BRIEFLY NOTED
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Resolutions, Declarations, and Other Documents

1. UN Security Council Resolution 2125 on Piracy in Somalia (November 18, 2013)
<http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2125%282013%29>

On November 18, 2013, the United Nations Security Council, acting under Chapter VII, condemned all acts of piracy committed at sea off the coast of Somalia and called upon Somali authorities "to pass a complete set of anti-piracy laws without delay." The Security Council urged States, working with the relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates. The resolution recognized that "on-going instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, while piracy, in turn, exacerbates instability by introducing large amounts of illicit cash that fuels additional crime and corruption in Somalia." Accordingly, the Security Council calls upon the Somali authorities, Member States, and regional authorities to "take part in the fight against piracy and armed robbery at sea" through military action and assistance, and decided that the arms embargo on Somalia does not apply to supplies of weapons and military equipment for this purpose. The Security Council also reiterated its decision to consider establishing a specialized anti-piracy court in Somalia.

2. United Nations Mission Report on Use of Chemical Weapons in Syria (December 12, 2013)
<https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/12/report.pdf>

On December 12, 2013, the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic issued a report concluding "that chemical weapons have been used in the ongoing conflict between the parties in the Syrian Arab Republic." The report stated that "clear and convincing evidence" existed "that chemical weapons were used . . . against civilians, including children, on a relatively large scale in the Ghouta area of Damascus on 21 August 2013." The Mission also collected information on the alleged use of chemical weapons in Khan Al Asal on March 19, 2013; Jobar on August 24, 2013; Saraqueb on April 29, 2013; and Ashrafiah Sahnaya on August 25, 2013. It could not, however, corroborate allegations that chemical weapons were used in Bahhariyeh on August 22, 2013, or Sheik Maqsood on April 13, 2013. According to the press release, this report follows the Mission's September finding of "clear and convincing evidence" of Sarin gas attacks in the Damascus area against civilians, including children.

Judicial and Similar Proceedings

1. Prosecutor v. William Samoei Ruto & Joshua Arap Sang (ICC December 13, 2013)
<http://www.icc-cpi.int/iccdocs/doc/doc1699466.pdf>

On December 13, 2013, a majority of the Appeals Chamber of the International Criminal Court dismissed the Prosecutor's appeal relating to the temporal scope of charges in *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* case. In January 2012, Pre-Trial Chamber II confirmed the charges against the two accused for, inter alia, crimes against humanity allegedly committed between January 1, 2008 and January 4, 2008 in the greater Eldoret area in Kenya. In July 2013, after the Trial Chamber was constituted and had set the date for commencement of trial for September 2013, the Prosecutor sought an amendment to the temporal framework of the charges in the greater Eldoret area to include December 30 and 31, 2007. The Pre-Trial Chamber denied the motion on the ground that such an amendment "would unduly compromise the rights of the accused persons."

A majority of the Appeals Chamber affirmed, ruling that, pursuant to Article 61(9) of the Rome Statute of the ICC, once the trial has commenced, it is no longer possible to amend or to add to the charges. The Appeals Chamber thus concluded that the appeal was inadmissible given that in September 2013 opening statements were made and first witness was heard. Judge Ušacka dissented, reasoning "that the Prosecutor sought an amendment of the charges before the commencement of trial" and thus "the Prosecutor's appeal should have been considered on the merits."

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Prosecutor v. Grégoire Ndahimana (ICTR December 16, 2013)
<http://www.unictr.org/Portals/0/Case/English/Ndahimana/Judgment/131216-Judgement.pdf>

On December 16, 2013, the Appeals Chamber of the International Criminal Tribunal for Rwanda delivered a judgment in the *Prosecutor v. Grégoire Ndahimana* case. According to the press release, the Appeals Chamber "set[] aside some of the Trial Chamber's findings and increas[ed] the sentence of 15 years of imprisonment imposed on Mr. Ndahimana by the Trial Chamber to a sentence of 25 years of imprisonment." The Appeals Chamber affirmed Ndahimana's convictions for genocide and extermination as a crime against humanity "for failing to punish his subordinates from the Kivumu communal police for the killings perpetrated at Nyange Church on 15 April 1994" as well as extermination as a crime against humanity "for the killings perpetrated at Nyange Church on 16 April 1994." Ndahimana will remain in the United Nations Detention Facility in Arusha, Tanzania, until transfer to the country where he will serve his sentence.

Prosecutor v. Šainović et al. (ICTY January 23, 2014)
<http://www.icty.org/x/cases/milutinovic/acjug/en/140123.pdf>

On January 23, 2014, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia partially granted the appeals of both the Defence and the Prosecution in the *Prosecutor v. Šainović et al.* case. The Appeals Chamber reduced the sentences of Nikola Šainović, Sreten Lukić, and Vladimir Lazarević, while affirming the sentence of Nebojša Pavković. The Appeals Chamber also concluded, Judge Tuzmukhamedov dissenting, that "specific direction" is not an element of the aiding and abetting mode of liability. The accused are four Serbian senior officials from the political, military, and police establishment of the Federal Republic of Yugoslavia and Serbia.

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