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War Crimes Prosecution Watch is a bi-weekly e-newsletter that compiles official documents and articles from major news sources detailing and analyzing salient issues pertaining to the investigation and prosecution of war crimes throughout the world. To subscribe, please email [warcrimewatch@pilpg.org](mailto:warcrimewatch@pilpg.org) and type "subscribe" in the subject line.

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## AFRICA

### NORTH AFRICA

#### Libya

**UN Condemns 'Heinous Killing' of Migrants in Libya (Voice of America)** October 9, 2022

**The United Nations mission in Libya condemned Sunday the "heinous killing" of 15 migrants near the Mediterranean coastal city of Sabratha, accusing smugglers and demanding justice.**

The bodies were found on a beach on Friday morning, most of them burned inside a charred boat, according to the U.N. and the Libyan Red Crescent.

"While the exact circumstances remain to be determined, the killings reportedly resulted from clashes between rival traffickers," the U.N. mission UNSMIL said in a statement.

It urged authorities in the North African nation "to ensure a swift, independent and transparent investigation to bring all perpetrators to justice."

Libya was a key route for clandestine migration even before the 2011 uprising that overthrew dictator Moamer Kadhafi.

The lawlessness that ensued bolstered its position on the world's deadliest migration route across the Mediterranean to Europe.

People smugglers from the western city of Sabratha — just 300 kilometers (185 miles) from the Italian island of Lampedusa — continue to play a key role.

Migrants often face horrific treatment at the hands of smuggling gangs.

Rights groups have repeatedly accused authorities and armed groups operating under state auspices of torture and other abuses.

The latest killings are "a stark reminder of the lack of protection migrants and asylum seekers face in Libya, and the widespread human rights violations undertaken by powerful trafficking and criminal networks who need to be swiftly stopped and prosecuted," UNSMIL said.

Libyan media reported that the killings resulted from a "dispute between people smugglers" that led to them opening fire on the migrants, mostly from African countries further south.

One of the groups involved set fire to the boat, according to the reports.

Since the start of the year, more than 14,000 migrants have been intercepted and returned to Libya, the International Organization for Migration said Monday.

At least 216 people have died attempting to cross the Mediterranean Sea and 724 are missing and presumed dead.

## **NATO air strikes in Libya did not cause 'half a million civilian casualties' in 2011(Yahoo! News)**

October 18, 2022

**Social media posts circulating globally have falsely claimed air strikes during NATO's 2011 military campaign in Libya that led to the toppling of strongman Moamer Kadhafi resulted in more than half a million civilian casualties. While the United Nations and rights groups say the NATO air strikes led to civilian deaths, the number is far lower than the half a million alleged by the posts. A UN investigation found NATO air strikes killed 60 civilians and separate reports by rights organisations indicate there were dozens of civilian deaths.**

"NATO launched more than 10,000 air raids on Libya in 2011 with over 500,000 civilian casualties," reads a simplified Chinese tweet posted on October 10, 2022.

"When they were questioned about civilian casualties they insisted that it was collateral damage and that it happens in wars," the post adds.

The Chinese post is a direct translation of a tweet by an Africa-based user that was shared more than 20,000 times.

The false claim -- also debunked by Reuters and USA Today -- has been circulating since March in English and Chinese-language posts shared on Twitter and Weibo.

A screenshot of the misleading tweet, captured on October 18, 2022

NATO, the world's biggest military alliance of 30 European and North American countries, took sole command of air strikes in Libya in 2011 under a UN mandate to protect civilians.

The seven-month campaign led to Moamer Kadhafi being overthrown.

In June 2011, NATO addressed allegations it had targeted a residential building to the west of Libya's capital, Tripoli, saying: "While NATO cannot confirm reports of casualties, we would regret any loss of civilian life and we go to great lengths to avoid civilian casualties."

While the UN and rights groups say NATO air strikes killed civilians, the number of deaths that social media posts claim were caused by the strikes has been inflated.

A UN commission investigating war crimes and human rights violations in Libya reported in March 2012 that NATO air strikes in the country killed 60 civilians and wounded 55 others.

The report was published here.

Audrey Kawire Wabwire, a spokeswoman for Human Rights Watch, told AFP: "NATO air strikes killed at least 72 civilians, one-third of them children under age 18.

"Altogether, NATO conducted roughly 9,700 strike sorties and dropped over 7,700 precision-guided bombs during the seven-month campaign."

The organisation's full report was published here.

A spokesperson for Amnesty International, Ghina Bou Chacra, told AFP that the claim is inaccurate, but "NATO strikes did cause civilian casualties to a much lesser extent".

A report by the group here said it had documented "55 cases of named civilians, including 16 children and 14 women, killed in airstrikes in Tripoli, Zlitan, Majer, Sirte and Brega."

"Amnesty International is concerned that no information has been made available to the families of civilians killed and those injured in NATO strikes about any investigations which may have been carried out into the incidents which resulted in death and injury," the spokesperson added.

Responding to the claim that there were 500,000 civilian casualties, a NATO official told AFP: "This is completely bogus."

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## Central African Republic

**Official Website of the International Criminal Court  
ICC Public Documents - Cases: Central African Republic**

**Roadside bomb kills three U.N. peacekeepers in Central African Republic (Reuters)** October 5, 2022

**A roadside bomb killed three United Nations peacekeepers from Bangladesh and injured several others in northwest Central African Republic on Monday, the U.N. said.**

The attack occurred near the village of Kaita, close to the border with Cameroon, in an area rife with militia activity.

"The battalion was carrying out a patrol... when 1 of its vehicles hit an explosive device," the peacekeeping mission MINUSCA said in a tweet late on Tuesday.

No militia was directly blamed for the attack, although MINUSCA head Valentine Rugwabiza condemned "the use of explosive devices by armed groups."

MINUSCA said it has launched an investigation into the explosion.

Central African Republic has been rocked by violence since 2013 when mainly Muslim Seleka rebels ousted then president Francois Bozize, prompting reprisals from mostly Christian militias.

The conflict has uprooted more than one million people, according to the U.N.

Violence waned after a shaky peace accord was signed in February 2019 between the government and 14 armed groups, but the situation remains volatile as swathes of territory are still outside government control in one of the world's poorest countries.

U.N. peacekeepers were deployed to CAR in 2014. The mission currently counts just over 14,200 uniformed personnel and has suffered 147 fatalities, its website says.

**U.S. accuses Russia of exploiting Africa resources to fund Ukraine war (Reuters)** By Michelle Nichols  
October 7, 2022

**The United States accused Russian mercenaries on Thursday of exploiting natural resources in the Central African Republic, Mali, Sudan and elsewhere to help fund Moscow's war in Ukraine, a charge Russia rejected as "anti-Russian rage."**

U.S. Ambassador to the United Nations, Linda Thomas-Greenfield, said the Wagner Group of mercenaries are exploiting natural resources and "these ill-gotten gains are used to fund Moscow's war machine in Africa, the Middle East, and Ukraine."

"Make no mistake: people across Africa are paying a heavy price for the Wagner Group's exploitative practices and human rights violations," Thomas-Greenfield told a U.N. Security Council meeting on the financing of armed groups through illicit trafficking of natural resources in Africa.

Wagner, staffed by veterans of the Russian armed forces, has fought in Libya, Syria, the Central African Republic, Mali and other countries. It was founded in 2014 after Russia annexed Ukraine's Crimea peninsula and started supporting pro-Russia separatists in Ukraine's eastern Donbas region.

Russian U.N. Ambassador Vassily Nebenzia said he regretted that Thomas-Greenfield raised the issue of "Russian support to African partners."

"This exposes their real plans and aims - what they really need from African countries," said Nebenzia, without elaborating.

Russia's Feb. 24 invasion of Ukraine came at a time of heightened rivalry between the West, China and Russia over Africa's natural resources, trade and security ties. Some states worry about being squeezed in the middle of an intense geopolitical rivalry.

Russia has been trying to chip away at its international isolation after nearly three-quarters of the General Assembly voted to reprimand Moscow and demand it withdraw its troops within a week of its Feb. 24 invasion of neighboring Ukraine.

Next week, the 193-member General Assembly is due to vote on whether to condemn Moscow's move to annex four partially occupied regions in Ukraine after staging what it called referendums.

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## **Sudan & South Sudan**

**Official Website of the International Criminal Court  
ICC Public Documents - Situation in Darfur, Sudan**

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## **Democratic Republic of the Congo**

**Official Website of the International Criminal Court  
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## **WEST AFRICA**

### **Côte d'Ivoire (Ivory Coast)**

**Official Website of the International Criminal Court  
ICC Public Documents - Situation in the Republic of Côte d'Ivoire**

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### **Lake Chad Region – Chad, Nigeria, Niger, and Cameroon**

**ISWAP Terrorists Claim Responsibility For Attack On Kogi State Church, Killing Of Two Worshippers (Sahara Reporters) October 18, 2022**



**The Islamic State-backed faction of Boko Haram, the Islamic State West Africa Province (ISWAP), formerly known as Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād, has confirmed that it carried out an attack on a church in Kogi State.**

The attack was the sixth to be claimed by the group in the state in the last six months.

SaharaReporters had earlier reported today that gunmen on Sunday invaded a Celestial Church, Blood of Jesus Parish in Lokoja, the capital of Kogi State, killing two persons and injuring several others.

The church is located behind the NNPC Mega petrol station in Felele axis along Abuja-Lokoja-Okene highway of Lokoja.

The two dead members were reported to have been evacuated from the church and deposited at the Federal Medical Centre, Lokoja while the injured were rushed to the same hospital for treatment.

The attack of the Celestial church is the second in recent times in that area of Lokoja.

Few weeks ago, another church was attacked at Sarkin Numan around the Felele area of Lokoja.

ISWAP in a post on Tuesday said the attack was carried out by “soldiers of the caliphate.”

On April 23, gunmen attacked a police station in the same Adavi LGA in the state, which resulted in the death of three police officers.

Some days later, ISWAP claimed responsibility for the attack.

On May 11, there was an explosion at a bar in Lewu Junction area of Kabba town, Kogi.

The explosion claimed three lives out of the 16 persons affected.

Two weeks later, another explosion occurred at another bar in the town, in Kabbah-Bunu LGA.

The group claimed responsibility for both explosions.

Kabba is the headquarters of the Kabba/Bunnu LGA and the people speak a dialect of Yoruba called Owe.

The town is less than 10 minutes to Akunnu-Akoko and Ajowa-Akoko in Ondo State and less than 20 minutes to Omuo in Ekiti State.

ISWAP in June 2022 also claimed responsibility for the explosion that led to the death of two persons during an annual festival in the Idoji area of Okene, Kogi State.

The group also said it attacked two Nigerian government vehicles in the Adavi Local Government Area of Kogi State few days after.

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## **Mali**

**Islamist militants in Mali kill hundreds, displace thousands in eastern advance (Reuters)** By Tiemoko Diallo

October 14, 2022

**Islamist militants have advanced further into eastern Mali in recent days, seizing territory, killing hundreds of civilians and forcing thousands to flee, regional Malian officials and analysts said.**

The gains by the militants highlight Mali's struggle to fill the vacuum following the departure of French and other European forces, while relations with neighbouring Niger have deteriorated, preventing joint military operations near the Niger and Burkina Faso borders.

Heavy fighting between Tuareg separatists and the Islamic State in the Greater Sahara (ISGS) group has been reported in Menaka region, where Malian forces took over a French military camp in June. [read more](#)

While the offensive started in March, France's pullout "left a vacuum and lifted a lot of pressure", said Heni Nsaiba, senior researcher at the Armed Conflict Location & Event Data Project (ACLED), a U.S.-based crisis monitoring group.

Hundreds have been killed since March, mainly civilians, as jihadists have battled their way into Menaka and the neighbouring Gao region, according to ACLED data, Nsaiba added.

Islamic State-linked fighters are the major perpetrators of that violence, according to the U.N. Secretary General's report to the Security Council released on Thursday.

This month, Islamist militants took over the rural Ansongo district, near the border with Niger, a local official and pro-government militia said.

"Jihadists stopped several buses and forced drivers to make women sit at the back and men in the front," Yacouba Mamadou Maiga, the deputy mayor of Ouattagouna, one of Ansongo's seven municipalities told Reuters via telephone on Monday.

**TOWNS UNDER PRESSURE** Thousands of people have fled to towns in Menaka and Gao, home to another military base from which Malian troops are battling the insurgency with the help of hired Russian fighters.

"Hundreds have died," Maiga said, unable to provide a precise figure.

A coalition of ethnic Tuareg militia groups mobilised its own forces this month to prevent mass killings, looting and economic destruction in Menaka and surrounding regions, it said in a statement.

The U.N. has also reinforced peacekeeping patrols in and around Menaka city, where over 25,500 displaced civilians have sought refuge, putting pressure on food, water, farmland and medical supplies.

Mali has faced instability since 2012, when Islamist militants hijacked a Tuareg rebellion in the north.

France intervened to help Malian forces push them out in 2013, but the militants have since regrouped and spread across the Sahel and further south towards coastal states, threatening their political stability, western interests in the region.

Growing acrimony between Western powers and military leaders who seized power in a 2020 coup pushed France to move its counter-insurgency operations to Niger this year.

Other European countries have withdrawn troops, often citing Mali's collaboration with Russian mercenaries.

In Menaka and Gao, Malian troops and the few remaining international forces that back them are increasingly confined to the towns that host their bases.

"They carry out an operation... then they withdraw," said Nsaiba. "ISGS have really expanded, they continue to gain influence."

#### **Fourth UN peacekeeper dies after Mali roadside bomb attack (france24) October 18, 2022**

**A fourth United Nations soldier has died from injuries from a highway bomb in northern Mali, a day after the blast claimed the lives of three of his comrades, a spokesman for the UN peacekeeping mission said Tuesday.**

Their vehicle struck an improvised explosive device (IED) during a search for mines in Tessalit, in the deeply troubled Kidal region.

Two other peacekeepers were seriously injured, the MINUSMA mission said.

UN chief Antonio Guterres, in a statement issued in New York, strongly condemned the blast and warned that attacks on peacekeepers could constitute war crimes under international law.

The peacekeepers were part of MINUSMA's Chadian contingent, an official at the mission's camp in Kidal said on condition of anonymity.

MINUSMA – the United Nations Multidimensional Integrated Stabilisation Mission in Mali – was launched in 2013 to help one of the world's poorest countries cope with a bloody jihadist campaign.

It is one of the UN's biggest peacekeeping operations, with 17,612 troops, police, civilians and volunteers deployed as of May, according to the mission's website.

In total, 181 of its members have been killed in hostile acts, one of the highest tolls in the history of "blue helmet" operations.

Seventy-six of the fatalities have been inflicted through IEDs.

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## Liberia

**Former Liberian rebel charged with war crimes awaits Paris trial (The Guardian)** By Kim Willsher  
October 9, 2022

### **Kunti Kamara charged with torture, cannibalism and complicity in crimes against humanity during civil war between 1989 and 1996.**

A former Liberian rebel commander will go on trial in Paris on Monday charged with acts of barbarity including torture, cannibalism, forced labour and complicity in crimes against humanity during the country's first civil war more than 25 years ago.

It is the first trial in France of a non-Rwandan suspect accused of wartime atrocities since the special crimes against humanity tribunal was set up in Paris in 2012.

Kunti Kamara, known as Kunti K, a naturalised Dutch citizen, was head of a rebel militia unit in the north of the west African country that was ravaged by two civil wars between 1989 and 2003 in which an estimated 250,000 people died.

The alleged war crimes took place during the first Liberian civil war, between 1989 and 1996, in Lofa county, a strategic region in north-western Liberia.

Kamara has been accused by witnesses of reducing the population of the village of Foya to slavery and carrying out "particularly atrocious acts of torture". In one such act, Kamara is said to have ordered his troops to cut open the body of a victim with an axe and remove the heart, which was then eaten.

He has also been charged with being complicit in "crimes against humanity" in, according to the indictment, "a massive and systematic practice of torture or inhuman acts".

Kamara's lawyer, Tarek Koraitem, told the Guardian his client denied all the accusations.

"It's a scandal. Here we have an affair in which we are judging, decades after the events, an obscure soldier of a rebel Liberian faction accused of abominable crimes on inexistent proof in a country that has no connection whatsoever with Liberia," Koraitem said.

A Liberian child soldier in Monrovia in 2003 Swiss court convicts Liberian rebel of rape, killings and cannibalism [Read more](#)  
"It isn't justice, it's a theatre show. Every one [of the charges] is false. He denies everything. He had a few men under his control on the frontline during the civil war. He is responsible for nothing."

Kamara was first arrested in France in 2018, then released because of a procedural error but put under investigation. He was rearrested in 2020 reportedly trying to leave the country. The case has been brought in France under the principle of universal jurisdiction, which allows certain countries to claim criminal jurisdiction over an accused in the case of globally recognised crimes, regardless of where they were committed, the accused's nationality or country of residence. Article 689 of the French penal procedural code states that alleged crimes – namely torture, terrorism, nuclear smuggling, naval piracy and aircraft hijacking – can be judged in France even if they were committed outside French territory by foreigners.

Kamara, 47, born in Liberia in December 1974, has admitted being a local commander in the United Liberation Movement of Liberia for Democracy (Ulimo), one of three rebel militias ranged against Charles Taylor's National Patriotic Front of Liberia (NPFL) during the first Liberian civil war. Taylor became president in 1997 and remained in office until 2003.

The photographer Patrick Robert, who worked in Liberia and is a witness in the trial, told investigators that during the conflict he had seen human organs, mainly hearts, removed from bodies and eaten, but could not specify that this was done by Ulimo forces. Soldiers on both sides were accused of torture, massacres and rapes, often committed while under the influence of drugs.

Kamara told French investigators he led a group of Ulimo fighters but insisted he did not commit any of the crimes of which he is accused. He told the investigating magistrate the accusations were founded on “political jealousy” made up by “Liberian criminals who have got together to lie because what they want is to come to Europe”.

In 2019, French and Liberian investigators carried out a fact-finding mission in north-west Liberia. Investigators spoke to dozens of Liberians, many of whom allegedly identified Kamara and linked him to war crimes. Kamara moved to France in 2016 from the Netherlands, where he trained and worked as an electrician and obtained nationality.

The lawyer Sabrina Delattre, who is representing some of Kamara’s alleged victims and the Swiss-based NGO Civitas Maxima, which documents international crimes and is a civil party in the trial, told the Guardian the trial would give those who suffered “a voice”.

“The victims have enormous expectations. In Liberia crimes were committed during the civil war that ravaged the country that were never investigated. Even a number of former warlords have never been judged. There has been total immunity,” she said.

“It’s important for the victims to have a voice. This would not be possible in Liberia. Even after 30 years, people are still very traumatised. Women who were raped, women who were reduced to slaves, women who were treated like goods and not people, victims of torture. It’s still very difficult for them to rebuild their lives.”

Alain Werner, a human-rights lawyer and the director of Civitas Maxima, said the trial showed there was a legal recourse for victims of long forgotten conflicts.

“Liberia is a forgotten country; many people don’t even know where it is and Lofa is a hidden country within the hidden country, hundreds of kilometres from the capital Monrovia. Even within Liberia, people know little about Lofa. This trial shows that even with hidden crimes in a hidden country, there is no hiding place,” he said.

“It’s an important case because it again puts the spotlight on a vicious and cruel civil war where the victims of crimes were massively the civil population.

“It’s important for everyone in the world to understand that if you are victim of a crime against humanity or a genocide that even if the UN will do nothing, even if your country will do nothing, you can still have justice. Something can be done.”

The trial begins on Monday 10 October and is due to continue until 4 November.

### **Liberia: Lawmakers Linked to Facilitating Female Genital Cutting in Gbarpolu County (Front Page Africa) Oct 10, 2022**

#### **The campaign against Female Genital Mutilation (FGM) in Liberia seems to be leading to a complete fiasco as some lawmakers in the country are said to be heavily facilitating the practices.**

Despite Merck Foundation’s campaign against the practice of Female Genital Mutilation (FGM), it has been disclosed that two members of the legislature have been identified as those reportedly facilitating the harmful traditional practice in the country.

It is alleged that those who make the law (lawmakers) are the ones breaking the very law they made. An example is reports of two Gbarpolu County lawmakers who have been accused of facilitating Female Genital Mutilation (FGM) practices in the county. The two lawmakers are identified as Senator Daniel Flomo Nathan and Representative Joseph Matthew of Gbarpolu County District #3.

Female genital mutilation, also known as female circumcision, excision or genital cutting, comprises all procedures that involve partial or total removal of the external female genitalia, or other injuries to the genital organs for non-medical reasons, mostly carried out between infancy and age 15.

The procedure has no health benefits for girls and women. Because it is usually performed without permission and often against will, it violates girls’ right to make important decisions about their sexual and reproductive health.

The lasting psychological effects on victims can be traumatic, often leading to long-term mental health issues and sexual dysfunction. Procedures can cause severe bleeding and problems urinating, and later cysts, infections, infertility as well as

complications in childbirth and increased risk of newborn and maternal deaths.

It can be recalled that in February of 2022, the Government of Liberia and Traditional Leaders placed a three years ban on FGM practices in Liberia but it appears that the practice of FGM is still ongoing in most parts of rural the country due to the refusal of traditional leaders to enforce the ban.

While some lawmakers, human rights and Civil Society Advocates are vigorously advocating for the passage of a Bill against FGM, the two lawmakers are allegedly undermining the Bill by their alleged actions of facilitating the harmful traditional practice.

An investigation conducted by this news outlet revealed that low enrollment in schools in the county has been attributed to the traditional practices which is allegedly been hugely sponsored by the two lawmakers through the traditional Bushes-the Sande and Poro Societies.

The investigation further revealed that the two lawmakers are in the constant habit of assisting parents of young girls and boys with funding to purchase lappas and other items to be worn by the prospective graduates from the Sande and Poro Societies at the end of the initiation.

Observers wonder as to what the Internal Affairs Ministry is doing despite the three years ban placed on FGM practices by the Government of Liberia.

But reacting to the recent news of the ongoing Sande Society activities in Gbapolu County, the Assistant Minister for Cultural and Customs at the Internal Affairs Ministry Joseph B. Jangar said most of the Sande society or groove operations in the counties are being operated illegally and those involved are to be arrested and punished culturally.

Assistant Minister Jangar disclosed that he is not aware about any groove being operated in Gbapolu County despite several media reports.

“We have instructed our superintendents and other local authorities in the counties to prosecute anyone involved with illegal FGM practices without certificate should be subjected to cultural punishments.

He added that the problem is not with the Ministry of Internal Affairs but lawmakers in the various counties and some counties authorities who are involved it for political reasons.

What did Human Rights Advocate Says?

Human Rights Activist and Lawyer, Cllr. Urias Pour quoting Article 2 of the Maputo Protocol African Chapter on the Elimination of Discrimination Against Women states that among other things, “Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application.”

It continues that (b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;

c) Integrate a gender perspective in their policy decisions, legislation, development plans, programs and activities and in all other spheres of life.”

(d) Take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;

e) Support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.

2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3 Right to Dignity also states that, “Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights; every woman shall have the right to respect as a person and to the free development of her personality.

The document also adds that, “States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women.

4. States Parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.”

Cllr. Pour maintained that the reason why FGM practices are still ongoing in various counties is due to the lack of political will by lawmakers as well as the strong cultural practices in Liberia.

The human rights lawyers explained that another reason why lawmakers have failed to implement the three years ban placed on FGM practices is because if they do so, they will be losing votes from constituencies.

He wants government to provide livelihood program for traditional people which will keep them busy to avoid the practices of FGM.

Cllr. Pour recommended that the government should empower Civil Society Organizations to raise awareness on danger of the FGM practices in the country and the medical effects and sexual reproductive health rights it have on women and girls since it has absolutely no medical benefits.

He added that the Liberian Government should create alternative programs to transform the Sande bushes or groove for the benefits of the citizens.

What the FGM Bill seeks to address?

On the continuous practices of FGM in Liberia and how to curtail same, Liberia’s Deputy Speaker of the House of Representatives, Fonati Kofa said the Bill seeks to address those harmful traditional practices against girls and women and if passed, violation will go with penalties for violators.

Representative Kofa maintained that FGM is a harmful traditional practice adding, “I’m opposing to it and hope that the Bill can come out of Committee Room when we returned. But a lot of civic education and work with traditional people will also be required.”

“I have always opposed FGM practices when we did the Domestic Violence Bill, sometimes in 2019; it almost got torpedoed because it had an FGM ban. We removed the FGM ban to get the Domestic Violence Bill passed. I promised our women and girls that I would revisit the issue so that it stands alone as a Bill before the end of the 54th Session. Also we had allotted sufficient time for consultations with traditional leaders amidst an Executive Order banning the practice. The time has come for us to make real our promises,” Rep. Kofa said.

He furthered, “I read the scientific data on the consequences of the practice which have no medical value from the United Nations and other advocates. I also talked with some women who had undergone the procedure. Some with long-lasting medical and psychological effects.”

Witnesses testified in Gbarpolu County

With the situation in Gbapolu County, witnesses and some parents who have their children in the Poro and Sande Bushes in the county, disclosed that they have benefited from both Senator Nathan and Representative Matthew’s donations of clothes including lappas and other items for their children graduations from the bush society or traditional school.

Two other parents, Aaron Momo and Momo Denis admitted that their children were assisted with lappa (clothing) from Senator Daniel Nathan. Also the Kongbah District Commissioner Alfred O. Bai admitted that the two government officials have been contributing to Sandee and Poro Societies activities during initiation and graduation ceremonies.

Commissioner Bai said Senator Nathan and Representative Matthew have been doing well when it comes to their contributions toward the Sande and Poro activities including the initiation of the bush.

“Yes, Senator Nathan bought lappa in bulk and gave them to the women on the football field for the purpose of removing those women and girls who were in the Sande bush which I witnessed but I didn’t witness how it was distributed among the bushes. I usually attend those donations ceremonies by the two lawmakers who have been playing major roles toward the Sande bushes,” Commissioner Bai added.

He also added that Senator Nathan’s last contribution to the initiation and graduation of girls from the Sande Society was done between October and November of last year.

For his part, one of the accused lawmakers, Representative Joseph Matthew though refused to be recorded declined to speak

on issues surrendering what he calls his culture because according to him, he is also a cultural man and was born in it. He made these remarks during a visit at his office on Monday October 3, 2022.

“Culture are meant to be obeyed and this is where I can stop he concluded.” Representative Matthew also restricted our reporter not to publish any conversation they had thus making the reporter’s work difficult.

Another accused, Gbapolu County Senator, Daniel Nathan admitted that sometimes last year between October to November 2021, he purchased a lappa, food items and none food items for Sande bush girls in Gbarma District that had groove (Sande Bush). He said this was to assist some parents who needed help from him.

In a telephone conversation, Senator Nathan said, one of the Zoes who is very closed to him, was operating the grove in Gbarma District but she has gone to Kongbah District to continue her groove with the hope that he (Senator) will continue his support toward them.

According to him, the position he was in when he contributed toward the purchasing of lappas and other items including food and none food items, he is no longer in said position to facilitate any grove activities.

“I’m a traditional person and a member of all the traditional practices in the county,” the Gbapolu County Senator boasted.

“I found myself in the Senate today because I’m subject to those traditional beliefs and if I stand in the Chambers of the Senate and advocate for the abolition through legislation, I know the consequences I will face if I go back home and so I am not one of the advocates in the Senate to abolish the FGM practices because I’m a member and am also liable to discipline which I can’t ignore.”

Senator Nathan maintained, “I sorely believe in it, it has been in existence since the creation which we met with our forefathers and is still ongoing.” He added, “Those of us from traditional communities were compared to join and we are members and can’t join others to divert it.”

On the ongoing advocacies against FGM by Merck Foundation’s and others CSOs, Senator Nathan said, “Well, we can’t say those who are advocating about the abolition of FGM are wasting their time but rather it is a lawmaking process which is based on majority votes. “Those of us who are members cannot stop the Bill from being passed and the rest of our colleagues who are not members are also subject Plenary decision if the Bill is not passed.”

The lawmaker added, “All those groove that are still opened while academic school activities are ongoing, I’m advising the traditional people to put the girls out so that they can have the opportunity to go back to school. I have communicated to the leaders of the groove or Sande Bush but he they told me that they are waiting for dry season because they can’t graduate those girls under the rain.

Senator Nathan indicated that there was an appeal for the groove or Sande Bush not to be abolished but rather create free space on the activities of FGM practices for three years but the government has failed to educate or empower traditional leaders which is one of the reasons why the FGM practices is rampant in Gbapolu and other counties.

