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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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NORTH AFRICA

Libya

ICC called on to investigate EU politicians over alleged crimes against humanity in migration policies (The Irish Times) By Sally Hayden

November 30, 2022

A new submission to the International Criminal Court (ICC) has called for European politicians and officials to be investigated for their alleged involvement in crimes against humanity, because of migration policies implemented in the central Mediterranean, off the coast of North Africa.

Those named by lawyers include former European Union foreign policy chief Federica Mogherini; Italy's deputy prime minister Matteo Salvini and former interior minister Marco Minniti; and the current and former prime ministers of Malta, Robert Abela and Joseph Muscat.

Fabrice Leggeri, the former head of EU border agency Frontex, is also named. Mr Leggeri stood down in April amid criticism about the agency's involvement in human rights violations.

The new ICC submission says these "co-perpetrators" should be investigated and that there are "reasonable grounds to believe that the identified individuals can be held criminally responsible".

The central Mediterranean route, which sees people fleeing from situations including dictatorships, conflict and extreme poverty attempt to cross the sea from North Africa to Malta or Italy, has been called the "deadliest migration route in the world" by the United Nations. More than 20,100 men, women and children have died or gone missing there since 2014, while trying to reach Europe.

In 2017, the EU began funding the Libyan coastguard to intercept boats of refugees and migrants. While the EU supplies the Libyan coastguard with vessels and equipment, it also carries out surveillance, flying helicopters, planes and drones to spot refugee boats and transmit that information to aid the interceptions.

More than 108,000 people have been forced back to Libya over the last five years, with many locked up indefinitely in detention centres that Pope Francis, among others, has compared to concentration camps. The new ICC submission argues that these interceptions and returns are crimes against humanity "in the form of the severe deprivation of physical liberty, committed as part of [a] widespread and systematic attack".

The submission was filed in The Hague by the European Center for Constitutional and Human Rights (ECCHR), an NGO dedicated to enforcing civil and human rights through legal means. It was compiled using information from sea-rescue and civil-society organisations, particularly German charity Sea-Watch, as well as publicly available data. It focuses on 12 specific incidents that have taken place between 2018 and 2021.

"The incidents present a particularly clear and detailed picture of the co-operation between European Union agencies ... and member states ... with Libyan actors, on both the policy and operational levels, with regard to the interception of migrants and refugees at sea for the purpose of their return to and detention in Libya," the submission reads.

It follows on from a previous submission by the ECCHR last year, which focused on the individual criminal liability of individuals in Libya for alleged involvement in crimes against humanity, with a focus on crimes including enslavement.

Another ICC submission by lawyers Omer Shatz and Juan Branco, in June 2019, also called for the EU to be investigated in relation to crimes against humanity in the Central Mediterranean, though it did not explicitly name individuals.

Rival Libya PM calls for US to release Lockerbie accused (Associated Press)

December 13, 2022

One of Libya's rival prime ministers called Tuesday for the release of the former

Libyan intelligence officer accused of making the bomb that downed Pan Am Flight 103 over Lockerbie, Scotland, in 1988, killing all onboard, after he surfaced in U.S. custody earlier this week.

American authorities said Abu Agila Mohammad Mas'ud Kheir Al-Marimihad been arrested and would face trial in the United States. On Monday, he appeared in a Washington, D.C., federal court, where he was charged with an act of international terrorism.

“My question directed to the American administration is how...he reached Washington,” Fathi Bashagha, one of Libya’s rival prime ministers, told a local Libyan television channel as he was leaving a meeting of the country’s East-based parliament. “What we think is that he was kidnapped, Of course, this is outside the legal, judicial and legitimacy framework, and this is something I reject and do not recognize. At all.”

Torn by civil war since 2011, Libya is divided between two rival governments, each backed by international patrons and numerous armed militias on the ground. One is based in Tripoli, and the other, headed by Bashagha, is based in Sirte with a parliament in the eastern city of Tobruk. In western Libya, militia groups have amassed great wealth and power from kidnappings and their involvement in the country’s lucrative human trafficking trade.

Bashagha’s comments seemed to suggest that his rival’s government, that of Prime Minister Abdul Hamid Dbeibah, based in Tripoli, was somehow complicit in the operation to extract Mas’ud.

Mas’ud’s extradition is a milestone in the decades-old investigation into the attack that killed 259 people in the air and 11 on the ground. American authorities in December 2020 announced charges against Mas’ud, who was in Libyan custody at the time. Though he is the third Libyan intelligence official charged in the U.S. in connection with the attack, he is the first to appear in an American courtroom for prosecution.

The New York-bound Pan Am flight exploded over Lockerbie less than an hour after takeoff from London on Dec. 21, 1988. Citizens from 21 different countries were killed. Among the 190 Americans on board were 35 Syracuse University students flying home for Christmas after a semester abroad.

American authorities in December 2020 announced charges against Mas’ud, who was in Libyan custody at the time. A breakthrough in the Justice Department’s investigation came when U.S. officials in 2017 received a copy of an interview that Mas’ud, a longtime explosives expert for Libya’s intelligence service, had given to Libyan law enforcement in 2012 after being taken into custody following the collapse of the government of the country’s leader, Col. Moammar Gadhafi.

In that interview, U.S. officials said, Mas’ud admitted building the bomb in the Pan Am attack and working with two other conspirators to carry out the plan. He also said the operation was ordered by Libyan intelligence and that Gadhafi thanked him and other members of the team after the attack, according to an FBI affidavit.

U.S. officials did not say how Mas’ud came to be taken into U.S. custody, but late last month local Libyan media reported that Mas’ud had been kidnapped by armed men on Nov. 16 from his residence in Tripoli, the capital. That reporting cited a family statement that accused Tripoli authorities of being silent on the abduction. It remains unclear under what circumstances Mas’ud was released from prison since the 2020 announcement.

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CENTRAL AFRICA

Central African Republic

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

US targets Russian mercenary group over religious freedom (Associated Press) By Matthew Lee
December 2, 2022

The Biden administration on Friday placed a well-known Russian paramilitary organization on a list of religious freedom violators alongside a number of notorious terrorist organizations.

Secretary of State Antony Blinken announced he had designated the Wagner Group as an “entity of particular concern” for its activities in the Central African Republic. Also on the list are Afghanistan’s Taliban, Nigeria’s Boko Haram, Somalia’s al-Shabab and two factions of the Islamic State group.

“Our announcement of these designations is in keeping with our values and interests to protect national security and to advance human rights around the globe,” Blinken said. “Countries that effectively safeguard this and other human rights are more peaceful, stable, prosperous and more reliable partners of the United States than those that do not.”

The Wagner Group is run by a confidant of Russian President Vladimir Putin, Yevgeny Prigozhin, and its mercenaries are accused by Western countries and UN experts of numerous human rights abuses throughout Africa, including in the Central African Republic, Libya and Mali.

Friday’s designation does not immediately carry U.S. sanctions but opens up those targeted to potential penalties for violations of religious freedom. The Wagner Group and the other “entities of particular concern” are already subject to an array of U.S. sanctions.

In addition to his designation of the Wagner Group and the others, Blinken identified China, Cuba, Eritrea, Iran, Myanmar, Nicaragua, North Korea, Pakistan, Russia, Saudi Arabia, Tajikistan and Turkmenistan as “countries of particular concern” for religious freedom violations.

All of those countries, which Blinken said have “engaged in or tolerated particularly severe violations of religious freedom,” have been on the list previously.

Blinken also put Algeria, the Central African Republic, Comoros and Vietnam on a “special watch list” for religious freedom violations, meaning they could eventually be hit by U.S. sanctions unless their records in the area improve.

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Sudan & South Sudan

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

Sudan's Omar Al Bashir transferred from prison to hospital (The National)

December 5, 2022

Sudan’s deposed president Omar Al Bashir has been moved from jail to a hospital for treatment.

The 78-year-old was being held in Kober Prison in Khartoum while he is tried alongside former ministers over the 1989 coup that brought him to power. He was removed by the army in April 2019 after months of mass protests against his rule.

His lawyer, Hashim Abu Bakr, said he had petitioned the court to transfer Al Bashir to a hospital, saying blood pressure and kidney issues posed a threat to his life if left untreated in prison.

A transfer from prison to hospital earlier this year brought controversy after images and footage emerged of him walking around a hospital ward.

In the video, Al Bashir can be seen greeting visitors outside his room, smiling and walking within the ward, dressed in casual clothing and wearing a watch.

They were the first publicly available images of Al Bashir outside of courtroom coverage since his initial arrest.

The deposed dictator is facing a litany of criminal charges. He was first jailed for corruption, receiving illegal gifts and possessing foreign currency in December 2019 and sentenced to two years in a reform facility, rather than a prison, on account of his age.

As well as his trial for the 1989 coup, he currently faces charges of corruption as well as pressure from the International Criminal Court for his extradition to face trial for war crimes relating to Darfur.

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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**

Surrender or face military action, rebel groups in DR Congo told (The Citizen) By Mary Wambui
December 1, 2022

The M23 rebels, who are not represented at the ongoing inter-Congolese dialogue in Nairobi and are currently under sanctions by DRC, have been asked to hand themselves over to the government failure to which military action will be taken against them.

The Democratic Republic of Congo government has reiterated that it will not offer amnesty to the group which continues to defy calls for cessation of hostilities and exit from the areas of Bunagana, Rutshuru and Kiwanja where they were last week asked to leave after the last meeting of the Luanda process in Angola.

"If they are your brothers and sisters, I advise you to tell them to come while the arm is still stretched towards them. Do not want to be in conflict with the government and the East African Community Regional Force (EACRF)," President Felix Tshesekedi's special envoy Serge Tshibangu Wednesday told the armed groups attending the third Nairobi Peace Process on.

He reiterated that Kinshasa will not engage the foreign armed groups fighting in eastern Congo and that they must leave the country forthwith.

"We have met only six percent of the M23 group who are represented here. The rest have decided to isolate themselves and they continue to carry out attacks," Prof Tshibangu added.

Former Kenyan president Uhuru Kenyatta, the EAC facilitator for the Nairobi process. He said the Nairobi meeting only involves armed groups that have agreed to silence their guns. Groups in Nairobi meeting

The EAC facilitator for the process, former Kenyan president Uhuru Kenyatta, said the Nairobi meeting only involves armed groups that have agreed to silence their guns.

"The Luanda process was very clear that M23 should ease hostilities — which they have done — and vacate from three locations. Until that is done, M23 cannot be part of these discussions," Mr Kenyatta said.

"The other foreign armed groups were told to leave the DRC territory and go back to their home countries. If they will not, they shall face military action by FARDC and the EACRF," he added. Day two of the Nairobi Inter-Congolese dialogues was off to a slow start following the late arrival of yet another group of 82 representatives of armed groups, community leaders, civil society groups and youth groups from Goma.

Largest inter-Congolese dialogue

The arrival of the group on Tuesday afternoon added to the groups that arrived over the weekend from North Kivu, Ituri and other regions, bringing the total number of participants to 350, who include over 50 armed groups, making it the largest inter-Congolese dialogue since the inception of the Nairobi peace process in April this year.

The late arrival of the team pushed Tuesday's negotiations to Wednesday.

Participants who spoke to The EastAfrican expressed hope that the meeting would find a lasting solution to the recurrent conflict in eastern Congo, which some claimed is mainly fuelled by foreign fighters.

Others intimated that the conflict has entirely destabilised their lives as a result of a growing number of victims who are now disabled as a result of the war, besides cases of rape and defilement — resulting in the siring of "unwanted" children — and a delayed school calendar among other woes.

"We thank Kenya for the part it is playing in helping us find lasting peace because we need an end to all of the trouble happening back at home. I have just received a call from my children telling me that there was a fight in the morning. We hope the M23 can go back to where they came from," one of the victims said.

Counselling for war victims

Psychiatrists from the Kenya's Ministry of Health have been seconded to the week-long event at Nairobi's Safari Park Hotel to offer counselling to the victims as they come face to face with some of the persons suspected to be behind the crimes committed against them.

One rebel group's representative confessed that the support for some of the armed groups indeed comes from some neighbouring countries, which he declined to mention, but quickly pointed out that they were ready to surrender their guns to the DRC government if the issues affecting the region are addressed.

Regarding the decision by EAC member states to deploy troops to the region, he said they are waiting to see if indeed their intention is to ensure peace.

"If that is indeed their intention, we shall be happy to support them. All we have been fighting for is the protection of our fellow countrymen and resources. We have seen some groups that are supported by foreign countries steal our minerals and fight our people, we want an end to that and a country that is peaceful," he said.

Hope in Nairobi process

Prof Tshubangu expressed hope that the Nairobi process would bear fruit and come up with strategies that bring peace in eastern DRC. "We think we are going to leave this country with resolutions and commitments. Remember all the eyes of the entire world are on us. I'd like to urge all of us that it is important that what we discuss here is executed for the sake of our country and future generations," he said on Tuesday.

"This is your historical moment. Use it to bring lasting peace to your home country," Kenya's Foreign Affairs PS Macharia Kamau told the participants.

The dialogues are meant to create mechanisms for bringing back peace in eastern DRC where more than 120 armed groups are fighting.

They kicked off on Monday with a resolution by EAC heads of state to deploy military action against armed groups that defy calls to ease hostilities, create channels for voluntary repatriation of internally displaced persons and refugees hosted in neighbouring countries in addition to a call for the unconditional departure of foreign armed groups from DRC territories.

DR Congo conflict: M23 rebels executed over 130 civilians – UN (BBC) By Matt Murphy
December 8, 2022

A UN investigation has found that at least 131 civilians in the Democratic Republic of Congo died in a November attack by the M23 rebel group.

The UN report said the massacre took place in two villages - Kishishe and Bambo - in the Rutsuhuru district of the eastern North Kivu province.

Investigators said the attack appeared to be a reprisal for a current government offensive on the rebels.

M23 denied the massacre, blaming "stray bullets" for just eight deaths.

But the UN's Monusco peacekeeping mission in the country said 102 men, 17 women and 12 children were "arbitrarily executed" by the rebel group "as part of reprisals against the civilian population".

At least 22 women and five girls were also raped, the report said

"This violence was carried out as part of a campaign of murders, rapes, kidnappings and looting against two villages in the

Rutshuru territory as reprisals for the clashes between the M23" and other armed groups, including the FDLR, the statement said, adding that the true number of killed could be even higher.

It also said that M23 fighters then buried the bodies of the victims in "what may be an attempt to destroy evidence".

The government had initially said that over 300 civilians were killed in the attack, which took place between 29-30 November. But its spokesman Patrick Muyaya accepted on Monday that it was difficult to arrive at a firm figure as the region was under M23 occupation.

Congolese authorities have described the killings as war crimes and called for deeper investigation, while protests have been organised in the capital, Kinshasa and Goma, the main city in North Kivu.

Investigators said they couldn't access the villages where the massacre occurred, but they interviewed 52 victims and direct witnesses who fled the attack in the town of Rwindi about 20km (12 miles) away.

Witnesses told the UN's team that members of the rebel group broke down doors, shot civilians, looted property and burned villagers out of their homes.

"MONUSCO condemns in the strongest terms the unspeakable violence against civilians and calls for unrestricted access to the scene and the victims for emergency humanitarian assistance," the investigators said.

An M23 spokesperson rejected the UN's findings and insisted that it had "asked that there be investigations together with us in Kishishe but the UN never came".

"The UN is under pressure from the government to come up with a figure, even if it is false," spokesperson Lawrence Kanyuka said.

The M23 group was formed a decade ago. It says it is defending the interests of ethnic Tutsis living in DR Congo against Hutu militias and has been involved in a long-running conflict against the central government.

After lying dormant for several years, it took up arms again last year and has been leading an offensive in eastern DRC against the Congolese army.

The massacres in Kishishe and Bambo followed clashes with the FDLR militia, which includes some of the ethnic Hutu leaders of the 1994 genocide in Rwanda who fled across the border into what is now DR Congo.

The M23 has meanwhile accused pro-government forces of "genocide and targeted killings" against the Tutsi community. It said its positions in Bwiza were attacked on Tuesday, despite the current ceasefire agreement.

The M23 has said it is ready to withdraw from the some of the territory it controls. It made the announcement on Tuesday following peace talks in the Kenyan capital, Nairobi, even though it did not attend the talks.

DRC President Felix Tshisekedi has accused neighbouring Rwanda of seeking to destabilise the country by providing weapons to the rebels, an allegation recently endorsed by UN experts. However, this has been denied by the Rwandan government.

More than 100 different armed groups operate in the mineral-rich eastern DR Congo, which has been ravaged by conflict for about three decades.

Several countries have sent troops to DR Congo this year as part of an East African Community (EAC) taskforce to try and disarm the groups and bring peace to the area.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Nigeria has killed at least sixty children in anti-Boko Haram military operations (Jurist) By Adebisola Abigail Bada
DECEMBER 13, 2022

A Reuters investigation released Monday reports that Nigeria’s military has killed at least 60 children since 2009 as part of the nation’s 13-year battle against Islamic extremist organisations like Boko Haram. Under “Operation No Living Things,” soldiers were often acting on orders to interrogate, search or even kill children to prevent “a future threat.” These actions amount to war crimes under international law.

The report outlines a series of interviews conducted with 44 civilian witnesses and 15 security force members. It confirms a total of at least 60 children were killed over six “episodes” of targeted military violence. At least two sources saw killings or their aftermath firsthand. Soldiers would reportedly shoot, poison and suffocate children after either taking them from rescued women or rounding them up from small remote villages.

The military describes their operation as being a “patriotic fight against terrorists,” but Reuters reports that the killings often serve as “retribution.” A particular account from early 2022 describes a massacre in New Marte in the wake of a military defeat. Reuters recounts, “When commanders ordered towns to be cleared of presumed insurgents, soldiers said they understood, and sometimes were explicitly told, that children’s lives were not to be spared.” One soldier told investigators:

I don’t see them as children, I see them as Boko Haram. If I get my hands on them, I won’t shoot them, I will slit their throat... There’s a saying in Hausa, if you kill a snake but you don’t kill its young, there will be more battles ahead.

Nigerian military officials report these instances very differently. Of the 2022 New Marte massacre, Nigerian Army spokesman Brigadier General Mohammed Yerima stated in his biography that these soldiers simply “fulfilled their chief’s desire.” Major General Jimmy Akpor’s dubbed Reuter’s entire investigation a “fictitious series of stories.”

Other reports have accused Nigeria of war crimes in its fight against Boko Haram. A December 7 report by Reuters detailed a secret forced abortion programme for women raped by Boko Haram. Reuters described the abortions as another method by which the Nigerian military aims to “end the perceived insurgent bloodline.” Nigerian officials have denied the existence of a forced abortion programme.

In 2015, Amnesty International also released a report detailing war crimes committed by the Nigerian Military against Boko Haram.

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Mali

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Liberia

Liberia: 'We Are Worried' (Liberian Observer) By William Q. Harmon

December 14, 2022

The recent release of Viktor Bout, a man who helped fuel several bloody conflicts throughout Africa and the world by selling arms and munitions to oppressive regimes and rebel forces, is evoking fear among many, especially in Liberia where his operations contributed to the death of over 250,000 people.

In exchange for the basketball star Brittney Griner, the administration of U.S. President Joe Biden released Bout who, at the height of his arms trade, helped supply arms and ammunition to Liberian warring factions, especially Charles Taylor's National Patriotic Front of Liberia (NPFL) — deals that fueled the civil war for many years.

But those who have long endeavored to ensure that justice prevails in the country are weary seeing arguably the world's best-known illegal arms trafficker as a free man — a move that puts a dent in their efforts for justice in Liberia.

Both Massa Washington, commissioner of the defunct Truth and Reconciliation Commission (TRC) and Hassan Bility, Executive Director of Global Justice and Research Project (GJRP), say the release of the Russian is a new security threat to the world, especially small and vulnerable countries like Liberia.

“So we are worried,” Washington told US-based National Public Radio when asked what Bout's release means to Liberia. “And we are concerned now that he's been released. And our concern is that Liberia is a porous country in terms of governance.”

The fact that there's been no accountability for war crimes that took place in the country, and most of the warlords and rebel generals who fought the war are in a position of trust, she fears that Bout could still use his influence and connections to cause problems.

“They've rebranded themselves. They're in a position of trust. Some of them are in the legislature... Some of them are in mainstream government [the executive]. Some of them are now businessmen. They are millionaires,” Washington, who as a journalist, covered the war in the 1990s,” said.

