



NEWS FLASH N° 18

(July 2014)

Ciardi Prize / Prix Ciardi

The Italian PROF. GIUSEPPE CIARDI FOUNDATION will award its scientific prize in 2015 for the overall amount of 1.500 €.

The prize is intended to reward a substantial and original study dealing with military law, the law of war or any subject connected with or related to the aforementioned fields.

The submitted works must have been published after 1 January 2012 and must be written in English, French, German, Italian or Spanish.

The Jury will be presided over by Doctor Giovanna Ciardi. The four other members will be designated in equal number both by the *International Society for the Military Law and the Law of War* and the Italian Group of said *Society*.

The submitted works need to be sent in three copies, by postal mail, before 1 November 2014 as follows: a) two copies to FONDAZIONE PROF. GIUSEPPE CIARDI, Presidente Dott.ssa Giovanna Ciardi, c/o Gruppo Italiano della Società di Diritto Militare e della Guerra, Via degli Acquasparta, 2 - 00186 ROMA ITALIA; b) one copy to INTERNATIONAL SOCIETY FOR MILITARY LAW AND THE LAW OF WAR/SOCIETE INTERNATIONALE DE DROIT MILITAIRE ET DE DROIT DE LA GUERRE, Avenue de la Renaissance 30 - 1000 BRUSSELS/BRUXELLES, BELGIUM/BELGIQUE - General Secretariat/Secrétariat général.

All submissions must indicate the author of the work (full name; postal and e-mail addresses; phone and fax numbers).

The *International Society for Military Law and the Law of War*, in order to increase the number of scientific works to be considered for the award, may submit a list of works, based *inter alia* on both the book reviews published in *the Military Law and the Law of War Review/Revue de Droit Militaire et de Droit de la Guerre*, and the articles published in the said journal, after having sought the consent of the authors. The

above lists must be submitted by mail with one copy of each work before 1 December 2014, with all necessary information regarding the author, to FONDAZIONE PROF. GIUSEPPE CIARDI, Presidente Dott.ssa Giovanna Ciardi, c/o Gruppo Italiano della Società di Diritto Militare e della Guerra, Via degli Acquasparta, 2 - 00186 ROMA ITALIA. Appropriate consideration will be given in order to comply with both the principle of impartiality and the separation of duties between designated members of the Jury and the members reviewing and/or acting as proponents of works eligible for the award.

The Jury has the faculty to award a second prize for the amount of 500 €. In this case, the winner of the first prize will be awarded 1.000 €. Other works may receive a special mention for exceptional scientific worth.

The proclamation of the winner(s) will take place at the XXth Congress of the *International Society for Military Law and the Law of War*, to be held in the city of Prague.

(Prof. Giuseppe Ciardi Foundation)

Upcoming Events / Événements futurs

Germany

The *German Group* of the *International Society for Military Law and the Law of War* will hold its next conference in Speyer (Germany) from **6 to 7 October 2014**. The title of the conference is “**Moderne Waffentechnologie – halt das Recht Schritt?**”. The conference will focus on legal, technical and ethical questions related to new weapon technologies. The conference will be held in the German language. The *Deutsche Universität für Verwaltungswissenschaften*, which will host the conference, offers rooms in the Guest House of the University for 40 euro per night. Registration for the conference is now possible. For more information please visit the website of the *German Group* at www.dgwhv.de.

Belgium

The *International Society for Military Law and the Law of War*, the *International Committee of the Red Cross*, and the *Royal Higher Institute for Defense (Belgium)* will hold the **Flanders Fields Conference of Military Law and the Law of War in Ypres (Belgium)** from **12 through 15 October 2014**. The event forms part of the activities commemorating the centenary of the outbreak of World War I. The event also enjoys the institutional support of the Institute for International Affairs of the University of Hamburg, as well as the Melbourne Law School and the Asia-Pacific Centre for Military Law.

