02/15/18363805.php>

Petition to have Rios Montt brought to justice can be signed here:

http://www.fidh.org/article.php?id_article=4036

7 November 2006

Defendants in Genocide case arrested in Guatemala

In an unprecedented move, Guatemalan authorities arrested on 7 November at least two of the eight named defendants in the Guatemalan Genocide Case that is pending before the Spanish National Court.

http://www.cja.org/cases/Guatemala_News/Arrests11.07.06PRFINAL.pdf

ICELAND

4 July 2006

Criminal Charges filed against George H.W. Bush in Iceland

A group of ten Icelandic citizens filed yesterday at the Office of the State's Police Chief criminal charges against George H.W. Bush, former U.S. President, who is expected in Iceland this evening at the invitation of Iceland's President Olafur R. Grimsson.

<http://www.uruknet.info/?p=m24374&l=i&size=1&hd=0>

ISRAEL

5 May 2009

Universal jurisdiction has hounded Israel for 7 years

The decision of Spanish judge Fernando Andreu to try to bring seven Israeli officials to trial over the Gaza bombing that killed Hamas terrorist Salah Shehadeh and 14 others marks the fourth time in the past seven years that foreign courts have sought to try Israeli leaders under the principle of universal jurisdiction.

<http://www.jpost.com/servlet/Satellite?cid=1239710864169&pagename=JPost/JPArticle/ShowFull>

31 March 2009

Israel Closes Investigation into Alleged War Crimes Committed in the Gaza Strip

On Monday, 30 March 2009, Military Advocate-General Avichai Mandelblit closed Israel's inquiry into Israeli soldiers accounts of alleged crimes committed in the Gaza Strip. Soldiers had made serious allegations that included war crimes, and grave breaches of the Geneva Conventions (1949). However, the inquiry was closed after just eleven days.

<http://www.pchrgaza.ps/files/PressR/English/2008/45-2009.html>

24 March 2009: Guardian investigation uncovers evidence of alleged Israeli war crimes in Gaza

<http://www.guardian.co.uk/world/2009/mar/23/israel-gaza-war-crimes-guardian>

March 2009: Calls for investigation into Gaza attacks Israel's war crimes

Comment by Richard Falk for 'Monde diplomatique': <http://mondediplo.com/2009/03/03/warcrimes>

18 February 2009: Who can probe Gaza war crimes claims?

http://news.bbc.co.uk/2/hi/middle_east/7896372.stm

25 January 2009

Israel promises troops legal backing over Gaza war

International calls to investigate Israel over alleged war crimes in the Gaza Strip prompted Prime Minister Ehud Olmert on Sunday to promise military personnel state protection from foreign prosecution.

<http://www.alertnet.org/thenews/newsdesk/LP689219.htm>

22 November 2006

Chinese Official visiting Israel charged with Crimes Against Humanity

In a precedent setting move, Israeli citizens filed a complaint with Tel Aviv police charging a visiting Chinese official with crimes against humanity on Tuesday.

<http://www.theepochtimes.com/news/6-11-22/48464.html>

13 September 06

Groups gather evidence of possible Israeli war crimes in Lebanon

Israel's war with Hezbollah guerillas opened the door to accusations on both sides of war crimes. But can anyone be prosecuted?

Now human rights groups in Lebanon are collecting evidence that could be used in cases filed under a legal principle known as universal jurisdiction which says that war crimes are so serious they can be prosecuted anywhere.

http://www.iht.com/articles/ap/2006/09/13/europe/EU_GEN_Israel_War_Crimes.php

4 September 2006

Officials said fearing wave of war crimes suits over Lebanon

The Foreign Ministry fears a wave of lawsuits accusing Israeli military and governmental officials of war crimes, Army Radio said Monday, adding that a report prepared by the ministry's chief legal advisor warns officials against inflammatory statements in connection with the recent war, saying that their word could later be used against them in foreign lawsuits or indictments of alleging them to be war criminals.

<http://www.haaretz.com/hasen/pages/758476.html>

NETHERLANDS

23 March 2009

Dutch judges convict Rwanda Hutu of killing Tutsis

THE HAGUE, Netherlands – A Hutu man was convicted and sentenced to 20 years in prison Monday for the slaying of two Tutsi mothers and at least four of their children during Rwanda's 1994 genocide. The Hague District Court acquitted Joseph Mpambara of involvement in the massacre of hundreds of other Tutsis who had sought shelter in a church. He was also acquitted of raping four women and killing one of them in a separate incident. The judges said there was compelling evidence that Mpambara ordered the two Tutsi mothers and their children hauled out of an ambulance they were using to flee violence, and then killed. They were bludgeoned and hacked with clubs and machetes.

http://news.yahoo.com/s/ap/20090323/ap_on_re_eu/eu_netherlands_rwanda_war_crimes_2

Court summary online available at:

<http://www.rechtspraak.nl/Gerechten/Rechtbanken/s-Gravenhage/Actualiteiten/Emprisonnement+de+20+ans+pour+cause+de+torture+au+Rwanda+en+1994.htm>

12 November 2008: Dutch prosecutors seek life sentence for Rwanda génocidaire

<http://www.rnw.nl/internationaljustice/tribunals/ICTR/081112-mpambara-update>

13 October 2008: Dutch hear Rwandan genocide case

<http://news.bbc.co.uk/2/hi/africa/7667979.stm>

21 November 2006: Suspect denies genocide in The Hague tribunal

http://www.expatica.com/actual/article.asp?subchannel_id=1&story_id=34515

11 August 2006: Genocide suspect appears before court

<http://www.irinnews.org/report.aspx?reportid=60085>

ICTR Transfers

21 May 2008

Bagaragaza Transferred back to Arusha

Michel Bagaragaza, former Director General of the office controlling the Rwandan Tea industry during the period of the genocide was on 20 May 2008 transferred back to Arusha from The Hague, The Netherlands. This follows a revocation of an application by the Prosecutor for referral of the case to The Netherlands. The revocation was made after the Dutch Prosecutor informed the Tribunal that their courts did not have any jurisdiction in trying such a case.

<http://69.94.11.53/ENGLISH/PRESSREL/2008/561.htm>

13 April 2007: The Prosecutor v Michel Bagaragaza

Decision available at:

<http://69.94.11.53/ENGLISH/cases/Bagaragaza/decisions/070413.pdf>

Further information on the case available at:

<http://69.94.11.53/ENGLISH/cases/Bagaragaza/index.htm>

Afghan Cases

8 July 2008

Dutch Supreme Court rejects appeals of Afghan intelligence officers

The Supreme Court's rejection of all the appeals means that Hesam and Jalalzozy's sentences are now definite. On 8 July 2008, the Dutch Supreme Court rejected the appeals of Hesamuddin Hesam and Habibullah Jalalzozy, two high-ranking Afghan intelligence officers who sought asylum in the Netherlands in the 1990s. In 2005 the District Court of The Hague had convicted Hesam and Jalalzozy for the torture of prisoners in Afghanistan in the 1980s and 1990s and sentenced them to 12 years' and 9 years' imprisonment, respectively. On 29 January 2007, The Hague Court of Appeal confirmed the decisions of the District Court.

<http://www.haguejusticeportal.net/eCache/DEF/9/475.TGFuZz1FTg.html>

<http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=bg1476> (Decision in English)

See also 'Convictions of ex-Afghan agents upheld by court' at

<http://paktribune.com/news/index.shtml?202974>

29 January 2007: The Hague Court of Appeal has confirmed the prison sentences of Hesamuddin Hesam and Habibullah Jalalzozy

www.rechtspraak.nl/ljn.asp?ljn=AZ9366 (Decision in English)

25 June 2007

Afghan torture suspect acquitted in the Netherlands

On June 25, 2007, the District Court in The Hague acquitted Abdullah F. of charges of torture as a war crime. Abdullah F. is a former officer of the Afghan security service Khad and had been charged with torturing prisoners in Afghanistan in the 1980's. The District Court dismissed the defendant's objections that Dutch courts lack jurisdiction over the charged crimes or that such jurisdiction would be barred by the adoption of an amnesty law in Afghanistan for these crimes. However, the Court did find there was not enough evidence to convict F. either for personal involvement in torture or for command responsibility.

The judgment of District Court in The Hague is available online in English at www.rechtspraak.nl/ljn.asp?ljin=BA9575

6 October 2008

Court Order sought for investigation of torture by Ami Ayalon

The Dutch prosecution authorities failed to arrest Ami Ayalon, currently Minister without Portfolio in the Israeli Government, while he was visiting the Netherlands from 16 to 20 May 2008. An application for his arrest was submitted to the Dutch authorities by Khalid AI Shami, who alleged that he was a victim of torture in 1999/2000, when Ami Ayalon was the Director of Shin Bet (the Israeli General Security Services - GSS), which investigates individuals suspected of committing crimes against Israel's security. Ami Ayalon was the director of the GSS from 18 February 1996 to 14 May 2000.

<http://www.pchrgaza.org/files/PressR/English/2008/92-2008.html>

Legal developments

9 June 2008

Dutch want to toughen up on war crime suspects

The Dutch government wants to get tougher with suspected war criminals who flee to the Netherlands hoping to evade justice. The Public Prosecutor's Office will make greater efforts in future to bring such people to trial or to see that they are sent back to their country of origin.

<http://www.rnw.nl/internationaljustice/specials/Universal/080608-dutch-crime>

18 December 2007

'Legal Instruments' stop genocide charges

Dutch prosecutors can try a Rwandan man for war crimes and torture but not for genocide, a spokesperson for the Dutch court of appeal in The Hague said on Monday [December 17, 2008]. "According to the appeal judges, the Dutch state does not have the legal instruments to try for the crime of genocide," spokesperson Inge Oevering said. "The case concerning the other charges is continuing as normal. It is only genocide that has been withdrawn from the charges," he said.

http://www.int.iol.co.za/index.php?set_id=1&click_id=24&art_id=nw20071218071523543C580823

Other developments

8 May 2007

Committee against Torture hears response of the Netherlands

The Committee against Torture this afternoon heard the response of the Netherlands to questions raised by Committee Experts on the fourth periodic report of that country on how it is implementing the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/E3C8366BACA1AEECC12572D5005F7263?opendocument>

NEW ZEALAND

30 November 2006

New Zealand Attorney General stays prosecution of Israeli war crimes suspect, enabling him to evade international justice

A prosecution of an Israeli war crimes suspect was stayed as part of a legal maneuver by the Attorney General of New Zealand to prevent the arrest or charge of the suspect while on a visit to New Zealand. <http://www.pchrgaza.ps/files/PressR/English/2006/127-2006.htm>

NORWAY

Cases from the former Yugoslavia

2 December 2008

Norway convicts Bosnian on 1992 war crimes

A Bosnian muslim was jailed for five years on Tuesday for crimes against Serb civilians during the war in Bosnia in 1992 in the first war crimes case in Norway since the trials of Norwegians who collaborated with the Nazis. The case was the first test of new Norwegian legislation on crimes against humanity and war crimes adopted in March. <http://www.alertnet.org/thenews/newsdesk/L2227278.htm>

(See decision, Prosecutor v Repak- Norway, sent to UJ Listserv on 6 February 2009)

26 September 2008: Norwegian Courts Try War Crimes

<http://www.bim.ba/en/134/10/13434/>

10 May 2007: Norway: War Crimes Suspects Held

<http://www.bim.ba/en/62/10/2845/>

18 June 2007

Norwegian court rules Balkan war crimes suspect can be extradited

A Croatian-Serb war crimes suspect arrested in Norway last year can be extradited to Serbia to face charges of committing atrocities during the Balkan wars in 1991, a Norwegian court ruled on 18 June. <http://www.pr-inside.com/norwegian-court-rules-that-croatian-war-r156759.htm>

Israeli Case

22 April 2009

Norway: 10 Israelis named in war crimes complaint

OSLO — A group of Norwegian lawyers filed a complaint Wednesday accusing 10 Israelis of war crimes in Gaza under the country's new universal jurisdiction law, officials said. Former Israeli Prime Minister Ehud Olmert, Defense Minister Ehud Barak and opposition leader Tzipi Livni were among those named in the complaint, the lawyers said.

http://seattletimes.nwsources.com/html/nationworld/2009100195_apeunorwayisraelgazacomplaint.html

ICTR Transfers

30 August 2006

ICTR appeal chamber rejects appeal to transfer the case of Michel Bagaragaza

On 30 August 2006, the Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR, or the Tribunal), sitting in The Hague, dismissed an appeal by the ICTR Prosecutor against the 19 May 2006 Decision of Trial Chamber III, which denied a Prosecution motion to transfer the case of The Prosecutor v. Michel Bagaragaza for trial in Norway. In dismissing the Prosecutor's appeal, the Appeals Chamber agreed with the reasoning and conclusion of the Trial Chamber that it would be inappropriate to transfer Bagaragaza's case to Norway because that country lacks jurisdiction to try the Accused for the serious violations of international law including genocide, for which he has been charged. <http://www.asil.org/insights/2006/10/insights061003.html>

PERU

7 April 2009

Former Peruvian president found guilty of rights abuses

A three-judge panel of the Peruvian Supreme Court found former President Alberto Fujimori guilty on 7 April 2009 on charges involving human rights violations, including murder and kidnapping, and sentenced him to 25 years in prison.