The premise of her worry, she explained, is the fact that Bout's former colleagues and partners are in the country, and “they're running Liberia.”

“You know, they have political power. They have economic strength. So we are worried what this portends for Liberia,” she said.

“Is he going to come back to Liberia?” Is Mr. Bout going to rekindle his relationships with his former war partners, who are now the people who are running Liberia? This is very worrisome for us, for we worry what it portends for the security, safety and stability of Liberia that is still struggling with the aftereffects of the civil war,” she said.

For Bility, Bout's release leaves much to be desired. “As the global champion of justice and accountability, we didn't expect the US to release a man whose actions led to the death of hundreds of thousands of Liberian lives,” he told the Daily Observer in an email interview. “We however understand the US did so in its national interest.”

Bility's GJRP, which helped track down, try and convict people who committed war crimes and crimes against humanity during the Liberian war, said, “We expect the US to continue to assist Liberia in holding [Bout's] collaborators accountable for the violations of International Humanitarian Laws during Liberia's two armed conflicts.”

“I must stress that the US has been very instrumental in bringing suspected Liberian war criminals to justice. I thank them for that.” Some of those GJRP helped convict include Alieu Kosiah, Mohammed Jabbateh, Thomas Woewiyu.

Bility said Bout's freedom should serve as a challenge to human rights and justice advocates. “The US itself agrees that war criminals should be held accountable. Ambassador Michael McCarthy has driven this point home. They are very helpful,” he said.

Bout's release should be considered an exception, not the rule, he noted. “It doesn't mean the US doesn't support accountability. The US does. His imprisonment did bring some relief and justice to Liberia. The US, in line with its interest in justice, at least did something which we appreciate,” said Bility, who acknowledged that the incarceration of the Russian brought some relief and justice to Liberia, said.

As to whether the Liberian Government's apparent "unwillingness" to hold suspected war criminals accountable in Liberia played any role in the USA's decision to exchange prisoners, Bility said, "the US did so in its own interest — to save the life of an American citizen. That's perfectly understandable."

"Accountability in Liberia is not the responsibility of the US Government, but the Liberian Government," he stressed.

Washington and Bility, like many other advocates, think Bout is a monster and, while the release of basketball star Griner is a cause for celebration, they hope global actors will ensure that his release will not result in devastating security implications around the globe.

The release of the Russian would be a setback to his accountability for the crimes he allegedly committed and enabled in Liberia.

Between 1989 and 2003, Bout sold weapons to Liberian warring factions, notable among them being former President Charles Taylor. His trade deals with the former Liberian President circumvented several United Nations arms embargoes.

Bout was active in Afghanistan, Colombia, Angola, the former Yugoslavia, Yemen, Somalia and the Democratic Republic of Congo. But Liberia featured prominently in making him more notorious.

His profitable deals with Taylor also spiraled to other countries in the region. It did not also spare Liberia's natural resources because, as he supplied Taylor with arms and ammunition, Taylor illegally exploited the country's logs and minerals and abused its huge shipping registry to pay him, a global witness report said.

The plundering of the Liberian forestry sector to fuel the war led to the infamous tags "Logs of war" and "conflict timbers" across the world.

In 2009, Liberia's Truth and Reconciliation Commission (TRC) recommended that Bout be investigated for his role in the country's crises, but this is yet to happen more than a decade on.

The viciousness of the war that Bout contributed to led to more than 1 million people fleeing externally into refugee camps in the neighboring countries, especially Guinea, Ivory Coast, and Ghana. Internal displacement was massive.

Liberia: Feminist Group Condemns Zoe's Demand for Money to End FGM (Daily Observer) By Tina S. Mehnepaine
December 14, 2022

The Monrovia Feminist Study Circle has condemned the Montserrado county chief zoe's demand for money as a condition for ending Female Genital Multilation (FGM).

The group claimed in a statement that even though traditional leaders rely on Sande Bush payments to exist, money cannot be used as leverage to stop the damaging practice.

"We consider Zoes as guardians of the patriarchy. Instead of cutting little girls using dirty blades, letting them bleed to death, causing lifelong suffering, we ask Zoes to listen to the pain of women. Demanding money while threatening to continue FGM, often through abducting girls, is abhorrent."

Chief Zoe of Montserrado County, Massa Kandakai, told a group of journalists that FGM can only end if they are paid, disregarding the three-year ban endorsed by the government and National Traditional Council of Liberia — which is intended to slow down the cultural practice that many do consider harmful.

"I have two hundred proper Zoes in Montserrado alone, with about 2,000 across the country. How do they expect us to live when the Government is not living by their promises to us," Kandakai emphasized.

Massa Kandakai is considered a senior Zoe, who holds leadership over hundreds of other traditional women who circumcise girls.

In light of the three-year prohibition on FGM, the group is urging the government to question the chief Zoe regarding her statement.

"We have learned from our study with Mae Azango, an investigative journalist during our 3rd study session on 26 November, that FGM has never stopped and schools are given licenses by Ministry of Interior. Moreover, Sande schools are even operating in the capital of Monrovia.

“Feminists ask for more clarity and transparency on agreements made between Traditional Leaders and the State. Why are licenses still being given to traditional schools by the Ministry Of Internal Affairs? Why are these schools now operating in urban areas? Why are we told a moratorium is in effect? Feminists demand answers from the State.”

According to them, the nature of the relationship between the Liberian State and Traditional Leaders was defined in the founding of Liberia.

“This relationship’s terms are based on co-existence as well as power sharing and has not changed over time. The State needs votes and Traditional Leaders need political patronage from the State. This is why FGM is a protected practice and, in fact, has been allowed to become a formalized livelihood and institution where both State and Traditional Leaders benefit. FGM is a crucial aspect of Sande schools, which are in the realm of Traditional Leaders, for whom schools are a form of patriarchal control. In this co-existence of vote exchange, political patronage, and licenses and fees, girls and women are sacrificed in the name of culture. Little girls and young women are being abused by both traditional patriarchy, capitalism and modern democracy.

“Feminists cannot abide the use of ‘culture’ as excuse to practice violence on women’s bodies.

“If FGM is indeed criminalized without disbanding other so-called Traditional structures, there is no guarantee patriarchal violence and control will be eliminated. As feminists, we need to remind ourselves of this risk,” the group said.

The group called for a radical transformation between the State and Traditional realm, based on addressing the legacy of settler colonialism and a more equitable economic and political system.

"We need a system that works for the people and protects all groups and identities. Within this transformation lies the true liberation of women from all patriarchal violence."

The Monrovia Feminist Study Circle is in solidarity with all the women who have been cut and, those fighting to end this violence against women.

In Liberia and Across Africa, Viktor Bout’s Bloody Legacy Is Still Felt (New York Times) By Ruth Maclean and Dounard Bondo
December 14, 2022

He trafficked weapons to rebels in Angola. He ran a criminal group that smuggled cobalt out of Congo. He delivered missiles, machine guns and military helicopters to Liberia, when it was in the middle of a civil war.

But the convicted Russian arms smuggler Viktor Bout, released by the United States last week in exchange for the American basketball star Brittney Griner, was never held to account for any of the acts that have been documented over the years by experts at the United Nations. Instead, he was arrested in a sting operation in Bangkok in 2008 by U.S. Drug Enforcement Administration informants posing as Colombian revolutionaries, and then convicted of conspiring to kill Americans.

While he was greeted on his arrival back in Russia last week as a “wonderful person,” many of the African victims of the conflicts he supplied with weapons are still enduring the trauma and awaiting any kind of justice.

“This guy’s responsible for the murder, indirectly, of thousands of persons,” said Hassan Bility, director of the Global Justice and Research Project, an organization that documents wartime atrocities in his country, Liberia.

Mr. Bout had a network of more than 50 planes that were constantly involved in “arms shipments from Eastern Europe into African war zones,” according to the United Nations.

Mr. Bout has not responded yet to an interview request. But speaking to The New York Times in 2003, Mr. Bout first said that he didn’t know that what he was delivering were arms. And then he changed tack.

“Illegal weapons?” he said. “What does that mean? If rebels control an airport and a city, and they give you clearance to land, what’s illegal about that?”

One of the war zones where the United Nations flagged arms shipments was Liberia. Mr. Bout supplied weapons to Charles Taylor, a former president of Liberia, said Stephen J. Rapp, who as prosecutor of the United Nations-backed Special Court for Sierra Leone led the prosecution of Mr. Taylor, which ultimately ended in his war crimes conviction for atrocities committed in Sierra Leone.

Among them was 1992’s Operation Octopus, in which child and teenage soldiers laid siege to the Liberian capital and thousands of people were killed within a month.

“The way Taylor fought his wars was not by going out and shooting combatants on the other side,” said Mr. Rapp. “It was through these violent acts against civilian populations. And so, if you were supplying arms to Taylor, you had a fair sense that they were going to be used in this ‘make them fearful’ — as he would say — kind of fighting.”

For Joshua Kulah, who was 9 when Liberia’s second civil war ended in 2003, that fear is seared in his memory. Mr. Kulah, now a 28-year-old lawyer, said that he had friends who were forced to become child soldiers by soldiers and rebels, and cousins and friends who died on the front line. He remembered his parents hiding him every time armed men came to the neighborhood, in case he were abducted and forced to fight, too.

One day in 2003, he remembered, he was playing outside. His mother was at work, but hearing that rebels were preparing to attack, she rushed home to try to protect her family.

But the rebels arrived before she did.

“As we were playing we just heard an explosion,” Mr. Kulah said. “Within minutes, we saw rockets falling everywhere. I saw it falling on houses and killing everyone in the house. I remember running home from the field and rockets were dropping. I saw dead bodies.”

Mr. Kulah said he was “indifferent” to Mr. Bout’s release because he blamed the people who used the guns, not those who sold them.

But Mr. Bility said his organization would begin building a complete dossier on the arms dealer’s activities in Liberia that could be used in a case against him, “and then just wait” for him to leave Russia so he could be extradited or charged elsewhere.

Almost everyone in Liberia suffered one way or another. One woman, now 44, remembered the war Mr. Bout supplied weapons to as “just hardship.” Her family had no food, she said, and had to walk for hours to find something to eat.

The woman’s family was already traumatized by the events of the first civil war (1989-’97), in which her uncle was killed by rebel forces fighting for Prince Johnson, another warlord. Mr. Johnson is best known for ordering the murder of President Samuel Doe in 1990 and drinking beer while watching as he was tortured. But today Mr. Johnson is a powerful senator who has such an important political following that he repeatedly plays kingmaker in Liberian presidential elections.

The woman whose uncle was killed wanted to remain anonymous, 32 years later, for fear of repercussions. Mr. Johnson’s political power and the fear he still inspires are part of the reason that thousands of victims of the Liberian civil wars have never seen any kind of justice, Mr. Bility said.

He said that the release of Mr. Bout was “difficult,” but that he would not criticize the United States for it when that country had repeatedly tried to hold to account the Liberian rebels who fled there, while hundreds of war criminals back in Liberia walk free.

“The United States — when it comes to justice — has done more” than Liberia, he said. “Way, way, way more.”

For years, Liberian survivors of the wars, human rights advocates and some politicians have pushed for the creation of a war crimes court — something that was recommended by the country’s Truth and Reconciliation Commission. But successive governments have resisted it.

Initially, George Weah, the former international soccer star who today is president of the West African country, endorsed the creation of the court. But, recently, he has gone silent on the subject.

With African leaders convening this week in Washington for a high-level summit, Mr. Bility called on President Biden to speak with President Weah about establishing such a court.

Mr. Bout’s client list was long, according to Douglas Farah and Stephen Braun, who wrote a book about him, “Merchant of Death: Money, Guns, Planes, and the Man Who Makes War Possible.” He simultaneously supplied weapons to Ahmad Shah Massoud, leader of Afghanistan’s Northern Alliance, they wrote, and to Mr. Massoud’s enemies, the Taliban.

Mr. Bout mixed his smuggling activities with legitimate — and lucrative — business, such as buying gladioli for \$2 each in South Africa and flying tons of the flowers to Dubai, where he sold them for \$100 a stem. He flew U.N. peacekeepers to Somalia and East Timor, and French troops into Rwanda during the 1994 genocide, he told a New York Times reporter in 2003.

Mr. Rapp, the prosecutor, said that Mr. Bout’s conviction had been a little like that of Al Capone, the Chicago mobster who was

eventually jailed for tax evasion — not murder or bootlegging or racketeering.

“I’d prefer that somebody other than Viktor Bout was traded,” Mr. Rapp said. “But the fact that he’s done almost 15 years of his 25-year sentence is some solace. Al Capone only did eight.”

Liberia: Chief Zanzan Karwor Orders Halt to FGM Practice (Daily Observer)

December 2, 2022

The National Council of Chiefs and Elders of Liberia (NACCEL) has committed to close all bush schools and stop the practice of female genital mutilation (FGM) in Montserrado County in January 2023.

The Chairperson of NACCEL, Chief Zanzan Karwor made the commitment during the launch of the 16 Days of Activism Against Gender-based Violence in Sonkay Town, Montserrado County on November 25.

Following the pronouncement, Karwor called on Chief Zoe (traditional practitioner) Massa Kandakai and the Paramount Chief, Stephen Goba, to ensure that all Zoes within the Montserrado County surrender all documents and practicing implements in preparation for the official traditional ceremony to abolish the practice of FGM in early January 2023.

Once the order is given in January next year, anyone challenging his authority will face disciplinary action from the NACCEL. The Chief reiterated NACCEL’s commitment to ending FGM as evidenced by pronouncements of the three-year ban on FGM in the country. He also emphasized the importance of providing alternative economic livelihood programs for traditional practitioners in the 11 FGM-practicing counties.

During her keynote address, the Vice President of Liberia, Jewel Howard Taylor called on NACCEL’s Karwor to engage the legislature and the international community to ensure the speedy passage of the FGM bill into law. Liberia is one of only three countries in West Africa that has yet to outlaw the practice of FGM.

The Vice President also presented a token to Karwor and requested him to visit all the Counties where FGM is still being practiced and ask traditional practitioners to stop the practice.

This year’s 16 days campaign is being held under the global theme - “UNITE! Activism to End Violence Against Women and Girls” and the national theme “With One Voice, Let’s End Violence Against Women, Girls and Children.” The campaign runs from 25 November, the International Day for the Elimination of Violence Against Women, until December 10, Human Rights Day.

The campaign launch event was attended by several dignitaries including special guest, Jaha Dukureh, the UN Women Goodwill Ambassador for Africa on ending FGM and child marriage, who served as key launcher of 16 days campaign; Minister of Gender, Children and Social Protection, Honourable Williametta E. Saydee-Tarr who welcomed guests, members of the Diplomatic Corp, Government officials, civil society and traditional leaders from various counties; and Ms. Comfort Lamptey, UN Women Representative and Acting UN Resident Coordinator who delivered a special message from UN Secretary General.

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EAST AFRICA

Uganda

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

ICC upholds sentence of Uganda child soldier turned LRA commander (Al Jazeera) December 15, 2022

The International Criminal Court on Thursday confirmed the convictions of Dominic Ongwen, a former Ugandan child soldier who rose to be a commander in the notorious Lord’s Resistance Army, and upheld his 25-year sentence for rape, murder

and child abduction.

“The appeals chamber rejects all the defence grounds of appeal and unanimously confirms the convictions,” presiding judge Luz del Carmen Ibanez Carranza said.

The defendant who was taken into ICC custody in 2015, was convicted and sentenced in 2021 but his lawyers had appealed both decisions.

Later, the judges also rejected all the grounds of appeal related to the sentencing.

Led by fugitive strongman Joseph Kony, the LRA terrorised Ugandans for nearly 20 years as it fought the government of President Yoweri Museveni from bases in northern Uganda and neighbouring countries. The militia has now largely been wiped out.

Ongwen, now in his mid-40s, was abducted as a nine-year-old and forced into a life of violence after the group killed his parents.

The defence had argued that his horrific experiences in the LRA meant he could not be held responsible for his later actions.

Judges, however, ruled that Ongwen was not under duress and acted independently at the time when he had committed the crimes he was charged with.

During the appeal hearing, the defence said the ICC was using Ongwen as a scapegoat for the crimes of LRA leader Kony, who is still at large despite being the subject of an arrest warrant from the court since 2005.

“Everything that has happened is being blamed on me,” Ongwen had said during a hearing earlier this year.

The ICC prosecutor recently said he would seek to start proceedings against Kony and intensify efforts to bring him to trial.

Prosecutors and lawyers for the more than 4,000 victims participating in the case have asked judges to uphold the conviction and sentence.

The ICC was established in 2002 to try individuals for genocide, war crimes and other major human rights violations.

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Kenya

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

Families and activists unite to fight for justice over ‘river of death’ killings in Kenya (The Guardian) By Maurice Oniang’o

December 12, 2022

In western Kenya, the news of three bodies being found dumped in the Yala River was met with dismay, but not shock. It was not the first time human remains had been retrieved from the water. The three people found in September brought the total number of bodies pulled from the Yala this year to 36. It has earned the 136-mile waterway, which rises in the Rift valley and flows into Lake Victoria, the nickname “the river of death”.

In western Kenya, the news of three bodies being found dumped in the Yala River was met with dismay, but not shock. It was not the first time human remains had been retrieved from the water. The three people found in September brought the total number of bodies pulled from the Yala this year to 36. It has earned the 136-mile waterway, which rises in the Rift valley and flows into Lake Victoria, the nickname “the river of death”.

The recently elected president, William Ruto, has promised action on Kenya’s appalling record of extrajudicial killings by state

forces but it is families and activists who are fighting back. Boniface Mwangi travelled to the town of Yala earlier this year with fellow Kenyan human rights activists from Haki Africa after hearing about the number of bodies accumulating.

Hussein Khalid, the executive director of Haki Africa, said at that time he saw 21 bodies in the mortuary at Yala hospital. Some had their arms tied behind their backs, polythene bags on their heads, and showed signs of torture. Others had been in weighted sacks and “neatly packed and sealed like a parcel”.

“At least 10 were [found] in sacks floating. The community thought that someone had dumped garbage in the river but, after a while, they began to attract flies, and community members realised something was wrong,” says Khalid.

While the group were there, two other bodies were found in the river.

It was unclear who the dead were or who was disposing of them, but in Kenya, where extrajudicial killings are a longstanding issue, the immediate suspicion fell on state security agencies. Police insisted the bodies had accumulated over two years rather than a matter of months.

“The manner, efficiency and frequency of the cases points to a sophisticated state security agency because this is an operation that cannot be carried out by civilians and go unnoticed,” says Khalid.

The Independent Policing Oversight Authority (IPOA) oversaw the postmortems, and confirmed the number of Yala bodies, and said preliminary investigations suggested the victims were killed by the same perpetrators.

In April, the Missing Voices report, which tracks cases of police violence in Kenya, documented 219 cases of police killings and enforced disappearances in 2021. The report, compiled by a coalition of Kenyan organisations, showed the most vulnerable group were men aged 15-30 living in Nairobi’s informal settlements. Often they are suspected of petty crimes or being in criminal gangs.

After Haki Africa publicised the issue on social media, more than 50 families of people who had gone missing in Nairobi travelled to the town, about 240 miles from the Kenyan capital, in the hope of finding their loved ones.

The family of Philemon Chepkwony was among the first to visit Yala’s mortuary. Chepkwony and four others were travelling from Nairobi to a nearby town when they disappeared last December, says his younger brother Meshack. His family had searched in vain for him in hospitals, forests and morgues in Nairobi.

His body, which showed signs of torture, had been in the river for some time and was not easy to identify, but Meshack Chepkwony says they recognised his wedding ring and a bracelet in Kenyan flag colours. The identification was later confirmed by a DNA test. One of the others with Philemon when he disappeared was also identified. The other two are still missing.

“After the DNA test we were allowed to bury him, but we are devastated because we are in the dark. Who killed him? How did he end up in the Yala River miles away from Nairobi?” says Meshack. The family has failed to find answers from police in Yala or the Directorate of Criminal Investigations, the Nairobi department that investigates serious crimes.

According to the IPOA, 19 further bodies have now been identified through DNA analysis and collected by relatives. The Kenya National Commission on Human Rights said in total 14 unidentified bodies have now been buried by the mortuary at unspecified dates. Khalid believes that number could be higher.