The conference is built around 4 themes:

- Legal and policy issues associated with chemical weapons;
- The application of international humanitarian law in the conduct of hostilities;
- The protection of specific groups in situations of armed conflict; and
- Military justice in difficult circumstances.

For additional information on this conference see the Society's website.

Czech Republic

The **20th Congress of the *International Society for Military Law and the Law of War*** will take place in **Prague (Czech Republic) from 21 through 25 April 2015.**

The plenary session of this Congress will deal with **Challenges in the Implementation of International Humanitarian Law**. The topic of this session will be prepared on the basis of the national responses to a specific questionnaire inspired by a workshop hosted by the *Society* in Brussels on 23 September of last year. The questionnaire is built around five aspects:

- Imperfect implementation of IHL;
- Progress through international criminal law;
- Lessons learned from other areas of law;
- Specific responsibilities for States not directly involved in an ongoing armed conflict; and
- Non-State actors.

More information about the 20th Congress will be published on the website of Society.

Recent developments / Développements récents

UN Security Council extends the mandate of MINUSMA

Background:

On 25 April 2013, the United Nations Security Council adopted Resolution 2100 (2013), in which it decided to establish *the United Nations Multidimensional Integrated Stabilization Mission in Mali* (MINUSMA) and to transfer the authority of *the African-led International Support Mission to Mali* (AFISMA) authorized by the Security Council's Resolution 2085 (2012) to MINUSMA on 1 July 2013, at which point MINUSMA commenced the implementation of a 12-month mandate as defined in the Resolution. The mandate included *inter alia* stabilization of key population centres

and support for the reestablishment of State authority throughout the country; protection of civilians and United Nations personnel; promotion and protection of human rights; support for humanitarian assistance; and support for national and international justice.

On 18 June 2013, the interim government of Mali, the National Movement for the Liberation of Azawad (MNLA), and the High Council for the Unity of Azawad (HCUA) signed the *Preliminary Agreement to the Presidential Election and the Inclusive Peace Talks in Mali* (Ouagadougou Preliminary Agreement), which *inter alia* reaffirmed the territorial integrity, national unity and secular nature of the Malian State; provided for an immediate ceasefire; and paved the way for the holding of presidential elections and inclusive peace talks with all communities of the north of Mali.

Despite the Preliminary Agreement and successful holding of peaceful and transparent elections on 28 July and 11 August 2013 as well as legislative elections on 24 November and 15 December 2013, the security situation in northern Mali started to deteriorate in 2014. On 23 May 2014, the Malian government and three Tuareg separatist groups in northern Mali signed a ceasefire agreement, in which the signatories agreed to halt hostilities and return to peace talks as promised in the Ouagadougou Preliminary Agreement.

Extension of the Mandate:

On 25 June 2014, the United Nations Security Council unanimously adopted Resolution 2064 (2014) in which the mandate of MINUSMA was extended until 30 June 2015. In this resolution, the Security Council requested the Mission to expand its presence in the north of Mali beyond key population centres, particularly in the regions where civilians are at risk. The Security Council also urged the signatories of the Ouagadougou Preliminary Agreement and the ceasefire agreement to fulfill their commitments and implement the provisions to establish long-term peace and security in Mali. Furthermore, the Mission was directed to provide support to an international commission of inquiry as envisaged in these agreements.

For more information, please visit:

UN report

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/403

UNSC Resolution 2064 (2014)

<http://www.un.org/News/Press/docs/2014/sc11453.doc.htm>

UNSC Resolution 2100 (2013)

http://www.un.org/en/peacekeeping/missions/minusma/documents/mali%202100_E.pdf

UNSC Resolution 2085 (2012)

<http://www.un.org/News/Press/docs/2012/sc10870.doc.htm>

The Ouagadougou Agreement

http://peacemaker.un.org/sites/peacemaker.un.org/files/ML_130618_AccordElectionsDialogueInclusif.pdf

The Ceasefire Agreement 2014

http://peacemaker.un.org/sites/peacemaker.un.org/files/ML_140523_Accord_cessez_le_feu_0.pdf

