

EU UPDATE ON INTERNATIONAL CRIMES

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REDRESS & FIDH Conference on Accountability for Rwandan Genocide Suspects in Europe

On 3 April 2007, REDRESS and FIDH organized the conference *'Ensuring Justice and Accountability- How to hold Rwandan genocide suspects accountable in Europe'*. The conference, which coincided with the 13th anniversary of the genocide in Rwanda, took place in Brussels and sought to address the large number of alleged perpetrators who continue to live freely in Europe. It brought together victims of the genocide, civil society groups, academics and lawyers, as well as civil servants from the European Institutions and the Council of Europe. Participants explored steps taken by the Rwandan Government, the international community and in particular by European countries and the European Union to track down and bring to justice alleged perpetrators. Participants identified various recommendations for the EU Network of Contact Points on Genocide, Crimes against Humanity and War Crimes, that subsequently met on 6-7 May 07 in The Hague to discuss collaboration between EU Member States in relation to Rwanda genocide investigations and prosecutions taking place in EU countries.

Humbert de Biolley, Deputy Director of the Council of Europe's Liaison Office to the EU, emphasized the important role of the Council of Europe in facilitating cooperation among European countries in the investigation of serious international crimes.

In her introductory speech, Bernadette Trachte of the 'Collectif des parties civiles, Belgique' addressed the need for justice from a victims' perspective and described the long struggle of victims to obtain justice on the basis of universal jurisdiction in Belgium.

[con't, p. 2]

WELCOME

Welcome to the third edition of the *EU Update on International Crimes*, a Newsletter on international crimes, published by REDRESS and FIDH.

The Newsletter outlines the main developments in the field of international (criminal) justice with a focus on European countries while at the same time highlighting the activities and competencies of the European Union.

This edition covers the FIDH & REDRESS conference on accountability for Rwandan Genocide Suspects in Europe, held in Brussels on 4 April 2007. It features an interview with the General Secretariat of the Council of the European Union as well as with the Fugitives Unit of Interpol. It highlights legislative developments and jurisprudence related to extraterritorial jurisdiction from June 2006 to July 2007.

For further information on the conference, any additional input or comments please contact:

Jürgen Schurr
Project Coordinator 'EU Approach to
Serious International Crimes'
Rue de la Linie 11-15
Brussels, Belgium

Tel.: 0032 2609 4424
Fax: 0032 2609 4433
e-mail: juergen@redress.org

To receive updates on cases and developments based on universal jurisdiction, send a blank email to: uj-info-subscribe@yahoogroups.com.

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“Though justice does not repair what has been damaged and does not return our loved ones, it serves as a noble act for our memory, allowing us to express what has happened and enables us to feel that we are supported, that we are heard and understood”.

Bernadette Trachte-Mukagasana, Collectif des Parties Civiles Belgique

In Rwanda, it was noted that a large number of suspects remain to be tried, making it difficult for victims to access justice before national courts. This continues to be true despite the establishment of the gacaca jurisdictions, re-introduced

in 2001 to speed up the procedure of dealing with the large number of suspects, and which are currently trying mid- and low-level suspects. Accessing justice and ensuring accountability is even more difficult with respect to those (often high level) suspects who are currently residing abroad. The transfer of those suspects to the ICTR, in charge of trying those most responsible for the genocide, is no longer possible, as the ICTR closed investigations into new indictments in 2004 and needs to complete all trials by 2010 under the terms of its completion strategy¹.

In Europe, only Belgium and Switzerland have concluded prosecutions in relation to the genocide in Rwanda. Referring to cases filed in Belgium, France and the United Kingdom, and the experiences of the Netherlands and Germany, conference participants identified common challenges for victims and their legal representatives in filing complaints and initiating investigations and prosecutions of alleged perpetrators of the genocide. These included the length of universal jurisdiction trials before a jury court in Belgium, a lack of universal jurisdiction over the 1994 genocide in the United Kingdom, insufficient cooperation between judicial officials and civil society organisations, and insufficient cooperation among European countries.

The main hurdles in the majority of countries are the absence of a concerted strategy on universal jurisdiction cases, and insufficient resources for the investigations and prosecutions. In France, victims filed complaints as early as 1995 and a specific law was introduced to provide French courts with universal jurisdiction over the Rwandan genocide. Despite the fact that authorities know about the whereabouts of alleged perpetrators in France, the lack of resources for French investigative judges to work on these cases and the strained Rwandan- French relationship appear to have prevented progress in any of the 7 cases currently pending before French courts.

“Justice is essential for various reasons and in particular, to rebut allegations that the genocide did not happen. Not providing justice to victims is equal to saying that nothing has happened”.

Alain Gauthier, Collectif des parties civiles Rwandaises en France

Several European countries have begun to investigate allegations relating to the genocide in Rwanda, including Denmark, Norway, the Netherlands, the United Kingdom, Finland and Belgium. Yet this might only be the tip of the iceberg. It is difficult for countries to ascertain the presence of suspects without immigration screening procedures, and once their presence is ascertained – a specialised team of investigators and prosecutors to action the allegations is required.

A number of recommendations came out of the Conference, summarised below:

To Member States of the EU

- **Establish specialized investigation units:** Since 2001, specialized units handled more than 80% of all international crimes cases that have resulted in convictions. EU States should seriously consider establishing specialized units within their immigration, police and prosecution services to best enable them to detect,

¹ Indeed, the Tribunal is seeking to transfer some of its cases to European countries with jurisdiction over the crimes committed in Rwanda in 1994; See further below, Extraterritorial Jurisdiction developments, page 9.

investigate and prosecute those alleged of genocide, crimes against humanity, war crimes and torture.

