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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 warcrimesswatch@pilpg.org and type "subscribe" in the subject line.

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AFRICA

NORTH AFRICA

Libya

ICC prosecutor seeks arrest warrants over crimes against migrants in Libya (Newsbook) By John

Paul Cordina

November 27, 2022

Prosecutor of the International Criminal Court Karim Ahmad Khan is seeking a number of arrest warrants against Libyan nationals over war crimes, crimes against migrants and crimes against human rights./

And while the names of the people concerned are still covered by confidentiality, Italian newspaper Avvenire reports that some of the names concerned may well embarrass a number of governments – including Malta – which have had dealings with them.

The names would be publicised once Khan's requests are validated by the ICC, but should the arrest warrants be issued as expected "many governments – including Italy, Malta, France, Turkey and Russia – will find themselves more than embarrassed to cooperate in the capture of characters with whom they have exchanged many handshakes," the newspaper wrote.

According to the newspaper, the requests concern subjects already subjected to sanctions by the UN, the EU and the US.

Until recently, the ICC had considered itself effectively unable to investigate human traffickers, given its jurisdiction to prosecute for crimes of genocide, crimes against humanity, war crimes and crimes of aggression.

But Khan is arguing that crimes against migrants in Libya may constitute crimes against humanity and war crimes, thus paving the way for ICC action against those involved. Investigators have also linked human trafficking – and the torture and extortion involved in the process – to the militias directly involved in the conflict, further strengthening the ICC's claim of jurisdiction.

Khan, on his first visit to Libya, also announced that further requests for arrest warrants would be made.

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CENTRAL AFRICA

Central African Republic

Central African Republic: UN chief strongly condemns airfield attack which left one peacekeeper dead (UN News) November 26, 2022

In a statement, the UN integrated stabilization mission in CAR, MINUSCA, said the attack at the Obo airfield near the border with the Democratic Republic of the Congo and South Sudan, had taken place on Thursday morning, and that the mission had “immediately opened an investigation into the exact circumstances” surrounding the incident.

Likely war crime

In his statement released via his Spokesperson’s Office in New York, UN chief António Guterres expressed his deepest condolences to the family of the fallen peacekeeper and to the Kingdom and people of Morocco.”

He recalled that such attacks “may constitute war crimes under international law” and called on the Government of CAR “to spare no effort in identifying the perpetrators of this tragedy so that they can be brought to justice swiftly.”

MINUSCA reminded that any attack on a ‘blue helmet’ was liable to prosecution by both national and international authorities.

The Security Council also issued a statement late on Friday, condemning the attack "in the strongest terms", stressing that anybody found to be involved in the planning, direction or sponsoring of such attacks, could be sanctioned.

Council members expressed their full support for MINUSCA, and "expressed their deep appreciation" to the mission's troop and peace-contributing nations, while also stressing the importance of the mission continuing to have the necessary capacities to carry out its mandate.

UN solidarity with CAR

Mr. Guterres reaffirmed the solidarity of the United Nations with the people and Government of CAR, where MINUSCA has been in operation since 2014, with its first priority being to provide protection to civilians caught up in years of conflict.

Following decades of instability, in 2012, the mostly Muslim Seleka rebel coalition launched a series of attacks leading to them capturing control of the capital, and the transfer of power to a transitional government, but sectarian conflict was exacerbated by the rise of the predominantly Christian anti-Balaka movement.

With its mandate renewed just a few weeks ago for a further year, MINUSCA has continued to play a key role in recent months, countering still widespread insecurity, Mission chief Valentine Rugwabiza told the Security Council in October.

Early that month, three peacekeepers were killed patrolling near the Cameroon border, and MINUSCA has repeatedly called on the Government to lift a ban on UN night flights, for the safety and personnel and effectiveness of humanitarian aid distribution.

‘Robust’ response

The MINUSCA chief said the mission had been taking a “robust, preventive and proactive posture” responding to security alerts from various civilian communities in the face of continuing threats from armed groups.

She promised that the mission would continue to position forces where needed to help restore order, advance disarmament and rehabilitation efforts, and help cut off rebel supply routes.

The latest UN report for the Security Council pointed to the “indispensable contribution” of MINUSCA’s multidimensional mandate, which the search for lasting political solutions continues in CAR, she said.

Unknown aircraft targets Wagner base in C. African Republic (Associated Press) By Jean Fernand Koena
November 29, 2022

Authorities in Central African Republic have opened an investigation after a low-flying fighter jet dropped explosives near a base for Russian mercenaries working with the country’s military.

The attack took place in the early hours of Monday at the Cotenaf base in Bossangoa, where witnesses said both the base used by Russia's Wagner Group and surrounding homes had been hit.

"The Russian paramilitaries showed their indignation very early by shooting in the air from 5 to 6 o'clock. For the moment the city is quiet, the shops are not yet open and people are afraid to go about their business," said Robert Faradanga, a local community journalist.

It was not immediately clear who was responsible for the aircraft that dropped the explosives.

Information Minister Serge Ghislain Djorie said in a statement that the unknown aircraft headed north after the incident before leaving the country's airspace.

"This despicable act perpetrated by the enemies of peace will not go unpunished," Djorie said.

In Central African Republic, Wagner fighters ride around the capital Bangui in unmarked military vehicles and guard the country's gold and diamond mines. They have helped to hold off armed rebel groups and to keep President Faustin-Archange Touadera in power.

However, the mercenary group also has been accused of committing human rights violations. A report released earlier this year by the U.N.'s independent expert on the human rights situation in Central African Republic cited a number of attacks it said were reportedly carried out on the orders of the country's armed forces and their Wagner Group allies.

In one instance, Russian mercenaries prevented U.N. peacekeepers from accessing a village where the country's armed forces and the Russians had "reportedly opened fire on civilians indiscriminately."

In one of the attacks reportedly ordered by the Russians, militants went to the village of Boyo and killed 19 male civilians. The report by Yao Agbetse, the U.N.'s independent expert, also stated that wounded people had been buried alive.

Associated Press writer Krista Larson in Dakar, Senegal contributed.

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Sudan & South Sudan

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

UN experts Call on South Sudan to Investigate Top Government Officials for their Role in Sexual Violence (United Nations) November 28, 2022

If the Government of South Sudan is serious about tackling sexual violence it should immediately remove from office and investigate Governors and County Commissioners credibly alleged to be complicit in systematic rape, said UN experts attending the Preventing Sexual Violence Initiative (PSVI) conference in London. A delegation from the Government of South Sudan is also attending the conference.

"Nowhere in the world do you find so many women who experience conflict by being repeatedly gang raped, year after year since 2013, shunned and stigmatised, suffering in silence, while the men responsible are promoted and rewarded," said the Chairperson of the UN Commission on Human Rights in South Sudan, Yasmin Sooka. "It is meaningless for the Government to come up with an array of declarations, national commitments, pledges and plans if no action is taken against those in high office who are responsible for the repeated violence against women and girls. It is not enough, now and again, to try a handful of junior officers without holding those in command responsible."

South Sudan has made repeated commitments to tackle sexual violence. In 2014, President Salva Kiir signed a joint communiqué with the United Nations agreeing to be a champion in the fight against conflict-related sexual violence in South Sudan; in 2015 the opposition SPLM/A-IO announced its Action Plan to tackle sexual violence and a further Implementation Plan; in 2019 the army unveiled an Action Plan to tackle sexual violence; and in 2020 South Sudan started a Gender Based

Violence Court in the capital Juba. Nevertheless, being gang raped is still one of the main ways in which women and girls experience the ongoing conflicts, with the vast majority of cases unreported because of fear of rejection by families and communities.

“This year we have seen the most dehumanising sexual violence in South Sudan for which the Government bears responsibility because of its failure over many years to hold individuals accountable, especially in Unity State where we are dealing with gross and systematic human rights violations amounting to international crimes,” said Commissioner Andrew Clapham. “South Sudanese are begging the international community to help them in pressuring their leaders to sanction these individuals and remove the people responsible from office. Tragically victims ask us to speak out and say what they are afraid to say.”

The UN Commission has reasonable grounds to believe that earlier this year a government-appointed County Commissioner in the oil-rich Unity State was present overseeing systematic gang rapes at a cantonment site. This was part of a well-planned scorched earth offensive against civilians in an area considered loyal to the opposition, that involved beheadings, with rape victims being forced to carry the severed heads, victims being burnt alive, and days of brutal sexual assault by up to ten men at a time against young women and girls some as young as 9 years old. Multiple eyewitnesses testified that the County Commissioner planned and ordered the attacks led by his Deputy, which followed strikingly similar patterns in different areas. In several cases the women knew their rapists who openly revealed they were ordered to commit the atrocities by the County commissioner and his Deputy.

This is not the first-time serious allegations have been levelled against the County Commissioner – the UN Commission earlier published details alleging that he instigated attacks against civilians while a Commissioner in 2018 and was briefly put under house arrest but then reinstated. Victims in this area experienced attacks in 2013, 2014, 2016, 2018, and now 2022, and complain that lack of criminal accountability has fuelled the repeated violence.

“Conflict-related rape and sexual violence in Unity State has become so systematic and is a direct result of impunity; the Commission will engage with the Special Representative of the UN Secretary General on Conflict Related Sexual Violence, and the Special Advisor to the UN Secretary General on the Prevention of Genocide on how to hold perpetrators accountable, building on the 2014 joint communiqué,” said UN Commissioner, Barney Afako.

Impunity for sexual violence cuts across all the political factions and actors in South Sudan with the opposition appointing as Governor of Western Equatoria, a militia leader turned military officer with command responsibility in 2018 for the abduction, rape, torture and sexual slavery of more than 400 women and girls. This is in spite of the opposition initiating an investigation into the incident. Unsurprisingly the newly appointed Governor did nothing to stop a fresh onslaught against civilians that used rape as a weapon of war to forcibly displace populations.

Also absent is the most rudimentary after-care for women subjected to horrific sexual assaults. Repeated outbreaks of violence have seen medical clinics looted and razed to the ground. Government medical services for sexual violence victims are grossly inadequate, while humanitarian agencies, who offer psychosocial support, have seen their funding cut due to the war in Ukraine. UN Investigators interview rape survivors who after years of suffering still haven’t been able to access medical care for debilitating conditions like fistula that need surgery. The Commission recently met a pregnant woman whose fetus died in her womb after she spent days hiding in a river to avoid being raped; she struggled to access medical attention to remove the dead child from her womb.

“It’s hard to convey the level of trauma of South Sudanese women whose bodies are literally the war zone. Mothers and daughters endure assaults on an unimaginable scale and we cannot even patch them up physically afterwards, let alone deal with the long-term scars,” said Yasmin Sooka.

Survivors interviewed by the Commission repeatedly express extreme fatigue with having to tell their stories again and again and nothing changing as a result. “Victims are tired of talking,” said one man in Unity State, adding, “Arrest people who are killing other people first before you talk about healing”.

The UN Commission on Human Rights is mandated by the UN Human Rights Council in Geneva to collect and preserve evidence for use in a future Hybrid Court, the establishment of which has been delayed for many years. The Commission has been present on the ground in South Sudan for six years meticulously interviewing more than a thousand witnesses and victims.

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Democratic Republic of the Congo

Official Website of the International Criminal Court
ICC Public Documents - Situation in the Democratic Republic of the Congo

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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

Ex-'street general' Charles Blé Goudé returns to Ivory Coast (BBC) By Lalla Sly
November 26, 2022

Ivory Coast politician Charles Blé Goudé, once seen as a divisive figure, has flown home after being acquitted by the International Criminal Court.

His charisma and fiery rhetoric led to his nickname "street general".

But as a key ally of former President Laurent Gbagbo he was accused of being behind some of the post-election violence just over a decade ago.

Around 3,000 people were killed in a brief civil war that followed the disputed 2010 presidential poll.

Mr Blé Goudé, 50, arrived in Ivory Coast's main city, Abidjan, on a commercial flight from neighbouring Ghana on Saturday afternoon.

There was heavy security at the airport and his supporters were advised not to go there to show respect for all the victims of the 2010 conflict.

But thousands of them gathered in the suburb of Youpougon - a former stronghold of Mr Blé Goudé's - where he was expected to make a statement, according to his entourage.

In 2010, Mr Blé Goudé was head of the pro-Gbagbo Young Patriots movement.

Mr Gbagbo had declared himself the victor of that year's election, which the electoral commission said had been won by his main rival, and current President, Alassane Ouattara.

Fighting broke out and eventually ended when Mr Gbagbo was captured in April 2011. He was later arrested and taken to the International Criminal Court (ICC) in The Hague.

Mr Blé Goudé fled Ivory Coast the day before Mr Gbagbo's capture, going to Ghana by road where he lived in hiding for almost two years.

He was then arrested and transferred to the ICC where he first appeared in 2014 charged with committing crimes against humanity, including accusations that he led a militia.

But both Mr Gbagbo and Mr Blé Goudé were acquitted in 2019 after the judges said that the prosecution had failed to prove its case. The decision was confirmed by the ICC's Appeals Chamber last year.

The former president returned to Ivory Coast in June 2021, where he has since tried to play the role of a peacemaker urging reconciliation. Mr Blé Goudé obtained a passport from the Ivorian authorities in May and shortly after got the green light to go home.

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

We Know About 100 High-Risk Boko Haram Sponsors With Links To 10 Countries –Buhari Government (Sahara Reporters) November 28, 2022

The Nigerian Government said it has identified 100 high-risk financiers of Boko Haram, in its fight against the menace.

The Minister of Interior, Rauf Aregbesola made this known at the 3rd Ministerial Conference on Counter-Terrorism Financing, with the theme, “No Money for Terror”, which took place in India, Vanguard reports. According to the minister, the financiers have links to at least 10 countries of the world.

The minister, who was represented by his aide, Abdulmalik Suleiman, on Sunday, said: “The Nigerian Financial Intelligence Unit, NFIU, has played a significant role, in supporting all our intelligence, security, and military services.

“The unique ability of the NFIU to work with counterparts in the region and across the world, particularly through the framework of the Egmont Group of FIUs, is a key asset for our country.

“In particular, I would like to take a few minutes to discuss some recent results achieved with the support of our partners. In 2019, the NFIU commenced an in-depth analysis of the financing of the Boko Haram group.

“This analysis, which took almost 18 months to complete, resulted in the identification of almost 100 high-risk financiers and identified links to 10 different countries.

“The NFIU was able to build a thorough picture of the transnational sources of the group’s finance, using intelligence from several countries, including our immediate neighbours, Cameroon, Chad, Niger, and Togo.

“Ultimately, the results of the analysis resulted in the arrest of 48 of the financiers and the ongoing prosecution of a number of them.”

Presidential spokesman, Garba Shehu, in March 2021 said the Nigerian Government arrested operators of 400 Bureaux De Change for allegedly funding Boko Haram insurgency in the country, saying the suspects were transferring money to the terrorists.

Nigerians have since been asking the President Muhammadu Buhari-led government to disclose the identities of the suspects, a request the government has repeatedly ignored.

Shehu’s colleague, Femi Adesina said the Buhari-led government is not interested in naming and shaming the financiers of terrorism but in their prosecution.

Attorney-General of the Federation and Minister of Justice, Abubakar Malami (SAN), had also said the government would not name and shame the suspected financiers of terrorism before their trial.

“Naming and shaming of suspects is not embarked upon as a policy by the federal government out of sheer respect the constitutional rights of Nigerians relating to presumption of innocence,” Malami had said in a statement.

“It is a product of constitutionalism and the law. It is rooted in the law and the names of the suspects will accordingly be made public at the point of judicial arraignment while the. Trials are judicial processes and not about media sensations.

“Naming and shaming in the Nigerian context must be rooted in constitutionalism. We must strike a balance between constitutional presumption of innocence and evidential proof of reasonable ground for suspicion in making disclosures associated with terrorism funding and financing.

“Where reasonable grounds are established, suspects must be naturally taken to court at which point their identity must be disclosed and the naming becomes apparent. Shaming, on the other hand, is the product of conviction at which point the

public is equally judicially put on notice. In essence, naming and shaming within the context of Nigerian law are judicial functions which commence with arraignment and terminate with convictions.” Though the Minister claimed 285 suspects had been charged before the Federal High Court, sources told SaharaReporters that only over 40 were being prosecuted by the government before the court based “on prima facie cases of terrorism.”