<http://edition.cnn.com/2009/WORLD/americas/04/07/fujimori.peru.verdict/index.html>

Decision with references to universal jurisdiction available, in Spanish: <http://e.elcomercio.pe/101/doc/0/0/0/2/1/21922.pdf>

August 2008

The Constitutional Court of Peru rendered a judgment where a reference to universal jurisdiction for crimes under international law and crimes of international concern was made

Although the case, where the Court upheld a conviction imposed by a lower court against a Peruvian national on embezzlement charges is based on territorial jurisdiction, the Constitutional Court recalls that international law permits all states to exercise universal jurisdiction on crimes under international law and crimes under national law of international concern (the case involved an extradition request). There is also in the ruling a definition of universal jurisdiction as a permissive jurisdictional base, inspired on a flawed statement of the Inter American Commission on Human Rights in 2003. The Court made reference to crimes like genocide, torture and enforced disappearances as subject to universal jurisdiction. There is also a specific reference to Article V of the Inter-American Convention against Corruption, which provides for the duty to extradite or prosecute. (Judgment available (in Spanish) with REDRESS/ FIDH)

RWANDA

31 December 2008

Rwanda: Personality of the year

"This month, the Pan African Lawyers Union (PALU) called upon the African Union to meet the United Nations and set up ways on how to internationally regulate issuance of indictments and arrest warrants against suspects of grave crimes worldwide after examining how the principle of universal jurisdiction was misused to indict African leaders."

<http://allafrica.com/stories/200812310114.html>

14 July 2008

Rwanda: France, Country's Genocide And the Principle of Universal Jurisdiction, by Gloria I. Anyango (A comment on universal jurisdiction from a Rwandan point of view)

"I think the French need to come clean on their involvement in the Genocide. France like others needs to respect other people. In Africa and in Rwanda we are not there because they wish us to be there. We are there because we have the right to be there," President Paul Kagame, recently in an interview with the Financial Times.

France takes over the Presidency of the European Union (EU), this month, with its moral authority in African affairs, hanging on the balance, with countries such as Rwanda, challenging its duplicity, with regards to the application, of the principle of Universal Jurisdiction.

<http://allafrica.com/stories/200807150261.html>

6 July 2008

Statement on the AU General Assembly of Heads of States Decision

The United Democratic Forces (UDF-INKINGI) are chocked by the AU Assembly of Heads of States' decision on what it labeled as an "Abuse of the principle of universal jurisdiction" about Rwanda. In particular, the UDF-Inkingi and the Rwandan people as a whole are deeply ashamed by provision 4 of the said decision disposing that "those (Spanish and French) international warrants shall not be executed in African Union Member States". That decision,

inspired by Rwandan criminal stakeholders, is biased and will structurally and seriously endanger peace, security and stability in Rwanda, in the Great Lakes Region and in Africa at large.

<http://www.rwasta.net/view/article/statement-on-the-au-general-assembly-of-heads-of-states-decision/index.html>

18 June 2008

Rwanda seeks to exercise universal jurisdiction

Le Rwanda veut recourir à la compétence universelle prévue dans ses textes de loi en vue de poursuivre devant ses juridictions des non-Rwandais accusés d'être impliqués dans le génocide de 1994, a-t-on appris mercredi de source officielle. "Le conseil des ministres a été informé la semaine dernière de la volonté des autorités (rwandaises) chargées des poursuites d'appliquer la compétence universelle prévue dans nos lois", a indiqué la ministre de l'Information, Louise Mushikiwabo.

"Le gouvernement rwandais et le peuple rwandais attendent impatiemment" ces poursuites, a-t-elle poursuivi.

<http://www.afriquecentrale.info/central.php?o=1&s=344&d=3&i=1621>

13 June 2008

Africa urged to protest Rwanda indictments

KIGALI-The Pan-African Parliament has defended Rwanda over indictments slapped on its army officers by foreign judges.

The Parliament called on African leaders to strongly resist the foreign indictments and join efforts in condemning and denouncing foreign judges hiding under the principal of universal jurisdiction, according to a statement issued recently. The African legislators were reacting to the recent actions of two Spanish and French judges who indicted several senior officers of the Rwandan military and close aides of President Paul Kagame on genocide charges.

On February 6, Spanish judge Fernando Abreu Merelles issued an arrest warrant against 40 top Rwandan military officers over genocide crimes and terrorism during the 1994 genocide and Rwanda's presence in the Democratic Republic of Congo.

http://www.rwandagateway.org/article.php?id_article=9447

15 November 2006

Which courts for those who escape the ICTR?

Few national jurisdictions are suitable for replacing the International Criminal Tribunal for Rwanda (ICTR) in the prosecution of alleged perpetrators of the 1994 genocide in Rwanda. The risk is consequently that on December 31st 2008, that is the date the United Nations decided would be the end of the trials in first instance at the ICTR, the last genocidaires who have taken refuge abroad are likely to never be tried.

http://www.toplawyernews.com/TopLegalNews/id_33001

SENEGAL

Hissène Habré Case (see also developments in Belgium)

16 September 2008

Victims Charge Habré With Crimes Against Humanity

Fourteen abuse victims, backed by a coalition of African and international rights groups, today filed complaints with a Senegalese prosecutor accusing the former Chadian dictator Hissène Habré of crimes against humanity and torture.

The charges mark a new phase in the long-running effort to bring Habré to trial for atrocities committed during his 1982-1990 rule. Habré, who has lived in Senegal since he was deposed, was first indicted in Senegal in 2000, before courts ruled that he could not be tried there. Senegal then rebuffed a Belgian extradition request for Habré in 2005 before agreeing in July 2006 to an African Union request to prosecute Habré "on behalf of Africa." In July 2008, Senegal completed a series of legal reforms and constitutional amendments removing the legal obstacles to Habré's trial.

<http://www.hrw.org/legacy/english/docs/2008/09/15/senega19814.htm>

23 September 2008: Chad ex-dictator Habre denounces new war crimes complaints,

<http://jurist.law.pitt.edu/paperchase/2008/09/chad-ex-dictator-habre-denounces-new.php>

6 July 2007 «Le Sénégal bloque le procès de Hissène Habré»

<http://www.liberation.fr/monde/0101106782-le-senegal-bloque-le-proces-de-hissene-habre>

30 June 2007: Senegal Failing to Act on Trial of Hissène Habré

<http://www.hrw.org/english/docs/2007/06/29/senega16286.htm>

13 June 2007: Senegal finalising budget for landmark Habré trial

<http://www.alertnet.org/thenews/newsdesk/L13833293.htm>

28 February 2007: Abdoulaye Wade invité à faire de l'affaire Habré une priorité de son second mandat:

<http://www.nettali.net/spip.php?article2638>

2 February 2007: New Law Will Permit Habré' Trial

<http://hrw.org/english/docs/2007/02/02/senega15249.htm> (English)

2 July 2006: Senegal agrees to try Hissène Habré

<http://www.hrw.org/english/docs/2006/07/02/chile13686.htm>

See also, FIDH report on the Hissène Habré Case (November 2008):

<http://www.fidh.org/Publication-d-un-rapport-du-Groupe.6086>

Legal developments

10 November 2006

JUSTICE- Senegal: Une section nouvelle sur les « actes de terrorisme » introduite dans le Code pénal

Une seconde modification introduisant "des dispositions relatives au crime de génocide, aux crimes de guerre et aux crimes contre l'humanité" a été introduite par le même projet de loi, rapporte notamment le communiqué du Conseil des ministres publié jeudi.

Le texte fait également état d'une modification adoptée par le gouvernement, qui concerne le concept de "compétence universelle" et la coopération judiciaire en général.

http://www.lesoleil.sn/article.php?id_article=18316

SOUTH AFRICA

16 March 2008

Zimbabwe: Crimes against humanity

A dossier has been submitted to the National Prosecution Authority's Priority Crimes Unit by the Southern Africa Litigation Centre (SALC) urging the unit to initiate investigations with a view to prosecuting senior Zimbabwean police and other officials responsible for crimes against humanity.

http://www.news24.com/News24/Africa/Zimbabwe/0%2C%2C2-11-1662_2289137%2C00.html

SPAIN

Legislative developments & discussions

26 May 2009: L'Espagne veut canaliser l'initiative de ses juges en matière de justice internationale

http://www.lemonde.fr/europe/article/2009/05/26/l-espagne-veut-canaliser-l-initiative-de-ses-juges-en-matiere-de-justice-internationale_1198105_3214.html

24 May 2009: The Inquisition, Part II?

<http://www.washingtonpost.com/wp-dyn/content/article/2009/05/22/AR2009052201749.html>

23 May 2009: Jurisdicción universal

http://www.elpais.com/articulo/espana/Jurisdiccion/universal/elpepiesp/20090523elpepinac_19/Tes

23 May 2009: El avance de la justicia universal

http://www.elpais.com/articulo/opinion/avance/justicia/universal/elpepiopi/20090523elpepiopi_4/Tes (in Spanish)

22 May 2009: Spain must resist diplomatic pressure to limit application of universal jurisdiction

<http://jurist.law.pitt.edu/hotline/2009/05/spain-must-resist-diplomatic-pressure.php>

22 May 2009: FIDH/ APDHE: Tentative de réforme de la compétence universelle en Espagne: un recul dans la lutte contre l'impunité des crimes les plus graves

<http://www.fidh.org/Tentative-de-reforme-de-la>

22 May 2009: Golpe a la Justicia universal

<http://blogs.publico.es/dominiopublico/1297/golpe-a-la-justicia-universal/> (in Spanish)

20 May 2009: Push in Spain to Limit Reach of the Courts

<http://www.nytimes.com/2009/05/21/world/europe/21spain.html>

20 May 2009: Spain is moving to rein in its crusading judges

<http://online.wsj.com/article/SB124276949318736375.html>

14 May 2009: Spanish judges' human rights campaign comes under pressure

http://www.monstersandcritics.com/news/europe/features/article_1476521.php/Spanish_judges_human_rights_campaign_comes_under_pressure_Feature

The 'Bush Six' Case

16 April 2009

Spain's Attorney General Opposes Prosecutions of 6 Bush Officials on Allowing Torture

PARIS — Spain's attorney general on Thursday strongly criticized steps to [open a criminal investigation](#) in Madrid into allegations that six former Bush administration officials authorized the torture of detainees at [Guantánamo Bay](#), Cuba. Cándido Conde-Pumpido, the attorney general, said at a breakfast meeting with journalists in Madrid that he would oppose any legal action in Spain because the proper forum would be an American court and that any investigation should focus on those who actually mistreated detainees.

<http://www.nytimes.com/2009/04/17/world/europe/17spain.html?ref=world>

29 March 2009: Spanish judge to hear torture case against six Bush officials

<http://www.guardian.co.uk/world/2009/mar/29/guantanamo-bay-torture-inquiry>

Complaint available in Spanish at:

http://www.publico.es/resources/archivos/2009/3/27/1238184153397QUERELLA_VERSION_FINAL.pdf

Guantanamo Case

29 April 2009

Spanish Judge Opens Guantanamo Investigation

(AP) Spain's top investigative magistrate opened an investigation into the Bush administration Wednesday over alleged torture of terror suspects at Guantanamo Bay. Judge Baltazar Garzon said documents declassified by the new U.S. government suggest the practice was systematic. Garzon said he was acting under Spain's observance of the principle of universal justice, which allows crimes allegedly committed in other countries to be prosecuted in Spain.

<http://www.cbsnews.com/stories/2009/04/29/ap/world/main4977367.shtml>

You can download the writ here:

<http://www.rtve.es/contenidos/documentos/autoguantanamo.doc> (in Spanish)

Unofficial translation here:

<http://www.ccrjustice.org/newsroom/press-releases/ccr-applauds-spanish-judge%E2%80%99s-decision-open-new-criminal-investigation-u.s.-t>

Israeli case

7 May 2009

Spanish judiciary confirms its jurisdiction to investigate war crimes allegedly committed in Gaza in 2002

The International Federation for Human Rights (FIDH) welcome the decision taken on 4 May 2009 by Judge Andreu of the Audiencia Nacional (Spanish National Court) to continue investigating serious international crimes allegedly committed in Gaza in 2002, on the basis of the universal jurisdiction of the Spanish Courts.