- **Compliance with international law obligations:** Member States should ensure that their domestic legislation complies with international law obligations and reflects relevant definitions of genocide, crimes against humanity, war crimes and torture, and should also make sure that national courts have the ability to exercise universal jurisdiction over these crimes.
- **Strategy on the investigation and prosecution of genocide suspects:** An ad hoc approach to genocide suspects will only produce ad hoc results. Member States should adopt concerted strategies to ensure that suspects are, as a rule, subject to investigations and where sufficient evidence exists, prosecutions.
- **Reparation to victims:** Member States should ensure that victims are able to participate as fully as possible in the proceedings and are entitled to effective reparation. Past experiences by victims in universal jurisdiction cases illustrated that reparations are difficult to obtain, especially where the accused is not solvent and where judgments have to be enforced in Rwanda.

To the Network of Contact Points

- **Improve the infrastructure of the Network :** As the only European body that brings together expertise and experience in international crimes cases and that enables authorities to exchange information such as the whereabouts of victims, witnesses, suspects and contacts in Rwanda and neighboring countries, the Network should benefit from an improved infrastructure, that would facilitate the follow up of Network meeting conclusions and would ensure continuity between Network meetings. Such an infrastructure could include a small Secretariat within Eurojust or through an EU focal point for serious international crimes. Other possibilities to strengthen the Network include setting up an internal email listserv and a website for the EU Network.
- **Frequency of Network meetings :** Meetings of the Network should take place regularly and at least once per Presidency of the EU. Agendas for the meetings should be drafted in consultation with contact points, experts of international criminal law and civil society organizations.
- **Follow up of Network meeting conclusions:** Participants of Network meetings should ensure that results of discussions and conclusions are reported back to the relevant ministries and authorities within Member States. Each Member State should commit to sending at least one national expert to each of the meetings of the Network. ♦

INTERVIEW WITH TIINA KANGAS-ALKU, General Secretariat of the Council of the European

Q1: Tiina Kangas-Alku, you are working in the Unit of Judicial Criminal Cooperation of the General Secretariat of the Council of the European Union. What are the task and the

mandate of the unit?

The General Secretariat of the Council ensures that the Council of the European Union operates smoothly, and lends its every assistance necessary to perform the missions conferred on it by the Treaties to further the development of the Union. It provides this support to Council members and the Presidency and to the Secretary-General/High Representative in all areas of activity of the Council, European Council,

Ministerial meetings and intergovernmental conferences.

I work in the Justice and Home Affairs Unit in the field of Judicial Criminal Cooperation. We deal specifically with instruments related to judicial cooperation of criminal matters, instruments related to mutual legal assistance, peer evaluations and horizontal issues related to data protection.

Q2: How does the Council promote international justice within the framework of its Justice and Home Affairs policy?

A European network of contact points in respect of persons responsible for genocide, war crimes and crimes against humanity was set up by Council decision (2002/474/JHA) on 13 June 2002. Furthermore, the Council adopted a decision on the investigation and prosecution of genocide, crimes against humanity and war crimes on 8 May 2003 (2003/335/JHA).

Council Framework decision 2002/584/JHA establishing the European Arrest Warrant abolishes the requirement of double criminality for a list of thirty-two crimes based on the request for surrender. The list includes 'crimes within the jurisdiction of the ICC'. Although it has not yet been applied in the context of these crimes, the EAW could be used by a Member State to request the extradition of alleged perpetrators of crimes against humanity, genocide or war crimes from another Member State, irrespective of their nationality or the location where the crimes were committed, provided the issuing Member States has jurisdiction. Similarly, the European Evidence Warrant (EEW), which adoption is currently pending, abolishes the requirement of double criminality in case of the same 32 listed offences for obtaining objects, documents and data for use in criminal matters. The EEW, once in force, could be used in cross-border investigations of international crimes.

Q3: Are there any plans to extend the internal commitment, for instance by including the fight against impunity for serious international crimes in the follow up to The Hague program²?

² The Hague Programme was adopted by the European Council on 5 November 2004 and came into force in July 2005. It fixes the priorities of the EU within the creation of an area of freedom, security and justice over a five-year period.

In the framework of the European network of contact points in respect of persons responsible for genocide, war crimes and crimes against humanity intensive discussions on the issue of impunity have taken place and thus the practitioners are aware of this problem. However, taken into account the future adoption of the Reform Treaty and the changes in the field of Justice and Home Affairs, it is too early to predict the possible follow up to The Hague Programme.

Q4: You have been actively involved in the organization of the fourth meeting of the Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes, which took place on 6-7 May 2007 in The Hague and was convened by the German Presidency. Which were the main issues addressed in the meeting?

The focus of the fourth meeting was on the developments regarding the genocide in Rwanda, the work of the International Criminal Tribunal for Rwanda and national investigations and prosecutions of alleged perpetrators of the genocide. Participants of the meeting discussed the following topics:

- Practice of investigations and trials in Rwanda.
- Experiences of European national authorities with the investigation of Rwandan cases (witness protection, on site investigations, transfer of evidence).
- Circumstances under which a matter could be transferred to a national jurisdiction and a case study related to Rwanda.

Q5: According to the Rwandan federal prosecution service, media as well as civil society reports, a large number of alleged perpetrators believed to have played a key role in the genocide are currently hiding in countries all over Europe. Yet only five out of 27 Member States appear to be investigating these allegations and the majority of alleged perpetrators continue to benefit from impunity³. What can the Council of the EU do to ensure that the practical discussions of the fourth meeting are followed up with and contribute to a more coherent investigative

³ These Member States are: Belgium, Denmark, Finland, The Netherlands and the United Kingdom.

practice of all Member States?

During the fourth meeting of the European network of contact points in respect of persons responsible for genocide, war crimes and crimes against humanity, a case study was carried out in order to clarify the state of national legislation in relation to possible investigation and prosecution of serious international crimes and genocide. Furthermore, during these Network meetings, discussions take place and contact points are sharing relevant information and best practices, aimed at strengthening criminal investigations. The Council Secretariat also cooperates closely with other relevant bodies in this field, i.e. Interpol and ICC. Plans to organize a training for law enforcement authorities to promote war crime investigation in 2008, in cooperation with Interpol and some EU Member States and with the support of funding by the European Commission, are currently under way.

