BRIEFLY NOTED
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Resolutions, Declarations, and Other Documents

1. Agreed Conclusions on the Elimination and Prevention of all Forms of Violence Against Women and Girls (March 19, 2013)
<http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2013/L.5&Lang=E>

During the 57th Session of the Commission on the Status of Women, 130 United Nations member states reached an agreement on a document that "strongly condemns all forms of violence against women." The Agreed Conclusions of the Commission emphasizes prevention through education and raising awareness, strengthening and implementing legal and policy frameworks for accountability, addressing structural and underlying causes and risk factors, and establishing multi-sector services for survivors of violence. A spokesperson for Secretary-General Ban Ki-moon said that "The Secretary-General hopes that all the partners who came together at this historic session and others around the world will now translate this agreement into concrete action to prevent and end violence against women and girls."

Judicial and Similar Proceedings

1. Independent Counsel v. Bangura, Kargbo, Kanu and Kamara (Judgment in Contempt Proceedings) (Special Ct. for Sierra Leone March 21, 2013)
<http://www.sc-sl.org/LinkClick.aspx?fileticket=1cRLCLDqmXg%3d&tabid=199>

The Appeals Chamber of the Special Court for Sierra Leone upheld the convictions and sentences of three former Armed Forces Revolutionary Council (AFRC) leaders. The three-judge panel rejected the appeals of contempt for interference with prosecution witnesses.

Ibrahim Bazzy Kamara and Santigie Borbor Kanu appealed their September 2012 convictions for "knowingly and willfully interfering with the administration of justice" by interfering with prosecution witnesses who had testified against them in their trial for war crimes and crimes against humanity. Samuel Kargbo, who entered into a plea agreement and resultantly pled guilty to the charges in July of 2011, "appealed what he alleged was the trial judge's failure to order protective measures for him."

Kamara's appeal was dismissed as incompetent on the grounds that he failed "to stipulate 'the grounds on which the appeal was made'." Kanu's appeal was dismissed because "several, if not all, of his grounds of appeal suffer from . . . deficiencies." Finally, Kargbo's appeal was also dismissed as incompetent because "it was not an appeal either against conviction or against sentence, and thus did not fall with the appellate jurisdiction of Appeals Chamber." The Court thus affirmed the sentences imposed by the Trial Chamber.

2. Prosecutor v. Mićo Stanišić and Stojan Župljanin (Int'l Crim. Trib. for the Former Yugoslavia March 27, 2013)
<http://www.icty.org/x/cases/zupljanin_stanisicm/tjug/en/130327-1.pdf>
<http://www.icty.org/x/cases/zupljanin_stanisicm/tjug/en/130327-2.pdf>
<http://www.icty.org/x/cases/zupljanin_stanisicm/tjug/en/130327-3.pdf>

The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia sentenced Mićo Stanišić and Stojan Župljanin to twenty-two years imprisonment for crimes against humanity and war crimes committed in Bosnia and Herzegovina. The Chamber found that Stanišić and Župljanin participated in a joint criminal enterprise to "permanently remove non-Serbs from the territory of a planned Serbian state and that many of the crimes committed in the municipalities were foreseeable to the Accused."

Mićo Stanišić was the Minister of the Interior of the Republika Srpska. Stojan Župljanin was the Chief of the Regional Security Services Centre of Banja Luka, and also a member of the Crisis Staff of the Autonomous Region of Krajina. Both had pled not guilty to all charges in 2008. The trial lasted from September 14, 2009 to June 1, 2012. During the course of the trial, the Trial Chamber heard 199 witnesses and entered 4,377 exhibits into evidence.

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Stanišić and Župljanin were convicted of crimes against humanity, including: "persecution . . . through the underlying acts of killings; torture, cruel treatment, and inhumane acts; unlawful detention; establishment and perpetuation of inhumane living conditions; forcible transfer and deportation; plunder of property; wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures." They were also convicted of murder and torture as violations of the laws or customs of war. Stanišić was found not guilty of extermination as a crime against humanity.

3. Arbitration Proceedings Between Mr. Franck Charles Arif and the Republic of Moldova (ICSID April 8, 2013)
<https://icsid.worldbank.org/ICSID/FrontServlet?requestType=CasesRH&actionVal=viewCase&reqFrom=Home&caseId=C1740>

The ICSID Arbitral Tribunal issued a Final Award in the dispute between Arif and the Republic of Moldova over investment in five duty free stores on the Romanian borders, and one at the international airport. The dispute was submitted to ICSID by Arif pursuant to the 1997 Agreement between the Republic of France and the Republic of Moldova concerning the Reciprocal Promotion and Protection of Investments (BIT). Arif alleged several breaches of the BIT and international law including: the expropriation of the claimant's investment "on the basis of the alleged misapplication of Moldovan laws"; breach of the "specific commitments" obligation; breach of fair and equitable treatment; breach of Moldova's obligations not to impose arbitrary, unreasonable, or discriminatory measures; and the denial of justice.

The Tribunal decided that it had jurisdiction over the claims, and it held that Moldova breached Article 3 of the France-Moldova BIT "in that it has failed to ensure fair and equitable treatment to [Arif]'s investment in the duty free store at Chisinau Airport." The Tribunal ordered Moldova to make proposals for restitution of the investment in the airport store within sixty days. Arif may either accept or reject the restitution offered, and if it is rejected, Moldova is ordered to pay damages of MDL 35,136,294, with interest. The Tribunal dismissed all other claims and requests for relief.

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