Other rivers have also been used as dumping grounds. In September 2021, police in North Tana retrieved 14 bodies from the Tana River over a four-month period. The victims lacked identity documents, and there had been no reports of anyone missing in the area. “These bodies were killed in a systematic way, and they were tied with a certain weight so that they are not easily discovered,” Ali Ndiema, the Tana North police commander, said at the time.

The Kenyan police authorities have always denied allegations of extrajudicial killings and blamed the deaths on rogue officers. “We are more than 120,000, but you may find one, two, or three making mistakes. These mistakes don’t arise from poor training but from several issues, and one is the inherent behaviour and characteristics of an individual. If someone is born a bully even if you train them and make them a police officer, the character does not change,” said Charles Owino, former police spokesperson, in 2020.

In October, President Ruto confirmed that the police were involved when he disbanded the Special Services Unit, an elite police unit at the Directorate of Criminal Investigations, and ordered an investigation into its activities. Ruto’s decision followed that month’s discovery of remains believed to be those of two kidnapped Indian nationals and their taxi driver found in the Aberdare forest. At least nine officers from the disbanded police unit were arrested in relation to the disappearance of the three people.

Speaking at a prayer service in Kericho County, the president said the police unit was behind several extrajudicial killings and enforced disappearances.

“We have a plan on how to secure this country so that we avoid the shame of Kenyans killed through extrajudicial killings and put in Yala River and other rivers,” said Ruto.

Demas Kiprono, the campaign manager at Amnesty International Kenya, welcomed the president’s move but called for an investigation into the Yala River bodies and for officers culpable to be charged. “We would also like the president to set up a commission of inquiry so that we can understand why these extrajudicial killings and enforced disappearances happen, to avoid a recurrence in future.”

In Nairobi, people say that brutality meted out to young people in low-income areas is a criminalisation of poverty. Wanjiru Wanjira, the co-founder of Mathare Social Justice Centre (MSJC), a community organisation in one of Nairobi’s biggest slums, says police brutality is normalised. “Young men were being killed arbitrarily and no one was reporting because the victims and the community felt disempowered and that the police were above the law,” she says.

MSJC was formed by young activists to document cases of police brutality in Mathare settlement and in 2017 released the first comprehensive report on police brutality in Kenya, titled Who is Next?.

After the report MSJC brought together victims’ families and formed the Mothers of Victims & Survivors Network to raise awareness and document cases of police brutality. It has organised several protests in Nairobi and taken a petition to Kenya’s parliament.

Lucy Wambui, a founding member of the network, says speaking out against police violence has been a source of strength to members, turning them from victims to defenders. Her husband was killed at the age 25 by a police officer in 2017 when she was eight months pregnant. “The network has been impactful to me because I get to interact with people who have gone through the same predicament and we are our own support system.”

The 70 members hold vigils for victims of extrajudicial killings. “We are also building a memorial park by planting a tree each time someone is killed by state security agents. Each tree signifies that a life was ended and another one started,” says Wambui. She says they face threats and intimidation from police officers.

The network also attends court with the victims’ families. “We are currently giving court solidarity to Halima Malicha, whose son was killed by police, and we will stand with her until the case is determined,” says Wambui. Malicha’s 17-year-old son, Nura, was shot dead on 21 February 2015. The case is ongoing, seven years on – an indication of the slowness of Kenya’s justice system.

“You find a mother following a case of their son for years and the despair from their quest for justice makes them disengage. Some have even passed away before their cases are finalised,” says Wambui.

Together with Amnesty International Kenya and the International Justice Mission Kenya, the group has taken 22 cases to court to date.

Amnesty’s Kiprono blames court delays on a backlog. “This is a problem that needs to be addressed by finding a way to fast-track cases involving certain crimes and involving police officers.”

Wambui says the activists have been instrumental in reducing police violence in her area where gunshots were once heard daily. “Today, the killer cops know that if they kill or enforce any disappearance, we will make a lot of noise and they will be answerable,” she says. “A victim’s voice is a very big weapon against the perpetrator.”

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

ICC urged to prioritize crimes committed in eastern DRC (Africa News) December 7, 2022

DRC's Justice minister Rose Mutombo took part Tuesday (Dec. 6) in the 21st session of the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC).

During the meeting in the Hague, Netherlands, Mutombo called on the prosecutor of the ICC to investigate alleged massacres in Kishishe last week.

"While we are in this room, part of the eastern territory of the Democratic Republic of the Congo, my country, in the provinces of Ituri and North Kivu, is the scene of crimes against humanity, war crimes, crimes of genocide and crimes of aggression which cause thousands of deaths as well as cases of sexual violence against women and girls in particular, not to mention the massive displacement of populations," the minister said.

According to the ACP, the Congolese state-owned news agency, Rose Mutombo pointed to the ADF terrorist groups from "Uganda" and the M23 backed by "Rwanda", as perpetrators of these crimes.

The Congolese government accuses M23 rebels to have raided the Kishishe village located about 70 kilometers from Goma and killed over 200 people.

There was no immediate corroboration of that government figure or the new toll of at least 270 dead due to insecurity in the area but Muyaya said the information had come from local civil society groups.

Government spokesman Patrick Muyaya said Monday an official inquiry would be opened into the attack which broke a cease-fire agreement brokered last month.

The M23 rose to prominence a decade ago when its fighters seized the largest city in in the Democratic Republic of Congo's eastern region, bordering Rwanda.

After a deal with the government, fighting with this rebel group stopped. Still, other active rebel groups in the region continued to terrorize civilians.

The 23 rebels re-emerged just over a year ago, capturing key towns and forcing thousands to flee for their lives. M23 rebels killed 131 civilians, raped 27 women and girls in two days in November: UN (Sunday Times) By Michael J. Kavanagh <https://www.timeslive.co.za/news/africa/2022-12-10-m23-rebels-killed-131-civilians-raped-27-women-and-girls-in-two-days-in-november-un/>

M23 rebels killed at least 131 civilians and raped more than 27 women and girls in the Democratic Republic of the Congo (DRC) last month, the UN said, detailing the scale of reprisal attacks by the militant group.

The attacks took place on November 29 and 30 in the villages of Kishishe and Bambo in the eastern Rutshuru territory amid clashes between the M23 and rival groups, the UN peacekeeping mission in Congo, Monusco, said this week. Eight more civilians were wounded and 60 people were kidnapped, it added.

"The victims were arbitrarily executed by bullets or with bladed weapons," Monusco said. The rebels may have buried some victims, in what may be an attempt to destroy evidence, it added.

A spokesperson for M23 called the UN report "fake" and denied the killings took place.

M23 and Congo's army have been fighting since last year, with the rebels saying they're protecting the rights of ethnic Congolese Tutsis and other Kinyarwanda speakers in the country. The government, UN experts and US officials have accused neighbouring Rwanda of supporting the group, which Rwanda denies.

The Congolese army and UN peacekeepers defeated a previous M23 rebellion backed by Rwanda in 2013. The renewed fighting between the M23 and the army has increased tensions between the two nations.

Last week, Rwandan president Paul Kagame accused Congo's President Felix Tshisekedi of using the conflict to try to postpone elections scheduled for next year. In response, Tshisekedi said Congo should support attempts by Rwandans to "liberate themselves" from Kagame and called his counterpart a "warmonger."

Congo's government has declined to negotiate with the M23 while it occupies parts of the country and the rebels aren't participating in peace talks set to resume in Congo in January, led by former Kenyan president Uhuru Kenyatta.

M23 on December 3 denied preliminary reports of the massacres, saying it counted only eight civilians killed by stray bullets in fighting with rebel groups.

Since then, the number of alleged victims has continued to grow, with Congo's government saying Tuesday that M23 may have killed 272 people in Kishishe, which remains under rebel control.

Monusco has demanded access to the villages, and called the killings possible war crimes. Investigators spoke to 52 victims and witnesses at a peacekeeping base about 20km from Kishishe, Monusco said.

"Tell me how can you conduct an investigation of such an important situation when you are 20km away?" M23 political spokesperson Lawrence Kanyuka said by phone Thursday. "People are faking information."

Kanyuka said the rebels invited Monusco to come and investigate and promised them security. On Tuesday, the group said it was "ready to start disengagement and withdraw" from the region it occupies.

Eastern Congo has suffered decades of conflict since the 1990s, when violence from the aftermath of Rwanda's civil war and genocide spread across the border. At least one of the groups that clashed with M23 last month has links to the perpetrators of the 1994 genocide, which left at least 800,000 Tutsis and moderate Hutus dead.

More than 390,000 people have been displaced since March due to fighting and are in need of humanitarian assistance, the World Food Programme said in an emailed report.

Congolese Warlord Ntaganda to Serve Sentence in Belgium (VOA News) December 14, 2022

Convicted Congolese warlord Bosco Ntaganda has been transferred from the International Criminal Court to Belgium to start a 30-year sentence for war crimes, the tribunal said Wednesday.

Dubbed the "Terminator," Ntaganda, 49, was convicted by the ICC in 2019 of leading a reign of terror in northeastern Democratic Republic of the Congo in the early 2000s.

"Mr Bosco Ntaganda was transferred to ... the Kingdom of Belgium to serve his sentence of imprisonment at the Leuze-en-Hainaut prison," the Hague-based ICC said in a statement.

Belgium is the former colonial power of Congo.

"The ICC relies on the support from states for the enforcement of its sentences and is highly appreciative of the voluntary cooperation of the Belgian government in this case," the court's registrar, Peter Lewis, said.

The Rwandan-born Ntaganda was convicted of five counts of crimes against humanity and 13 counts of war crimes, including murder, sexual slavery, rape, and use of child soldiers.

Ntaganda was the first person to be convicted of sexual slavery by the court. Many of the other charges related to massacres of villagers in the mineral-rich Ituri region of Congo.

Prosecutors portrayed him as the ruthless leader of ethnic Tutsi revolts amid the civil wars that racked Congo after the 1994 genocide of Tutsis in neighboring Rwanda.

Formerly a Congolese army general, Ntaganda became a founding member of the M23 rebel group, which was eventually defeated by Congolese government forces in 2013.

Later that year, he became the first-ever suspect to surrender to the ICC, when he walked into the U.S. Embassy in the Rwandan capital of Kigali.

Ntaganda — known for his pencil mustache and penchant for fine dining — insisted that the "Terminator" nickname, referring to the films starring Arnold Schwarzenegger as a relentless killer robot, did not apply to him.

Ntaganda's sentence was upheld on appeal last year.

SA and the UN could be closing in on Fulgence Kayishema, alleged Rwandan genocidaire (Daily Maverick) By Peter Fabricius

December 14, 2022

A dedicated multi-department South African investigative team working with the United Nations has made progress in tracking down Fulgence Kayishema, the most wanted alleged killer of the 1994 Rwandan genocide.

Fulgence Kayishema had been living in Cape Town until about December 2019 when he disappeared one jump ahead of the tardy South African authorities.

After dragging its feet for three years, the South African government finally began cooperating earlier this year with the International Residual Mechanism for Criminal Tribunals (IRMCT) to try to find Kayishema. This court has the mission of completing the trials of the International Criminal Tribunals for Rwanda and for the former Yugoslavia.

This week the IRMCT's chief prosecutor Serge Brammertz reported to the UN Security Council that only four fugitives indicted by the international court still remained at large.

"Our top priority is Fulgence Kayishema. Kayishema is indicted for the murders of more than 2,000 women, men, children and elderly refugees at Nyange Church in April 1994.

"As I have previously reported to you, since 2018, this investigation has been significantly impeded by challenges in obtaining cooperation from South Africa.

Cooperation "However, I am pleased that cooperation with South Africa is now moving in a positive direction. Thanks to the support of the President of South Africa, a dedicated national investigative team was established to work directly with our Tracking Team at an operational level.

"The two teams have been regularly meeting and undertaking coordinated investigations over the last six months. Important results have already been achieved, and our investigation in South Africa is progressing quickly."

Daily Maverick asked Brammertz's office to elaborate on the progress, but it did not respond.

The court's indictment of Kayishema said that as a local police inspector in Rwanda during the 1994 genocide, he had played a leading role in the massacre on 16 April of about 2,000 Tutsis who had taken refuge in the Nyange church in western Rwanda. Hutu killers tossed hand grenades into the church and when the Tutsis continued to resist, Kayishema and other local leaders ordered a bulldozer to demolish the building, crushing to death most of the survivors, the indictment said. Remaining survivors were hunted down and killed.

Brammertz had told the UN Security Council in previous annual reports that early in 2018 his office had concluded, based on records and sources, that Kayishema was present in Cape Town. This had been confirmed by South African authorities via Interpol in August 2018.

"We immediately submitted an urgent request for assistance to South Africa seeking his prompt arrest.

"So we were surprised to be informed that because Kayishema had been granted refugee status in South Africa, he could not be handed over to the mechanism. This excuse was withdrawn months later, replaced with a new argument that South Africa lacked a legal basis to cooperate with the mechanism."

Mechanism officials then pointed out to Pretoria that SA was obliged to arrest Kayishema as the arrest warrant had been issued under the mandatory Chapter 7 of the UN Charter.

"After 16 months of intense negotiations, in December 2019, South Africa finally submitted the UN arrest warrant for execution, which a local magistrate approved," Brammertz said.

South African officials had then attempted to arrest Kayishema at his house in Cape Town and "not surprisingly, he was not there," Brammertz told Daily Maverick late last year.

Dogged chase But Brammertz and his office did not give up the chase after the failed arrest. He said Pretoria could still provide valuable leads on discovering where Kayishema had fled to. This information could include his alias, his phone information, financial information and his refugee file.

Brammertz added that by seeking one fugitive, the tribunal also often identified persons of interest who were in some way linked to the fugitive.

But the investigation did not progress for more than a year. Miscommunications, delays and Home Affairs informing him that Kayishema's refugee file and fingerprints had been lost, complicated the hunt.

Yet he did not quit. In September 2021, his office submitted an urgent request to Pretoria to establish an interdepartmental investigation team to work with the IRMCT trackers.

In November 2021, he visited Pretoria to take up the matter, meeting Home Affairs Minister Aaron Motsoaledi and officials of

other departments. He was informed that International Relations and Cooperation Minister Naledi Pandor — who fully supported his request — had asked President Cyril Ramaphosa to discuss it in Cabinet.

This was the first time, it seemed, that the issue was getting the attention it needed at the highest levels of government.

It was not until April this year, though, that Pretoria informed his office that his request had been approved and an operational team had been established. This was followed by a visit in late May, during which Brammertz's team and the SA operational team began sharing information and agreed on the next steps.

This increased cooperation now seems to have borne some fruit.

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Somalia

How U.S. Counterterror Strikes Are Helping Terror Group (Yahoo! News) By Dan Ladden-Hall

December 6, 2022

A groundbreaking report into deaths and catastrophic damage done to civilians by U.S. counterterror airstrikes in Somalia has unearthed a shocking array of suffering—including the alleged killing of children—and demanded an end to the current targeting practices employed by American forces outside of conventional war zones.

The new report from Dutch nonprofit PAX—seen by The Daily Beast—specifically focuses on Jubbaland, the southernmost state of Somalia, where most U.S. airstrikes have reportedly occurred regularly since the first public American counterterror strike in the east African country in 2007. Covering an area roughly the same size as Virginia, Jubbaland is the only one of Somalia's six states which contains a region entirely controlled by the militant Islamist group al-Shabab. The impact of U.S. operations against the group on Jubbaland's innocent civilians have largely been overlooked in reporting on Somalia until now.

Although years of U.S. strikes have killed several significant leaders in al-Shabab, they have not broken the militant group's grip on Somalia or stopped its ability to carry out atrocities. In fact, testimony cited in the PAX report suggests the strikes may even be counterproductive—serving as a recruitment tool for the militants as U.S. airstrikes become propaganda. Even while al-Shabab is detested by those who have to live under the group's rule, Somali civilians interviewed for the report question whether U.S. airstrikes are really serving their security interests. As one civilian quoted in the report says, the cost of the strikes may be “too much to kill three or four al-Shabab. It is too excessive.”

While official data from the United States Africa Command (AFRICOM) acknowledges that its operations have killed five and injured 11 Somali civilians, estimates from independent monitoring groups have put the true toll much higher. The U.K. nonprofit Airwars estimates that between 78 and 154 Somali civilians have died in strikes either confirmed or likely to have been conducted by U.S. forces.

But the new report—based on interviews with Somali civilians affected by airstrikes, Somali officials, and defectors from al-Shabab—suggests that civilian deaths are only one thread in a wide tapestry of harms created by U.S. strikes. Displacement, property damage, the loss of livelihoods, and enduring psychological trauma were also reported as unintended consequences of the operations. PAX's report is based on Somali civilians' claims, but the group could not independently verify their allegations or definitively attribute the strikes described to U.S. forces. The majority of the report concerns airstrikes conducted during Donald Trump's administration.

The report also raises questions about the U.S. military's targeting and reporting practices, and the rules in place authorizing airstrikes in Somalia. Amanda Sperber, a researcher and reporter who wrote the PAX report, says the particularities of the situation in Jubbaland, where al-Shabab is the only form of government, creates a particularly dangerous situation for civilians. “Under AFRICOM's definition of ‘combatant’, it'd be difficult to see who's not a legitimate target, given the fact that al-Shabab has forced itself into Somali society and runs a shadow government and tax system in the areas it does not outright control,” Sperber told The Daily Beast. Sperber has previously contributed to The Daily Beast.

Given the degree to which the group is embedded in the region, many lower-level al-Shabab members have joined out of

necessity to make a living. Others still are forced in through the threat of torture. Even then, members of the group may carry out non-combatant roles such as collecting taxes or caring for al-Shabab's livestock—but still live in fear of being targeted by U.S. airstrikes.

Previous reporting has tried to shed light on how the U.S. grants permission to conduct counterterrorism airstrikes in regions considered to be outside conventional war zones. During Trump's administration, rules surrounding who could be targeted for "direct action"—lethal force—in these areas were loosened to such a degree that the ACLU described them to be an "unchecked license to kill." In October, the New York Times reported that President Biden signed a classified policy—referred to as a presidential policy memorandum— to formally replace Trump's guidelines which had been paused by temporary limits put in place on Biden's inauguration day. "The fact that this required review kind of highlights to me that it was a problem to begin with," Sperber says.

But while the basis about who can be targeted by U.S. counterterrorism strikes in places like Somalia remains opaque, the effects the strikes can have on affected civilians are unambiguous.

Most Jubbaland cases of civilian injuries reviewed for the PAX report involved people being hurt by shrapnel and debris from missile strikes, resulting in deaths and disabilities. Among those allegedly killed or injured are six children. One person interviewed for the report said a 2 a.m. strike outside the settlement of Berhani claimed the lives of a mother and child, while another spoke of her neighbors' house being flattened in an airstrike which reportedly killed two boys inside the building.

One woman—pseudonymously referred to in the report as Amburo—now lives in a displacement camp in the Jubbaland capital, Kismayo, after her house in a village near Berhani was hit by a strike around five years ago. She says she heard the sound of an aircraft overhead as she was washing clothes when the blast occurred. Her sons—one of whom was just 2 years old, and the other even younger, still breastfeeding—were fatally wounded by shrapnel. Amburo was also wounded, and is now permanently blinded in one eye.

Another woman, referred to as Jamilah, was wounded in a 2018 airstrike in the Hosingow area of Lower Jubba. It's unclear if the U.S. or another actor such as the Kenyan military conducted the attack. She still has shrapnel stuck in her back, thighs, and arms, and now struggles with mobility issues. Jamilah also now lives in a displacement camp. Her firstborn son, who Jamilah says was psychologically changed by the airstrike, is also in the camp. Mentally ill people in Somalia have been known to be chained up to avoid injuring themselves or others, and Jamilah says her son is now restrained for long periods.

Beyond physical and mental harm, PAX alleges that U.S. airstrikes in Jubbaland create other harms for civilians too. Interviewees reported losing cattle and crops in blasts, destroying their means of livelihood. Victims say they have also faced the economic hardship of medical bills after strikes, as well as being suspected as members of al-Shabab—even when they insist they aren't—as neighbors believe they must have been targeted for a reason. Worse still, strike victims say they have been actively targeted by al-Shabab recruitment efforts in the wake of attacks as the group hopes to capitalize on resentment toward the U.S.