With all these rigmarole over the continuous support to Female Genital Mutilation (FGM) especially involving high ranking government officials in Liberia, many are concerned abolition of FGM a harmful traditional practice which has affected millions of African girls.

At least 200 million girls and women alive today have undergone a form of female genital mutilation (FGM). An additional 2 million girls could undergo FGM by 2030 as a result of COVID-19, on top of the 68 million cases which had previously been anticipated.

In July 2020, the Human Rights Council adopted resolution 44/16 on the elimination of female genital mutilation to speed up efforts to reach zero tolerance for FGM by 2030 and to restate the global ban on the harmful practice as it constitutes a serious violation of women’s rights.

The number of women and girls mutilated every year globally could rise to 4.6 million by 2030 if the goal of zero tolerance isn’t reached, said Natalia Kanem, Executive Director of the United Nations Population Fund (UNFP)

**Liberia: “I would never eat human heart” Kamara Tells War Crimes Court as TRC Commissioner Washington Makes a Powerful Case for the Legitimacy of the French Trial (Front Page Africa) By**

Prue Clarke  
Oct 18, 2022

**The former Ulimo commander Kunti Kamara, on trial here for war crimes and crimes**

**against humanity in Liberia's civil wars, had his first chance to make a substantive response to the allegations made against him in the first five days of this trial.**

Under questioning from the judges, civilian lawyers and prosecution lawyers Kamara denied all the accusations that victims have made against him of torture, rape, murder of civilians and "barbarism" in the town of Foya in Lofa County, Liberia between 1993 and 1994.

Kamara told the nine-person jury and four alternates that the accusations of cannibalism – that he roasted and ate the heart of a civilian who had allegedly reported his crimes to international observers – made him sick.

"Since I was arrested nothing bothered me in the trial like what they're talking about now. Eating human beings," Kamara said. "Even if I spend 100 years in jail I will not admit to eating a human being's heart. Each time I hear it I want to vomit."

"Since I was born until today I never eat pork," said Kamara a Muslim. "Why should I eat human being heart? I have nothing to say. I am innocent. I don't know them today. I don't know them tomorrow."

The three judges in the trial of Kunti Kamara in Paris Credit: Leslie Lumeh/New Narratives Kamara denied that he had ever knew anyone who had said they ate human heart including in rituals of the Poro, a traditional African society.

"Since I was small that is a rumor in the ear," he said of Poro human sacrifice and consumption of human flesh. "But I never met anyone who said they ate heart."

Kamara insisted that the Ulimo committed no atrocities against civilians in the four-month period he was with them in Foya though he conceded Ulimo may have committed atrocities elsewhere during the war.

He said Ulimo in Foya was under the ultimate command of Ulimo Commander Dekau. Kamara said his mandate was only as battalion commander in charge of platoons "on the frontlines". He denied any leadership role in the town over civilians.

Kamara acknowledged Ulimo fighters that victims have identified in this trial "Ugly Boy", "Fine Boy" and Alieu Kosiah, convicted of war crimes in Switzerland in 2021, were all with him in Foya but Kamara claimed he hardly ever saw them.

Kamara blamed the accusations that have brought him to trial here were part of a "plot" orchestrated by "a clique" led by Fayah Williams, the late deputy director at Global Justice and Research Project, the Liberian justice activists.

Late in the evening Massa Washington, the former commissioner of the Truth and Reconciliation Commission, gave a powerful testimony that could prove decisive in the trial.

It was designed to answer questions that jurors may have had about whether they should be passing judgement on a Liberian for crimes committed 30 years ago in a country a long way away. That was a question French journalists were asking each other on the sidelines of the trial.

"These trials are important because they give them people of Liberia justice," an emotional Washington told the jury. "They give us hope that one day we'll be able to get justice with our own judges, our own prosecutors, on our own soil. In the meantime we are grateful that some of the people who committed these gross violations of human rights who are in this country, in the US, in every country in the world where they find them they can try to bring them to justice. In the absence of our government addressing accountability these trials are the Liberian people have."

Washington thanked the jury.

"It sends a message that we belong to the universal human race," Washington said. "It says that the world has not forgotten Liberia. It says that we all share that common human dignity. We have the same needs. We feel the same pain. We thank you for the opportunity to tell some of these stories. I hope this has provided an important clarification for why this trial is important."

Washington told some of the horrors she had personally witnessed as a journalist in Monrovia during the first civil war. The jury was riveted by her testimony which made clear that the testimony they were hearing from witnesses here was just a fraction of the myriad atrocities that had been committed during the war. She told of rapes of girls as young as five and of elderly women. She said her work with women made it clear to her than many of the elderly women had not come forward to the TRC hearings because of the stigma.

She told the story of an 82-year-old woman who told her she was made a war wife.

"I was raped all the time by boys who could have been my grandchildren," Massa quoted the woman as saying. "Her story is just one story that represents thousands of stories. The rebels were so bad that when people were on checkpoints trying to get



away from the fighting the rebels were raping the wives in front of the husbands. They even forced sons to have sex with mothers in front of the family to destroy the men. They took the young girls away.”

Earlier in the day the fifth victim to testify against Kamara detailed the alleged torture, killing and cannibalism of a schoolteacher in Foya that all victims have claimed was directed by the defendant.

He also talked more broadly of the suffering of people in Lofa during Ulimo’s occupation of the town. His telling of the experience of the women he had planned to marry was a harrowing example of the broader suffering of the people.

“M. was my girlfriend and Ugly Boy took her as a sex slave,” the victim told the Paris court talking of the now deceased perpetrator that many victims have alleged was Kamara’s lieutenant who followed his orders to commit many of the crimes. The court has ordered press to withhold victims’ names for their security.

“This was another blow to me,” the victim told the court. “I really planned to marry her. The first time I saw her after the war, it was painful, but it had happened. She was not at fault. I saw her but the stigma was too heavy. I could no longer take her as a wife. By tradition anyone who takes a wife after that is easily rejected from society. In addition, because of her time as a sex slave, she conceived. I am feeling it for her now because her situation is too deplorable.”

The trial continues Tuesday with more testimonies from victims about the murder of a woman in Lofa.

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## EAST AFRICA

### Uganda

**Official Website of the International Criminal Court  
ICC Public Documents - Situation in Uganda**

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### Kenya

**Official Website of the International Criminal Court  
ICC Public Documents - Situation in the Republic of Kenya**

**Nigerians Accuse Kenyan Police Of Extrajudicial Killings, Disappearances, Narrate Ordeals In East African Country (Sahara Reporters) October 7, 2022**

**Some Nigerians in Kenya have alleged that there is an alarming rise of targeted killings and police brutality targeted at them in the East African country.**

They also accused the government of Kenya of being behind the enforced disappearances of Nigerian nationals, adding that in one month, four Nigerians disappeared without a trace.

Also in July, a Nigerian went missing without any trace, they said.

A Nigerian, who spoke with SaharaReporters from Kenya, described the condition Nigerians in the country were subjected to by the Kenyan police as unimaginable.

She asked President Muhammadu Buhari’s government to intervene before it would be too late.

"I feel the Federal Government should weigh into this matter to save the lives of young Nigerians who are regularly brutalised and killed by the Kenyan police," he said.

"I am presently in Nairobi, Kenya. On one of my visits to the Nigeria High Commission, I met a young Nigerian who drew my attention to the atrocities committed against Nigerians in Kenya. I did a little digging and noticed that the case is quite pathetic.

"The victim who is in hiding for his dear life has contacted the Ministry of Foreign affairs back home. Nothing was done until recently when we heard that steps were being taken on the matter.

"The killing of Nigerians in Kenya, based on my records, didn't start today. In 2018, just in a month, we lost four Nigerians to extrajudicial killings in Kenya."

The source further noted that the situation had become a regular occurrence, adding that "Last month, there was an enforced disappearance of a Nigerian promising young man. I strongly believe that the Kenya Police are behind these atrocities and a thorough investigation must be done to fish out the officers involved.

"I've told them and I repeat again, enforced disappearance is an international crime against humanity. No one should be made to disappear. Everyone has a right to life or be charged in a court of law if suspected of an offence.

"I've written to Abuja again requesting that the toxic marriage between Nigeria and Kenya be put to an end with immediate effect. What we have is unilateral relation and not bilateral. We, Nigerians are the ones being subjected to this inhuman treatment.

"It shouldn't continue. In short, we don't need to wait until this impotent administration is over. I'm losing my sanity.

"Nobody can be kidnapped in the Industrial Area of Nairobi. It is absolutely impossible. The Kenyan police must be held accountable for the incident that occurred there. They should produce the corpse of the Nigerian they have killed for coroner's inquest."

The source said officials of the Nigerian High Commission in the East African country may not have experienced the same treatment meted out to other Nigerians in the country, probably because of their diplomatic status.

"Recently a friend visited Nairobi from Nigeria to tour the Safari. His name is Julius Adegoke. He also informed me of a horrific experience he had with the Kenyan police as soon as he lodged in his hotel. He was badly shaken that we had to pick him up," the source said.

"I wonder why the Nigerian High Commission is not doing much. Please help these Nigerians."

The source noted that she had to encourage him to report to the relevant authorities as soon as he got home. "I understand it's a regular occurrence as soon as Nigerians come in here."

Meanwhile, Adegoke who is already back in Nigeria, described his experience in the hands of Kenyan police as horrible, which he said can best be described as xenophobia. Narrating his experience in a telephone interview, on Wednesday, he said, "I travelled to Kenya on the 18th of August 2022, and landed at Jomo Kenyatta Airport at about 4am on the 19th of August 2022. Unfortunately, I didn't get the hotel I had booked for the reservation.

"So, a cab person arranged for another hotel for me. Later that night, I was accosted by policemen, saying they had an Intel that I was a foreigner and that they would search my room.

"They searched my phone and all my belongings. They turned my hotel room upside down; I thought I was being robbed. Afterwards, they said we should go to the police station and when we got downstairs, they said I was clean and could go. But later in the day, when I boarded another Uber, I was told that is how the cab men do in Kenya, that they report tourists to the police so they can extort them and share the proceeds of the crime."

Another Nigerian, who gave his name as Anthony Anamoye, a student in one of Kenya's universities, described the level of contempt with which the Kenyan police treat Nigerians as absurd.

Anamoye said he suffered similar brutality on March 19, 2022, when four Kenyan policemen invaded the house.

He narrated, "On the 19th of March, 2022, my house was invaded by four Kenya police officers. My iron door was pulled down using a machine; I was beaten to a coma. My house was not just searched without a search warrant, I was also robbed. The sum of \$550 meant for school fees was taken, a brand new iPhone 12 Pro Max with its carton and receipt, and my passports (an expired one and a valid one) were taken away.

"I was given back my expired Nigerian passport while to date the valid passport is still with the police officers. I was stripped half naked, and pushed inside the boot of a private car (not a police van). Upon arrival at the police station in Bamburi, I was put under duress to communicate to my family back home to send money or I would be castrated.

"The major allegation according to them was that 'Nigerians take Kenyan women.' The sum of 22,000 Kenyan Shillings was taken from me via MPESA at the station. "I reported this very incident to the authorities in Kenya that investigate police brutality known as the Independent Policing Oversight Authority but it was swept under the carpet as usual to date.

"I travelled to the Nigerian High Commission, only to be told that neither the High Commissioner nor Head of Chancery nor Consular was on sight. After several hours, I resolved to go naked inside the High Commission as a form of protest on the 24th of March, 2022. This was the action that forced the Consular, Head of Mission and some other staff members of the High Commission to come out. I was assured that the High Commission was going to swing into action immediately. But unfortunately, to date, no action has been taken.

"I followed up with the Nigerian High Commission but I was told that even the Nigerian diplomats in Kenya are also being harassed and the High Commission is totally limited to act as they must follow a diplomatic channel from Abuja.

"In short, the High Commission made it clear that the Nigerian Government's weakness and ineptitude are the reasons why Nigerians are being harassed in Kenya, right from the airport to their bed and all over the world."

He further stated, "On the 11th of June, 2022, the Kenyan police tracked me on my way to the mall just two days after I left the Nigerian High Commission as a follow-up to my passport that was seized. I was kidnapped by a police officer called Diba of Mtwapa Police Station.

"My phones were seized the moment I sought to verify the identities of the men who claimed to be police officers since they did not wear uniforms and were not willing to show their identity cards as police officers.

"I was forced into their car at gunpoint. They seized my residence permit immediately in addition to the passport that was already in their possession. I obediently entered the car. On getting to the police station at Mtwapa, Kilifi County, I was put inside a cell. I pleaded to be allowed to speak to a lawyer or at least my landlady but I was told that I would not be allowed to communicate with anyone again.

"I was detained for two days. On the first day in a cell, a kind police officer confidentially asked me to write down my home address, and she secretly sent someone to inform my landlady. With that help, my whereabouts became known to my landlady who visited the police station and was told that the charge against me was that I was in Kenya illegally. She got my documents to prove them wrong but her efforts were aborted by the adamant police officers.

"On the 13th of June, the landlady brought a lawyer who requested that I should be charged to court accordingly instead of being detained unlawfully. When the police officers realised that I was innocent, I was granted a bail of \$300, to be paid in cash. "A few days later, I was asked to return to the police station, and on getting there, the officer handling my case made it clear to me that no Nigerian fights Kenyan police and goes back alive. And he made it clear that further attempts to pursue the case would lead to my death."

"I went to the Nigerian High Commission on Tuesday, 21st of June, 2022 and I was told by one Mr. Edet that all the High Commission would do was to issue me emergency travel documents to return home and nothing else could be done regarding the assault I suffered and my missing documents and property.

"I have made some distress videos which I sent to the Government of the Federal Republic of Nigeria, which I believe is in circulation but I have not received any response so far.

"Please permit me to say that the Kenyan authorities are aware of the attacks on Nigerians in Kenya. They sponsor and mastermind the attacks. They have always capitalised on the unfortunate South African xenophobic attacks on Nigerians in the past.

"And the fact that they keep telling us that they know our government in and out, maintaining that the Nigerian government they know does not have any regard for the lives of its citizens and can never choose the lives of the citizens over its bilateral deals with Kenya.

"One of the police officers, David Mungai called me via this number 254 (0) 721 404078 and reiterated his determination to 'deal' with me further. In 2018, a fellow Nigerian, Mr. Bamiyo Ashade, was killed by Kenyan police officers and the only justice he got was an autopsy. Since then, the terrorists among the Kenyan police have devised a smarter way to kill Nigerians in a clandestine manner.

"They will always seize the phones, whisk away the victims, and have them killed without any trace or evidence. Many Nigerians are missing in Kenya and unfortunately and sadly, many have been killed while their families back home remain hopeful that they will see the return of their dead children. Also, many Nigerians are in Kenyan cells and prisons for months, and years yet without trials. Sadly, nobody knows the whereabouts of these fellow Nigerians.

"The issues are endless and cannot be exhausted here.

"Many Nigerians here in Kenya have lost hope, not only in the Nigerian High Commission in Nairobi but the government as well."

Meanwhile, the Nigerian High Commission to Kenya declared a Nigerian, Mr. Kingsley Okechukwu Iloanya missing. According to the commission, Iloanya was abducted by armed men around 8pm on July 26, 2022, in the Industrial Area of Nairobi.

The Commission in a notice declaring Iloanya missing which was published on its website, said: "He is 34 years old, about 5.8 feet tall, brown in complexion, with broad shoulders and was last seen wearing a dark green jacket with a white vest on the day of his abduction.

"MR. Iloanya was abducted from a vehicle while in traffic and has not been heard from since the day of his abduction. The High Commission kindly requests anyone with information on his whereabouts to reach out to the Nigeria High Commission on 0202633941 or Mr. Damian Iloanya on 0742995420."

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## **Rwanda (International Criminal Tribunal for Rwanda)**

### **Official Website of the ICTR**

**Kabuga trial: Witness from Muhima narrates genocide ordeal (The New Times** By Hudson Kuteesa  
October 13, 2022

**The trial of Felicien Kabuga, a key suspect of the Genocide against the Tutsi, continued on Thursday, October 13, at the International Residual Mechanism for Criminal Tribunals in The Hague, Netherlands.**

The court is currently hearing testimonies from different witnesses, regarding the role that the 89-year-old played in the 1994 Genocide against the Tutsi.

Kabuga is charged with genocide, direct and public incitement to commit genocide, conspiracy to commit genocide, and persecution on political grounds, extermination, and murder as crimes against humanity.

Notoriously known as the "financier of the genocide," the businessman allegedly played a big role in the atrocities by providing weapons, financial and moral support towards the killers.

During Thursday's session, the judges heard from a witness with pseudonym KAB38, who, in 1994 lived in the Muhima area of the city of Kigali, where a mega building owned by Kabuga was located.

According to a public summary of KAB38's testimony presented to the court by prosecutors, political parties like Juvenal Habyarimana's MRND and the extremist CDR held meetings on the second floor of Kabuga's building.

The witness said that she heard from the Interahamwe who attended the meetings that they were organised with Kabuga's authorisation.

"When they gathered for meetings, the Interahamwe used sling shots to throw stones at Tutsi nearby, drink alcohol and danced and sang," said the prosecutor reading KAB38's testimony.

She added that after the meetings, the Interahamwe were aggressive and would target Tutsi families and nearby shops with violence.

KAB38 noted that she saw Felicien Kabuga on two occasions in 1993 in the courtyard of his building surrounded by the Interahamwe.

When the Genocide started on April 7, 1994, large numbers of the Interahamwe gathered at Kabuga's Muhima building, according to the witness.

She testified that they killed her cousin, and captured her along with her sister and another pregnant female relative and held them captive in several locations from around April 8 until May 1994.

"The Interahamwe repeatedly raped and sexually assaulted them. Her cousin was also raped and killed and another cousin's wife was raped. The rapists were Interahamwe who were amongst those using Kabuga's Muhima building," the prosecutor read part of KAB38's testimony.

"In addition to the sexual violence, KAB38 witnessed Tutsi friends and family members being attacked and killed. During the genocide, many of KAB38's family members were killed including her mother, four siblings and cousins between the 7th and 22nd of April 1994," the prosecutor added.

The witness also spoke of the post genocide consequences of the sexual violence that a number of women suffered, including living with or dying from HIV.

**Kabuga Trial: Rights Activist testifies on role of RTLM in Genocide (The New Times)** By Aurore Teta Ufitiwabo  
October 18, 2022

**Human rights activist, Monique Mujawamariya, on Wednesday, testified before judges at the UN International Residual Mechanism for Criminal Tribunals (IRMCT) about the role of Felicien Kabuga's extremist radio station during the 1994 Genocide against Tutsi.**

Kabuga was the founder and chief financier of Radio Television Libre des Mille Collines (RTLM), an extremist radio that called on the public to hunt and kill Tutsis during the Genocide.

Kabuga is charged with genocide, direct and public incitement to commit genocide, conspiracy to commit genocide, persecution on political grounds, extermination, and murder as crimes against humanity.

Mujawamariya appeared in court for her testimony as prosecution continued to present evidence pinning Kabuga on his role in the Genocide.

She disclosed that RTLM used to project all Tutsi as enemies of the state as well as accusing Hutus who married the Tutsi, human rights activists, and opposition politicians of being accomplices of the Tutsi.

In her testimony, Mujawamariya told court that RTLM would announce the Tutsi they thought were still hiding and their specific areas of residence. This, according to the witness, would direct Interahamwe or Impuzamugambi to where the alleged enemies were and attack them.

She gave an example of a particular RTLM broadcast saying that in the Gitega neighborhood of Kigali, there was a place where "a group of Tutsi women" have "confused" Hutu men. According to her, the next morning the militia attacked the neighbourhood and killed one woman.

In addition, court heard that Interahamwe and other militia gangs used to move around with their radio receivers listening to RTLM while singing about exterminating the enemies.

Mujawamariya also provided evidence to her accounts, citing the power of radio in Rwandan culture, which was traditionally known as the most trusted and consumed media.

She testified about her name being announced multiple times on the radio and the attacks as well as the harassment she experienced as a result.

The prosecutor told the court that on the morning of April 7 in 1994, armed men and soldiers stormed and broke into the witness's home and started shooting indiscriminately, but she was lucky to have escaped into hiding after hearing her name being mentioned on the radio shortly before the attack.

Later on April 12, she sneaked out of the country after the media declared her dead among others.

Responding to some of the prosecution's questions, she said that she doesn't remember well how many times her name was read out on RTL. M.

Asked why she thinks she was the target, Mujawamariya explained that it was because she was a human rights activist who attracted much public attention resulting from several reports she published about human rights violations in the country and cases of harassment committed by the militia, the Interahamwe and presidential guards.

The witness was later cross examined by defence lawyer, Françoise Mathe.

### **Norway arrests man wanted by Rwanda for role in genocide (AP News) October 18, 2022**

**A man in his 40s who is wanted by Rwanda for his role a genocide in the African country has been arrested in the Norwegian capital of Oslo upon an extradition request, authorities said Wednesday.**

Thea Elise Kjæraas, a spokeswoman for Norway's National Criminal Investigation Service, said it had "carried out several investigations related to the background of the extradition request in advance of the arrest, but it is still early in the investigations."

"We cannot therefore go into the details," Kjæraas added.

It was unclear when the man was arrested and authorities did not give his name or what he is suspected of doing.

The man will face a custody hearing later Wednesday where the prosecutor will ask for him to be remanded in custody pending further processing of the extradition request.

In 1994, some 800,000 people, mostly ethnic Tutsis, were killed by Hutu extremists during the Rwandan genocide, according to the United Nations.

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## **Somalia**

### **Al-Shabaab attack kills two in Central Somalia (Yahoo News) October 19, 2022**

**A suicide attack by the Islamist rebel group Al-Shabaab killed two people including a soldier in central Somalia on Wednesday, a local military official told AFP.**

A vehicle laden with weapons ploughed into a military checkpoint in the Hiran region in a "kamikaze" attack, said army official Abdirahman Osobow.

Osobow said two people including a soldier died in an "enormous" explosion and blamed Al-Shabaab, a group linked with Al-Qaeda that has waged an insurgency against the Somali state for 15 years.

The attack "could have done more damage, but the security forces managed to contain it before it reached its main target", he added.

Despite being ousted from Somalia's major cities, including the capital Mogadishu in 2011, Al-Shabaab controls swathes of the countryside and civilians are often caught in the crossfire.

Among the group's string of recent attacks was a siege of a Mogadishu hotel in September that lasted 30 hours and led to the deaths of 21 people, with another 17 wounded.

Somali President Hassan Sheikh Mohamud has faced a sharp increase in Al-Shabaab activity since his election in May and has promised to wage an "all-our war" against them.

The Somali government earlier this month announced that Abdullahi Yare, a key Al-Shabaab leader with a \$3-million bounty on his head, had been killed in an air strike led by the army and international security partners.

After Mohamud's election, President Joe Biden said he would restore a US military presence in Somalia to fight Al-Shabaab.

The Pentagon had recommended the move, considering the rotation system of Biden's predecessor Donald Trump as too risky and ineffective.

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## Ethiopia

**Amid Ethiopia talks, report finds mass atrocities in war (The Citizen)** By Fred Oluoch October 7, 2022

**The Ethiopian government announced on October 6 that it was ready to attend peace talks with Tigray Region Authority to be mediated by the African Union and led by former Nigerian president Olusegun Obasanjo.**

The talks, set to begin on October 8, were accepted by Prime Minister Abiy Ahmed's national security adviser Redwan Hussein.

"The AU has issued an invitation for peace talks. The government of Ethiopia has accepted this invitation which is in line with our principled position regarding the peaceful resolution of the conflict and the need to have talks without preconditions," Mr Hussein wrote on Twitter.

But as the protagonists prepare for peace talks to end the war that broke out in 2020 and has killed more than 465,000 people, the United States Holocaust Memorial Museum has released a report detailing widespread human rights abuses and demanding justice and accountability from those responsible for the atrocities.

The report entitled, "Justice Options for Ethiopia: Eight Options to Provide Redress for Ethiopia's Victims", says the country needs justice and accountability mechanisms to demonstrate that perpetrators of crimes against humanity will not escape punishment.

In hostilities that resumed last month, the Ethiopian national forces (ENDF), Amhara regional government forces, and Eritrean forces (EDF) are fighting Tigrayan regional forces (TDF) over basic governance issues.

All sides have been accused of committing horrific crimes including murder, torture, sexual violence, forced displacement, and deliberate starvation, with complete impunity. Elsewhere in Ethiopia, Oromo forces (OLA) and other militia have also perpetrated crimes.

The report proposes establishing transitional justice mechanisms including criminal accountability, reparations (including compensation, rehabilitation, mental health support, access to medical care, land and property restitution, and apologies), and guarantees that the crimes will not be repeated.

There is also a need to hold perpetrators of crimes on all sides to account while avoiding making false equivalency between crimes perpetrated by different groups. The report also recommends conducting a truly representative and meaningful national dialogue with an international mediator, and addressing historical and ongoing crimes and violations.

The museum investigators note that successive regimes in Ethiopia have committed mass atrocities with complete impunity. "This has left Ethiopian society without a shred of recognition or repair and has fostered a perception that perpetrators can commit atrocity crimes without facing consequences for their actions," the report says.

But the Ethiopian Federal Attorney-General's Office investigated several cases concerning federal government soldiers accused of killing and raping civilians. These investigations resulted in the conviction of four soldiers of such crimes in May 2021.

Atrocity crimes

The first of eight options proposed in the report is to set up a special chamber that could be created within the ordinary Ethiopian criminal justice system to prosecute atrocity crimes.

“Given the complexity of prosecuting atrocity crimes, it would be necessary for the international community to provide training and technical assistance to Ethiopian officials responsible for prosecuting and hearing such cases,” the first option says.

The second is to set up mechanisms for reparations as most of the Ethiopians interviewed for the report endorsed pursuing forms of justice that extend beyond criminal accountability to include reparations, guarantees of non-recurrence, and truth-telling mechanisms.

This model would be similar to that adopted in the Gambia after the ouster of former president Yahya Jammeh in 2017. The truth commission in the West African country gave people the opportunity to tell their stories and has proposed specific individuals to prosecute.

The third option is that prosecutions for atrocity crimes committed in Ethiopia could take place in other countries under the principle of universal justice, which permits states to investigate and prosecute perpetrators of international crimes.

Recent examples of such prosecutions were in Sweden, Germany, and Belgium for crimes against humanity committed in Syria. But the report notes that most African states, especially Ethiopia’s neighbours, have opposed the principle.

The fourth is to establish an ad hoc international criminal tribunal to prosecute atrocity crimes committed in Ethiopia. Most individuals interviewed expressed support for the creation of a court in an African country such as Kenya, Tanzania or South Africa.

The International Criminal Court (ICC) is another option to prosecute international crimes of aggression, war crimes, crimes against humanity and genocide. But the challenge is that Ethiopia is not a signatory to the Rome Statute that created the ICC. This option can only succeed if the UN Security Council could refer the situation in Ethiopia to the ICC under Article 13(b) of the Rome Statute.

Other options include allowing the UN International Commission of Human Rights Experts on Ethiopia, which recently released a similar report on atrocities, to return to Ethiopia and cover the areas that it could not cover because of non-cooperation from the government.

It also proposes that the international community provide support to local organisations in the Tigray region that are seeking to keep a record of crimes that have occurred. Finally, the report suggests that the US government lead its own investigation into the situation, following a model similar to its investigations in Darfur and Myanmar.

#### **Ethiopia rights probe extended after close vote at U.N. body (Reuters) October 7, 2022**

**Countries voted on Friday to extend a U.N.-mandated monitoring mission for a war in Ethiopia where investigators have found "reasonable grounds to believe" that parties to the conflict have committed serious rights violations, including war crimes.**

The resolution brought by the Czech Republic on behalf of the European Union passed with 21 in favour, 19 against and 7 abstentions. It was rejected by all the African members currently on the 47-member U.N. Human Rights Council, even those which often side with the West on human rights issues.

Ethiopia's government has been fighting the Tigray People's Liberation Front (TPLF) since late 2020 although there was a ceasefire of several months from March to August. The conflict has killed thousands, displaced millions and pushed parts of Tigray into famine.

Following the resolution, the International Commission of Human Rights Experts on Ethiopia's mandate has been renewed for another year until December 2023.

The commission was set up by the Human Rights Council.

