

## Developments in Europe in the Field of International Criminal Justice

Across Europe, Member States have adopted implementing legislation that allows them to investigate and prosecute cases of serious international crimes. The main developments over the past 12 months, covering the period from August 2007 to July 2008, are illustrated below.<sup>1</sup>

### FRANCE: Legal developments

**12 June 2008**

#### **France moves to ensure compliance with int'l criminal laws**

The Senate has broadened the definition of crimes against humanity and brought war crimes into the penal code in a bid to ensure that French laws are in compliance with the convention establishing the International Criminal Court (ICC), the media reported Wednesday [June 11, 2008]. <http://english.people.com.cn/90001/90777/90853/6428658.html>

The bill amending the existing laws was adopted during the first reading in the Senate. However, an amendment, was lately introduced reducing the scope of the universal jurisdiction in France. According to this amendment, French judicial authorities will be able to pursue any person who has his/her "habitual residence" in France; if he/she is guilty of crimes committed in a State Party to the Rome Convention establishing the ICC, or if those crimes are defined under the national legislation of the country where they have been committed; and only once the prosecutor (*Ministère Public*) decides to open an investigation, meaning that victims could not longer act as *partie civile*.

See also 'France/ICC – France will align its criminal Code with ICC' (23 May 2008) at <http://www.hirondellenews.com/content/view/2035/329/>

**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 Hirondelle 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>

### FRANCE: Rwandan cases

**9 July 2008**

#### **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\\_lfGt8JUgKAUwHPedhxVOHQ](http://afp.google.com/article/ALeqM5hIQ8t_lfGt8JUgKAUwHPedhxVOHQ)

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<sup>1</sup> For previous developments, see REDRESS & FIDH EU Update on International Crimes Issue 3/ July 2007.

**8 May 2008**

**France allows Rwanda genocide suspect handover**

France's highest appeals court opened the way on Wednesday [May 7, 2008] 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>

See also 'France to Prosecute Two Rwandan Genocide Suspects' (20 February 2008) at

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

'French Court Nods Transfer of Genocide Accused To UN Court in Arusha' (7 May 2008)

<http://www.hirondellenews.com/content/view/1946/333/>, and

'French court overturns ruling on Rwandan genocide suspect' (16 January 2008) at

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

**9 January 2008**

**Police arrest Rwanda genocide suspect - French police arrested a former officer in the Rwandan army, Marcel Bivugabagabo, who is accused of taking part in the 1994 genocide**

Mr Bivugabagabo, 53, who is on the list of war criminals wanted for trial by the Rwandan government, was arrested recently in the southwestern city of Toulouse, according to an association of plaintiff lawyers. Rwanda maintains that nine genocide suspects are living in France, three of whom have been arrested since last year after a thaw in relations between Rwanda and France. Mr Bivugabagabo, who is not on the list of 14 suspects still wanted by the separate Tanzania-based International Criminal Tribunal for Rwanda, was commander of the Ruhengeri sector in western Rwanda from April to July 1994. He is accused of taking part in the genocide in which 800,000 people, mainly members of the Tutsi tribe, were killed in Rwanda.

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

**27 September 2007**

**ICTR/ France- Legal mess between the ICTR and France**

The request from the International Criminal Tribunal for Rwanda (ICTR) to France to transfer to it two Rwandans accused of having participated in the genocide is becoming a legal mess after the third refusal of the Court of Appeal of Paris to immediately execute these arrest warrants. The ICTR is making an effort to calm down the situation and is protesting against the accusation of "lightness" issued in Paris by an association representing the victims of the genocide.

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

See also 'Rwanda: Genocide Tribunal in 'Consultation' With France Over Appeals Drop (7 August 2007) at <http://allafrica.com/stories/200708070969.html>

**FRANCE: Disappeared of the Brazzaville Beach case**

**10 April 2008**

**The Cour de cassation gives green light to continue the investigation in the Affaire of the 'Disappeared of the Beach' of Brazzaville**

The International Federation for Human Rights (FIDH) and its leagues members in France, i.e. the Ligue française des droit de l'Homme et du citoyen (LDH), and in the Republic of Congo, the Observatoire congolais des droits de l'Homme (OCDH), welcome that the French judiciary continues their investigations in the Affaire of the 'Disappeared of the beach' of Brazzaville, following the decision of the Supreme Court rendered on April 9, 2008. The FIDH, the LDH and the OCDH notice with satisfaction that the Cour de cassation rejected the motion lodged by the defence council on behalf of the accused among whom there is General Norbert Dabira. The Court based its decision on the considerations of three important elements:

- the application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, adopted on 10 December 1984,
- the application of the French Penal Code of Procedure and, in particular, on its Article 689-1, which allows for the persecution of all persons suspected of torture acts, if they are present in the French territory,
- and the validity of the criminal charges laid at the prosecution office, which allowed for the opening of judicial proceedings.