"Any airstrike that kills or injures or causes casualties on civilians will help al-Shabab. Of course al-Shabab will use this as a propaganda tool," Mohamed Osman Abdi tells The Daily Beast. He knows all too well how American counterterrorism operations in Somalia can produce catastrophic outcomes. In February 2020, a U.S. airstrike in Jilib killed his niece, Nurto Kusow Omar Abukar, who was around 18 at the time. The attack also wounded his mother-in-law, Khadija Mohamed Gedow, and injured two of his other nieces, Fatuma Kusow Omar and Adey Kusow Omarand.

After an investigation by Human Rights Watch, AFRICOM admitted responsibility for killing Abdi's niece and injuring his other relatives, who the Americans said were "not visible" during a strike on a "targeted individual."

Abdi, who works as a journalist with Somalia's National News Agency, attended a conference on counterterrorism messaging the day after the airstrike at which he spoke to an AFRICOM official. "I told them what happened—that I am a victim of that airstrike," Abdi says. He claims the official told him that AFRICOM always tries "to avoid civilian casualties." After posting about the airstrike on social media, Abdi says he was contacted by Somali government officials who pressured him into keeping quiet.

When friends and relatives advised him to stop speaking out, Abdi recalls that he told them: "This is what happened to my family. Let them kill me even—I'll tell the truth. I'll explain what happened. I will explain to everyone who seeks to speak to me."

To this day, Abdi says that his niece Fatuma, who was 14 at the time of the strike, struggles as a result of her injuries. "When you ask her to lift or bring you five or four liters of water from another place, she feels pain," he said, adding: "Sometimes she has some problems of mind." His younger niece, Adey, who was around 10 at the time of the strike, suffered with nightmares. "She used to wake up at midnight either to cry or scream because of what happened that night," Abdi says. "That was mostly

her problem. We had given her therapy.” His mother-in-law, now around 80, needed treatment for injuries to her eyes and leg. Abdi says: “Now she’s OK from the eyes, but she still feels pain from the leg.”

In the two years since the attack, Abdi says he has received no formal apology or compensation for the horror inflicted on his family. “It is very shocking,” he says. “To be honest, I was totally heartbroken to experience and see such [a] terrible reaction from AFRICOM who was behind this awful attack against innocent civilians who are not affiliated to any group or al-Shabab.”

In light of the harm caused by strikes on Somali civilians, PAX’s report calls on AFRICOM to consider temporarily ceasing its airstrikes in Somalia, conduct an independent review of its ability to distinguish between al-Shabab militants and civilians, and offer amends in the form of payments to those civilians who have been harmed by strikes. The report also recommends that the Department of Defense suspends its operations in the country—particularly in light of reports that they’re being used as a recruitment tool by al-Shabab—and calls on the U.S. government to be more transparent about Biden’s recent Presidential Policy Memorandum (PPM) that guiding the use of counterterrorism drone strikes outside conventional war zones.

“Somalis do not like al-Shabab and they are happy to have support,” Sperber says. “I think the issue is just [in light of harm to civilians], is this the best strategy for doing it?”

The Daily Beast has contacted the Department of Defense and AFRICOM for comment.

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Ethiopia

Looting, forced removals plague Ethiopia’s Tigray despite truce, witnesses say (The Globe and Mail) December 2, 2022

Ethiopia’s allies are looting towns, arresting and killing civilians and relocating thousands of people from a disputed part of Tigray despite a truce between the government and local forces, witnesses and aid workers in the northern region say.

The violence raises fresh concerns about whether the ceasefire signed on Nov. 2 by Ethiopia’s federal government and the Tigray People’s Liberation Front (TPLF) - the party that dominates the restive province - will end two years of fighting that has killed tens of thousands and displaced millions.

Troops from Eritrea, to the north, and forces from the neighbouring Ethiopian region of Amhara, to the south, fought alongside Ethiopia’s military in Tigray but were not party to the ceasefire.

However, the deal requires the withdrawal of foreign and non-Ethiopian National Defense Force (non-ENDF) troops from Tigray.

Eritrea fought a border war against Ethiopia in 1998-2000, when the TPLF dominated the central government, and remains the group’s sworn enemy.

Eritrean troops have been seizing food, vehicles, gold, and even doors and windows from homes in at least a dozen towns in northern and northwestern Tigray since the ceasefire, according to four humanitarian workers and one resident, who like other people interviewed by Reuters asked not to be identified for fear of reprisals.

The troops also carried out extrajudicial killings and mass arrests in territory they control in northern Tigray, two residents and five aid workers said.

Eritrean Information Minister Yemane Gebremeskel did not directly address the accusations of looting and killings in a text message to Reuters but accused Tigrayan forces of “endless lies”.

Ever since the start of the conflict in November 2020, human rights violations by all sides, including extra-judicial killings, raping and looting, have been documented by U.N. bodies, Ethiopia’s state-appointed human rights commission, independent aid groups and media including Reuters. All sides have denied the allegations.

In western Tigray, Amhara fighters have conducted mass arrests and loaded thousands of ethnic Tigrayan civilians onto trucks

before sending them east of the Tekeze River, according to two residents and two internal reports prepared by aid groups seen by Reuters.

Amhara leaders consider the river a borderline between Tigray and territory they say historically belonged to them to the west. Tigrayan officials say the area, which has fertile lands, has long been home to both ethnic groups and should remain in their region.

During the conflict, forces and militiamen from Amhara have been accused of moving Tigrayans elsewhere to change the ethnic make-up of the disputed area.

Gizachew Muluneh, spokesperson for the Amhara regional administration, did not respond to requests for comment. The administration has previously rejected claims that Tigrayans had been threatened or forced to leave their homes.

William Davison, senior analyst for Ethiopia at the International Crisis Group think tank, said the reports of abuses by Amhara and Eritrean forces could delay plans for the TPLF to disarm.

“Any serious failure in implementing the agreements raises the risks of a disastrous return to large-scale war,” he added.

A spokesperson for the African Union, which is responsible for enforcing the ceasefire, did not respond to a request for comment. Neither did Ethiopia’s national security advisor Redwan Hussien, military spokesperson Colonel Getnet Adane, government spokesperson Legesse Tulu, nor the TPLF’s spokesperson Getachew Reda.

On Sunday, Reda tweeted that Eritrean forces had been destroying and looting property, as well as killing women and children.

“Will our partners for peace in Addis do their part of the deal to protect civilians and do whatever it takes to convince the ‘external and non-ENDF forces’ to leave Tigray?”

Neither Eritrea nor Amhara have said whether they will pull out of Tigray. They have in the past denied accusations of rights abuses in the region.

It is not yet clear how Ethiopia will deal with Eritrea and Amhara if their forces do not withdraw from Tigray, three diplomats close to the peace talks said.

The United States has said it will use sanctions to ensure the truce is respected and will hold to account those responsible for human rights violations.

The Amhara regional government has welcomed the ceasefire but said nothing about the future of territory it seized in western Tigray, which Amhara officials previously said they would seek to annex formally.

A Nov. 16 report prepared by an aid group for six humanitarian agencies - including the World Food Program, the World Health Organization and the International Committee of the Red Cross - said that on Nov. 10 more than 2,800 men, women and children held for over a year in five detention centres in western Tigray were taken in trucks by an Amhara militia known as Fano.

They were released in a town called Adi Aser, before making their way on foot to Sheraro, outside the area that Amhara claims, according to the note, reviewed by Reuters.

Fano does not have a formal leadership structure so it was not possible for Reuters to seek comment.

An aid worker, who asked not to be identified, said thousands of displaced residents from western Tigray had arrived in the northern city of Shire in recent days, including women and children as young as three.

Most of the men had broken limbs, said the worker, adding that some of the men said they had been beaten while in detention by Amhara and Fano forces.

Reuters was not able to confirm independently his account.

Another genocide situation in Wollega area reported (Borkena) December 3, 2022

A genocide-like situation is reported in the Wollega area of Ethiopia. East Wollega, Horo Guduru and KIRAMU areas have been experiencing an ongoing security crisis situation whereby militant ethnic Oromo radical groups who call themselves as Oromo Liberation Army (OLA) had been massacring unarmed civilians.

A report from local media, on Saturday, said OLF -Shane (as the government calls it) and Oromia region special forces jointly opened fire on local militia who were armed by the government to protect communities of radical ethnic Oromo militant groups. It happened near Angur Guten town in the East Wollega zone of Oromia regional state. The town was reportedly relatively peaceful from other parts of Wollega.

A resident from the area told Ethiopian Media Service that over 180 civilians have been killed in the ensuing exchange of fire. The victims were mostly civilians. The informant who spoke to EMS said he himself lost his brother during the attack.

Residents plead that the Ethiopian government rescue them before it is too late.

What makes the situation different at this time, based on testimonials from the residents, is that the Oromia region special force itself opened fire on residents.

There have been, however, reported that a considerable number ethnic Oromo civilians have also been targeted by militants. In Kiramu, East Wollega, over 50,000 Ethiopians are said to have been displaced.

Earlier this week, the militant group kidnapped Dangote Cement Factory employees and journalists in Adea Berga District – only about 10 Kilometers west of Addis Ababa.

Ethiopian Federal government has not yet remarked on the situation which many describe as an organized and subtle genocide to exterminate ethnic Amhara from the region.

In fact, a group of individuals who were reportedly heading to contact the Ethiopian Human Rights Council in the Ethiopian capital Addis Ababa were arrested by Ethiopian Security Forces.

The Ethiopian Human Rights Commission has been criticizing the government for not stepping up security arrangements to protect civilians in the East Wollega and Horo Guduru areas where there have been frequent massacres targeting civilians.

It openly criticized that the government response to the security problem is not one that matches the magnitude of attacks on civilians.

Tens of thousands of Ethiopians have been massacred by the Oromo Liberation Front military wing, which the party disowned for over a year now.

Ethiopian guards massacred scores of Tigrayan prisoners, witnesses say (The Washington Post)

By Katharine Houreld

December 4, 2022

The scent of coffee and cigarettes hung in the hot afternoon air in a makeshift Ethiopian prison camp, prisoners said, as detained Tigrayan soldiers celebrated the holy day of Saint Michael in November 2021. Some joked with friends outside the corrugated iron buildings. Others quietly prayed to be reunited with families they had not seen in a year, when conflict erupted in Ethiopia's northern Tigray region.

Then the killings began.

By sunset the next day, around 83 prisoners were dead and another score missing, according to six survivors. Some were shot by their guards, others hacked to death by villagers who taunted the soldiers about their Tigrayan ethnicity, prisoners said. Bodies were dumped in a mass grave by the prison gate, according to seven witnesses.

“They were stacked on top of each other like wood,” recounted one detainee who said he saw the aftermath of the slaughter.

The massacre at the camp near Mirab Abaya, which was covered up and has not been previously reported, was the deadliest killing of imprisoned soldiers since the war started, but not the only one. Guards have killed imprisoned soldiers in at least seven other locations, according to witnesses, who were among more than two dozen people interviewed for this story. None of these incidents have been previously reported either.

The dead were all Tigrayans, members of an ethnic group that dominated the Ethiopian government and military for nearly three decades. That changed after Abiy Ahmed was appointed prime minister of Ethiopia, Africa's second-most-populous nation, in 2018. Relations between Abiy and the Tigray People's Liberation Front (TPLF) quickly nosedived. War broke out in 2020 after Tigrayan soldiers in the Ethiopian army and other Tigrayan forces seized military bases across the Tigray region.

Fearing further attacks, the government detained thousands of Tigrayan soldiers serving elsewhere in the country. They have

been held in prison camps for nearly two years with no access to their families, phones or human rights monitors. Other Tigrayan soldiers were disarmed when war broke out but continued working in office jobs. Many of them were detained in November 2021 as Tigrayan forces advanced toward the capital, Addis Ababa.

Most of the killings, including the massacre at Mirab Abaya, happened then. Prisoners speculated the attacks might have been triggered by fear or revenge. None of the soldiers killed had been combatants fighting against the Ethiopians and thus prisoners of war.

In some prisons, senior Ethiopian military officers either ordered the killings or were present when they occurred, prisoners said. Elsewhere, imprisoned soldiers said they continue to be guarded — and beaten — by those who killed their comrades.

While there is little sign that the killings were centrally coordinated, there is evidence of widespread impunity. Only in Mirab Abaya did officers intervene to stop the killing.

These newly revealed details come as both sides in the conflict are hammering out details of a cease-fire, announced last month, that has been met with suspicion among the population over a range of issues, including whether there will be accountability for war crimes and other atrocities. How the government responds to the revelations of prison killings could suggest how it will treat other abuses allegedly committed by security forces.

The witness accounts also illuminate how the ethnic divisions tearing at Ethiopia's society are also eroding its military, once widely respected as one of the region's most professional and still often relied upon by Ethiopia's neighbors to help keep the peace. Many of those killed in the prisons were among the thousands of Ethiopian troops who have served in international peacekeeping missions under the United Nations or African Union.

This article's account of the bloodletting is based on 26 interviews with prisoners, medical personnel, officials, local residents and relatives, and on a review of satellite imagery, social media posts and medical records. Two lists of the dead were provided separately to The Washington Post, and both included the same 83 names. The identities of 16 victims were verified during interviews with detainees. All witnesses spoke on the condition of anonymity for fear of reprisals.

When asked about these accounts, Col. Getnet Adane, a spokesman for the Ethiopian military, said he was too busy to comment. A government spokesman and the prime minister's spokeswoman did not respond to requests for comment. The state-appointed head of the Ethiopian Human Rights Commission, Daniel Bekele, said the panel was aware of the incident and had been investigating it.

Bullets and machetes About 2,000 to 2,500 serving or retired Tigrayan soldiers, both men and women, were being held at the new prison camp about half an hour's walk north of the town of Mirab Abaya, in a sparsely populated area dotted with banana plantations and near a large, crocodile-infested lake. Some buildings were so new they didn't even have doors. But the camp had guard towers and demarcated boundaries. Guards told prisoners they would be shot if they crossed the line.

In mid-November 2021, a new prisoner — a just-married major who worked in the military's defense construction division — was badly injured by guards when he went outside his cell at night to urinate, six other detainees said. He was beaten badly. Some said he was shot in the stomach. Guards later told prisoners that he died on the way to the hospital.

Over the following days, tensions continued to mount with reports — later confirmed by rights activists — that Tigrayan fighters in Ethiopia's northern Amhara region were killing and raping as they advanced toward the capital.

But on Nov. 21, the Mirab Abaya camp seemed calm, prisoners said. Many had been basking in the late afternoon sun when between 16 and 18 guards opened fire.

One prisoner said that he had been near two women when they were shot in the toilet.

"One woman died immediately, and the other was calling out, 'My son, my son!' Then they fired another bullet, and she died," he said. "They [the guards] wanted to kill everyone there."

One of the women was a major in the Ethiopian ground forces. She was around 50, had served as a peacekeeper in Sudan and had a son and a daughter, according to the witness. Other detainees said the second woman had worked in the Ministry of Defense.

A senior Tigrayan officer said he was inside his cell when he heard gunshots. He stuffed clothes and belongings into a bag. He decided to run if he could.

"I was thinking: 'Will I ever see my kids? See them succeed in school and have the good things of life?'" he said. If he couldn't run, he would fight, he said. He and his cellmates looked for a stick or anything else to use as a weapon.

A third prisoner said he began to pray.

Not all guards took part in the killing. A fourth prisoner described one guard taking up a position outside the cells and telling the attackers he would shoot them if they came for the detainees inside. That guard was crying, the prisoner said, and was inconsolable for days afterward. Another prisoner said some guards had tried to disarm the attackers.

Yet another prisoner said he was having coffee outside when shots rang out. Like many others, he ran into the surrounding bush. Ethiopian soldiers pursued his small group, he said. After running more than an hour, he said, they saw some locals. The prisoners blurted out that they'd been shot at and begged for help.

"They said ... 'We will show you what you deserve.' And then they attacked us," he said.

A crowd of about 150 to 200 people hacked and bludgeoned the escapees with machetes, sticks and stones, he recalled. Most were killed as they begged for mercy, he said, adding that he was hurt badly and left for dead. During the attack, he said, he saw other prisoners run into the lake to escape the mobs.

Other detainees confirmed that there had been machete attacks on those who escaped the prison. They said residents screamed abuse at the escapees and had incorrectly been told they were prisoners of war and to blame for the deaths of local men in the military. Two prisoners said the attacks continued into the next day.

The shooting at the prison stopped an hour or two after it began when Col. Girma Ayele of the Southern Command arrived. By then, prisoners said, the camp was littered with the bodies of the dead and the earth slick with blood. Girma could not be reached for comment.

The Dejen division The massacre inside the prison was committed by about 18 guards, including a woman, said the six prisoners at Mirab Abaya who were interviewed. These guards and just over a third of the victims came from the same unit: the Dejen army division, formerly known as the 17th Division. It's stationed in Addis Ababa.

Many Tigrayan soldiers speculated during interviews that the attack was motivated by revenge. Most of the guards who did the killing were from the Amhara region, which Tigrayan forces had invaded as they pushed toward the capital.

Girma told the prisoners these guards were not under his direct control and had been arrested, detainees said. The guards' status could not be confirmed. The prisoners never saw them again.

A day after the killing, an excavator dug a mass grave just outside the main watchtower at the entrance gate, perhaps 200 meters from the road, according to the six prisoners.

Among those buried was Maj. Meles Belay Gidey, an engineer passionate about his teaching job at the Defense Engineering College. When Meles was serving as a U.N. peacekeeper in Abyei, a disputed area between Sudan and South Sudan, he video-called his two teenage sons and his stepdaughter every evening to talk to them about school, a relative said.

A local resident traveling past the prison camp the next day said the military warned passersby not to take pictures of the grave.

In Mirab Abaya town, officials used loudspeakers mounted on cars to warn the local population that escapees should be killed. The local resident said he saw three or four people attacked near a banana grove and about a dozen bodies bleeding in the streets, some scattered near the church of St. Gabriel. Ethiopian soldiers nearby did not intervene, he said.

The resident also said he saw a man in his mid-20s being beaten by a mob. Both of his hands had been cut off, and his legs were bleeding. The man begged to be killed as he was dragged up and down the street, the resident said. The attackers told the man they would kill him as slowly as possible. Eventually, he was dragged to the camp gate and shot. Another body was being dragged behind a motorbike, the resident said.

"I couldn't do anything because I feared for my life," he said.

Wounded Tigrayans were taken to three hospitals, survivors said: Arba Minch General Hospital, Soddo Christian Hospital and another hospital in Soddo. Two medical professionals at Arba Minch General Hospital described an influx of patients around 9 p.m. on Nov. 21. One worker shared medical records showing that 19 patients were admitted with bullet wounds and that 15 were discharged the next day. Two died in the hospital and four were dead on arrival, the two medical workers said.

Most of the patients were kept for only a few hours despite life-threatening wounds, the two said. The patients were kept under police guard, both medical professionals said, and they described nurses and other medical staff taunting the wounded about their ethnicity.

Killings in other prisons Mirab Abaya was not the only prison where imprisoned soldiers were killed. Current and former prisoners said in interviews that they had witnessed guards killing prisoners at Garbassa training center and the headquarters of the 13th Division in the eastern city of Jigjiga; in prisons in Wondotika and Toga near the southern city of Hawassa; in the southern area of Didessa; and at the Bilate training center in the south. Many of the victims had served as peacekeepers in U.N. missions in Sudan, Abyei or South Sudan or as part of an African Union force in Somalia.

At Wondotika, a detainee said guards had killed five prisoners at facility that holds hundreds of soldiers who are mostly special forces or commandos. The victims included Gebremariam Estifanos, a veteran of a peacekeeping mission in Abyei and an African Union mission in Somalia, who was beaten to death Nov. 8, 2021, in the presence of a colonel and lieutenant colonel from the 103rd Division, a prisoner said. Gebremariam's biggest wish had been to buy his family a house and his father an ox, the prisoner said. Two other detainees confirmed the account, saying guards often taunted the prisoners about the incident.

Both said that guards had often forced prisoners to dig their own graves, telling them they would soon be killed. The four other soldiers were killed later in November, shot so many times that their bodies were torn to pieces by bullets, the first prisoner said.

"We are beaten and threatened. We have served our country with honor and dignity," that prisoner said. "I regret my service."

In Toga prison, guards beat and then shot two Tigrayan soldiers on Nov. 4, a detainee there said. A second prisoner held at Toga, a former peacekeeper who served in Somalia, confirmed two killings. In Garbassa, two prisoners said six detainees had been killed and others injured so badly they had lost the use of limbs and eyes.

"I have seen the bodies being dragged from their rooms," said a detainee there.