#### **Tigray rebels tortured and killed civilians in renewed fighting, survivors claim (The Guardian) By Lucy Kassa October 10, 2022**

**Tigrayan rebel forces have killed dozens of civilians during their latest occupation of a town in the Amhara region, survivors claim, after fighting resumed last month in the northern area of Ethiopia.**

The alleged killings took place in the town of Kobo, located along the highway to the capital, Addis Ababa. Between 13-15 September, Tigray People’s Liberation Front (TPLF) fighters shot dead unarmed civilians they suspected of supporting federal



forces and local militias, survivors have told the Guardian.

In one district of Kobo alone, witnesses counted 17 bodies of people killed over two days.

Fighting between Ethiopian federal forces and Tigrayan rebels erupted again in late August, shattering a six-month humanitarian truce. On 4 September the TPLF announced it had captured Kobo but in the past week rebels withdrew from the town amid fierce fighting with federal troops and Amhara militias.

Meanwhile, fighters were killing people and looting in Kobo, residents said.

“It started on Tuesday, 13 September. Before that day the Tigray fighters were intimidating residents, looting, and searching for hidden arms. There was no fighting inside Kobo when they committed the killings. Federal troops had already withdrawn weeks earlier and it was Tigray forces who had fully occupied the town,” said Bekalu\*, a 47-year-old father of three who fled the town after witnessing the killings.

The extrajudicial executions were carried out during house-to-house searches by the rebels, according to the testimonies of seven survivors.

“On 14 September a group of Tigray fighters came to our neighbourhood. They were searching houses, harassing civilians they found inside and asking them where they hid weapons. They would torture those who replied that they didn’t have weapons.

“Then I began hearing gunshots and screams of neighbours. The fighters were shouting ‘kill them, they are dogs of Amhara militias’,” said Mekdes\*, 29, who survived by hiding in a neighbour’s house.

Another witness told of seeing a woman and her son murdered. “I saw the Tigray fighters dragging out a mother and her teenage son from their house to the road. They viciously beat them. They were yelling at them: ‘Your husband is an Amhara militiaman.’ The mother was screaming: ‘That’s not true. Please stop, leave my son. We don’t have guns’,” said Sentayhu\*, 53, a shopkeeper who fled Kobo after the killings.

“They shot both the son and his mother in the head. The woman, who I know by sight as a local resident, was in her 60s and her son was 17 years old. They looted everything in my shop. They threatened me to give them all the money I have, or they would kill me.

“I was relieved they stopped by looting the shop and did not shoot me like other residents. Terrorised by what I saw, I fled the next day, leaving behind everything I had,” he said.

Witnesses shared with the Guardian a list of the names and ages of some of the victims whose bodies they could identify, including women and teenagers.

Muluken\*, a 25-year-old truck driver who lives in Addis Ababa, heard from his displaced relatives that four of his childhood friends had been killed.

“Communications to the town were cut off when the Tigray fighters controlled the town,” he said, “so there was no way to talk to my relatives there.

“Only last week, my cousins, who managed to flee to nearby towns outside the control of the Tigray fighters, gave me a call. That is when I learned about the execution of four friends,” he said. “As far as I know they were innocent, unarmed residents. Political activities or involvement in fighting groups were things they had no interest in.

“When my relatives notified me of their deaths over the phone, they told me the Tigray fighters first rounded them up together with other young residents they suspect of supporting the Amhara militias. Then they executed them. Their bodies were later collected by locals and buried in churches.”

The latest killing spree in Kobo follows an earlier one just over a year ago. In February, Amnesty International reported that Tigrayan fighters had executed at least 24 unarmed civilians in and around Kobo, last year on 9 September. In its report, satellite imagery shows an increase in graves in sites where witnesses said victims were buried.

A spokesperson for the Tigray government did not respond to the Guardian’s requests for comment on the allegations of the killings in Kobo.

Extrajudicial killings and massacres by all sides have been documented throughout the conflict in northern Ethiopia, which will have continued for two years in November.

An initial report released last month by the UN international commission of human rights on Ethiopia, which was formed in

December 2021 to investigate abuses during the war, concluded that there were reasonable grounds to believe that parties to the conflict had committed war crimes and human rights abuses, including extrajudicial killings, sexual violence and airstrikes on civilians.

Among other crimes, the report highlights that the Ethiopian government has used starvation as a weapon of war. It said it believed Tigrayan forces had committed war crimes and human rights abuses including large-scale killings of civilians in Amhara, sexual violence, widespread looting and the destruction of property in Kobo and Chenna.

Kaari Betty Murungi, chair of the UN human rights commission, said: "With a resumption of hostilities in northern Ethiopia, there is a very real risk of further civilian suffering and further atrocity crimes."

Heavy fighting between federal forces and rebels is continuing, with Tigrayan leaders accusing the Eritrean government of launching a full-scale offensive alongside the Ethiopian army and local militias.

\* Names have been changed to protect their identity

**Ethiopia civil war: Hyenas scavenge on corpses as Tigray forces retreat (BBC)** By Farouk Chothia and Teklemariam Bekit October 18, 2022

**Hyenas scavenging on the corpses of villagers, cities and towns hit in air strikes, elderly men and young women conscripted into armies - these are the horrific accounts emerging from a war that has left tens, if not hundreds, of thousands dead in Ethiopia's historic region of Tigray.**

The region was once a tourist attraction, with visitors drawn to its rock-hewn churches, Muslim shrines and ancient scripts in the Ge'ez language.

Now Tigray is the site of a vicious war, as the Ethiopian and Eritrean armies on the one side, and the army of the Tigray People's Liberation Front (TPLF) on the other, fight for control in a region that has long been seen as the key to power in Ethiopia - or what was historically part of Abyssinia.

It has been under a blockade for 17 months - with no banking, telephone or internet services - and no media access.

Over the last two years, the fortunes of the two sides have constantly changed on the battlefield, with: • Ethiopian and Eritrean forces capturing the Tigray capital, Mekelle, in November 2020 after the TPLF was accused of launching a rebellion • The Tigrayans launching a counter-offensive in the neighbouring Amhara and Afar regions, bringing them close to the federal capital, Addis Ababa, about a year later • The Ethiopian and Eritrean forces regaining territory in Tigray - including the key city of Shire - in the latest round of fighting, raising the prospect of them trying to capture Mekelle once more. "There are at least 500,000 Eritrean and Ethiopian federal troops in active combat, plus 200,000 from the Tigrayan side," said Alex de Waal, the executive director of the US-based World Peace Foundation.

He added that after more than 50 days of non-stop fighting, this week the Tigrayan defence lines around Shire could no longer hold out because of a lack of ammunition.

"It's a big setback for the Tigrayans. It leaves civilians exposed to massacre, rape and starvation," Prof De Waal said, though the Ethiopian government has promised aid and the restoration of services in Shire and other areas under its control.

Shire reflects the humanitarian crisis in Tigray, with an aid worker saying that around 600,000 civilians were taking refuge in the city and its surrounding areas after earlier fleeing war-hit areas.

"More than 120,000 were out in the open, sleeping under trees and bushes," he told the BBC, speaking on condition of anonymity for fear of reprisals.

Almost all humanitarian workers withdrew from Shire last week after it came under ferocious bombardment from Ethiopian forces.

Thousands of residents are also fleeing Shire amid fears that they could be subjected to atrocities - similar to those in other areas that fell under the control of Ethiopian and Eritrean troops.

"Four witnesses reported that in the village of Shimblina in September, 46 people were rounded up and summarily executed. Other villagers found their bodies lying mixed with domestic animals, which had also been killed," the aid worker said.

"Hyenas had eaten a few of the bodies, and they could be identified only by the remains of their clothing. The witnesses said they had no time to bury the bodies, and the hyenas must have finished them by now," he added.

What made the atrocity stand out, he said, was the fact that most of the victims came from the small Kunama ethnic group, which has not been involved in the conflict.

"Both sides are losing soldiers, and when they come into a village they take out their anger on locals," the aid worker added.

Tigrayan forces faced similar accusations - including of rape, extra-judicial killings and looting - during their advances into Amhara and Afar, before being pushed back into Tigray. The region has a population of around seven million, a small number in a country with a population of more than 100 million.

Old-fashioned warfare Apart from atrocities, all the armies have been accused of forcibly recruiting civilians to fight, and of using the "human wave" tactic to gain ground.

"People are drafted into the armies and, after only a few weeks of training, they are sent in large numbers through mined areas towards the trenches of the enemy," said UK-based Horn of Africa analyst Abdurahman Sayed.

"The enemy opens fire and kills many of them, but they keep coming in waves until the enemy runs of ammunition and they occupy their trenches.

"It is the old way of warfare. It was first used by the king of Abyssinia to defeat the Italian invaders in the 1890s. Despite their superior firepower, the Italians were overwhelmed by the sheer number of people who confronted them."

Mr Abdurahman said that this tactic leads to massive casualties, with his estimate being that between 700,000 and 800,000 people have already lost their lives in almost two years of fighting.

"This is the most brutal war in the history of Ethiopia," he added.

Though US-based Horn of Africa analyst Faisal Roble disputed that the Tigrayans used human wave attacks, his estimate of the death toll was not very different.

"In the first two phases of the war, around 500,000 died in combat, and 100,000 have probably died in this third phase," he said.

Mr Roble added that the Tigrayan army was well trained, with "the heart" to fight, but the Ethiopian army had two advantages: numbers and airpower.

"A general who is now an ambassador said they could enlist one million young men every year, and they have fighter jets and Turkish drones that have proved very effective. The Tigrayans have no air force."

The command of the Ethiopian air force had moved to Eritrea's capital Asmara, he explained, from where fighter jets were taking off as the city was much closer to Tigray than their usual base in Bishoftu in central Ethiopia.

"The drones are still leaving from Bishoftu," Mr Roble said.

Settling old scores Eritrea intervened in the conflict as the TPLF is its sworn enemy. The TPLF dominated a coalition government in Ethiopia until current Prime Minister Abiy Ahmed rose to power in 2018.

Under the TPLF, Ethiopia and Eritrea fought a border war which claimed the lives of about 80,000 people. An international tribunal later ruled that Ethiopia should hand over territory to Eritrea, but the TPLF-controlled government failed to do so.

Eritrea regained the territory soon after the latest war started in November 2020, and its critics say that President Isaias Afwerki is determined to help Mr Abiy finish off the TPLF so that it does not threaten his nation again.

"Eritrea's concern is that the TPLF wants to either regain power in Ethiopia, or its wants a satellite government in Asmara that will give it access to the Red Sea because Tigray is a landlocked, impoverished region," Mr Abdurahman said.

As the war in Tigray escalated in recent weeks, Eritrea's government intensified its military mobilisation and hunted down draft dodgers across the country, multiple sources in Eritrea told the BBC.

In one instance in September, Eritrean troops raided a church in the southern town of Akrur, detaining a priest, young worshippers and choir members who had not heeded the military call-up, the sources said.

Prof De Waal said the call-up showed that Mr Isaias was "not taking any chances", but he has not deployed conscripts to Tigray in large numbers.

"Eritrea has units in Tigray, but most of the fighting is being done by Ethiopian forces. What Isaias is doing is running the war because he believes he can show Abiy how to win, but the Tigrayans will fight, even if it means with knives and stones because it is a matter of life and death for them," he said.

Talks unlikely According to Mr Abdurahman, the war is being fought on four to six fronts, with tens of thousands of Ethiopian and Eritrean troops stationed near the Tigray town of Adigrat. "They are ready to launch an attack on Adigrat, and Mekelle," he said.

Sources on the battlefield told the BBC that the two armies were already advancing from Shire towards the historic city of Aksum, as well as Adwa and Adigrat, in an operation that has seen them move from west to east.

While foreign powers have been urging the two sides to resolve the conflict peacefully, Mr Abdurahman said this was unlikely to happen.

"Historically, the ruling classes of Abyssinia, and now Ethiopia, always fought their way to power. The powerful becomes the king of kings until someone else emerges. There is no tradition of resolving matters peacefully. It is a zero-sum game," he said.

Prof De Waal said that the international community needed to act urgently to impose a ceasefire.

"Otherwise there is the risk of a genocide, and mass starvation," he said, pointing to research in August from a Belgian-led academic team that calculated total civilian deaths during the war in Tigray - caused by the fighting, famine and lack of health care - stood at between 385,000 and 600,000.

"Harvesting is supposed to start now, but the Eritrean-led armies are turning Tigray into a wasteland."

**UN genocide official: Hate speech is fueling Ethiopia's war (ABC News)** By Rodney Muhumuza October 19, 2022

**A United Nations official is urging tech companies to do everything possible to stop the onslaught of hate speech fueling the war in Ethiopia's north, where a violent war pits federal troops and their allies against Tigray's rebellious leaders.**

A U.N. official is urging tech companies to do everything possible to stop the onslaught of hate speech fueling the war in Ethiopia's north, where a violent war pits federal troops and their allies against Tigray's rebellious leaders.

Inflammatory language by political leaders and armed groups in the Tigray conflict "continues unabated," Alice Wairimu Nderitu, U.N. special adviser on the prevention of genocide, said in a statement Wednesday.

"There is discourse often propagated through social media, which dehumanizes groups by likening them to a 'virus' that should be eradicated, to a 'cancer' that should be treated because "if a single cell is left untreated, that single cell will expand and affect the whole body" and calling for the "killing of every single youth from Tigray" which is particularly dangerous, the statement said.

Fighting resumed between Tigray forces and federal troops in August, bringing an end to a cease-fire since March that had allowed much-needed aid to enter the region. Eritrean troops are fighting on the side of Ethiopia's federal military.

Fighting has intensified in recent weeks as federal troops try to take control of towns in Tigray. Earlier this week they took control of three towns, including one hosting a large number of internally displaced people in the Shire area.

Aid distributions are being hampered by a lack of fuel and a communications blackout in Tigray. The AP reported Saturday that a U.N. team found there were "10 starvation-related deaths" at seven camps for internally displaced people in northwestern Tigray, according to an internal document.

The conflict, which began nearly two years ago, has spread from Tigray into the neighboring regions of Afar and Amhara as Tigray's leaders try to break the blockade of their region.

The head of the continent-wide African Union and the U.N. secretary-general are urging the warring parties to stop fighting and meet for peace talks that were meant to start earlier this month in South Africa. The talks were delayed because of logistical issues.

"The conflict has reached new worrying levels of violence," with widespread rape and sexual violence, Nderitu said in the statement that cited "horrifying levels of hate speech and incitement to violence."

"The atrocious abuses taking place are spurred by the deluge of ethnically motivated hate speech that is propagated online,"

the statement said, urging tech companies and their social networks to use “all tools available to stop the spread of hate speech that could constitute incitement to discrimination, hostility, or violence on their platforms.”

Millions of people in Tigray, Amhara and Afar have been uprooted from their homes and tens of thousands of people are believed to have been killed in the conflict that started in November 2020.

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## EUROPE

### **The Court of Bosnia and Herzegovina, War Crimes Chamber**

**Official Court Website [English translation]**

**Bosnia Indicts Serb Ex-Soldier for Illegally Detaining Civilians (Balkan Transitional Justice) By**

Emina Dizdarevic

October 7, 2022

**Bosnian Serb Army ex-soldier Mile Stojanovic is charged with participating in the illegal detention of around 150 Bosniak civilians, two of whom died, in the Rajlovac area, near Sarajevo, in 1992.**

The Bosnian state court has confirmed an indictment charging Mile Stojanovic, former commander of the Army Vehicle Squad with the First Light Rajlovac Brigade of the Bosnian Serb Army with participating in the detention of around 150 Bosniak civilians.

Stojanovic, who lives in Serbia and is unavailable to the Bosnian judiciary, is accused of committing a crime against the civilian population in the Rajlovac area, near Sarajevo.

“He has been accused, in his capacity as commander and manager of a detention facility situated in two oil storage facilities in the Rajlovac area, of having had control over the guards at the facility and participating in the unlawful detention of around 150 Bosniak civilians from Ahatovici, Dobrosevici and Bojnik, who were held in inhumane conditions,” the prosecution said when announcing the indictment.

It alleged that the civilians were subjected to various forms of physical and psychological abuse. One of them was taken away and severely beaten up near the facility, after which he died. His body was transported to an unknown location and has not been found.

Stojanovic is also charged with having ordered and enabled the removal of detainees to Bosnian Serb Army combat positions in Zunovnica, where they had to do forced labour, on June 12, 1992, exposing them to mortal danger. One detainee was killed and several were severely or lightly injured.

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### **International Criminal Tribunal for the Former Yugoslavia (ICTY)**

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## **Domestic Prosecutions In The Former Yugoslavia**

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### **Russia**

**How Moscow takes Ukrainian children and makes them Russians (PBS)** October 13, 2022

**Olga Lopatkina paced around her basement in circles like a trapped animal. For more than a week, the Ukrainian mother had heard nothing from her six adopted children stranded in Mariupol, and she was going out of her mind with worry.**

The kids had spent their vacation at a resort in the port city, as usual. But this time war with Russia had broken out, and her little ones — always terrified of the dark — were abandoned in a besieged city with no light and no hope. All they had now was her oldest son, Timofey, who was still himself just 17.

The questions looped endlessly in her head: Should she try to rescue the children herself — and risk being killed, making them orphans yet again? Or should she campaign to get them out from afar — and risk them being killed or falling into the hands of the Russians?

She had no idea her dilemma would lead her straight into a battle against Russia, with the highest stakes of her life.

Russia's open effort to adopt Ukrainian children and bring them up as Russian is already well underway, in one of the most explosive issues of the war, an Associated Press investigation shows.

Thousands of children have been found in the basements of war-torn cities like Mariupol and at orphanages in the Russian-backed separatist territories of Donbas. They include those whose parents were killed by Russian shelling as well as others in institutions or with foster families, known as "children of the state."

Russia claims that these children don't have parents or guardians to look after them, or that they can't be reached. But the AP found that officials have deported Ukrainian children to Russia or Russian-held territories without consent, lied to them that they weren't wanted by their parents, used them for propaganda, and given them Russian families and citizenship.

The investigation is the most extensive to date on the grab of Ukrainian children, and the first to follow the process all the way to those already growing up in Russia. The AP drew from dozens of interviews with parents, children and officials in both Ukraine and Russia; emails and letters; Russian documents and Russian state media.

Whether or not they have parents, raising the children of war in another country or culture can be a marker of genocide, an attempt to erase the very identity of an enemy nation. Prosecutors say it also can be tied directly to Russian President Vladimir Putin, who has explicitly supported the adoptions.

"It's not something that happens spur of the moment on the battlefield," said Stephen Rapp, a former U.S. Ambassador-at-Large for War Crimes Issues who is advising Ukraine on prosecutions. "And so your ability to attribute responsibility to the highest level is much greater here."

Even where parents are dead, Rapp said, their children must be sheltered, fostered or adopted in Ukraine rather than deported to Russia.

Russian law prohibits the adoption of foreign children. But in May, Putin signed a decree making it easier for Russia to adopt and give citizenship to Ukrainian children without parental care — and harder for Ukraine and surviving relatives to win them back.

Russia also has prepared a register of suitable Russian families for Ukrainian children, and pays them for each child who gets citizenship — up to \$1,000 for those with disabilities. It holds summer camps for Ukrainian orphans, offers "patriotic education" classes and even runs a hotline to pair Russian families with children from Donbas.

"It is absolutely a terrible story," said Petro Andryushchenko, an adviser to the Mariupol mayor, who claims hundreds of children were taken from that city alone. "We don't know if our children have an official parent or (stepparents) or something else because they are forcibly disappeared by Russian troops."

The picture is complicated by the fact that many children in Ukraine's so-called orphanages are not orphans at all. Ukraine's government acknowledged to the U.N. before the war that most children of the state "are not orphans, have no serious illness or disease and are in an institution because their families are in difficult circumstances."

Nevertheless, Russia portrays its adoption of Ukrainian children as an act of generosity that gives new homes and medical resources to helpless minors. Russian state media shows local officials hugging and kissing them and handing them Russian passports.

It's very hard to pin down the exact number of Ukrainian children deported to Russia — Ukrainian officials claim nearly 8,000. Russia hasn't given an overall number, but officials regularly announce the arrival of Ukrainian orphans in Russian military planes.

In March, Russian children's rights ombudswoman Maria Lvova-Belova said more than 1,000 children from Ukraine were in Russia. Over the summer, she said 120 Russian families had applied for guardianship, and more than 130 Ukrainian children had received Russian citizenship. Many more have come since, including a batch of 234 in early October.

Lvova-Belova has said these children need Russia's help to overcome trauma that has left them sleeping badly, crying at night and drawing basements and bomb shelters. She acknowledged that at first, a group of 30 children brought to Russia from the basements of Mariupol defiantly sang the Ukrainian national anthem and shouted, "Glory to Ukraine!" But now, she said, their criticism has been "transformed into a love for Russia," and she herself has taken one in, a teenager.

"Today he received a passport of a citizen of the Russian Federation and does not let go of it!" she posted on Telegram on Sept. 21, along with a photo. "(He) was waiting for this day in our family more than anyone else."

Lvova-Belova has been sanctioned by the United States, Europe, the U.K., Canada and Australia. Her office referred the AP to her reply in a state-owned news agency that Russia was "helping children to preserve their right to live under a peaceful sky and be happy."

In August, a post from a senior official at the Moscow Department of Labor and Social Protection thanking the Russian foster families declared: "Our Children...Now they are ours."

As Lopatkina agonized over what to do, her teenage son's childhood came to an abrupt end in Mariupol.

Suddenly, Timofey had become the father to all his siblings. Three had chronic illnesses or disabilities, and the youngest was just 7.

As intense shelling broke the glass around them, they cowered in a basement. When the younger ones were scared, Timofey carried them in his arms. After one airstrike, they moved their beds closer together next to the thickest wall.

But no wall could keep out the war. Every day, Timofey awoke at 6 a.m. in the bitter cold and chopped wood for a bonfire to cook food. All he wanted to do was to finish his work and sleep — only to have to wake up and do it again.

Calluses built up on his hands. His skin grew thicker in other ways. When airplanes rumbled overhead, he no longer ran for shelter.

“When you walk and see brains of people on the road, right on the pavement, nothing matters,” he recalled.

He promised his mother he would look after the younger children. But then the power went out, and he lost touch with her completely.

A friend who had joined the fighting offered to take him out of Mariupol. He refused. He knew he would never forgive himself if he left his siblings behind.

Finally, a local doctor from Mariupol arranged an evacuation to elsewhere in Ukraine. But pro-Russia forces at a checkpoint refused to recognize the children’s documents, photocopies of official papers identifying them and their parents. Timofey’s pleas went nowhere.

Instead, the children ended up in a hospital in the Donetsk People’s Republic, or DPR, a separatist Russian-controlled area in Ukraine. Timofey was only months away from turning 18 — the age when he would be drafted into the DPR army against his homeland.

“For the DPR, I would never go to fight in my life,” he said. “I understood that I had to get out of there one way or another.”

At least, Timofey thought, he could tell his mother he had kept the children safe. He was close to his mother, and they were alike, he and she — both tough survivors who would stick it out to the end no matter what.

Or so he thought, until he reached her.

“It’s great that they are alive,” she replied. “But we are already abroad.”

Timofey was utterly devastated. His parents had fled Ukraine without him. He felt they had thrown him away like garbage, along with five children he hadn’t asked for and couldn’t know how to protect.

“Thanks for leaving me,” he wrote back, furious.

The children of Mariupol aren’t the first Russia has been accused of stealing from Ukraine.

In 2014, after Russia annexed the Crimean Peninsula, more than 80 children from Luhansk were stopped at checkpoints and abducted. Ukraine sued, and the European Court of Human Rights found the children were taken into Russia “without medical support or the necessary paperwork.” The children were returned to Ukraine before a final decision.

Kateryna Rashevskaya, a human rights defender, said she knows of about 30 Ukrainian children from Crimea adopted by Russians under a program known as Train of Hope. Now, she said, some of those children might well be Russian soldiers. Since 2015, the Young Army Cadets national movement has trained youth in Crimea and Russia for potential recruitment into the military.

This time around, at least 96 children have been returned to Ukraine since March after negotiations. But Ukrainian officials have tracked down the identities of thousands more in Russia, and the names of many others simply aren’t published.

“We cannot ask the Russian Federation to return the children because we don’t know who they should return,” said Rashevskaya, with the Ukrainian organization Regional Central for Human Rights.

Kira, a 12-year-old girl who saw her father shot and killed, was evacuated from Mariupol to Donetsk with shrapnel wounds on her ear, leg, neck and arm. Kira was reunited with her grandparents only after the office of the Ukraine deputy prime minister got involved.

Her grandmother, Svitlana Obedynska, said Kira had become withdrawn and lost interest in everything, and negotiations were



“very difficult.”

“It was not decided at our level,” she said. “She wants to be with her family. After all, she has no one else.”

Russia justifies the deportation of children by saying it has annexed four territories in Ukraine, but the U.N. and the rest of the world called the move in late September a sham. The governor of one of those territories, Serhiy Haidai of Luhansk, has accused Russian officials of drawing up documents that deprive Ukrainian parents of their rights. He too fears that Ukrainian children will be enlisted in the Russian military.

Other officials in occupied territories loyal to Moscow have a more benign view of what Russia is doing. Olga Volkova, who heads an institution for children in Donetsk, had 225 kids evacuated to an area near the Russian seaside city of Taganrog, and 10 were taken in by Russian families in April. After DPR and Russian officials make a list of suitable candidates, her boarding school secures citizenship for them and sends them to new families in Russia.

If there are Ukrainian relatives, they can stay in touch, call and perhaps eventually meet, Volkova said. In the meantime, while the war is ongoing, she noted, the children now still have families of a sort.

“Everyone wants to have a mother, you see?” Volkova said.

Olga Lopatkina was a teacher of music and the arts who had lived a hard life. Now a middle-aged woman with red and pink streaks in her hair fading to white, she lost her own mother as a teenager. In 2014, when fighting with Russian-backed forces broke out in Donetsk, she also lost a home.

But this nightmare with her children, she thought, was the hardest thing yet. Although Mariupol was less than 100 kilometers (60 miles) away from her home in Vuhledar, it was impossible to reach safely because of bombardment. In the meantime, her 18-year-old biological daughter, Rada, was at a boxing competition near Kharkiv, another front-line city.

She told herself every day that the war would end fast. It was the 21st century, after all. Instead, it edged closer.

Lopatkina took in two refugee families from a city near Mariupol, who confirmed her worst fears. One woman said her husband was killed in front of her, and she had to step over his corpse.

Lopatkina hounded Ukrainian officials, the local governor, social services, anybody who could evacuate her children. In calls, Timofey told his mother he was looking after his younger siblings. She was proud and slightly reassured.

Then, on March 1, their connection was lost. She thought her kids were going to be evacuated to Zaporizhzhia, so she and her husband went there, with books of fairy tales and other treats. But two days after they arrived, the state ordered Zaporizhzhia itself to be evacuated instead.

Lopatkina had to make yet another painful decision. Should she wait for an evacuation from Mariupol that might never happen? Or should she go to collect her oldest daughter before losing contact with her too?

“Let’s go,” she told her husband, Denys.

Lopatkina escaped with Rada to France. In one final plea, she wrote to the governor of Donetsk: “Don’t forget my orphans.”

When she received the message from Timofey accusing her of deserting them, she was stung but not surprised.

“I can’t even imagine,” she said, her voice breaking as she started to cry. “If I were him, I would have reacted the same way, and maybe even worse.”

Lopatkina continued to push Russian and Ukrainian officials incessantly. She sent them photocopies of Ukrainian documents proving her guardianship. She told them some of the children were sick, and worried that nobody had even asked about their medication.

The children were paraded on Russian television and told she didn’t love them. It broke her heart.

“Every day they turned the children against us,” she said. “Your parents abandoned you ... We will transfer you to the best families. Here you will have a better life.”

She got a job in a garment factory in France and bought furniture, clothes and toys for children who might or might not return. She chose their bedrooms in her small duplex in the northwest, in Loue. She planned celebrations for missed birthdays.

Then, much to her dismay, she found out that other Ukrainian orphans who were with her children had been issued new

identity documents for the DPR. The Donetsk authorities dropped a bombshell. She could have her children back — if she came through Russia to Donetsk to get them in person.

Lopatkina feared a trap. If she went to Russia, she might never be allowed to leave.

“I will sue you,” she threatened Donetsk officials in an email on May 18th. “You took my kids. That is a crime.”

For some Russian families, taking in Ukrainian orphans isn’t a crime. It’s a gift.