Nigerian Military Set To Prosecute 886 Boko Haram Fighters As 323 Others Undergo De-radicalisation (Sahara Reporters) November 29, 2022

No fewer than 886 suspects linked to the terrorists’ group, Boko Haram, have been prepared for prosecution, the Nigerian government has said.

This was made known by the Theatre Commander, North East Joint Operation, Hadin Kai, Major General Christopher Musa, adding that over 323 terrorists and ex-combatants who willingly gave up their arms to embrace peace are currently undergoing the Federal government program on De-radicalisation, De-mobilisation and Rehabilitation, (DDR), in Gombe State.

He explained that at least 82,237 terrorists and their families had so far surrendered to troops in various locations in the North-East since July 2021, Daily Sun reports.

Gen. Musa, who described the 886 detained Boko Haram terrorists as “hardened”, said arrangements had been concluded to transfer them to Giwa Project at Kainji, in Niger State, for prosecution.

He also said total 180 out of the 276, kidnapped Chibok school girls in 2014, had been rescued while 96 of the girls were still unaccounted for, adding that soldiers had so far rescued 2,018 abducted persons, comprising 339 adult males, 660 adult females and 1,019 children in last one year.

Theater Commander spoke through the Acting Theater Intelligence Coordinator, Colonel Obinna Azuike, while briefing journalists on the successes so far recorded in the ongoing counter insurgency operations.

He said said a total of 1,893, terrorists are currently being detained at the the Giwa Centre.

According to him , “Out of the surrendered persons, 16,577 were active male fighters, 24,499 are women, while 41,161 are children.”

He said so far over 2,018 abducted persons, comprising 339 adult males, 660 adult females and 1,019 children were rescued by troops in last one the year.

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Mali

In Mali’s hunger crisis, girls are paying the highest price (PLAN International) November 21, 2022

We are calling on donors and political leaders to act now to meet urgent humanitarian needs in Mali, and prioritise age and gender-sensitive responses, writes Omar Sabry, Policy and Advocacy Advisor.

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Liberia

Reconciliation and Reparation: The Future of War Survivors of Sexual and Gender-based Violence in Liberia (Daily Observer) November 18, 2022

The Liberian-based women's rights organization, medica Liberia presented a paper titled 'Critical reflection on the effectiveness of the Truth and Reconciliation Commission's Recommendations for Reparation in Favor of Victims of Sexual and Gender-Based Violence in Liberia at the 2nd Congress of the International Mukwege Chair that took place in Bukavu, the Democratic Republic of Congo from November 1-3 2022.

The end of the Liberian civil war shut the barrels of the guns but the survivors of war-related sexualized violence have suffered institutional neglect from the state.

Esther Davis Yango, Executive Director of the Women NGO Secretariat of Liberia made a statement in Monrovia at her organization's event aimed at advocacy and monitoring of the Truth and Reconciliation Commission (TRC) recommendation in November of this year, stating “Even with the silence of guns, women and girls still live in fear of violation.

We will not rest until the government of Liberia ensures that the full and timely implementation of the recommendations of the Truth and Reconciliation Commission become a national priority owned and led by all Liberians”.

Madam Yango's reflection very much summarizes the current status of the TRC's recommendations regarding reparations for survivors of war-related sexualized violence. Since the cessation of the Liberian civil war and the signing of the Accra Comprehensive Peace Agreement in 2003, not much has been done by the government to ensure reparations for survivors. According to the International Center for Transitional Justice, 'Most victims see reparations as the most direct and meaningful way to obtain justice.

Yet, reparations are rarely prioritized and are often the least-funded measure of transitional justice. This is also the case in Liberia.

The TRC made recommendations for the adoption of mechanisms and procedures to specifically deal with the experiences of women, children, and vulnerable groups including survivors of war-related sexualized violence.

Some recommendations include A reparation program of approx. US \$500m (Priority to victims of sexual violence for reparations); Independent National Human Rights Commission to establish and resource a Reparation Trust Fund; Direct victim support is implemented by 30 July 2014, including memorials, victim support, and the process of prosecution, etc.

The TRC further provides that survivors of sexualized violence receive reparations in the forms of psychosocial/mental health, medical, legal, and socio-economic support based on their needs.

Some progress has been made, although very minimum. The Government's position is that individual reparations are expensive and not feasible. The government instead recommends that consideration should be given to community-type reparation which will address the socio-economic needs of the communities.

In 2010, the Government reached an agreement with the leadership of the True Whig Party of Liberia and the EJ Roye building was turned over to the Government for use to fund the reparations trust fund. The Reconciliation Roadmap (2012-2030), has captured key reparation actions specifically through the lens of community-based reparations mechanism.

However, the reality is no concrete reparation mechanism has been put in place by the government, thus survivors of war-related sexualized violence continue to live with the trauma of war. The psychosocial/mental health, medical, legal, and socio-economic needs of survivors are not being met through national efforts.

The government programs are responding to present-day violence that women and girls face, however, there is a lack of clear linkages between ongoing actions and survivors of wartime violence. While violence takes place across a continuum, in the case of Liberia, before, during, and after the conflict, the intervention and response to the violence must take into consideration the context in which the violence takes place in order to achieve transformative change.

Below are summaries of the reflections on the effectiveness of the TRC's Recommendations on reparation for survivors of war-related sexualized violence presented by medical Liberia at the 2nd Congress of the International Mukwege Chair:

The TRC recommendations for reparations for survivors of SGBV are not fully implemented through national mechanisms, however civil society organizations, specifically women-led organizations have contributed immensely to filling the gaps specifically by providing psychosocial, mental health, medical, and socio-economic support to survivors of violence.

The link between sexual violence to gender-based violations is missing, hence there is limited or no evidence that male survivors of war-related sexualized violence have been considered in post-conflict SGBV programs.

Advocacy efforts are more focused on accountability of war crimes generally, and less on SGBV crimes and reparations; these do not have to be mutually exclusive because 'What are Reparations without the option for justice?'

The government programs focus on responding to present-day violence that women and girls face, however, there is a lack of clear linkages between ongoing actions and the TRC recommendations for survivors of war-related sexualized violence.

Sources for reparations do not clearly define who a victim is Several policies and legal frameworks to protect women and girls were developed but full implementation and investment to ensure realization and fulfillment are low. As the Founder and Executive Board Member of the international NGO medica mondiale Dr Monika Hauser iterated during an expert panel discussion at the congress in DRC, reparation mechanism for survivors must have five key elements for transformative impact:

Firstly, it is essential for the recovery of survivors that reparation mechanisms and services need to be comprehensive and long-term;

Secondly, any approach must follow a multi-level approach, which takes into account the social and political environment and include family mediation, raising community awareness, capacity building of institutions, and strengthening social movements that promote women's rights;

Thirdly, the design and implementation of reparation mechanisms need to follow stress and trauma-sensitive, and human rights-based approaches;

Fourth, any kind of reparation mechanisms needs to start from a socio-political understanding of trauma and the understanding that war-related sexualized violence is not just a single event or a strategic element of war, but a continuum of violence, which is present before, during, and after the war;

Fifth, Reparation mechanisms need to be developed through participatory processes, amplifying the voices of survivors and increasing their agency and participation;

There is an urgent need to operationalize the TRC's recommendations on reparation for survivors taking into consideration these key elements. May we never forget the survivors of sexualized wartime violence and continue to create spaces to amplify their voices and needs; Reparations for survivors of sexualized violence must be a priority on Liberia's transitional justice agenda.

New Suit Against Liberia at ECOWAS Court of Justice Seeks Accountability for Civil War-Era Massacre (Just Security) By Catherine Amirfar and Ela Matthews and Taylor Booth

November 29, 2022

On Oct. 5, victims of one of the deadliest massacres of the Liberian civil wars filed a complaint before the Court of Justice of the Economic Community of West African States (ECOWAS Court). The complaint alleges that, by failing to launch even a single criminal investigation into the massacre, Liberia is violating its obligations to investigate serious violations of international human rights and humanitarian law.

The claims were filed against Liberia on behalf of survivors of the July 1990 massacre at St. Peter's Lutheran Church in Monrovia, which, as previously described in a Just Security article, was also the subject of civil litigation in the United States (we act as counsel to the survivors in the ECOWAS proceeding, along with the Institute for Human Rights and Development in Africa, and two of us represented them in the civil litigation). By focusing on Liberia's failure to investigate or prosecute, the ECOWAS complaint forges a novel path forward for victims of human rights abuses abroad seeking accountability from their home countries.

The Liberian civil wars were two periods of extreme violence from 1989 to 1997 and 1999 to 2003. In 2009, Liberia's Truth and Reconciliation Commission (TRC) found that all parties to the conflict had committed atrocities. Despite these findings, the Liberian Government has provided no domestic criminal accountability for perpetrators of crimes committed during the period. What is more, many perpetrators specifically named in the TRC report maintain positions of power in the country.

A Victory in the U.S. Bolsters Regional Claims The ECOWAS complaint is the next step in efforts spanning three decades by Liberian survivors to seek accountability for the atrocities committed during the civil wars. The action comes on the heels of an historic decision in *Jane W. v. Thomas*. In that case, the U.S. District Court for the Eastern District of Pennsylvania (EDPA) held Col. Moses Thomas responsible for the Lutheran Church Massacre. The court found that he had ordered his soldiers – members of the Special Anti-Terror Unit of the Armed Forces of Liberia – to commit the massacre, only halting the killing after announcing that “everyone is dead.”

The court found Thomas liable for war crimes, torture, and crimes against humanity, and – recognizing that Thomas “faced no punishment for leading the atrocity” – awarded the plaintiffs \$84 million in damages.

This was a significant victory in the effort to bring justice for the victims and survivors of the Liberian civil wars, but it was insufficient. While the EDPA case was pending against him, Thomas fled Pennsylvania and returned to Liberia. Despite this civil judgment memorializing the voluminous evidence of his crimes, he still lives in Liberia freely and evades accountability.

ECOWAS Complaint The ECOWAS Court provides a regional forum that can support efforts within Liberia to bring criminal justice to the victims of the Lutheran Church Massacre. ECOWAS Member States created the Court in 1991 as the Community's principal legal organ. The Court was initially established mainly to determine cases related to the interpretation, application, or legality of ECOWAS regulations; the Member States in 2005 adopted a Supplementary Protocol affording the Court jurisdiction “to determine cases of violation of human rights that occur in any Member state.” The ECOWAS Court has since emerged as a powerful forum for independently considering human rights claims in West Africa.

The ECOWAS Court has a broad mandate to fashion remedies: the Supplementary Protocol and ECOWAS Treaty do not specify the remedies the Court can provide. In human rights cases, the Court has ordered monetary damages, as well as directives for States to comply with their human rights obligations. For example, in *Manneh v. The Gambia*, the Court ordered the release of Chief Ebrimah Manneh, a journalist unlawfully detained by the National Intelligence Agency of the Gambia.

The complaint against Liberia alleges that Liberia is in continuing breach of foundational human rights treaties, including the African Charter on Human and Peoples' Rights, the Convention Against Torture, and the International Covenant on Civil and Political Rights. The complaint alleges that Liberia has failed to investigate the Lutheran Church Massacre and if appropriate prosecute those responsible, even though more than thirty years have passed since it occurred.

The plaintiffs in this suit are the Global Justice & Research Project (GJRP) and three siblings who lost at least 16 family members in the Lutheran Church Massacre. GJRP is a Liberia-based nongovernmental organization that has worked for decades to advance the interests of justice and accountability for the nearly 2,000 survivors and victims of the Lutheran Church Massacre.

By filing this complaint, we hope to clarify Liberia's legal obligations regarding atrocities committed during the civil wars. We have asked the ECOWAS Court to order that Liberia fulfill its obligations in support of ongoing accountability efforts – which, advocates agree, should include the establishment of a war crimes court.

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Uganda

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

ICC prosecutor seeks charges against Ugandan fugitive Joseph Kony (Al Jazeera) November 24, 2022

The ICC chief prosecutor seeks to revive case against the Ugandan rebel commander in his absence since he has evaded arrest for nearly 20 years.

The International Criminal Court (ICC) chief prosecutor has sought to revive the case against fugitive Ugandan rebel commander Joseph Kony, who remains at large since an arrest warrant was issued in 2005 on allegations of war crimes.

Prosecutor Karim Khan said he had asked judges for authorisation to hold a hearing to confirm the charges against Kony, the head of the notorious Lord's Resistance Army (LRA), in his absence.

"This is the first time that my office has made such a request since the establishment of the ICC," Khan said.

Kony launched a bloody rebellion more than three decades ago seeking to impose his own version of the Ten Commandments in northern Uganda, unleashing a campaign of "terror" that spread to several neighbouring countries.

The Hague-based ICC issued an arrest warrant for Kony in 2005 on allegations of war crimes and crimes against humanity, and US president Barack Obama in 2011 launched a small number of US troops to help regional armies try to capture him.

"However, this arrest warrant remains unexecuted to this day. Mr Kony has sought to evade judicial proceedings at this court for more than 17 years despite continuing efforts," Khan said in a statement.

"I have determined it is both necessary and appropriate to seek to advance proceedings against him to the fullest extent compatible with the Rome Statute," the charter which governs the ICC, he said.

Suspects cannot be tried in absentia at the ICC, but it is possible to hold confirmation hearings while they are still fugitives, Khan explained.

'Meaningful milestone' Confirming the charges against Kony would make it easier and quicker to put him on trial should he be captured, the prosecutor added.

Any hearing involving Kony would be a "meaningful milestone for victims of Mr Kony's crimes who have waited patiently for justice for almost two decades," Khan said.

Starting with a bloody rebellion in northern Uganda against President Yoweri Museveni, the LRA's campaign of violence has killed more than 100,000 people and seen 60,000 children abducted.

The violence eventually spread to Sudan, the Democratic Republic of the Congo (DRC) and Central African Republic.

The allegations against Kony in the arrest warrant include murder, cruel treatment, enslavement, rape, and attacks against the civilian population, the ICC said.

In 2021, the ICC convicted an LRA child soldier-turned-commander, Dominic Ongwen, of war crimes and crimes against humanity and sentenced him to 25 years in jail.

He has appealed against the verdict and sentence, arguing that he was scarred by his own history and still believed he was "possessed" by the spirit of Kony.

The ICC was set up in 2002 to bring perpetrators of the world's worst crimes to justice but has been criticised for choosing many of its cases from African nations.

Govt blames Kwoyelo delayed trial on funding gaps (Daily Monitor) By Tobbias Jolly Owiny

November 29, 2022

Thomas Kwoyelo is charged with 93 counts of war crimes and crimes against humanity alleged to have been committed in Pagak internally displaced people's camp (IDP) in Amuru District between 1993 and 2005.

The International Crimes Division of the High Court (ICD) has heard that the delay in prosecuting the case against the former commander of the Lord's Resistance Army (LRA), Thomas Kwoyelo, is due to funding gaps.

Mr Charles Kamuli, the state prosecutor, informed the court that was sitting in Gulu that lack of reliable funding was the main reason for the delayed trial.

"In the last quarter, we were not here because the money did not come. This is a big case with a lot of players; it has four judges, four prosecutors, four defence attorneys, and many court staff. To come here, we need to plan well but also have the money and have it in time," Mr Kamuli told court.

"We have always brought it to the attention of all the parties that yes, we agreed that it has taken a long time and we have always said it took long because the process is handled once in a quarter, it is very costly," he added.

Long detention Kwoyelo has been in detention for almost 13 years. To date, only 33 witnesses of the 120 have testified against him.

Justices Michael Elubu, Duncan Gaswaga, Andrew Bashaija and Stephen Mubiru are presiding over the trial session, which is set to last three weeks.

But Mr Kamuli is optimistic that 17 more witnesses will be handled during the session. "By the time we end this session (in three weeks), we will have hit 50. We plan that we shall hear one to two witnesses a day depending on the length of their testimonies."

Mr Evans Ochieng, one of Kwoyelo's defence lawyers, said the delays in concluding their client's trial is not only frustrating the victims but also compromising also Kwoyelo's health.

"Our concern in this case is how it is being handled. That delay is significantly impacting him because he is in prison. He does not know whether he is a convict or not, or when he will be imprisoned or be acquitted," Mr Ochieng said.