<http://www.fidh.org/Spanish-Judiciary-confirms-its>

Spain, 4 May 2009: judge presses on with Israel probe

http://www.google.com/hostednews/ap/article/ALeqM5g7nVX6JkK9c3ofnkBpgD_5eFF84AD97VEHCG4

2 April 2009

Spanish prosecutors seek to shelve Israel case

MADRID (AFP) – Public prosecutors requested Thursday that a Spanish court shelve a complaint against seven top Israeli military figures over a deadly bombing of Gaza in 2002, a lawsuit which angered Israel. The prosecutors justified the move on the grounds that, according to information in their possession, the alleged crimes against humanity in question are already the subject of a legal procedure in Israel, a judicial official told AFP.

http://news.yahoo.com/s/afp/20090402/wl_mideast_afp/spainmideastisraelmilitaryprobejustice4thlead

4 February 2009: Spanish judiciary asserts its competence for enquiry into war crimes committed in Gaza in 2002 -
The prosecutor did not appeal the decision
<http://www.fidh.org/spip.php?article6314>

29 January 2009: Spanish judge probes Israel's attack on Hamas
<http://www.wtop.com/?nid=105&sid=1587848>

8 August 2008: Spain Issues Warrants for Six Israelis:
<http://www.cbn.com/CBNnews/424969.aspx>

Salvadorian cases

13 January 2009

Spanish judge to probe 1989 Salvador massacre

A Spanish judge opened an investigation Tuesday into 14 ex-Salvadoran military officials and will consider indicting them over the killing of six Jesuit priests and two other people in 1989 during that country's civil war.

<http://www.guardian.co.uk/worldlatest/story/0,-8245788.00.html>

13 November 2008: Jesuits Massacre Case filed
<http://www.msnbc.msn.com/id/27704097/>

Sahara case

25 September 2008

Sahara NGO asks judge Garzon to order arrest of Polisario's representative in Algeria

Madrid, Sep. 25 - Sahara NGO "Association sahraouie de défense des droits de l'homme" (ASADEDH) has called on Spanish judge Baltasar Garzon to issue an arrest warrant against the current representative of Polisario in Algeria, Brahim Ghali, accused of "genocide and torture" against the Sahrawi people, and who is expected to visit Spain early October.

<http://news.marweb.com/morocco/politics/sahara-ngo-judge-garzon-polisario-representative-algeria.txt>

Tibetan Cases

6 May 2009

Spanish judge to quiz China officials over Tibet

A Spanish judge said on Tuesday [5 May 2009] he intended to question eight Chinese leaders as official suspects in a case of genocide in connection with a crackdown on unrest that erupted in Tibet in March 2008. National Court judge Santiago Pedraz sent a letter to Chinese authorities formally requesting permission to travel to China to question the eight, including Defence Minister Liang Guanglie and Minister for State Security Geng Huichang.

17 February 2009

Press release by the Comité de Apoyo al Tibet (CAT)

The CAT, in its own name and on behalf of the co-plaintiffs (Fundacion Casa del Tibet and Thubten Wangchen), reports that at 9.30h tomorrow, 18th February, Mr Urgen Tenzin, director of the Tibetan Centre for Human Rights and Democracy (TCHRD) will declare as witness before the judge, Mr Ismael Moreno, to ratify and extend the evidence of crimes committed between 1998 and 2004 and described in the reports of the centre of which he is director, including the report "Torture in Tibet". Urgen Tenzin already declared on 4th September 2008 before the judge Pedraz for the case investigated by his court involving crimes against humanity in the brutal repression after the demonstrations of 10th March 2008.

(Press release in English and Spanish sent to UJ Listserv on 20 February 2009)

6 August 2008

Spanish Court to Hear Tibetan Genocide Case

Spain's top criminal court has agreed to hear a lawsuit brought by Tibetan rights groups accusing Chinese leaders of genocide in connection with the deadly unrest in the region in March. The suit was filed last month against seven Chinese leaders, including the defence minister, by the Tibet Support Committee and two other Tibetan groups.

<http://www.radioaustralia.net.au/news/stories/200808/s2325263.htm?tab=latest>

5 June 2006

Spain opens proceedings against China for treatment of Tibet

Judge Moreno will hear witnesses before deciding whether to file charges of genocide, crimes against humanity, state terrorism and torture against former Chinese President, ex-PM and five military and security officials.

<http://www.eitb24.com/portal/eitb24/noticia/en/politics/lawsuit-by-human-rights-group-spain-opens-proceedings-against-chi?itemId=D35212&cl=%2Feitb24%2Fpolitica&idioma=en>

16 August 2006 - Tibet vs China: the human rights showdown

http://www.opendemocracy.net/democracy-china/tibet_3826.jsp

Argentinean Cases

31 March 2008

Spain transfers 'Dirty War' officer to Argentina: police

A former Argentine navy officer accused of human rights abuses during the country's "Dirty War" has been extradited to Argentina to face trial there, Spanish police told AFP Monday [March 31, 2008]. [...] Cavallo, dubbed "Serpico" or "Marcelo", was arrested in Mexico in 2000 on the orders of Spain's leading anti-terrorist judge, Baltazar Garzon. In 2003 he was extradited to Spain, which accuses him of having participated in 227 kidnappings and acts of torture concerning 110 people in Argentina. But Argentina in 2006 called for his extradition for crimes he allegedly committed in a clandestine unit of the Navy Mechanics School in Buenos Aires. [...] The unit kidnapped and tortured people perceived as leftists during the 1976-1983 dictatorship. More than 5,000 of the roughly 30,000 people who disappeared under the dictatorship passed through this detention centre. Garzon had sought Cavallo's arrest under the principle of "universal jurisdiction" in international law, which makes atrocities committed in one country subject to criminal prosecution by courts in other countries.

http://afp.google.com/article/ALeqM5jE6HxTOTgWjYbh_3qdxflNDLA08g

29 February 2008: Spain to extradite Argentina "dirty war" suspect

<http://www.iht.com/articles/ap/2008/02/29/europe/EU-GEN-Spain-Argentina-Dirty-War.php>

<http://edition.cnn.com/2008/WORLD/americas/03/30/spain.argentine.extradition/index.html>

20 December 2006: Miguel Angel Cavallo must be judged as soon as possible

http://www.fidh.org/article.php3?id_article=3928

<http://news.bbc.co.uk/2/hi/europe/6198665.stm>

4 July 2007

Spanish court increases jail term of Argentine 'dirty war' convict

A Spanish court on Wednesday increased the sentenced of an Argentine "dirty war" convict jailed in Spain for his part in the violent suppression of dissent during his country's 1976-1983 military dictatorship.

<http://www.iht.com/articles/ap/2007/07/04/europe/EU-GEN-Spain-Argentina-Dirty-War.php>

Further background (in Spanish):

<http://www.derechos.org/nizkor/espana/juicioral/>

9 February 2007

Spain seeks to extradite members of the Argentina dirty war military government

Spain said on Friday, 9 February, it would ask Argentina to extradite 40 members of its "dirty war" military government to stand trial for atrocities committed during the 1976-1983 regime.

<http://www.alertnet.org/thenews/newsdesk/L09689400.htm>

30 December 2006

Argentinean death squad leader arrested in Spain

A former police officer accused of being in a death squad responsible for more than 600 deaths in Argentina in the 1970s was arrested in Spain on 28 December. Rodolfo Eduardo Almirón Sena, a 70-year old former police commissioner, was arrested on a warrant to face charges of murder and belonging to a criminal organisation in Argentina.

<http://www.guardian.co.uk/argentina/story/0,,1980086,00.html?gusrc=rss&feed=1>

Rwandan Cases

28 April 2008

Rwanda: RPF Indictments - Country Seeks Sanction Against French, Spanish Judges

Kigali — The Rwandan Minister for Justice, Tharcisse Karugarama, has asked international community to impose sanctions against the French and Spanish Judges, Jean Louis Bruguiere and Fernando Merelles, respectively for

issuing indictments against the Rwanda Patriotic Front (RPF) for alleged atrocities committed during the 1994 genocide.

<http://allafrica.com/stories/200804290101.html>

16 May 2008: Rwanda: Parliament to Discuss Universal Jurisdiction

<http://globalpolicy.igc.org/intljustice/universal/2008/0516discuss.htm>

8 February 2008: Spain indicts 40 Rwandan soldiers

<http://www.radionetherlands.nl/currentaffairs/080208-Rwanda-indictment>

Guatemalan Case

2 July 2008

Summaries of Guatemala genocide testimony, Round 2, Spanish National Court, 26-30 May 2008

The investigative phase of the international human rights case charging three Guatemalan former military presidents and five senior army and police officials with genocide, state terrorism, torture and other crimes against humanity opened a second round of hearings on May 26, 2008, in Madrid, Spain.

<http://www.gwu.edu/~nsarchiv/guatemala/genocide/index.htm>

5 February 2008: Summaries of Guatemala genocide testimony, Round 1, Spanish National Court, 4-8 February 2008

http://cja.org/cases/Guatemala_Press_Releases/witness_testimony_feb2008.shtml

Kate Doyle, of the National Security Archive of George Washington University, reports on the first hearings.

<http://www.gwu.edu/~nsarchiv/guatemala/genocide/round1.htm>

16 January 2008: Spanish judge makes worldwide appeal for witnesses of Guatemala war atrocities

<http://www.iht.com/articles/ap/2008/01/16/europe/EU-GEN-Spain-Guatemala-Arrest-Warrants.php>

14 December 2007: Extradition of high-ranking Guatemalan officials to Spain refused

http://www.nisgua.org/themes_campaigns/index.asp?id=3059

23 December 2006: Spain seeks Guatemalan ex-rulers

<http://news.bbc.co.uk/2/hi/americas/6205327.stm>

7 November 2006: Defendants in Genocide Case arrested in Guatemala.

http://cja.org/cases/Guatemala_Press_Releases/defendants_arrested.shtml

7 July 2006: Arrest Warrant issued by Spanish judge against Guatemalan Genocide suspects

<http://jurist.law.pitt.edu/paperchase/2006/07/spain-judge-charges-ex-generals-in.php>

http://www.trial-ch.org/en/trial-watch/profile/db/facts/efrain_rios-montt_260.html

24 June 2006: Spanish judge in Guatemala for genocide probe

<http://jurist.law.pitt.edu/paperchase/2006/06/spain-judge-begins-investigation-in.php>

Cuba Case

13 December 2007

Spanish court dismisses dissident group bid for charges against Fidel Castro

A Spanish court on Thursday [December 13, 2007] rejected a lawsuit that sought to have Cuban President Fidel Castro charged in Spain over the death of nine prisoners in the 1961 Bay of Pigs invasion. The complaint — similar to two others filed in Spain in 1998 and 2005 that were also rejected by the National Court — was filed under Spain's so-called principle of universal jurisdiction. This doctrine holds that grievous crimes can be prosecuted in Spain even if they are alleged to have been committed in another country. On Thursday [December 13, 2007], a panel of 19 judges at the court cited one of the same reasons used to dismiss the earlier complaints — that Castro is a sitting head of state and as such enjoys immunity from prosecution under the Spanish doctrine, court officials said under ground rules barring their name from being published.

<http://www.iht.com/bin/printfriendly.php?id=8727939>

Other Cases

7 June 2007

Nazi-hunter urges Spain to try top Norwegian Nazi

A Norwegian Nazi who served in the Waffen SS and was the most highly decorated Norwegian to fight for the Third Reich has been found living in Spain, officials said on 7 June. The Simon Wiesenthal Center planned to ask Spanish authorities to try Jensen under "universal jurisdiction," since Norway's statute of limitations did not allow him to be tried for war crimes and crimes against humanity, Zuroff said.

<http://www.jpost.com/servlet/Satellite?cid=1180960627955&pagename=JPost%2FJPArticle%2FShowFull>

30 April 2007

Legal Fight against Rumsfeld Heads to Spain

Attempts to prosecute Donald Rumsfeld in Germany for war crimes have failed -- again. Now lawyers are planning to go after the former US Defense Secretary in Spanish courts.

<http://www.spiegel.de/international/europe/0,1518,480215,00.html>

SWEDEN

26 May 2009

Sweden High Court rules government may extradite Rwandan Hutu

The Supreme Court of Sweden ruled Tuesday 26 May 2009 that the Swedish government would have the final authority on granting extradition of an alleged Rwandan war criminal.

<http://jurist.law.pitt.edu/paperchase/2009/05/sweden-high-court-rules-that-government.php>

Decision available here (in Swedish):

<http://www.domstol.se/Domstolar/hogstodomstolen/Avgoranden/2009/2009-05-26%20%C3%96%201082-09%20beslut.pdf>

3 February 2009

Amnesty: 'Sweden lax on war criminals'

Sweden has been strongly criticized by Amnesty International in a new report released on Tuesday. Amnesty has called on Sweden to end impunity from crimes such as torture, crimes against humanity and extrajudicial executions. Sweden's clear international profile in the fight against impunity from justice is not matched at home, Amnesty argues in a new report released on Tuesday.

<http://www.thelocal.se/17336/20090203/>

28 January 2009

'Prosecute Israel and Hamas for war crimes'

A leading Social Democrat member of parliament has urged Sweden's government to take action to ensure that Israel and Hamas are both taken to task for alleged war crimes in the Gaza conflict. In a debate at the Swedish parliament on Wednesday, Urban Ahlin, Deputy Chair of the Committee on Foreign Affairs, said that "there must be prosecutions for war crimes".

<http://www.thelocal.se/17200/20090128/>

4 December 2008

Sweden rejects Bosnian war crime pardon request

Sweden's justice ministry has denied a second pardon request from Biljana Plavsic, the former Bosnian Serb president and convicted war criminal, to have her 11-year-jail sentence ended.