Q6: What initiatives (such as a website for the Network, an email listserv, a small secretariat for the Network) were taken or might be taken in the future that may guarantee a follow up of conclusions and regular meetings of the Network irrespective of the holder of the Presidency of the EU?

We seek to ensure a follow up of conclusions through a presentation of the conclusions and a summary of the Network meetings to the Article 36 Committee and to the COJUR working group. The Council Secretariat distributes by email listserv relevant information among all points and other appropriate institutions.

INTERVIEW WITH MARTIN COX, Fugitive Investigative Support Sub- Directorate INTERPOL

Q1: Martin Cox, you are working in Interpol's Fugitive Unit. Could you briefly describe the task and the mandate of the unit?

The mission of the Unit is to actively encourage the international search for and arrest of fugitive offenders wherever they may hide, to offer direct

investigative support and specialized knowledge, to develop and promote best practice and training. The Fugitive Investigative Support (FIS) Sub-Directorate has the following objectives:

- To provide investigative support to member countries in ongoing international fugitive investigations with a view to locating and arresting wanted persons.
- To co-ordinate and enhance international co-operation in the field of fugitive investigations;
- To collect and disseminate best practice and expert knowledge.
- To conduct and co-ordinate relevant research and serve as a global point of reference for fugitive-related information.
- To achieve these objectives the Unit is providing proactive support in individual cases as a permanent function and is also developing special initiatives and programs.

Q2: In 2004, Interpol started to expand its activities to support law enforcement agencies in member countries and international organizations responsible for the investigation and prosecution of genocide, war crimes and crimes against humanity. What was the reason for the expansion and what activities have taken place in this context so far?

Interpol has been supporting member countries and the ICTR/ICTY in the location and apprehension of criminals wanted for genocide, war crimes, and crimes against humanity since 1994, primarily through the publication of Red Notices and the provision of other investigative assistance.

However, many countries have recently expanded their activities in this field, and have established specialized units dedicated to the investigation and prosecution of these offences regardless of where they have occurred. Interpol saw a need to complement these developments and various activities aimed at the investigation and prosecution of genocide, crimes against humanity and war crimes have taken place, including:

- Organization of three expert meetings in 2004, 2005 and 2007
- Adoption of General Assembly resolution AG-2004-PRES-17 recommending that Member Countries should cooperate with

each other and international organizations, with international organizations, international criminal tribunals, and non-governmental organizations as appropriate in a joint effort to prevent genocide, war crimes, and crimes against humanity, and to investigate and prosecute those suspected of committing these crimes.

- An agreement with the Office of the Prosecutor of the ICC to establish a framework for co-operation between the ICC and Interpol, including the search for fugitives and suspects, came into force on 22 March 2005⁴.

Q3: On 6-7 June 2007, Interpol organized the ‘Third International Expert Meeting on Genocide, War Crimes and Crimes against Humanity’ in Ottawa. What were the objectives and outcomes of this meeting?

Victims of war, especially children in armed conflicts, topped the agenda of Interpol’s Third International Expert Meeting on Genocide, War Crimes and Crimes against Humanity.

More than 110 law enforcement and judicial delegates from 30 member countries, as well as representatives of international criminal tribunals and various non-governmental bodies took part in the meeting. Participants heard facets of specific cases, including the trial of former Liberian President Charles Taylor, and updates on the activities of national specialised units and international criminal tribunals, investigative methods and strategies concerning victims, and information-sharing via Interpol channels.

The participants RECOMMEND THAT:

1. Member countries and the ICPO-Interpol General Secretariat (IPSG) should continue to work with other international organizations, international criminal tribunals, and non-governmental organizations within the limits of national and international law in a joint effort to prevent, prosecute or apply other appropriate remedies to those suspected of these crimes;

2. Member countries with units specialized in the investigation and prosecution of genocide, war crimes and crimes against humanity should assist other countries in developing them as needed;
3. These units should coordinate their activities with each other, IPSG, other concerned international organizations and non-governmental organizations as appropriate, particularly as it relates to victims and child soldiers;
4. Should NGOs have information indicating that war crimes or crimes against humanity have been committed and that specific persons have been involved (as perpetrators or victims) they should forward this information to the specialized units for their attention;
5. Specialized units should increase their use of Interpol database and communications system and IPSG should further develop the Interpol website and design appropriate/specific information sharing solutions.

Q4: Will there be a follow up to the Ottawa Meeting?

The next International Expert Meeting on Genocide, War Crimes, and Crimes against Humanity will be held in Norway in 2009.

Q5: Are there any long term plans of Interpol to increase cooperation and to support national authorities in the investigation and prosecution of serious international crimes?

OS-FIS plans for the future concern the following issues:

- To improve the awareness of the War crimes investigators manual published on Interpol’s website.
- To make available online information for specialist war crime units – to improve networking.
- Interpol hopes to organise the first ever course for specialist war crimes and crimes against humanity investigators in late 2008.
- Interpol is committed to helping the ICTR to bring to justice the remaining 18 wanted fugitives and is actively assisting the ICTR in this task.

⁴ More information on Interpol’s activities with respect to the investigation and prosecution of Genocide, War Crimes and Crimes against Humanity is available on our website at: <http://www.interpol.int/Public/CrimesAgainstHumanity/default.asp>

Q6: How can victims, civil society and others make information on potential suspects or evidence available to Interpol and how can Interpol assist to make such information available to national authorities in the relevant countries?

Through the INTERPOL Public website members of the public can submit to FIS information on the subjects of Red Notices published on the website. This method can be followed by victims and NGOs to contact the FIS. Information can be made available via email using the following link [http://www.interpol.int/public/mail/mail3.asp?id=in](http://www.interpol.int/public/mail/mail3.asp?id=info)fo or by letter to the Secretariat of Interpol at INTERPOL, General Secretariat, 200, Quai Charles de Gaulle, 69006 Lyon, France or by Fax at: (33) 4 72 44 71 63. Checks on the Interpol databases are conducted on the information provided and the information is then forwarded to the concerned countries (or International Organizations allowed) for appropriate action.