Lawyers displeased "It has dragged on way too long, he is mentally affected, and we have tried to encourage him. We are aware of their challenges of funding but we are saying they can do better than that, this is a state, we cannot say the state has run bankrupt," he added. Mr Henry Kilama Komakech, the lead counsel for victims in Kwoyelo's trial, said other victims are dying due to the delays.

Ms Beatrice Stella Atingu, the registrar of the ICD, explained that the sitting was lasting three weeks to offer the judges enough time to examine the witnesses and compensate for the time they lost in the last quarter when the court could not sit due to lack of funds.

Trend Thomas Kwoyelo is charged with 93 counts of war crimes and crimes against humanity alleged to have been committed in Pagak internally displaced people's camp (IDP) in Amuru District between 1993 and 2005.

He has severally expressed concern about his high blood pressure and paralysis on the right side of his body.

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Witness Tells Court How Kabuga's RTLM Influenced Minds In Genocide (KT Press) By Daniel Sabiti
November 16, 2022

The International Residual Mechanism for Criminal Tribunals (IRMCT) Court today continued hearing witnesses in the case of Rwanda's alleged top genocide financier and master planner, Félicien Kabuga.

A witness code named- KABO66, a self-confessed former member of the National Revolutionary Movement for Development (MRND) and Interahamwe militia, appeared in court through livestream from Arusha, Tanzania while judges sat at The Hague.

The prosecution, represented by Prosecutor ROSENZWEIG, summarized his witness statement, in which the witness explained that he listened to Radio Télévision Libre des Mille Collines (RTLM) prior to the Genocide, where they degraded the Tutsi and sensitized the Interahamwe and Impuzamugambi to kill the Tutsi.

Witness KABO66 said that he also attended rallies and meetings where the message was to unite against the Tutsi and eliminate them and stated that he also helped offload traditional weapons of which he was informed were purchased by Kabuga.

KABO66 alleged that these weapons were later used to commit the genocide in Gisenyi (Rubavu district) but also added that he also helped offload military type weapons imported from Goma (in DR Congo) such as grenades, Kalashnikov, and ammunition.

The witness said that in 1994, he began killing Tutsi together with other Interahamwe, because he was convinced that the Tutsi were responsible for the death of the president.

Furthermore, the witness testified about the commune rouge where Tutsi were killed and explained that among the people killed were religious nuns and young children whose bodies were transported and dumped using two vehicles provided by Kabuga.

Cross examination Prosecutor Rosenzweig asked the witness about who had organised and attended the rallies he went to ahead of the genocide.

The witness explained that the meetings happened in Gisenyi and they were organized by political parties such as the Coalition for the Defence of the Republic (CDR) or the MRND.

The Prosecution then turned to the effect of RTLM broadcasts on the witness' conduct during the genocide and started by asking how often the witness listened to RTLM. KABO66 explained that RTLM was the radio for young people and was the only radio they listened to.

The witness stated that he listened to RTLM non-stop, and used to take his radio with him even when he went to bars and said that he especially enjoyed listening to Kantano (Eric Habimana) and this made him believe that the Tutsi were evil and bad persons to be hated.

"During the RTLM broadcasts, it was said that Tutsis had always tortured Hutus and that they understood that Tutsis would come and kill us, so they had to kill them first," KABO66 said.

Replying to Prosecution's question on how these broadcasts made the witness feel, KABO66 said that he was really excited about it and that he could not even look at a Tutsi and asked if listening to RTLM had an effect on him killing Tutsis during the genocide, he responded "of course!".

"We all thought that RTLM was telling the truth," the witness said and added: "I ask for forgiveness from all the Tutsi families and the government and all Rwandans for all those bad things I committed due to RTLM and the political parties who told us that Tutsis are evil and that we had to kill them."

Kabuga's Counsel Kabuga's lawyer, Maître Françoise Mathe asked the witness how he got the idea of testifying against her client, especially after being a refugee and prisoner in former Zaire between 1994 and 1997 when the new government took over.

According to his witness he got the idea in 2011 or 2012 but that was after he was sentenced in 2007 to 30 years in prison and stated that he decided to testify against Kabuga because of the bad things he did by putting at disposal the weapons in order to kill the Tutsis.

Mathe asked when the witness started listening to RTLM and when he got to know of Kabuga and he replied that somewhere in 1993 when political parties were fighting MRND and that they were talking about the Rwandan Patriotic Front (RPF), and that he had seen Kabuga before the genocide when he visited the witness' neighbor called Zingaye- who was also a rich person in the area.

The witness was also cross examined on the vehicles used in offloading and loading weapons in Gisenyi and he listed the vehicle models as Mercedes Benz and confirmed that he was paid by Colonel Anatole Nsengiyumva.

He also pointed out that in 1994, Kabuga gave two trucks to the president of the Interahamwe in Gisenyi, a Toyota Mitsubishi and a Hiace and the vehicles were used to transport the Tutsi for killing and to go dump their bodies afterwards.

KABUGA: LAST MAJOR TRIAL OF THE RWANDAN GENOCIDE BEHIND CLOSED DOORS(Justice Info)

By Balthazar Nduwayezu

November 28, 2022

Félicien Kabuga's arrest was announced as a great success and his trial as an important event. But little has been heard about this trial that started on September 29 – for good reason, because the trial of Kabuga, alleged financier of the 1994 Tutsi genocide, is being held mostly behind closed doors.

Two months have passed since the start of the trial. Twelve witnesses have been heard. Hearings are taking place on only three days of the week, two hours a day, between 10 a.m. and midday in The Hague, where the UN Mechanism handling residual functions of the International Criminal Tribunal for Rwanda is located.

Originally due to be tried at its branch in Arusha, Tanzania, a status conference on August 18, 2022, decided after consultation with the detention facility medical officer and defence that the 87-year-old's health (Kabuga himself says he is 89) warranted that he be tried in the Netherlands, and at this pace. A witness with evidence to give can testify for a week or two. At the current rate, and if the number of witnesses expected to take the stand (more than a hundred for the two sides), does not change, the trial could last at least another year.

IN A WHEELCHAIR, FAR FROM HIS LAWYERS Kabuga had announced that he would not participate in his trial in protest that his lead lawyer Emmanuel Altit had been assigned to him against his will. But he is finally attending the trial, either from the detention centre via video conference or by appearing in court. In the courtroom, Kabuga does not sit with his lawyers. He sits far behind them in a wheelchair, surrounded by a UN security officer and a language assistant, wearing headphones, still wearing a suit, and appearing to be quietly following his trial. Kabuga repeatedly challenged Altit, but the court ruled that he had failed to show that the lawyer "did not honour his professional obligations".

Kabuga's reappearance at his trial is "out of spite", his eldest son Donatien Kabuga told Justice Info. "For me, it's not important if he participates or not because he is not responsible for his actions in his current state." Donatien says that his father does not have all his cognitive capacities. "What we are witnessing is a shameful spectacle because it amounts to taking a defenceless and vulnerable person hostage."

Altit remains in the case. He has been assigned as co-counsel Françoise Mathe, who has extensive experience in Rwandan genocide cases and is conducting most of the cross-examination of prosecution witnesses. Despite our questions to the defence, we were not told whether Mathe was appointed with the agreement of the accused or not. "As for the co-counsel, it's quite likely that Altit had my father sign her appointment. My father is at the total mercy of Altit, who does not care about his interests," says Donatien, who doubts that the defence is consulting with his father. "My father is in no condition to discuss a legal case, and the quality of the cross-examinations shows that the lawyers' preparation of is very poor."

"THE PROSECUTOR IS TESTIFYING FOR THE WITNESS" The hyper-protection of witnesses and unjustified use of closed-door sessions cast another pall over this trial for the last of the great Rwandan fugitives, whose arrest had been presented as a personal success for prosecutor Serge Brammertz. Of the twelve witnesses, nine are "protected" and only three factual witnesses have testified openly: Monique Mujawamariya, a Rwandan-Canadian human rights activist; former Kigali prosecutor François-Xavier Nsanzuwera; and Jean-François Dupaquier as an expert witness on the media in Rwanda in 1994.

The prosecutor did not ask any questions even of expert witness Dupaquier during the examination-in-chief, simply introducing them and placing his report in the file. Defence lawyer Mathe tried to test the witness, questioning his methodology, the origin and authenticity of the sources and documents used to prepare the report. Mathe questioned the objectivity of the expert, arguing that he participated in an attempt to have Kabuga arrested several years ago. "One cannot be completely neutral in the face of genocide," Dupaquier retorted.

The hearings of protected witnesses are not accessible to those such as journalists and experts who are trying to follow the trial. Presented under pseudonyms, faces invisible, voices altered, their "testimonies" are interspersed with long closed-door sessions. Sometimes everything takes place behind closed doors. Sometimes, when pressured by the defence, a witness asks for an in camera hearing on grounds that answering the question might reveal his or her identity. It is impossible to know if the in camera session was really necessary or was out of a need not to expose the witness's disarray. Concern to expedite the proceedings because of Kabuga's age meant that the prosecution did not conduct a main interrogation, leaving the judges and defence to consult the statements made beforehand. Thus, the prosecution simply reads a brief summary of the testimony at the beginning of the witness's "hearing", in a procedure endorsed by the chamber despite the opposition of the defence expressed at a hearing on October 12.

According to Altit, the prosecutor is influencing his witness by reading this summary. "This text is a summary of how the prosecutor sees the case, or more precisely, how he sees the witness's testimony," he explained. "In a way, through this process, the prosecutor is testifying for the witness." For Kabuga's lead counsel, in reading this text "the prosecutor tells the witness what he must remember, what he must say, what he must answer to the defence. This, in our view, is a blatant breach of the spirit of examination and cross-examination, and a breach of the fairness of the proceedings".

The Chamber overruled the defence objection and allowed the summaries to be read, while requesting that they be presented to the judges and defence beforehand, so that they could study it before allowing it to be read. This has since become the rule.

RESOURCES FOR INTERAHAMWE MILITIA From what can be gleaned of the protected witnesses' hearings, supplemented by the testimonies of Mujawamariya and Nsanzuwera, one understands that, as in the indictment, the witnesses accuse Kabuga of having financially supported the Interahamwe militias which spearheaded the Rwandan genocide. They describe Kabuga as a wealthy businessman, close to the government, who gave a building in Kigali's Muhima district to the presidential MRND party, the party from which the Interahamwe emerged.

Several witnesses cited by the prosecution state that these militia were trained in that building to use firearms. Others who were part of the party's youth movement say, on the contrary, that the training took place elsewhere. Still others, including one protected by the pseudonym "KAB 076," say that a group of Interahamwe guarded Kabuga's home in the Kimironko neighbourhood of Kigali.

Witness "KAB 066," an ex-Interahamwe, described a truckload of firearms being transported in a truck belonging to Kabuga. This truck, he said, came from Goma in the Democratic Republic of Congo to the military camp in Gisenyi, and the weapons were distributed to the Interahamwe to kill Tutsis not only in Gisenyi, but also in Bisesero in the former Kibuye prefecture. The witness said he had heard that Kabuga bought these weapons. According to another witness, "KAB 032", Kabuga supported the militia by giving them money, providing them with vehicles, giving them food, and providing them with space in his building in Muhima.

Nsanzuwera told the court that during the genocide, the militia was composed not only of MRND youth but also youth from other parties, notably the Impuzamugambi of the CDR (Coalition for the Defence of the Republic) party and the Hutu power wings of the MDR (Democratic Republican Movement), PL (Liberal Party), and PSD (Social Democratic Party).

KABUGA AND THE RTLM The other topic discussed so far is that of RTLM (Radio-Télévision Libre des Mille Collines), of which the accused was president of the Initiative Committee, the radio's executive body.

Witness "KAB005", a former Information Ministry official, was responsible for monitoring and recording RTLM broadcasts and reporting on them to the minister. He said he participated in meetings that his minister convened with RTLM management. Despite the minister's warnings, RTLM's inflammatory broadcasts stirring up hatred of Tutsis continued. According to this witness, Kabuga often spoke at the meetings, arguing that the radio station had the right to tell the whole truth. Former prosecutor Nsanzuwera said that at a meeting convened by the Minister of Information in which he took part, Kabuga, "like a patriarch", did not participate in the debates, and that it was rather RTLM director Nahimana who insisted on defending the radio.

The defence, in its cross-examination, tried to stress it was not surprising that a well-known entrepreneur like Kabuga was among the founders of Rwanda's first private radio and television station, and that its statutes did not bode ill. Their client was not the editor-in-chief, nor did he have the task of checking or rewriting the journalists' interventions, nor was he the one who decided on the editorial line, they argued.

In his opening statement, Altit said that "far from being a stage in the preparation of genocide, as the prosecutor claims, the creation of RTLM was in fact part of the process of democratization of the country, which was then opening up to a multi-party system". Before the advent of multiparty politics in Rwanda in 1991, there was only one radio station, namely Radio Rwanda. The prosecution alleges that the creation of RTLM was intended to contribute to and amplify anti-Tutsi rhetoric.

When asked, the press office of the Mechanism said that the public could watch the streaming of the hearings, which would be broadcast on a screen in Arusha and Kigali. We were unable to verify the conditions of access. As far as attendance is concerned, the choppy hearings, multiple sessions behind closed doors and little so far in the way of new revelations suggest it won't be high.

Rwandan NGOs condemn 'acts of genocide' in DR Congo (The New Times) By Moise M. Bahati
November 29, 2022

Members of the Rwandan civil society have called on the international community to help stop "acts of genocide" committed against Tutsi communities in eastern DR Congo.

They say the acts of violence against Congolese Tutsi reflect those witnessed in Rwanda before and during the 1994 Genocide against the Tutsi.

Violence against Congolese Tutsi communities has worsened this year following the resurgence of the M23 rebel group, who are currently fighting the government forces in North Kivu province.

Authorities and military leaders have been reported calling for violence against Kinyarwanda-speaking Congolese who are accused of being traitors.

At least two Rwandan organisations have released statements condemning hate speech and the violence targeted at Kinyarwanda-speaking communities, which they describe as genocide.

Videos shared on social media show people believed to be Congolese Tutsi being burnt alive and others targeted by acts of cannibalism, while in some cases cows are hacked to death.

"We witnessed, with helplessness and fear, in the media the massacres against the Tutsi in the Democratic Republic of Congo because they were live, we saw the acts of cannibalism of the Congolese Tutsi of Kinyarwanda expression, which were spread on social media," read a statement released on Monday, November 28 from Yolande Mukagasana Foundation.

"Yet we have heard the calls for help from the victims in general indifference, just like in Rwanda in 1994. And tomorrow we will say that we did not know."

Masterminds and members of Interahamwe militia, who committed the 1994 Genocide against the Tutsi, fled to DR Congo, where, experts say, they spread the same anti-Tutsi propaganda, supported by the Congolese ruling elite.

Recently, the Congolese army FARDC was accused of collaborating with the FDLR, a terrorist group founded by the genocidaires, in the ongoing conflict involving M23.

"The assassins who perpetrated the genocide against the Tutsis of Rwanda in 1994 (FDLR) are currently in action in the Democratic Republic of Congo in collaboration with the Congolese armed forces with the blessing of the authorities," the statement signed by the organisation's founder Yolande Mukagasana noted.

It adds: "The reaction of the international community is the same as it was more than 28 years ago in Rwanda. Soon everyone will say 'never again'. Who would dare to say it again today, so many years since the Holocaust and other genocides?"

Another organization is Twubake Ubumwe n'Ubwiyunge, which was founded by Rachel Mugorewase, a former Rwandan refugee in DR Congo, who says she witnessed the spread of genocide ideology at the hands of the FDLR.

"We are condemning the genocide being committed against the Tutsi in Congo just because they speak Kinyarwanda," Mugorewase said on Tuesday in an interview with The New Times.

"Our organization has the mandate of fighting against genocide everywhere in the region and the world over. We cannot sit idly by and watch people commit genocide when we know the impacts it had on us.

"We know some of those who are currently committing genocide in Congo are the ones we left there, who joined the FDLR terrorist group. They speak Kinyarwanda and the tactics they used during the Genocide against the Tutsi in Rwanda are the same tactics they are deploying in Congo."