Three prisoners — one from the presidential guard and two from the Agazi commandos — were killed in July 2021 in Bilate training center after guards accused them of attempting to escape, said a witness previously held there. He described soldiers shooting at their bodies long after they were dead and throwing the corpses outside for the hyenas. And in a detention center near Didessa, near Nekemte town, at least five soldiers were killed and 30 others taken away and never seen again, a prisoner previously held there said.

He broke down as he listed the names he could remember. "I'm so sorry, they were my friends," he said.

Two imprisoned soldiers, accused of having mobile phones, were also killed by guards at a detention center in eastern Ethiopia between Harar and Dire Dawa, a witness said.

The imprisoned Tigrayan soldiers interviewed by The Post say none of them have had access to the International Committee of the Red Cross. Until a few days ago, their families had no idea what had become of them. At the end of October, the families of some soldiers killed in Mirab Abaya were informed about their deaths. Several relatives were told their loved ones had died honorable deaths in the line of duty. No other details were given.

Some of the survivors of the Mirab Abaya massacre who are still held there said they fear another outbreak of violence.

"I have a prayer book," one prisoner there said. "Every day I pray to Mary to see my family again."

A New Lawsuit Accuses Meta of Inflaming Civil War in Ethiopia (Wired) December 13, 2022

On November 3, 2021, Meareg Amare, a professor of chemistry at Bahir Dar University in Ethiopia, was gunned down outside his home. Amare, who was ethnically Tigrayan, had been targeted in a series of Facebook posts the month before, alleging that he had stolen equipment from the university, sold it, and used the proceeds to buy property. In the comments, people called for his death. Amare's son, researcher Abrham Amare, appealed to Facebook to have the posts removed but heard nothing back for weeks. Eight days after his father's murder, Abrham received a response from Facebook: One of the posts targeting his father, shared by a page with more than 50,000 followers, had been removed.

"I hold Facebook personally responsible for my father's murder," he says.

Today, Abrham, as well as fellow researcher and Amnesty International legal adviser Fisseha Tekle, filed a lawsuit against Meta in Kenya, alleging that the company has allowed hate speech to run rampant on the platform, causing widespread violence. The suit calls for the company to deprioritize hateful content in the platform's algorithm and to add to its content moderation staff.

“Facebook can no longer be allowed to prioritize profit at the expense of our communities. Like the radio in Rwanda, Facebook has fanned the flames of war in Ethiopia,” says Rosa Curling, director of Foxglove, a UK-based nonprofit that tackles human rights abuses by global technology giants. The organization is supporting the petition. “The company has clear tools available—adjust their algorithms to demote viral hate, hire more local staff and ensure they are well-paid, and that their work is safe and fair—to prevent that from continuing.”

Since 2020, Ethiopia has been embroiled in civil war. Prime Minister Abiy Ahmed responded to attacks on federal military bases by sending troops into Tigray, a region in the country’s north that borders neighboring Eritrea. An April report released by Amnesty International and Human Rights Watch found substantial evidence of crimes against humanity and a campaign of ethnic cleansing against ethnic Tigrayans by Ethiopian government forces.

Fisseha Tekle, Amnesty International’s lead Ethiopia researcher, has further implicated Facebook in propagating abusive content, which, according to the petition, endangered the lives of his family. Since 2021, Amnesty and Tekle have drawn widespread rebuke from supporters of Ethiopia’s Tigray campaign—seemingly for not placing the blame for wartime atrocities squarely at the feet of Tigrayan separatists. In fact, Tekle’s research into the countless crimes against humanity amid the conflict fingered belligerents on all sides, finding the separatists and federal Ethiopian government mutually culpable for systematic murders and rapes of civilians. Tekle told reporters during an October press conference: “There’s no innocent party which has not committed human rights violations in this conflict.”

In a statement Foxglove shared with WIRED, Tekle spoke of witnessing “firsthand” Facebook’s alleged role in tarnishing research aimed at shining a light on government-sponsored massacres, describing social media platforms perpetuating hate and disinformation as corrosive to the work of human rights defenders.

Facebook, which is used by more than 6 million people in Ethiopia, has been a key avenue through which narratives targeting and dehumanizing Tigrayans have spread. In a July 2021 Facebook post that remains on the platform, Prime Minister Ahmed referred to Tigrayan rebels as “weeds” that must be pulled. However, the Facebook Papers revealed that the company lacked the capacity to properly moderate content in most of the country’s more than 45 languages.

Leaked documents shared by Facebook whistleblower Frances Haugen show that parent company Meta’s leadership remained well-informed of the platform’s potential for exacerbating political and ethnic violence throughout the Tigray war, earning Ethiopia special attention at times from the company’s premiere risk and response team. By at least 2021, the documents show, conflict in the country had raised enough alarms to warrant the formation of a war-room-like operation known as an IPOC, a process Facebook created in 2018 to respond rapidly to political “crisis moments.”

Relative to its usual content moderation processes, IPOC is viewed internally as a scalpel, deployed not only to anticipate emerging threats but triage cases of “overwhelming abuse” spurred on by political flash points. This includes the use of so-called “break the glass” measures: dozens of “levers” IPOC teams can deploy during exceptionally inciteful events to quell spikes in hate speech on the platform. In the US, for instance, this included the November 2020 election and subsequent attack on the US Capitol.

In testimony before the US Senate last fall, Haugen likened the violence in Ethiopia to the genocide of more than 25,000 Rohingya Muslims in Myanmar, war crimes for which Facebook has been internationally condemned for its role in instigating, by the United Nation’s Human Rights Council, among others. “What we saw in Myanmar and are now seeing in Ethiopia are only the beginning chapters of a story so terrifying no one wants to read the end of it,” Haugen, a former Facebook product manager, told lawmakers.

As late as December 2020, Meta lacked hate speech classifiers for Oromo and Amharic, two of the major languages spoken in Ethiopia. To compensate for its inadequate staff and in the absence of classifiers, Meta’s team searched for other proxies that would allow them to identify dangerous content, a method known as network-based moderation. But the team struggled because they found, for reasons not immediately clear, that Ethiopian users were far less likely to perform actions that Facebook had long used to help detect hate speech, which included the appearance of too many “angry” face reactions. One internal proposal suggested ditching this model entirely, replacing it instead with one that lends greater weight to other “negative” actions, such as users un-liking pages or hiding posts. It’s not clear from the documents whether the proposal was accepted.

In its 2021 roadmap, Meta designated Ethiopia as a country in “dire” risk of violence, and in an assessment of the company’s response to violent and inciting content, it ranked its own capacity in Ethiopia as a 0 out of 3. Yet, in another document, a Meta staff member acknowledged that the company lacked “human review capacity” for Ethiopia in the run-up to the country’s elections.

The petitioners have asked the high court to issue a declaration naming Meta responsible for violating a slate of basic rights guaranteed under Kenya’s Constitution of 2010: the right to freedom of expression and association; the right not to be

subjected to violence or have information about one's family or private affairs unnecessarily publicized; and the right to equal protection under the law, among others. Moreover, the petitioners have asked the court to order the establishment of a victims' fund of over \$2 billion, with the court itself dispersing the funds on a case-by-case basis. Lastly, they've asked the court to compel Facebook to declare that its algorithms will no longer promote inciteful, hateful, and dangerous content and demote it wherever found, in addition to rolling out new crisis mitigation protocol "qualitatively equivalent to those deployed in the US," for Kenya and all other countries whose content Meta moderates from Nairobi.

"Kenya is the content moderation hub for posts in Oromo, Tigrinya, and Amharic. These are the only three Ethiopian languages, out of the 85 spoken in the country, that Facebook's current content moderators can even attempt to cover," says Curling. "There are currently 25 Facebook content moderators working on Ethiopian-related content for a country of 117 million people. Decisions by these individuals, forced to work in awful and unfair conditions, about what posts are taken down and what remains online are taken in Kenya, and it is the Kenyan courts, therefore, that need to determine both men's legal challenge."

Meta spokesperson Sally Aldous told WIRED that hate speech and incitement to violence are against the company's policies. "Our safety and integrity work in Ethiopia is guided by feedback from local civil society organizations and international institutions," she says. "We employ staff with local knowledge and expertise, and continue to develop our capabilities to catch violating content in the most widely spoken languages in the country, including Amharic, Oromo, Somali, and Tigrinya."

Aldous did not address whether the company has more than 25 moderators focused on the country and whether the company has an IPOC team focused on the conflict in Tigray, beyond the country's election cycles.

Meanwhile, in the wake of his father's death, Amare and his family were forced to flee their home. He is currently awaiting the outcome of his asylum claim in the United States.

"Every dream we had collapsed," he says.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

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Domestic Prosecutions In The Former Yugoslavia

The Scorpions: Paramilitaries or Serbian State-Controlled Unit? (Balkan Transnational Justice) By Una Sabljakovic

December 8, 2022

Material in the archives of the International Criminal Tribunal for the Former Yugoslavia, ICTY indicates that the Scorpions unit, whose members committed war crimes during the 1990s wars, were part of the Serbian Interior Ministry.

An indicator of the connection between the unit and the Interior Ministry is the presence of ministry officials, specifically Vasilije Mijovic, a member of the ministry's Anti-Terrorist Unit (known as the Red Berets and later, as the Special Operations Unit) in the same areas at the same time as the members of the Scorpions.

However according to several verdicts handed down by courts in Serbia and the ICTY and the International Court of Justice in The Hague, not enough evidence was presented to support the conclusion that the Scorpions unit was connected to Serbian state institutions.

This analysis examines the documents and testimonies presented as evidence at the ICTY and in the Serbian courts during the trial of the Scorpions fighters, in an attempt to fully establish whether the Scorpions really were part of the Interior Ministry. If they were, it would prove that the Serbian state was directly involved in the wars in Croatia and Bosnia and Herzegovina – which it has always denied.

The Scorpions committed one of the most notorious crimes of the Bosnian war. After the fall of Srebrenica in July 1995, several Scorpions fighters killed six imprisoned Bosniaks from Srebrenica in Godinjske Bare, near Trnovo – one of the massacres that took place during the Srebrenica genocide.

A member of the unit filmed the killings on a video that was later shown in court during the trial of Yugoslav President Slobodan Milosevic at the ICTY. Five of the unit's members were put on trial for the killings in Belgrade.

Natasa Kandic, the former executive director of the Humanitarian Law Centre, who was representing the victims in the Belgrade trial, claimed in her closing closing argument in 2007 that there was “a strategy to keep everything on an individual level” in the trial in order to prevent any investigation of “who is above the accused, as well as the participation of Serbian institutions” in war crimes.

Four Scorpions members were convicted and jailed, but as Kandic predicted, the court found that it was “not an ascertained fact” that they were part of the Serbian Interior Ministry. This also meant that the state was not liable to pay the victims compensation.

“One of the consequences of treating the Scorpions as a paramilitary unit is that the victims will not be entitled [under Serbian law] to a claim for damages.” Kandic said. “So justice will not be done.”

The origins of the Scorpions

Material in the ICTY archives offers several versions of how the Scorpions unit was set up. One version is that the unit was established in 1991 by the government of the Serbian Autonomous Region of Eastern Slavonia, Baranja and Western Srem, a self-proclaimed territory inside Croatia, and by Milan Milanovic, who worked at the Serbian Autonomous Region's Defence Ministry.

A protected witness codenamed C-015 told ICTY investigators that the Scorpions Unit was founded by Milanovic, who told the witness that everything he was doing was for the Serbian State Security Service.

The witness's claims were cited in the first-instance verdict in the trial of the former head of the Serbian State Security Service, Jovica Stanisic, and the former commander of the State Security Service's Special Operations Unit, Franko Simatovic, who were accused of overseeing units that committed crimes during the Croatian and Bosnian wars, amongst other alleged crimes.

A former Scorpions member, Goran Stoparic, testified in Stanisic and Simatovic's trial that an officer at the Scorpions' headquarters in Djeletovci in Croatia had told him that the Scorpions were part of the State Security Service – an auxiliary unit of the Serbian Interior Ministry's 'Red Berets' Anti-Terrorist Unit.

Stoparic also said that the Scorpions unit was established in late 1992 or 1993 at a meeting in Novi Sad in Serbia that was attended by Milan Milanovic and Slobodan Medic, who would later become the unit's commander, as well as Serbian Customs Administration chief Mihalj Kertes, Serbian Interior Ministry official Radovan Stojicic and State Security Service official Rajo Bozovic.

Stoparic specified that members of the Scorpions had had their official Serbian military identification booklets, but not State Security identity cards. He also said that members of the Scorpions had issued him with a red identification booklet with

Serbian Interior Ministry stamps.

In the initial, first-instance verdict in Stanistic and Simatovic's trial in 2013, the ICTY trial chamber concluded that the Scorpions unit was established in late 1991 or early 1992, that its base was in Djeletovci and that its mission was to provide security at oilfields in the region and guard the border between the Republic of Serbian Krajina, a self-proclaimed entity within Croatia, and Croatia itself.

The first-instance verdict said that it was not possible to determine with sufficient certainty that in 1993, the Scorpions were managed by the Serbian State Security Service, which was headed by Stanistic.

The second first-instance verdict in the case, delivered in 2021 after Stanistic and Simatovic's retrial, stated that Scorpions were under the command of the Republic of Serbian Krajina Army's Territorial Defence force. They were then attached to the Blue Brigade of the Republic of Serbian Interior Krajina Ministry and in 1993, they were attached to the Republic of Serbian Krajina Army.

The verdict concluded that there was no evidence that Stanistic and Simatovic had been involved in the establishment of the Scorpions.

When it came to the allegation that the Scorpions unit was established at the meeting in Novi Sad, the verdict stated that it did not wholly dismiss Stoparic's testimony, but repeated that his statement, which was based on what he heard from Medic, was not enough to conclude that in 1993, the Scorpions were run by the Serbian State Security Service.

Serbian Interior Ministry connections

The idea that the Scorpions were, at least for a period of time, connected with the Serbian Interior Ministry is partly based on witness testimonies during the trial of Yugoslav President Slobodan Milosevic and of Stanistic and Simatovic.

The claims made by the ICTY prosecutors in the proceedings against Stanistic and Simatovic were corroborated by documents presented as evidence during their trial and that of Milosevic, and some of them are mentioned in the trial of the Scorpions members in Belgrade.

The final verdict handed down by the ICTY to the former head of security of the Bosnian Serb Army's headquarters, Ljubisa Beara, and four Republika Srpska officials stated that the appeals chamber noted that the Scorpions unit had not been part of the military or civilian structures of Bosnia's Serb-dominated entity Republika Srpska, as it was a Serbian Interior Ministry unit.

This conclusion was backed by a Republika Srpska Interior Ministry dispatch dated July 1, 1995, which states that "units of the Serbian Interior Ministry" (named as Cayman, the Blues and the Scorpions) were active in Bosnia and Herzegovina. The document contains the typewritten signature of then deputy commander of the Bosnian Serb Interior Ministry's Special Police Brigade, Ljubisa Borovcanin.

Other indicators that the Scorpions were connected with the Serbian Interior Ministry were witness statements claiming that some individuals who, according to documentation presented as evidence in court, were Serbian Interior Ministry employees, had commanded the Scorpions at certain periods or were present in the same areas at the same time as the members of this unit.

According to witnesses' claims, these men included Interior Ministry Anti-Terrorist Unit members Vasilije Mijovic, Zivorad Ivanovic and Radojica Bozovic.

The Red Berets in Bratunac

The Serbian Interior Ministry's Anti-Terrorist Unit, the so-called Red Berets, established 26 training centres during the wars; in early 1993, they set up a training centre in Bratunac in Bosnia and Herzegovina, where armed conflict had broken out a year earlier.

"I learned more reliable information on the structure of the Red Berets and the way they functioned in 1993, when their centre in Bratunac was established," the former head of the Bratunac municipality's wartime Crisis Headquarters, Miroslav Deronjic, told the ICTY prosecutors.

He said he met Vasilije Mijovic, who introduced himself as a major in the Serbian State Security Service. He said that, after arriving in Bratunac, members of the Anti-Terrorist Unit recruited some 100 people who underwent training at their centre.

"At the time, they were involved in all combat operations... The whole time they were there, and I learned about that from the locals who were members of that unit – the Serbian Interior Ministry was paying them," Deronjic said in his statement to the

ICTY prosecutors.

Did Miljovic lead the Scorpions in Trnovo?

In its final trial brief during the Stanasic and Simatovic trial, the prosecution stated that in June and July 1995, the Serbian security chiefs sent members of the Scorpions unit under Mijovic's command to carry out an operation in the area around Trnovo and Treskavica Mountain in Bosnia.

The prosecution also claimed that Mijovic commanded the Scorpions, the Serbian Volunteer Guard and the Blues in the Treskavica operation.

Protected witness B-129, who from 1994 worked at the headquarters of Zeljko 'Arkan' Raznatovic's Serbian Unity Party and its paramilitary wing, the Serbian Volunteer Guard, said during the proceedings against Slobodan Milosevic that in June and July 1995, around 60 Serbian Volunteer Guard members were deployed to Treskavica.

B-129 said that their task was to cut the Bosniaks' communication lines around Sarajevo together with a State Security unit which was led by Mijovic. "Arkan informed me and the entire staff about this operation, even though the group went directly from [the Serbian Volunteer Guard base in] Erdut. But he wanted us to know about the operation as well, and he was given instructions by State Security, as he himself told me, as well as the fact that the State Security unit would be led by Vaso Mijovic," said the witness.

She added that during the course of the Treskavica operation, whenever Mijovic was in Belgrade, he would come to the Serbian Unity Party and Serbian Volunteer Guard headquarters to pass on information from the field to Arkan.

She said that the Serbian State Security Service and the Serbian Volunteer Guard members had a shared command post on Treskavica Mountain.

Protected witness JF-029 told the court in Belgrade during the Scorpions' trial that Slobodan Medic, allegedly Mijovic's subordinate officer, had told him that Mijovic was the commander of the Scorpions, the Serbian Volunteer Guard and the Blues during the Trnovo operation.

However, at the court in Belgrade, where he and four other Scorpions members were on trial, Medic denied that Mijovic had been his superior.

His statement that Mijovic did not command the Scorpions is very similar to those of Goran Stoparic and another protected witness, JF-024, who both said that they had not seen Mijovic during the Trnovo operation, and did not even know who he was at the time.

Another allegation that Mijovic was the commander of the Scorpions was made during the Scorpions trial in Belgrade by former Republika Srpska deputy interior minister Tomislav Kovac, but Kovac also added that Mijovic had been part of the Republic of Serbian Krajina's forces.

Documents put ministry officials in Trnovo

Commemoration of the victims of the Srebrenica genocide in 2019. Photo: YIHR Serbia.

Among the documents presented as evidence at the ICTY and at the court in Belgrade that indicate that Serbian Interior Ministry officials were in Trnovo during the operation there in June and July 1995 is a report sent to a deputy minister in Bijeljina in Republika Srpska which was signed by deputy commander of the Republika Srpska Interior Ministry's Special Police Brigade, Ljubisa Borovcanin, on July 1, 1995.

Borovcanin's report stated that a group of units made up of "Cayman, the Blues and the Scorpions (of the Serbian Interior Ministry)" staged an attack in Lucevik near Trnovo on June 30, 1995.

The documents related to the Trnovo operation also include a memo by Mijovic dated July 19, 1995, and sent to the Republika Srpska Interior Ministry, which stated that a Serbian Interior Ministry unit had been ordered to withdraw from the combat zone in the Trnovo area "for the purpose of moving on to other assignments".

The evidence presented at the court in Belgrade included a dispatch addressed to Republika Srpska deputy interior minister Tomislav Kovac dated July 24, 1995, signed by Republika Srpska Interior Ministry officer Savo Cvjetinovic, which said that "the Serbian Interior Ministry unit, the Scorpions" had been shifted out of the area.

The ICTY verdicts' conclusion

In the initial first-instance verdict in the case against Stanisic and Simatovic in 2013, the ICTY's trial chamber found that the decision to deploy the Scorpions to Trnovo was taken by Serbian Interior Ministry official Radovan Stojicic, along with Ilija Kojic, who led the Scorpions, the Serbian Volunteer Guard and the Blues to the Trnovo front, and Milan Milanovic from the Defence Ministry of the Serbian Autonomous Region of Eastern Slavonia, Baranja and Western Srem.

It was approved by General Dusan Loncar of the 11th Corps of the Army of the Republic of Serbian Krajina, according to the trial chamber.