One professional foster mother was called in by the Moscow social services to “come and look” at the eastern Ukrainian kids who had recently arrived. She already had six Russian foster kids under her roof, some with disabilities. She took in three more from Mariupol.

“We still have love untapped,” she said. “There are children who need to be given affection, love, care, family, mom and dad. If we can give it, why not?”

She said she had reached out to the children’s Ukrainian foster mother, who didn’t mind the arrangement.

The AP couldn’t reach the Ukrainian mother. But the children didn’t hide their resentment of her, described life with her as constrained and made no effort to call her.

They said she had dropped them off at a bunker in Mariupol. The Russian military got them out, and they had to choose between adoption by a Russian family and life in a Russian orphanage.

After a guardianship trial in now-occupied Mariupol, the Russian mother has custody of the children. They have become Russian citizens and call her mom, she said.

“We don’t talk about the war,” she said. “Politics remains politics. This is not our business.”

At her house with a courtyard and inflatable swimming pool, the children said they felt welcome and accepted. The 15-year-old girl is eager to start a new life in Russia — but in part because returning to her old one is impossible. Her school was bombed, one of her classmates died and almost everyone has left.

“Trying to start on a new page is never bad,” she said. “Why not?”

Her 17-year-old foster brother interrupted. Two of his friends had died also, he said.

He thinks starting his life anew will give him experience, and he looks forward to seeing Russia. But he is also worried about not being accepted as a Ukrainian. He will give it a go for a decade to try and make a fortune, and then return to Ukraine.

“My friends are there, they can support me,” he said. “I was born there ... I know everything there, I’m just used to it.”

Hundreds more orphans from Ukraine were housed in a leafy seaside camp near Taganrog, an upscale facility with a large dining room and playgrounds.

Yaroslava Rogachyova, 11, had been evacuated from a children’s institution in Donetsk, and was waiting to be sent to a foster family in Moscow with her two sisters. She said she will miss the sea, Donetsk and her biological parents back there, but she didn’t explain why she didn’t or couldn’t go back to them. She is now thinking ahead to her new life.

“I’m going to Moscow, I’ve already seen the family and everyone,” she said. “I liked the mom from the very beginning.”

In the DPR, Timofey didn’t want a new life —he wanted his old one back. Angry and miserable, he argued with officials and ate almost nothing.

His only escape was reading a book he never finished, and sneaking out to see a girl. One day he returned with a tattoo of three daggers on his legs, which could symbolize protection, bravery or power.

The new reality in a new place terrified Timofey, eclipsing his anger at his mother. On a call, she explained what had happened. He was deeply relieved.

“I missed my parents,” he said. “It was very difficult for me without my mother and father’s support ... I constantly cried like a girl, ‘Mom, it’s hard for me, I’m tired.’”

The little children repeatedly asked when they could go home to their mother. They were badly fed, slapped and cursed, Timofey said.

Then they heard hospital officials wouldn't let them go home at all. Timofey's 13-year-old foster brother, Sasha, was so furious that he slammed his hand on a slide and broke a finger.

"I really missed my parents," Sasha said. "I didn't need anything but my parents."

Two officials pulled Timofey aside and told him a court in the DPR would strip Lopatkina and her husband of their guardianship. His younger siblings would go first to an orphanage, then to new families in Russia. Timofey would go to school in Donetsk.

He was enraged. "That can't be done," he said. "It is illegal."

The officials replied that parents who didn't come to collect their children didn't want them. Timofey stormed out.

"I was so disappointed, I didn't believe in anything," he said. "I was terrified."

He was determined to keep together the only family he had known, and he worried that his siblings would end up with Russian families who wanted them only for the state aid. He told his mother he could marry his new girlfriend and adopt his siblings when he turned 18.

Then Lopatkina's efforts finally paid off.

She was working with Darya Kasyanova, the director of the nonprofit SOS Children's Villages, who already had helped to negotiate the release of 25 Ukrainian children from Russia. Sending the children in the first place to Russian territories instead of Ukraine was "a violation of the rights of the child," Kasyanova said.

After two months of negotiation and an initial objection from a senior Russian official, DPR authorities finally agreed to allow a volunteer with power of attorney from Lopatkina to collect the children. They asked Timofey if he and his siblings wanted to go back to his foster family or stay in Donetsk.

"Now that I have a chance, I will, of course, go home to my parents," he told them.

A document was drafted and signed. At last, they were going to France.

After a delay because of shelling, they finally left on a three-day bus trip through Russia and Latvia to Berlin.

They were grilled at the Russian border and panicked. Timofey texted his mother. But the volunteer got them through.

Timofey met his father at a bus stop in Berlin. He couldn't quite believe it. They drove to France, where Timofey went to pick his mother up from the garment factory as a surprise.

Lopatkina was sewing frantically, replaying the moment her kids were stopped at the border a dozen times in her head. She had already begun thinking of what new plan she could hatch to get them back.

When Timofey arrived, she was in shock. For him, the euphoria was wild, a high like nothing he had ever experienced before.

Back at the house, the other children were waiting. They ran toward their mother, losing their shoes, and jumped into her arms. She ruffled their hair and held their faces. It was all happening faster than her brain could process.

"Let me see you!" she screamed. "Aaaaah!" The two dogs joined the party, barking.

It took Timofey a couple of days before he could believe he was really back with his parents. No resentment was left, he said. He erased the angry message he had sent his mother from his phone and from his mind.

"I kept my promise," he said. "The burden of responsibility was gone. I said: 'Mother, take the reins, that's all ... I'm a child now.'"

**France's TotalEnergies faces legal case for allegedly fuelling Russian bombers (France 24)** October 14, 2022

**Two NGOs have filed a complaint against French energy giant TotalEnergies for "complicity in war crimes" for allegedly helping fuel Russian planes that have bombed Ukraine, according to French media reports.**

The France-based Darwin Climax Coalition and Ukrainian group Razom We Stand handed the file to the national anti-

terrorist prosecutor, who investigates war crime allegations, on Thursday.

The two NGOs accuse the French energy giant of exploiting a gas field used to manufacture kerosene used by Russian planes in their bombings in Ukraine, particularly in the March 16, 2022 strike on a Mariupol theatre sheltering civilians which killed around 600, according to French daily Le Monde.

TotalEnergies rejected the accusations, calling them "outrageous and defamatory", in a statement to Le Monde.

Representatives of Razom We Stand and Darwin Climax Coalitions confirmed to Le Monde and AFP that they have filed a complaint against TotalEnergies, alleging that the company "contributed to providing the Russian government with the means necessary for the commission of war crimes".

TotalEnergies until recently owned a 49% share in Terneftegaz, a company that extracts gas from the Termokarstovoye field in northern Russia.

The other 51% was held by Russian company Novatek, in which the French firm also owns a direct 19.4% stake.

An August 2022 investigation by London-based NGO Global Witness said gas condensate from Total's Termokarstovoye field was transported across Russia for refining before being shipped as jet fuel to Russian Air Force bases near Ukraine.

They included bases for Russia's Sukhoi Su-34 fighter-bombers. "The pilots of these warplanes have been accused by international experts and the Ukrainian government of indiscriminate bombing of civilian areas, including a 3 March strike on Chernihiv, near Kyiv, which reportedly killed 47 civilians," said the Global Witness investigation.

Following the publication of a Le Monde report on the Global Witness investigation, TotalEnergies said it had on July 18 sold its 49% share in Terneftegaz to Novatek.

France cannot 'condemn the invasion and remain inactive'

In its statement to Le Monde refuting the allegations, TotalEnergies added that unstable condensates produced by Terneftegaz had been "exported abroad" and therefore could not have been used by the Russian army as fuel for its planes.

Lawyers from the two NGOs told AFP it was time for multinationals to be held to account. "Justice should not be blind when faced with the indirect but essential support of multinationals to the war effort, and to the considerable profits that they continue to enjoy after the invasion of Ukraine," it said.

"France cannot in the same breath condemn the invasion, and remain inactive in the face of the behaviours propping it up," lawyers William Bourdon, Vincent Brengarth and Henri Thulliez said.

**United Nations: Rape Is Part Of Russia's Military Strategy (Forbes)** By Dr. Ewelina Ochab  
October 14, 2022

**On October 13, Pramila Patten, Representative of the U.N. Secretary-General on Sexual Violence in Conflict, confirmed that rape is part of Russia's "military strategy" and a "deliberate tactic to dehumanize the victims." She emphasized that "when women are held for days and raped, when you start to rape little boys and men, when you see a series of genital mutilations, when you hear women testify about Russian soldiers equipped with Viagra, it's clearly a military strategy."**

According to Patten, the United Nations managed to verify more than a hundred cases of rape or sexual assault in Ukraine since Russia invaded in February 2022. The data obtained to date suggests that the age of the victims of sexual violence ranges from four to 82 years old. The victims are mostly women and girls, but also men and boys. Patten added that "it's very difficult to have reliable statistics during an active conflict, and the numbers will never reflect reality, because sexual violence is a silent crime." As such, as she noted, "reported cases are only the tip of the iceberg."

According to Patten, the first cases were reported just three days after Russia's attack on Ukraine.

Indeed, the issue of conflict related sexual violence has been raised from early days. For example, on March 4, 2022, Ukraine's foreign minister Dmytro Kuleba, spoke of numerous cases of sexual violence in the week of Putin's war, during an event organized by the Chatham House think-tank. "On March 17, 2022, four Ukrainian MPs visiting the U.K. Parliament, Lesia Vasylenko, Alona Shkrum, Maria Mezentseva, and Olena Khomenko, reported that Putin has been deliberately targeting women and children after Ukraine did not surrender. They spoke of this targeting to have included rape and sexual violence. As they told journalists in Westminster, "We have reports of women gang-raped, these women are usually the ones who are unable to get out. We are talking about senior citizens. Most of these women have either been executed after the crime of rape

or they have taken their own lives.” In April 2022, the Ukrainian Ombudswoman Lyudmyla Denisova was said to have received 400 reports of rape committed by Russian soldiers. The reports were mostly coming from the temporary occupied territories or recently liberated areas.

In her address, Patten stressed the need for justice and accountability. She added that “There is now political will to fight impunity, and there is consensus today on the fact that rapes are used as a military tactic, a terror tactic.” In Ukraine, investigations and prosecutions of the crime are under way. In June 2022, media reported on the first trial of a Russian charged with rape and sexual violence. The soldier stood accused of raping a Ukrainian woman during Russia’s invasion. Reportedly, “The suspect, Mikhail Romanov, ... [stood] accused of breaking into a house in March in a village in the Brovarsky region outside Kyiv, murdering a man and then repeatedly raping his wife while threatening her and her child.”

The evidence of the crime is also being collected and preserved by the Independent International Commission of Inquiry (Commission of Inquiry), a new mechanism established to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses. In its oral update to the Human Rights Council in September 2022, the Commission of Inquiry confirmed the evidence of the use of sexual violence, including “cases in which children have been raped, tortured, and unlawfully confined.”

As more information of Russia’s use of sexual violence is coming to light, evidence is collected and preserved, justice and accountability must follow. However, equally, more needs to be done to prevent this horrific crime from being perpetrated. The pandemic of sexual violence in conflict requires a vaccine and not only a medication to deal with the consequences.

### **Police: 31 new criminal proceedings launched over Russia’s war crimes in Kherson region (Ukrinform) October 15, 2022**

#### **The National Police of Ukraine has opened 31 new criminal proceedings on the facts of war crimes committed by the Russian military in Kherson region.**

This was reported by the press service of the National Police on Telegram, Ukrinform reports.

“In Kherson region, the Russians attacked the communities of the Beryslav district. There are casualties among the civilian population. The army of the Russian Federation massively shelled the villages close to the contact line,” the report reads.

It is noted that the Russian military used Grad MLRS, heavy artillery and mortars to shell the district. As a result, private houses and farm buildings were damaged, fires broke out.

“In the past 24 hours, the police of the Kherson region received 37 reports from citizens, including 31 reports related to war crimes committed by the Russian military against the civilian population,” the press service of the National Police said.

As Ukrinform reported, the Russian forces struck the Nikopol district of Dnipropetrovsk region overnight. Two people were injured, a transport company, shops, and offices were damaged.

### **Over 1,600 war crimes registered in liberated areas of Kharkiv region (Ukrinform) October 19, 2022**

#### **National Police investigators have registered 1,601 Russian war crimes committed in the territories of Kharkiv region before they were liberated.**

This was reported by the press service of the Ministry of Internal Affairs, according to Ukrinform.

In total, since the beginning of de-occupation efforts, investigative units of the National Police have registered 1,601 war crimes, most of which, 1421, are under Art. 438 of the Criminal Code (violation of the laws and customs of war), as well as 154 – under Art. 111-1 (collaborative activity),”

On the previous day, the Kharkiv Region Police Department processed 1,399 reports filed by citizens on various offenses and incidents. In particular, CSI teams recorded 10 cases of damage to buildings and other structures as a result of shelling and fire within the day. Criminal proceedings have been initiated.

In addition, in order to prevent the illegal circulation of weapons and drugs in populated areas, law enforcement together with the military inspected 4,200 vehicles at checkpoints. In addition, the staff of the National Police in Kharkiv region brought 30 people to their territorial units on suspicion of being involved in enemy sabotage and reconnaissance groups or propaganda work.

As noted, demining of the populated areas is underway. In particular, since the beginning of the de-occupation efforts, the National Police bomb squads examined the territory of about 1,478.95 hectares, having removed 23,474 explosive objects and

destroyed 2,271.

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## MIDDLE-EAST

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## Special Tribunal for Lebanon

**Official Website of the Special Tribunal for Lebanon  
In Focus: Special Tribunal for Lebanon (UN)**

**Lebanon to send refugees back to Syria (TV7 Israel News)** By Erin Viner  
October 18, 2022

**Lebanese President Michel Aoun announced that Syrian refugees will be returned to the neighboring state as early as the end of this week.**

There are more refugees per capita in Lebanon than anywhere else in the world. The government estimates that at about 1.5 million Syrians are part of the overall population of over 6 million.

The repatriation will be voluntary and based on a mechanism first used in 2018, said Lebanon's General Security Directorate intelligence agency, responsible for securing land, maritime and air borders throughout the Arab Republic.

"General Security will pick back up on the return plan for Syrian refugees who would like to go back," Agency head Major General Abbas Ibrahim told the Reuters news service, explaining that the mechanism had been paused due to outbreak of the coronavirus pandemic.

A plan unveiled last July by Lebanon's Minister for Displaced People Issam Charafeddine detailed the pace of relocation at about 15,000 refugees a month; basing his move on a claim that Syria has largely become safe after more than a decade of war.

The United Nations, however, believes conditions in Syria are still too dangerous for former residents to return home; with such findings by the world body's Syria Commission published just last month.

The Lebanon branch of the UN High Commissioner for Refugees (UNHCR) has also gone on the record saying it will neither be "facilitating or promoting the large-scale voluntary repatriation of refugees to Syria." During previous rounds of returns, the UNHCR served in a protective capacity by maintaining a presence at departure points and providing counselling services.

The New York-based Human Rights Watch (HRW) advocacy group also dissented with Minister Charafeddine's plan last summer, by stressing that "Syria is anything but safe for returnees."

"Syrian refugees who returned between 2017 and 2021 from Lebanon and Jordan faced grave human rights abuses and persecution at the hands of the Syrian government and affiliated militias," HRW Middle East Division Director Lama Fakih said in a written statement.

Damascus authorities deny that any of the returning refugees have faced torture or reprisal, with Syrian President Bashar al Assad going so far as to charge that millions of his former citizens were being intimidated to remain in host countries that benefit from international aid received on their behalf.

Assad issued a sweeping amnesty earlier this year for a 'range of crimes' committed by Syrians who fled the country during the 11-year conflict; which regime officials claim includes lightened penalties for the evasion of compulsory military service – seen as a significant reason many young men left the country.

Rights groups and diplomats have nevertheless warned that such statements are insufficient to guarantee the well-being of the returnees.

According to just-published UNHCR data, there are currently 5,589,360 total registered Syrian refugees. A vast 64.9% majority of 3,629,807 of the displaced Syrians are in Turkey, followed by 14.9% (831,053) in Lebanon, 12.1% (676,606) in Jordan, 4.7% (265,384) in Iraq, 2.6% (144,768) in Egypt, and 0.7% (41,742) in North Africa.

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## **Israel and Palestine**

### **B'Tselem urgent appeal to the prosecutor of the International Criminal Court: stop Israel from committing a war crime in South Hebron Hills (B'Tselem)**

October 6, 2022

**This week (Monday, 3 October 2022), Israeli human rights group B'Tselem wrote to the prosecutor of the International Criminal Court in The Hague, requesting his urgent intervention to stop Israel from its efforts to expel Palestinian communities from their homes and lands in the South Hebron Hills (in the southern West Bank).**

Israel has been trying to drive these communities out for decades, but has recently escalated its actions – in scope, severity, and frequency – following the May 2022 ruling by Israel's Supreme Court. The ruling, which contravened international law provisions and basic moral principles, reached the conclusion that the residents have no right to live on the land and there is no legal impediment to expelling them.

Israel has made the residents lives a nightmare: they suffer daily threats by soldiers and settlers to their bodies and property, as well as noise and pollution hazards, routine damage to infrastructure, incessant invasion of their privacy and constant uncertainty over their future. Recently, the military conducted in the area activities presented as military trainings, using live fire and driving armed vehicles – including tanks – through the communities and near them. Israel is also working to cut these small communities off from their surroundings, with the military placing roadblocks, confiscating cars and hindering activists, journalists and diplomats from accessing the area.

B'Tselem attached to the letter an addendum detailing dozens of incidents in the area since June 2022, which illustrate the violent, day-to-day, reality Israel is imposing on these communities. In its letter, B'Tselem emphasized that while Israel has since 1999 avoided direct expulsion, it is subjecting the residents to intolerable living conditions in an indirect bid to drive them away. This implicit tactic might better obscure Israel's intention to commit a war crime, but there's no ambiguity about it: it is the same objective, and it is the same crime.

B'Tselem called upon ICC Prosecutor Karim Khan to initiate a preventive intervention and caution Israel that it is moving forward with a war crime, since forcible transfer of residents in occupied territory is a violation of Article 8(2)(a)(vii) of the Rome Statute. B'Tselem stressed that while this policy has been implemented for decades, current responsibility lies with Israel's top officials – including the prime minister, the defense minister, the chief of staff, OC Central Command, the head of the Civil Administration, and the High Court justices who sanctioned the policy.

Executive Director Hagai El-Ad, who signed the letter, explained that Israel's apartheid regime is forcing "1,000 or so Palestinian residents of the South Hebron Hills into a humiliating bare-bones existence, making their lives miserable enough so that they will leave their homes and land, and the state will take over the area." He added: "We request your urgent intervention in this case in order to allow these communities to live with dignity, basic security and certainty about their future. When Israel sought to expel the Palestinian community of Khan al-Ahmar (located east of Jerusalem), intervention by the Office of the Prosecutor (October 2018) stopped Israel".

**Israel Saw Brutal Myanmar Regimes as a Business Opportunity, Documents Reveal (Haaretz)strong> By Eitay Mack  
October 6, 2022**

**Newly declassified documents show how Israel armed, trained and for decades built up successive military regimes in Myanmar. A murderous civil war? Torture? Massacre? For Israel, it's fertile ground for cooperation**

**The reports that flooded the media worldwide at the end of August 2017 were decidedly grim: murder, rape, torture, enslavement, violence against children and the destruction of entire villages. The Rohingya people, members of the Muslim minority in Myanmar, were fleeing the country on a mass scale. The Israeli media also reported on the atrocities, which the United Nations described as a "textbook example of ethnic cleansing."**

**None of that stopped Israel from continuing to sell advanced weapons to Myanmar. Indeed, in September of that year, the High Court of Justice in Jerusalem deliberated a petition that demanded a halt to the arms trade with the country. Even though the United States and the European Union imposed arms embargoes on Myanmar, Israel refused to declare that it had done likewise. It was only after extensive media coverage and public pressure that Israel put a stop to its security exports to Myanmar, at the beginning of 2018.**

**It was an exceptional decision. But just how exceptional only becomes clear from a perusal of Foreign Ministry documents of the past few decades. About 25,000 pages in the State Archives that were recently declassified and made available for public scrutiny, reveal the military ties that Israel maintained with Burma from the 1950s until the beginning of the 1980s (the country changed its name to Myanmar in 1989). More recent documents remain classified. The documents show that all of Israel's governments viewed, in the vicious civil war that raged in the country, the military junta and the army's corruption and violence, both a diplomatic opportunity for the State of Israel and a business opportunity for the Israel Defense Forces and the military industries.**

**Israel is shown to have played a key role in the establishment of the country's army, which has ruled first Burma, then Myanmar, with lethal cruelty for most of the country's existence. (It gained independence in 1948.) Israel assisted the army in reorganizing as a modern force, armed and trained it, and contributed dramatically to building its might and entrenching its hold as the most powerful element in the country. That power initially enabled the army to manage the country from behind the scenes, and afterward to remove the civilian leadership and forge a variety of different military regimes.**



It was of no interest to successive Israeli governments that the military aid was not intended for purposes of defense against external enemies, but was used to make war against the country's inhabitants. Across all the many thousands of pages, covering 30 years of relations, there is not even one Israeli representative who expresses an objection to arms sales to Myanmar.

A cable sent by Israel's ambassador to Burma in December 1981 sums up well the essence of the relations between the countries since 1949. The ambassador, Kalman Anner, reported to the director of the Foreign Ministry's Asia Desk that he had met with the Burmese foreign minister in an attempt to persuade him to support Israel in UN votes. "Without much persuasion, he tried to claim that international law was being violated," Anner wrote. "I tried to persuade him that international law, and this [provision of the law] in particular, is not a divine decree and that everyone imposes their own interests on it. I think my words had an attentive ear."

#### No way to refuse

Burma received independence from Britain five months before Israel, and quickly recognized Israel in 1949. Ties, including mutual visits, began to form between the two countries at the beginning of the 1950s. "Israel is one of the friendliest countries to Burma, while Burma is an extremely friendly country to Israel," wrote Mordechai Gazit, a member of the Israeli Embassy staff in Rangoon (now Yangon), in 1955 while reporting on a meeting with the chief secretary of Burmese Prime Minister U Nu. "[The chief secretary] noted that the two countries are cooperating closely in the UN arena. Explaining where this friendship stems from, he noted that Israel and Burma are the only socialist countries in Asia."

But the pivot of these relations was not actually socialist solidarity; it was Israeli military aid. A civil war was already being fought in Burma even then, and Rangoon sought Israel's assistance to quell the uprising and to establish an independent military industry.

Israel was well aware of the situation in the country and understood exactly what the aid was for. A cable sent to Prime Minister David Ben-Gurion from the Foreign Ministry in September 1952 stated that the civil war in Burma had claimed 30,000 victims to date and that "55 percent of the state budget is earmarked to this day for defense purposes."

Israel perceived a golden opportunity. "Burma is Israel's most faithful friend in Asia, and the ties between the Israeli army and the Burmese army could be extremely vital, at least diplomatically," Foreign Ministry Director General Walter Eytan wrote to IDF chief of staff Moshe Dayan in March 1954. "I am bound to say that with the current state of the relations between Israel and Burma, it is not in fact possible to refuse the request of the Burmese Army."

In 1955, the two countries arrived at a "rice agreement": massive arming and military training for Burma from Israel, in return for annual shipments of thousands of tons of rice from Burma. The correspondence details the substance of the agreement, including 30 fighter aircraft, hundreds of thousands of rounds of ammunition, 1,500 napalm bombs, 30,000 rifle barrels, thousands of mortar shells and much more military equipment, from scouts' tents to parachuting gear. In addition, dozens of Israeli experts were dispatched to Burma on training missions, and Burmese army officers came to Israel for comprehensive instruction on IDF bases – paratroopers' training, months of instruction for munitions officers and training for Burmese air force fighter pilots. In cooperation with the Burmese army, Israel also established shipping, agricultural, tourism and construction companies there.

"The Burmese often mentioned the great help they received from us," Shalom Levin, an Israeli diplomat in Rangoon, wrote to Defense Ministry Director General Shimon Peres in December 1957. "The equipment arrived just when they needed it, for operations against the rebels. They praise unhesitatingly the products of the military industry, finding no fault in it. All the IDF personnel who worked in Burma came in for praise."

Israel established a school for aerial and ground combat in Burma, and Burma drew on Israel's assistance to organize its army based on the IDF model of a division into corps and into regular and reservist forces. A series of cables sent to Israeli legations in Eastern Asia provided details about a high-ranking Burmese delegation that had come to Israel to "learn IDF methods." The delegation visited an absorption and training base, the weapons manufacturer Israel Military Industries, training bases for military administration and for new recruits, Central Command, an infantry brigade and the Artillery Corps. In addition, "staff officers were sent to study the issue of manpower mobilization in Israel, methods of mobilization, the Defense Service Law [mandating conscription] and the like."

In 1958, in the shadow of a deep political and economic crisis and against the backdrop of the ongoing civil war, which had been raging for a decade, the Burmese government collapsed and a full-fledged military regime took over, led by Gen. Ne Win. "The army is seizing control of many areas of life," wrote Zvi Kedar, the second secretary in the Israeli Embassy in Rangoon, in a cable from December of that year. "The press itself was also affected by the promulgation of emergency laws restricting the freedom of writing... Extensive arrests were made among leaders of left-wing groups that have connections with the rebels."

Israel, however, saw benefits in the takeover of the government by a general. "Despite the many internal crises that have afflicted Burma in recent years, the Israel-Burma friendship remains firm and has actually been considerably strengthened in the past year, since the government effectively passed into the hands of the army," a June 1959 Foreign Ministry survey stated. "Israel's staunchest friends are mainly in army circles."

Ne Win himself visited Israel that month. He met with Prime Minister Ben-Gurion, and with the chief of staff, the police commissioner and IDF generals, visited army bases and received about a hundred Uzi submachine guns as a gift.

In parallel to the military aid, there was one particularly odd episode in Israel's involvement in Burma. The Burmese, it turns out, viewed Israel as an inspiration for land-settlement programs, and attempted to settle military personnel in regions inhabited by rebellious ethnic minorities, in the style of the the IDF's Nahal Brigade outposts. A June 1959 survey drawn up by the Foreign Ministry's Asia Desk cited a plan in Burma to establish "settlement locales built according to the Lachish District plan, in the format of an Israeli cooperative workers' moshav, with the core groups [of settlers] to consist of ex-army men." Within the framework of the plan, Israel agriculture experts were sent to carry out survey operations in the heart of the Namsang District, home of the Shan ethnic minority, who had rebelled against the central government.

In short order, it became clear that the local population was fiercely opposed to the plan, viewing it as an attempted invasion. "The state of Shan has absolutely no desire for a Burmese or Israeli settlement plan, and certainly not our joint plan," wrote Daniel Levin, Israel's ambassador to Burma, in 1958. "In Burma, most of which is uninhabited, supposedly a jungle, every place you step, you step on someone's foot." Nevertheless, the project continued and was even expanded.

### Shooting at monks

In April 1960 U Nu returned to serve as prime minister, though not for long. "This evening the army seized power," the Israeli Embassy in Burma reported to Jerusalem in a cable in March 1962. "According to unconfirmed reports, all the ministers apart from the prime minister and the ministers of education and finance are under house arrest. All air traffic has been halted. Army patrols on all corners of the capital. Absolute quiet prevails."

The development came as no surprise to the embassy staff. A few days earlier, the ambassador had met with Gen. Ne Win, who warned him about a military coup and said he was "ready to shoot at rioting monks."

Again, that did not stop Israel. Three months after the coup, the deputy defense minister, Shimon Peres, arrived in Burma to meet with the leaders of the military government. "Mr. Peres stated in the name of the prime minister that Israel is interested, as always, in helping on every subject and in any way that the general will decide," a memorandum from the meeting stated.

Israel wanted to continue with business as usual: Israeli arms in exchange for Burmese support in international forums. A series of cables from that period documents possibilities for cooperation with the Mossad, training and advanced courses in flying and parachuting, establishment of labs for the military industries Israel helped set up there, the sale of over 60 tons of gunpowder and millions of rounds of ammunition.

A few weeks after his successful meeting with Peres, Ne Win, now head of the Revolutionary Council, ordered a massacre of students who were holding demonstrations in Rangoon. "The soldiers fired into the crowd," Michael Elitzur, a counselor at the Israeli Embassy, wrote from the city in July 1962. He went on to describe how the army had demolished a university building where the students had barricaded themselves. "The authorities saw to it that no public funerals were held for the victims. It was a shocking spectacle to see hundreds of people – many of them parents and relatives of those who were killed and wounded – gathering in total silence around the General Hospital... Two days later, all the institutions of learning throughout the country were ordered shut." Elitzur reported further that the security services had disappeared dozens of

other students.