<http://www.thelocal.se/16140/20081204/>

2 October 2008

Sweden: No criminal investigation launched against D. Rumsfeld and D. Cheney

On June 23, 2008 the International Public Prosecution Office in Stockholm announced not to open an investigation against the former U.S. Secretary of Defense Donald Rumsfeld and Vice President Dick Cheney. They had been reported to the police in spring 2007 by Swedish peace activists for war crimes and torture in Iraq, Afghanistan and in the Guantánamo Bay prison camp.

http://ecchr.eu/newsreader_en/items/sweden-no-criminal-investigation-launched-against-d-rumsfeld-and-d-cheney.html

20 August 2008

Rwanda formally requests Sweden to extradite genocide suspect

Rwanda has formally filed a petition to the Swedish government requesting for the extradition of Rwandan national Sylvere Ahorugeze suspected of complexity in the 1994 genocide, the Rwandan minister of Justice and attorney general Tharcisse Karugarama confirmed on Monday.

Ahorugeze has been in detention in Sweden for about a month following 11 months in a Danish prison. He was detained in Denmark but released by the court for lack of evidence.

"It's very true that we have officially made our request to the Swedish authorities for a possible extradition of the Rwandan genocide suspect who was arrested there recently" Karugarama told APA by phone. He said the request is accompanied with several documents of evidence to support Rwanda's case. He expressed faith in the Swedish authorities to fairly examine the request and accept the extradition of Ahorugeze so that he can face trial in Rwanda.

<http://africanpress.wordpress.com/2008/08/20/rwanda-formally-requests-sweden-to-extradite-genocide-suspect/>

16 July 2008: Genocide Suspect held near Stockholm

<http://www.thelocal.se/13090/20080716/>

4 July 2008

War criminals face fresh Swedish probes

Sweden's National Investigation Department (Rikskriminalpolisen) has intensified the hunt for war criminals living within the country's borders, Svenska Dagbladet reports. The newly formed War Crimes Commission has launched four preliminary investigations into people living in Sweden who are suspected of committing war crimes during the 1990s in the former Yugoslavia.

<http://www.thelocal.se/12834/20080704/>

11 September 2007

Swedish police to launch new war crimes unit

Sweden has pledged to step up the fight against suspected war criminals hiding in the country, with the head of the Swedish Police Service, Stefan Strömberg, deciding to set up a special war crimes unit. The proposed new group is to consist of ten police investigators and will fall under the remit of the National Criminal Investigation Department. Until now war crimes investigations have been carried out by three designated officers in the Stockholm, Skåne and Västra Götaland regions.

<http://www.thelocal.se/8454/20070911/>

SWITZERLAND

Legal developments

March 2009

Le Conseil national (// AN en France) a adopté le projet de loi début mars 2009. La Suisse et la France sont donc au même stade de la procédure. Le texte doit être examiné (si tout va bien, avant l'été) par le Conseil fédéral (// Sénat, en France).

Texte du projet de loi:

http://www.ejpd.admin.ch/etc/medialib/data/sicherheit/gesetzgebung/internationaler_strafgerichtshof.Par.0015.File.tmp/entw-f.pdf

Contact TRIAL for more information: www.trial-ch.org

23 April 2008

La Suisse se donne les moyens de poursuivre les crimes les plus graves; Le Conseil fédéral adopte un message

Berne, 23.04.2008 - Il est essentiel que la Suisse puisse poursuivre sans faille le génocide, les crimes contre l'humanité et les crimes de guerre, grâce à des procédures efficaces et transparentes. Le Conseil fédéral a adopté ce mercredi un message accompagnant les modifications de loi nécessaires.

Les modifications proposées du code pénal et du code pénal militaire consistent essentiellement à inscrire dans le droit suisse les crimes contre l'humanité et à définir plus précisément les crimes de guerre. Les crimes contre l'humanité désignent des actes tels que le meurtre, l'extermination, la réduction en esclavage, les disparitions forcées, la torture, les infractions sexuelles et la déportation, commis dans le cadre d'une attaque généralisée ou systématique contre la population civile. Ces actes sont déjà sanctionnés par le droit suisse, qui ne tient cependant pas compte de

l'élément d'attaque contre la population civile, qui confère aux crimes contre l'humanité un caractère particulièrement abominable.

<http://www.news.admin.ch/dokumentation/00002/00015/?lang=fr&msg-id=18451>

26 February 2007

Une police pour les crimes de guerre: en Suisse aussi?

Plusieurs pays ont instauré des unités spécialisées dans la recherche et la poursuite des criminels internationaux. Les résultats sont là. Pourquoi pas la Suisse? A l'heure où le Conseil fédéral s'apprête (enfin!) à renvoyer cette année un projet de loi au Parlement visant à introduire l'ensemble des crimes prévus par le Statut de la CPI en droit interne, TRIAL est d'avis que la Suisse devrait y réfléchir sérieusement. L'efficacité de la poursuite des criminels internationaux aurait tout à y gagner.

http://www.trial-ch.org/fr/actions/details/article/une-police-pour-les-crimes-de-guerre-en-suisse-aussi.html?tx_ttnews%5BbackPid%5D=6&cHash=5f016ff018

22 May 2007

Le Tribunal fédéral refuse à une victime de torture le droit d'obtenir justice

Genève, le 22 mai 2007. En audience publique ce matin, le Tribunal fédéral a refusé de reconnaître le droit pour un réfugié statutaire vivant en Suisse de demander à son tortionnaire réparation pour des actes de tortures subis en Tunisie. Pour TRIAL (Association suisse contre l'impunité), qui a soutenu la démarche de la victime depuis le début, le Tribunal fédéral a commis un regrettable déni de justice. L'affaire sera portée à la Cour européenne des droits de l'homme.

http://www.trial-ch.org/fr/actions/details/article/le-tribunal-federal-rejette-une-action-de-trial-et-refuse-a-une-victime-de-torture-le-droit-dobteni.html?tx_ttnews%5BbackPid%5D=6&cHash=3ea2fb3d86

TURKEY

30 April 2009

Turkey avoids trying Israel over Gaza genocide, war crimes

Turkey avoided trying Israel over genocide and crimes against humanity in its offensive into Gaza, killing 1434 Palestinians and wounded more than 5000. Turkish human rights group filed a complaint in Ankara Office of the Chief Public Prosecutor after the end of Israel's 22 day-assault.

http://www.worldbulletin.net/news_detail.php?id=40999

UNITED KINGDOM

Rwandan Cases

6 May 2009

Walton : Genocide suspect could face trial in the UK

A man from Walton accused of genocide could stand trial in the UK under changes to the law being considered by Justice Secretary Jack Straw

http://www.clactonandfrintongazette.co.uk/news/4347717.Walton_Genocide_suspect_could_face_trial_in_the_UK/

8 April 2009

Today's Release of Rwandan Genocide Suspects Underscores Urgent Need for UK Law Reform

Fifteen years ago this week, the genocide in Rwanda commenced, leading to the death of about 800,000 Tutsis and Hutu moderates. Memorials are being held around the world to commemorate the tragic events. In contrast, in the

United Kingdom, the High Court today ordered the release of four Rwandan genocide suspects from custody, in a failed bid by the Rwandan Government to secure their return to Rwanda for trial. The High Court did so despite upholding the lower court's conclusion that the evidence presented by the Rwandan Government showed that the men had a case to answer for their role in the genocide.

Statement by Redress:

http://www.redress.org/news/RWANDA_PRESS_STATEMENT8%20Apr%2009.pdf

See also:

<http://www.torontosun.com/news/world/2009/04/08/9052911.html>

1 December 2008: UK Could Try Rwandan Suspects

http://news.bbc.co.uk/2/hi/uk_news/7759097.stm

6 June 2008: Genocide Suspects Should Be Extradited - UK Court

<http://allafrica.com/stories/200806090406.html>

13 March 2007: High court blow for Rwandan genocide accused

<http://politics.guardian.co.uk/homeaffairs/story/0,,2032744,00.html>

http://www.rwandagateway.org/article.php?id_article=4459

23 February 2007: Bid to block Rwanda extradition

http://news.bbc.co.uk/2/hi/uk_news/6387555.stm

29 December 2006: UK remands four accused of Rwandan genocide

<http://www.guardian.co.uk/rwanda/story/0,,1980029,00.html>

<http://www.timesonline.co.uk/article/0,,2-2522924,00.html>

12 November 2006: UK genocide suspects face trial in Rwanda:

<http://www.timesonline.co.uk/article/0,,2089-2449724,00.html>

29 August 2006: Rwanda plea to get genocide suspect on trial

http://www.manchestereveningnews.co.uk/news/s/221/221932_rwanda_plea_to_get_genocide_suspect_on_trial.html

8 August 2006: Stop giving haven to genocide suspects, Attorney General told

<http://www.guardian.co.uk/rwanda/story/0,,1839284,00.html>

Sri Lanka Case

9 May 2008

UK won't charge ex-Sri Lanka Tiger with war crimes

Britain has released former Sri Lankan Tamil Tiger rebel Karuna Amman from prison where he was detained on immigration charges, it said on Friday [May 9, 2008], believing he could not be convicted of war crimes. Rights group Amnesty International said police should continue to investigate the former eastern rebel commander, who has been accused of abuses including torture and child soldier recruitment both before and after his 2004 split from the mainstream rebels. The British High Commission in Colombo and Home Office in London said Karuna, whose real name is V. Muralitharan, remained in immigration detention in Britain. Rights groups say Karuna could be deported to Sri Lanka, apply for asylum in Britain or simply linger for months or perhaps longer in detention while his fate is decided. [...] "The Crown Prosecution Service has advised the Metropolitan Police Service that there is insufficient evidence to provide a realistic prospect for conviction of any criminal offences in the UK." He was arrested in November in London and pleaded guilty to carrying a passport in a false name and was sentenced to nine months in prison -- which rights groups hoped would encourage witnesses on other charges to come forward.

<http://in.reuters.com/article/southAsiaNews/idINIndia-33499320080509>

1 February 2008: Rights groups eye jailed Tamil ex-rebel – A renegade former commander of Sri Lanka's Tamil Tiger rebels has been jailed for identity fraud in the UK

http://news.bbc.co.uk/2/hi/south_asia/7209746.stm

27 January 2008: Karuna to be charged for war crimes in UK

<http://www.thesundayleader.lk/20080127/NEWS.HTM>

5 November 2007: Rights groups push UK to charge ex-Sri Lanka Tiger

<http://www.reuters.com/article/featuredCrisis/idUSL05171909>

Israeli Cases

26 March 2009

Ministers' 'U-turn on war-crime law'

Senior Israeli officials have attacked the British government for renegeing on its promise to change a law that allows private citizens to bring war crimes charges against Israeli officers.

The failure to alter the legislation effectively bars Israeli top brass from entering Britain for fear they would be arrested on arrival.

<http://www.thejc.com/articles/ministers%E2%80%99-u-turn-war-crime-law%E2%80%99>

22 March 2009: U.K. backtracks on preventing war crimes charges against IDF

<http://www.haaretz.com/hasen/pages/1072807.html>

19 February 2008

Police feared 'airport stand-off'

Major General Doron Almog refused to leave the plane at Heathrow. An Israeli general wanted for alleged war crimes escaped arrest in the UK because British police feared an armed confrontation at Heathrow airport. Documents seen by BBC News reveal that Major General Doron Almog was flown back to Israel after officers refused to board his plane in September 2005. He stayed on board for two hours after a tip-off that he was facing detention. Police were concerned about a potential clash with Israeli air marshals or armed personal security on the plane. Maj Gen Almog had flown to the UK for social and charitable visits to Jewish communities in Solihull, in the West Midlands, and Manchester. Lawyers acting for Palestinian campaigners lobbied the Metropolitan Police to act amid allegations that he had ordered the destruction of more than 50 homes in the Gaza Strip in 2002. Campaigners say the homes were destroyed as retribution for a Palestinian militant attack that killed four Israeli soldiers.

17 April 2009 See also recent comments 'Unnecessary veto' by *Daniel Machover*, online available at

<http://news.bbc.co.uk/1/hi/uk/7251954.stm> and

9 April 2009: 'Should the AG have power of veto over arrests for war crimes?' by *Joshua Rozenberg*

<http://www.lawgazette.co.uk/opinion/joshua-rozenberg/should-attorney-general-have-power-veto-over-arrests-war-crimes>

7 December 2007

'War crimes' Israeli minister cancels UK trip

A former Israeli intelligence chief has pulled out of visiting Britain after being told that he could be arrested for war crimes over a 2002 bombing that killed nine Palestinian children. Avi Dichter, who is one of Ehud Olmert's most senior Cabinet ministers, withdrew from attending an Israeli-Palestinian summit at King's College, scheduled for early January, after the country's Foreign Ministry advised him not to attend. Israeli officials said that they were concerned about a law that allows for private individuals to file international war-crimes complaints which could lead to Mr Dichter being arrested during his time in the country.

<http://www.timesonline.co.uk/tol/news/uk/article3012503.ece>

8 February 2007

PM asks UK to protect IDF officers from charges

Prime Minister Ehud Olmert asked the visiting British foreign minister this week to push for a law preventing the arrest in Britain of IDF officers on suspicion of war crimes against Palestinians, Olmert's spokeswoman, Miri Eisin said Thursday, 8 February.