Mugorewase said that the acts they condemn include the isolation of Congolese Tutsi, burning them alive, burying them alive and killing their cows – the same acts that were witnessed in Rwanda in 1994.

“We cannot turn a blind eye to all these acts of genocide. We call upon the world and international organisations to save the Congolese Tutsi because it is mandated by international laws,” she said.

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Somalia

Former Somali army officer accused of torture arrested in Virginia (Fox 5 News) By Lindsay Watts

November 18, 2022

Federal investigators have arrested a former Somali army officer who is now living in Springfield, Virginia.

Homeland Security Investigations says 69-year-old Yusuf Abdi Ali, a.k.a. "Tukeh," committed human rights abuses against Somali civilians during the 1980s, which investigators say include extrajudicial killing; torture; cruel, inhuman, or degrading treatment or punishment; and arbitrary detention.

In 2019, CNN reported that Ali was working as a rideshare driver for Uber and Lyft.

Later that year, a jury in the Eastern District of Virginia found Ali liable in a civil suit for the torture of a Somali herder and awarded the plaintiff \$500,000 in damages.

He was not criminally charged until recently. Investigators say he was arrested in Springfield on Thursday.

Homeland Security Investigations says Ali served as a Lieutenant Colonel in the Somali National Army and Commander of the Fifth Brigade in Northwest Somalia from approximately May 1987 to July 1988 under the dictatorship of Siad Barre.

"While Yusuf Abdi Ali's apprehension cannot undo the pain that he allegedly inflicted upon the victims of his purported human rights abuses, it is my sincere hope that by seeing him answer for his apparent role in these heinous crimes, they will be given some form of peace," said Derek W. Gordon, acting special agent in charge of HSI Washington, D.C. in a press release.

"HSI Washington, D.C. is dedicated to protecting the law-abiding residents of the Washington, D.C. Metro area, while continuing to search out those who intend to benefit from the abuse of others."

Since 2003, HSI says it has arrested more than 480 individuals for human rights-related violations and obtained deportation orders against and removed 1100 known or suspected human rights violators from the United States.

UN Committee finds torture, ill-treatment and sexual violence committed by NISA (The Horn Observer) November 27, 2022

The UN Committee against Torture (CAT) issued its findings regarding the torture, ill-treatment and sexual violence committed by the Somalia's National Intelligence and Security Agency (NISA).

The Committee's findings were published following a review on the state parties obligations towards protection of human rights. The states reviewed include Australia, Chad, El Salvador, Malawi, Somalia and Uganda, as well as the final version of the concluding observations on Nicaragua provisionally adopted during its previous session.

The findings contain the Committee's main concerns and recommendations on each country's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

NISA's human rights violations

"In Somalia, the Committee regretted reports about torture and ill-treatment, including gender-based violence, committed by the National Intelligence and Security Agency, Somali National Army and other state and non-state actors," the UN Committee said.

It also noted that the public executions practised in Somalia raise serious issues under the Convention against torture.

The UN Committee asked Somalia to establish a definition of torture that confirms fully with the Convention, to expeditiously establish a national human rights institution and ensure that all alleged torture and ill-treatment are promptly and impartially investigated.

According to Amnesty International, parties involving Somalia's conflict including the national intelligence (NISA) continue to commit crimes under international law with impunity.

For example: On 12 July, a woman announced in the media that her 25-year-old daughter, Ikran Tahlil Farah, an officer with the NISA, had been missing since 26 June when she was abducted by unidentified people in a car outside her residence in Mogadishu. The family alleged repeatedly that NISA officers were behind the abduction and disappearance because she was taken from a secure location near the heavily guarded NISA headquarters, accessible only to screened visitors and NISA personnel. On 2 September, an announcement was made in state media saying that Ikran Tahlil Farah had been kidnapped and killed by Al-Shabaab, a claim immediately denied by the group.

NISA has conducted mass security sweeps despite having no legal mandate to arrest or detain. NISA holds detainees for prolonged periods without charge, and obstructs or curtails key due process rights, including access to legal counsel and family visits. NISA has arbitrarily detained journalists and political activists for apparent politically motivated reasons. We have documented NISA torture and other ill-treatment of terrorism suspects to extract confessions.

In an earlier report, Human Rights Watch expressed concern about the broad mandate granted to Somalia's National Intelligence and Security Agency (NISA) particularly regarding terrorism-related offenses and lack of accountability for abusive conduct by its agents.

Terror in Mogadishu: Al-Shabab Gunmen Storm Upmarket Somali Hotel (Byline Times) By Mohamed Gabobe
November 28, 2022

On Sunday night, Al-Qaeda-affiliated militants from the armed group, Al-Shabab, raided the upscale Villa Rose hotel near Somalia's presidential palace in the capital Mogadishu, following a series of bomb blasts.

The initial blast occurred at 7:56 pm and was so deafening that it was heard throughout the city. Minutes later the sound of a second explosion echoed over the streets. Thick smoke could be seen billowing from the area of the presidential palace.

Omar Abtidoon, a local bajaj auto rickshaw driver was rushing to get home when the explosion happened. "I was driving my bajaj past the Daljir Dahson (a national monument) which is a stone's throw from where the bombing occurred", he told Byline Times. "When bombings happen in Mogadishu, I always rush home before the roads are closed, so I can reach my family's home. This time I almost didn't make it,"

The Government's responded to the attack by flooding the city with troops, prohibiting all movement and preventing journalists from accessing the area of the hotel. Abitdoon witnessed the mobilisation of the military units and the police, including units from the intelligence service.

Repeated blasts and gunfire could be heard through the night and into the early morning when it was confirmed that armed gunmen from the Al-Qaeda-linked militant group, Al-Shabaab, had stormed the hotel and were held up inside laying siege to the hotel. The city was placed under lockdown. Several people were confirmed to have died in the ongoing siege, including a British national of Somali descent identified by local media as Mohamed Sayid Hassan. Hassan had just returned to Somalia from the UK and had been in Mogadishu for only two weeks.

"It's not good to be out in the city when explosions happen, cause you never when the next will happen or where you'll be when it happens. It's just not worth the money" Omar Abitdoon explained.

The reality is that the inhabitants of Mogadishu have become used to violence of this magnitude, as the city has endured a protracted state of war for over three decades. Innocent civilians, school children, and members of the diaspora community often pay the price for the conflict with Islamic militants that seems far from ending.

The violence has escalated over the last year. In August, the popular Hayat Hotel was attacked by Islamist militants, and more

than 20 people died. In October, two car bomb explosions near a busy intersection killed more than 100.

This new attack on the heart of the administrative centre of Mogadishu is humiliating for the new Government, as the armed gunmen must have passed through multiple checkpoints and security screenings. Various officials escaped from the Villa Rose, with one minister injured.

Because the hotel is close to the buildings of the Somali parliament the sessions slated today for both houses of the federal parliament were postponed.

As the deadly hotel siege in Mogadishu ends its first day, the Al-Shabaab fighters appear to be digging in for a long fight and more lives are likely to be lost. The failure of the Western-backed regime to deal with this crisis is like to embolden the insurgents and increase the chances they will out similar attacks in the near future.

Al-Shabab gunman kills three Kenyan peacekeepers in Somalia (Al Jazeera) November 22, 2022

Kenyan military official said a lone attacker fired indiscriminately, wounding five soldiers, before he was gunned down.

An al-Shabab gunman entered a military base in Somalia and killed at least three Kenyan peacekeepers on Monday, in the latest attack by armed fighters who oppose the presence of foreigners in the Horn of Africa nation.

A lone gunman fired his rifle indiscriminately, wounding five other soldiers before he was gunned down, a Kenyan military official told the Associated Press (AP) news agency, requesting anonymity because he was not yet authorised to reveal the information.

Through its media, al-Shabab confirmed it had carried out the attack.

The attack on Monday morning took place at the Sarira Forward Operating Base in the Lower Jubba region of southern Somalia near the border with Kenya.

“We believe the lone wolf was testing the ground for more such incidents. We must be more careful and vigilant,” the unnamed Kenyan military official told the AP. “As we near the festivities, we need to be very vigilant of our surroundings. The terror threat is still rife and all measures should be taken to tame any plan.”

Kenyan authorities also are urging vigilance after the start of the football World Cup in Qatar. In 2010, at least 76 people were killed when al-Shabab went after a rugby club and a restaurant in the Ugandan capital, Kampala, where customers were watching the World Cup final on giant screens.

“It is at this time the militants know we might let our guard down as we watch” the World Cup, the official said.

Al-Shabab, an al-Qaeda-allied armed group fighting in Somalia for more than 10 years, is seeking to topple the country’s central government and establish its own rule based on a strict interpretation of Islamic law.

Its fighters were driven out of Mogadishu in 2011 by the African Union peacekeeping forces. But it still controls swathes of Somalia’s countryside and has stepped up attacks since President Hassan Sheikh Mohamud took office in May and pledged an “all-out war” against the group.

Kenyan troops, who are deployed to Somalia under the banner of the African Union, are active along the border with Somalia. Peacekeepers from Burundi and Uganda are based in or near the Somali capital of Mogadishu, the seat of the federal government.

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Ethiopia

UN Decisions to Advance Crimes Against Humanity Treaty: Resolution Breaks 3 Years of Inaction (Human Rights Watch) November 18, 2022

The United Nations General Assembly's Sixth Committee today adopted a resolution to move toward drafting a treaty on crimes against humanity, Human Rights Watch said today. The consensus decision by the Committee, which handles legal issues for the General Assembly, including possible new treaties, breaks three years of paralysis brought on by the opposition of a handful of countries.

Crimes against humanity are acts of murder, rape, torture, apartheid, deportations, persecution, and other offenses committed as part of a widespread or systematic attack against a civilian population based on a government or organizational policy. These crimes can be committed at any time, not only in situations of internal or international armed conflict. The proposed treaty would require all states parties to include the definition of these acts in their national laws and to take steps to prevent and punish them in national courts.

“With rampant offenses amounting to crimes against humanity in recent months in countries such as Myanmar, Ukraine, and Ethiopia, the movement towards negotiating a treaty to prevent and punish these crimes is a positive though overdue step,” said Richard Dicker, senior legal adviser for advocacy at Human Rights Watch. “A treaty prohibiting crimes against humanity will provide more protection for civilians and today’s decision is an advance in extending the rule of law at a moment when that very concept is under intense assault.”

Unlike for the crimes of genocide, torture, apartheid, and forced disappearances, there is no international treaty specifically devoted to crimes against humanity.

The Rome Statute of the permanent International Criminal Court was a leap forward in defining crimes against humanity, and should be universally ratified by all governments, Human Rights Watch said. And yet the lack of a comprehensive international treaty on these offenses constitutes a major gap in international law, according to Human Rights Watch. Crimes against humanity have proliferated in every region of the globe. A future treaty will contribute to strengthening the legal tools available to countries and facilitate more trials of these crimes in national courts.

In 2019, the International Law Commission, a UN expert body mandated to develop international law, completed and submitted draft articles for a crimes against humanity treaty to the Sixth Committee for its consideration. Action on the draft articles then stalled there due to obstruction by a small number of repressive states led by China and Russia.

Early in October, in an attempt to break through the Sixth Committee stasis, eight countries in a cross-regional group led by Mexico that included Bangladesh, Colombia, Costa Rica, Gambia, Republic of Korea, the United Kingdom, and the US, submitted a resolution to create an ad hoc committee in 2023 to discuss the substance of the draft articles and report to the UN General Assembly in Fall 2023.

Several weeks of intense negotiations, including with China, led to a few compromises contained in the November 18 resolution text. One concession is the change from an ad hoc committee, which is more robust and guarantees civil society participation, to “interactive” sessions, which are more ambiguous. Meanwhile, support for progress swelled to 86 co-sponsoring countries. Bolstered by this broad support, the resolution was adopted in the Sixth Committee by consensus including those few states whose only interest lay in derailing the process.

The resolution accomplishes three important goals: it mandates a forum for further discussion on the draft articles; it sets up a defined process; and it indicates a clear timeline by which a decision will be made for the next steps.

The resolution provides that the Sixth Committee will resume its work on the draft articles in two “interactive” sessions during the next two years in April 2023 and 2024. During those sessions, countries will exchange views on the substance of the draft articles. During the 79th session of the General Assembly in Fall 2024, the Sixth Committee will take a decision on the next steps in the process.

After a frustrating lack of progress on this important matter over the past three years, there is now a roadmap that will propel the draft provisions forward within the UN system, Human Rights Watch said.

“The adoption of the crimes against humanity resolution opens the door to negotiation of a new international treaty,” Dicker said. “To maximize momentum to reach that goal it will be crucial for supportive governments to ensure that civil society will be able to fully contribute to the deliberations over the next two years.”

Ethiopia's other war: The shadowy Oromia conflict (Yen) November 22, 2022

Even as the rivals in Ethiopia's Tigray conflict have agreed to a ceasefire, reports of air strikes and massacres are emerging in Oromia, a region haunted by a long-running insurgency.

Following are the key issues surrounding the violence in Oromia, home to around a third of Ethiopia's 110 million people.

What is happening in Oromia? The Oromo, Ethiopia's largest ethnic group, have long complained of marginalisation.

The rebel Oromo Liberation Army (OLA) has exploited this growing resentment to swell its ranks in its years-long battle with federal and regional forces.

But the region is beset with other ethnic fissures too, particularly between the Oromo and the Amhara, the country's second-largest group.

A mosaic of more than 80 ethno-linguistic communities, Ethiopia has struggled to manage rival claims to territorial and political power.

Oromia neighbours nine of the country's 10 other regions, and many shared borders are prone to clashes.

"The Oromia conflict is both an ethnic conflict between the Oromo and the Amhara, and a struggle within Oromia between supporters of (Prime Minister) Abiy Ahmed's government and its enemies," said Ben Hunter, Africa analyst at risk intelligence firm Verisk Maplecroft.

"These complex dividing lines, combined with widespread misinformation, have made the Oromia conflict exceptionally opaque."

Unemployment and inequality are other drivers of conflict, said anthropologist Thomas Osmond.

Is the OLA gaining momentum? Deemed a terrorist organisation by the government, the OLA was the armed wing of the Oromo Liberation Front (OLF), an opposition party that spent years in exile but was allowed to return to Ethiopia after Abiy took office in 2018.

The OLA, which is referred to as OLF-Shane by the federal government, then broke off from the OLF and has extended its reach in recent years.

"The OLA is not a pyramid-like organisation, but a rather loose set of armed groups that claim to be part of it," Rene Lefort, a historian specialising in Ethiopia, told AFP.

Estimated at a few thousand men in 2018, OLA membership has "likely... increased substantially since 2020", according to ACLED, an NGO which collects data in conflict zones.

With Abiy's popularity among the Oromo already low, the use of "excessive force... (by) federal forces has seriously exacerbated population discontent", ACLED said.

The June 2020 murder of Hachalu Hundessa, a pop star who gave voice to the frustrations felt by many in Oromia, led to street protests, with more than 160 people killed in the ensuing violence.

Oromo political leaders and opposition activists were also rounded up and detained in a sweeping government crackdown.

"Oromo nationalism... has intensified since 2018 because Abiy Ahmed was brought to power by an Oromo protest movement but has not yet delivered any substantial benefits for Oromia," said analyst Hunter.

Furthermore, "the war in Tigray pushed the federal government to arm hardline Amhara militias, who have since conducted attacks on Oromia civilians and thus driven (up)... support for the OLA."

Who is responsible for the massacres? Human Rights Watch says it has documented summary executions and arbitrary detentions by pro-Abiy forces, as well as abductions and killings of local leaders and government officials by armed groups.

Western Oromia has also witnessed ethnic massacres, particularly in the Qellem Wollega and West Wollega areas, with the OLA and the government blaming each other for the violence.

The insurgents have accused pro-government militias of a hand in the violence -- a version supported by an Oromo MP from Abiy's own Prosperity Party, Hangasa Ibrahim, who said militias created by the regional authorities were responsible for killing Amhara civilians.

In June, OLA carried out an attack on the capital of the neighbouring Gambella region.

The state-affiliated Ethiopian Human Rights Commission in September accused security forces of killing dozens of civilians in

Gambella on suspicion of collaborating with the insurgents following the June 14 attack.