The trial chamber also concluded that there was no evidence that Stanisic and Simatovic had organised the Scorpions' participation in the Trnovo operation.

As to whether or not Mijovic commanded the Scorpions in Trnovo, the ICTY's trial chamber stated that no definitive conclusion could be made on the matter.

The second first-instance verdict in Stanisic and Simatovic's trial in 2021 also stated that Mijovic had been involved in the Trnovo and Treskavica operation, but that there was no evidence regarding his role in relation to the Scorpions.

One of the explanations given in the verdict for this conclusion was that members of the Scorpions unit themselves had denied that Mijovic, a member of the Serbian Interior Ministry's Anti-Terrorist Unit, had been their commander at the time.

The Belgrade court's conclusion

In the verdict handed down in the Scorpions case in 2007, the Belgrade Higher Court said that the unit had been formed for the purpose of securing oil wells for the NIK oil company, which had financed it.

As of 1993, the unit had the status of a special unit of the Republic of Serbian Krajina Army and as such, the court concluded, participated in the war in Bosnia and Herzegovina and was involved in the operation in Trnovo in June and July 1995.

The court said however that allegations in documents from the ICTY that the Scorpions were involved in Trnovo as a Serbian Interior Ministry unit, and a Croatian Ministry of Defence report from 2006 that stated that the Scorpions unit was subordinate to the Serbian State Security Service, constituted "unofficial information and indications, but not ascertained fact".

Former Scorpions fight again in Kosovo

After the Trnovo and Treskavica operation, the Scorpions also took part in operations in the Serbian Autonomous Region of Slavonia, Baranja and Western Srem in 1995, and were then disbanded in 1996.

During the 1999 NATO bombing of Yugoslavia, some of the unit's members joined the Serbian Interior Ministry's Special Anti-Terrorist Unit and were deployed in Kosovo. The official who received them into the unit was the head of the Department of Public Security, Vlastimir Djordjevic, who in 2014 was sentenced by the ICTY to 18 years in prison for crimes against humanity in Kosovo.

In Kosovo in 1999, members of the Scorpions unit committed one of the most serious crimes in the Yugoslav wars when they murdered 14 ethnic Albanian civilians, including seven children, in

One of the indicators that senior government officials in Serbia knew about the existence of the unit was testimony to the ICTY by a deputy head of the Yugoslav Army security service, Aleksandar Vasiljevic, during cross-examination in the Milosevic trial.

"I know nothing about the Scorpions unit," Milosevic insisted in court in 2003, to which Vasiljevic replied: "How can you know nothing when we reported to you on May 17 (1999)?"

Lawyer Dragoljub Todorovic, who represented the families of the victims in the Scorpions trial in Belgrade, claimed in the book *The Scorpions: From Crimes to Justice* that the court's verdict, which found that they were not a Serbian Interior Ministry unit, was "guided by political rather than by legal reasons in a bid to adapt to the positions of the Serbian authorities with regard to accountability for the genocide in Srebrenica [for which Serbia denies any responsibility]".

Since the judgments in The Hague and in Belgrade, the exact status of the Scorpions unit and the role of its alleged commander in the Trnovo operation, Vasilije Mijovic, have remained a grey area.

But another major court ruling is due which could possibly provide some more clarity. By the end of next year, the ICTY appeals chamber will deliver its final verdict in the case against Stanisic and Simatovic, and with it, the Hague court's last conclusions about the Scorpions and Mijovic.

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Azerbaijan

Azerbaijan Is Torturing and Beheading Armenians (Providence) By Uzay Bulut

December 5, 2022

During the 44-day war of Azerbaijan against the Armenian Republic of Artsakh, (Nagorno-Karabakh) in the autumn of 2020, Azerbaijan committed many crimes against the Armenians. These include the indiscriminate shelling of Artsakh, the torture and murder of civilians, and the deliberate destruction of Armenian patrimony, among others. The Azeri forces used cluster munitions against the civilian population of Artsakh and white phosphorus munitions in forestry regions.

Azerbaijan's military strength was backed by Turkey and the Syrian jihadist mercenaries, who served as auxiliaries to the Azerbaijani army. Two years following the November 2020 ceasefire agreement brokered by Russia and signed by Armenia and Azerbaijan, the government of Azerbaijan still has not released all Armenian prisoners of war. These Armenians are illegally held in Azerbaijan and tried in sham Azeri courts. Many have been tortured and others even murdered with total disregard for international conventions. According to the lawyer, Siranush Sahakyan, a representative of the interests of Armenian POWs at the European Court of Human Rights (ECHR), there are about 80 POWs, officially unacknowledged by the Azerbaijani authorities, who have disappeared. As the number of the Armenians who have "disappeared" has not been clarified, and there are still hundreds missing, the actual number of Armenian POWs is estimated to be much higher. Dozens of graphic videos depicting Azerbaijani soldiers decapitating and murdering in other atrocious ways Armenian civilians, soldiers, and prisoners of war have been posted by Azeri owners of accounts on social media. The website "Azeri War Crimes" has captured instances of willful killing, mutilation, torture, and inhuman treatment of Armenians by Azerbaijani forces. The Human Rights Defender of the Republic of Armenia issued an ad hoc public report in 2021 entitled "The Treatment of Armenian Prisoners of War and Civilian Captives in Azerbaijan (Focusing on their methods of questioning)" The report details the torture Armenians POWs and civilians were subject to by Azeri soldiers, such as beatings of fallen POWs, coercing the POWs to crawl, humiliating them, and torturing the civilians such as was the case of Kamo Manasyan subjected to physical and psychological torture during his captivity. In September 2021, The Human Rights Defender of The Republic of Armenia published another ad hoc public report: "Responsibility of Azerbaijan for Torture and Inhuman Treatment of Armenian Captives: Evidence-Based Analysis (The 2020 Nagorno Karabakh War)". According to the report, From the onset of the war, the Azerbaijani government established a manner of processing and treating incoming captives in an abusive way. They were harassed, beaten, tortured, and humiliated. This mistreatment would begin as soon as such victims were captured. Such cruel treatment continued throughout their time in custody. During their interrogations they were beaten and tortured during the various stages of captivity—from local camps to Military Police and National Security custody. In addition to extensive coercion and humiliation, illegal extraction of confessions was obtained from POWs by systematically subjecting them to torture. Azerbaijani guards would use different objects such as belts, screwdrivers, gun butts, metal chains, and batons to generally beat the entire bodies of the POWs leaving many with permanent injuries. One detainee was blind in both eyes having received no medical attention during the duration of his captivity. Several were also subjected to electroshock torture if they didn't comply with guards' orders. Azerbaijani soldiers beat POWs often several times each day. One surviving POW stated that at one point during his captivity, 3 Azerbaijani guards would come into his cell every 5 minutes to brutally beat and kick him until he bled and was unable to move. There are several accounts of POWs losing consciousness from beatings. The website "PanArmenian" listed some of those atrocities on April 13, 2021 as follows: Two elderly men – Genadi Petrosyan, 69, and Yuri Asryan, 82 – were beheaded by Azerbaijani forces. They were identified in December, 2020. These Armenians were

non-combatants. This was confirmed by people in their respective villages. In mid-October, a video that contained graphic images was shared on social media. It showed Azerbaijani troops summarily executing two Armenian POWs. Footage depicts the killing of a young soldier and an elderly man after their having been taken prisoner by Azeri troops. The troops are seen grabbing the old man by his jacket and pushing him to the ground. The Azerbaijani soldiers then wrapped them both in Armenian flags and shot them overly long with machine guns. Armenian authorities identified the men as Benik Hakobyan, 73, and 25-year-old Yuri Adamyan. A young Armenian was beheaded as he struggled to escape. During this horrific scene, Azerbaijani soldiers laughed, cheered, and celebrated the slaughter because an ordinary knife was used to decapitate the young man. An elderly Armenian man was filmed begging for his life, but an Azerbaijani soldier held him down whilst he cut his throat. Other videos depict Azerbaijani soldiers executing an Armenian civilian, dragging others out of their homes before also executing them, and burning the body of another Armenian. A video shared by social media users shows an Azerbaijani soldier stabbing the face of a fallen Armenian serviceman with a knife several times. Both ears of the Armenian soldier were cut off. In another video published by Twitter users, an Azerbaijani soldier was filmed using a handgun to shoot at close range a wounded Armenian serviceman in the head. Artak Beglaryan, the Human Rights Defender of Artsakh at that time, provided extensive evidence of Azeri troops' crimes, including the murder of a woman and her disabled son in the city of Hadrut. Prisoners of war from Artsakh were subjected to the hateful disdain of Azeri troops. The bodies of fallen Armenian servicemen were mutilated. The Azerbaijanis subject the Armenian POWs and captives to physical abuse and humiliation. The videos also show Azerbaijani captors beating, kicking, and prodding Armenian POWs. Humiliating them further by compelling them, under visible duress, to kiss the Azerbaijani flag. In most of the videos, the captors' faces are visible, indicating that they are oblivious of eventually being held accountable. Both civilians and soldiers held illegally in Azerbaijan are exposed to human rights abuses. Vicken Euljekjian, a civilian that is a joint citizen of Armenia and Lebanon, for instance, is still held in an Azeri prison. According to news reports, his health started deteriorating in 2021 and he was hospitalized as a result. Vicken is understood to be cut off from the rest of the world by prison authorities. Jasmine Seymour, the founder and head of the British-Armenian humanitarian group, recently interviewed Linda, Vicken's wife, about Vicken's situation. Linda said she was allowed to speak to Vicken just for one minute on November 18. Seymour wrote: Two years after his arrest near Shushi, there is no sign from the Azerbaijani authorities that Vicken Euljekjian will return to his family any time soon. Several Armenian POWs who have been returned recently have testified that the condition of fellow hostages held illegally in Azerbaijani prisons differs. Some are able to endure the physical and mental mistreatment, others surrender quicker to psychological abuse, and those who resist and protest against the disrespectful and degrading treatment, are further tortured by Azerbaijani prison staff. There is enough evidence to confirm that the mental and physical health of Vicken Euljekjian is cause for deep concern to say the least. As The World Organisation Against Torture (OMCT) puts it, "Torture is the intentional destruction of a human being by another. The methods by which severe pain and suffering are inflicted vary, but they all have the same objective: to break a person, erase them as an individual, and deny they are human." A case of psychological torture was displayed in a video shared on social media in July 2021. In it, an Armenian prisoner of war illegally held in the Azeri capital of Baku was seen asking the judge for leniency. He said: "Your Honor, if it's possible, I have a sick mother at home, whom I should look after." Baku TV mockingly reported the incident, saying: "The Armenian asked for help in tears from the judge. Those convicted of espionage have been sentenced to 15 years in prison." Azerbaijan is also targeting soldiers defending the borders of the Republic of Armenia. Anush Apetyan, a female soldier who volunteered to protect the Armenian people and their sovereign land, was brutally murdered by Azeri soldiers in September, 2022. The soldiers stripped her naked, dismembered her body, cut off her legs, and fingers. A graphic video showing the murder was posted by Azeris on social media. Apetyan, 36, a mother of three children, was reportedly captured alive in Jermuk and then tortured and dismembered by Azerbaijani soldiers. The soldiers put her severed fingers in her mouth and gouged out her eyes. A public report by the Armenia's Human Rights Defender "on the consequences of the military attack of Azerbaijan against the Republic of Armenia" was published in September, 2022. The report notes that, As during the 44-day war, after the attack of September 13, 2022, videos showing the acts of torture and other inhuman and degrading treatment committed by the Azerbaijani armed forces against Armenian servicemen are being posted on Azerbaijani social media platforms. The videos contain scenes of humiliating treatment, of physical violence of Armenian servicemen, as well as inhuman treatment of the bodies of dead victims. Particular attention should be paid to the wide publication of videos proving the acts of inhuman treatment of the bodies of murdered Armenian service women on Azerbaijani social media platforms. One should also note the offensive, disdainful expressions of the social media users. The videos indicate that violence towards women, including the mutilation of their bodies, were motivated not only by ethnic hate, but also by gender hatred. Impunity encourages further attacks. Never being held accountable for their crimes, Azerbaijani soldiers continue to murder Armenians. On November 3, Sheila Paylan, an international criminal lawyer, and war crimes investigator, reported: On the morning of October 2, 2022, Azerbaijani Telegram channels started circulating a video appearing to display the mass execution of at least six unarmed Armenian soldiers sitting, huddled closely together before being brutally gunned down within point blank range. Social media commentators suggest that the footage is likely from Azerbaijan's September 13-14 assault on Armenia. The Armenian Ombudsperson has since verified the authenticity of the video and confirmed that it shows Azerbaijani forces killing Armenian prisoners of war (POWs). Beyond a shadow of a doubt, anyone who watches the video has just witnessed a horrific war crime. Despite all these crimes of Azerbaijan reminiscent of the crimes of the Islamic State (ISIS), many Western officials still hail the government of Azerbaijan as "a reliable ally" or "partner." The European Union and Azerbaijan on July 18 signed an agreement to double gas imports from Azerbaijan to Europe. On a visit to Baku, European Commission President Ursula von der Leyen signed with Azerbaijani

President Ilham Aliyev a Memorandum of Understanding on “a strategic partnership in the field of energy.” EU Commissioner President von der Leyen said: “Today, with this new Memorandum of Understanding, we are opening a new chapter in our energy cooperation with Azerbaijan, a key partner.” Tolerating the crimes by Azerbaijan is no different from tolerating crimes of ISIS. Signing deals with Azerbaijan is akin to signing deals with ISIS. Arsineh Arakel, a lawyer and board member of Center for Truth and Justice, told Providence that “governments, especially the United States and European Union, must immediately suspend all military assistance to Azerbaijan.” They must apply the the Global Magnitsky sanctions to Azerbaijani authorities continuing to commit serious human rights abuses in Armenia and Artsakh. They must deploy OSCE peacemakers in the Lachin Corridor to guarantee a secure and safe link between Armenia and Artsakh and deter ongoing Azerbaijani aggression. Arakel also called on the UN Security Council to “demand Azerbaijan unconditionally release all Armenian POWs and immediately withdraw its forces from the territory of Armenia. The U.S and European states should publicly recognize that Armenians of Artsakh have earned the right to sovereignty and initiate a clearly defined process to achieve recognition as an independent state including securing guarantees for the people of Artsakh until its final political status is determined. Do Western governments support beheadings, torture, murder, and destruction or do they support human rights, international law, and civilization? If the EU executive officials continue to appease Azerbaijan, encouraging crimes against Armenians, their constant reference to human rights is nothing but a sham and grotesque hypocrisy deserving international condemnation. Honorable political leaders of the West should stand up for Armenia.

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Special Tribunal for Lebanon

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

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Israel and Palestine

Israel soldier executes Palestinian youth in cold blood (Middle East Monitor)

December 2, 2022

An Israeli soldier executed, on Friday, a Palestinian youth in the West Bank city of Nablus following a short scuffle between them, eyewitnesses said.

The Israeli soldier carried out the execution at point-blank range, in the centre of Huwwara, to the south of Nablus.

A video footage of the shooting has been posted on social media. It shows the Israeli soldier trying to arrest him. But when the Palestinian youth refused and pushed the soldier away from himself, the soldier's automatic rifle fell down and he used his pistol to execute him.

The youth was identified as Hamdy Mefleh, 22, from the village of Osrin to the south of Nablus.

Wafa news agency reported that the Israeli Occupation soldiers, who were watching the execution, prevented residents and ambulances from providing aid to the youth as he was still alive.

The Palestinian Ministry of Health said Israel's General Authority for Civil Affairs reported that the youth died of his critical wounds.

West Bank footage throws spotlight on Israel's use of lethal force (BBC) By Tom Bateman

December 3, 2022

Israeli troops had entered the village warning of plans to demolish a Palestinian home.

Footage shows a group of men and teenagers throwing rocks - then pulling back - as two shots ring out. Raed al-Naasan runs around a corner and collapses, blood seeping into his top, fatally wounded.

He was killed on Tuesday - one of four Palestinians shot dead by Israeli troops during confrontations in different villages that day in the occupied West Bank.

And now that footage of his killing is throwing a fresh spotlight on Israel's use of lethal force, as violence in the region reaches levels unmatched in years.

In the hours after his death the army said soldiers used live ammunition in response to a suspect "spotted hurling Molotov cocktails [petrol bombs]" at them.

But video evidence and eyewitnesses suggest this wasn't the case when he was struck.

This year in the West Bank more than 140 Palestinians have been killed, nearly all by Israeli forces. The dead include civilians and armed militants. Meanwhile a series of Palestinian attacks targeting Israelis, as well as militant gunfire at troops during arrest raids, have killed more than 30 people including civilians and troops.

The United Nations' envoy to the region Tor Wennesland warned this week that the conflict and military occupation was "again reaching a boiling point".

Campaigners from the Israeli human rights group B'Tselem are currently probing Mr Naasan's death, saying that a significant number of cases of protesters being shot dead this year amount to "excessive use of force".

The Israel Defence Forces (IDF) said it had acted to stop "violent rioters" and the incident was being "examined". Troops entered the village of al-Mughayyir on Tuesday to serve demolition orders against "illegal construction" - this happens when Israeli authorities plan to bulldoze Palestinian homes built without permits, even though these are often impossible to obtain.

Mr Naasan, 21, was shot dead after a group of around 20 young men and teenagers gathered and threw stones towards the jeeps and soldiers.

Under international law, the use of firearms by security forces against civilians is defined as a measure of last resort, and can only take place to stop an "imminent threat of death or serious injury".

Video given to the BBC filmed for nearly a minute before the shooting shows the group, including Mr Naasan, appearing to pick up stones from the street and throw them towards troops who are not visible in the footage. None can be seen throwing petrol bombs. Mr Naasan then stands in front of his family home apparently holding stones, when two gunshots can be heard. The second is thought to be the shot which left him fatally wounded.

Paramedic Mujahid Abu Aliya rushed to treat him at the scene.

"No-one threw a Molotov cocktail, I was here.... When I picked him up he was screaming: 'I will die, I will die'," he said.

Mr Naasan's mother Fatma described how she ran after him moments later desperately trying to help. "[The troops] are the ones who attacked us - they came towards the house in the confrontations and the young people participated," she told the BBC shortly after her son's funeral.

Another eyewitness, Raghd Jihad, said: "When they started shooting live ammunition, all the men dispersed except him, he was standing there."

"They have been raiding the village for a week now. This is an occupation and they come when they like," he added.

Mr Naasan had recently finished his studies and was training as an officer in the Palestinian Authority security services, the internationally-backed force that carries out internal policing in parts of the West Bank.

In a statement the IDF said: "Only a portion of the event is depicted in the video. IDF soldiers encountered violent rioters... among them the deceased."

"The man hurled a Molotov cocktail at the forces, who opened fire in response. The circumstances of the event are being examined."

The village of Al-Mughayyir has witnessed years of confrontations with Israeli troops. It is close to some of the West Bank's most ideologically-driven Israeli settlements from where groups have tried to build outposts on land near the village.

Settlements are seen as illegal under international law, and most outposts are also prohibited under Israeli laws.

Residents of Al-Mughayyir said they feared a worsening situation.

Israel's incoming national security minister is set to be the far-right firebrand Itamar Ben-Gvir - a staunch supporter of settlements who calls for stone-throwing Palestinians to be shot. He also wants Israeli soldiers to have immunity from prosecution in cases where Palestinians are killed.

Dror Sadot from B'Tselem, the human rights group, described 2022 as an "extreme year" in terms of Palestinian fatalities.

"There are many cases of protests where the Palestinians are using rocks, stones and sometimes other means, and Israel's army almost always uses disproportionate force," she said.

The IDF rejects this, routinely saying it carries out internal investigations into Palestinian fatalities. But human rights groups

have described such inquiries as a "whitewash".

Amid the worsening violence this week, an Israeli soldier was left seriously wounded when a Palestinian man - later shot dead - rammed his car into her near a West Bank settlement. Israeli forces are also still searching for suspects after a twin bomb attack in Jerusalem last week which killed two Israelis.

Since the spring, Israel has carried out near nightly search and arrest raids in the West Bank, and says it will continue its operations to prevent the threat of further attacks.

UN: Israeli deportation order against French-Palestinian activist could constitute war crime (Middle East Monitor)

December 4, 2022

Israel's decision to deport French-Palestinian human rights defender and lawyer Salah Hammouri to France against his will may constitute a war crime under the Geneva Convention, UN experts said Friday, reports Anadolu Agency.