<http://www.jpost.com/servlet/Satellite?cid=1170359814914&pagename=JPost%2FJPArticle%2FShowFull>

Other Cases

26 March 2008

From Vukovar to Corby: the locksmith accused of role in Balkans massacre

Man wanted by Serbs had been in Britain for 10 years.

For 10 years he lived quietly in Corby, where he was a locksmith, a father of two young boys and a hardworking stalwart of the town's Serbian community. But yesterday, Milorad Pejic was in a high-security prison in central Belgrade awaiting trial for his alleged role in one of the deadliest atrocities of the Balkan wars.

<http://www.guardian.co.uk/world/2008/mar/26/warcrimes.balkans/print>

Legal/ Practical developments

21 May 2009

Excerpts from 2nd reading on the Coroners and Justice Bill

<http://d.yimg.com/kq/groups/4502475/1723972595/name/Parliamentary%20Debate%20Genocide%20legislation.doc>

8 May 2009

REDRESS & African Rights: Open letter to UK government on Rwanda Genocide

Genocide, war crimes and crimes against humanity are by definition the worst of international crimes, and yet there are known suspect living in the UK who are ostensibly beyond the reach of justice.

<http://www.redress.org/news/09-05-07%20Rwanda%20Suspects%20UK%20-%20Open%20letter.pdf>

24 March 2009

Torturers in the UK

Transcript of 'Files on 4' - BBC Radio 4 available here:

http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/24_03_09_fo4_torture.pdf

10 November 2006

Asylum law could block war criminal's extradition

A convicted war criminal who allegedly tortured people in Croatia could escape extradition due to a loophole in British asylum law.

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/11/09/uwarcrim109.xml>

13 September 2006

War crimes need to be redefined

UK Foreign Office Minister Kim Howells has said the definition of what a war crime is may need to be reviewed after Israel's invasion of Lebanon.

http://news.bbc.co.uk/2/hi/middle_east/5342788.stm

14 June 2006

Justice denied for British survivors tortured in Saudi Arabia

On 14 June 2006, the House of Lords, Britain's highest court, allowed an appeal by the Kingdom of Saudi Arabia against a 2004 decision of the Court of Appeal which had decided in favor of four UK citizens in their claim for damages against Saudi officials. Ron Jones, Alexander Mitchell, Dr. William Sampson and Leslie Walker, brought claims for damages for torture, assault and battery, unlawful imprisonment against the Saudi officials said to be responsible for these crimes, the Ministry of Interior as principle government agency responsible for the treatment of prisoners and detainees. Ron Jones brought a separate additional claim against the Saudi authorities as well as the State of Saudi Arabia. The complainants claimed that they were falsely charged and repeatedly tortured and threatened with execution by Ministry of Interior officials in Saudi Arabia. The Court of Appeal had decided on 28 October 2004 that there cannot be a blanket subject matter immunity for State officials alleged to have committed systematic torture. To find otherwise would be to deprive the right of access to a court under Article 6 of the European Convention of Human Rights of real meaning in a case where the victims of torture have no prospect of recourse in the state whose officials committed the torture. In respect of the claim brought by Ron Jones against the State of Saudi Arabia, the Court of Appeal held that the State was immune for torture from UK courts. The House of Lords upheld this argument and decided that state immunity does extend to individuals and that therefore no claim could be brought against the Saudi officials accused of torture. The claimants plan to lodge an application in the European Court of Human Rights, arguing that their right to a fair hearing has been denied.

See:

<http://www.redress.org/news/RonJonesPressStatement25April2006.pdf>

UNITED STATES

11 May 2009

Judge rejects Justice Department Request in Kansas Genocide Case

A federal judge has rejected without comment a Justice Department request to designate as complex the case of an immigrant accused in the 1994 Rwandan massacre. The government says the Kansas case may be the first U.S. criminal prosecution involving proof of genocide.

<http://www.kake.com/home/headlines/44733732.html>

6 February 2009

U.S. Professor is accused of genocide in Rwanda

TOWSON, Md. — A professor at a Maryland college has been accused of [genocide](#) in his home country, [Rwanda](#), and faces deportation, federal [immigration](#) officials said Friday. The professor, Leopold Munyakazi, 59, taught French at Goucher College in this city north of Baltimore until he was suspended with pay in December after the college learned that he had been indicted on murder and several genocide-related charges in Rwanda, according to court papers.

<http://www.nytimes.com/2009/02/07/us/07prof.html>

10 January 2009

Son of Ex-President of Liberia Gets 97 Years

The son of a former Liberian president was sentenced Friday [9 January 2009] to nearly a century behind bars for his role in orchestrating the deaths and torture of his father's enemies. Judge Cecilia M. Altonaga of Federal District Court sentenced the son, Charles McArthur Emmanuel, also known as Chuckie Taylor, to 97 years in a federal prison for torture and torture conspiracy involving seven victims and the use of a firearm in a violent crime.

<http://www.nytimes.com/2009/01/10/us/10taylor.html?partner=rss>

31 October 2008: U.S court convicts Charles Taylor's son of torture

<http://www.timesonline.co.uk/tol/news/world/africa/article5052768.ece>

7 December 2006: Son of former Liberia president Taylor pleads not guilty to US torture charges

<http://jurist.law.pitt.edu/paperchase/2006/12/son-of-former-liberia-president-taylor.php>

U.S. Alien Tort Statute (Alien Torts Claims Act)

- Corporate Accountability Cases-

27 April 2009

***Wiwa v. Shell*: Trial Date Set in New York for Ken Saro Wiwa Case**

Wiwa v. Royal Dutch Petroleum and *Wiwa v. Anderson* are filed by the Center for Constitutional Rights (CCR) and EarthRights International on behalf of relatives of murdered activists who were fighting for human rights and environmental justice in Nigeria. The cases charge the corporation and this key official for their complicity in the November 10, 1995 hanging of Ken Saro-Wiwa and other leaders in the nonviolent opposition to Shell's pattern of human rights abuses and environmental destruction.

<http://www.earthrights.org/legal/shell/>

Official Complaint:

<http://www.earthrights.org/files/Legal%20Docs/Wiwa%20v%20Shell/FourthAmendedComplaint.pdf>

12 January 2009

2nd Circuit Court of Appeal Hears Oral Arguments in Talisman Sudan Genocide Case

Talisman Energy, Inc. aided and abetted the Sudanese Government in a campaign of genocide and torture against non-Muslim African people in Southern Sudan in order to expand their oil exploration in the region.

<http://ccrjustice.org/ourcases/current-cases/presbyterian-church-sudan-et-al-v.-talisman-energy,-inc.>

12 June 2007: Ottawa opposed on Talisman war-crimes case

<http://www.canada.com/montrealgazette/news/business/story.html?id=97d40e7c-e0b4-4954-82e4-c3be7b8b4c38>

26 February 2007: Appellants Brief in *Presbyterian Church of Sudan v. Talisman Energy Inc.*

<http://ccrjustice.org/files/02.26.07%20Talisman%20Appellant%20Opening%20Brief.pdf>

12 September 2006: US judge dismisses Sudan genocide lawsuit against Canadian energy company. Opinion to be found here : <http://www.nysd.uscourts.gov/courtweb/pdf/D02NYSC/06-03562.PDF>

22 December 2008

11th Circuit Court of Appeals Upholds Verdict Exonerating Drummond Company Inc. Colombian Human Rights Violation Case

Decision available at:

<http://caselaw.findlaw.com/data2/circs/11th/0714090p.pdf>

26 July 2007: Jury Rules in Favor of Drummond

[http://www.business-](http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/DrummondlawsuitreColombia)

[humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/DrummondlawsuitreColombia](http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/DrummondlawsuitreColombia)

9 July 2007: Drummond Trial is set to open - Case may establish if US Firms are liable for abuses abroad

http://online.wsj.com/article_email/SB118393292164560314-1MyQjAxMDE3ODAzOTkwMzkyWj.html

17 December 2008

***Sarei v. Rio Tinto*: Ninth Circuit Court of Appeals Rules on Exhaustion of Remedies**

The U.S. Court of Appeals for the Ninth Circuit, sitting en banc, decided *Sarei v. Rio Tinto PLC* (judgment [here](#); background [here](#)). In a splintered decision, the majority held that there was an exhaustion requirement for Alien Tort Statute cases.

<http://atstoday.blogspot.com/search?updated-min=2009-01-01T00%3A00%3A00-08%3A00&updated-max=2010-01-01T00%3A00%3A00-08%3A00&max-results=2>

<http://ilreports.blogspot.com/2008/12/sarei-v-rio-tinto-plc-us-court-of.html>

12 April 2007: The Ninth Circuit Court of Appeals today released an order and opinion in *SAREI v. RIO TINTO, PLC*, No. 02-56256, a federal appeal. The panel consisted of Raymond C. Fisher and Jay S. Bybee, Circuit Judges, and James C. Mahan, District Judge.

<http://www.ninthcircuitopinions.com/2007/04/12/sarei-v-rio-tinto-plc/>

1 September 2006: Case of the Month: *Sarei v. Rio Tinto*

<http://opiniojuris.powerblogs.com/posts/1157061441.shtml>

7 August 2006: Court reinstates Rio Tinto lawsuit in U.S.

A United States appeals court reinstated Monday a lawsuit brought by Papua New Guinea residents against Rio Tinto PLC, accusing the London based mining concern of genocide and environmental damage. (Decision sent to listserv on 10 August 2006)

<http://www.planetark.com/dailynewsstory.cfm/newsid/37553/story.htm>

<http://www.hbslaw.com/files/Rio%20Tinto%20Opinion1154985893618.pdf> (Decision)

1 December 2008

***Bowoto v. Chevron*: Jury Finds Chevron Not Liable for Killings, Shootings, and Torture of Nigerian Peaceful Protesters**

In December 2008, almost ten years after the events, and after four weeks of trial, a jury in federal court in San Francisco found Chevron not liable for the shootings, killings and torture of unarmed, peaceful protesters on a Chevron oil platform off the Niger Delta in 1998. Plaintiffs have filed a motion requesting a new trial based on a number of legal and evidentiary issues that emerged in the proceedings.

<http://www.earthrights.org/content/view/591/62/>

27 October 2008: Daily Trial Blog of the Proceedings

<http://bowotovchevron.wordpress.com/>

3 November 2008

Appeals Court Reinstates Pollution Claims Against Union Carbide Corp. for Bhopal, India Disaster

The U.S. Court of Appeals for the Second Circuit reinstated plaintiffs' claims against Union Carbide Corporation for ongoing, massive water pollution at its infamous plant in Bhopal, India, reversing a lower court's dismissal of the case. A poisonous gas leak from this same plant killed thousands of people in 1984.

<http://www.earthrights.org/content/view/618/62/>

http://www.bloomberg.com/apps/news?pid=email_en&refer=home&sid=aSbN87.a3HIw

19 July 2007

Class Action Suit Against Chiquita Brands International, Inc. for Funding, Arming, Supporting Colombian Terrorists

Colombian families represented by EarthRights International (ERI), together with the Colombian Institute of International Law (CIIL), Judith Brown Chomsky, and Schonbrun DeSimone Seplow Harris & Hoffman LLP (SDSHH), filed a federal class-action lawsuit charging Chiquita Brands International, Inc., the multi-national produce company, with funding and arming known terrorist organizations in Colombia in order to maintain its profitable control of Colombia's banana growing regions starting in the mid-1990s.

<http://www.earthrights.org/content/view/457/62/>

Official Complaint:

http://www.iradvocates.org/Doe_v_Chiquita_Complaint_Final.pdf

10 May 2007

Indigenous Plaintiffs from Peruvian Amazon Sue Occidental Petroleum Corp. in Los Angeles Federal Court

EarthRights International (ERI) and the law firm Schonbrun DeSimone Seplow Harris & Hoffman LLP (SDSHH) today brought suit on behalf of twenty-five indigenous Achuar plaintiffs from the Peruvian Amazon against Los Angeles-based Occidental Petroleum Corp. (Oxy), alleging egregious harm caused by Oxy over a thirty-year period in the Corrientes River basin during which Oxy contaminated the rivers and lands of the indigenous Achuar communities, causing death, widespread poisoning and destruction of their way of life.

http://www.earthrights.org/legaldocs/maynas_v_occidental_official_complaint.html

12 October 2007

Appeals Court Rules That Citigroup, IBM Must Face \$400 Billion Apartheid Suit: *Khulumani v. Barclay National Bank Ltd.*

http://www.bloomberg.com/apps/news?pid=20601170&refer=special_report&sid=aeaeludxkKhU

2nd Circuit Court of Appeals Decision holding that plaintiffs may plead an aiding and abetting theory of liability

<http://caselaw.lp.findlaw.com/data2/circs/2nd/052141p.pdf>

30 January 2007

Israeli Terrorism Victims Win in Landmark Arab Bank Case: *Almog v. Arab Bank*

The *Almog v. Arab Bank* case was brought by victims or family members of victims of suicide and other bombings carried out by various terrorist organizations who allege that Arab Bank had "knowingly provided banking and administrative services to various organizations identified by the US government as terrorist organizations that sponsored suicide bombings and other numerous attacks on innocent civilians in Israel".

http://jcb.blogs.com/jcb_blog/2007/02/arab_bank_almog.html

<http://sev.prnewswire.com/banking-financial-services/20070130/DCTU03030012007-1.html>

17 January 2007

Exxon faces lawsuit on killing in Indonesia

Exxon Mobil, the world's largest oil company, must face a lawsuit that claims Indonesian soldiers guarding a natural gas processing plant in Aceh province tortured and killed local residents, the U.S. Court of Appeals in Washington ruled on 17 January.