This time, the Foreign Ministry actually did take an interest in who was responsible for the mass killings. Ambassador Eliashiv Ben-Horin even asked the director general of the Burmese Foreign Ministry about it. "To my question whether the building had been demolished on an order 'from very high up,' he responded with a positive smile," Ben-Horin wrote. In another meeting, a few months later, Ne Win himself admitted to the ambassador that he had authorized the use of live fire against the students. "I told the interior minister to use the heaviest weapons that are required," he told Ben-Horin. The ambassador reported that "the relations between Israel and the new government are no less positive and friendly than [they had been] with the regime that was eradicated."

Still, the more entrenched the dictatorship became, the less comfortable the Israeli representatives felt. "One thing is true, namely that the declared ideological direction of the government and the practical style of its activity do not make it any easier from the viewpoint of the intimate, harmonious closeness that symbolized the relations between us for such a long time," Ben-Horin observed in a cable from April 1963. "But that is one thing, and preserving vested interests is something else."

However, to Israel's chagrin, the military regime decided to nationalize the economy – including the companies that were jointly owned by Israel. "In the wake of the Burma government's policy of economic nationalization, we are facing the termination of the Israeli partnerships in this country," the director general of the Foreign Ministry wrote to the embassy in Rangoon in November 1963, but qualified his prognosis by adding that it was nevertheless important "to maintain an attitude of amicability and friendliness toward the Burmese."

"There is a military regime here," diplomat Michael Pragai replied to him. "The revolutionary council, which consists entirely of army officers, is governing. It is headed by a general who is a tyrant and terrorizes [people]. He is closed and insular, cannot be approached even by key Burmese and he has a constant military guard, even in his own room, with weapons primed for action. 'Becoming friendly' is out of the question."

The severance of the economic partnership did not lead Israel to stop supporting Burma at the UN, nor did it bring about the cessation of military aid to the regime. "A considerable portion of Israel's exports to Burma is earmarked for the Burmese army (military gear, provisions, chemicals from Israel Military Industries and so forth)," wrote Daniel Levin, then the director of the Asia Desk, in January 1966. "There is a recent resumption of advanced courses for Burmese army personnel in the IDF."

In an April 1966 cable, Israel's military attaché to Burma, Col. Asher Gonen, requested approval from Col. Rehavam Ze'evi, at the time assistant head of the IDF's Operations Division, for a new program to train Burmese battalion commanders in Israel, with the aim of fighting the rebels. The program included a course of four to six months in Israel with training for an infantry brigade and an airborne brigade, integration of territorial defense, parachute operations, maintenance issues, artillery, communications, combat and participation in maneuvers.

Gonen noted that because the civil war necessitated them, the terrain in the training activities "should be mountainous and hilly (in the absence of jungles), but it's not desirable for it to be desert-like." Indeed, the Burmese battalion commanders who came to Israel were given an "exceptional" reception in the Armored Corps. In March 1966, Chief of Staff Yitzhak Rabin himself visited Burma.

Opponents of the regime were not the only ones who suffered under the despotic government. "Beginning at 11:00 [A.M.], an organized and systematic pogrom began against Rangoon's Chinese residents, which is truly difficult to describe," diplomat Zeev Shatil reported in a June 1967 cable. "Organized groups went from house to house and from shop to shop, threw out all their belongings, piled them in heaps upon heaps and set fire to them in the streets. Objects were thrown into the street from the windows on the upper floors, and cars were torched in the streets... Sources, which are unconfirmed, speak of about 30 killed and more than 100 wounded, some seriously."

Shatil concluded by stating that the Burmese army was responsible for the deeds. "The government could have stopped the pogrom anytime it wished," he wrote. In another cable, sent to the director of IDF Military Intelligence, he added that the pogrom was exploited to arrest thousands of Chinese, among them 500 high school students.

And here, too, Israel found an opportunity. Jerusalem realized that the Rangoon regime suspected that

China was supporting the rebels, and wanted to take advantage of this turn of events to create a partnership between the Mossad and the Burmese intelligence services. “The aid on our part will not refer to the object of Burmese concern – the Chinese – but to the methods of operation and organization that can streamline the work of the Burmese,” a cable from the Asia Desk to Israel’s ambassador in London stated.

“The deputy director of Burma’s security services expressed his wish to visit Israel and learn about subjects related to operations against subversive elements,” the military attaché also noted in January 1968. “The essence and the character of the security services in Burma accord them importance as a factor on which the regime rests. Accordingly, his visit is of importance.”

At the end of the 1970s, too, while the Israeli Embassy in Burma continued to report on the widespread internal oppression – including an attempt to undertake ethnic cleansing of the Muslim minority – Israel continued to offer Burma security services. “I raised the possibility of increasing their procurement from us,” the ambassador to Burma, Shmuel Ovnat, wrote after meeting with the country’s defense minister in October 1977.

In a cable from January 1982, an embassy official, Avraham Naot, wrote that he had spoken with a senior official in the Burmese Foreign Ministry about the crisis with the Muslim population. “It was clear from what he said that in his opinion, the Muslim threat to Burma is real,” Naot reported, “and the country must do everything possible to prevent the Muslim population in Burma from growing via immigration from neighboring countries.”

This time as well, Israel saw the ethnic cleansing of the Rohingya people as an opportunity. About two weeks after Naot’s meeting, Kalman Anner, then the director of the Asia Desk, wrote, “We are interested in establishing a connection between our Mossad and the Burmese Mossad.” Subsequently, the Israeli Embassy in Burma received an envelope from the Mossad containing intelligence material to pass on to its Burmese counterpart regarding the “Muslim underground in Southeast Asia [which operates under the] inspiration of Iran and Libya.”

‘Good luck!’

Not all the documents up until the mid-1980s have been made accessible to the public. And it will be many more years before the Foreign Ministry relating to Israel’s relations with Burma beginning in the mid-1980s are released. But what is currently available attests that nothing has changed.

In November 2019, Noa Landau reported in this paper that Ronen Gilor, Israel’s ambassador to Myanmar, tweeted a message of support and wishes of success to the chiefs of the Myanmar army in regard to deliberations taking place against them at the International Court of Justice in The Hague on charges of perpetrating genocide against the Rohingya people. “Encouragement for a good verdict and good luck!” Gilor wrote.

On February 1, 2021, the Israeli Embassy in Myanmar witnessed another military coup, carried out by the general who had signed a security agreement with Israel five years earlier. The army took up positions at the capital’s main intersections, raided the parliament and arrested several hundred people, including the stateswoman Aung San Suu Kyi, a Nobel Peace Prize laureate.

According to UN estimates, in the 19 months since then, some 14,000 people have been taken into custody in Myanmar, and at least 2,000 have been killed. Israel was the only Western country that refrained from condemning the coup, nor does Jerusalem join the repeated calls from the West for an end to the oppression in Myanmar.

It turns out that Israel has more important things to contend with. On February 5, 2021, four days after the start of the coup, Gilor tweeted congratulations to two sisters from Myanmar who had won a honey-manufacturing competition. (The tweet was later deleted.) In a subsequent tweet, he wrote, “In this harsh time the man is the world and the man is complex; and yet Myanmar people are beautiful and awesome.”

**Israel's Secret Poisonings in 1948 (Haaretz) By Yossi Melman**  
October 6, 2022

**On September 25, 1997, Mossad operatives from the special forces’ unit of Kidon (Hebrew for Bayonet) poisoned Khaled Meshal, the chairman of the political bureau of Hamas, in Amman, Jordan. One of the operatives held a small tube and sprayed Meshal’s ear with the material.**

The Mossad modus operandi is to send one of its doctors into the arena of operation in case an operative is injured and needs medical treatment, without risking exposure at a local hospital. A female doctor, accompanied by Mishka Ben David, one of Mossad intelligence officers, was chosen for the mission in Jordan. They posed as an Israeli couple on vacation in an Amman hotel. The doctor and Ben David possessed an antidote, which would neutralize the poison if it leaked and injured the operatives by mistake. Israel kept a backup antidote at another location in Amman.

The mission failed. Prime Minister Benjamin Netanyahu showed negligence and arrogance in executing an operation on Jordanian soil, Israel's most strategic ally in the Middle East. Just three years earlier, Jordan had signed a peace treaty with the Jewish state. However, the intelligence was also poor and the performance by the operatives in the field was inadequate. Mossad operatives holding falsified Canadian passports were arrested. Four others found shelter at the Israeli embassy.

Jordan's King Hussein threatened to storm the embassy and to execute the operatives. To placate the king, Israel agreed to release from prison Sheikh Ahmed Yassin, the founder and spiritual leader of Hamas, and to save Meshal's life. The doctor and Ben David gave one of the antidotes to a Jordanian intelligence officer, who forwarded it to a Jordanian doctor. Israel saved the life of Meshal, a bitter enemy of Israel until today.

On top of these self-inflicted wounds to Israel's own national interests, one of the most troubling ramifications was the fact that the Meshal affair forced Israel to publicly admit that it had used poison – a form of biological warfare by at least one measure. Until then, the reports about the use of poison by Israeli intelligence agents were always attributed to “foreign sources.”

At least two other incidents of this nature were revealed in the world press. One was in 1978 after the death of Wadie Haddad, the operational officer of the Popular Front for Liberation of Palestine. Haddad was the architect of the spectacular hijacking of Israeli and international airliners in the 1970's, including the Air France flight diverted to Entebbe, Uganda, in 1976. In a daring operation, Israeli commandos killed Haddad's terrorists, who included German members of the Bader Meinhof gang, and saved most of the hostages.

The Mossad retaliated. Knowing that Haddad had a sweet tooth, it recruited one of his aides to be a spy. As instructed by Mossad handlers, the aide purchased English-made Cadbury Chocolate in Belgium. The chocolate was filled with poison prepared by Israeli scientists for the Mossad. The Palestinian aide personally delivered it to Haddad, who ate it without sharing. Haddad, who had suffered from severe underlying illnesses, died a few weeks later in an East Berlin hospital. Until today, Mossad veterans debate whether Haddad died of the poison or due to his sickness, or because of the combination of the two factors.

Thirteen years after the failed assassination attempt against Meshal, the Mossad struck again. In 2010, Mossad agents poisoned Mahmoud Mabhouh, a senior Hamas operative who liaised with Iran to smuggle weapons to Gaza, in his Dubai hotel room. Mabhouh died, and all members of the hit team returned safely to Israel. But the Dubai police managed to reconstruct the operation, revealing that the Mossad had used forged Western passports. The Mossad suffered a blow to its prestige and omnipotent image, and the affair damaged Israel's foreign relations.

The 1925 Geneva Protocol forbids the use of biological weapons. Fifty years later another international agreement was signed: The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, commonly referred to as the Biological Weapons Convention.

However, while 183 states have ratified the treaty, Israel, together with Egypt, Somalia, Eritrea and Comoros, have refused to join it.

It is widely assumed and reported that the various poisoning materials used by the Mossad for the already published cases, and few more which have remained secret, were manufactured at the Israel Institute for Biological Research in Nes Ziona, 20 kilometers south of Tel Aviv.

The institute, which jointly belongs to the Prime Minister's Office and the Defense Ministry, was founded in 1952, replacing the army's Scientific Corps. Its first director was Alexander Keynan.

This unit now stars in a fascinating article revealing the clandestine history of the biological warfare that Israel conducted during its War of Independence in 1948. The article is written by two historians, Benny Morris, professor emeritus at Ben-Gurion University in Be'er Sheva, and professor emeritus Benjamin Ze'ev

Kedar of the Hebrew University in Jerusalem. The article – “Cast Thy Bread’: Israeli Biological Warfare during the 1948 War” – was recently published by Middle Eastern Studies.

This article is a rarity for two reasons. First, it was researched and published against the wishes of the Israeli security establishment, which has tried for years to block any embarrassing historical documents about that war exposing war crimes against Arabs, like murdering prisoners, ethnic cleansing and destroying villages. Second, the article is based on original documents stored in the Israel State Archive and other archives.

Morris and Kedar had already discovered that the codename for the operation was “Cast Thy Bread” – taken from a verse in the Book of Ecclesiastes (11:1). Based on their research, they detail how scientists from the Scientific Corps, together with battlefield units, were involved in a systematic campaign to poison water wells and spread typhoid bacteria in Arab villages and cities as well as among the invading armies of Egypt and Jordan. The purpose was to frighten the Arab-Palestinian population, to force them to leave and to weaken the Arab armies.

The order to use the biological warfare was given or at least approved by the founder of the Jewish state, David Ben-Gurion, who was its first prime minister and defense minister. Ben-Gurion consulted with the top scientists at the time including Prof. David Erenst Bergman, who is considered the father of the Israeli nuclear program, Prof. Ephraim Katzir, a future president of the state, and Prof. Alex Keynan, the founder of the biological research institute. The top military echelon privy to the clandestine operation included generals Yohanan Ratner and Yigal Yadin, who was the de facto chief of staff during the 1948 war and then-Lt. Col. Moshe Dayan. Dayan, a future chief of staff and foreign minister, was given by the scientists tubes with typhoid bacteria. His assignment was to deliver them to his subordinates. The instruction was to spread it in water wells near Jericho, where the Jordanian army was deployed, and in Jerusalem area villages where the most fierce battles took place.

However, one of Dayan’s tubes broke, and his 3-year-old son Assi (a future writer, actor and film director) was infected and had to stay in bed for days.

Typhoid germs were also sent in bottles to the southern front. But local left-leaning commanders refused to participate in the operations. They complained to their senior commander Haim Bar-Lev, also a future chief of staff and cabinet minister. Bar-Lev told them to get rid of the bottles. Nevertheless, a few Israeli troops thought the bottles contained soft drinks and drank them. Luckily, they were not seriously ill.

The article by Morris and Kedar also sheds light on a few more cases in which Israeli soldiers were sent with the poison to Acre and the Galilee village of Ilabun. According to British Arab and Red Cross documents, dozens of local residents of Acre were poisoned and became severely ill. An unknown number of them died.

The same method was also used in May 1948, a week after Israel proclaimed independence, in Gaza. Two Jewish soldiers from a special forces unit posed as Arabs and infiltrated Gaza with tubes containing the typhoid germs. Their mission was to poison the Gaza water well in order to stop the advancement of the Egyptian army. But they were arrested, tortured and sentenced in August 1948 to death by an Egyptian military court.

Israel has never admitted the true nature of their mission but recognized them as fallen soldiers. The article does not specify what was the actual number of casualties caused by these biological warfare operations. Its probably was not significant and was not widespread due to the amateurish nature of the operation Cast Thy Bread and the logistical difficulties. Yet, it’s no wonder that the Israeli security establishment is ashamed of some chapters of its past and has been trying to suppress the information.

**UK apology sought for British war crimes in Palestine (BBC) By Tom Bateman**  
October 7, 2022

**The people of al-Bassa got their lesson in imperial brutality when the British soldiers came after dawn.**

Machine guns mounted on Rolls Royce armoured cars opened fire on the Palestinian village before the Royal Ulster Rifles arrived with flaming torches and burned homes to the ground.

Villagers were rounded up while troops later herded men onto a bus and forced them to drive over a landmine which blew up, killing everyone on board.

**A British policeman photographed the scene as women tended to the remains of their dead, before maimed body parts were buried in a pit.**

**It was the autumn of 1938 and UK forces were facing a rebellion in Palestine, under British control after the defeat two decades earlier of the Ottoman Empire.**

**Britain's raid on al-Bassa was part of a declared policy by the local commander of "punitive" action against entire Palestinian villages - this one after a roadside bomb had killed four British soldiers - regardless of any evidence over who was responsible.**

**The atrocity was revealed in accounts by soldiers and villagers decades after the UK left. It now forms part of a file being brought to the British government seeking accountability for Palestinians subjected to alleged war crimes by UK forces.**

**The petition, involving a 300-page dossier of evidence, asks for a formal acknowledgement and apology for abuses during the period of British rule in Palestine from 1917 until 1948, after which Britain rapidly withdrew and the State of Israel was declared.**

**A BBC review of the historical evidence involved includes details of arbitrary killings, torture, the use of human shields and the introduction of home demolitions as collective punishment. Much of it was conducted within formal policy guidelines for UK forces at the time or with the consent of senior officers.**

**"I wanted people to know that my parents, as young as teenagers, they suffered. And those who died, we have to speak for them now," said Eid Haddad, the son of two survivors of al-Bassa, speaking to BBC Newsnight.**

**In a statement the UK Ministry of Defence said it was aware of historical allegations against armed forces personnel during the period and any evidence provided would be "reviewed thoroughly".**

**The request for an apology is likely to reopen the debate over delivering modern-day accountability for colonial-era crimes, while also being viewed in the context of the ongoing Israeli-Palestinian conflict.**

**The two communities assess Britain's historical legacy from different standpoints, while both at varying times resisted hostility, abuses or broken promises during UK rule.**

**It is being brought by Munib al-Masri, 88, a well-known Palestinian business owner and former politician, who was shot and wounded by British troops as a boy in 1944.**

**"[Britain's role] affected me a lot because I saw how people were harassed... we had no protection whatsoever and nobody to defend us," Mr al-Masri told the BBC at his home in Nablus in the occupied West Bank.**

**Two senior international lawyers are involved in the project, asked by Mr al-Masri to carry out an independent review of the evidence. They are Luis Moreno Ocampo, former chief prosecutor at the International Criminal Court, and the British barrister Ben Emmerson KC, former UN Special Rapporteur on human rights and counter-terrorism.**

**Mr Emmerson says the legal team has unearthed evidence of "shocking crimes committed by certain elements of the British Mandatory forces systematically on the Palestinian population".**

**"They are some of them of such enormous gravity that they would have been regarded even then as breaches of customary international law," he told the BBC.**

**Barbed wire cages**

**Mr al-Masri is due to present the file to the UK government in London later this year.**

**His petition refers to another atrocity in the summer of 1939, when soldiers from the Black Watch regiment carried out a weapons search of the village of Halhul, which lies in the West Bank.**

**Multiple accounts from both residents and British soldiers detailed how homes were raided and villagers rounded up at gunpoint, before up to 150 men were herded into a space behind a mosque and many forced into barbed wire cages.**

"These were not revolutionaries, they were farmers. The revolutionaries were hiding in mountains," says Mohammed Abu Rayan, 88, who was a boy when the British soldiers stormed his home and occupied the rooftop.

He knew many of the survivors of the cages of Halhul. During a fortnight of captivity in the sweltering heat, 13 people died of dehydration, while at least one was shot trying to escape.

"They started digging the soil to try to eat the roots. They put wet dirt on their skin just to try to cool down," Mr Abu Rayan told the BBC at his home in Halhul.

A British official at the time put the death toll slightly lower.

"After 48 hours treatment most of the men were very ill and 11 old and enfeebled ones died. I was instructed that no civil inquest should be held," wrote then-district commissioner Edward Keith-Roach in a private letter.

An extraordinary account given decades later by Lt Col Lord Douglas Gordon, a former Subaltern of the Black Watch regiment, revealed the existence of a "good cage" with tents for shelter and unlimited water, next to the "bad cage [where] they had no shelter, they were rationed to, I think, one pint of water a day."

### Growing tensions

Britain's control of Palestine began during World War One when its imperial forces drove out Ottoman Turkish troops. In 1917, Foreign Secretary Arthur Balfour pledged to the Zionist movement to establish a Jewish national home in what became known as the Balfour Declaration.

The UK was given a mandate to govern, allowing levels of Jewish immigration and land acquisition to rise, fuelling growing tensions with Palestinian Arabs that frequently broke out into violence.

Britain's three decades-long presence saw a series of chaotic policy reversals as troops struggled to contain growing violence - both between Palestinians and Jews and, at different times, by armed groups from both sides against UK forces.

A Palestinian insurgency - known as the Arab Rebellion - broke out from 1936, and London flooded the country with troops.

Britain's atrocities carried out in Palestine were "violent and sensational" but "exceptional", according to the military historian Prof Matthew Hughes, who says its tactics did not routinely reach the levels of brutality meted out in some other colonies.

Instead, he says, Britain introduced a system of "daily pacification" that was "much more fundamental, cumulative and attritional in wearing down the Palestinians", citing measures including restrictions on movement, curfews, seizure of property or crops as punitive measures, arbitrary detention and using forced labour to build roads and military bases.

"The whole country became something of a prison," says Prof Hughes, author of Britain's Pacification of Palestine.

He also says the UK's military guidelines allowed troops to carry out "collective punishments" - often involving home demolitions - as well as "retribution" and the shooting of rioters, while it was also commonplace to shoot suspects who were running away.

### 'Belted and bashed'

The recollections of many British soldiers and police officers in Palestine are found in the archives of the Imperial War Museum in London. Some of the oral history tapes detail accounts of "punitive" raids, the use of human shields and torture.

Fred Howbrook, an officer in the Manchester Regiment, said they would go to villages and "smash up a few houses, things like that" while residents could only watch.

Another soldier with the Manchester Regiment, Arthur Lane, described how they would "go down to Acre jail and borrow say five rebels, three rebels, and you'd sit them on the bonnet, so the guy up in the hill could see an Arab on the truck so he wouldn't blow it... If [the rebel] was unlucky the truck coming up behind



would hit him. But nobody bothered to pick the bits up. They were left."

He also spoke of a practice called "running the gauntlet" in which Palestinian suspects were made to run between two lines of British soldiers and were "belted and bashed" with rifle butts and pick axes. "Any that died, they went into the other meat wagon and they were dumped in one of the villages outside," he said.

The Mandate period saw the UK ultimately use "rather nasty methods of control" over both Jews and Arabs, says the Israeli historian Tom Segev, author of *One Palestine, Complete*.

"The British as early as 1937 realised that it can't work, that they should really get out of here... that the conflict between Jews and Arabs doesn't really have a solution," he told the BBC.

While many Israelis remain grateful for the Balfour Declaration, Mr Segev says by the 1940s the tension between the Zionists and the British increased "very badly". "Some Jews felt that the British [were] betraying them," he says.

The period saw Britain turn back ships of survivors of the Nazi Holocaust who were attempting to get to Palestine.

"They were very tough rulers and all they wanted was: 'Be quiet, don't bother us with your problems, we don't really care who is right and who is wrong'. And so they implemented very bad methods of operation," says Mr Segev.

Meanwhile, Mr al-Masri seeks to argue that the ensuing conflict left the Palestinians entirely vulnerable, as the newly created State of Israel adopted some of the emergency powers left by the British.

"Britain should see the ways and means to compensate... [to] be brave and say: 'Sorry I did this'," he says.

#### **Four Palestinian teens killed by Israeli forces in 24 hours (Middle East Eye)**

October 8, 2022

**Israeli troops killed two Palestinians in Jenin on Saturday, hours after two teenagers were fatally shot in separate incidents in the occupied West Bank.**

Mahmoud Assos, 18, and Ahmed Daragma, 16, were killed by Israeli gunfire during a large army raid in Jenin refugee camp on Saturday morning, according to the Palestinian health ministry.

Armoured vehicles, bulldozers, military helicopters and combat drones were reportedly deployed in the raid.

Palestinian fighters responded with live fire, while unarmed residents also confronted Israeli soldiers with rocks.

Assos was shot in the neck and Daragma was hit in the head, according to the Palestinian health ministry.

At least 11 more Palestinians were wounded, three of whom remain in critical condition.

The Israeli army said it was carrying out an arrest operation when "explosive devices, Molotov cocktails and shots" were fired at soldiers who fired back and "hits were identified".

A Palestinian man was arrested, the army added. Palestinian sources identified him as Saleh Abu Zeneh.

Local media reported that Palestinian journalists and medics were denied access during the raid. The Palestinian news agency Wafa said Israeli troops shot in the direction of a group of journalists who were taking cover in the area.

Two more minors were killed by Israeli forces on Friday evening.

Adel Ibrahim Daoud, 14, was shot in the head near Israel's separation barrier in Qalqilya while Mahdi Ladadweh, 17, was shot in the chest by soldiers northwest of Ramallah.

The Israeli army said it fired at someone after he allegedly threw Molotov cocktails at them, in response to Daoud's death, according to the Israeli newspaper Haaretz.

More than 50 Palestinians were wounded by Israeli forces on Friday in various crackdowns on anti-occupation demonstrations across the West Bank, according to the Palestinian Red Crescent.

**'Will lead to an explosion'**

In recent months, Palestinians in the West Bank have faced increasing violence by Israeli forces not seen in years.

Near-daily raid-and-arrest operations have increased across the occupied Palestinian territory, which the Israeli army says are aimed at stamping out a resurgence of Palestinian armed resistance, particularly in the northern cities of Nablus and Jenin.

More than 160 Palestinians have been killed by Israeli fire this year, including 50 in the Gaza Strip and at least 110 in the West Bank and East Jerusalem. The death toll rate in the West Bank is the highest recorded in a single year since 2015.

At least two Israeli soldiers have been killed by Palestinian fire since May.

Palestinian movement Hamas said the Jenin raid demonstrated the Israeli military's weakness against "the resistance in the West Bank".

"So it resorts to mobilising military machines and helicopters to arrest one person," Hamas, which rules the Gaza Strip, said in a statement.

Palestinian Authority presidency spokesman Nabil Abu Rudeineh condemned Israel on Friday for what he called "field executions".

"The continuation of this policy will lead to an explosion of the situation and more tensions and instability," Abu Rudeineh warned in a statement.

**Meta's clampdown on Palestine speech is far from 'unintentional' (+972 Magazine) By Marwa Fatafta**  
October 9, 2022

**A report on the social media giant validated Palestinian experiences of censorship in May 2021, but missed how those policies are biased by design.**

After much anticipation and delay, an independent consultancy finally released its report on the conduct of Meta — the social media giant that runs Facebook, Instagram, and WhatsApp — during the events of May 2021 in Israel-Palestine.

Following a bout of censorship during that violent month — which witnessed a mass Palestinian uprising, Israeli repression, and a war on Gaza — Meta commissioned Business for Social Responsibility (BSR) to conduct a review into its moderation policies for Arabic and Hebrew language content across all three platforms, and to produce a human rights due diligence report.

Among its key findings, the BSR report observed that Meta's censorship not only violated Palestinians' fundamental rights, but that the company did not apply its content moderation policies equally to the two languages. Rather, Arabic content was overly moderated, while Hebrew content was largely untouched.

The conclusions are far from surprising. In fact, they firmly validate the lived experience of the majority of Palestinian users across all of Meta's platforms, who have long argued that the company's censorship practices are both discriminatory and systematic. The findings further add to the heaps of evidence, documented over many years, showing that Meta is far from a neutral intermediary when it comes to Israel-Palestine.

Still, while the report is a welcomed outcome for transparency and accountability, it also falls short on recognizing the larger context that underpins Meta's biased policies and actions — biases that emerged not just by accident, but by design.

**Shadowbans and overenforcement**

During Israel's brutal crackdown on Palestinian protestors in the Old City of Jerusalem and the neighborhood of Sheikh Jarrah in late April and May 2021, along with the military onslaught on Gaza and

the uprising that ensued, many Palestinians took to social media to document, by the minute, the Israeli regime's violence and human rights abuses. They also used the platforms to debunk disinformation about what was happening on the ground, and to share an authentic, alternative narrative to both mainstream press coverage and Israeli government propaganda.

Almost immediately, social media companies, including Meta, began clamping down on Palestinian speech. Accounts belonging to Palestinian activists, journalists, and eyewitnesses were arbitrarily suspended and their content systematically taken down. Some users also experienced shadowbans soon after they expressed public support and solidarity with Palestinians, with others finding that their Palestine-related posts had greatly reduced visibility among their followers.

At the same time, dozens of Israeli group chats of the "Death to Arabs" variety were formed on WhatsApp to organize pogroms against Palestinian communities both inside Israel and in the occupied West Bank. Racist slurs, incitement to violence, and even direct calls for murder and genocide directed at Palestinians in Hebrew went undeterred on Facebook and Instagram.

According to BSR's findings, Meta's overenforcement of its policies on Arabic content — which included erroneous and arbitrary takedowns and suspensions — had an "adverse impact" on Palestinians' rights to freedom of expression, freedom of association and assembly, political participation, bodily security, non-discrimination, freedom from incitement, and access to remedy.