Q7: How does INTERPOL's initiative complement existing cooperation structures such as the EU Network of Contact Points?

Interpol plays an active part in the EU network of contact points and regularly uses these contacts when dealing with cases. A recent example of this was the arrest in France of Isaac KAMALI on 23 June 2007⁵. ♦

Extraterritorial Jurisdiction: World wide developments- June 06-July 07

ARGENTINA

12 February 07

Argentina seeks Isabel Peron Extradition

Argentina said on February 12 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.boston.com/news/world/latinamerica/articles/2007/02/13/argentina_seeks_isabel_peron_extradition/

AUSTRALIA

17 July 07

Accused murderer sent to Croatia

A SYDNEY man accused of the execution-style killing of three officials in the lead-up to the Balkans war is in Croatian custody after being extradited from Australia, where he spent more than five years in hiding. Antun Gudelj arrived in Zagreb on Sunday afternoon and was escorted by Croatian police to Osijek in the country's east, where he will face a retrial on three murder charges.

<http://www.theaustralian.news.com.au/story/0,25197,22085251-601,00.html>

14 January 07

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>

BELGIUM

5 Jul 2007

Rwandan gets 20 years in genocide trial

BRUSSELS (Reuters) - A Belgian court sentenced a former

⁵ See Interpol Press Release, 23.06.07 at <http://www.interpol.int/Public/ICPO/PressReleases/PR2007/PR200726.asp>

Rwandan army major to 20 years in prison on 5 July for the murder of 10 Belgian peacekeepers and an undetermined number of Rwandan civilians at the start of the 1994 genocide.

<http://africa.reuters.com/top/news/usnBAN547002.html>

More background info:
<http://www.asf.be/index.php?module=home&lang=fr>
<http://www.genocidewatch.org/news/RwandaRwandanOnTrialOverBelgiumPeacekeeperKillings19April2007.htm>
http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/bernard_ntuyahaga_477.html

30 January 07

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>

4 July 06

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

CANADA

13 June 07

Final Witness wraps up testimony at war crimes trial

The final witness in the war crimes trial of Desire Munyaneza wrapped up her testimony today in a closed session, before the court adjourned until Monday.

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

Background:

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

<http://www.allheadlinenews.com/articles/7006153235>

<http://www.grepih.uqam.ca/>

5 July 06

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 bring Robert Mugabe to justice.

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

CHILE

11 July 07

Judge blocks Fujimori extradition

A Chilean judge has ruled Peru's former President Alberto Fujimori should not be extradited to Peru. Mr Fujimori has been accused of human rights violations and corruption by Peru's prosecutors, but the judge said the evidence was not strong enough.

<http://news.bbc.co.uk/1/hi/world/americas/6292778.stm>

Background:

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

<http://www.aprodeh.org.pe/fujimori2007/noticias.htm>

13 December 06

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.php?id_article=3887

<http://www.iht.com/articles/2006/12/11/opinion/edbroydy.php>

http://www.lefigaro.fr/international/20061211.FIG000000307_pinochet_est_mort_au_chili_sans_avoir_ete_juge.html (11 December 2006)

DENMARK

8 September 06

Genocide Suspect held in Denmark

The Danish government 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.php?id_article=2850

http://www.trial-ch.org/en/trial-watch/profile/db/facts/sylvere_ahorugeze_476.html

29 August 06

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>

FINLAND

14 April 07

Rwanda genocide case tests international reach of Finnish law

Finland is currently testing how far from the country's own borders the arm of Finnish law will reach. The National Bureau of Investigation (NBI) arrested a Rwandan citizen last week, and Porvoo District Court remanded him in custody on suspicion of taking part in genocide in his country in 1994.

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

FRANCE

6 July 2007

France should arrest Wenceslas Munyeshyaka, Laurent Bucyibaruta and Dominique Ntawukuriryayo immediately!

Last June 20th, Hassan Jallow, Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) asked the French government to arrest Father Wenceslas Munyeshyaka, Laurent Bucyibaruta and Dominique Ntawukuriryayo, and keep them under detention until the ICTR consents to the request to transfer their cases to France, within the framework of the completion strategy of the ICTR mandate.

http://www.fidh.org/article.php3?id_article=4462

(French)

http://www.fidh.org/article.php3?id_article=4467

(English)

See also: Europe asked to try Rwandan genocide suspects:

http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news_international_news/&articleid=311690

23 June 07

Man wanted in Rwandan genocide arrested with Interpol coordination

A former Rwandan government official wanted for his role in the nation's 1994 genocide was taken into custody at a Paris airport after Interpol helped coordinate his arrest, the international police agency said on 23 June.

<http://www.ihf.com/articles/ap/2007/06/23/europe/EU>

[-GEN-France-Interpol-Rwanda.php](#)

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

FIDH comment (12 July 07):

http://www.fidh.org/article.php3?id_article=4475

(French)

20 June 2007

French Court annuls Congo police chief case

A French court annulled an investigation into a former Congolese police chief over an alleged massacre of civil war refugees, saying he should have been protected by diplomatic immunity when arrested.

<http://africa.reuters.com/wire/news/usnI.20901939.html>

Affaire des disparus du Beach:

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

(French)

An important victory for victims:

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

(English)

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

(French)

L'affaire des "Disparus du Beach" devant la Cour de cassation (French)

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

22 February 07

Ordonnance de renvoi devant la Cour d'assises d'un vice consul tunisien M. Khaled BEN SAÏD

Le juge d'instruction de STRASBOURG a ordonné le 16 février 2007 le renvoi de Monsieur Khaled BEN SAÏD, ancien vice-consul de Tunisie en poste à Strasbourg, devant la Cour d'assises du Bas-Rhin et a maintenu les effets du mandat d'arrêt international délivré à son encontre le 15 février 2002, après sa fuite.

http://www.fidh.org/article.php3?id_article=4062

21 February

French judge orders 17 officials under late Chilean dictator Pinochet to stand trial

A French judge investigating the disappearance of four French citizens during the 1973-90 dictatorship of Chile's Gen. Augusto Pinochet ordered 17 former regime officials to stand trial in Paris, judicial officials said Wednesday. The Paris court is expected to try the former officials in absentia, officials said.