Israel reaffirmed the revocation of Hammouri's permanent residency in Jerusalem on November 30.

Authorities said Hammouri would be deported December 4 to France because of his alleged "breach of allegiance to the State of Israel" and based on secret evidence.

"Such unilateral, arbitrary measures taken by Israeli authorities in retaliation against Mr. Hammouri as a human rights defender violate every principle and the very spirit of international law," said experts.

The experts are Francesca Albanese, special rapporteur on human rights in the Palestinian Territory occupied since 1967 and Fionnuala Ní Aoláin, special rapporteur on the protection of human rights while countering terrorism.

Special rapporteurs are part of the Human Rights Council's Special Procedures, the largest body of independent UN human rights experts.

The deportation of protected persons from an occupied territory is prohibited under Article 49 of the Fourth Geneva Convention, said experts.

"These measures set an extremely dangerous precedent for all Palestinians in Jerusalem. The international community must not remain silent and quietly watch this umpteenth violation," they said.

Hammouri is a human rights lawyer known for advocating for the rights of prisoners, including torture survivors.

He works with the Addameer Prisoner Support and Human Rights Association – an internationally respected human rights organisation – and the UN Voluntary Fund for Victims of Torture grantee.

Israel designated Addameer and other Palestinian civil society organisations as "terrorist" and "unlawful" in October 2021.

Hammouri was placed in administrative detention on March 7 without charge or trial.

Since July, Hammouri has been detained at a high-security prison under degrading conditions as a form of punishment after he engaged in a hunger strike and appealed to French President Emmanuel Macron to urge Israel to end his detention.

Experts said Hammouri was at risk of expulsion due to his alleged involvement in "terrorist activities" and "breach of allegiance" to Israel.

The allegations are based on secret information that he cannot challenge.

Israel kills another Palestinian in occupied West Bank (Middle East Monitor) (Author)

December 5, 2022

Israeli occupation forces shot dead a young Palestinian man on Monday morning and wounded six others in Dheisheh refugee camp, south of the occupied West Bank city of Bethlehem.

Israeli occupation forces shot dead a young Palestinian man on Monday morning and wounded six others in Dheisheh refugee camp, south of the occupied West Bank city of Bethlehem. According to Palestinian security sources, a large number of Israeli occupation forces raided the refugee camp and ransacked several homes, triggering protests from local people.

The heavily-armed Israeli occupation soldiers shot at young protesters with live fire, tear gas and stun grenades, killing 22-year-old Omar Manna Fararja with a shot to the chest, and wounding six others in their lower extremities. Wafa news agency said that the casualties were rushed to a nearby hospital for treatment.

The Palestinian sources also reported that the Israeli occupation forces detained Manna's brother, Yazan Youssef Hassan Fararja, 24. Two others who were detained were named as bothers Uday and Moaz Essam Abu Nassar, aged 24 and 27, respectively.

Official figures from the Palestinian Ministry of Health show that at least 212 Palestinians have been killed by Israeli forces since the start of 2022 in the occupied West Bank and besieged Gaza Strip.

The Factional Coordination Committee in Bethlehem Governorate announced an immediate general strike and called on people to participate in the funeral of Omar Fararja.

Palestinian citizens of Israel are facing a judicial war (Middle East Eye) By Ameer Makhoul
December 7, 2022

The criminal cases brought by the Israeli government amount to a strategy of judicial aggression against its Palestinian citizens as collective punishment for their role in the Karamah uprising

Israel's ruling establishment did not have to wait for the political ascension of the far right and Religious Zionism parties to carry out a campaign of judicial aggression against its Palestinian citizens.

Right-wing forces have already increased their influence and now control every area of governance and of the state due to the infrastructure of the Israeli occupation and a racist judiciary.

The aggressive escalation against Israel's Palestinian citizens is nothing new; it is taking place at the order of the highest levels of the national security apparatus.

In May 2021, Israel carried out mass arrests of Palestinian citizens who protested its latest assault on Gaza. As part of its "Guardian of the Walls" operation, Israel waged a domestic judicial war against its Palestinian citizens to suppress the people's involvement in the Karamah "dignity" uprising - which signalled a new revolt within the so-called Green Line and brought the 1948 population into the wider movement for liberation.

Through violent arrests, torture, prolonged detention, interrogation, and isolation, Israel sought to exhaust and defeat the protesters.

Harsh sentencing

Palestinian activist Adham Bashir, an activist from Akka (Acre) was one such protester who was arrested during the 2021 uprising and sentenced to 10 years in prison.

In a 28 November statement to Radio Shams, he said: "They sentenced me to 10 years in prison [...] and imposed much higher sentences on seven other young men from Akka who are facing the same charges. I confessed in the interrogation at the Shin Bet [headquarters] that I threw a stone, but they charged me with 'terrorism' because I threw a stone at the people who attacked us Arabs [first]".

In the same radio broadcast, Knesset member Ahmad Tibi commented on the harsh sentences: "A new clause relating to the support of 'terrorism' has been introduced to the list of charges against Arab protesters, while the Jewish people who incited the Arabs are exonerated."

Defence attorney Khaled Muhajna, who represented many of the May 2021 defendants, said that the main "anti-terrorism" clause in the Palestinian detainees' files is serious and sentencing could potentially extend to 20 years in prison.

Discussing the 13 detainees from the village of Zalafa near the city of Umm al-Fahm, he stated that everyone who was released was either confined to house arrest, or had a high bail set, and that "no file has been closed".

On Tuesday, Bashir, who was held under house arrest for more than a year, was sent to prison. He took a plea bargain and was sentenced by the District Court of Haifa to 10 years in prison and ordered to pay NIS 150,000 (approximately \$43,000) in damages.

The public prosecutor sets these prohibitive financial penalties despite knowing the economic hardship that Palestinians in Akka often face due to the racial and religious discrimination they face in Israeli society.

Anti-Arab incitement

The Palestinian families in Akka still remember clearly the bloody attacks against them from members of the Torah Nucleus Movement (Garin Torani) during the evening of Yom Kippur on 8 October 2008.

The organisation was formed by soldiers belonging to the Zionist religious movement and has spread to Arab-Israeli "mixed" neighbourhoods with the aim of curbing the expansion of the Palestinian population. These attacks by Jewish extremists against the Arab presence in the city have only intensified, particularly over the last year.

The state has largely given these organisations cover - only prosecuting Palestinians who were protecting their communities while failing to summon any of their Israeli attackers to court. Bashir did not leave Akka to confront anyone and had not even left his home when it was violently attacked by organised groups of armed and unarmed Israeli Jews.

For defending himself and his community against the racist attackers, Bashir faced the wrath of Israel's judicial authority which issues verdicts based on its ethno-nationalist agenda.

Whereas the Israeli judiciary views a stone, knife, or even a firearm in the hands of an Israeli attacking a Palestinian as acceptable, that same judiciary considers a stone in the hand of a Palestinian in the 1948 territories as a deadly weapon and an attack on the state, even if he were acting in defence of himself and his home.

It treats Palestinian protests as anti-state riots, while whatever the Israeli Jews do is considered freedom of expression.

A separate system of justice

In practice, the spirit of the Nation-State Law has become the standard for the Israeli judiciary. This was expressed by lawyer Tayseer Shaaban, who defended dozens of youth from Lydd (Lod) when they were protecting their neighbourhoods - and existence - from gangs of Jewish settlers.

The public prosecutor charged them with serious crimes, including "terrorism". On the other hand, those who killed Mussa Hassouna, a young man from Lydd, remain free after the public prosecutor's office released them on the pretext of a lack of evidence, a justification reserved for Israeli Jewish defendants.

After Bashir's verdict was issued, Shaaban observed on his Facebook page: "When there's an Arab victim of a lynching in the city of Bat Yam, the Israeli Jewish attacker receives a sentence of 20 months, whereas, in the case of a Jewish victim of a lynching in Akka, the Arab attacker is handed a 10-year sentence."

The sentence Bashir received is considered one of the most severe amongst those that have been issued so far both in terms of the financial penalty and number of years in prison.

It is expected that some of the forthcoming sentences will be up to 20 years or more.

From hundreds of charges that the public prosecutor has submitted to the court, so far, relatively few verdicts have been issued against Palestinian defendants. Yet, what distinguishes these verdicts is the degree of exaggeration of the severity of the charges.

Taken together, the criminal cases brought by the Israeli government amount to a strategy of judicial warfare against its Palestinian citizens as collective punishment for their role in the Karamah Uprising - using imprisonment as deterrence, especially targeting youth activists, and handing out fines that could total millions of shekels.

In addition to Bashir, Adam Sakafy from Haifa was sentenced to eight years in prison, Yazan Harb from Haifa to seven years; Adam Omar from Haifa to three years and two months, and three others were sentenced to three years each.

The same court also sentenced an initial group of defendants from the town of Tamra: Mohamed Abu al-Hayjaa, Mohamed Abu Romy, and Bahaa Abu al-Hayjaa, each to seven years in prison, and Ibrahim Mreeh to five years.

Judicial 'aggression'

The mass arrest campaign that began during the Karamah Uprising last year continues as hundreds of cases move through the court system.

On 22 September, the public prosecutor announced criminal charges against six young men from Taybeh.

In a February 2022 interview, attorney Marwan Abu Freeh from Adalah, the Legal Centre for Arab Minority Rights in Israel,

spoke about the arrests of 193 young men, university students, and schoolchildren in the Naqab, located in the south.

He explained that he and a team of lawyers advocating for the release of the minors have encountered police objections in court: "For every order to release a minor, the police submitted a request to block the order from being implemented so that it could submit an appeal against the release order. We faced around 45 appeals [from the police and the prosecution] since the beginning of the campaign of arrests against the release orders of young men and minors."

Since May 2021 and after the Naqab (Negev) uprising, the aggression of Israel's police and security forces against Palestinian citizens has only increased with the support of political orders from the government, national security institutions, and far-right parties. In its judicial war against 1948 Palestinians, Israel has designated all protest as a terrorist act against the state carrying the harshest punishment.

Following the Israeli elections last month and the increasing Religious Zionist control over government, the media, the judiciary, and the police, Palestinians are expecting yet another dangerous escalation.

This vulnerable population within Israel can only be defined as "a community under threat" and has no choice but to engage in a public struggle to stop the political, judicial, and police aggression against them, and turn to the international community for support, including the International Criminal Court (ICC).

But as the Palestinian citizens of Israel fight for their rights both in a discriminatory legal system and in an international court that has largely ignored them, the most important matter is whether this community will find global solidarity with their popular struggle.

Will the international community boost the morale of the younger generations that the state is seeking to terrorise and deter? Will it reinforce the resilience of the 1948 Palestinians in their homeland - especially in the coastal cities and the Naqab where ethnic cleansing schemes undergird these discriminatory legal judgements?

Israel kills three Palestinians in Jenin, general strike called (Al Jazeera) By Zena Al Tahhan
December 8, 2022

The Israeli army has killed three Palestinian men during a raid in Jenin, the latest people to die in a months-long Israeli campaign of near-daily raids in the occupied West Bank.

The Palestinian ministry of health identified the three killed on Thursday morning as Siqdi Zakarneh, 29, Atta Shalabi, 46, and Tareq al-Damaj, 29.

The ministry announced their death at approximately 5:30am (02:30 GMT).

Zakarneh and al-Damaj were from the Jenin refugee camp, while Shalabi was from the town of Qabatya on the southern outskirts of Jenin.

At least two other Palestinian men were injured by Israeli fire during the raid, including one in serious condition, local journalists told Al Jazeera.

Later on Thursday, Israeli forces shot dead a 15-year-old Palestinian boy near the West Bank city of Ramallah. Three others were wounded in the firing. The Palestinian Health Ministry identified the slain teenager as Dia Mohammad Rimawi from Beit Rima.

A general strike across Jenin governorate has been announced to mourn the three men, with schools, businesses and stores shut.

The Israeli army, including special forces, raided Jenin and its refugee camp at dawn on Thursday and arrested several wanted Palestinian resistance fighters, during which clashes broke out between Israeli forces and armed Palestinian men.

According to local journalist Mujahed al-Saadi, one of the men killed – Sidqi Zakarneh – was a fighter, while Shalabi and al-Damaj were civilians.

Al-Saadi, as well as local media, said Zakarneh was affiliated with the al-Aqsa Martyrs' Brigade – the armed wing of the Fatah political party but it remains unclear whether Zakarneh was engaged in fighting when he was shot.

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“Eyewitnesses said Zakarneh was shot in his car. The people who took him out of the car said they did not find any weapons on him,” Al Jazeera producer Ali al-Samoudi, who is based in Jenin, said.

The second man who was killed, Atta Shalabi, was driving by with his brother on their way to work when they found Zakarneh killed in his car.

“Atta attempted to help Zakarneh but as soon as he approached, the Israeli army shot him,” said al-Samoudi, based on information received from Shalabi’s brother, Mohammad.

Shalabi was a labourer working in Israel, according to his brother. He had a work permit and was on his way to the Jalameh checkpoint in Jenin when he was killed.

The context surrounding the killing of the third man, al-Damaj, remains unclear.

After the incident, the Israeli military said that its forces had been conducting “counterterrorism” activity near Jenin when its soldiers were “targeted with direct fire and responded with live fire” during one arrest raid.

Nabil Abu Rudeineh, spokesman for the Palestinian Authority (PA) presidency, said in a statement that the “Israeli occupation government is trying to ignite the region by continuing its crimes against the Palestinian people”, adding that the frequent killings of Palestinians are creating “an explosive situation”.

The Palestinian Prisoners’ Society said in a statement that two men were arrested during the raid – Bajes Kayed and Khaled Misbah Abu al-Hayja – both former prisoners in Israeli jails.

Local media reported that Israeli forces also shot at Palestinian Red Crescent ambulances during the raid. Videos shared online showed the aftermath of their targeting, with several bullet holes showing on the windshield and inside the ambulance.

Four Palestinians killed in less than 24 hours

The killing of the four men comes less than 24 hours after the Israeli army killed a Palestinian man from the town of Silwad on the outskirts of Ramallah in the central occupied West Bank.

The man was identified as 32-year-old Mujahed al-Najjar. Residents told Al Jazeera al-Najjar was killed in a firefight with the Israeli army in the nearby village of Deir Dibwan following a manhunt.

Israeli authorities said they believe that al-Najjar was behind several shootings in recent days at the Ofra military base, which was built on Silwad lands and stands at its entrance.

On Thursday morning, the Israeli army raided Silwad and arrested al-Najjar’s father and brother.

Tensions in the occupied West Bank and Israel have been on the boil since last year.

Israeli army raids and killings of Palestinians across the occupied West Bank have increased and happen on a near-daily basis, in parallel with a rise in Palestinian armed attacks, as well as an increase in settler attacks against Palestinians.

The raids have been particularly focused on the northern occupied West Bank cities of Jenin and Nablus, where Palestinian armed resistance is growing.

More than 200 Palestinians, including more than 50 children, have been killed by Israel in the occupied territories of East Jerusalem, the West Bank and the besieged Gaza Strip in 2022 – the deadliest year for Palestinians since 2006.

More than 25 people have been killed in Israel.

Israeli Occupation Forces Raid, Ransack Culture Ministry Office in Jenin (Palestine Chronicle)
December 8, 2022

Israeli forces dawn Thursday raided and ransacked the Culture Ministry Office in the northern West Bank city of Jenin, the official Palestinian news agency Wafa reported.

The Palestinian Culture Ministry said in a press statement that while in Jenin city and the neighboring refugee camp, Israeli troops blew up the main door and entered the office, tampering with its contents and causing damage to the books and a number of paintings.

The Ministry stressed the need to expose the arbitrary crimes committed by Israel against the Palestinian cultural sector and attempts to obliterate the Palestinian memory.

During the same raid, Israeli soldiers killed three Palestinians and injured 10 others.

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Gulf Region

Qatar World Cup Chief Publicly Admits High Migrant Death Tolls (Human Rights Watch) By Michael Page and Minky Worden
November 30, 2022

Hassan al-Thawadi, secretary general of Qatar’s Supreme Committee for Delivery and Legacy, admitted in a TV interview this week that there have been “between 400 and 500” migrant worker deaths in response to a question about deaths “in the last 12 years from any construction related ... to the World Cup.” It was a striking admission from a Qatari official.

Authorities have long contended there were only “three work-related deaths and 37 non-work-related deaths” on stadiums, which al-Thawadi reiterated earlier in the same interview. This acknowledgment inadvertently admits the obvious, that workers involved in the preparation of the World Cup infrastructure include not just those who built stadiums and form less than two percent of the migrant workforce in Qatar but also workers who built hotels, metro, airport, and other infrastructure related to the 2022 FIFA World Cup.

There is clear evidence of thousands of migrant worker deaths in the lead-up to the World Cup. Authorities failed to conduct meaningful investigations into a large percentage of them, classifying many as unexplained or due to “natural causes.” Indeed, al-Thawadi’s comment that a precise death figure is “something that is being discussed” unintentionally admits what critics have claimed: that Qatari authorities actually maintain large amount of data on worker deaths and other abuses but don’t want to publicly reveal these figures due to the outrage they would likely create. Qatar’s own statistics show that 15,021 non-nationals died between 2010 and 2019, but without a breakdown of ages, occupations, and causes.

Al-Thawadi’s statement that “one death is too many” also rings hollow. Qatari authorities have rejected a widely supported compensation fund for families of deceased workers whose deaths are classified as “natural causes” without proper investigation. Many families are currently ineligible to request compensation from employers which they can only do if it is classified as work-related deaths. Research has shown that FIFA and Qatar have failed to sufficiently protect workers from extreme heat, and this failure has greatly increased risks to migrant worker’s safety.

One death is indeed too many, but there are thousands of migrant worker deaths that remain unexplained, uninvestigated, and uncompensated. Some families aren’t even officially notified when their loved ones have died or offered condolences. The only way FIFA and Qatar can partially address this legacy of death and shame is to compensate families of deceased workers and workers who faced serious abuses.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

[Official Website of the Extraordinary Chambers \[English\]](#)

[Official Website of the United Nations Assistance to the Khmer Rouge Trials \(UNAKRT\)](#)

[Cambodia Tribunal Monitor](#)

The Khmer Rouge Tribunal is Closing its Doors: Here's What to Know About its Final Case (Just Security) By

Marija Đorđeska

December 6, 2022

As previously discussed (here and here), the Extraordinary Chambers in the Courts of Cambodia (ECCC) is winding down after 16 years of operation and three defendants sentenced, two of whom are serving their prison terms.

On Sept. 22, the ECCC's Supreme Court Chamber (SCC) rendered the summary of its last substantive judgment in Case 002/02, confirming the conviction against Khieu Samphân, the former head of state of Democratic Kampuchea. That regime, also known as the Khmer Rouge, orchestrated the death of almost 2 million people between 1975 and 1979.

Much has been said about the political nature of the tribunal and the not-so-hidden agenda of Cambodia's Prime Minister, Hun Sen to have the proceedings prematurely terminated despite the lengthy investigations (with four cases being dismissed). Politics aside, what will Case 002/02 (and the ECCC) be remembered for? This article discusses six takeaways of ECCC's biggest case – and one of the largest in the history of international criminal law, ahead of the forthcoming full, “several hundred pages long,” Appeal Judgment (para. 8).

1. The Concept of Non-Authoritative Summary Pronouncement of a Judgment Despite the world's warm reception of the 34-page Appeal Judgment's summary released on Sept. 22, the Appeals Judgment in Case 002/02 has technically not yet been rendered. As the SCC points out, “[o]nly the [forthcoming] full written judgment is authoritative” (para. 8). The summary only highlights the findings and is not an authoritative judgment of Case 002/02 (para. 8).

The ECCC has made issuing case summaries an unwritten practice, due to the length of the judgments and the need for translation into the tribunal's three official languages – English, French, and Khmer. (For example, the Trial Chamber rendered its 33-page summary of its judgment in Case 002/01 on Nov. 16, 2018, and a fully reasoned opinion a few months later, on March 28, 2019).

2. A Whale Among the ECCC's Cases

Case 002 was extremely complex due to the 40-year gap between the commission of the crimes and their persecution, domestic political obstruction, the ECCC's budgetary constraints, the advanced age of the accused, and the amount of the material involved. The Case 002 indictment (Closing Order) alone is 402 pages long, with additional 339 pages of footnotes. Due to its size, Case 002 was clumsily split into two cases (Case 002/01 and Case 002/02), of which Case 002/02 received a bulk of the charges.