(Siwen Huang)

Former DRC's militia leader sentenced to 12 years' imprisonment

On 7 March 2014, the Trial Chamber II of the International Criminal Court (ICC) found Mr. Germain Katanga, who was a senior commander of the militia group the Force de résistance patriotique en Ituri (FRPI) active in the Democratic Republic of the Congo (DRC), guilty as an accessory to the crimes, of one count of crime against humanity (murder) under article 7 (1) (a) of the Rome Statute, and another four counts of war crimes (murder; attack against a civilian population as such or against individual civilians not taking direct part in hostilities; destruction of the enemy's property; and pillaging) under article Art.8 (2) (e) (i), (xii), and (v) of the Rome Statute. The crimes were committed during the attack on the village of Bogoro on 24 February 2003. However, the Chamber acquitted Mr. Katanga of the other charges against him. The prosecutor appealed the judgment.

On 23 May 2014, the Trial Chamber II, ruling in the majority, sentenced Germain Katanga to a total of 12 years' imprisonment. The Chamber considered both the aggravating and mitigating factors in determining the sentence. The aggravating factors included *inter alia* the gravity of the acts committed from both a qualitative and a quantitative point of view. On the other side, the Chamber also took Germain Katanga's personal situation and his conduct after the events into account; particularly his contribution to the demobilization process implemented in Ituri for the benefit of the child soldiers.

On 25 June 2014, the prosecutor decided to discontinue her appeal against the judgment, and also not to appeal the sentence. Germain Katanga also indicated to accept both the judgment and sentence. The judgment became final.

For more information, please visit:

ICC press release

http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr1008.aspx

Décision relative à la peine (article 76 du Statut)

http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200107/court%20records/chambers/trial%20chamber%20ii/Pages/3484.aspx

Notice of Discontinuance of the Prosecution's Appeal

http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200107/court%20records/filing%20of%20the%20participants/office%20of%20the%20prosecutor/Pages/3498.aspx

Defence Notice of Discontinuance of Appeal

http://icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200107/court%20records/filing%20of%20the%20participants/defence/Pages/3497.aspx

(Siwen Huang)

Publications of Interest/ Publications intéressantes

G. LAWSON. & L. TARDELLI., *The past, present, and future of intervention*, Review of International Studies, vol. 39, pp. 1233-1253, 2013.

For more information, please visit:

<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=9067881&fileId=S0260210513000247>

M. A. NEWTON., *Community based Accountability in Afghanistan: Recommendations to balance the Interests of Justice*, In: *Jus post bellum and transitional justice*, edited by Larry May, Elizabeth Edenberg, NY : Cambridge University Press, pp 74-112, 2013.

For more information, please visit:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2180885

A. DEEKS., *Consent to the Use of Force and International Law Supremacy*, Harvard International Law Journal, Vol. 54, No. 1, 2013.

For more information, please visit:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2228714

M. J. VALENCIA., *The East China Sea Disputes: History, Status, and Ways Forward*, Asian Perspective, vol. 38, no. 2, pp. 183-218, 2014.

For more information, please visit:

<http://journals.riener.com/doi/abs/10.5555/0258-9184-38.2.183>

B. GAHLAUT., Jammu and Kashmir: Legal Position, Security Council Mediation and Future Prospect, *Commonwealth Law Bulletin*, vol. 40, pp. 17-31, 2014.

For more information, please visit:

<http://www.tandfonline.com/doi/abs/10.1080/03050718.2013.864121#.U7E1odHrIU>

D. LUYTEN., *A Consensus of Differences: Transitional Justice and Belgium's Divided War Memories (1944-2012)*, In: *Transitional Justice and Memory in Europe (1945-2013)*, edited by Nico Wouters, Cambridge : Intersentia, pp. 95-132, 2014.

For more information, please visit:

<http://searchworks.stanford.edu/view/10411813>

(Siwen Huang)

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