For more details, see <http://www.fidh.org/spip.php?article5426>, which includes a link to the 'Arret de la Cour de Cassation dans L'Affaire des Disparus du Beach de Brazzaville - 9 Avril 2008'.

## FRANCE: 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>

<http://ccrjustice.org/newsroom/press-releases/open-letter-submitted-french-minister-justice-rumsfeld-torture-case>

See also France in Violation of Law Grants Donald Rumsfeld Immunity, Dismisses Torture Complaint (26 November 2007) at <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 detainment 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 (29 October 2007) at <http://www.globalpolicy.org/empire/un/2007/1029rumsfeld.htm>, and 'Rights groups file French torture case vs Rumsfeld (26 October 2007)

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

## GERMANY: Rwandan cases

**9 July 2008**

### **Rwandan war crimes suspect held in Germany**

A prosecutor has said a Rwandan accused of involvement in his country's 1994 genocide has been arrested in Frankfurt, and German authorities are considering his extradition to Rwanda. Frankfurt prosecutor Volkmar Kallenbach said [...] Callixte Mbarushimana was arrested on Monday [July 7, 2008] at Frankfurt airport as he tried to board a plane for St. Petersburg, Russia. Kallenbach said Mbarushimana, a 44-year-old Rwandan Hutu, has been accused in Rwanda of genocide and crimes against humanity.

<http://edition.cnn.com/2008/WORLD/africa/07/09/germany.rwanda.ap/index.html>

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

[http://afp.google.com/article/ALeqM5js1hOEK9VRgNK0PDN4JGW\\_p8-1uQ](http://afp.google.com/article/ALeqM5js1hOEK9VRgNK0PDN4JGW_p8-1uQ)

**28 April 2008**

### **Rwanda: Former Mayor Arrested in Germany**

Onesphore Rwabukombe, former Mayor of Muvumba commune, eastern Rwanda, was arrested in Germany last Thursday [April 24, 2008], according to Rwandan state radio. The former official had been in the Rwandan government's wanted list, accused of genocide, crimes against humanity and war crimes committed between 1 October 1990 and 31 December 1994. Germany has no extradition agreement with Rwanda. However Mr Mutangana said that Germany had an obligation to either try him or extradite the accused because it has signed the international convention against genocide.

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

**20 September 2007**

### **The First Arrest of a Rwandese Genocide Suspect in Germany - Augustin Ndirabatware in Detention**

Ndirabatware was arrested at the request of the International Criminal Tribunal for Rwanda (ICTR), which issued a warrant for his arrest in 2001 on charges related to the 1994 genocide of Tutsis in Rwanda. Ndirabatware was the Minister of Planning in the interim government which prepared, incited and implemented the policy of massacres, and was one of the 50 founding shareholders of Radio Télévision Libre des Mille Collines (RTLM). RTLM played a critical role in articulating and disseminating anti-Tutsi propaganda both before and during the mass killings, and incited and encouraged the massacre of Tutsis, the looting of their property, the burning of their homes and the confiscation of their land.

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

<http://www.spiegel.de/politik/deutschland/0,1518,506794,00.html>

## ITALY: Latin American case

**24 December 2007**

### **Italy seeks Condor plot suspects**

Prosecutors in Italy have issued arrest warrants for 140 people over a decades-old plot by South American dictatorships called Operation Condor. One man - 60-year-old Uruguayan former naval intelligence officer Nestor Jorge Fernandez Troccoli - has already been arrested in Salerno, south Italy. Under Operation Condor, six governments worked together from the 1970s to hunt down and kill left-wing opponents. Italian authorities have been looking into the plot since the late 1990s. The investigation followed complaints by relatives of South American citizens of Italian origin who had disappeared.