What lies ahead? Compared to the Tigray war, the conflict in Oromia has drawn scant international attention but still poses a threat to Africa's second most-populous nation.

"(The) OLA remains relatively weak in terms of armament and especially structuring and command capacity," said Lefort.

But, he said he could not see how federal or regional forces allied to Abiy could overcome it.

Osmond said the insurgency could "weaken the government and risks fueling a spiral of inter-ethnic hatred" in Ethiopia.

A drawn-out conflict in its wealthiest region risks "accelerating the disintegration already under way in the country," Osmond told AFP.

Over 50 civilians killed in KIRAMU district in Wollega (Borkena) November 21, 2022

Thousands fear genocide could happen against ethnic Amhara if government fails to act decisively.

Over 50 civilians were massacred in KIRAMU district, East Wollega, in the latest string of massacres against ethnic Amharas. Apart from the killings, properties of the rural communities are looted and burned.

DW Amharic report cited residents from the affected areas as saying "OLF Shane and the region's special forces are behind the attack.

Ethnic Oromo residents on the other hand blame what they call "FANO." As reported by Borkena earlier this week, what ethnic Oromo residents in the area refer to as "FANO" are rather government forces deployed to the area to reverse militant activity by the military wing of OLF, as it is widely believed, Shane.

Residents in the area also explained, as highlighted in the DW Amharic report, the reference "FANO" is given to locals who are organized to defend themselves with recognition from government authorities.

They also fear the conflict could escalate in a way that affects people-to-people relations unless the Ethiopian government deploys forces to the KIRAMU area of East Wollega.

Furthermore, ethnic Amhara residents in KIRAMU have reportedly abandoned their homes to find themselves in the jungle to escape what they called Shane and Oromo region special forces joint attack. The elderly, women and children are among the victims.

Over 60,000 people are reportedly displaced to Haro locality.

The Ethiopian government has not yet released a statement regarding the latest security incidents that claimed hundreds of lives in the region.

Prime Minister Abiy Ahmed's government has failed time and again to end ethnic-based violence in the Oromo region mostly targeting ethnic Amhara. Thousands of civilians have been killed since he became prime minister in April 2018. And the security situation in the region has been deteriorating.

Ethiopia: News - Tigrayan Official Accuses Eritrean Forces of "Summarily Executing" Civilians, Calls On Federal Government for Protection (All Africa) November 28, 2022

Getachew Reda, Spokesperson for the Tigray People's Liberation Front (TPLF) and member Tigrayan peace talks delegation, said Eritrean forces have continued killing civilians including children and women while the Tigrayan forces are carrying out dis-engagement as agreed in the Pretoria/Nairobi peace pact.

"Eritrean forces are still killing civilians, ransacking, destroying, and looting property at will. In May Abay last week, they were summarily executed hundreds of women and children" Getachew tweeted on Sunday.

It is the latest in a continuous accusations of atrocities put forward by Tigrayan officials against Eritrean forces since the peace agreement was first reached in South Africa on 02 November.

Earlier on Sunday, citing eyewitnesses and aid workers, the AP reported that "allies of Ethiopia's federal military are looting property and carrying out mass detentions in Tigray."

"Eritrean troops and forces from the neighboring Ethiopian region of Amhara -- who have been fighting on the side of Ethiopia's federal military in the Tigray conflict -- have looted businesses, private properties, vehicles, and health clinics in Shire, a northwestern town that was captured from Tigray forces last month," the AP news said, adding that "civilians accused of aiding Tigray forces are" also being detained in the southern Tigray town of Alamata.

A statement from the regional state issued on 19 November accused Eritrean forces of committing crimes against humanity, looting properties belonging to individual and religious institutions. On the same day footage aired on the regional media, Tigray TV, also showed dead bodies scattered on the ground which it said were some of 63 civilian victims, including ten children, killed by Eritrean forces in Egela, Central Tigray.

The regional Tigray TV also reported Sunday on continued heavy shelling of the Irob district in eastern Tigray by "Eritrean forces despite the peace deal."

"It's obvious that the Eritreans have no appetite for any peaceful arrangement between the Central government and Tigray as it would stand in the way of their nefarious plans in the Horn. The question is will our partners for peace in Addis do their part of the deal to protect civilians and to do whatever it takes to convince the 'external and non-ENDF forces' to leave Tigray? It's our hope and expectation that they discharge their part of the deal," Getachew said.

Commander of the Tigrayan combatants Lieutenant General Tadesse Werede in his latest interview with Tigray TV, said implementation of the peace agreement has commenced from the Tigrayan side. He added the disarmament of heavy weapons by the Tigrayan combatants is linked to Eritrean and Amhara forces' withdrawal from the Tigray Region.

Olusegun Obasanjo, High representative of the AU to the Horn of Africa and chief peace negotiator between Ethiopian government and Tigrayan authorities, while visiting Mekelle, capital of Tigray Region on 24 November told the senior leadership of the regional state that, "no country should accept the presence of foreign country on its land" pointing out that his visit aims to determine how issues including the issue of foreign troops can be settled best.

Responding to a tweet by US State Department's Bureau of African Affairs that welcomed Obasanjo's visit to Tigray and his subsequent statement about the unwanted presence of foreign troops, Eritrea's minister of Information Yemane Gebremeskel tweeted "defense architectures between sovereign African States is not subject to prior endorsement, or veto by extraneous powers".

Under "Disarmament of Tigray armed combatants," of the Declaration of the Executive Plan point 2.1/D, it is stated that "disarmament of heavy weapons will be done concurrently with the withdrawal of foreign and non-ENDF forces from the region." The Federal government did not comment on the accusations of the atrocities being committed by Eritrean forces, nor is there report on the status of their withdrawal from the Tigray Region.

Addis Standard's efforts to get comments from both the federal government Communication Services and the Ethiopian National Defense Forces (ENDF) were unsuccessful. Public Relations head of the ENDF Colonel Getnet Adane, refrained from commenting on the issue, and said that we should wait for official statements.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Convicts Serb Ex-Soldier of Wartime Rape (Balkan Transitional Justice) By Marija Tausan
November 18, 2022

Former soldier Radovan Veljovic was sentenced to seven years in prison for raping a women during a “widespread and systematic” attack by Bosnian Serb forces in the Foca area in 1992.

The Bosnian state court on Friday convicted Radovan Veljovic of committing a crime against humanity by raping a woman in the village of Djidjevo near Foca in mid-May 1992.

Veljovic was sentenced to seven years in prison and ordered to pay his victim 32,000 Bosnian marks (around 16,400 euros) once the verdict becomes final.

The court found that he ordered the victim to go with him to a house where he raped her while holding her throat and then threatened to kill her if she spoke about what happened.

“The injured party described the particulars of the traumatic event credibly and convincingly,” said presiding judge Saban Maksumic, adding that four other witnesses supported her testimony.

He said that the court considered the discrepancy between witnesses’ statements, which the defence highlighted, not to be of decisive importance.

The court found that, as a Bosnian Serb Army soldier, Veljovic knew of the widespread and systematic attack in the Foca area during which Bosniaks were detained, killed, raped and beaten and their property was stolen.

“During the relevant time, the defendant was part of the military structures conducting the attack,” Maksumic said.

He added that witnesses testified that the victim’s husband and father-in-law were killed the attack on the village of Djidjevo.

The verdict was a first-instance judgment and can be appealed.

Bosnian Serb Military Police Chief Charged with Srebrenica Genocide (Balkan Transitional Justice)

By Azra Husaric Omerovic
November 24, 2022

Miomir Jasikovac, former military police commander of the Bosnian Serb Army’s Zvornik Brigade, was charged with involvement in the detention and murders of Bosniak prisoners from Srebrenica in 1995.

The Bosnian state prosecution on Thursday charged Miomir Jasikovac with genocide for allegedly participating in a joint criminal enterprise in which Bosnian Serb military police officers detained Bosniak men and boys from Srebrenica, transported them to killing sites and then executed them from July 13 to 15, 1995.

Jasikovac is one of three Bosnian Serb military police commanders who were named in a BIRN investigation in 2020 as having been directly involved with the process of capturing Bosniaks from Srebrenica, guarding them and transporting them to execution sites. At that point, none of the three men had been charged.

According to the charges, Jasikovac and his military police subordinates took the captured Bosniaks to a school building in Orahovac, where more than 800 of them were shot dead, to a dam in Petkovci, where more than 700 were killed, and to a gravel factory in Kozluk, where more than 800 were executed.

BIRN’s investigation established that Jasikovac was living in Serbia. Attempts to contact him proved unsuccessful, but a person who answered the phone at his suspected residence in the Serbian town of Indjija confirmed that he was a Bosnian Serb Army colonel.

New Indictment Filed Over Sarajevo Dobrovoljacka Killings (Balkan Transitional Justice) By Azem Kurtic

November 28, 2022

Bosnian Prosecutor’s Office has opened a new indictment in the high-profile Dobrovoljacka Street case, accusing the former military police chief of war crimes in Sarajevo.

The Prosecutor’s Office of Bosnia and Herzegovina filed a new indictment for war crimes committed against civilian population and prisoners-of-war in Dobrovoljacka Street, in the capital, Sarajevo, in 1992, with which it charges the former commander of the Military Police of the Territorial Defence of the Republic of Bosnia and Herzegovina, Kerim Lucarevic.

The indictment accuses him of having committed “war crimes against the civilian population, war crimes against the wounded and sick, war crimes against prisoners of war, and unlawful killing and wounding of the enemy.”

On May 3, 1992, eight victims, including civilians and medical personnel, were killed, 24 were wounded and dozens of soldiers and civilians were captured during the attack on an undefended convoy of the Yugoslav People’s Army, JNA, in Dobrovoljacka Street in Sarajevo.

The convoy was being escorted by UN peacekeeping troops as it retreated from Sarajevo.

In a separate but related case, a trial of prominent wartime political leader Ejup Ganic and nine other defendants who are accused of involvement has started. Ganic, who was a member of Bosnia’s presidency during the 1992-5 war, and his co-defendants, are charged with planning and carrying out the attack in Dobrovoljacka Street.

The prosecution alleges that Ganic and the other defendants failed to prevent the killing and wounding of the soldiers and civilians. They are also accused of failing to punish the perpetrators and of helping them after the crime.

On July 12, Ganic and the others pleaded not guilty to committing war crimes against prisoners of war and civilians. The State Prosecutor’s Office told BIRN that they do not know whether the new indictment will be joined with the existing “Ganic and others” case.

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Turkish bombing of Rojava deprives over 21 thousand students their right to education (ANF News) November 30, 2022

The Northern and Eastern Syria Education and Training Committee condemned the Turkish state's attacks on the region and the targeting of schools.

The statement said: "Since 20 November, Northern and Eastern Syria has been heavily bombed by the invading Turkish army with all kinds of weapons. Turkey is committing crimes against humanity and war crimes against the local population. In the bombardment, infrastructure, civilian and service buildings and schools were targeted. Schools were suspended due to the war situation in the border areas and the demolition of some schools.

Accordingly, we have prepared the statistics of the schools that were closed or destroyed and the number of students who have been deprived of their right to education:

Jazira Region: The number of students who cannot go to school is 15,971.

201 schools were closed.

Afrin Region: The number of students who cannot go to school is 158.

8 schools were closed.

Euphrates Region: The number of students who cannot go to school is 2,460.

19 schools were closed.

Manbij: The number of students who cannot go to school is 3,254.

15 schools were closed.

A total of 21,843 students could not go to school. 243 schools were closed.

A school in the village of Koran, east of Kobanê, was completely destroyed. 3 schools were also partially destroyed.

We strongly condemn the invading Turkish state's targeting of schools, and call on international, humanitarian and legal organizations involved in education and training to condemn and put pressure on Turkey to stop these attacks."

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Kosovo Specialist Chambers

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Russia

Russian war crimes in Ukraine including kidnapping, torture and murder at sites in occupied territory could implicate even Putin's top officials, the US claims (Daily Mail) By Stewart Carr

November 21, 2022

Russians have murdered, tortured and kidnapped Ukrainians in a systematic pattern that could implicate top officials in war crimes, a senior US official said yesterday as Kyiv said it had discovered four Russian torture sites in newly-liberated Kherson.

President Vladimir Putin's government, in turn, accused Ukrainian forces of summarily killing a number of prisoners of war after a video of POW bodies surfaced.

Also Monday, the World Health Organization said Russia's missile attacks on Ukraine's power grid had left millions of lives at risk as the winter descended with frigid temperatures.

The damage is having 'knock-out effects' on Ukraine's health system, WHO regional director for Europe Hans Kluge told reporters.

'This winter will be about survival,' he warned, saying it would be 'life-threatening for millions of people in Ukraine'.

Up to three million Ukrainians could leave their homes in search of warmth and safety, he said.

'They will face unique health challenges, including respiratory infections such as Covid-19, pneumonia, influenza, and the serious risk of diphtheria and measles in (an) under-vaccinated population,' he added.

Residents of Kherson were told that they can evacuate to other regions given the city's heavily damaged infrastructure and services.

Power company Yasno warned of extended blackouts.

'You should be prepared for different options, even the worst ones. Stock up on warm clothes, blankets, think about options

that will help you wait out a long shutdown,' it said.

Torture sites

Ukraine said it had discovered four Russian torture sites in the southern city of Kherson.

Kherson was one of the earliest of major cities that Russian forces captured when they invaded the country on February 24.

The city was retaken earlier this month after Russian forces retreated under threat from Ukraine troops.

'Together with police officers and experts, (prosecutors) conducted inspections of four premises where, during the capture of the city, the occupiers illegally detained people and brutally tortured them,' the Ukrainian prosecutor general's office said in a statement.

Russian forces had also set up 'pseudo-law enforcement agencies' at detention centres in Kherson as well as in a police station, it said.

The remains of rubber truncheons, a wooden bat and 'a device with which the occupiers tortured civilians with electricity' were found, it added.

Russian authorities also left behind paperwork documenting the administration of the detention sites, the prosecutor's office said.

Last week Ukrainian ombudsman Dmytro Lubinets said Russian forces were responsible for 'horrific' torture in Kherson, saying dozens were abused in detention and more were killed.

One Kherson resident told AFP he spent weeks in detention where he was beaten and electrocuted by Russian and pro-Russian forces.

Systematic abuse

In Washington, the US Ambassador-at-Large for Global Criminal Justice Beth Van Schaack told reporters that there was strong evidence that Russian abuses in Ukraine were not random or ad hoc.

There is mounting evidence that Russia's invasion of Ukraine 'has been accompanied by systemic war crimes committed in every region where Russian forces have been deployed,' she said.

Evidence from liberated areas indicates 'deliberate, indiscriminate and disproportionate' attacks against civilian populations, custodial abuses of civilians and POWs, forceful removal, or filtration, of Ukrainian citizens - including children - to Russia, and execution-like murders and sexual violence, she told reporters.

'When we're seeing such systemic acts, including the creation of a vast filtration network, it's very hard to imagine how these crimes could be committed without responsibility going all the way up the chain of command,' she said.

Van Schaack said that Russia's nine-month-old assault on Ukraine has sparked an 'unprecedented array of accountability initiatives,' involving numerous bodies along with the International Criminal Court in The Hague.

The bodies are coordinating to develop priorities and approaches 'under all available jurisdictional bases,' she said.

She called it a 'new Nuremberg moment,' a reference to the war crimes trials held in the German city at the end of World War II.

POW video

But the Kremlin has also come forward with allegations of Ukrainian abuses, vowing to track down and punish those behind the 'brutal' murder of nearly a dozen Russian servicemen who had apparently been taken prisoner.

Russia's Human Rights Council said the alleged executions took place in Makiivka, a village in the eastern Lugansk region, which the Ukrainian army said it had recaptured last week.

'Without a doubt, Russia will itself search for those who committed this crime. They must be found and punished,' Kremlin spokesman Dmitry Peskov told reporters.

Lubinets, Ukraine's ombudsman, claimed that the prisoners had opened fire on Ukrainian forces after surrendering, leading to their being killed by return fire.

Germany Calls Russian Targeting of Ukraine Energy a "War Crime" (Kyiv Post) November 29, 2022

A Russian campaign of missile strikes has severely damaged Ukraine's energy infrastructure and plunged millions into darkness as the country endures the first snows and chill winds of winter.