Most notably, BSR found that Meta censored Arabic content at a higher rate than Hebrew content during that period, and further found that the detection rate of "potentially violating Arabic content" was much higher than Hebrew. This is because Meta has built classifiers — predictive algorithms that assess whether a piece of content fits into a "class" that violates the platform's policies — to automatically detect and remove hostile Arabic speech, while there are none for Hebrew.

#### **Intentional bias**

Although BSR states that Meta's bias against Palestinians is "unintentional," this characterization of bias misses the mark on how institutional and structural discrimination and racism actually operate. In other words, the company's content moderation system is discriminatory not only due to its selective application, but because of its very design.

Take, for example, Meta's terrorism-related guidelines: the so-called "Dangerous Individuals and Organizations" policy, or DIO. While the company refuses to publicly state who it classifies and bans as "dangerous" or "terrorist," a leaked list of 4,000 persons and groups shows that it disproportionately targets Muslim communities from the Middle East and South Asia.

This partly explains why, according to BSR, "Meta's DOI policy and the list are more likely to impact Palestinian and Arabic-speaking users, both based upon Meta's interpretation of legal obligations, and in error."

Whereas Meta has bended this rule, among others, in the context of Russia's invasion of Ukraine — which even allows Ukrainians to freely praise the neo-Nazi Azov Regiment as a force for self-defence — no such conflict-sensitive exceptions have ever been made for Palestinians, who are struggling against a no-less brutal military occupation.

Moreover, the company's treatment of the global non-Western majority, where only crumbs of investment and resources are allocated, is itself a structural problem that affects Palestine. From Myanmar to Ethiopia, Meta treats non-English languages and communities outside of the United States and Europe as a non-priority, despite the fatal consequences of unmoderated hate speech and incitement to violence.

The double standards witnessed in Israel-Palestine are therefore intertwined with deeper problems at the heart of the social media giant's global practices. Contrary to Meta's Corporate Human Rights Policy — which was launched just two months before the May crisis — the company has consistently shown blatant disregard to protecting the most vulnerable communities across its platforms.

Meta is thus not acting in blissful ignorance. Its rapid response to the Russian invasion of Ukraine demonstrates that the company can act when it wants — when there is a will, there is a way. And despite thorough documentation of censorship, disinformation, targeted violence, and hate speech against Palestinians, it has failed to take any meaningful and serious action.

In fact, the same violations are repeated over and over again. For instance, as soon as violence erupted in Jerusalem in April 2022 — almost a year after the Sheikh Jarrah protests — Facebook shut down the page of the Palestinian news site Al Qastal while it broadcasted live from the Israeli occupation forces' violent raid on Al-Aqsa Mosque. To continuously turn a blind eye to the adverse impact of its actions on an oppressed population, despite the amount of evidence, makes it clear that Meta's bias is indeed intentional.

### **The result of activism**

Meta's response to the BSR report has so far been underwhelming. For one, Meta did not publicly acknowledge any wrongdoing: it footnoted that its statement "should not be construed as an admission, agreement with, or acceptance of any of the findings, conclusions, opinions or viewpoints identified by BSR, nor should the implementation of any suggested reforms be taken as admission of wrongdoing."

For another, despite acknowledging BSR's 21 non-binding recommendations to address the negative impacts of its actions on Palestinian rights, Meta provided no concrete timeline for when to take action. These important recommendations include reviewing the company's DIO policy and its designation of deceased historical figures, building classifiers for Hebrew language content, and providing transparency for users over their enforcement actions such as feature limiting (shadowbanning). Meta also rejected one BSR recommendation that called for funding public research to examine the company's legal counter-terrorism obligations versus its current policies and actions.

It is crucial to note that Meta's commissioning of the report did not come out of pure good will, but rather due to the persistent public and private campaigning of Palestinian, regional, and global activists and human rights groups calling on the company to stop silencing speech on Palestine. Now that the findings are out, we must continue to demand that Meta respect peoples' rights and hold it accountable for its censorship.

At this point, Meta cannot evade responsibility for its biased moderation of Palestinian content. Systems are not created in a vacuum; they are a sum of corporate decisions. To not create classifiers for Hebrew hate speech despite its prevalence is a decision. Protecting pro-Zionist speech while deleting direct documentation of Israeli rights abuses is a decision. Answering censorship requests from an occupying power against its occupied population is a decision. It's time for Meta to decide otherwise.

### **For Fifth Day in Row, Israeli Occupation Forces Continue to Impose Collective Punishment Measures on Shu'fat Refugee Camp and 'Anata Village in Occupied East Jerusalem (Palestinian Centre for Human Rights)**

October 12, 2022

**For the fifth day in a row, the Israeli Occupation Forces (IOF) continue to impose a siege on Shu'fat refugee camp and 'Anata village in Occupied East Jerusalem, including the closure of entrances and military checkpoints, as part of collective punishment measures against tens of thousands of people.**

According to investigations conducted by the Palestinian Centre for Human Rights (PCHR), on Saturday, 08 October 2022, IOF completely closed the entrances to Shu'fat refugee camp and 'Atana village in occupied East Jerusalem, as part of their collective punishment policy following a shooting carried out by a young man at the IOF stationed at Shu'fat camp's checkpoint after the young man stepped out of a vehicle passing by the area. As a result, a female soldier was killed, and 2 other soldiers were wounded. Also, IOF arrested four Palestinians while crossing the checkpoint at the entrance to 'Atana village.

IOF moved into the camp amid violent clashes with Palestinians. As a result, a Palestinian was shot with a rubber-coated bullet, and tens of others suffocated. Additionally, IOF arrested three Palestinians, including a woman.

Next morning, 09 October 2022, IOF continued a complete closure of the entrances to the Shu'fat camp and 'Anata village, blocking movement in and out of them and turning them into a military outpost. Also, they spread into groups all over the camp's streets and alleys. Due to the measures imposed, the daily life in the camp and the village was disrupted as employees, workers and students were unable to go to their workplaces and schools. In the evening, IOF raided and searched several mosques and dozens of shops and confiscated the recorders of the surveillance cameras.

During their widescale raids, IOF arrested 15 Palestinians from Shu'fat camp and 'Anata village

Next day, 10 October 2022, IOF imposed-closure on Shu'fat and 'Anata village continued, as they conducted

widescale raids of houses and shops, confiscated the recorders of surveillance cameras, and arrested 4 Palestinians from al-Tamimi family, including the parents of 'Odai al-Tamimi (22), whom the Israeli media accused of carrying out the shooting at the checkpoint. Also, IOF raided and took photos of all houses and shops belonging to al-Tamimi family.

Moreover, two Palestinians were wounded during IOF's suppression of Palestinians protesting against the punitive measures imposed on Shu'fat camp and al-Salam Suburb in occupied East Jerusalem.

On Tuesday, 11 October 2022, IOF continued their closure on the camp and village, disrupting all aspects of life and denying employees and students' access to their workplaces and schools for the third day. In the morning, IOF raided 'Odai al-Tamimi's house in al-Salam Suburb in 'Anata village and took its measurements as a prelude to demolish it.

IOF's incursions into the neighborhoods and streets of the camp and 'Anata village recurred several times during the day, enticing anger among the residents of the area who gathered in the evening on the camp's streets and decided civil disobedience and a comprehensive strike all over the area, calling on all Jerusalem neighborhoods to go on a strike until IOF end their collective punishment policy against the residents of the area. Afterwards, hundreds participated in a mass protest that made its way to the camp's checkpoint chanting national slogans. When they reached the checkpoint, IOF suppressed the protest by firing rubber-coated metal bullets, tear gas canisters and stun grenades at the protesters. IOF summoned skunk carrying vehicles that broke into the camp's streets and alleys and pumped skunk water at the residential houses and shops.

Up to publishing this press release, IOF continue to lock down and impose a closure on Shu'fat refugee camp and 'Anata village, where they conducted raids and arrests. Due to this closure, the fieldworker could not determine the final number of arrestees, but the initial reports say that at least 25 Palestinians were arrested within the past few days.

The mayor of 'Anata, Taha No'man, stated that IOF have turned 'Anata, Ras Khamis, Shuafat refugee camp and Ras Shehada into a prison as the IOF's collective punishments target 130,000 people distributed over the mentioned areas, disrupting all aspects of life.

As a result, 30,000 Palestinians could not go to work, and more than 4000 students could not attend schools.

PCHR condemns the IOF's collective punishment measures and repressions against the Palestinians, and recalls Article 33 of the Fourth Geneva Convention, which states that: "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited."

PCHR also calls upon the High Contracting Parties to the 1949 Fourth Geneva Convention to fulfill their obligations under Article 1; i.e., to respect and ensure respect for the Convention in all circumstance. PCHR believes that the conspiracy of silence practiced by the international community encourages Israel to act as a state above law and to commit further violations of international human rights law and international humanitarian law.

**Drones terrorized Gaza for years. Now they'll do the same in the West Bank (+972 Magazine) By Sophia Goodfriend October 13, 2022**

**Israel's army is promoting drone warfare as a less bloody means of governing the West Bank. Palestinians in Gaza know that won't be the case.**

Drone warfare has officially come to the West Bank. On Sept. 29, Israeli media reported that the Israeli army has greenlighted the use of armed drones in the occupied territory, quoting unnamed military sources.

The announcement, foreshadowed a few weeks earlier, came on the heels of an international defense conference hosted by the army, which drew military representatives from around the world to the IDF's cyber complex in Be'er Sheva. At the event, generals talked up the latest innovations in warfare in air-conditioned rooms, where automatic machine guns and cyberweapons were on display. Outside the building, drones and attack helicopters simulated lethal bombardments over an empty desert landscape, while missiles periodically rained through the hot desert air.

Israel's political and military leadership say such innovations in automated warfare provide quick fixes to a cycle of violence they deem regrettably chronic. This violence has only escalated over time, with 2022 on track to being the bloodiest year for Palestinians in the West Bank in recent memory.

To solve this so-called "security crisis" — which in reality stems from decades of occupation, foreclosed economic horizons, and fractured political leadership — the army is calling for the use of drones to surveil refugee camps and strike militants, for installing remote-controlled gun turrets to secure high-volume checkpoints, and for employing biometric cameras to track civilians across the West Bank.

In this sense, drones embody a certain fantasy of warfare: compact, sleek, and small, they make killing look less bloody and more technically efficient. It does not matter that this fantasy has no grounding in reality, as evidenced by 17 years of lethal warfare from above in the Gaza Strip. Israel's military leadership has instead come to believe that automated weaponry — including better cameras, sophisticated algorithms, and more precise missiles — can stand in for a real political strategy, seeding an endless spiral of war.

'Zanana'

Israel was an early pioneer in drone technology. In 1968, a major in the Israeli army's intelligence directorate, Shabtai Brill, attached miniature cameras to the bellies of remote-controlled airplanes — the kind flown by small children in their backyards — to surveil the Egyptian border clandestinely. At the start of the 1982 Lebanon War, Israel Aerospace Industries was churning out military-grade surveillance drones, which could fly alongside fighter jets to identify targets and guide missiles. These technological developments inspired other military superpowers — from the United States to China — to pump millions into manufacturing drones of their own.

By the early 2000s, drones had fundamentally changed how superpowers approached warfare. War was waged from above rather than by troops on the ground. Military personnel thousands of miles away directed unmanned aircraft, outfitted with high-tech image processors and missiles, through a computer screen. Automated weapons reduced troop casualties and made 21st-century wars easier to sustain in the long run, even if the impact on those living in war zones was as devastating and dehumanizing as old-fashioned ground invasions. And so, "forever wars" like the U.S. occupation of Iraq and Afghanistan, or Israel's siege of Gaza, stretched on indefinitely.

Today, Israel brands itself as a "drone superpower." Border police operate drones that douse protestors at Al-Aqsa Mosque complex with tear gas. Soldiers in the West Bank disperse crowds from checkpoints with a drone that shoots pulses of sound at targets, leaving protestors dizzy and nauseous. Military intelligence operatives guide reconnaissance drones over Gaza City to determine the exact coordinates to bomb.

Many Palestinians have already lived in the shadow of drone warfare for years. Their presence is so pervasive in Gaza that drones are colloquially referred to as "zanana," meaning "buzz" — evoking the constant sound of the machines hovering just above one's roof, like a menacing swarm of bees.

In recent years, Israeli generals have bragged that drones provide the military with "an army without soldiers." This is mostly illusory, as drones simply draw more soldiers into the work of militarized surveillance and targeted assassinations. In the elite 8200 unit, teams of intelligence analysts parse through information delivered by satellites, CCTV and drone footage, aerial photography, smartphone location data, and decades worth of ground intel. They send their findings to developers in their unit, who use surveillance data to build algorithms that can guide UAVs through the air and determine when a strike should be made.

At the same time, combat units work with intelligence commanders to deploy machine learning systems during attacks on Gaza, Syria, or Lebanon. Advancements in artificial intelligence (AI) have made these systems quite sophisticated. In May 2021, the Israeli army announced that the drones deployed during 11 days of war over Gaza used artificial intelligence rather than human operators to determine when and where a strike should occur.

These innovations in killing at a distance have not, however, made the regular bombardments on Gaza any less bloody. Israel's four major assaults on the strip since 2007 have killed upwards of 4,000 Palestinians — more than half of whom were civilians. When the army announced the first AI-powered drone swarm last year, The Intercept documented 192 Palestinian civilians killed in just 11 days of lethal fighting.

Some were killed accidentally, the army has said, but soldiers in 8200 have also admitted that a certain number of unarmed civilians are killed intentionally during Israeli strikes in Gaza. The army leadership is

aware not even the most advanced technology can ensure precise attacks on densely populated urban areas, and as such, “We had rules in the army regarding how many non-combatants were allowed to be killed in Gaza together with those who were targeted for killing,” a recent veteran told +972 Magazine this summer.

Even when drones are not dropping bombs, they are used for near-constant reconnaissance. During the last assault on Gaza this August, armed drones clocked up more than 2,000 hours of flight time during just 66 hours of actual fighting. According to The Times of Israel, “the drones had been scanning the Gaza Strip in the days leading up to the battle,” providing “24-7 reconnaissance.” Their cameras transmit a live video stream documenting life on the ground to intelligence units miles away, where soldiers build up the algorithms to use in the army’s next assault.

### War without victory

The constant presence of drones compounds the trauma of life in a warzone, regardless of whether or not they are dropping bombs. Psychiatrists say many civilians living under drone warfare suffer from a kind of anticipatory anxiety: the terror of wondering if one of the drones flying overhead will strike and kill you, too. As the Gazan journalist Kholoud Balata put it, “at night I am afraid of being blown up, and by day I am told that the place where I live has already been taken off the map.”

The French philosopher Gregoire Chayamou describes drone warfare as “war without victory.” Living under constant siege is so dehumanizing, Chayamou says, that often drone warfare pushes more people to take up arms and join whatever militant organization is being targeted. And so, the aim of drone warfare is quickly reduced to eradicating an ever-growing list of targets, which rationalizes more investments in the very technologies — higher resolution images, quieter engines, and better missiles — that make warfare drag on.

This is certainly what has happened in Gaza in the years following Israel’s 2005 pullout from the strip. A decade and a half of military blockade and repeated wars led to skyrocketing unemployment, climbing poverty rates, and a new generation raised under the constant threat of war. Even Israeli generals have said the humanitarian and political crisis caused by Israel’s blockade is untenable.

Last year, Shlomo Taban, the commander of the Erez crossing that Israel operates at the Gaza fence, said “Gaza should be opened today” so that “ Hamas will be severely weakened.” But other generals openly admit that the crisis is part of a concerted military strategy to prolong the war for as long as possible. In 2015, Maj. Gen. Gershon Hacohen, the army chief at the time of Israel’s “disengagement” from the strip, told The Times of Israel he considered Hamas an ally to Israel: “Neither it nor I want a final solution,” he said.

In the West Bank, meanwhile, millions of civilians have long endured the Israeli army’s regular military raids into crowded refugee camps, villages, and major cities; life is continuously upended by restrictions on movement and pervasive surveillance tactics. It comes as little surprise that a fractured Palestinian political leadership and foreclosed economic horizons have made militant organizations more popular than ever. As empty promises of “shrinking the conflict” give way to aerial warfare across the region, one thing is certain: the violence that has already taken so many lives this year is sure to continue, including from above.

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## Gulf Region

### **Qatar/FIFA: Address Demands of Migrant Worker Strikes (Human Rights Watch)**

October 12, 2022

FIFA and Qatari authorities should ensure that migrant workers who have made the Qatar Men’s World Cup 2022 possible receive their full wages and benefits and are neither arrested nor deported for participating in protests, Human Rights Watch said today. FIFA and Qatari authorities should also tackle underlying wage abuse grievances including by supporting a remedy fund to comprehensively address this

## **problem.**

**Between April and September 2022, Human Rights Watch interviewed 32 migrant workers from India, Kenya, and Nepal who recently participated in or planned strikes, which are prohibited in Qatar.**

**Most migrant workers told Human Rights Watch that they had participated in strikes to protest wage theft as employers' fail to pay wages on time, sometimes for months. Other workers with short-term visas participated in strikes after companies told them they were sending them home before their two-year employment contract had ended. One migrant worker said he was detained on August 14 with a group of other protesters and deported after 20 days. Qatari authorities confirmed that they detained and facilitated the "voluntary return" of workers who had joined the August 14 strike for "violating Qatar's public security laws" and said they have taken legal action against two companies for wage abuse.**

**"Migrant worker strikes and protests in Qatar are an act of desperation for workers demanding action on wage theft," said Michael Page, deputy Middle East director at Human Rights Watch. "With weeks to go for the World Cup, especially as construction work in Qatar winds down or temporarily halts, FIFA and Qatari authorities should ensure worker wages and benefits are paid on time and in full instead of penalizing them for asking for what is rightfully theirs."**

**A migrant worker told Human Rights Watch, "There are two things we [migrant workers] need. Regular work, and regular pay for work completed. Unfortunately, neither is guaranteed in Qatar, especially if you land a bad employer."**

**Workers told Human Rights Watch that strikes occur in phases. When companies fail to pay them for months, they decide to stay in their accommodation and refuse to show up for work. But, they say, when salary delays persist, migrant workers protest in streets, sometimes in front of government buildings or a company's headquarters, or even block traffic.**

**Another migrant worker described protesting on what he recalled to be July 25. "After repeated salary delays, we agreed among ourselves that if we were not paid by the 25th every month, we would remain in our rooms and avoid work until our payment was released." However, when this tactic did not work, he and his colleagues decided to publicly protest. "This was our attempt to draw attention of the main company's mudir [director], who is otherwise absent, and government authorities," he added. Though he was paid his salary in full from the Ministry of Labour's Workers' Support and Insurance Fund, along with return airfare, he said, "I paid almost \$1,200 for this job [in recruitment fees]. I would have never paid that amount if I had known that I would have to return in 15 months."**

**A former Al Bandy Engineering Trading and Contracting (W.L.L) worker said Qatari authorities arrested him for protesting with a group of other workers on August 14, held in a detention center, and deported him after 20 days. He was eventually paid his salary and end of service benefits, but only after being "hand-cuffed like a criminal" by Qatari authorities while being brought to his room to pick up his passport. "After nine years of work, I had to leave the country like a criminal."**

**Rights groups have reported that the Qatari government deported at least 60 migrant workers for protesting in August. Qatar's Labour Ministry said in a September 18 written response to Human Rights Watch questions on this issue that workers were detained in the August 14 strike for "violating Qatar's public security laws," but stated that they were not criminally prosecuted and that the government "facilitated the voluntary return" of some of the workers after their unpaid wages and benefits were paid through the ministry's Worker's Support and Insurance Fund.**

**Several workers reported that the police sometimes attempted to mediate between workers and management on their behalf but urge workers to remain within camp premises. A migrant worker said, "Such rallies [worker protests] have been held in the past too. But they were not in city centers. So, arrests did not happen. This time, it occurred in the heart of the city blocking traffic, which might have irked the government."**

**Other workers participated in strikes after companies told them they were sending them home on the expiry of their visa but before the end of their two-year employment contract. Workers from Al Jaber and Redco said that they had paid recruitment fees of up to \$1,570 to obtain employment in Qatar and had expected to be employed for the full period of their contract. Qatari authorities told Human Rights Watch in a September 18 written response that "it is illegal for companies in Qatar to charge recruitment fees or related costs of any kind" and that employers have the right to terminate an employment contract before the**



expiration of its term, provided the employer adheres to providing the worker the notice period required by law.

Interviews with migrant workers reveal a widespread, urgent concern that unscrupulous employers will use the World Cup tournament as an excuse to send them back home without paying their full salaries and benefits. On August 16, 2021, the Qatar's Public Works Authority's issued a Circular 2021/42 that told companies to complete all construction work by September 21, 2022 and to plan for workers' leave that reduces the total number of workers in Qatar until January 18, 2023.

Some migrant workers told Human Rights Watch they feared retaliation from their employer and Qatari authorities when they went on strike. A migrant worker said, "Of course we fear reprisal. But our hope is that when there are thousands of us raising our voices, we won't get into trouble individually. How can they jail thousands of us?" Another shared the fundamental dilemma for migrant workers who have not been paid for months. "If we don't participate, our situation may not improve," he said. "If we participate, we may get into trouble in a foreign land. Who will help us then?" A former worker said, "We try to be cautious not to garner attention when we protest. We refrain from taking pictures or allowing others to take our pictures as both could get us into trouble." While many workers received wages and end of service benefits after protests, others are still waiting in Qatar to recover what they are owed because, as one worker said, "the claims owed is not a small amount to just give up and leave."

Other migrant workers said they had decided not to join strikes due to fear of reprisal from both their employer and Qatari authorities, but that this left them with little recourse to recoup unpaid salary or bargain for better accommodation. One interviewee said that he and hundreds of other workers at his company had planned a strike against salary payment delays and unhygienic accommodations but eventually decided against it. He even showed Human Rights Watch the online group chat with hundreds of employees used to plan the protest and said, "We agreed on a date to strike ... to down our tools ... but the plan fell apart as we feared reprisal." He adds, "I cannot afford to lose the job even if the salary is frequently delayed. It is difficult for me to sleep in my stuffy, leaking room, but at least my children back home are not sleeping hungry."

Article 116 of Qatar's Labor Law allows only Qatari nationals the right to form workers' associations or trade unions, depriving migrant workers of their rights to freedom of association and to form trade unions. While Qatar joined the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2018, it maintained several formal reservations, including interpreting the term "trade unions" in accordance with its national law. In lieu of this right, as part of its agreement with the International Labour Organization (ILO), since 2019 Qatar helped establish some joint committees that include representatives of both the company and its workforce. However, as Amnesty International has documented, joint committees are flawed as they are led by employers and fall short of providing the same crucial protections as those offered by independent worker-led trade unions.

On September 8, Human Rights Watch wrote to four companies – Redco International, Al Jaber, Al Bandary, and Electrowatt – with questions about wage abuses and the return of workers prior to the conclusion of their contracts. Only one company, Al Jaber, responded, stating that workers had agreed to work on short-term visas and that workers had not paid recruitment fees, which migrant workers Human Rights Watch spoke to disputed.

Qatar's Labour Ministry told Human Rights Watch in a September 18 written response to questions that it "has taken the necessary measures to facilitate the immediate payment of wages at Al Bandary Group and Electrowatt W.L.L through the Workers' Support and Insurance Fund." The Ministry noted that its investigations uncovered "missing data in the employee lists of both companies," noting that unpaid employees can claim compensation from the Worker's Support and Insurance Fund. It also said that it had referred Al Bandary and Electrowatt for "legal prosecution."

While the Worker's Support and Insurance Fund is an important mechanism, it only became operational in 2020. Based on data the Ministry of Labour provided in July 2022, the fund has compensated 36,373 workers of 17 nationalities, both inside and outside Qatar, a total of 597,591,986 QAR (US\$164 million).

"Less than two months ahead of the World Cup, workers are struggling to receive their wages and benefits on time and expressing their frustrations on the streets despite fear of retaliation. The least FIFA and Qatari authorities can do is ensure workers receive their owed wages and benefits as a matter of priority and establish a remedy fund that builds on existing compensation mechanisms like the Workers' Support and Insurance Fund to address past and ongoing widespread wage abuse," said Page.

## **Saudi Arabia: Rights group warns kingdom still issuing death sentences for children (Middle East Eye)**

October 19, 2022

### **European Saudi Organisation for Human Rights names eight detainees facing execution for charges brought when they were minors following recent court rulings.**

Saudi Arabia is continuing to issue and ratify the death penalty for detainees who were arrested and charged as children, despite repeated assurances from the kingdom that it had halted the practice, a rights group has warned. The European Saudi Organisation for Human Rights (ESHOR) named several child offenders who were facing the death penalty following recent rulings in the Saudi courts.

Citing the intimidation of, and oppression against, civil society groups and families in the kingdom, the group said it feared the actual number of cases was far higher.

In 2018, Saudi Arabia introduced the Juvenile Law, which stipulated that for crimes committed by minors requiring the death penalty, juveniles should be admitted to detention centres for a period not exceeding 10 years.

However, the government carved out exceptions to the law which made it clear that the Juvenile Law as a whole, including those sections which define juvenility, does not apply in certain circumstances.

In April 2020, Saudi Arabia introduced a royal decree allowing the law's provisions to be applied retrospectively. Under international law, children may be detained only as a last resort and for the shortest appropriate period of time, and sentencing a child to death is absolutely prohibited.

Citing several of the same individuals facing the death penalty highlighted by the ESHOR, Diana Semaan, Amnesty International's acting deputy director for the Middle East and North Africa, said last week: "Sentencing people to death for crimes that occurred when they were under the age of 18 is a clear violation of international human rights law. "The Saudi Arabian authorities have promised to end the use of the death penalty in such cases, yet the brutal reality is that these young men are facing an abbreviated existence.

"[Saudi King Salman] should not ratify these death sentences and should immediately halt all imminent executions and order re-trials that must be fully consistent with international fair trial standards, without recourse to the death penalty."

The ESHOR says Saudi Arabia had executed at least 12 minors, or those charged as children, since 2016, despite condemnation from rights groups.

**'I was beaten and threatened'**

The ESHOR has named offenders who were charged as minors currently facing the death penalty as Abdullah al-Hwaiti, Jalal al-Labad, Abdullah al-Darazi, Youssef al-Manasif, Jawad Qureiris, Hassan Zaki al-Faraj, Ali Hassan al-Subaiti and Mahdi al-Mohsen.

Labad was initially sentenced to death on 1 August for alleged crimes that occurred when he was 16 and 17 years old.

According to Amnesty, he was held in pretrial detention for around two years during which he was subjected to psychological and physical torture, including sleep deprivation over a period of three weeks.

**'Everything in the "confession" is not true, and I was forced to confess as I was beaten and threatened' - Abdullah al-Hwaiti, speaking during trial**

Saudi Arabia's Specialised Criminal Court (SCC) convicted Labad on a wide range of charges, including chanting slogans that insulted state leaders while attending funerals of those killed by security forces.

On 4 October, the court of appeal verified the sentence and turned it to the kingdom's Supreme Court.

On 8 August, the SCC's court of appeal upheld the death sentence against Darazi, who was arrested at the age of 16.

During his trial proceedings, Amnesty said Darazi had requested an independent medical evaluation of

health conditions that he developed as a result of torture, something the court failed to provide.

Hwaiti, another of those at imminent risk of execution, was arrested in May 2017 at the age of 14 on charges of armed robbery and murdering a security officer.

His original trial was marred by controversy, as the evidence used against him and how it was obtained was questioned by human rights organisations. According to Human Rights Watch, he had an alibi putting him 200km away from the scene of the crime.

Following a re-trial ordered by the Supreme Court in 2021, he was re-sentenced to death by a criminal court in Tabuk on 2 March 2022.

According to Amnesty, Hwaiti refused to sign his testimony, telling the court: “Everything in the ‘confession’ is not true, and I was forced to confess as I was beaten and threatened... I was also told to change my testimony to match that of other defendants.”

### Rampant abuses

According to the ESOHR, Saudi Arabia executed 120 people in the first six months of 2022, nearly double the number put to death in all of last year despite its promises to reduce capital punishment.

Most of the executions this year took place on one day in March when 81 men were put to death in the single largest mass execution in years.

Of those executed on 15 March, 41 were from Saudi Arabia's Shia minority, who have long complained of marginalisation in the kingdom.

Rights groups have repeatedly criticised what they describe as rampant abuses in Saudi Arabia’s criminal justice system.