<http://news.bbc.co.uk/2/hi/americas/7159666.stm>

See also 'Warrants May Shed Light on South American Dirty War' (25 December 2008) at

<http://www.newser.com/story/14882.html>;

'Rome cracks down on Dirty War suspects' (26 December 2007) at

<http://www.taipeitimes.com/News/world/archives/2007/12/26/2003394193>

'Italy to arrest former Latin American dictators' (25 December 2007) at <http://www.speroforum.com/site/article.asp?id=13250>

## NETHERLANDS: 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 Jalalzo's sentences are now definite.**

On 8 July 2008, the Dutch Supreme Court rejected the appeals of Hesamuddin Hesam and Habibullah Jalalzo, 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 Jalalzo 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>

See also 'Convictions of ex-Afghan agents upheld by court' (9 July 2008) at <http://paktribune.com/news/index.shtml?202974>

**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?ljn=BA9575](http://www.rechtspraak.nl/ljn.asp?ljn=BA9575)

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

## NORWAY: legislative developments

**5 June 2008**

### **Implementation law enters into force on 7 March 2008**

The Criminal Code 2005 Chapter 16 on genocide, crimes against humanity and war crimes was adopted in February 2008 and entered into force 7 March 2008. The new provisions are based on the definitions in the Rome Statute and the elements of crimes, but goes further in that it also includes crimes considered as war crimes under international customary law that are not included in the Rome Statute. Chapter 16 and the relevant provisions of part I of the Criminal Code are available in Norwegian at this link: <http://www.lovddata.no/all/tl-20050520-028-018.html>  
<http://www.iccnw.org/?mod=newsdetail&news=2704>

## NORWAY: Bosnian case

**11 July 2008**

### **First War Crimes Trial in Norway since World War II**

Rape, torture, illegal internment of civilians and crimes against humanity, are among the charges faced by a 41-year old Norwegian citizen, who came from Bosnia-Herzegovina as an asylum seeker in 1993. According to the Director of Public Prosecutions, this is the first war crimes indictment in Norway since the aftermath of World War Two. A large number of witnesses will be flown in from Bosnia and other countries. "Norway has been considered by some to be a safe haven for war criminals. This indictment should indicate that this is not the case," says Pål K. Lønseth, one of the prosecutors in the case. "We can expect many more such cases in the years to come," adds Lønseth. The charges relate to the treatment of 18 civilian Bosnian Serbs in 1992. The accused is a muslim who was active in the Croat HOS military organisation, which fought against Serb military forces.

<http://www.aftenposten.no/english/local/article2534520.ece>

## NORWAY: Rwandan case

**22 May 2008**

### **Rwandan genocide fugitive Kabuga suspected to be in Norway**

The Government of Rwanda has said that it will not in any way engage in talks with key genocide fugitive Felicien Kabuga, a former businessman who financed the 1994 Tutsi Genocide. The development comes after media broke a story of Kabuga's efforts to hold talks with Rwandan judicial authorities in an effort to have him tried in Rwanda. [...] According to the media, the fugitive, who has been dubbed the "financier of the Rwanda Genocide", is said to be in Norway, a revelation that contradicts assertions by the ICTR which had suspected him to be in Kenya.

<http://www.zibb.com/article/3297432/Rwandan+genocide+fugitive+Kabuga+suspected+to+be+in+Norway>

See also 'Kabuga arrived in Norway on the 23rd of March this year after crossing the Swedish/Norway border in Svinesund by car' (8 May 2008) at <http://africanpress.wordpress.com/2008/05/08/kabuga-arrived-in-norway-on-the-23rd-of-march-this-year-after-crossing-the-swedishnorway-border-in-svinesund-by-car/>

## SPAIN: Latin American cases

**28 April 2008**

### **Spain says will not extradite Isabel Peron**

Spain will not extradite former Argentine President Isabel Peron after a court ruled on Monday [April 28, 2008] that she was not linked to cases of disappearance and torture during her government in the 1970s. The 77-year-old widow of Juan Peron, who has been under house arrest in a wealthy Madrid suburb since early last year, is wanted in Argentina for the disappearances of two men and torture of one of them in 1976, months before she was overthrown in a military coup. She spent five years in prison after the coup, before being sentenced to an eight-year term on March 20, 1981, for embezzling public funds. She was released later that year and flew to Spain, where she keeps a low profile without links to Argentina's Peronist movement, within which she is largely seen as discredited.