"Systematic destruction of the heating and electricity supply" ahead of the coldest months of the year was a "terrible war crime", Buschmann told reporters.

"Many people will fall victim to the winter," Buschmann said after the first meeting of G7 justice ministers, which was attended by the Ukrainian justice minister and prosecutor general.

"War criminals should not and must not be allowed to feel safe anywhere," Buschmann said.

The members of the G7 group of industrial democracies had to "cooperate better together to combat war crimes", he said.

Buschmann underlined that he was "certain that at the end, we will see war crimes cases at the International Criminal Court against senior Russian leadership too".

Ukrainian investigators have already documented "almost 50,000 war crime cases" since the start of the invasion in February, Buschmann said.

The country's prosecutor general Andriy Kostin repeated a call made by Ukrainian officials for the establishment of a special tribunal to prosecute Russia for the "crime of aggression".

Kostin highlighted "legal limitations" at the ICC that constrained it to "war crimes, crimes against humanity and crime of genocide".

"If there was no aggression there would be no other war crimes committed," Kostin said.

Kostin at G7 meeting in Berlin: 18 countries already investigating Russian war crimes (Ukrinform) November 29, 2022

Eighteen countries have already launched national investigations into Russian war crimes, which is a solid foundation for building a true partnership.

According to Ukrinform, Ukraine's Prosecutor General Andriy Kostin said this at a meeting of justice ministers of the G7 countries, the Prosecutor General's Office reported on Telegram.

According to the report, Kostin took part in the first-ever meeting of justice ministers of the G7 countries.

At a meeting in Berlin on Tuesday, the ministers discussed the coordination of efforts in the investigation of war crimes committed in Ukraine.

German Minister of Justice Marco Buschmann noted that the world had united in the face of a common threat.

According to Kostin, 18 countries have already launched national investigations into Russian war crimes, which is a solid foundation for building a true partnership.

"Berlin today is a 'legal Ramstein.' The time has come for joint and decisive resistance to the aggressor," he said.

In addition, Kostin called on the G7 countries to contribute to the creation of a Special Tribunal on the Crime of Aggression.

"We must act right now, when we have positive developments. The world will not be safe until the aggressor is stopped, isolated and punished," he said.

Kostin also called on partners to support Ukrainian law enforcement officers. The number of war crimes is growing every day, and attacks on critical infrastructure continue.

"Prosecutors perform their duties even under enemy fire, but we need help to continue this work," he added.

EU seeks specialized court to investigate Russia war crimes (Associated Press) By Samuel Petrequin November 30, 2022

The European Union proposed Wednesday to set up a U.N.-backed court to

investigate possible war crimes Russia committed in Ukraine, and to use frozen Russian assets to rebuild the war-torn country.

European Commission president Ursula von der Leyen said in a video message that the EU will work with international partners to get “the broadest international support possible” for the tribunal, while continuing to support the International Criminal Court.

Since Russian President Vladimir Putin ordered the invasion of Ukraine on Feb. 24, his military forces have been accused of abuses ranging from killings in the Kyiv suburb of Bucha to deadly attacks on civilian facilities, including the March 16 bombing of a theater in Mariupol that an Associated Press investigation established likely killed close to 600 people.

Investigations of military crimes committed during the war in Ukraine are underway around Europe, and the Hague-based International Criminal Court has already launched a probe.

But because Russia does not accept the International Criminal Court’s jurisdiction, the European Commission said it presented to the 27 EU countries two options to hold the Kremlin accountable: either a “special independent international court based on a multilateral treaty or a specialized court integrated in a national justice system with international judges — a hybrid court.”

Ukrainian first lady Olena Zelenska on Tuesday also urged that Ukraine’s invaders be held accountable.

“Victory is not the only thing we need. We need justice,” she told lawmakers in London, comparing Russian war crimes to the atrocities Nazi Germany committed in World War II.

She called on Britain to lead efforts to set up a criminal tribunal to prosecute senior Russians, similar to the postwar Nuremberg trials of leading Nazis.

Von der Leyen on Wednesday added that the EU wants to make Russia pay for the destruction it caused in neighboring Ukraine by using Russian assets frozen under sanctions.

She estimated the damage to Ukraine at 600 billion euros (\$617 billion).

“Russia and its oligarchs have to compensate Ukraine for the damage and cover the costs for rebuilding the country,” von der Leyen said. “We have the means to make Russia pay.”

Von der Leyen said 300 billion euros (\$308 billion) of the Russian central bank reserves has been immobilized, and that 19 billion euros (\$20 billion) of Russian oligarchs’ money has been frozen.

“In the short term, we could create with our partners a structure to manage these funds and invest them,” she said. “We would then use the proceeds for Ukraine, and once the sanctions are lifted, these funds should be used so that Russia pays full compensation for the damages caused to Ukraine.”

The EU said the lifting of the restrictions on Russian assets could be linked to conclusion of a peace deal between Ukraine and Russia that would settle the question of damages reparation.

In other Ukraine war developments:

— Russia’s military appear to be studying targets, positioning warships and making other preparations to resume major attacks that have crippled Ukraine’s energy and water infrastructure, Ukrainian officials said Wednesday. “At Russian airfields strategic aircraft are equipped, tactical aircraft are equipped, and a missile carrier is put on duty. These are indirect signs of preparing for a strike,” Ukrainian southern military command spokeswoman Natalia Humeniuk said on Ukrainian TV.

— In his nightly video address Wednesday, Ukrainian President Volodymyr Zelenskyy said his country’s forces are preparing “an even more powerful countermeasure” for Russia on the battlefield, and “new solutions” to Ukraine’s energy and communication issues. Earlier, he said in a video address to a New York Times meeting that U.S. tech billionaire Elon Musk, who has proposed that Ukraine cede territory as part of a peace plan, visit Ukraine to understand the situation better. Regarding Putin’s threats to escalate the type of weapons Russia uses in Ukraine, Zelenskyy said: “I don’t think he will use nuclear weapons.”

— Ukrainian officials reported progress in restoring power nationwide, with the energy deficit reduced to 27%. The country’s electricity system operator, Ukrenergo, said that was a 3% improvement from Tuesday.

— In the hard-hit Kherson region that Russia illegally annexed in September and Ukraine since reclaimed, officials reported partial restoration of residential water supplies, albeit at reduced pressure, thanks to electricity being restored to water

pumping stations. Power has returned to half of Kherson city's residents. Russian shelling in Kherson damaged a hospital, an industrial plant, a bank, residential buildings and infrastructure.

— At the shut-down Zaporizhzhia nuclear plant in southern Ukraine, Europe's largest atomic power station, Russian officials claimed Ukrainian shelling damaged a building and waste storage facilities but that containers inside with radioactive substances were not affected. Ukrainian authorities said the Russians shelled the cities of Marhanets and Nikopol across the Dnieper River from the Zaporizhzhia plant.

— Ukraine's presidential office said at least five civilians were killed and 21 wounded in the latest Russian shelling nationwide. Russian attacks in the Donetsk region focused on the strategically located town of Kurdiumivka south of Bakhmut. In Bakhmut, Russian rockets hit residential buildings and a kindergarten, according to regional authorities.

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Special Tribunal for Lebanon

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

Normalised violence in Lebanon: an additional challenge to peacebuilding (reliefweb) Sawssan Abou-Zahr

November 23, 2022

Sawssan Abou-Zahr explains how everyday violence in Lebanon impacts vulnerable groups, and the threat it poses to local peacebuilding.

I have been thinking a lot lately about the various meanings of security, and how they relate to peacebuilding, all while witnessing the multiple layers of insecurity governing our daily lives in Lebanon.

Being insecure has become our twisted “new normal”. I hold my bag tight when out of the house, trying not to carry too much money or even ID, in case I get robbed – as has happened to my cousin and friends.

I avoid being a lone pedestrian at night in a dark Beirut, once considered the Mediterranean’s ‘City of Lights’. I schedule my work around the availability of expensive, yet unreliable, privately generated electricity and weak internet to spare myself the stress (and embarrassment) of losing connection during a Zoom call. And I stopped being apologetic about it.

This, I can live with. But not the normalisation of violence: finding excuses for aggressions and justifying them, whether against women, migrant workers or Syrian refugees. I believe there is no violence ‘for a cause’. I see this as an indicator of failed citizenship, now that no-one doubts the state has indeed failed. I am alarmed that increased numbers of people, once self-described pacifists, are turning to violence instead of peacebuilding. Some were on the frontlines of the October 17th Revolution and had denounced state violence against unarmed demonstrators.

While their changing attitudes may be a manifestation of anger and continued insecurity, I cannot identify with them. I don’t know how I would have acted if a relative was in desperate need of medical intervention and I could not access my own money to cover it. But I don’t think I would storm my bank – I don’t possess a firearm to begin with – and hold hostages. Yet those who do so are nowadays hailed as national heroes.

This is an additional layer of violence, more dangerous than the notorious habit of firing stray bullets at almost every occasion. Those newcomers to the practice of violence are the most worrisome. They have nothing to lose and no longer believe in peace.

Targeting the most vulnerable

Refugees are entrapped in multi-layered violence practiced by both civilians and state actors.

Law enforcement is failing – inmates are escaping prisons all over the country, and more people are acquiring arms under the pretext of protecting their loved ones. Self-protection measures practiced by some municipalities could easily get out of control, turning into targeted violence against vulnerable groups, such as refugees and LGBTQ+ communities.

Although security agencies are losing personnel who are deserting their duties amid the unprecedented financial crisis, and the government has been in a caretaker status for months, they are joining hands to chase Syrian refugees and intimidate locals because of their sexual orientation.

Many refugees are at risk of forced disappearances, detention and death if deported to Syria against their will. Unfortunately, this does not mean they are safe in Lebanon either. They could die under torture in a detention facility, or be severely beaten by angry youth frustrated by Lebanon’s economic meltdown. Refugees are entrapped in multi-layered violence practiced by both civilians and state actors. They have no sense of security whatsoever. And there is nothing much Lebanese peacebuilders can do to break that vicious circle. They too are lacking security.

Peacebuilding at risk?

“Has peacebuilding failed in Lebanon?” I wondered in worry, after learning about a Molotov cocktail attack on MARCH’s headquarters in Tripoli, the biggest city in Northern Lebanon and among the poorest in the Middle East. In solidarity and support, I contacted Lea Baroudi, a certified mediator and MARCH’s Co-Founder and Director.

Why would a peacebuilding NGO – which focuses on women’s rights and conflict resolution with youth through art, dialogue and sustainable grassroots economic empowerment – be targeted? Baroudi revealed that several sectarian and political forces – agents of division – have opposed the organisation’s mission from the beginning. They tried to sabotage it several times, becoming bolder with time.

Luckily, by a divine intervention or simply karma, the Molotov hit a wall and didn’t explode. Baroudi thought it was a sign “that when you are doing things right, there is always a higher power protecting you.”

She confirmed that while the youth working with MARCH were initially shaken by the attack on their space, they eventually showed “resolve and determination, refusing to let anyone destroy the project, despite the growing mood of despair and the amplified drivers of conflict all around.”

In fact, the day after the assault, the semi-annual civil-military football tournament, which brings together former non-state fighters and Lebanese soldiers in mixed teams, took place as planned. “It was the best decision ever”, Baroudi said, as the event was very successful in addressing prejudices.

Furthermore, she thought the perpetrators of the attack “were victims of manipulation and negative rhetoric, just like the former combatants [MARCH works with] and those who cross the borders to fight in Syria.” She was referring to hundreds of men, many younger than 18, mobilised for ideological reasons or financial merits, to fight with the Assad regime. Many were returned to Lebanon in caskets, and no-one was held accountable for that. I know a Shiite Lebanese family who lost two sons in Syria. I have been to one funeral, and I saw women forbidden from crying!

Baroudi shared my fears of the normalisation of violence because of accumulated frustration, resentment, and anger, which would “strip people of their humanity”. But she still believed peacebuilding is the only antidote. And it surely is effective.

They were brought up to associate violence with manhood. Now, they fiercely resent it.

She spoke of an incident when MARCH’s youth stood as a buffer between angry men involved in a sectarian fight. They remained composed despite verbal and physical provocations; there is no turning back to the days they participated in similar disputes. They were brought up to associate violence with manhood. Now, they fiercely resent it. What an impressive journey!

Therefore, Baroudi values her mission more than ever. I have known her for years and have never seen her as determined. She reassured me that peacebuilding was not failing in Lebanon; on the contrary, “it is most needed but not practiced enough on ground, with people who are both victims and perpetrators”.

She added that peacebuilding “is so easy yet extremely difficult”; and compared it to “crossing a landmines’ field”. And since it “normally comes with challenges”, it could be draining because it consumes most of one’s empathy and energy.

This rang a bell, as I have previously witnessed Lebanese peacebuilders open up about mental burnout, as well as physical and psychological insecurities, which has led a few to quit this demanding and challenging career. I wonder how many will still hang on, and for how long. But I know Lea Baroudi will.

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ASIA

Afghanistan

Taliban Treatment of Women is Likely Crime Against Humanity, UN Panel Says (Medialine) November 27, 2022

The Taliban's treatment of women and girls in Afghanistan could amount to a crime against humanity, according to a panel of human rights experts. The panel of United Nations-appointed independent human rights experts said in a statement that gender persecution is a crime against humanity, which can be prosecuted under international law. The statement calls for an investigation into the restriction of women's rights and freedoms since the Taliban took over more than a year ago. The human rights experts pointed to the closing of secondary schools to women as well as banning women from entering public spaces including parks and entertainment venues, requiring them to wear burqas and face coverings and requiring a male escort in public in making their determination. The panel called on the international community to demand the reversal of women's restrictions and ensure respect and protection of their rights during all discussions with the Taliban regime. It also called on the Taliban authorities "to respect the fundamental rights to assemble without intimidation and attacks; repeal the edict that punishes male family members for perceived transgressions of women and girls; open all secondary schools for girls and ensure their continued access to university education; and remove all restrictions from accessing public locations." The Taliban took over at the end of August 2021, when the last US and other foreign troops in the country fighting against the Islamic State left the country, and announced the formation of the Islamic Emirate of Afghanistan.

Elite Soldiers blast Defence chief Angus Campbell over handling of Afghanistan war crimes report (ABC News) By Andrew Greene
November 30, 2022

Veterans' groups are demanding the Albanese government pull rank on the Defence chief to prevent him revoking medals over command failures in Afghanistan, before any alleged war crimes are proven in court.

In an unprecedented move, the SAS and Commando Association, with the backing of the RSL, are warning penalties linked to the Brereton Inquiry should be shelved "until the facts have been established, in accordance with due process".

General Angus Campbell recently wrote to officers who commanded those accused of war crimes in Afghanistan, giving them 28 days to explain why they should keep honours earned during deployments marred by accusations of murder and other offences.

National Chairman of the Australian SAS Association Martin Hamilton-Smith said all soldiers and officers involved were entitled to a presumption of innocence before having personal awards for distinguished and conspicuous service taken away.

"There needs to be an explanation to veterans about what's going on, we sent our soldiers to fight a very dangerous war against a ruthless and vicious enemy," he told the ABC.

"Some of them were killed in our name, many were wounded, hundreds more are living with their experiences. And what thanks do we get? We get this process."

Australian Commando Association vice-president Steve Pilmore said his members shared the concerns of the SAS and want the government to step in to overrule the Defence chief.

"There has been no guilt established yet so it seems we're putting the cart before the horse and looking for people to pay for something that has not necessarily been proven yet."

RSL national president Greg Melick backed the special forces associations, saying General Campbell should "await the result of all investigations and finalisation of the legal process" before taking any actions.

"The way in which this matter has been handled has caused, and continues to cause, significant distress to currently serving soldiers, veterans and their families," the retired major general said.

"The RSL will be keeping a close watch on developments and in the meantime, and offers its support for the wellbeing of any veterans affected."

A landmark report by the Inspector General of the ADF (IGADF) two years ago found credible evidence of war crimes committed by Australian personnel during the Afghanistan conflict.

Shortly after that General Campbell moved to strip the Meritorious Unit Citation from members of the Special Operations Task Group, a decision that was later overturned by then defence minister Peter Dutton.