<http://www.ihf.com/articles/ap/2007/02/21/europe/EU>

[-GEN-France-Chile-Pinochet.php](#)

18 February 07

Genocide? 'I deny the lot'

The woman regarded by many as an architect of genocide has been driven to despair by a prosaic reality of everyday life in France. Stateless, without so much as an ID card to show at the post office, an alleged mastermind of the

Rwandan massacres is living an administrative nightmare. As Rwanda's first lady, Agathe Habyarimana was accused of plotting massacres. Now, she tells Alex Duval Smith in Paris, she is herself a misunderstood victim.

<http://observer.guardian.co.uk/world/story/0,,2015602,00.html>

Background:

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

http://www.liberation.fr/actualite/monde/files/file_235013_330666.pdf (Complaint, in French)

26 July 06

Les crimes de guerre pourraient figurer dans le code penal

A draft bill for the implementation of the Rome Statute into French Penal Law was presented by the Minister of Justice to the Council of Ministers on 26 July. The draft law does not provide for universal jurisdiction over ICC crimes. War crimes are subject to a statute of limitation of 20 and 30 years. The Parliament is expected to discuss the draft by the end of November 2006.

<http://www.lemonde.fr/web/article/0,1-0@2-3224,36-798575@51-798661,0.html>

21 July 06

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

1 July 05

Ely Ould Dah convicted by French court

On 1 July 2005, the Cour d'Assises of Nimes convicted Ely Ould Dah, Captain in the Mauritanian Army, in absentia to ten years imprisonment for torture committed in Mauritania in 1990. The case started in 1999 when two victims, together with the help of several NGOs and victims' lawyers filed a complaint against Ely Ould Dah with the investigative judge in Montpellier, where he was attending a training course. A conditional release in 1999, enabled Ely Ould Dah to escape from France in 2000. An international arrest warrant was not executed by the Mauritanian government. In 2002, the Cour de Cassation had decided in the same case, that an amnesty law of Mauritania would not be applicable in France, as to hold otherwise would result in depriving the principle of

universal jurisdiction of all useful effect.

http://www.fidh.org/article.php3?id_article=1809

5 July 07: Open Letter to the French Ministry of Justice on the extradition request for Ely Ould Dah (in French)-
http://www.fidh.org/article.php3?id_article=4457

GERMANY

12 July 07

Europe's human rights court upholds life term for Bosnian Serb convicted of genocide

STRASBOURG, France: Europe's human rights court on Thursday upheld a life term for a man found guilty by a German court of committing acts of genocide during the ethnic cleansing in Bosnia in 1992.

<http://www.iht.com/articles/ap/2007/07/12/europe/EU-GEN-European-Court-Bosnia-Genocide.php>

Extensive comments on universal jurisdiction over genocide. The Court's decision is available here:
<http://www.thegovernmentsays.com/cache/186626.html>

27 April 07

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

On 27 April, Germany's Federal Prosecutor announced she would not proceed with an investigation against Donald Rumsfeld, Alberto Gonzales and other high-ranking U.S. officials for torture and other war crimes committed in Iraq, Afghanistan and Guantánamo. The 400-page complaint was filed on November 14, 2006, by Berlin Attorney Wolfgang Kaleck on behalf of the Center for Constitutional Rights (CCR), the International Federation for Human Rights (FIDH), 42 other international and national human rights groups, 12 Iraqi citizens who were held in Abu Ghraib, and one Saudi citizen still held at Guantánamo.

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

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

30 April 2007: Legal Fight against Rumsfeld Heads to Spain

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

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+

Background:

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

[http://www.ccr-](http://www.ccr-ny.org/v2/reports/report.asp?ObjID=IHUF2jK257&Cont)

[ny.org/v2/reports/report.asp?ObjID=IHUF2jK257&Cont](http://www.ccr-ny.org/v2/reports/report.asp?ObjID=IHUF2jK257&Cont)

[ent=888](#)

Further Background Material:

<http://www.ccr-ny.org/v2/GermanCase2006/germancase.asp>
<http://www.rav.de/rumsfeld2.html>

2 February 07

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 06: Uzbek victims challenge decision of German Federal Prosecutor:

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

GUATEMALA

15 February 07

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 06

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 06

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

22 November 06

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 22 November 06.

<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?

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

4 September 06

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/spages/758476.html>

Italy

10 July 07

Defense lawyer says Italy lacks jurisdiction over US soldier in murder trial

A lawyer for US Army Spc. Mario Lozano, who is being tried *in absentia* for the murder of Italian intelligence agent Nicola Calipari and attempted murders of agent Andrea Carpani and Italian journalist Giuliana Sgrena, told a Rome court on 10 July that Italy lacks jurisdiction in the case.

<http://jurist.law.pitt.edu/paperchase/2007/07/defense-lawyer-says-italy-lacks.php>

Overview:

http://jurist.law.pitt.edu/jurist_search.php?q=Nicola+Calipari

KENYA**4 August 06****10 Somalis to stand trial in Piracy case**

Ten Somalis arrested in the high seas in connection with piracy have a case to answer, a Mombasa court ruled yesterday.

<http://www.somalilandtimes.net/sl/2005/237/21.shtml>

NETHERLANDS**25 June 07****Dutch court acquits Afghan of war crimes in pre-Taliban era**

A Dutch court Monday acquitted a former high-ranking Afghan military intelligence officer of war crimes, citing insufficient evidence.