<http://www.iht.com/articles/2007/01/17/business/ibrief.php>

U.S. Alien Tort Statute (Alien Tort Claims Act)

- Individual Accountability Cases -

17 March 2009

Appeals Court Upholds Verdict Against Former Salvadoran Vice-Minister of Defense Carranza: *Chavez v. Carranza*

The U.S. Court of Appeals for the Sixth Circuit has upheld a 2005 jury verdict holding former Vice-Minister of Defense of El Salvador Colonel Nicolas Carranza civilly liable for crimes against humanity. On November 18, 2005, a Memphis jury found Carranza responsible for overseeing the plaintiffs' torture and the killing of their family members. The jury awarded \$6 million in damages. The Center for Justice and Accountability is hopeful that this appellate decision will encourage the U.S. Justice Department to bring proceedings to revoke Carranza's citizenship based on his human rights violations. Carranza came to the United States in 1985 and became a citizen in 1991.

<http://cja.org/cases/carranza.shtml>

17 April 2009

Matar v. Dichter: Second Circuit rules Israeli ex-security chief accused in bombing cannot be sued in US

The US Court of Appeals for the Second Circuit ruled that former Israeli security chief Avraham Dichter cannot be sued in the US because he is immune under traditional common law. The decision affirms the ruling of the US District Court for the Southern District of New York. Dichter faced suit by survivors of a 2002 Israeli bombing, the target of which was alleged Hamas leader Saleh Mustafah Shehadeh. Shehadeh was killed along with his wife and nine children when a bomb detonated in a densely populated section of Gaza City. Human rights groups have widely called the attack a war crime.

<http://jurist.law.pitt.edu/paperchase/2009/04/second-circuit-rules-israeli-ex.php>

16 January 2009: 2nd Circuit Court of Appeals Hears Arguments in Israeli War Crimes Case

<http://ccrjustice.org/ourcases/current-cases/matar-v.-dichter>

Center for Justice and Accountability's amicus brief:

<http://ccrjustice.org/files/Matar%20v%20Dichter%20CJA%20Amicus%20Brief%2009.27.07.pdf>

2 May 2007: Judge dismisses case against Israeli Official

<http://ccrjustice.org/newsroom/press-releases/judge-dismisses-case-against-israeli-official-charging-him-war-crimes-killin>

8 January 2009

Court rules Somali ex-government official can be sued in US courts for violations of Human Rights: Yusuf v. Samantar

(Richmond, Virginia) Today, January 8, 2009, the United States Court of Appeals for the Fourth Circuit reversed a federal district court's decision dismissing the Center for Justice and Accountability's lawsuit against former Somali General Mohamed Ali Samantar. As a result, the case against General Samantar for his role in overseeing the widespread and systematic use of torture, rape, prolonged arbitrary detention and mass executions committed against the civilian population of Somalia in the 1980s, has been reinstated.

http://www.cja.org/cases/Samantar_PRs/Samantar_PR_Jan_2009.pdf

21 May 2008

Historic Recovery of Damages for Haitian Massacre Survivors

On May 16, victims of the infamous **Raboteau Massacre** in Haiti received over \$400,000 in court-awarded damages. The historic recovery is the result of a 14-year struggle fought by the victims and their families in the courts of Haiti and the United States. In 2000, Center for Justice and Accountability partner **Bureau des Avocats Internationaux** secured a criminal judgment against over 50 soldiers and death squad leaders responsible for the massacre.

http://cja.org/cases/Dorelien_Press_Releases/dorelien_recovery.pdf

<http://cja.org/cases/dorelien.shtml>

23 February 2007: Haitian Colonel and Member of the High Command Ordered to Pay \$ 4.3 Million For Human Rights Abuses

http://www.cja.org/cases/Dorelien_News/dorelienverdict.pdf

4 March 2008

Peruvian Human Rights Abuser Ordered To Pay \$37 Million

A federal judge in Miami ordered former Peruvian Major Telmo Hurtado Hurtado to pay \$37 million in damages to plaintiffs Teofila Ochoa Lizarbe and Cirila Pulido Baldeon and the estates of their deceased family members who were killed during the infamous Accomarca Massacre of 1985 in Peru. This is the first time that anyone has been held to account for atrocities committed in connection with the Accomarca Massacre.

http://cja.org/cases/Peru_Press_Releases/hurtado_damages_award.shtml

http://cja.org/espanol/Peru_Press_Releases/hurtado_damages_award.shtml (in Spanish)

<http://cja.org/cases/hurtado.shtml>

July 2006

***Romagoza Arce v. Garcia et al.*: \$300,000 in Damages for Salvadoran Torture Survivors**

This collection follows the Eleventh Circuit Court of Appeals' January 2006 decision upholding a \$54.6 million jury verdict against Generals Jose Guillermo Garcia and Carlos Eugenio Vides Casanova, two former Ministers of Defense who oversaw the worst period of human rights abuses in El Salvador's history.

<http://cja.org/cases/romagoza.shtml>

<http://cja.org/cases/es-ramagoza.shtml>

25 October 2006

Haitian Death Squad Leader Found Liable for Torture, Violence against Women

The U.S. District Court of the Southern District of New York ordered Constant to pay \$19 million in damages to CJA's Haitian clients. The judgment against Constant holds him responsible for torture and crimes against humanity, specifically the systematic use of violence against women, including rape, for the purpose of terrorizing the Haitian population during that country's brutal military regime in the early 1990s. The case marks the first time that anyone has been held to account for the campaign of rape that destroyed so many families in Haiti.

<http://cja.org/cases/Constant.shtml>

31 March 2006

Honduran Intelligence Chief Found Liable for Torture, Extrajudicial Killings

The Center for Justice and Accountability received a default judgment and concluded a trial on damages in our case against former Honduran military intelligence chief Col. Juan López Grijalba. The court held López Grijalba legally responsible for torture, extrajudicial killings and disappearances and ordered him to pay \$47 million to six plaintiffs. This is the first case in which a Honduran military leader has been held liable for human rights abuses committed during the 1980s.

<http://cja.org/cases/grijalba.shtml>

U.S. – Immigration Actions/Other

30 April 2009

Genocide suspect granted bond

WICHITA — An immigrant who is suspected of participating in Rwanda's 1994 genocide can be released on bond while he awaits trial on immigration charges, a judge ruled Wednesday.

U.S. Magistrate Judge Donald Bostwick agreed to release Lazare Kobagaya, 82, of Topeka, on a \$50,000 unsecured bond that would be co-signed by three of his eight children. The judge also ordered home detention and electronic monitoring.

http://www.cjonline.com/news/local/2009-04-29/genocide_suspect_granted_bond

23 February 2009

Former Salvadoran Minister of Defense Garcia Indicted for Immigration Fraud

Today, the U.S. Department of Justice charged General Jose Guillermo García, the former Minister of Defense of El Salvador, with two counts of immigration fraud. If convicted, García faces up to ten years in prison. To our knowledge, General García is the highest ranking perpetrator to be charged by the U.S. government to date. General García was a defendant in CJA's U.S. civil human rights case *Romagoza v. Garcia*. He was found responsible for torture. In 2006, the Eleventh Circuit Court of Appeals upheld the \$54.6 million jury verdict in the case.

<http://cja.org/GarciaPRfeb2009.pdf>

<http://cja.org/cases/romagoza.shtml>

28 October 2008

Haitian Death Squad Leader Convicted of Mortgage Fraud, Human Rights Violations a Factor in Sentencing

Emmanuel Toto Constant was sentenced to 12 to 37 years in prison for his role in a criminal mortgage fraud scheme in New York. Constant's criminal trial and subsequent conviction is the result of measures taken by the Center for Justice and Accountability to educate the U.S. government on Constant's background as a human rights abuser.

http://cja.org/cases/constant_mortgage_fraud.shtml

3 April 2007

U.S. holds suspects in war crimes

Barreiro was among three former South American military officers suspected of war crimes whose arrests were announced Monday by U.S. Immigration and Customs Enforcement, which has renewed its efforts to crack down on alleged human rights violators living as fugitives in the United States.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/04/03/AR2007040300979.html>

21 November 2006

Bosnian gets more than five years in fraud; suspect not charged with war crimes

It is undisputed that Marko Boskic helped slaughter civilian Muslim men in a 1995 massacre of more than 1,200 at Srebrenica during the Bosnian War and then lied about his military service to win refugee status and residency in the United States. But a federal judge sentenced Boskic yesterday to just five years and three months in prison, saying he couldn't impose a stiffer sentence, because Boskic had been convicted of immigration fraud, not murder, manslaughter, or war crimes.

http://www.boston.com/news/local/articles/2006/11/21/bosnian_gets_more_than_5_years_in_fraud/

11 September 2006

Worried CIA officers buy legal insurance

CIA counterterrorism officers have signed up in growing numbers for a government-reimbursed, private insurance plan that would pay their civil judgments and legal expenses if they are sued or charged with criminal wrongdoing, according to current and former intelligence officials and others with knowledge of the program. The CIA has encouraged many of its officers to take out the insurance, current and former intelligence officials said, but no one interviewed would reveal precisely how many have bought policies.

http://www.washingtonpost.com/wp-dyn/content/article/2006/09/10/AR2006091001286_pf.html

Other developments

12 February 2009

Two-Thirds of Americans Want to See Bush Investigations for Torture and Wiretapping; 40 Percent Want Prosecutions

In a USA Today Gallup poll released today, two-thirds of Americans say they want investigations into the role of Bush administration officials in torture and warrantless wiretapping, and 40 percent want to see prosecutions.

<http://ccrjustice.org/newsroom/press-releases/two-thirds-americans-want-see-bush-investigations-torture-and-wiretapping%3B-4>

Establishment of specialized units: Departments of Commerce, and Justice, Science, and related Agencies Appropriations Bill, 2009

“The Committee is concerned by the large number of suspected human rights violators from foreign countries who have found safe haven in the United States and directs the FBI to increase efforts to investigate and support the criminal prosecution by the Department of Justice of serious human rights crimes committed by these foreign nationals, including genocide, torture, war crimes and other offenses committed by serious human rights violators. The Committee recommends, within available funds, \$1,500,000 for an additional ten agents and associated support personnel at FBI headquarters to detect, investigate, and support the criminal prosecution of individuals who violate the Federal laws on serious human rights crimes, including but not limited to criminal statutes on genocide, torture and war crimes”.

http://www.thomas.gov/cgi-bin/cpquery/?&sid=cpl10rlxPT&refer=&r_n=sr397.110&db_id=110&item=&sel=TOC_176456&

Additional Information: the Committee further directed that \$1,800,000 be allocated for an additional 10 attorneys, six analysts and associated support personnel in the Criminal Division to investigate and prosecute individuals who violate the Federal Laws on serious human rights crimes, including but not limited to criminal statutes on genocide, torture and war crimes.

(Document available with REDRESS/FIDH, sent by HRW).

3 October 2008

United States: Bush signs law on Child Soldiers

The Child Soldiers Accountability Act makes it a federal crime to recruit knowingly or to use soldiers under the age of 15 and permits the United States to prosecute any individual on US soil for the offense, even if the children were

recruited or served as soldiers outside the United States. The law imposes penalties of up to 20 years, or up to life in prison if their action resulted in the child's death. It also allows the United States to deport or deny entry to individuals who have knowingly recruited children as soldiers.

<http://www.hrw.org/legacy/english/docs/2008/10/03/usint19912.htm>

23 December 2007

United States: Bush signs Genocide Bill

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s888enr.txt.pdf

AFRICAN UNION

16 April 2009

Report: The AU-EU Expert Report on the Principle of Universal Jurisdiction

The decision of the Assembly of the African Union (AU) on the Report of the Commission on the Abuse of Universal Jurisdiction¹ on 1 July 2008 in Sharm el Sheik requested, among other things, the Chairperson of the AU Commission urgently to arrange a meeting between the African Union and the European Union (EU) to discuss the issue of the exercise of universal jurisdiction by European states, with a view to finding a lasting solution to concerns expressed by the African side. Consequently, the 10th and 11th meetings of the AU-EU Ministerial Troika addressed the issue of universal jurisdiction in the context of the relationship between the AU and EU.