"When the government first responded to this and when the Chief of the Defence Force first responded there's been a presumption of guilt in our opinion rather than a presumption of innocence," says Australian SAS Association national president Martin Hamilton-Smith.

In a statement, Defence said General Campbell is "considering the command accountability of current and former serving ADF members who held command positions, at a range of ranks" during the periods where alleged unlawful conduct occurred.

"The CDF is committed to an evidence-based implementation of the IGADF Afghanistan Inquiry recommendations, and supporting the work of the Office of the Special Investigator and the Australian Federal Police," a Defence spokesperson said.

General Campbell's move to hold commanders accountable for the alleged crimes follows a green light from new Defence Minister Richard Marles, who overruled a direction by Mr Dutton to suspend such action until criminal investigations were completed.

In parliament this week Mr Marles indicated generals who commanded special forces soldiers accused of war crimes would not be stripped of distinguished service medals, with the action to only be taken against those who directly led the troops.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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War Crimes Investigation in Myanmar

Yangon journalist sentenced to two years prison by Myanmar junta (Mizzima) November 26, 2022

Journalist Ah Hla Lay Thuzar, also known as Thuzar, was sentenced to two years in prison by Insein special court for "causing fear, spreading false news and agitating crimes against a government employee" under Section 505 (a) of the penal code, on 22 November.

She was arrested at Pyi Yeik Mon Housing in Yangon City's Kamayut Township on 1 September 2021 and held in pre-trial detention for 15 months under Section 505 (a) of the Penal Code.

A close friend of hers said: "I thought she had been released as part of the National day amnesty [on 17 November]. Some other journalists were released on that day, but not her. They have now sentenced her to two years in prison. This is an unjust conviction. I don't think journalism is a crime."

Ah Hla Lay Thuzar had been working as a journalist for nearly 15 years and her work has appeared in the Modern Journal, RFA News, 7 Days News Media, and Friday Time, amongst others.

Since the February 2021 coup she had been working as a freelance reporter for the Friday Time Journal and the MPA, according to local media reports.

She had continued working as a journalist after the coup but had been in hiding from May 2021 until her arrest in September of that year.

According to the Reporters Without Borders' Press Freedom Barometer, 135 journalists have been arrested in Myanmar since the military coup and 52 media workers are currently still being held in Myanmar's prisons.

Myanmar Junta Craves Legitimacy Amid Crimes Against Humanity & War Crimes (In Depth News) By Jan Servaes
November 27, 2022

Since the February 1, 2021 coup, Myanmar's military has committed a variety of atrocities that, according to the UN High Commissioner for Human Rights, may amount to "crimes against humanity and war crimes".

To consolidate its power against widespread popular resistance, the self-proclaimed State Administration Council (SAC) led by Min Aung Hlaing has killed at least 2,465 people, conducted indiscriminate airstrikes in ethnic areas and razed hundreds of villages. The country has plunged into chaos and teeters on the brink of a failed state.

The more than 13,000 political prisoners in Myanmar's prisons live in appalling conditions where the use of torture is routine, often resulting in horribly mutilated bodies. The military regime is vigorously opposed by the civil disobedience movement led by local activists, trade unionists, workers and students. In response to popular resistance, military action remains brutal, structural and overt.

A so-called amnesty

On November 17, 2022, the Myanmar military released four wrongfully imprisoned foreigners in a mass amnesty for about 6,000 prisoners. However, as the ASEAN Parliamentarians for Human Rights (APHR) said in a statement, this should not be seen as a change in the military's inhumane policy.

The detainees should not have been in jail in the first place and thousands of Myanmar political prisoners are still there, the APHR said. In addition, rumours are circulating that some have been re-arrested almost immediately after their release.

As part of this massive amnesty, the junta also released Sean Turnell, an Australian citizen and economic adviser to former state adviser Aung San Suu Kyi; Vicky Bowman, a former British envoy; US citizen Kyaw Htay Oo; and Toru Kubota, a Japanese filmmaker. Another prisoner released is the former chief minister of the Tanintharyi region, U Myint Maung.

"This is a game the Myanmar generals have been playing for a very long time. In the midst of continuous atrocities, from time

to time they make an apparent gesture of goodwill, minor in comparison with the crimes they commit on a daily basis, in order to alleviate international pressure and gain legitimacy. No one should fall for this trick; the global community should not be fooled into thinking that Min Aung Hlaing and his henchmen have changed their ways,” said Kasit Piromya, former Thai foreign minister and APCR board member.

Sean Turnell was arrested on April 6, 2021, five days after the coup, on charges of trying to flee the country with classified information. Turnell said he had expected to be treated "with velvet gloves". "They didn't stick electrodes on me, but I was thrown into filthy cells. The food was delivered in a bucket. For 650 days I ate from a dirty bucket." If this is the treatment of well-known international prisoners, closely followed by international diplomats, the worst can be feared for the thousands of anonymous detainees imprisoned, one hears on social media.

Vicky Bowman and her husband, Htein Lin, were arrested in August this year on charges of tampering with immigration documents, and Toru Kobuta was detained in July while filming an anti-military demonstration.

So while they have been released, others have not been so 'lucky'. Since last year's coup at least 73 detainees have died in police or military custody in police stations, military interrogation centres and prisons, according to the Assistance Association for Political Prisoners (AAPP). Among them are the four political prisoners executed in July: Phyo Zeya Thaw, former legislator for the National League for Democracy (NLD); the prominent activist Kyaw Min Yu, known as 'Ko Jimmy'; Aung Thura Zaw; and Hla Myo Aung. According to Amnesty International, these were the first known judicial executions in Myanmar since 1988.

Again, "political prisoners are being used as bargaining chips," the Assistance Association for Political Prisoners (AAPP) said, adding that it was an apparent move to ease "political pressure." Human Rights Watch (HRW) noted that while the amnesty is a "great relief for their families", it is also "a reminder that thousands of other civilians are being held in appalling conditions without much support from the international community".

According to AAPP, which documents human rights violations by the junta, the total number arrested in the anti-coup agitation is estimated at 16,316, of whom 12,923 are still in prison.

Lukewarm response from the international community

Meanwhile, the international response to the crisis is seriously inadequate, as argued in a report recently released by the International Parliamentary Inquiry, an initiative organized by APCR and whose committee consists of eight parliamentarians from seven different countries from Africa, America, Asia and Europe.

“The international community has been largely unable to respond effectively to the crisis. The junta's international allies—notably Russia and China—have emerged as staunch and uncritical supporters, providing both weapons and legitimacy to an otherwise isolated regime. Foreign governments rhetorically claiming support for democracy have not backed up their rhetoric with the same force of action,” said the report, titled “Time is not on our side: The failed international response to the Myanmar coup.”

The reasons for the mass amnesty and release of the foreigners remain unclear, but they come after an ASEAN summit, at which member states reaffirmed their commitment to the Five Point Consensus, an agreement already signed in April 2021 aimed at tackling the crisis. The consensus has not yet yielded tangible results, as the APCR has repeatedly denounced.

“There is a legitimate concern that ASEAN member states will treat the Myanmar junta with even kinder gloves after the release of these political prisoners. Against all odds, ASEAN is sticking to an agreement that has proven to be an utter failure for more than a year and a half, instead of doing the right thing to resolve the crisis: putting real pressure on the military, and recognizing the Government of National Unity (NUG) as the legitimate authority in the country,” said Charles Santiago, former Malaysian MP, APCR Chair and one of the IPI committee members.

The UN Human Rights Council has also once again called on the international community to freeze the junta's income. These are mainly oil and gas reserves that are collected through the government holding company Myanma Oil and Gas Enterprise (MOGE), in which US and Australian interests are also intertwined. So far only the EU decided on sanctions on 22 February 2022.

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Piracy

Korean Tanker Boarded by Pirates for the Second Time in Gulf of Guinea (The Maritime Executive)

November 25, 2022

South Korean officials and security operations monitoring the Gulf of Guinea are confirming that a South Korean-owned product tanker was boarded by pirates near Cote d'Ivoire and later released. The incident, which served as a reminder that piracy continues to be a danger in the region, was the second time that the same product tanker had been boarded in 2022.

The monitoring operation MDAT GOG (Maritime Domain Awareness for Trade Gulf of Guinea) raised the initial alarm of a possible incident. They reported that communication had been lost with the 5,700 dwt product tanker B. Ocean on Wednesday, November 23. The vessel's last known position was reported as 247 nautical miles south-southwest of Abidjan. MDAT GoG requested masters operating in the area report any sighting of the vessel or suspicious activity.

The vessel, which is registered in the Marshall Islands is owned by South Korea's SK Shipping. Data showed that the ship had departed Abidjan on October 1 and was standing by offshore possibly awaiting its next contract. Reports indicated it had been in the anchorage at Freetown, Sierra Leone departing on November 17. Security group EOS Risk Group reports that an analysis of the AIS data shows the vessel "made a number of dubious course changes before slowing to 1kt" on November 23.

South Korea's Ministry of Foreign Affairs reported late today that they had heard from the crew of the B. Ocean a little over 24 hours after the vessel went silent. They confirmed that the tanker had been boarded by eight armed attackers. Some reports are indicating that the crew was able to reach the citadel, while MDAT GOG and the Korean officials are reporting all of the crew, which consisted of the South Korean captain and chief engineer and 17 Indonesians, are safe.

The pirates reportedly stole petroleum from the tanker and damaged the ship's equipment. The ministry reported that the captain had contacted the shipping company after the pirates left the tanker. He informed them that the ship was still operational and would be headed back to Abidjan. South Korea also asked an ally nation to escort the ship back to Abidjan.

In January, the same vessel was hijacked approximately 50 nm south of Abidjan. In that incident, the armed boarders are reported to have stolen 977 tons of diesel before releasing the B. Ocean.

This new incident is shown as the fifth in the past 30 days according to MDAT GOG's situation map for the region. The monitoring program, which is jointly run by the British and French navies, shows that this was the fourth boarding and that there was also one robbery. Two of the incidents occurred near Nigeria while there were also a boarding in the Takoradi anchorage off Ghana and another to the west near Sierra Leone. Overall, however, the International Maritime Bureau (IMB) reported in its latest update issued in October that piracy in the region was at a 30-year low.

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Gender-Based Violence

Summit on Gender-Based Violence Left Key Questions Unanswered (Human Rights Watch) By Ashwanee

Budoo-Scholtz

November 17, 2022

On October 9, the dead bodies of six women, who earned an income as sex workers, were discovered tied up in Johannesburg, some of them in advanced state of decomposition. This was unfortunately not a one off. Women face violence and fear murder daily in South Africa, and sex workers face increased risks, not least because their work is still criminalized despite decades of advocacy by rights groups.

The second Presidential Summit on Gender-Based Violence and Femicide (GBVF) on November 1 and 2 presented an opportunity to honestly reflect on South Africa's successes and challenges for tackling widespread gender based violence in the

country. The first Presidential summit in 2018 was convened after civil society organizations and activists organized the #TotalShutdown march to protest against the rising GBVF.

That summit was aptly themed 'Accountability. Acceleration and Amplification, NOW!', given that, despite steps taken by the government, women were still facing high rates of violence, including murder, with very low conviction rates. Most promises made in 2018 remain unfulfilled four years later.

Once again, at the second summit, all the right things were said. Important steps have been taken, but for new laws and new promises of funding and better policy to be successful we need to see more transparency and significant government resources committed to carrying them out.

President Cyril Ramaphosa highlighted the key new laws and policies in his address to the Summit.

These include the adoption of the National Strategic Plan in 2020, and the September 2021 amendment to the 1998 Domestic Violence Act, to make it easier for victims to get protection orders. In January, authorities amended a raft of laws - the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act, the Domestic Violence Amendment Act, and the Criminal Law (Forensics Procedures) Amendment Act, all aimed at strengthening efforts to address gender-based violence.

However, the statistics make it blatantly clear that so much more remains to be done. The president rightly pointed out that gender-based violence and femicide are still rampant. South African Police Services' statistics released in August show a 13 percent increase in reported cases of sexual offences and rape between 2017/18 and 2021/22, and a 52 percent increase in the killings of women between the first quarters of 2021 and 2022. These are shocking numbers.

The President identified funding as a key challenge and called on the private sector to assist the government with funding. While the private sector and civil society groups have a role to play in fighting sexism and violence against women, the government bears the primary obligation to tackle this problem, including through laws, resources and enforcement.

The government did not use the summit to make a commitment for clear steps to implement the ambitious National Strategic Plan. It did not make a firm commitment nor did it say how funds would be provided for priority services and for tracking, transparency and public accountability for its use. How is the government going to finance all Thuthuzela Care centres, Sexual Offences courts and GBVF desks within police stations to make sure they are functional? The President only mentioned the allocation in February 2021 of approximately R21 billion over three years to carry out the strategic plan, an amount that the National Treasury itself considers insufficient.

An Inter-Ministerial Committee to coordinate efforts against GBVF across government departments was established after the 2018 summit. But during the second Presidential summit, civil society groups said that departments were not cooperating with one another or even submitting required reports to the Office of the President on the steps they have taken to combat gender-based violence. Some groups and survivors remain concerned about the effectiveness of this committee and how to improve inter-ministerial cooperation and reporting.

The president spoke about the need to redefine masculinity and to address the role of men in the fight against gender-based violence and stressed the importance of education, dialogues, outreach and awareness-raising activities. However, the summit did not lay out any concrete plan for these initiatives.

The summit reflected the Strategic Plan's intersectional approach by including sessions on women of all ages and experiences - girls, older women, sex workers, women with disabilities, lesbian, bisexual and transgender women, migrant women, rural women and domestic workers. Speakers highlighted progress on some initiatives such as the bill to decriminalize sex work, which is in consultation stage with the deputy justice minister and advocacy groups, and efforts to address the vulnerabilities faced by lesbians, bisexual and transgender women.

But the lack of clear timelines to carry out strategies and insufficient awareness among vulnerable groups, such as migrant women, of the remedies and recourses available to them remain a problem.

The messages from civil society and survivors remain clear: authorities need to tackle problems of insufficient resources, lack of justice for victims and survivors, and persistent and negative attitudes toward women and patriarchy. And the government needs to set and adhere to clear timelines to carry out the strategies outlined in the national strategic plan and to adopt the bill to establish a GBVF Council to address the issues. Women in South Africa cannot afford to wait four years and for another summit to get the protection they need right now.

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Commentary and Perspectives

Qatar Can't Hide Its Abuses by Calling Criticism Racist (Human Rights Watch) By Rothna Begum
November 27, 2022

As the FIFA Men's World Cup begins, Qatar is facing media scrutiny for the abuse and exploitation of migrant workers who built and delivered an estimated \$220 billion of World Cup infrastructure—as well as discrimination against women and LGBT people. Qatari authorities are anxious to deflect attention from the country's human rights record by claiming that the criticism is racist, because such criticism against a World Cup host is “unprecedented.” FIFA President Gianni Infantino said the same, delivering a rambling speech on the eve of the World Cup.

Qatari authorities might be able to justifiably complain about lazy reporting on the Arab world, but the biggest criticism about Qatar is that this World Cup has been built on racial injustice—delivered at the cost of abuse and exploitation of low-paid migrant workers primarily from South Asia and Africa.

Qatar is opposing the call for financial compensation, or remedy, for migrant workers who have suffered abuse over the past 12 years, including wage theft and uncompensated injuries and deaths, as they prepared for the major sporting event, claiming the call for remedy a “publicity stunt.”

The reality is that Qatar operates what a former United Nations special rapporteur on racism, E. Tendayi Achiume, described in 2019 as a de facto caste system based on national origin with the vast majority of low-paid migrant workers coming from Asian and African nations including India, Nepal, Bangladesh, the Philippines, and Kenya.

The roots of modern-day Qatar's racialized societal and labor systems run deep. Not many people are aware that the Gulf states' histories—which include the slave trade, indentured pearl divers, and the kafala (sponsorship) system for migrant workers, which cemented racial hierarchies based on national origin—are bound up with the history of the British Empire. From 1871-1913, Qatar was part of the Ottoman Empire, and in 1916 Qatar became a British protectorate after entering into an agreement allowing the British to control its foreign policy in return for British protection until its independence in 1971.