<http://www.ihf.com/articles/ap/2007/06/25/europe/EU-GEN-Netherlands-Afghan-Trial.php>

9 May 07**Dutch court increases prison sentence of man who sold chemicals to Saddam**

An appeals court increased a Dutch businessman's war crimes sentence from 15 to 17 years Wednesday for selling Saddam Hussein raw materials for poison gas attacks that killed thousands of Kurds, saying the trader was "driven by naked greed."

<http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/frans-van-anraat-286.html>

Judgment:

<http://www.frompeacetojjustice.nl/eCache/DEF/7/548.html>

8 May 07**UN 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.unhchr.ch/hurricane/hurricane.nsf/view01/E3C8366BACA1AEECC12572D5005F7263?opendocument>

13 April 07**The Prosecutor v Michel Bagaragaza**

On 13 April 2007, Trial Chamber III of the ICTR ordered that Michel Bagaragaza (MB), the former head of Rwanda's national tea industry is to be tried by a court in the Netherlands. The Chamber ordered the prosecutor to

hand over evidence supporting the indictment to Dutch prosecutors within 30 days of the decision. MB is currently detained at the UN's detention facilities in The Hague and is accused of conspiracy to commit genocide, genocide and alternatively, complicity in genocide. Following a request by the Prosecution on 1 November 2006, granted by Trial Chamber III on 30 November, the indictment was amended to include war crimes (serious violation of common Article 3).

Decision:

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

Further information on the case available at:

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

29 January 07**The Hague Court of Appeal has confirmed the prison sentences of Hesamuddin Hesam and Habibullah Jalalzoy**

On 29 January 2007, the Hague Court of Appeal confirmed the Hague District Court's sentences of Hesamuddin Hesam and Habibullah Jalalzoy, who were sentenced to twelve and nine years' imprisonment respectively. They were convicted for the torture of prisoners in Afghanistan in the 1980s and 1990s.

<http://thehaguelegalcapital.nl/eCache/DEF/6/742.TD0mTGFuZz1FTg.html> (English)

<http://thehaguelegalcapital.nl/eCache/DEF/6/742.TGFuZz1GUg.html> (French)

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

www.rechtspraak.nl/ljn.asp?ljn=AZ9365 (Decision in English)

21 November 06**Suspect denies genocide in The Hague tribunal**

The Dutch national criminal investigation police arrested Joseph M. in Amsterdam at the beginning of August this year. ... As the hearings began, it became clear that it would be difficult to interrogate witnesses. The suspect's attorney A von Bóné was in Rwanda last week to interrogate five people. He managed to talk to three of them.

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

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

(Arrest, 11 August 2006)

7 June 2006**Liberia's 'Mister Gus'**

Dutch timer merchant Guus Kouwenhoven is to spend the next eight years in a prison cell- a far cry from the world of Montecristo cigars and Rolex watches that he once inhabited at the Hotel Africa on the edge of Liberia's

capital, Monrovia.

<http://news.bbc.co.uk/2/hi/africa/5055442.stm>

Judgment:

<http://www.frompeacetojjustice.nl/eCache/DEF/5/067.html>

On 19 March, Guus van Kouwenhoven was conditionally released, pending his appeals trial: http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/guus_van-kouwenhoven_289.html

Judgments of 2005 Dutch Torture Case available in English

On 14 October 2005, The Hague District Court convicted two Afghan asylum seekers for their participation in torture committed in Afghanistan during the 1980s. The judgments are now available online in English.

- www.rechtspraak.nl/ljn.asp?ljn=AV1489
- <http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=lijn&lijn=AV1163&lijn=AV1163>

NEW ZEALAND

30 November 06

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

18 June 07

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>

8 May 07

Norwegian police arrest second Bosnian war crimes suspect in two weeks

Oslo, Norway: A 40-year old Norwegian citizen, originally from Bosnia-Herzegovina, was arrested Tuesday on suspicion of committing war crimes in his homeland in

1992, police said. It was the second arrest of a Bosnian war crimes suspect in Norway in two weeks.

<http://www.iht.com/articles/ap/2007/05/08/europe/EU-GEN-Norway-Bosnia-War-Crimes.php>

August 06

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>

RWANDA

18 June 07

Europe asked to try Rwanda genocide suspects

The chief prosecutor of the Rwanda genocide court has requested that the cases of two fugitives indicted by the tribunal be transferred to European countries, where they are believed to be hiding, officials said on Monday, 18 June.

http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news_international_news/&articleid=311690

4 January 07

AI opposed to Rwanda trying genocide suspects

Amnesty International is doubting whether Rwanda has the capacity to try the genocide suspects who are set to be transferred there from the International Criminal Tribunal for Rwanda (ICTR), in accordance with the completion strategy of the UN Court.

<http://www.dailynews-tsn.com/page.php?id=5154>

16 November 06

Rwanda military court convicts priest in genocide case

A Rwandan military court on 16 November convicted in absentia a Roman Catholic Rwandan priest of genocide for rape and assisting the Hutu massacre of Tutsis during the 1994 genocide. Father Wenceslas Munyeshaka, who was sentenced to life in prison has lived in exile in France since 1995.

<http://jurist.law.pitt.edu/paperchase/2006/11/rwanda-military-court-convicts-priest.php>

15 November 06

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.

http://www.toplawyernews.com/TopLegalNews/id_3300_1

17 October 06

La Belgique, la France et les Pays-Bas acceptent de juger des suspects La peine de mort au Rwanda est l'un des principaux obstacles empêchant le TPIR de transférer les dossiers des accusés de génocide pour jugement dans ce pays. La France, la Belgique et les Pays-Bas auraient accepté de juger des personnes soupçonnées par le Tribunal pénal international pour le Rwanda (TPIR) de participation au génocide de 1994 et résidant sur leur territoire, a-t-on appris lundi auprès de cette juridiction.