Violations cited by the groups include long periods of detention without charge or trial, a lack of legal assistance, pressure to sign confessions and accept pre-determined prison sentences to avoid prolonged arbitrary detention, and ineffective or pernicious translation services for defendants.

The groups have also condemned Saudi courts’ reliance on torture-tainted confessions as the sole basis of conviction in certain cases.

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## ASIA

### Afghanistan

**‘Months without seeing daylight’: Ex-soldier reveals horrific torture as Taliban hostage (Express) By Marco Giannageli  
October 9, 2022**

**His ordeal at the hands of Ahmed Zaheer included brutal beatings and repeated whippings with a rubber hose leading to permanent nerve damage.**

That report has now been passed to the Metropolitan Police’s war crimes team.

Part of S015 counter terrorism command, the team is also currently gathering evidence in relation to war

crimes in Ukraine in support of the International Criminal Court investigation. It is understood that the team may join forces with a parallel US investigation which is also looking into Zaheer's role.

And a belief that Zaheer acted without authority may, if proven, reveal deep fissures within the Taliban hierarchy.

Zaheer, who is also accused of torturing Australian journalist Lynne O'Donnell and a raft of other foreign hostages, styles himself as "charges d'affaires" and is the son of a high-ranking Taliban diplomat based in Doha, Qatar.

Though he barely speaks English, his rudimentary grasp of the language is said to have earned him a role as interpreter at the former headquarters of the Afghan Intelligence Agency in Kabul, where scores of Western and Afghan detainees are routinely held and questioned.

In reality, it was an access he used to line his pockets by negotiating huge private ransoms for the release of Afghans connected to the previous regime whose families could pay for their release. But he soon became Anthony's nemesis.

Anthony had arrived in Kabul in September last year, a month following the fall of Kabul. The former Para had been sent to use his own networks to help evacuate 400 people and vulnerable children across the border to safety.

"We were picked up outside the residence of the former British ambassador. It is owned by an Afghan and we had planned to rent it," said Anthony, 50, from his home in Lincoln. "I had crossed the border legally and my work had been sanctioned by senior Taliban officials - I was even being accompanied by one. So when we were politely asked by another group of Taliban to accompany them, I wasn't worried."

It later emerged that the militia group which detained him had been planning to arrest a separate group of foreign military contractors who were operating from the same street. "I could hear the screams of Afghans being tortured from the moment I was placed into a cell. But I was treated politely so I remained calm," said Anthony.

"I knew things worked slowly in Afghanistan and it may take time to verify my identity. "

It was after a few days in the grey-stone cells which line the basement of the GDI building that Zaheer showed up. His appearance changed everything.

"He is from Southern Afghanistan and he hated me from the first moment because I am British," he said.

The beatings began over Anthony's refusal to hand over the pin number to his mobile phone. Anthony resisted the call for four weeks when, he knew, software on his phone would atomically delete its contents.

For much of that time he suffered from dysentery due to appalling conditions and bad diet. Constant beatings by army boot-clad interrogators commanded by Zaheer had left him with fractured and bruised ribs and a kidney infection.

When he wasn't being abused, he would spend 23 hours of every day locked in his 10ft by 10ft cell without a toilet. For much of that time he suffered from dysentery due to appalling conditions and bad diet.

"I spent more than two months without seeing natural daylight," he said. But the torture became more serious.

On one occasion, Zaheer and five other Taliban entered the cell and, having tied his hands, forced him to adopt stress positions as they hit him with a wooden slat and poured ice cold water over his head and back.

On another occasion, he was escorted to a Taliban office on the first floor where Zaheer was waiting. He was handcuffed, his legs tied together and his shoes and socks removed before his feet were whipped with unhardened rubber hose repeatedly.

So severe was the beating that he was unable to walk back to his cell.

Six of his teeth also needed emergency dental work due to the effort of biting down hard to try to stop himself screaming, he said, adding that he suffers from permanent nerve damage to his feet and right side of his body to this day.

The torture was psychological, too. One one occasion Zaheer led the emaciated Briton to what he was told was to be his place of execution.

“I remember walking up those stairs knowing it was all coming to an end,” said Anthony. “Zaheer would often video these beatings, boasting that this is what happened to British nationals and claiming he was untouchable because of his family connections.”

In fact, Zaheer’s abuse had not been sanctioned and it was the videos which led to its discovery by members connected with the powerful Haqani network - the al Qaeda-affiliated and Pakistani -trained militia which had been placed in charge of domestic security following the fall of Kabul. Speaking last night he said: “Both the FCDO and Met Police have been amazing, and this war crimes investigation is significant.

“It is my belief that Zaheer represents a rogue element - which is why he has gone to ground - and that the Taliban is as keen as me to get him off the chessboard.”

A Met Police spokesperson said: “The War Crimes Team received a referral in on 13 July, 2022 relating to an allegation of torture of a British national in Afghanistan in early 2022.

“The matter is currently being assessed in accordance with the Crown Prosecution Service scoping guidelines for war crimes and crimes against humanity.”

Letter to member states on atrocity prevention priorities at the Third Committee of the UN General Assembly’s 77th session (Global Centre for the Responsibility to Protect) October 13, 2022

**Your Excellency,**

On behalf of the Global Centre for the Responsibility to Protect, I am writing to you regarding the Third Committee of the General Assembly at its 77th session. The Third Committee of the General Assembly plays an essential role in the prevention of genocide, war crimes, crimes against humanity and ethnic cleansing. Systematic or widespread human rights violations and abuses often serve as one of the key early warning signs of possible mass atrocity crimes. In turn, effective atrocity prevention strategies must begin with the protection and promotion of fundamental human rights, a central component of the work of the Third Committee.

As a member of the UN General Assembly, we strongly urge you to uphold the commitment to prevent atrocity crimes wherever and whenever they are threatened and effectively address human rights violations as an early warning sign of atrocities. The Global Centre respectfully encourages you to consider the following recommendations as you engage in the general discussions and Interactive Dialogues under the Third Committee’s Agenda item 68(a-d): Promotion and protection of human rights.

#### **THE SITUATION OF HUMAN RIGHTS DEFENDERS**

The UN Special Rapporteur on the situation of human rights defenders has repeatedly expressed concern about how human rights defenders around the world are being targeted, tortured, beaten, arbitrarily arrested, harassed and face restrictions on their freedom of movement, expression, association and assembly. Human rights defenders are particularly vulnerable in countries where mass atrocity crimes are already occurring and subjected to violations and abuses that may amount to war crimes or crimes against humanity.

The Global Centre particularly encourages you to raise awareness about the situation of human rights defenders in Afghanistan and Venezuela during the relevant Interactive Dialogue. Human rights defenders in Afghanistan have been regularly subjected to extrajudicial killings, arbitrary detentions, beatings and threats by the Taliban de-facto authorities. In Venezuela, human rights defenders are routinely subjected to intimidation, harassment, attacks and arbitrary detention, while facing serious legal and administrative obstacles aimed at limiting their operations and restricting access to funding.

It is essential that human rights defenders can do their work without fear, reprisals or hindrance. In this context, the Global Centre urges you to call for efforts aimed at reducing the vulnerability of human rights defenders to the risk of persecution and enhancing their capacity to effectively carry out their work.

**TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;  
EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS; ENFORCED OR INVOLUNTARY  
DISAPPEARANCES**

During the relevant Interactive Dialogues on torture, extrajudicial executions and enforced disappearances, the Global Centre encourages you to emphasize that these human rights violations are serious indicators of likely future atrocity crimes and can often amount to war crimes and crimes against humanity.

The Global Centre also recommends highlighting situations in which torture, extrajudicial executions and enforced disappearances have been perpetrated on a widespread and systematic basis, likely amounting to crimes against humanity. In Venezuela, torture and ill-treatment, as well as short-term enforced disappearances, have become a defining feature of state-led repression under the government of President Nicolás Maduro and have been used against alleged political opponents and their relatives. In Burkina Faso and Mali, security forces and state-sponsored militias have allegedly perpetrated unlawful killings, torture and enforced disappearances of civilians and suspected Islamist fighters. Since around 2017 the Chinese government has detained over 1 million people, mainly members of the ethnic Uyghur community, in the Xinjiang Uyghur Autonomous Region in so-called “re-education” and “de-extremification” facilities, where torture is widespread. In Syria, after 11 years of armed conflict more than 100,000 people are believed to have been forcibly disappeared or missing, with many of them subjected to torture.

#### **MINORITY ISSUES; FREEDOM OF RELIGION OR BELIEF**

Intolerance against minority groups harms all of society and undermines universal values of equality and human dignity. Persons belonging to minorities, as well as their property and sites of religious significance and cultural heritage, have been targeted by state and non-state actors around the world. In his report from 2 March, the Special Rapporteur on freedom of religion or belief recalled that violating the rights of religious or belief minorities may constitute atrocity crimes and that one group being targeted based on their religious identity could form an element of a crime.

The Global Centre encourages you to consider country situations in which individuals and minority groups are targeted or face persecution on the basis of their religious or ethnic identity. The Muslim minority Rohingya population have faced institutionalized discrimination and persecution in Myanmar (Burma) for decades, including the passage of laws that stripped them of their citizenship, restricted their religious freedoms, as well as reproductive and marital rights. Amidst systematic discrimination, Myanmar’s military perpetrated so-called “clearance operations” against the Rohingya in 2017, which were characterized by indiscriminate killings, torture, arbitrary detention, sexual violence and forced displacement. The UN Fact-Finding Mission on Myanmar has implicated the military in potential crimes against humanity and genocide against the Rohingya.

In recent years, religious freedom in Nigeria has deteriorated, despite the constitution protecting the freedom of religion and belief, with both state and non-state actors perpetrating egregious violations that may amount to atrocities. Non-state armed groups, including Boko Haram and the so-called Islamic State in West Africa, continue to abduct and execute individuals based on their religious beliefs and attack houses of worship, religious ceremonies and religious leaders in the north-east and other parts of the country. Nigerian citizens have also faced discrimination, arbitrary detentions and blasphemy sentences by state authorities.

Under the guise of combatting religious extremism and terrorism, since 2017 the Chinese government has increased its persecution of Uyghurs, as well as Kazakhs, Kyrgyz and other majority-Muslim ethnic groups. China’s campaign includes violations which may amount to crime against humanity or acts of genocide, including forced sterilizations and abortions, arbitrary detentions, torture, forced labor and sexual violence. These measures have been imposed in conjunction with increased restrictions on religious practice.

Infringing upon people’s freedom of religion and belief, as well as excluding minorities from fully participating in society, are important risk factors of atrocity crimes. The Global Centre also urges you to call upon member states to ensure the protection of the human rights of all people, including minorities, through constitutional mechanisms and other forms of legal protection.

#### **TRUTH, JUSTICE, REPARATION AND GUARANTEES OF NON-RECURRENCE**

Truth, justice, reparations and redress all play a crucial role in the aftermath of atrocity crimes, as these processes help societies understand the past, hold those responsible to account, repair the harm caused to victims, and, in doing so, have a potential deterrent effect for the recurrence of crimes. Justice and accountability also help societies emerge from atrocity crises by establishing an accurate historical record of the truth.

The Global Centre encourages you to emphasize during the relevant Interactive Dialogue the important connections between atrocity prevention and truth, justice, reparation and guarantees of non-recurrence, as well as the need to improve these processes in Yemen, Afghanistan and South Sudan. In Yemen, no independent and international body dedicated to monitoring international law violations or advancing accountability exists, thereby entrenching impunity for all parties to the conflict. In Afghanistan, impunity for over 20 years of likely war crimes and crimes against humanity has contributed to the dire human rights situation in the country today. In South Sudan, the persistent lack of accountability has contributed to recurrent deadly violence and atrocities.

#### **PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY**

Violence, discrimination and persecution based on sexual orientation and gender identity may amount to atrocity crimes, particularly when widespread or systematic, or serve as a critical warning sign of potential atrocities or identity-based repression and conflict. During the relevant Interactive Dialogue, the Global Centre respectfully urges you to raise the important connection between persecution based on sexual orientation and gender identity and the potential for the commission of atrocities. The Global Centre also encourages you to reference the following instances of persecution based on sexual orientation and gender identity. In Egypt, arbitrary arrests, torture, violence and intimidation against persons based on sexual orientation and gender identity have been perpetrated on a widespread and systematic basis. In Poland and Hungary, the erosion of LGBTQIA+ rights has been accompanied by a proliferation of hate speech, broad use of executive and emergency powers and attacks on the independent judiciary, among other restrictions.

#### **MYANMAR (BURMA)**

The Global Centre respectfully urges you to highlight the ongoing crisis in Myanmar during the relevant Interactive Dialogue. Since Myanmar's military launched a coup on 1 February 2021, over 2,300 people have been killed, at least 12,500 people remain detained for resisting the coup and more than 974,000 people have been displaced by the violence. The former UN High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Myanmar and the Independent Investigative Mechanism for Myanmar have all determined that Myanmar's military has perpetrated atrocities since the coup, including war crimes and crimes against humanity.

The Global Centre encourages you to highlight the inaction of the UN Security Council and the Association of Southeast Asian Nations in addressing the crisis and respectfully requests that you push both bodies to make a more substantial response. Lastly, the Global Centre urges you to continue to refrain from actions legitimizing Myanmar's military.

#### **DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

In 2014 the UN Human Rights Council (HRC)-mandated Commission of Inquiry (CoI) on human rights in the Democratic People's Republic of Korea (DPRK) found that individuals at the highest level of government were responsible for crimes against humanity, including extermination, murder, enslavement, torture, enforced disappearances, imprisonment, sexual violence and persecution on political, religious, racial and gender grounds. In October 2021 the Special Rapporteur on the situation of human rights in the DPRK warned that crimes against humanity are likely ongoing in the country and are "epitomized by the continued operation of large political prison camps." He stressed the need for the international community to take decisive action to bring justice and accountability for serious human rights violations, including crimes against humanity. The Global Centre respectfully urges you to highlight atrocity risks in the context of the human rights crisis in the DPRK during the relevant Interactive Dialogue.

#### **AFGHANISTAN**

The Global Centre respectfully urges you to highlight the elevated atrocity risks facing populations in Afghanistan during the relevant Interactive Dialogue. Since the Taliban took over on 15 August 2021, the de facto authorities have perpetrated extrajudicial killings, arbitrary detentions, beatings and threats against previous Afghan government officials, political opponents, journalists and human rights defenders. These violations are exacerbated by severe restrictions on fundamental rights, including access to civic and public space, as well as a large-scale and systematic gender-based discrimination and violence against women and girls. In addition, over 2,350 civilians have been killed or wounded since 15 August 2021. The majority of these casualties have been caused by targeted attacks by the so-called Islamic State in Iraq and the Levant-Khorasan against ethnic and religious minority communities, particularly Hazara Shias, Shia Muslims, Sufi

Muslims and Sikhs. The Special Rapporteur on the situation of human rights in Afghanistan found that these attacks bear the “hallmarks of crimes against humanity.” The Global Centre urges you to emphasize the importance of strengthened accountability processes, including a potential independent mechanism, to ensure the collection of evidence of violations and abuses of international law, and recommend that the HRC work towards this outcome.

## **SYRIA**

During the relevant Interactive Dialogue, the Global Centre encourages you to highlight the ongoing widespread and systematic human rights violations and abuses occurring in Syria, many of which likely amount to war crimes and crimes against humanity. The HRC-mandated CoI on the Syrian Arab Republic recently reported ongoing indiscriminate attacks on civilians and civilian objects in northwest Syria, as well as systematic arbitrary arrests, disappearances and ill-treatment in central, west and southwest Syria.

Pursuant to General Assembly resolution 76/228, the Secretary-General released a report in August 2022 recommending that the General Assembly establish a mechanism dedicated to clarifying the fate and whereabouts of the more than 130,000 missing persons in Syria, as well as supporting victims, survivors and their families. The Global Centre respectfully urges you to call upon other member states to work towards the establishment of such a critical mechanism.

## **OCCUPIED PALESTINIAN TERRITORY AND ISRAEL**

The Global Centre encourages you to emphasize in the relevant Interactive Dialogue that the root causes of instability in the Occupied Palestinian Territory (OPT) and Israel must be addressed. The HRC-mandated CoI on the OPT, including East Jerusalem, and Israel reported in June that the continued occupation of Palestinian territory, as well as discrimination against Palestinians, are the key causes of recurrent instability and protraction of conflict in the region.

According to a March 2022 report by the UN Special Rapporteur on the situation of human rights in the OPT, Israel’s political system of entrenched rule in the OPT satisfies the prevailing evidentiary standard for the existence of the crime of apartheid. An institutionalized regime of systematic racial oppression has been established with a two-tiered legal and political system that provides comprehensive rights for Jewish Israeli settlers while imposing military rule and control on Palestinians. The Global Centre respectfully urges you to call for strengthened accountability measures for violations of international law in Israel and the OPT, including illegal settlement activity and apartheid.

## **SOMALIA**

During the relevant Interactive Dialogue, the Global Centre encourages you to call attention to the abuses being perpetrated in Somalia amidst the ongoing conflict and attacks by armed extremist groups, particularly Al-Shabaab, and the forces combatting them. In September 2022 the Independent Expert on the situation of human rights in Somalia noted that she had not observed “any significant progress in establishing policy, institutional or legal frameworks for the protection of human rights.” The Federal Government of Somalia continues to lack the capacity to protect civilians. The Global Centre respectfully encourages you to call for increased monitoring of the situation in Somalia, including urging progress on human rights goals and the pursuit of justice for victims of atrocities.

## **ETHIOPIA**

During the relevant Interactive Dialogue, the Global Centre encourages you to highlight the devastating toll the commission of mass atrocities has had on populations since the conflict in northern Ethiopia began in November 2020. In September 2022 the International Commission of Human Rights Experts on Ethiopia (ICHREE) found that parties to the conflict have committed war crimes, including ethnic based attacks on civilians, rape and sexual violence and the destruction of civilian infrastructure. International human rights organizations have also documented acts that amount to ethnic cleansing of the Tigrayan population by regional Amhara forces and Eritrean military forces, with the acquiescence of Ethiopia’s federal government, in Western Tigray. The UN Special Adviser on the Prevention of Genocide has issued several warnings regarding the proliferation of hate speech and the risks it poses for the commission of further atrocities.

The Global Centre respectfully requests you to support the work of the ICHREE and call upon the Fifth Committee to ensure the necessary funding for the scale and scope of their mandate. The Global Centre also



encourages you to emphasize the ongoing nature of the risks of atrocities and call upon all parties to end the violence and address their grievances through dialogue.

## BURUNDI

The Global Centre respectfully encourages you to highlight during the relevant Interactive Dialogue ongoing serious human rights violations and abuses in Burundi, which continue in a context of persistent impunity. The HRC-mandated CoI on Burundi, whose mandate was terminated in September 2021, previously warned that authorities in the country had committed possible crimes against humanity since at least April 2015. To date, all structural risk factors of atrocity crimes remain in place, including arbitrary arrests of political opponents or those perceived as such, torture and ill-treatment, enforced disappearances, extrajudicial killings and sexual and gender-based violence. The government also continues to refuse engagement with the UN human rights system.

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## Extraordinary Chambers in the Courts of Cambodia (ECCC)

[Official Website of the Extraordinary Chambers \[English\]](#)

[Official Website of the United Nations Assistance to the Khmer Rouge Trials \(UNAKRT\)](#)

[Cambodia Tribunal Monitor](#)

**Justice prevails over Pol Pot regime's genocidal crimes (Khmer Times) October 10, 2022**

**The UN-backed session in the court of Cambodia on September 22, 2022, closed the final appeal judgement case to bring closure to the 16-year-long judicial journey to bring former leaders of the Pol Pot regime to court and trial.**

With the exception of Pol Pot – the top leader of the regime, who died in 1998 due to illness, 5 other former leaders of Democratic Kampuchea, including Khieu Samphan, former President of its State Presidium, were brought to an international court in 2007 for their war crimes and crimes against humanity during their rule in Cambodia from April 17, 1975 until January 7, 1979.

In this final court session, Khieu Samphan's appeal was turned down, and the life sentence he received from the preliminary court in 2018 remained effective. In the court case documented No. 002/02, Khieu Samphan was sentenced to life in prison for his crime against the ethnic Vietnamese and the Cham minority in Cambodia (excluding crimes committed by Pol Pot troops on Vietnamese territory during their aggressive attacks between 1977 – 1978).

This was the second life sentence Khieu Samphan has received, in addition to his previous life sentence announced in 2014 by the Extraordinary Chambers in the Court of Cambodia, with Nuon Chea, former President of the Standing Committee of the People's Representative Assembly of Democratic Kampuchea.

In the court case documented No. 002/01, announced in 2014, Khieu Samphan and Nuon Chea were found guilty of crimes against humanity, of extermination, murder, political persecution, and other inhumane acts comprising forced transfer, forced disappearances and attacks against human dignity committed within the territory of Cambodia between 17 April 1975 and December 1977.

In 2018, the Trial Chamber announced a summary of its findings and the disposition in the court case documented No. 002/02, which found Nuon Chea and Khieu Samphan guilty of crimes against humanity, grave breaches of the Geneva Conventions, and genocide of Vietnamese ethnic, national and racial groups. They were sentenced to life imprisonment.

The Chamber took into consideration the life sentences imposed on Nuon Chea and Khieu Samphan in case 002/01 and merged the sentences in cases 002/01 and 002/02 into a single term of life imprisonment.

**Khieu Samphan, 91, was the last living leader of the Pol Pot regime, and also the last living among the 5 defendants to serve the imprisonment penalty, as the 4 others, Nuon Chea, Ieng Sary, his wife Ieng Thirith and Kaing Guek Eav, died during the trial.**

**Judge Kong Srim read in the final court hearing that 1.5 to 2 million Cambodians died during the Democratic Kampuchea that ruled today's Cambodia from 1975-1979.**

**During this regime, whose leaders were trained in the west and spoke multiple languages, they practised activities that would supposedly lead to an agrarian utopia, in which no intellectuals were allowed to exist, and city inhabitants were pushed to live in the countryside.**

**“A culture of fear prevailed through mass killings, torture, violence, persecution, forced marriage, forced labour, enforced disappearance and other inhumane treatment,” Judge Kong Srim said.**

**This ECCC announcement certified that no one can deny the genocide that took place in Cambodia from April 1975 until early January 1979.**

**For 3 years, 8 months and 20 days, Democratic Kampuchia, led by Pol Pot, established a regime without intellectuals or urban people, with no schools, no hospitals, no markets, no money circulation, and no postal services.**

**People were stripped of their basic rights, including their right to live and possess personal belongings and the freedom to marry. They were driven to live in misery in forced labour camps, where Pol Pot troops could just beat them to death for any or no reason.**

**The country gradually became a killing field.**

**These crimes would not have been put to an end had the Vietnamese army not come for help.**

**In response to the call for help from the Kampuchean United Front for National Salvation, the Vietnamese volunteer army came to rescue the Cambodian people.**

**Moreover, if the Vietnamese volunteer army and civilian experts did not stay on for the next 10 years (1979-1989) to help fellow Cambodians build a normally functioning society and help their country revive, who else would be there to prevent the genocidal regime from returning to power?**

**Millions of ordinary Cambodian people were rescued from the Pol Pot genocide, and they still thank those who saved their lives.**

**This United Nations-backed court finally brought justice for all the people, not only Cambodians and ethnic Vietnamese and Cham, who perished during the harsh regime. It also brought justice and righteousness to the Vietnamese involvement to help end the brutal regime, which crossed the border to Việt Nam and killed civilians.**

**In 1977 Pol Pot troops launched attacks in all 14 communes along the border between Việt Nam and Democratic Kampuchea. In April 1978, they launched a notorious attack in Ba Chúc, An Giang Province, killing 3,157 people.**

**After negotiation attempts failed to obtain peace, from December 25, 1978, to January 7, 1979, the Vietnamese army, launched a counterattack and toppled the regime, thus ending the genocide. The Vietnamese army liberated Phnom Penh, liberated Cambodians imprisoned in labour camps, and dismantled the whole system from central to village level.**

**For all these years when Cambodians suffered in forced labour camps, and up to 2 million died, there was no international denouncement of the maltreatment of Cambodian people and the mass killings.**

**When Việt Nam liberated Phnom Penh in 1979, the country faced international denouncement that it had “invaded Kampuchea” and was even subjected to boycotts and economic sanctions from many countries.**

**The reality shows that Việt Nam was treated unfairly.**

**This final court verdict shows that nearly half a century later, justice has prevailed. The Vietnamese volunteer army going to rescue the people in response to the appeal of the Kampuchean United Front for National Salvation was essential, justifiable and righteous.**

It has brought justice to not only Cambodians who died during the Pol Pot regime, but also to Vietnamese victims killed by Pol Pot troops in Việt Nam and the nearly 40,000 Vietnamese soldiers who died, saving Cambodian lives.

Justice and righteousness must be carried out; it is better late than never.

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## Bangladesh International Crimes Tribunal

**Bangladesh: Crackdown on Political Opposition (Human Rights Watch) October 10, 2022**

**Opposition groups are reporting an escalation of repression by Bangladesh authorities and attacks by ruling party supporters as the country starts preparing for national elections in 2023, Human Rights Watch said today. Bangladesh authorities should respect the rule of law and protect political opposition supporters' right to freedom of association, and peaceful assembly.**

Mass arrests and police raids of opposition party members' homes raise serious concerns about violence and intimidation ahead of the upcoming parliamentary elections. Bangladesh election campaigns are often accompanied by violence, but the authorities have failed to properly investigate and prosecute members and supporters of the ruling Awami League, who have targeted opposition public meetings and assaulted participants.

“Prime Minister Sheikh Hasina has repeatedly said that Bangladesh is a mature democracy capable of conducting elections and a peaceful transition of power, but instead previous polls have been marked by violence, attacks on the opposition, and voter intimidation,” said Meenakshi Ganguly, South Asia director at Human Rights Watch. “These recent cases of political attacks and arrests set an ominous tone for the upcoming parliamentary elections.”

At least four people have reportedly died and hundreds have been injured in clashes between police, supporters of the opposition Bangladesh Nationalist Party (BNP), and Awami League supporters, since August 22, 2022, when the BNP staged a series of protests over fuel and commodity price increases. There are concerning reports of the killing of BNP activists during other recent clashes. Each side has accused the other of instigating the violence. However, while police have carried out mass arrests of opposition supporters, those affiliated with the ruling party appear to have impunity for violent attacks.

Among those injured was Tabith Mohammad Awal, BNP executive committee member and former mayoral candidate for the northern section of Dhaka, the capital. Awal was participating in a candlelight vigil organized by BNP in the Banani neighborhood of Dhaka, on September 17, when ruling Awami League supporters attacked the meeting, throwing stones and beating people with iron rods.

“I can clearly identify my attackers, who were members of the Awami League North Dhaka committees,” Awal told Human Rights Watch. “The police were present but did absolutely nothing to help me or stop the attacks or even help after I was hurt. Later, the OC (office-in-charge) of Banani even denied anything happened.”

Instead, authorities have filed mass cases against BNP supporters following these clashes. For example, following a clash on September 21 in which Shahidul Islam Shaon, an activist with the BNP youth wing, was killed, police filed two cases naming 365 BNP leaders and activists as allegedly responsible for crimes, as well as 1,400 as yet unidentified. Police often add people to existing cases as one of those previously unidentified.

According to BNP leaders, at least 20,000 cases have been filed against its supporters, in many cases with

the accused unnamed. The use of criminal complaints against large numbers of “unknown” people is a common abusive practice in Bangladesh, allowing the police to intimidate and threaten virtually anyone with arrest, to repeatedly re-arrest detainees even though they are not the named accused in the cases, and to thwart bail requests.

Law enforcement officers have used these open cases as warrants to raid the homes of political opposition members in what appears to be overt political harassment and intimidation. In a video that went viral in September, a leader of the Jubo League, the ruling party’s youth league, reportedly threatened that if ruling party supporters are unable to quash the BNP protests, then “we will start the raids.”

The authorities are also increasingly targeting relatives of expatriate dissidents as a means to threaten critics into silence. On September 9, police arrested Abdul Muktedir Manu, a local BNP politician, for “his suspected collusion” in a Facebook post by his London-based brother that was critical of Prime Minister Sheikh Hasina Wazed. Manu was arrested under Criminal Procedure Code Section 54, a law criticized as a loophole to enable torture because it authorizes the police to arrest people without a warrant and detain them for up to 15 days without allowing them to be represented by a lawyer.