Kafala initially related to the Arab Gulf countries' customary Bedouin traditions, whereby hosts of foreign visitors took legal and economic responsibility for them as their kafeel, a sponsor or guarantor, including any consequences for their guests' actions. However, recent academic research argues that the current kafala system—a series of immigration laws and policies that we know today—was largely a British creation during the protectorate period in the early 20th century.

The system enabled British officials to bring in and control large numbers of colonial subjects from South Asia, as well as to extend their control over a broader foreign worker population that increased with the onset of oil exploration. Following independence from British rule, Gulf rulers kept and reinforced the kafala system so that all migrant workers coming to their countries would need a kafeel to take responsibility for their legal status, including whether they could enter or leave the country or change employers.

Qatar is now one of the world's wealthiest states. It has attracted workers globally through the promise of high wages. The kafala system, however, has enforced a racialized, hierarchical structure. Qatar's small but powerful minority of its own citizens—around 380,000, which make up about 10 percent of the country's population of almost 3 million—sits at the top of the hierarchy with state benefits funded by energy wealth, while noncitizens, mostly migrant workers, make up the other 90 percent.

There are migrant workers in Qatar, like the rest of the Gulf Cooperation Council states, from European, North American, and Arab countries who can earn eye-watering incomes in highly paid fields such as consulting and law, often living in a privileged bubble enjoying freedoms that many local citizens envy. Migrants also come from a range of countries to work in middle-income fields such as education and medicine, but the vast majority are low-paid workers in the construction and service sectors from South Asian countries such as India, Nepal, Bangladesh, and the Philippines, as well as increasingly from African countries such as Kenya.

The former U.N. special rapporteur on racism found that for many South Asians and Africans who possess the necessary skills, nationality often functions as a barrier to higher-paying jobs and better contractual benefits. She noted that Qatar's structural discrimination has meant that “European, North American, Australian and Arab nationalities systematically enjoy greater human rights protections than South Asian and sub-Saharan African nationalities.” Workers are often paid different wages by

their employers for the same job based on their nationality, even in low-paid construction and service sectors. The much-touted nondiscriminatory monthly minimum wage of 1,000 Qatari rials (around \$275), established in 2020, is so low that it does not combat wage discrimination in practice.

FIFA, when it awarded Qatar the 2022 World Cup in 2010, did not insist on any labor rights conditions even though it knew that it would take hundreds of thousands, even millions, of workers to build the necessary infrastructure. Since that time, Qatar now boasts eight stadiums, an airport expansion, a metro, more than 100 hotels, new roads, and an entire new coastal city.

Qatar, FIFA, and a network of multinational corporations, Qatari-based and foreign employers and recruiters have profited off migrant workers in impoverished circumstances. Qatari authorities' kafala system and lack of effective labor protections essentially allowed employers and recruiters to charge workers illegal recruitment fees, overwork and deny them their wages, and subject them to grueling working conditions in extreme heat and humidity that left them exposed to injury, sickness, and death.

Hundreds of thousands of male laborers live in large segregated labor camps, in often squalid accommodations. Many low-paid migrant women in the service sector have also been housed in separate accommodations, facing curfews and confinement. Migrant domestic workers, who have weaker legal protections, are often confined to their employers' homes and remain the most vulnerable to abuses including verbal, physical, and sexual abuse.

Qatar's labor minister claims "every death is a tragedy," but Qatar does not treat all lives equally. Thousands of low-paid migrant workers from South Asia and Africa died, but their families were not compensated as their deaths were documented as "natural causes" or "cardiac arrest."

Qatari authorities deprived these families of an explanation for their loved ones' deaths, including whether their deaths were related to working conditions, leaving their families uncompensated and in financial distress. Yet they investigated a single British worker's death at a construction site in 2017, showing they can act when they choose to.

Migrant workers are denied the right to unionize and demand their own rights, but many still risked arrest, deportation, and banishment from reentry to Qatar by telling their stories, assisting fellow workers in distress, striking and protesting wage theft and poor working conditions.

After much international campaigning and negotiating, Qatar made important labor reforms, but they either came too late, were too narrow in scope, or were too weakly enforced for most workers to benefit. In 2020, Qatari authorities undertook crucial reforms to the kafala system to finally allow most workers the right to leave the country without employer permission and to change jobs without needing employer permission.

However, it has been so weakly enforced that many workers remain trapped and are still fighting for their wages. Migrant workers are still required by the government to obtain signed letters approving their resignation from their original employer, essentially enforcing the de facto employer permission to change jobs in practice. Employers also still hold power over workers' entry, as well as their legal and residence status, and can report workers for "absconding," invalidating a worker's legal status even if they are simply escaping an employer's abuse.

The government's Workers' Support and Insurance Fund, which pays out for wage theft when employers have defaulted, only became operational in 2020. The vast majority of workers subject to wage theft before this time did not have access to this fund when their employers refused to pay, with many returning home empty-handed. Even those who applied from 2020 still have problems accessing the fund.

FIFA, which is expecting billions of dollars in revenue from the 2022 World Cup, has failed to address and mitigate the harm caused by Qatar's exploitative hierarchical systems. Initially, FIFA focused on Qatar's plans for air-conditioned stadiums to ensure the health of visiting players and fans, many of whom are from wealthier countries, even switching the tournament from the summer to the winter. But soccer's governing body apparently had little regard for the conditions of millions of low-paid migrant workers who toiled in extreme temperatures of over 122 degrees Fahrenheit (50 degrees Celsius) for years.

A global coalition of human rights organizations, migrant rights groups, trade unions, labor unions, and international soccer fans are supporting migrant workers and their families' call for compensation for abuses they have faced over the past 12 years while building or servicing the infrastructure for the World Cup, including illegal recruitment fees, wage theft, and uncompensated injuries and deaths. On the eve of the World Cup, FIFA failed to state that it would set aside funds to compensate migrant workers who faced abuse, including the request that it set aside at least \$440 million for such a fund, equivalent to the prize money provided to the 2022 World Cup teams.

Conflating genuine calls for compensation with racism may seem to be a useful public relations tactic for Qatar and FIFA, but it is an insult to those migrant workers who have actually suffered under a racialized labor system.

Qatar needs to address the root causes of the racial injustice that threaten the legacy of its World Cup. It should start by committing, along with FIFA, to remedying abuses that have taken place over the past 12 years, including wage theft, injuries, and deaths, and then Qatar should build on its recent reforms to dismantle its kafala system entirely.

Over 80 Countries Committed to Curb Use of Explosive Weapons, Now Comes the Hard Part (Human Rights Watch) By Bonnie Docherty

November 28, 2022

Last week, more than 80 countries endorsed a new international commitment to address one of the greatest threats to civilians during armed conflict: the use of explosive weapons in populated areas. Explosive weapons include aircraft bombs, artillery, rockets, and missiles, and their use in cities, towns, and villages causes thousands of civilian casualties around the world each year.

The political declaration, which 82 countries signed at a ceremony in Dublin Castle on Nov. 18, goes beyond calling for better compliance with existing international humanitarian law by committing the endorsing countries to take additional measures to prevent and remediate the devastating humanitarian consequences of the use of explosive weapons in populated areas.

The success of the endorsement conference warrants celebration, but it also marks the beginning of a new phase of work. Governments, international organizations, and civil society groups now need to focus on universalizing, interpreting, and implementing the document.

A New Political Declaration to Protect Civilians

While not legally binding, the declaration is a milestone for efforts to advance humanitarian disarmament and curb human suffering during armed conflict. It sets international standards for restricting the use of explosive weapons. It demands military training and changes in national policies and practices that have the potential to reduce the harm from a method of war that causes direct and indirect, or reverberating, effects. It also includes commitments on victim assistance, data collection and sharing, and follow-up meetings.

The declaration is the product of a three-year process led by Ireland. Its signatories come from every region of the world and include countries affected by armed conflict and major military powers. Six of the world's top eight arms exporters — the United States, France, Germany, Italy, the United Kingdom, and South Korea — have joined, as well as 24 of 30 NATO Member States.

Ukraine expressed its support at the conference for the declaration's spirit and principles, but said that it would only be able to endorse the instrument after its conflict with Russia ended and it regained sovereignty over its territory.

The Cost of Explosive Weapons

The use of explosive weapons in populated areas has high costs for civilians both at the time of attack and long after. The weapons' blast and fragmentation cause widespread civilian casualties and inflict psychological trauma. According to Action on Armed Violence, when explosive weapons are used in populated areas, an average of 90 percent of those killed or injured are civilians.

Damage to or destruction of civilian infrastructure, including power, water, and sanitation facilities, interferes with basic services, such as health care and education, even long after the conflict ends. The lack of services in turn infringes on human rights, such as the right to education or to quality, available, and accessible health care.

The use of explosive weapons also causes harm to the environment. Bombing and shelling of industrial facilities, for example, releases toxins into the air or water sources. Explosive ordnance lingers long after conflict. The threat of immediate death and injury as well as the reverberating effects discussed above drive mass displacement.

All of these consequences are exacerbated when the explosive weapons have wide area effects, that is, when their impacts cover a broad footprint. Explosive weapons have such effects if they have a wide blast or fragmentation radius, are inaccurate, or deliver multiple munitions at once. The political declaration recognizes these factors as increasing the risk of "a devastating impact on civilians and civilian objects" (paragraph 1.2).

Human Rights Watch and other groups have documented the direct and indirect effects of explosive weapons in recent armed conflicts, including in Afghanistan, Armenia, Azerbaijan, Gaza, Iraq, Libya, Somalia, Sri Lanka, Syria, Ukraine, and Yemen.

A New Challenge Ahead: Implementing the Declaration

As countries translate the declaration's words into actions, they should stay true to the declaration's goal of strengthening civilian protection. Safeguarding Civilians, a recent report co-published by Human Rights Watch and the Harvard Law School International Human Rights Clinic, for which I work, examines several of the declaration's key commitments and interprets them through a humanitarian lens. Some of its findings are presented below.

The core, and most debated, provision of the declaration calls on countries to adopt "policies and practices to help avoid civilian harm, including by restricting or refraining as appropriate from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects" (paragraph 3.3). We, and others, argue it is "appropriate" for countries to "refrain from" the use of explosive weapons with wide area effects in populated areas, given that the harm of such weapons can always be expected. Countries should then "restrict" the use of all other explosive weapons in populated areas.

In addition, under paragraph 3.4, countries should take into account the direct and indirect effects of the use of explosive weapons in populated areas when planning and executing attacks because these effects meet the declaration's threshold of being reasonably foreseeable.

Remediating the humanitarian consequences of the use of explosive weapons demands comprehensive victim assistance measures, another key element of the declaration (paragraph 4.5). Assistance should be provided to affected individuals, families, and communities and take a variety of forms. It should be integrated, inclusive, and gender sensitive.

Data collection and sharing are essential to both preventing and remediating the harm caused by the use of explosive weapons in populated areas. An accurate and in-depth understanding of effects can inform lessons learned, help identify the kinds of victim assistance needed, facilitate international cooperation and assistance, and promote monitoring and compliance.

Countries should make clear that they will collect and share operational data about weapons and targets as well as information about the range of effects of explosive weapons. Both are necessary to achieve the declaration's goals. While the declaration says data should be collected and shared "where feasible and appropriate" (paragraph 4.2), rather than use that caveat as an excuse to avoid transparency, countries should work to ensure that data collection and sharing are feasible and presume they are appropriate unless they risk further harm.

Finally, countries should live up to their commitment to engage in follow-up work on the declaration, including through regular meetings (paragraph 4.7). Those meetings are essential opportunities to exchange views on policies, practices, and interpretations of the declaration, provide updates on progress, share collected data, and promote implementation. Maintaining the inclusiveness that has characterized this process to date will add value to the discussions.

At the Dublin conference, Norway announced that it will host the declaration's next meeting in 2024. That date may seem far way, but the declaration's first major test will be how much can be accomplished by then to carry out its provisions. While addressing the humanitarian consequences of the use of explosive weapons in populated areas is a challenging process, countries that signed the declaration should strive to realize their commitments effectively and efficiently with that date — and especially civilian lives — in mind.

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Aiding and Abetting

Why EU can't count on Turkey to protect asylum seekers (Human Rights Watch) By Bill Frelick
November 17, 2022

The world owes thanks to Turkey for hosting the world's largest number of refugees, more than 3.9 million. It may seem counterintuitive to say that EU members shouldn't consider Turkey a "safe third country" for refugees and asylum seekers, but it isn't.

Safe third country designations enable countries to summarily reject asylum seekers on their territories on the presumption the country they travelled through, or some other country, can be trusted to examine their refugee claims and protect qualifying refugees from being forced to return to places where their lives would be at risk.

In June 2021, Greece declared Turkey to be a safe third country for asylum seekers from Syria, Afghanistan, and a few other

countries.

When a Syrian or Afghan asylum seeker appears to have entered from Turkey, Greece now places that person's refugee claim in an accelerated procedure without considering the substance of their claim.

There are multiple reasons Turkey cannot be considered a safe third country.

Lack of access to asylum procedures is one. The likelihood of a fair hearing for those who do get access is another. Turkey's accession to the 1951 Refugee Convention also includes a geographical limitation whereby it only fully recognises as refugees people fleeing persecution in Europe.

But the main reason is that Turkey does not respect the principle of nonrefoulement, which prohibits the return of refugees to places where their lives or freedom would be threatened.

Greece actually has no legal way of readmitting rejected asylum seekers to Turkey. Although a much-heralded migration deal with Turkey was announced by the European Council in March 2016. Ankara has not been willing to readmit rejected asylum seekers from Greece since at least March 2020, despite 6 billion euros from the EU to seal the deal.

So Greece continues its unlawful practice of pushing asylum seekers and migrants arriving at its borders, back to Turkey.

Victims' testimonies

Victims have told us that this often involves stripping and beating them, then dumping them in the seasonally frigid waters of the Evros River.

Turkey is doing the same thing on its southern and eastern borders.

This year, Turkey's interior ministry reported 238,448 "irregular migrants whose entrance to our country has been prevented" as of 20 October.

A 20-year-old medical student from Ghazni, Afghanistan, whom I met in Istanbul, told me about his encounter with Turkish border authorities shortly after he crossed into Turkey from Iran in December 2021.

Turkish border guards started shooting. His group of 150 was corralled: "Two soldiers held down my hands and feet. Then the commander beat me on my knees with a metal stick. He did this to all the single men...then they forced us back across the border to Iran at a time and place where there were no Iranian border guards."

The safe third country concept is embedded in the EU's Asylum Procedures Directive. It says another country can only be considered safe if "the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention."

But many Afghans inside Turkey are routinely prevented from accessing any procedure to assess their claims for international protection and many are being deported to Afghanistan with little to no examination of their refugee claims.

This happened to a 16-year-old boy I talked with from Herat, Afghanistan who said his father was killed by the Taliban. "The day before I was deported, a guard at the Edirne Removal Center told me I had to sign a deportation paper. I refused to sign it. He hit me on my arm with a metal police baton."

The next day, the boy said, another official took his hand and forced his fingerprint on the paper.

"No one ever asked if I was afraid to go back to Afghanistan. On the paper was written that my return was voluntary, but I cried a lot and begged them not to deport me." He was deported on 17 May.

Turkey deported 44,768 Afghan nationals in the first eight months of 2022, a 150-percent increase from the first eight months of 2021, before the Taliban takeover.

Whether or not formalised readmissions from the EU to Turkey are implemented, asylum seekers who apply for asylum in Greece or other EU countries should not be denied the chance to make refugee claims on the false premise that Turkey will allow them to register, examine their claims, and provide effective protection to those who need it.

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WORTH READING

The United States of America v Jucontee Thomas Woewiyu: How Immigration Fraud in the US Unearthed Old War Crimes in Liberia

Yulia Nuzban

November 28, 2022

When Jucontee Thomas Woewiyu applied for US citizenship in January 2006, he set in motion a series of events that would eventually lead to his conviction in July 2018 in connection with old human rights violations and war crimes committed during a civil war in Liberia. In the intervening years, the case was investigated and prosecuted by the US war crimes units – specialised entities responsible for the investigation and prosecution of international crimes. Although Woewiyu was found guilty of immigration fraud and not war crimes proper, his trial and conviction provide a robust record of war crimes committed during an armed conflict in Liberia, document Woewiyu’s role as one of the NPFL leaders, and give a measure of justice to the victims.

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