<http://www.alertnet.org/thenews/newsdesk/L28742382.htm>

**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\\_3qdx1NDLA08g](http://afp.google.com/article/ALeqM5jE6HxTOTgWjYbh_3qdx1NDLA08g)

See also 'Spain to extradite Argentina "dirty war" suspect' (29 February 2008) at <http://www.ihf.com/articles/ap/2008/02/29/europe/EU-GEN-Spain-Argentina-Dirty-War.php> and <http://edition.cnn.com/2008/WORLD/americas/03/30/spain.argentine.extradition/index.html>

**16 January 2008**

#### **Spanish judge makes worldwide appeal for witnesses of Guatemala war atrocities**

A Spanish judge has called on victims, their relatives and any witnesses of crimes against humanity committed during Guatemala's civil war to come forward and present evidence, a court statement said Wednesday [January 16, 2008]. National Court Judge Santiago Pedraz said the call was prompted by the Guatemala high court's decision Dec. 12 not to arrest or extradite former military officers accused of committing genocide, torture and terrorism at the height the 36-year war in the 1980s. Pedraz had in July 2006 issued international arrest warrants against eight men, including ex-dictators Gen. Efraim Rios Montt and Gen. Oscar Humberto Mejia Victores. A lower Guatemalan court had initially honored Spain's request and issued four arrest orders, leading to the detention of two ex-officials. The other men appealed and the country's high court then found no reason under Guatemalan law to detain or extradite them. Pedraz argued in his statement that, as genocide is a crime under International Law and recognized as such by U.N. resolution, its prosecution is obligatory by all Member States of the international community. The judge said Guatemala «had done nothing» to impose sanctions for such an offense; hence «Spain can and must pursue the crime.

<http://www.pr-inside.com/print390030.htm>

See also Extradition of high-ranking Guatemalan officials to Spain refused (14 December 2007) at [http://www.nisqua.org/themes\\_campaigns/index.asp?id=3059](http://www.nisqua.org/themes_campaigns/index.asp?id=3059)

**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.ihf.com/bin/printfriendly.php?id=8727939>

### **SPAIN: Rwandan case**

**8 February 2008**

#### **Spain indicts 40 Rwandan soldiers**

A Spanish judge has indicted 40 Rwandan Tutsi soldiers on charges of genocide and war crimes in Rwanda. The high-ranking officers can be prosecuted in Spain because Spanish citizens also fell victim to violence in Rwanda. Up to now the Rwanda Tribunal has only tried Hutus for their part in the genocide.

See <http://www.radionetherlands.nl/currentaffairs/080208-Rwanda-indictment> and [wilkinson@latimes.com](mailto:wilkinson@latimes.com).

See also 'Rwanda: RPF Indictments - Country Seeks Sanction Against French, Spanish Judges' (28 April 2008) at <http://allafrica.com/stories/200804290101.html>, and

'Rwanda: Parliament to Discuss Universal Jurisdiction' (16 May 2008) at <http://globalpolicy.igc.org/intljustice/universal/2008/0516discuss.htm>

### **SPAIN: Israeli case**

**5 July 2008**

#### **Spanish court examines war crimes case against Israeli military brass**

On 24 June 2008, the Palestinian Centre for Human Rights (PCHR) filed a lawsuit at the National Court of Spain, the highest Spanish judicial council, against seven former senior Israeli military officials. All were involved in the planning and execution of the "targeted assassination" of Salah Shehada, commander of the armed wing of Hamas, in Gaza city in July 2002. The Occupation dropped a 500 kg bomb on his house killing him and seventeen others, including his wife, his daughter, his guard, eight children (including a 2-month infant), two elderly men, and two women. In addition, seventy-seven other people

were injured, eleven houses were completely destroyed and thirty-two houses damaged. This lawsuit the Spanish National Court is now examining has been made possible by the cooperation of PCHR, a series of experienced and well known human rights lawyers and Palestinian and Spanish solidarity organizations.

<http://www.globalresearch.ca/index.php?context=va&aid=9507>

See also 'PCHR Submits Lawsuit against Israeli Officials via Spanish National Court' (25 June 2008) at

<http://www.pchrgaza.org/files/PressR/English/2008/60-2008.html>

## **SWEDEN: Legal developments**

**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/>

## **SWEDEN: Rwandan case**

**16 July 2008**

### **Rwanda genocide suspect detained in Sweden**

A Rwandan national suspected of committing crimes against humanity during the 1994 genocide in Rwanda was detained Wednesday [16 July 2008], Swedish police said. Police were contacted by Rwandan embassy staff in Solna near Stockholm about the man who was brought in for questioning. A prosecutor later decided that he should be held pending further investigation [...].