<http://www.collectifvan.org/article.php?r=4&id=4868>

SENEGAL

6 July 07

«Le Sénégal bloque le procès de Hissène Habré»

Jacqueline Moudeina, avocate, s'inquiète des retards pris dans la procédure contre l'ex-président du Tchad, poursuivi pour crimes contre l'humanité

<http://www.liberation.fr/actualite/monde/265492.FR.php>

Background:

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

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

2 February 2007

New Law Will Permit Habré' Trial

The Senegalese National Assembly's adoption of a law to allow Senegalese courts to try the exiled former dictator of Chad, Hissène Habré, is an important step toward justice, Human Rights Watch said 2 February.

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

2 July 2006

Senegal agrees to try Hissène Habré

The African Union during its summit asked Senegal to take the case against former Chadian dictator Hissène Habré

and to implement legislative changes to permit Senegalese courts to proceed.

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

SPAIN

18 July 07

'Dirty war' trial backed in Spain

The Supreme Court in Spain has ruled that a former Argentine junta officer should stand trial in Madrid for crimes against humanity.

The decision annuls an earlier ruling by the High Court that Ricardo Cavallo should face justice in Argentina.

<http://news.bbc.co.uk/2/hi/europe/6905100.stm>

21 February 07 :Spain court asks to transfer naval officer charged with genocide to Argentina:

<http://www.lawinfo.com/index.cfm/fuseaction/News.story/msgID/980396D3-A9B9-4B6D-999D-B9AAE608F0FE>

9 February 07: Spain seeks to extradite Argentine dirty war officials:

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

20 December 06: Miguel Angel Cavallo must be judged as soon as possible

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

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

4 July 07

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

A Spanish court 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.ihf.com/articles/ap/2007/07/04/europe/EU-GEN-Spain-Argentina-Dirty-War.php>

background:

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

7 June 07

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.ipost.com/servlet/Satellite?cid=1180960627955&pagename=JPost%2FJPArticle%2FShowFull>

25 January 07

Spain opens case against US soldiers

Its national court is investigating claims that they were responsible for a Spanish journalist's death in Iraq.

<http://www.csmonitor.com/2007/0125/p07s02-woeu.html>

30 December 06

Argentinian 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>

23 December 06

Spain seeks Guatemalan ex-rulers

Spain has called for the extradition from Guatemala of seven former members of that country's government on charges of genocide and torture.

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

21 September 06

Spanish Justice

These days, the justice Menchú hopes for is meted out, in large part, by the high courts of Spain. First they went after Augusto Pinochet, Chile's former despot. Then they trailed Adolfo Scilingo, the Argentine naval captain who had scores of political dissidents thrown from planes. Now Spain's National Court has a new target: former Guatemalan president Efraín Ríos Montt.

<http://www.thenation.com/doc/20061009/pingree>

24 June 06

Spanish judge in Guatemala for genocide probe

GUATEMALA CITY, June 24 (Reuters) - A Spanish judge arrived in Guatemala on 24 June to investigate atrocities committed during the Central American nation's armed conflict, but local officials might not allow him to proceed.

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

5 June 06

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 06 - Tibet vs China: the human rights showdown

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

7 July 06

Arrest Warrant issued by Spanish judge against Guatemalan Genocide suspects

A Spanish judge on Friday ordered the arrest of two former Guatemalan military rulers for genocide, torture, illegal arrest and terrorism during the central American country's civil war. The arrest warrant includes orders to seize all assets held by the accused, both in Spain and internationally.

<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

SWITZERLAND

22 May 07

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

En audience publique ce matin, le Tribunal fédéral a refusé de reconnaître le droit pour un réfugié statuaire vivant en Suisse de demander à son tortionnaire réparation pour des actes de tortures subis en Tunisie. 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

26 February 06

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/no_cache/fr/actions/details/article/une-police-pour-les-crimes-de-guerre-en-suisse-aussi.html

UNITED KINGDOM

26 June 07

REDRESS CALLS FOR ENACTMENT OF NEW TORTURE (DAMAGES) BILL

REDRESS, called for the speedy enactment of the *Torture (Damages) Bill*, a Private Members' Bill sponsored by the Lord Archer of Sandwell QC.

[http://www.redress.org/news/Torture%20\(Damages\)%20Bill%20Press%20Statement%2026June07.doc](http://www.redress.org/news/Torture%20(Damages)%20Bill%20Press%20Statement%2026June07.doc)

13 March 07

High court blow for Rwandan genocide accused

Four men accused of taking part in the 1994 Rwandan genocide on 13 March failed in a high court bid to avoid extradition from Britain.

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

http://www.rwandagateway.org/article.php3?id_article=4459

23 February 07: Bid to block Rwanda extradition

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

Background:

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

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

12 November 06: UK genocide suspects face trial in Rwanda: <http://www.timesonline.co.uk/article/0,,2089-2449724,00.html>

29 August 06: 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 06: Stop giving haven to genocide suspects, Attorney General told

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

8 February 07

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>

10 November 06

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 06

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 06

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. The House of Lords 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.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060614/jones-1.htm>;

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

UNITED STATES

18 July 07

CJA files lawsuits against former Peruvian officers for war crimes and crimes against humanity

Miami, Florida and Greenbelt, Maryland; July 18, 2007:

The Center for Justice and Accountability (CJA) filed two human rights lawsuits on behalf of plaintiffs who survived the infamous Accomarca Massacre in Peru.

http://www.cja.org/cases/Peru_Press_Releases/peru_filing.shtml

9 July 07

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

The movement to make multinational companies liable in U.S. courts for human-rights violations abroad has reached the trial stage.

http://online.wsj.com/article_email/SB118393292164560314-lMyQjAxMDE3ODAzOTkwMzkyWj.html

6 July 07

Torture Case against Taylor's son upheld

MIAMI -- A federal judge Thursday upheld torture charges

against the son of former Liberian president Charles Taylor, allowing the first criminal prosecution of a 1994 anti-torture law to proceed.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/07/06/AR2007070600044.html>
7 December 06: Son of former Liberia President Taylor pleads not guilty to torture charges:
<http://jurist.law.pitt.edu/paperchase/2006/12/son-of-former-liberia-president-taylor.php>

12 June 07

Ottawa opposed on Talisman war-crimes case

The federal government is facing off in a U.S. court against some of Canada's most prominent legal scholars, politicians and church leaders in the ongoing war crimes case against Talisman Energy Inc.