Bangladesh authorities appear poised to further extend the reach of their repression beyond the country’s borders. In a parliamentary foreign affairs standing committee meeting on September 13, Foreign Minister Abul Kalam Abdul Momen presented a list of Bangladeshis living abroad identified as committing “anti-state” activities and called on embassies to bring the individuals to justice.

Prime Minister Sheikh Hasina, as well as Awami League and BNP party leaders, should condemn political violence and call on their supporters to respect the right of all Bangladeshis to safely and peacefully gather, and to run for office without fear, Human Rights Watch said.

International human rights law calls for authorities to uphold free expression and peaceful assembly. The UN Human Rights Committee, which interprets the International Covenant on Civil and Political Rights, says in its General comment No. 37, concerning the right to peaceful assembly, that states have an obligation to “respect and ensure” the right of peaceful assembly without discrimination, and to allow such assemblies to “take place without unwarranted interference.” In case “an assembly provokes or may provoke a hostile reaction from members of the public against participants,” the state has a duty to allow the assembly to go ahead and to protect participants.

“Bangladesh law enforcement are under increased scrutiny following US human rights sanctions and with parliamentary elections on the horizon,” Ganguly said. “Diplomats in Bangladesh should raise concerns publicly and privately that such repression threatens the conditions for a free and fair election.”

US lawmakers urge Biden to recognise 1971 Bangladesh genocide by Pak army (Business Standard) October 19, 2022

**On October 15th, a couple of United States Congressmen placed a proposed resolution in the House of Representatives urging US President Joe Biden to consider recognising the atrocities committed by the Armed Forces of Pakistan in the Bangladesh Liberation War of 1971. US Congressman Steve Chabot (Republican), in association with Congressman of Indian origin Ro Khanna (Democrat), urged Biden to recognize the 1971 genocide as crimes against humanity, war crimes and genocide.**

The resolution is an eight-page long and is titled - 'Recognising the Bangladesh Genocide of 1971' and primarily focuses on the active role played by the Pakistan army along with all its functioning ancillary units in the active involvement of mass rape and genocide committed in 1971.

"Proud to join Rep Steve Chabot in introducing the first resolution commemorating the 1971 Bengali Genocide in which millions of ethnic Bengalis and Hindus were killed or displaced in one of the most forgotten genocides of our time," said Ro Khanna, a US Congressman of Indian origin, twitted following the submission of the resolution on October 15.

"We must not let the years erase the memory of the millions who were massacred. Recognising the genocide strengthens the historical record, educates our fellow Americans, and lets would-be perpetrators know such crimes will not be tolerated or forgotten," Chabot, a Republican Party member, said in a tweet.

The West Pakistani establishment including the deep state at its core, was fiercely against the opinion of

Sheikh Mujibur Rahman (Awami League President) being the supreme leader of Pakistan who won an absolute democratic majority mandate in the 1970 general elections. They formulated a heinous plan, conspiracy to crush the Bengali unity and to ensure that their hopes and liberation were forgotten forever. A military crackdown codenamed Operation Searchlight was launched on March 26th, 1971 by the army and its collaborators.

Hundreds of thousands innocent civilian, men women and children were mercilessly murdered and ravaged throughout East Pakistan. It is estimated almost as high as 10 million refugees fled across the borders into neighbouring India to seek refuge from reign of terror which lasted in East Pakistan from March 26 to December 16, 1971.

Under the joint synergistic forces off the Mukti Bahini (Bengali Liberation forces) and Indian Armed Forces the West Pakistani military establishment capitulated.

This resolution opens up the forgotten floodgates for perhaps the most horrific crimes against humanity committed in 1971. Global benchmark institutions like the British Houses of Parliament, United Nations Geneva and European Union parliament Brussels to take cognisance and act accordingly.

The United States had a diametrically opposite political stance in 1971 when its administration was in active support General Yahya Khan the West Pakistani dictator however it seems fifty years there has been finally an awakening.

The resolution specifically draws attention to the nine-month long war of Independence in Bangladesh, March to December 1971. It recalls the horror inflicted during those months of carnage and mass rape and offers sympathy to the victims.

American diplomat Archer Blood's - "The Blood Telegram" is perhaps till date the most accurate chronological recording of what followed on that barbaric night and the time has come to finally hold the perpetrators to justice fifty years on.

US President Joe Biden has also recently mentioned Pakistan as one of the most dangerous places in the world at a private Democratic party fundraiser event in California whist referring to US foreign policy.

Time will only reveal the logical conclusion to the resolution tabled and if the US administration is determined go as far as imposing a sanction on Pakistan. For the moment it is definitely the best step taken in the Dhaka direction.

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## **War Crimes Investigation in Myanmar**

Is there a right methodology to document war crimes in Myanmar, Syria, Iraq, or Ukraine?  
(JusticeInfo.net) By Asymmetrical Haircuts  
October 18, 2022

**“Don’t over document” warned the International Criminal Court (ICC) Prosecutor Karim Khan in a recent meeting held in The Hague with Eurojust, in an address to civil society organizations, referring to situations in Myanmar, Syria, Iraq and Ukraine where overconcentration of international actors can affect both the victims and the evidence. Starting with the famous example of the Cox’s Bazar, a refugee camp in Bangladesh where Rohingya people fled from the atrocities in Myanmar, our partners from Asymmetrical Haircuts discussed this week in our new podcast best practices when collecting evidence, with two guests: Eva Buzo, the head of Victim Advocates International, and Anya Neistat, from the Clooney Foundation for Justice.**

Last month the Office of the Prosecutor at the International Criminal Court and Eurojust launched new guidelines for civil society on how to document international crimes and human rights violations. Why is there a need for these guidelines? And how effective can they be? To answer these and more questions we invited Anya Neistat from the Clooney Foundation for Justice and Eva Buzo, victims' representative at the ICC in the Bangladesh/Myanmar case and head of Victim Advocates International.

Anya Neistat was featured in the E team series on Netflix in her work collecting evidence from Syria and her long career as an investigator has led her now to Ukraine. Eva Buzo spent almost two years in Cox's Bazar, the refugee camp in Bangladesh where Rohingya people fled from the atrocities in Myanmar. The way investigators approached survivors living in the camps has been widely cited as an example of the harm that an overconcentration of international actors collecting similar evidence can cause to the victims. And with the sheer number of international organisations active in Ukraine the risks of 'over-documenting' are pressing.

We start off by questioning what documentation is actually needed for, and the different roles played by the actors investigating international crimes – human rights groups, journalists, and international lawyers. Eva and Anya also shed light on best practices when collecting evidence, referring to the Murad Code, these new Eurojust guidelines, and beyond. And we discuss the at times blinding focus on conflict-related sexual violence and how donors can support ethical evidence-gathering.

A year after the assassination, Eva remembers the precious work of Mohibullah, chair of the Arakan Rohingya Society for Peace and Human Rights (ARSPH), in documenting human rights in Cox's Bazar.

Pope urges world to remember war-torn Myanmar (Union of Catholic Asian News) October 14, 2022

**Speaking of forgotten wars, Pope Francis called on the world to remember conflict-torn Myanmar where tens of thousands of people are suffering under brutal military rule.**

"I want to emphasize this: the forgotten wars. Today, we are all worried, and it is right that we should be, about a war here in Europe, at the door of Europe and in Europe, but there have been wars for years: for more than 10 years in Syria, think of Yemen, think of Myanmar, think of Africa," the pope said during an Oct. 13 meeting with the editors and collaborators of Mondo e Missione, the monthly magazine of the Pontifical Institute for Foreign Missions.

"Forgotten wars, it is shameful to forget them like that. And also, remembering those who work silently and tenaciously at the grassroots to build a better world, tracing paths of solidarity and reconciliation in contexts marked by crises or violence," he added.

Pope Francis has spoken several times about the crisis in Myanmar, a country he regards with much affection after visiting there in November 2017.

He has repeatedly called for the military leaders to stop the violence, release all detained people and pursue dialogue to seek peace and reconciliation.

Myanmar's junta has cracked down hard on anti-coup protesters and renewed fighting with ethnic rebel groups including those in Christian-majority regions like Kachin, Kayah, Karen and Chin states and central Myanmar's Bamar heartland.

Military offensives involving air strikes and artillery shelling have destroyed villages and killed hundreds of civilians. Churches, Church-run facilities and Christian villages have been attacked and badly damaged.

The Catholic Church has played a vital role in providing humanitarian aid to internally displaced people, especially in the hardest hit diocese of Loikaw in Kayah state along with neighboring Pekhon diocese in southern Shan state where there is ongoing conflict and thousands of IDPs are in dire need of medicine, shelter and food amid restrictions.

The dioceses of Kalay and Hakha that cover embattled Chin state, as well as the Sagaing region and Mandalay archdiocese have also been affected by the ongoing conflict.

"Villagers who flee when the army arrives only have us. Church compounds are becoming refugee centers," Archbishop Marco Tin of Mandalay told LaCroix International during a visit to France in September.

Tom Andrews, special rapporteur on the human rights situation in Myanmar, warned that conditions have “gone from bad to worse, to horrific for untold numbers of innocent people in Myanmar.”

“Many in Myanmar have come to the conclusion that the world has forgotten them, or simply doesn’t care. They ask me why member states refuse to take measures that are both possible and practical, measures that could save untold numbers of lives,” he told the Human Rights Council in September.

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## **Piracy**

**Maritime Piracy Incidents at Lowest Levels in Decades (Homeland Security) By Kylie Bielby  
October 19, 2022**

**The International Chamber of Commerce's International Maritime Bureau (IMB) is calling for regional and international players to sustain their efforts, particularly in the Gulf of Guinea, as global piracy and armed robbery incidents reach their lowest levels since 1992.**

**IMB's latest global quarterly piracy report details 90 incidents of piracy and armed robbery against ships in the first nine months of 2022, the lowest recorded figure in three decades.**

**Perpetrators were successful in gaining access to the vessels in 95% of the reported incidents which are broken down as 85 vessels boarded, four attempted attacks, and one vessel hijacked. In many of the cases vessels were either at anchor or steaming when boarded, with nearly all the incidents occurring during the hours of darkness.**

**Though these are amongst the lowest reports in decades, violence to crew continues with 27 crew taken hostage, six assaulted and five threatened. IMB says the risk to the crew, however petty or opportunistic the incident, remains real.**

### **Gulf of Guinea**

**Of the 90 global piracy and armed robbery incidents in IMB's report, 13 have been reported in the Gulf of Guinea region – compared to 27 over the same period of 2021 – signaling a positive and significant decline in the number of reported incidents in the region off west Africa which emerged as the world's biggest piracy hotspot in recent years.**

**Much of this success is a result of the Nigerian Maritime Administration and Safety Agency's Deep Blue Project, which was initiated in 2021. The main objective of the project is to secure Nigerian waters up to the Gulf of Guinea. The project tackles maritime security on land, sea, and air and is the first integrated maritime security strategy in West and Central Africa with the aim of tackling the incidences of piracy, sea robbery, and other crimes at sea. In June 2022, two unmanned aircraft systems, nine interceptor patrol boats and 10 armored vehicles were added to the project's existing assets.**

**International collaborations in the Gulf of Guinea have signaled intent and provide another strong deterrent in the region. In November 2021, Danish Armed Forces responded to an incident, exchanged fire with pirates and sank the perpetrators' vessel.**

**Counter-piracy efforts in the region will be further bolstered by a strategy announced in July 2022 by the Nigerian government and a coalition of global shipping stakeholders. The strategy establishes a mechanism to periodically assess the effectiveness of country-piracy initiatives and commitments in the Gulf of Guinea. Targeted at all stakeholders operating in the region, it will identify areas of improvement and reinforcement in order to eliminate piracy. The plan is split into two mutually supportive sections: actions which can be overseen by the Nigerian Industry Working Group, and actions which require engagement with other**



regional and international partners.

IMB Director Michael Howlett said: “We commend the efforts of the coastal authorities of the Gulf of Guinea. While the decline is welcome, sustained and continued efforts of the coastal authorities and the presence of the international navies remain essential to safeguard seafarers and long-term regional and international shipping and trade. There is no room for complacency.”

### Singapore Straits

Incidents in the Singapore Straits continue to increase with 31 reports in the first nine months of 2022, compared to 21 in the same period last year. Vessels underway, including several large vessels and tankers, were boarded in all 31 reports and in most cases, ship stores or properties were stolen. Crews also continue to be at risk with weapons reported in at least 16 incidents, including some involving very large bulk carriers and tankers.

“While these are so far considered low-level opportunistic crimes, with no crew kidnappings or vessel hijackings, littoral states are requested to increase patrols in what is a strategically important waterway for the shipping industry and for global trade,” Howlett said.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is also concerned with the persistent occurrence of incidents in the Singapore Strait, particularly the clusters of incidents off Tanjung Pergam, Bintan Island and Nongsa Point, Batam Island. ReCAAP said in August that three incidents were reported while ships were underway in the Singapore Strait during July 30–31 2022. Two of the incidents occurred on July 30 on board bulk carriers when they were underway off Tanjung Pergam, Bintan Island and ReCAAP believes there is a possibility that the same group of perpetrators is responsible for both incidents as the modus operandi of the perpetrators are similar. In the two incidents, the perpetrators were armed with knives, sighted in the engine room and engine spare parts were reported missing.

A further concern is that the IMB’s Piracy Reporting Center believes there is a degree of underreporting as well as late reporting of incidents from these waters and encourages Masters to report all incidents as early as possible so that local authorities are able to identify, investigate and apprehend the perpetrators.

### South America

In South America, the number of reports from Callao anchorage in Peru has dropped from 15 in the first nine months of 2021 to eight in 2022. Additionally, five incidents have been reported at Macapa Anchorage, Brazil including one on August 30, where six security and duty crew were assaulted and tied up by perpetrators who boarded an anchored bulk carrier.

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## Gender-Based Violence

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## Commentary and Perspectives

Democracies must stand firm against Xi Jinping’s next assault on human rights (Human Rights Watch) By Sophie Richardson  
October 10, 2022

**The Chinese Communist Party is set to open its 20th National Congress on Oct. 16. Xi Jinping will almost certainly secure a third term as party general secretary – and**

**therefore continue his profound assault on human rights across the country and around the globe. Are the world's democracies up to the task?**

Over the past decade, Xi's regime has conducted brutal assimilationist campaigns with especially grim consequences for Tibetans, Uyghurs, people in Hong Kong, and others. He has reengineered the party state, reversing previous decades of slow progress toward legal reform. From the 2016 counterterrorism law to the 2017 Foreign Nongovernmental Organization Activities in China law to the Orwellian 2020 "national security" law imposed on Hong Kong, Xi's entourage has used the law to entrench party power.

Xi's repression has not stopped at China's borders. In relentless pursuit of global power, Chinese authorities have dramatically expanded their capacity to commit human rights violations around the world. State-owned enterprises and Belt and Road Initiative projects often violate labor, land and Indigenous people's rights and harm the environment in other countries. Other governments are pressured to forcibly return refugees and asylum seekers.

Some members of diaspora communities — even those who have obtained citizenship in democracies — are under such close scrutiny or harassment that they don't feel secure exercising their rights. Chinese authorities now seek to influence public education in democracies, neutralize key international human rights institutions and shape global technical standards to expand their vision of technology as an instrument of control and coercion.

**Where are the democracies?**

Few governments were until recently willing to impose any meaningful consequences in response to serious human rights violations, and fewer still to consider dialing back the economic relationships that have given Beijing such leverage. Most have been painfully slow to recognize that Beijing poses threats to human rights inside their own countries. For democracies, defending international human rights institutions and norms has been a relatively low priority.

**This must change.**

To challenge Xi and his allies' sense of impunity, democracies should use all available domestic and international means to investigate and appropriately prosecute those responsible for crimes against humanity. Acting through United Nations mechanisms, particularly the Human Rights Council, requires coordination and commitment, but it has the additional advantage of building that whole system's resilience to insulate it from Beijing's pressure — and last week's close vote on a debate about Uyghurs shows how critical that goal is. There are also avenues to justice available in democracies, particularly by way of opening national investigations.

Democracies can no longer ignore the reality that their economic interdependence with Xi's government has helped sustain human rights abuses. Canada, the European Union, Britain and the United States have begun imposing some sanctions in response to Chinese government human rights violations. The U.S. Uyghur Forced Labor Prevention Act has made it harder for goods produced in China with forced labor to enter the United States, and has helped gain recognition for the idea that companies and consumers should not want to profit from repression.

But large swaths of economic activity — from finance to manufacturing — remain largely unexamined. Business ties to the Chinese companies and institutions that provide surveillance equipment and services, as well as to the Chinese military-industrial complex, deserve particular scrutiny. Some democracies already have tools to limit trade as a means of pressuring Beijing to improve its human rights record. But they should also urgently adopt laws requiring companies to conduct human rights due diligence to identify and address risks of complicity in China and elsewhere.

Democracies can also do a better job of trying to protect and preserve the distinct identities Beijing seeks to obliterate. This could take several forms, from expediting asylum claims for those Beijing has driven out, and ensuring that they can live with full protection of their rights in democracies, all the way through to underwriting curriculums in languages such as Cantonese, Mongolian, Tibetan and Uyghur.

Governments should also make clear they are firmly opposed both to Chinese government repression and to anti-Chinese racism, a horrific phenomenon amplified during the pandemic. Some have been hesitant to do the former, fearing it exacerbates the latter. The Chinese government decries anti-Chinese sentiment in democracies for self-serving purposes; democracies need to take strong steps to tackle both problems.

They should support Chinese-language media platforms not subject to Beijing’s censorship. Encouraging — and investing in — innovations that give people easy access to uncensored news and other information will most likely pay dividends. Governments should require Chinese social media companies to publicly disclose what content they have censored or suppressed at the behest of the Chinese government as well as the legal basis for doing so.

Last but far from least: No democratic government should ever forget that people across China — regardless of what self-interested authoritarians in Beijing claim — are entitled to human rights. Giving independent activists from China now living in democracies a visible seat at policy tables reflects real — not just rhetorical — support for their ideas and work. It will also help to generate new policy ideas and to challenge Xi’s claim that he and “China” are one and the same.

Xi has had a decade to show his true human rights colors. From crimes against humanity to the abusive “zero-covid” policies to an unwillingness to condemn Russia for war crimes in Ukraine, the outcome is far bleaker than most predicted. The costs of allowing these trends to go unchecked into the future should motivate action now. Democracies should move swiftly to defend human rights inside and outside China.

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## Aiding and Abetting

Myanmar: Military Used Japan-Funded Ships (Human Rights Watch) October 11, 2022

**Myanmar’s junta used Japan-funded passenger ships donated for civilian use for military purposes in September 2022, Human Rights Watch said today.**

Letters from Myanmar officials, analyzed by Human Rights Watch, stated that two of three vessels delivered by Japan between 2017 and 2019 were used to transport more than 100 soldiers and material to the town of Buthidaung on the Mayu River in Rakhine State, where the military is fighting the Arakan Army ethnic armed group. The Japanese government should suspend non-humanitarian aid to Myanmar and sanction junta officials implicated in serious human rights violations.

“The Myanmar junta’s misuse of Japanese development aid for military purposes effectively makes Japan a backer of the junta’s military operations,” said Teppei Kasai, Asia program officer at Human Rights Watch. “The Japanese government needs to urgently reassess its obviously failing approach to curtailing the junta’s abuses.”

On September 13, 2022, the Rakhine State government’s transport minister ordered the Rakhine Department of the Inland Water Transport (IWT) to “ready” the Japan-provided “Kisapanadi I” and “Kisapanadi III” vessels for “Sittwe-Buthidaung-Sittwe voyages,” said a letter labeled confidential from the national IWT to the Ministry of Transport and Communications, on September 21. The letter stated that, on September 14, the two ships transported “over a hundred Tatmadaw [Myanmar] troops, as well as their supplies and materials” to Buthidaung.

The transport minister “instructed that the voyages were top secret and that their destination was also classified and no report [to a third party] should be made,” the letter said. Evidently recognizing that this was problematic, IWT noted that it “already had a discussion” with the Rakhine transport minister and “the vessels are no longer used for [military] purposes.”

On September 23, the Rakhine State chief of police and the transport minister, on behalf of Rakhine State’s chief minister, wrote to the national transport and communications minister and specifically confirmed that the two vessels had been used for “military purposes.” In the letter, the Rakhine authorities sought to justify this use of ships, citing provision no. 250 of Myanmar’s 2008 Constitution, which states that “the Region or State Government shall have the responsibility to assist the Union Government in the preservation of the stability of the Union, community peace and tranquility and prevalence of law and order.”

An informal ceasefire between the Myanmar military and the Arakan Army, in place since November 2020, has broken down in recent months. In August, the military reinforced its troops in northern artillery shelling, and landmine use, with growing civilian casualties.

Since mid-August, the military has isolated and terrorized civilians in Rakhine and southern Chin States to weaken the Arakan Army, using abusive means embodied in the military's longstanding "Four Cuts" policy. The junta has imposed broad new travel restrictions on humanitarian workers, blocked access to roads and waterways, and arbitrarily arrested aid workers, in violation of international humanitarian law.

On September 15, the junta issued a directive banning United Nations agencies and international nongovernmental organizations from six Rakhine State townships – Maungdaw, Buthidaung, Rathedaung, Mrauk-U, Minbya, and Myebon – and shut down boat lines and public transportation. The fighting has displaced more than 18,000 people since August, joining over 70,000 others who are internally displaced, many of whom are facing shortages of food and medicine exacerbated by the junta's restrictions.

In response to a Human Rights Watch inquiry on September 20, a Japanese Foreign Ministry official said on October 3 that the "Japanese government, based on the principle of 'avoiding any use of development cooperation for military purposes' in the Development Cooperation Charter, will work to secure appropriate use of facilities and equipment provided through ODA [Official Development Assistance] programs." The official added that Japan "is taking appropriate measures regarding the issue in question," but refrained from disclosing further details because it was a "diplomatic matter."

Japan provided the three vessels to Myanmar under the 500 million yen (US\$3.5 million) Economic and Social Development Programme, signed on September 12, 2016. The Japanese embassy in Myanmar said the program "aims to improve the ability of the water transport in Myanmar and to contribute to the Economic and Social Development of Myanmar, by donating passenger ships for the coastal transport in Rakhine State."

Following the February 1, 2021 military coup in Myanmar, the Japanese government stated it would refrain from carrying out new non-humanitarian ODA programs in Myanmar, but did not suspend ongoing projects. As of November 2021, Japan had provided about 1.4 trillion yen (\$9.6 billion) in loan assistance, 360 billion yen (\$2.5 billion) in grant aid, and 100 billion yen (\$690 million) in technical assistance to Myanmar.

The Japanese government should trigger human rights-based conditions enshrined in its Development Cooperation Charter, which states that "Japan will pay adequate attention to the situation in the recipient countries regarding the process of democratization, the rule of law and the protection of basic human rights, with a view to promoting the consolidation of democratization, the rule of law and the respect for basic human rights."

With respect to humanitarian aid, Japan should maintain such projects but redirect the funds through nongovernmental groups to ensure it is used effectively and directly benefits populations in need, Human Rights Watch said.

"Japan's halfhearted approach to sanctions has not slowed down the Myanmar junta's abuses at all," Kasai said. "Japan should make full use of its reputation as a rights-respecting democracy by using all diplomatic tools available to hold the Myanmar military accountable."

**US Stops Funding Some Militaries Using Child Soldiers But 4 Countries Recruiting Children Will Still Receive US Military Aid (Human Rights Watch) By Jo Becker**  
October 11, 2022

**The Biden administration is finally putting firmer pressure on governments using child soldiers. On October 3, it announced that a majority of the 12 governments implicated in using child soldiers would be ineligible for certain categories of military assistance until they addressed the problem.**

In 2008, Congress passed a landmark law, the Child Soldiers Prevention Act, which withholds certain types of US military assistance from governments using children in their forces or supporting militias that recruit children. The law is designed to pressure governments to end child recruitment and release children from their forces.

In some cases, it's worked. For example, after the US announced it would stop providing training for military battalions in the Democratic Republic of Congo, the Congolese government signed a United Nations action plan to end its recruitment and use of child soldiers. In the decade since, the UN has documented only a handful of

child recruitment cases by Congolese government forces.

In many other cases, however, US administrations – including under both Barack Obama and Donald Trump – waived the law's prohibitions for governments using child soldiers, citing national security as a reason to continue military aid. According to the Stimson Center, these waivers have allowed governments using child soldiers to receive over US\$7 billion in arms sales and military assistance since 2010. It found that only 3 percent of aid prohibited by the Child Soldiers Prevention Act was actually withheld.

The result is that countries exploiting children as soldiers have little incentive to change their practices. For example, Somalia has received waivers for 10 years straight, allowing over \$2 billion in US military assistance. Not surprisingly, the security forces continue to recruit child soldiers. Last year, the UN documented 135 cases of child recruitment by Somali army and police forces.

This year, for the first time, the White House gave no full waivers to the countries on its list, meaning that at least some military assistance will be withheld from governments using child soldiers. Seven of the 12 countries received no waivers at all, a record high.

While this is progress, four countries using child soldiers will receive at least \$234 million in US military aid next year. The US needs to make clear to these countries that if they want aid beyond next year, they need to stop using child soldiers.

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## WORTH READING

### **More Problems from Hell: The Uyghur Genocide**

Mia Bonardi

October 11, 2022

**Samantha Power, former United States ("U.S.") Ambassador to the United Nations ("U.N."), won the Pulitzer Prize for her book "A Problem from Hell: America and the Age of Genocide which documents and criticizes the U.S. government and the public's reaction and inaction to genocides perpetrated worldwide in the last century. This article seeks to be a continuation of "A Problem from Hell" by analyzing the U.S. government's inaction to the CCP's genocide against Uyghurs in the XUAR. In "A Problem from Hell," Ambassador Power divides cases of genocide into warning, recognition, response, and aftermath sections with different cases varying in their conformity to this structure. This article will similarly be divided and, likewise, it will vary in conforming to this structure, namely because the CCP is currently committing the Uyghur Genocide.**

Both the CCP and the U.S. government are violating international law the CCP for committing the Uyghur Genocide and the U.S. government for failing "to prevent and to punish" it under Article I of the Convention. Since the CCP is currently committing the Uyghur Genocide, prevention entails "undertaking to prevent" future genocidal acts and punishing those that have been and are currently being perpetrated. Furthermore, if the U.S. government continues to fail to recognize and respond to the Uyghur Genocide, its inaction could amount to a punishable violation under Article III of the Convention of "Complicity in Genocide."

This article argues that jurisdiction over the CCP is possible in this case either via universal jurisdiction because genocide is a jus cogens norm or in the International Criminal Court ("ICC") using the 2018 Rohingya Ruling as precedent. Part I argues that, in the wake of the War on Terror, the global anti-terrorism conflation with anti-Islam catalyzed the Uyghur Genocide. Part I provides evidence that the CCP's goal in conflating religious extremism with terrorism and grouping Uyghurs in general with the Eastern Turkistan Islamic Movement is not to combat terrorism, but rather to solidify a Han Chinese dominance in the XUAR under the guise of combatting terrorism. Part I concludes by finding that the factor of a precedent of genocide in a place correlating to future genocide is met here because the CCP implemented similar policies to perpetrate genocide

in Tibet, then in the XUAR, and once again in Tibet.

Part II concludes that while the U.S. public has the requisite information about the Uyghur Genocide available to it, it has yet to transform that information into knowledge because of the U.S. government's failure to formally recognize and condemn the genocide as such. Part II argues further that to effectively prevent and punish genocide, the U.S. government must officially label it as such.

Part III highlights several legislative efforts taken by the U.S. government in response to the Uyghur Genocide, only one becoming law. Part III argues that these efforts prioritize the Phase One trade deal over preventing genocide and seemingly attempt to transfer the liability for being complicit from the U.S. government to U.S. companies. Still, Part III concludes by arguing that the U.S. government should enact relevant and effective legislation into law and expand its response to the Uyghur Genocide.

Part IV argues that there are still opportunities for the U.S. government to avoid further breaching its obligations erga omnes relevant to the Uyghur Genocide by, at a minimum, officially labeling the Uyghur Genocide as a genocide and enacting pertinent legislation. Part IV further argues that, as a world leader, other countries are watching what the U.S. government does in this case and if it fails to act, then others will find themselves justified in their inaction as well. Part IV concludes that if the U.S. government took a stance on and responded adequately to the Uyghur Genocide, it could improve international relations and pledges to international law by uniting a global community committed to the prevention and punishment of genocide.

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