[http://www.monstersandcritics.com/news/europe/news/article\\_1417499.php/Rwanda\\_genocide\\_suspect\\_detained\\_in\\_Sweden](http://www.monstersandcritics.com/news/europe/news/article_1417499.php/Rwanda_genocide_suspect_detained_in_Sweden)

## **SWITZERLAND: Legal developments**

The Swiss Federal Assembly, composed of the National Council (lower Chamber) and of the States Council (the Senate), has adopted laws or acts relating to international criminal justice or to the struggle against impunity on the national level.

<http://www.trial-ch.org/en/swiss/live-from-parliament.html> and

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

## **UNITED KINGDOM: Sri Lanka Tiger 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. But Britain says he is unlikely to face charges despite a range of allegations from rights groups. [...] "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>

See also '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' (1 February 2008) at [http://news.bbc.co.uk/2/hi/south\\_asia/7209746.stm](http://news.bbc.co.uk/2/hi/south_asia/7209746.stm), and 'Karuna to be charged for war crimes in UK' (27 January 2008) at <http://www.thesundayleader.lk/20080127/NEWS.HTM>, and 'Rights groups push UK to charge ex-Sri Lanka Tiger' (5 November 2007) at <http://www.reuters.com/article/featuredCrisis/idUSL05171909>

## UNITED KINGDOM: Israeli cases

**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. The Met initially refused to get involved, citing massive pressures on counter-terrorism teams in the wake of the London bombings. But the legal representatives successfully applied to a judge for an arrest warrant for a private prosecution.

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

**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>

## UNITED KINGDOM: Rwandan case

**6 June 2008**

### **Rwanda: Genocide Suspects Should Be Extradited - UK Court**

A British court has backed a request by the Government of Rwanda for the extradition of four men accused of committing Genocide in Rwanda. In a verdict read out yesterday by the Designated District Judge of the City of Westminster Magistrates' Court Anthony Evans, the court ruled that the defence had failed to convince court that Rwandan judiciary was incompetent and that it lacked independence to try the quartet. The three former Mayors in the Southern Province and a medical doctor had been fighting the extradition request since December 2006. Célestin Ugirashubija was arrested in Essex, Charles Munyaneza in Bedford, Emmanuel Nteziryayo in Manchester, while Dr Vincent Bajinya was arrested in north London.

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

See also 'British man helped organise Rwandan genocide, courts told' (25 September 2007) at

<http://www.guardian.co.uk/rwanda/story/0,,2176395,00.html>

## EUROPEAN UNION

**13 June 2008**

### **EC launches information campaign against torture**

The European Commission (EC) is launching a global information campaign regarding its policy and funding programmes to combat torture. The campaign is also designed to mark International Day against Torture on June 26, an EC press release said here on Thursday [June 12, 2008]. [...] In the last five years, under the European Instrument for Democracy and Human Rights (EIDHR), the EU has allocated an average of almost 12 million euro per annum to project designed to tackle torture and support torture victims. This makes the European Union the lead global donor in this field, as acknowledged recently by the UN Special Rapporteur on Torture. The EU has financed a wide variety of projects. Examples include awareness-raising on the Convention against Torture, training of law enforcement personnel, investigation into the supply of torture technology, and support for rehabilitation of torture victims. The scale of the challenge of eradicating torture is underlined by the latest global report by Amnesty International which reveals that cases of torture and ill treatment by security forces, police, and other state authorities occurred in more than 80 countries in 2007. [...] A key message of the European Commission's campaign to combat torture is that all countries of the world must make endeavours to eradicate torture and address its root causes". <http://nation.ittefaq.com/issues/2008/06/13/news0219.htm>



**28 February 2008**

**European Court of Human Rights, Saadi v. Italy**

The European Court of Human Rights today reaffirmed that the ban on deporting people to countries where they are at risk of torture or ill-treatment is absolute and unconditional. The judgment in Saadi v Italy is being hailed as a major reassertion of the importance of the rule of law by eleven international human rights groups, including Amnesty International, the Association for the Prevention of Torture, the AIRE Centre, Human Rights Watch, INTERIGHTS, the International Commission of Jurists, JUSTICE, the Medical Foundation for the Care of the Victims of Torture, Open Society Justice Initiative, REDRESS, and the World Organization Against Torture (OMCT).

[http://www.redress.org/news/Saadi%20judgment%20press%20release%2028%20Feb%20\\_2\\_.pdf](http://www.redress.org/news/Saadi%20judgment%20press%20release%2028%20Feb%20_2_.pdf)