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

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

22 May 07

Haitian Death Squad Leader's Plea Thrown Out

On 22 May 2007, the judge in the mortgage fraud case of former Haitian death-squad leader Emmanuel "Toto" Constant dropped Constant's plea bargain and ordered him to stand trial. If convicted, Constant could now face five to fifteen years in New York state prison.

<http://www.cja.org/cases/Constant%20Press/constantpleatossed.pdf>

2 May 07

Judge dismisses case against Israeli official charging him with war crimes in the killing of 15 Palestinian civilians

On 2 May 2007, a federal judge dismissed the Center for Constitutional Rights' case against senior Israeli official Avi Dichter for his role in dropping a one-ton bomb on a Gaza City apartment building, killing 15 Palestinians and injuring more than 150 others.

<http://www.ccr-ny.org/v2/reports/report.asp?ObjID=Zcx5xRVTes&Content=1021>

3 April 07

U.S. holds war crimes suspects

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>

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

23 February 07

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

A federal jury in Miami found Colonel Carl Dorélien, a former member of the Haitian Military's High Command, liable for torture, extrajudicial killing, arbitrary detention and crimes against humanity. He was ordered to pay a total of \$ 4.3 million to the plaintiffs in compensatory and punitive damages.

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

17 January 07

Exxon faces lawsuit on killing in Indonesia

Exxon Mobil, the world's largest oil company, faces a lawsuit in which it is claimed that Indonesian soldiers guarding a natural gas processing plant in Aceh province tortured and killed local residents.

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

21 November 06

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 06

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

7 August 06

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.

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

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

EUROPEAN UNION

10 April 07

European Parliament: Annual Report on human rights in the world 2006

Para. 40: 'Urges all Member States to collaborate fully in international criminal justice mechanisms, and especially in bringing fugitives to justice'.

Para. 133: 'Reiterates the importance of EU 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, 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 EU area of freedom, security and justice;

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0128+0+DOC+PDF+V0//EN&language=EN>

3 April 07

Call to end European safe havens for Rwandan perpetrators

13 Years after the Rwandan genocide, it is unacceptable that perpetrators continue to live freely in Europe, said FIDH and 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.php?id_article=4150 (French)

http://www.redress.org/news/PressStatement_Rwanda_3_Apr_07.pdf (English)

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 06

European Parliament on the proceedings against Rios Montt

In a resolution on the proceedings against Rios Montt, the European Parliament '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/omk/sipade3?OBJID=130028&L=EN&NAV=X&LSTDOC=N> (PSE Group (Socialist Group in the European Parliament)

<http://www.europarl.europa.eu/omk/sipade3?OBJID=130035&L=EN&NAV=X&LSTDOC=N> (Greens) (Spanish only)

<http://www.europarl.europa.eu/omk/sipade3?OBJID=130065&L=EN&NAV=X&LSTDOC=N> (PPE Group (Christian Democrats) (Spanish only)

<http://www.europarl.europa.eu/omk/sipade3?OBJID=130058&L=EN&NAV=X&LSTDOC=N> (Left) (Spanish only)

<http://www.europarl.europa.eu/omk/sipade3?OBJID=130063&L=EN&NAV=X&LSTDOC=N> (ALDE) (Liberals)

UNITED NATIONS

27 March 07

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

5 March 07

The obligation to extradite or prosecute (aut dedere aut judicare) – comments and information received from Governments, including the governments of Austria, Croatia, Japan, Thailand and the United Kingdom.

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/260/04/PDF/N0726004.pdf?OpenElement>

7 June 06: preliminary report on the obligation to extradite or prosecute (“aut dedere aut judicare”)

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

15 January 07

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. He 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 06

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.php?id_article=3914

<http://www.ohchr.org/english/law/disappearance-convention.htm> (Text of the Convention)

14 December 06

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.

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

18 September

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/article.php?id=5454>

ARTICLES & REPORTS on UNIVERSAL JURISDICTION

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 ICC 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 07

Universal Jurisdiction: A European Opportunity?

The recent Iraq war raises a number of questions among scholars of international law about universal jurisdiction over international crimes.

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

3 April 07

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 07

Europe's Runaway Prosecutions

An Italian court announced that it is moving forward with the indictment and trial of 25 CIA agents charged with kidnapping a radical Muslim cleric. 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 07

International Prosecution of Human Rights Crimes

Kaleck, W; Ratner, M.; Singelstein, T.; Weiss, P. (Eds.)

This volume explores current developments in the prosecution of human rights crimes on the national and international level.

<http://www.springer.com/dal/home/law?SGWID=1-10017-22-173670378-detailsPage=ppmedia>

21 November 06

Prosecute Rumsfeld? Not ridiculous

Rather than being a farfetched idea from the American left, the principle of universal jurisdiction under which Rumsfeld would be charged is enshrined in Article 49 of the First Geneva Convention. Courts in Germany, Belgium, Denmark, France, Germany, the Netherlands, Norway, Spain, Britain and Canada all have universal

jurisdiction laws.

<http://www.thenation.com/doc/20061204/brechersmith>

23 September 06

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.

http://www.lefigaro.fr/debats/20060923.FIG000000633_c_ontre_l_impunite_des_criminels_de_guerre_la_competence_universelle_vite_.html

July 06

The Journal of International Criminal Justice Volume 4 Number 3, July 2006 features several articles on universal jurisdiction.

<http://ijci.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?

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