<http://register.consilium.europa.eu/pdf/en/09/st08/st08672.en09.pdf>

1-3 February 2009

'Decision on the implementation of the Assembly Decision on the Abuse of the Principle of Universal Jurisdiction'

Adopted by the Assembly of the AU in its 12 session from 1-3 February 09 (Assembly/AU/Dec.213(XII))

[http://www.africa-union.org/root/UA/Conferences/2009/Jan/Summit_Jan_2009/doc/CONFERENCE/ASSEMBLY%20AU%20DEC%20%20208-240%20\(XII\).pdf](http://www.africa-union.org/root/UA/Conferences/2009/Jan/Summit_Jan_2009/doc/CONFERENCE/ASSEMBLY%20AU%20DEC%20%20208-240%20(XII).pdf)

29 January 2009

Opening Statement by the Chairperson of the Executive Council, Hon. Bernard K. Member MP, Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, at the 14th Ordinary Session of the African Union Executive Council, on 29th January 2009, Addis Ababa, Ethiopia

http://www.africa-union.org/root/au/Conferences/2009/january/summit/EXCL/speeches/EX_CL_MFA_TANZANIA.DOC

28 January 2009

African Union: Press Senegal on Habré Trial, Chad Ex-Dictator's Victims Criticize Years of Inaction on Prosecution

More than 30 months after it asked Senegal to prosecute the former dictator of Chad, Hissène Habré, the African Union should ensure that the trial moves forward, five African and international human rights groups said today. African heads of state will come together in Addis on Sunday, February 1 for an AU summit.

<http://www.fidh.org/spip.php?article6301> (English)

<http://www.fidh.org/spip.php?article6300> (French)

For more Human Rights Watch reporting on the case against Hissène Habré, please visit:

<http://www.hrw.org/en/habre-case>

30 June 2008

Egypte: L'UA priée de condamner le principe de compétence universelle

Sharm El Sheikh, 30 juin (PANA) - Le Comité des représentants permanents (COREP) de l'Union africaine (UA) recommande "aux Etats membres de condamner sans équivoque les arrestations arbitraires de dignitaires africains

par certains Etats non africains", selon un rapport soumis au Conseil exécutif des ministres des Affaires étrangères et dont la PANA a obtenu une copie. Le conseil exécutif entame samedi sa deuxième journée de travail à Sharm El Sheikh en Egypte. Les ambassadeurs membres du COREP dénoncent le fait que ce principe de compétence universelle ne s'applique qu'aux responsables africains.

http://www.gabonews.ga/actualite/actualites_2007.php?Article=3620

24 June 2008

Press Release by the AU Commission on the 11th session of the AU Assembly

Took place from 24- 25 June and in which Ambassadors discussed, inter alia, the Report of the Commission on the Use of the Principle of Universal Jurisdiction by some non-African states as recommended by the Conference of Ministers of Justice and Attorneys General.

[http://www.africa-](http://www.africa-union.org/root/au/Conferences/2008/june/summit/press/SHARM%20PR%201%20PRC%2024[1].06.08.doc)

[union.org/root/au/Conferences/2008/june/summit/press/SHARM%20PR%201%20PRC%2024\[1\].06.08.doc](http://www.africa-union.org/root/au/Conferences/2008/june/summit/press/SHARM%20PR%201%20PRC%2024[1].06.08.doc)

18 April 2008

Statement made by His Excellency Tharcisse KARUGARAMA, Minister of Justice/Attorney General of the Republic of Rwanda in the meeting of AU Ministers of Justice and Attorneys General held in Addis Ababa, Ethiopia

The Issue of "Universal Jurisdiction" where foreign Judges allocate themselves the duty and responsibility to take over, control and dominate judicial process in Independent Sovereign States for the Purpose of Political Gain: (...) Rwanda would like to table before you a matter of great concern to our country in particular and to Africa in general. This is the issue of the so called "Universal Jurisdiction" where foreign Judges allocate themselves the duty and responsibility to take over, control and dominate judicial process in independent sovereign states for purposes of political gain.

It is an issue where these foreign Judges seek to recolonise Africa through a form of "Judicial Coup d'Etat" under the guise of "Judicial Independence" and "Universal Jurisdiction". These Judges seek to exercise political power over independent sovereign states hiding behind "Judicial Independence" intentionally abused to serve their neo-colonial ambitions to control and dominate the targeted countries.

Document sent by Reed Brody to the Universal Jurisdiction Listserv, April 20, 2008

24 January 2006

Declaration on the Hissène Habré Case and the African Union

The Assembly:

1. TAKES NOTE of the briefing by President Abdoulaye Wade of Senegal and President Olusegun Obasanjo, the outgoing Chairperson of the African Union, on the Hissène Habré case and reiterates the AU's commitment to fighting impunity in line with the relevant provisions of the Constitutive Act (...)

http://www.trial-ch.org/fileadmin/user_upload/documents/trialwatch/au_habre_resolution_e.pdf

EUROPEAN UNION

22 April 2009

FIDH and REDRESS Letter on Universal Jurisdiction

We are writing in advance of the meeting of the Council Africa Working Group (COAFR) in Brussels and in respect of the AU- EU Expert Report on the Principle of Universal Jurisdiction ('the Report'), which was released on 16 April 2009.

<http://www.fidh.org/FIDH-REDRESS-LETTER-ON-UNIVERSAL>

16 April 2009

Report: The AU-EU Expert Report on the Principle of Universal Jurisdiction

The decision of the Assembly of the African Union (AU) on the Report of the Commission on the Abuse of Universal Jurisdiction¹ on 1 July 2008 in Sharm el Sheik requested, among other things, the Chairperson of the AU Commission urgently to arrange a meeting between the African Union and the European Union (EU) to discuss the issue of the exercise of universal jurisdiction by European states, with a view to finding a lasting solution to concerns expressed by the African side. Consequently, the 10th and 11th meetings of the AU-EU Ministerial Troika addressed the issue of universal jurisdiction in the context of the relationship between the AU and EU.

<http://register.consilium.europa.eu/pdf/en/09/st08/st08672.en09.pdf>

16 September 2008

Communiqué: 10th Africa-EU Ministerial Troika

In the framework of the Africa-EU dialogue, the 10th Ministerial Meeting of the African and EU Troikas took place in Brussels, Belgium on 16 September 2008.

(...) g. Discussion on the Principle of Universal Jurisdiction: Ministers discussed and underlined the necessity to fight impunity in the framework of the international law to ensure that individuals who commit grave offences such as war crimes and crimes against humanity are brought to justice. The European Union took note of the African concern as expressed at the AU summit in Sharm el sheikh. The AU expressed concern over the abusive application of the principle, which could endanger international law. The EU reiterated its attachment to the fight against impunity. Ministers therefore agreed that further discussions should be held on the subject between the African Union and the European Union.

http://www.europa-eu-un.org/articles/en/article_8149_en.htm

15 April 2008

European Parliament: Annual Report on human rights in the world 2007 and the European Union's policy on the matter

Para. 32: 'Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice';

Para. 143: 'Reiterates the importance of European Union internal policy promoting adherence to international human rights law and the need for Member States to legislate in a way consistent with, inter alia, the obligations arising out of the Geneva Conventions and the Additional Protocols thereto, the Convention against Torture, the Genocide Convention and the Rome Statute of the ICC; welcomes the progress made in the application of universal jurisdiction in some Member States; in pursuit of greater coherence of internal and external policies, encourages the Council, the Commission and the Member States to incorporate the fight against impunity for serious international crimes in the development of a common European Union area of freedom, security and justice'.

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2008-0153&language=EN>

3 April 2007

Call to end European safe havens for Rwandan perpetrators

FIDH and REDRESS organise a conference on 3 April 2007 in Brussels entitled "Ensuring justice and accountability - How to hold Rwandese genocide suspects accountable in Europe". 13 Years after the Rwandan genocide, it is unacceptable that perpetrators continue to live freely in Europe, said The International Federation for Human Rights (FIDH) and the Redress Trust (REDRESS) on the occasion of their Conference marking the 13th Anniversary of the genocide of Tutsis in Rwanda, in which up to 1 million were brutally massacred.

http://www.fidh.org/article.php3?id_article=4150 (French)

http://www.redress.org/news/PressStatement_Rwanda_3_Apr_07.pdf

21 November 06

International Solutions for international crimes

The prosecution of the perpetrators of some of the most appalling crimes imaginable – genocide, crimes against humanity, war crimes and torture- was a question considered by MEPs and experts at a hearing this week. The aim of the hearing was to add impetus to national, European and international efforts to tackle the most serious international crimes.

http://www.europarl.europa.eu/news/public/story_page/012-183-331-11-48-902-20061122STO00182-2006-27-11-2006/default_en.htm (English)

http://www.europarl.europa.eu/news/public/story_page/012-183-331-11-48-902-20061122STO00182-2006-27-11-2006/default_fr.htm (French)

26 October 2006

European Parliament on the proceedings against Rios Montt

The European Parliament on 26 October 2006 adopted a resolution asking the Guatemalan authorities to cooperate 'fully and do everything in their power to shed light on human rights violations and to ensure that those responsible are brought to justice and that the finding of investigations are made public, as called for in the international arrest warrant issued on 7 July 2006 by the Spanish Audiencia Nacional. The European Parliament further welcomes 'the progress made in the application of the principle of universal jurisdiction in respect of crimes against humanity, genocide and torture

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0466+0+DOC+XML+V0//EN&language=EN>

The motions for the resolution are available here:

<http://www.europarl.europa.eu/sides/getDoc.do?jsessionId=6A3AB11A237B3ADA0C191377E438656A.node1?objRefId=130028&language=EN> (PSE Group (Socialist Group in the European Parliament)

<http://www.europarl.europa.eu/sides/getDoc.do?objRefId=130035&language=EN>
(Greens) (Spanish only)

<http://www.europarl.europa.eu/sides/getDoc.do?objRefId=130065&language=EN>
(PPE Group (Christian Democrats) (Spanish only)

<http://www.europarl.europa.eu/sides/getDoc.do?objRefId=130058&language=EN>
(Left) (Spanish only)

<http://www.europarl.europa.eu/sides/getDoc.do?objRefId=130063&language=EN>
(ALDE) (Liberals)

UNITED NATIONS

February 2009

Report by Amnesty International: International Law Commission: The obligation to extradite or prosecute (aut dedere aut judicare)

This report is the first of a series about the work of the International Law Commission (ILC) on human rights concerns. In 2004 the ILC decided to include the issue "obligation to extradite or prosecute (aut dedere aut judicare)" in its program of work and subsequently appointed Zdzislaw Galicki as Special Rapporteur. Amnesty International is following the work of the Special Rapporteur with particular interest because of the close relationship between this obligation and the exercise of universal jurisdiction by states regarding crimes under international law.

<http://www.amnesty.org/en/library/asset/IOR40/001/2009/en/a4761626-f20a-11dd-855f-392123cb5f06/ior400012009en.pdf>

21 January 2009

**Request for the inclusion of an additional item in the agenda of the sixty-third session
Abuse of the principle of universal jurisdiction**

Letter from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

<http://daccessdds.un.org/doc/UNDOC/GEN/N09/226/53/PDF/N0922653.pdf?OpenElement>

5 May to 6 June and 7 July to 8 August 2008

Annual Report of the International Law Commission on its sixty second session

(A/63/10) - Chapter IX: The Obligation to extradite or prosecute (Aut Dedere Aut Judicare) (page 342-347)

<http://untreaty.un.org/ilc/reports/2008/2008report.htm>

5 March 2007: The obligation to extradite or prosecutor (aut dedere aut judicare) – comments and information received from Governments http://untreaty.un.org/ilc/documentation/english/a_cn4_579.pdf

1 May to 9 June and 3 July to 11 August 2006: Annual Report of the International Law Commission on its fifty-eighth session (A/61/10) - Chapter IX: The Obligation to extradite or prosecute (Aut Dedere Aut Judicare) (page 394-399)

<http://untreaty.un.org/ilc/reports/2006/2006report.htm>

7 June 2006: Preliminary report on the obligation to extradite or prosecute (“aut dedere aut judicare”) by Mr. Zdzislaw Galicki, Special Rapporteur

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/379/01/PDF/N0637901.pdf?OpenElement>

27 March 2007

Council Concludes Dialogue with experts on protection of human rights while countering terrorism and torture

Responses by representatives of Senegal, Switzerland, Norway, the Netherlands, United States referred to a need for the establishment of (universal) jurisdiction over torture, subject to various conditions.

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/DBFE47D052763787C12572AB003AB928?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/DBFE47D052763787C12572AB003AB928?OpenDocument)

15 January 2007

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak

In Section III of his report, the Special Rapporteur discusses the obligation of States parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to establish universal jurisdiction. The Special Rapporteur notes that, with few exceptions, States remain reluctant to make use of their rights and obligations to exercise universal jurisdiction. The Special Rapporteur discusses recent practice and the developments related to the case of the ex-dictator of Chad, Hissène Habré. Given that impunity is one of the main reasons for the widespread practice of torture in all regions of the world, he calls upon States to exercise universal jurisdiction to fight impunity and deny torturers any safe haven in the world.

<http://www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.33.pdf>

20 December 2006

FIDH applauds the Adoption by the U.N. General Assembly of the “International Convention for the Protection of All Persons From Enforced Disappearance”

In certain circumstances, enforced disappearances can constitute a crime against humanity and therefore be subject to an international criminal prosecution.

http://www.fidh.org/article.php3?id_article=3914

<http://www.ohchr.org/english/law/disappearance-convention.htm>

(Text of the Convention)

14 December 2006

Appeal to the UN Security Council to ensure that the Mandate of the International Criminal Tribunal is fulfilled

Amnesty International urges the Security Council and Member States to ensure that the following steps are taken: ... call on states to exercise universal jurisdiction over cases which the ICTR seeks to transfer and to support the effective completion strategy of the ICTR by exercising universal jurisdiction over cases which the ICTR seeks to transfer.

<http://web.amnesty.org/library/Index/ENGIOR400452006?open&of=ENG-393>

18 September 2006

High Commissioner Arbour opens HRC Session

It may also become necessary to complement the work of the Commission of Inquiry, created by the Security Council in 2004, and which in early 2005 established that officials of the Government of Sudan and associated militia were responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. All efforts must be deployed to support the work of the ICC and to lay the foundations for the exercise of universal jurisdiction by Member States in the face of crimes of this magnitude"....

<http://www.unpo.org/content/view/5454/236>

ARTICLES & REPORTS on UNIVERSAL JURISDICTION

May 2009

The U.S. Can't Be the World's Court – New York isn't the right venue to sue for apartheid abuses – John B. Bellinger III

<http://online.wsj.com/article/SB124338378610356591.html#printMode>

April 2009

The ICC launches knowledge- transfer platform: the new version of the Legal Tools

Late April 2009, the International Criminal Court (ICC) launched the new version of the Legal Tools, an online library on international criminal law and justice which will empower victims and others who seek a judicial response to atrocities by providing a central vehicle to obtain information on international criminal law.

<http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/>

March 2009

Amnesty International, “Bulgaria - End impunity through universal jurisdiction”

Available online at:

<http://www.amnesty.org/en/library/asset/EUR15/001/2009/en/2a3dec3a-e4df-49db-96b3-dbf962400f9f/eur150012009en.pdf>

February 2009

Report by Aegis Trust: The Enforcement of International Criminal Law

Online available at:

http://www.aegistrust.org/images/PDFs/enforcement_of_international_criminal_law.pdf

December 2008

Jurisdiction in International Law

Cedric Ryngaert: Chapter 4: The Principles of Extraterritorial Criminal Jurisdiction (pp. 85-134)

To order online:

<http://www.oup.com/us/catalog/general/subject/Law/PublicInternationalLaw/GeneralPublicInternationalLaw/?view=usa&ci=9780199544714>

December 2008

Amnesty International, “Sweden - End impunity through universal jurisdiction”

Available online at:

<http://www.amnesty.org/en/library/asset/EUR42/001/2009/en/35c14013-ee8-11dd-b1bd-6368f1b61c3f/eur420012009en.pdf>

November 2008

The Journal of International Criminal Justice Volume 6, Number 5, November 2008 features several articles on universal jurisdiction. Abstracts and full articles (to subscribers only) are available at

<http://jicj.oxfordjournals.org/current.dtl>

- *Commentator*: The Spanish Indictment of High-ranking Rwandan Officials

- *Vanessa Thalmann*: French Justice's Endeavours to Substitute for the ICTR

October 2008

Amnesty International: “Germany - End impunity through universal jurisdiction”

Available online at

<http://www.amnesty.org/en/library/asset/EUR23/003/2008/en/73077b6c-9c5b-11dd-b0c5-35f205e84de0/eur230032008en.pdf>

September 2008

**The Trial of Donald Rumsfeld –
A Prosecution by Book**

Michael Ratner, 192pp

Excerpt of the first two sections online available at:

<http://ccrjustice.org/trialofrumsfeld>

11 - 15 July 2008

22nd International Conference of the International Society for the Reform of Criminal Law held in Dublin, Ireland

Joseph Rikhof: "Fewer Places to Hide? The impact of domestic war crimes prosecutions on international law", Conference Paper 2008, available online at

<http://www.isrcl.org/Papers/2008/Rikhof.pdf>

10 July 2008

Pulling back the blanket

The rules that protected world leaders from prosecution are being rewritten

"THERE is no longer any doubt as to whether the current [Bush] administration has committed war crimes," Antonio Taguba, a retired American general who conducted the first investigation into prisoner abuse at Abu Ghraib, declares in a new report on the maltreatment of detainees: "The only question that remains is...whether those who ordered the use of torture will be held to account."

http://www.economist.com/world/international/displaystory.cfm?story_id=11707994

July 2008

REDRESS/ Hickman& Rose: Ending impunity for genocide, crimes against humanity, war crimes, torture and other crimes under international law- The urgent need to strengthen universal jurisdiction legislation and to enforce it vigorously, available online at

<http://www.redress.org/documents/Universal%20Jurisdiction%20in%20the%20UK%20Discussion%20Paper%20Final%209July%2008.pdf>

From June 2006 to July 2008

EU Update on Serious International Crimes

FIDH and REDRESS, all four editions available online at

http://www.redress.org/journals_newsletters.html

March 2008

Criminal Law Forum Volume 19, Number 1

- *Ryngaert, Cedric*: Applying the Rome Statute's Complementarity Principle: Drawing Lessons from the prosecution of Core Crimes by States Acting under the Universality Principle.

<http://www.springerlink.com/content/514787r7468jp2m0/fulltext.pdf>

22 November 2007

**For universal jurisdiction:
against Fletcher's antagonism**

Albin Eser: Of course, it appears unfriendly to make a contribution "against" the person who is to be honored. But when George P. Fletcher wrote his editorial comment "Against Universal Jurisdiction," I expressed the hope that someone would carry forth the dialogue by responding. Here is a response in terms of a plea "for universal jurisdiction" to show that most of his antagonism is to be rejected.

http://www.freidok.uni-freiburg.de/volltexte/3563/pdf/Eser_For_universal_jurisdiction.pdf

5 July 2007

How the mighty are falling

The beginning of the end of impunity for the world's once all-powerful thugs

AS THE world's first permanent war-crimes court celebrates its fifth birthday this week, the mood is upbeat: formal investigations are under way in four countries; it has issued eight arrest warrants; it is about to gain its 105th

member, Japan; its first trial begins in the autumn, and America, once hostile, now sounds decidedly more friendly. Indeed, the administration recently said it would, if asked, consider assisting the court's work on Darfur.

http://www.economist.com/world/international/displaystory.cfm?story_id=9441341

See also: Impunity ends for once powerful thugs, 4 June 2007

http://www.economist.com/world/international/displaystory.cfm?story_id=9281021

12 June 2007

Universal Jurisdiction: A European Opportunity?

The recent Iraq war has raised a number of questions among scholars of international law about the universal jurisdiction of international crimes by individuals. In recent years, many observers have focused on "if" and "how" it might be possible to judge high-placed officials of the states involved, regarding alleged war crimes and crimes against humanity.

<http://www.worldpress.org/Europe/2823.cfm>

3 April 2007

Fostering a European Approach to accountability for genocide, crimes against humanity, war crimes and torture- Extraterritorial jurisdiction and the European Union

The Report illustrates the advance made in recent years in the implementation of international criminal law in practice and highlights the remaining challenges and the further beneficial roles the EU institutions may play, together with national governments, to overcome these.

http://www.fidh.org/IMG/pdf/FINAL_FIDH-REDRESS_REPORT.pdf

28 February 2007

Europe's Runaway Prosecutions

An Italian court announced this month that it is moving forward with the indictment and trial of 25 CIA agents charged with kidnapping a radical Muslim cleric. These proceedings may well violate international law, but the case serves as a wake-up call to the United States. Overseas opponents of American foreign policy are increasingly turning to judicial proceedings against individual American officials as a means of reformulating or frustrating U.S. aims, and action to arrest this development is needed.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/02/27/AR2007022701160.html>

January 2007

International Prosecution of Human Rights Crimes

Kaleck, W; Ratner, M.; Singelstein, T.; Weiss, P. (Eds.)

The demand for accountability for human rights violations is heard throughout the world as never before. This volume explores current developments in the prosecution of human rights crimes on the national and international level. Experts from several countries discuss relevant topics from the academic debate, describe the practice in different countries, and analyze problems which have arisen in this new and exciting field of law.

To order online:

<http://www.springer.com/law/book/978-3-540-36648-5>

21 November 2006

Prosecute Rumsfeld? Not ridiculous

Rather than being a farfetched idea from the American left, the principle of universal jurisdiction under which Rumsfeld and his potential co-defendants would be charged is enshrined in Article 49 of the First Geneva Convention: "Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches [of the Geneva Convention,] and shall bring such persons, regardless of their nationality, before its own courts." Courts in Germany, Belgium, Denmark, France, Germany, the Netherlands, Norway, Spain, Britain and Canada all have universal jurisdiction laws allowing prosecution of perpetrators of the most serious human rights abuses, such as torture and other war crimes.

<http://www.thenation.com/doc/20061204/brechersmith>

23 September 2006

Contre l'impunité des criminels de guerre, la compétence universelle, vite!

Les événements du Liban posent à nouveau la question de l'impunité des crimes de guerre. Or, si des responsables ont été poursuivis lors de certains conflits, on ne peut que constater l'impunité totale des États puissants. De graves

infractions aux traités humanitaires internationaux restent impunies, qu'il s'agisse de torture, traitements inhumains, détentions illégales, interdits dans les Conventions de Genève de 1949, ou d'attaques et bombardements de cibles et populations civiles ou pouvant causer des dommages graves à ces populations, totalement interdits dans le premier Protocole additionnel aux Conventions de Genève de 1977. Celui-ci précise que la présence de non civils isolés «*ne prive pas la population de sa qualité civile*». Ratifié par 160 pays, il ne l'est pas par les États-Unis ou Israël.

http://www.lefigaro.fr/debats/20060923.FIG000000633_contre_l_impunite_des_criminels_de_guerre_la_competence_universelle_vite.html

September 2006

The Journal of International Criminal Justice Volume 4 Number 3, July 2006 features several articles on universal jurisdiction. Abstracts and full articles (to subscribers only) are available at <http://jicj.oxfordjournals.org/current.dtl>

- *Ferdinandusse, Ward*: On the Question of Dutch Courts' Universal Jurisdiction- A response to Mettraux
- *Mettraux, Guénaël*: Dutch Courts' Universal Jurisdiction over Violations of Common Article 3 qua War Crimes.

July 2006

The Journal of International Criminal Justice Volume 4 Number 3, July 2006 features several articles on universal jurisdiction. Abstracts and full articles (to subscribers only) are available at <http://jicj.oxfordjournals.org/current.dtl>

- *Hervé Ascensio*: The Spanish Constitutional Tribunal's decision in Guatemalan Generals: Unconditional Universality is back.
- *Christiane E.A. Bakker*: Universal Jurisdiction of Spanish Court over Genocide in Tibet: Can it work?
- *Antonio Cassese*: The Twists and Turns of Universal Jurisdiction: Foreword
- *Claus Kress*: Universal Jurisdiction over International Crimes and the Institut de Droit international
- *Salvatore Zappalà*: The German Federal Prosecutor's Decision not to prosecute a Former Uzbek Minister- Missed Opportunity or Prosecutorial Wisdom?

27 June 2006

Universal Jurisdiction in Europe

Entitled Universal Jurisdiction in Europe: The State of the Art, the report looks into the prosecution of serious human rights violations in 8 European countries (Belgium, France, Germany, The Netherlands, Denmark, Spain, The UK and Norway). <http://www.hrw.org/en/reports/2006/06/27/universal-jurisdiction-europe>

May 2006

The Journal of International Criminal Justice Volume 4 Number 2 features several articles on universal jurisdiction. Abstracts and full articles (to subscribers only) are available at <http://jicj.oxfordjournals.org/current.dtl>

- *Guénaël Mettraux*: Dutch Courts' Universal Jurisdiction over Violations of Common Article 3 qua War Crimes.
- *van der Wilt, Harmen G.*: Genocide, Complicity in Genocide and International v. Domestic Jurisdiction, A reflection on the van Anraat case.

5 April 2006

Guest Lecture Series of the Office of the Prosecutor

Vestberg, Birgitte: Prosecuting and Investigating International Crimes in Denmark.

Available online at

http://www2.icc-cpi.int/NR/rdonlyres/9C4449DE-B59B-40E2-BF72-062764FFCBEB/0/Vestberg_paper.pdf

3 February 2006

United Kingdom: Government attempts to undermine its legal obligation to bring war criminals to justice

Amnesty International is alarmed by reports, published today in the London-based newspaper The Guardian, that the UK government is considering moves which would undermine efforts to bring war criminals to justice.

It is reported that such considerations began following protestations by the Israeli authorities after a UK court issued a warrant in September 2005 for the arrest of Israeli army General Doron Almog, which the UK authorities failed to execute. Report available: <http://web.amnesty.org/library/Index/ENGEUR450022006?open&of=ENG-GBR>

January 2006

Macedo, Stephen: Universal Jurisdiction- National Courts and the Prosecution of Serious Crimes under International Law, University of Pennsylvania Press, 392 pages.



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