The Case 002/02 Trial Judgment is over 2,200 pages long. By comparison, the Case 002/01 Trial Judgment against the same defendants, Nuon Chea (the former Deputy Secretary of the Communist Party of Kampuchea) and Khieu Samphân consists of “only” 630 pages.

The forthcoming Appeal Judgment in Case 002/02 considers Samphân's Appeal (770 pages), the Co-Prosecutor's response to the Appeal (504 pages), and the submission of the Civil Party Lead Co-Lawyers – also as a response to the Appeal – (316

pages), totalling at 3,858 pages. In its Appeal, Samphân's defence alleges 1,824 errors (para. 13), which were summarized into a staggering 256 grounds of appeal.

In addition, there are 106,836 confidential and 4,763 strictly confidential documents on Case File 002. Case 002/02 admitted 3,865 victims as Civil Parties and the Trial Chamber heard the testimonies of 185 individuals, including 114 witnesses, 63 Civil Parties, and eight experts.

The amount of material the SCC considered in the Case 002/02 was unprecedentedly substantial, not only as compared to other ECCC cases, but to the international(ized) criminal jurisprudence in general.

3. Clumsy Severance of the Proceedings in Case 002 into its Cases 002/01 and 002/02

Considering the unprecedented size of the Case 002, the Trial Chamber to (understandably) decided to sever the proceedings into two parts: Cases 002/01 and 002/02.

The Trial Chamber attempted the split several times (here, here, here, here, here, and here) – in a process the SCC heavily criticized for not consulting the parties to the proceedings as to what should be included in Case 002/01 and Case 002/02. Ultimately, Case 002 was divided as follows:

Case 002/01: forced population movement and execution of Khmer Republic soldiers. Case 002/02: Genocide against Chan and Vietnamese groups, targeting Khmer Republic officials, treatment of Buddhists, forced marriages and rape, internal purges, crimes at worksites (1st Jan Dam, Kampong Chhnang Airport and Trapeang Thma Dam), crimes at security centers (S-21, Kraing Ta Chan, Au Kanseng, Phnom Kraol), and crimes at Tram Kok Cooperatives. The Trial Chamber reserved the (disproportionate) bulk of the investigation for the second trial, which explains the amount of material considered in Case 002/02.

The unequal distribution of charges between Case 002/01 and Case 002/02 (based on the then-newly adopted Internal Rule 89ter) reflects the Trial Chamber's interest in concluding at least part of the proceedings against the two elderly accused. That approach succeeded, as both Chea and Samphân were sentenced in Case 002/01. With Chea passing away in 2019, the Case 002/02 proceedings are only final against Samphân.

4. The Unsuccessful Attempts of the SCC to Convince the Trial Chamber to Establish a Second Trial Panel for Case 002/02

Due to Trial Chamber's decision to sever Case 002, the SCC initially suggested (para. 51), then ordered, and ultimately reiterated that the establishment of the second Trial Chamber panel to consider the allegations in Case 002/02 was imperative (para. 74). However, the SCC's plea was to no avail.

There is no basis in the ECCC Law or in the Internal Rules for the creation of a second Trial Chamber panel. The ECCC Office of Administration did hint that short of amending the U.N.-Cambodia Agreement for an accommodation of a second panel, the President of the Trial Chamber could instead rely on Article 3(8) of the U.N.-Cambodia Agreement concerning alternate judges, as the potential basis for a second trial panel. However, the President of the Trial Chamber was firmly against establishing a second Trial Chamber panel and explained that:

“appointing a second Trial Chamber panel to hear the remaining charges in Case 002/02 is not in the interests of justice since it would be less expeditious than proceeding within the existing bench who are already familiar with the case” (paras. 4, 10).

The second Trial Chamber never formed.

As predicted by the SCC, the failure to create a second trial panel gave rise to a number of allegations of bias accounting for the fact that the same judges, who convicted Chea and Samphân in Case 002/01 would also decide their fate in Case 002/02.

5. Special Panels Considering Several Allegations of Bias of the Trial Chamber and SCC Judges

While the President of the Trial Chamber rejected the establishment of the second trial panel to adjudicate Case 002/02 against Chea and Samphân, the Judicial Administration Committee (JAC) relied on Internal Rule 34(6) to create two special panels to deal with the allegations of bias.

The ECCC established a Special Panel for the Trial Chamber, and later a Special Panel for the SCC, to decide on the impartiality of the Trial Chamber judges (and later the SCC judges) in deciding both Cases 002/01 and 002/02 against Chea and Samphân.

Allegations of bias stemmed from the fact that the same judges who convicted Chea and Samphân in Case 002/01, would be considering allegations against them and their criminal responsibility in Case 002/02. The Special Panel of the Trial Chamber concluded that: (1) there was no actual bias of the judges, as two cases were substantially different, and that (2) there was also

no appearance of bias, because Samphân failed to establish that a reasonable observer would consider that the Trial Chamber Judges were impartial against him (paras. 93-95).

However, the Special Panel's decision on the Trial Chamber's judges preceded the actual outcome in Case 002/02: the Special Panel rendered its decision on Jan. 30, 2015, a year and a half before the Trial Chamber rendered its Judgment in Case 002/02. Thus, the Panel's decision concerning actual bias if the judges was itself hypothetical.

6. The ECCC Never Considered the Possibility of the Crime of Genocide Against the Cambodian People

Despite the widely-recognized atrocities of the Khmer Rouge regime, the ECCC never considered the possibility that the crimes committed between 1975 and 1979 amounted to genocide against the Cambodian people. Thus, statements that followed the rendering of the 34-page summary on Sept. 22, that the ECCC convicted a former head of state for genocide, are misleading.

Samphân was the only person convicted by the ECCC to be held accountable for genocide in a final judgment. However, Samphân's conviction of genocide – without minimizing its importance in the least – relates only to the genocide against the Vietnamese minority (20,000), compared to the estimated 1.5 million Cambodian majority that perished in the same period. (The ECCC also found Chea in Case 002/02 guilty for genocide against the Vietnamese and the Cham population, but he passed away before the trial against him finalized). None of other convictions in Case 002/02 relate to the potential finding of a crime of genocide committed against the (majority) Cambodian people.

The ECCC did not even try any of the defendants for genocide against Cambodians. What is more, the ECCC has never characterized the atrocities committed against the Cambodian people as genocide: in their Closing Order, the Co-Investigative Judges failed to even explore the possibility that the crimes committed against Cambodia's people amounted to a genocide, without any explanation as to why the Co-Investigating Judges reached this decision. (see Trial Chamber Judge You Ottara separate opinion, para. 4468).

Although Adama Dieng, a Special Adviser on the Prevention of Genocide, commented that Sept. 22 was a "good day for justice," it might have been even better (and more just), had the Co-Investigating Judges included as a possible crime genocide against the Cambodian people in their indictment. With ECCC's doors closing, so are the few options for an international tribunal to ever consider whether the crimes against the Cambodian people amounted to genocide.

Conclusion

The ECCC's final case, which is among the most substantial in the history of international(ized) criminal law, carries important lessons on how not to mix domestic politics with the international legal order and raises a question whether there is a right to a fair international(ized) trial. Furthermore, the sheer amount of information and length of the convictions effectively masks the importance of the international legal analysis provided in the judgments, which makes an objective and unbiased third-party analysis even more daunting.

The magnitude of this case is unprecedented with the many crimes and crime sites considered, with the complexities of establishing the facts 30 years after they occurred, with cultural differences, political interference, and vague limits on the ECCC's personal jurisdiction. But, scholars and commentators should not simplify Case 002/02 – or worse, dismiss it due to the political interference or lack of any visible change to Samphân's prison sentence. Doing so may ultimately obscure the truth of these crimes and the legacy of their victims.

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Bangladesh International Crimes Tribunal

UN: Bangladesh Muktijoddha Mancha Submits Memorandum Demanding Trial Of Pakistani Army Involved In 1971 War Crimes (HW News) December 15, 2022

New York: Bangladesh Muktijuddha Mancha handed a memorandum to the United Nations Missions in Dhaka for Secretary-General Antonio Guterres, demanding the

trial of the Pakistani army involved in killings and Genocide during the Liberation War of Bangladesh in 1971.

The memorandum also demanded Pakistan desist, overtly or covertly, from engaging with those forces that stood against our freedom struggle. It also expects, Pakistan in general and the Pakistani Army in particular, to offer an unconditional apology to our Honorable Prime Minister and beloved leader Sheikh Hasina and to the people of Bangladesh for the brutalities in the Bangabandhu killing, the 21st grenade attack and the atrocities of the 1971 liberation struggle. In the memorandum, Bangladesh Muktijuddha Mancha reminded about the 1971 Liberation struggle of Bangladesh and said thirty Lakhs people were killed and two lakhs women were raped by the Pakistani army during the war. The party also said that Pakistan ISI was directly involved in Bangabandhu Sheikh Mujibur Rahman killing.

“To take revenge for surrender in the Liberation War, Pakistan started conspiring against Bangabandhu’s government. With the help of Zia-Mostaque, Pakistan killed Bangabandhu and his family members which was the most brutal political killing in the world,” the memorandum reads.

Pakistan also patronised and supplied arges grenades to BNP-Jamaat-Huji to kill Bangabandhu’s daughter Shiekh Hasina on August 21 2004. Some Awami League leaders created human protection to save the life of Sheikh Hasina. Finally, Sheikh Hasina was saved but 24 Awami League leaders were killed due to grenades attack,” it added.

Bangladesh Muktijuddha Mancha also said that Pakistan cannot avoid responsibility for these killings. Party threatened Pakistan and said that if the country continued sponsoring terrorism in Bangladesh, they will make that their government would be bound to cut all diplomatic relations with Pakistan.

“We demand United Nations to bring the Pakistan militaries under the trial of the International War Crimes Court for their involvement in genocide and intellectuals killings in 1971,” the party concluded the sentence. The latest good news for Bangladesh is that Pakistan’s “genocide” against Bengalis, and Hindus in the 1971 war has been finally recognized as the US House condemned Islamabad’s actions and called on President Joe Biden to recognise the atrocities.

The legislation brought by Congressmen Ro Khanna, and Steve Chabot, recognise Pakistan’s atrocities against ethnic groups constitute crimes against humanity, war crimes, and genocide.

“...condemns the atrocities committed by the Armed Forces of Pakistan against the people of Bangladesh from March 1971 to December 1971; recognizes that such atrocities against ethnic Bengalis and Hindus constitute crimes against humanity, war crimes, and genocide; calls on the President of the United States to recognize the atrocities committed against ethnic Bengalis and Hindus by the Armed Forces of Pakitan during 1971 as crimes against humanity war crimes, and genocide,” the legislation read.

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War Crimes Investigation in Myanmar

Myanmar: Over 50,000 exposed to forced evictions and housing destruction, say UN experts (United Nations Human Rights. Office of the High Commissioner) December 2, 2022

The Myanmar Military is forcibly evicting over 50,000 people from informal settlements and systematically destroying homes in a fundamental violation of core human rights obligations, UN experts said today.

More than 40,000 residents living in informal settlements in Mingaladon, a northern township of Yangon, have received eviction notices last month. Many were given only a few days to dismantle their homes, without provision of any alternative housing or land. Most residents have lived for decades in an industrial zone containing a mixture of industrial enterprises, informal settlements and vacant land controlled by the Myanmar Military.

Additional residents moved to the area after being displaced by Cyclone Nargis in 2008, or were forcibly displaced there as a result of violent military attacks on civilian villages in Rakhine State, the experts said.

After receiving eviction notices, some residents dismantled their homes in an attempt to secure their belongings and construction materials. However, most residents have so far chosen to remain due to a lack of alternative or decided to flee their homes. Out of desperation, two residents reportedly committed suicide.

“Forced evictions from Mingaladon are only part of the story. Violent arbitrary housing demolitions continue across the country,” the experts said.

On 19 November, 150 homes were bulldozed in Ward 3 of Yangon's Mayangone township, rendering affected residents homeless. The eviction was carried out by the State Administration Council and civilians armed with sticks and knives. The residents were reportedly given only 30 minutes to remove their belongings, and are temporarily sheltering in monasteries or with friends.

In Myanmar's second largest city of Mandalay, over 5,000 households in Chan Mya Thazi Township were evicted overnight on 21 November. Earlier the Military demolished several houses with bulldozers in Zee Oat village in the same town. In addition, 200 shops and apartments on the station road of Mandalay's Pyin Oo Lwin township were ordered to be removed by 25 November, despite having local approval.

According to the experts, not only those living in informal settlements in Myanmar's cities were subjected to forced evictions and housing demolitions. “Homes continued to be systematically destroyed, bombed and burned down in orchestrated attacks on villages by the Myanmar security forces and junta-backed militias,” they said.

Since the military coup on 1 February 2021, more than 38,000 houses have been destroyed or burned down, leading to widespread displacement of over 1.1 million people. Recently, on 23 November, 95 of 130 houses were burned down in the Kha War Thei village in Kyunhla Township, when the Myanmar military set fire to the settlement. The experts said these incidents follow a pattern of widespread burning of Rohingya villages perpetrated by the Myanmar Military in 2017 during genocidal attacks against the Rohingya.

“The policies of scorched earth in Myanmar are widespread and follow a systematic pattern,” the experts said.

In a recent report to the UN General Assembly, the Special Rapporteur on the right to adequate housing suggested that such arbitrary destruction of housing, displacing thousands into homelessness, should be recognised as domicide, a crime under international law.

“Forced evictions and mass burning of homes are gross violations of human rights. The junta must immediately stop the systematic destruction, burning and bulldozing of civilian homes,” the UN experts said.

“Depending on the context, systematic housing destruction and displacement can be prosecuted either as a war crime, a crime against humanity, or both. It is the responsibility of the international community to ensure that those responsible for such crimes face international justice,” they said.

Myanmar Regime Forces Torch Over 38,000 Homes Since Coup (The Irrawaddy) December 13, 2022

In its continuous spree of war crimes and crimes against humanity, Myanmar's military regime burned down 38,383 houses in 12 states and regions from May 2021 till November this year, according to independent research group Data For Myanmar (DFM)

Sagaing and Magwe regions, the strongholds of armed resistance to the junta, suffered the heaviest damage, with regime forces committing daily arson attacks on civilian homes.

From May 2021 to November 2022, Sagaing Region suffered the most with some 27,496 houses torched, while neighboring Magwe Region lost 7,818 civilian buildings to junta arson attacks, stated DFM in its latest report, released on December 10. An estimated 1,475 houses in Chin State were also destroyed.

In Sagaing alone, regime arson attacks were reported in 32 out of 37 townships, said DFM. Four of those townships: Khin-U, Pale, Kantbalu and Taze, suffered the highest number of arson attacks, with each township losing around 2,200 homes.

Local residents and People's Defense Forces (PDF) told The Irrawaddy recently that regime forces and pro-junta Pyu Saw Htee militia are intentionally burning down villages in Sagaing and Magwe without any provocation.

Before torching houses, the Myanmar military also loots the properties of any items of value including livestock, furniture and electronic accessories, as well as agriculture machinery and equipment, said residents who have witnessed villages being looted.

During the raids, junta soldiers have killed not only resistance fighters but civilians they encountered including senior citizens, children and disabled people.

Several thousand people in Sagaing and Magwe are currently displaced by raids and arson attacks, said PDFs and civil society groups. They are in urgent need of humanitarian assistance.

On December 3, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) said that the number of people internally displaced since last year's coup has topped 1.1 million.

UNOCHA's humanitarian operations have been hampered by fighting, tight security, restricted access and threats against aid workers, added UNOCHA in a report issued December 3.

Amid calls from the international community, including the UN, for an end to all forms of violence, the junta has brazenly continued to commit atrocities including burning people alive, arbitrary torture and killing of civilians, extrajudicial killings of resistance detainees, using civilians as human shields, artillery and airstrikes on residential areas, looting and burning houses and acts of sexual violence.

As of Monday, 2,572 people had been killed by the junta and 16,547 people, including elected government leaders, arrested or detained since the coup, said the Assistance Association for Political Prisoners, a rights group monitoring deaths and arrests.

Undeniable: War crimes, crimes against humanity and 30 years of villagers' testimonies in rural Southeast Burma (Relief Web) December 14, 2022

Military abuse, exploitation and conflict have marked villagers' lives in Southeast Burma since the country's independence in 1948. Many villagers have suffered through repeated waves of intense violence and oppression as the Burma military attempted to bring the different ethnic areas under its control and wipe out ethnic armed resistance. Some villagers have experienced decades of displacement due to armed conflict and military operations.

During the period of direct military rule, the Burma military's counter-insurgency operations involved direct attacks on civilians, including extrajudicial killings, torture, arbitrary arrests, forced displacements, looting and extortion, sexual violence, and forced labour, amounting to war crimes and crimes against humanity.

This report draws on the life stories and testimonies of villagers who not only are living amidst the current waves of violence and abuse, but are survivors of the Burma military's longstanding campaigns to eradicate all forms of opposition. In bringing together documentation of past and present abuses, this report helps provide an understanding of the impact of decades of state violence and military impunity on the lives of rural villagers in Karen State. Interwoven with these villagers' stories is the wider history of atrocity crimes and rights violations documented by KHRG over the past 30 years. In revisiting KHRG's past documentation, this report also shows the strength of local actors and local communities who have been working together to ensure that international stakeholders have the necessary evidence to take action against Burma's oppressive military regime, despite the international community's systematic inaction.

In showing that these abuses and these struggles are not new, KHRG hopes that this report will spark a change in the way in which human rights violations are addressed on the larger international level. The repeated failures of the international community to respond to the military regime's violence against ethnic minorities in Burma over more than half a century should be proof enough that a shift in approach is required. This report thus serves as an invitation to listen to the villagers, whose voices are presented here, and to work with them in building a new way forward.

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Commentary and Perspectives

Canada Should Put Its Money Where Its Mouth Is (Human Rights Watch) By Farida Deif
November 30, 2022

International Criminal Court member countries will meet in the Hague next week starting December 5th at a time of renewed attention on the crucial role of the court in justice and accountability for serious international crimes.

Russia's full-scale invasion of Ukraine in late February and the litany of apparent war crimes will no doubt be on everyone's minds at the Assembly of States Parties session.

In many ways, the international community's unprecedented response to this conflict was a tipping point, with countries individually and collectively activating an extensive range of accountability mechanisms at lightning speed. Within a matter of weeks, the ICC prosecutor opened an investigation in Ukraine following a referral by a record number of countries, underscoring what can be achieved with an ample dose of political will and moral courage.

Canada has been at the forefront of many of these efforts, using virtually every tool at the government's disposal to deliver justice for victims of grave international crimes. In addition to joining in referring Ukraine to the ICC, Canada imposed a series of targeted sanctions on more than 1,000 individuals and entities complicit in human rights abuses.

In May, following a request by the ICC prosecutor, Canada also announced a voluntary contribution of CDN\$1 million and the deployment of a team of Canadian investigators to support the prosecutor's work. Despite the messaging that linked these contributions to Ukraine, raising unfortunate perceptions of politicization in the court's work, these funds cannot be earmarked and should be used across all investigations on the prosecutor's docket.

But, while these contributions signal a strong commitment to justice, they also serve as an acknowledgment by Canada that the court does not have the resources to fulfill its mandate. Court officials were raising this concern long before the Ukraine conflict.

In its announcement of renewed support to the ICC, the Trudeau government stated unequivocally that "Canada recognizes that justice requires resources." At the upcoming Assembly session, Canada should reaffirm this important message publicly and commit to ensuring that the court has the resources it needs to carry out its mandate effectively and consistently across all situations under its jurisdiction. The best way to do this is not through unsustainable and politically tinged ad hoc voluntary contributions, but rather consistent support to align the court's annual budget with its workload.

Several ICC member countries, including Canada, have generally been reluctant to address a growing gap in the resources available to the court even when it was clear that its budget would limit victims' access to justice. The consequences of this failure have been felt deeply by victims and justice advocates.

Take Nigeria, for example, where grave crimes by Boko Haram were under preliminary examination by the ICC for a decade. While in December 2020 the court's then prosecutor determined that an investigation was warranted given inadequate domestic efforts to deliver justice, she forestalled action to open an investigation citing inadequate resources and operational challenges due to the Covid-19 pandemic.

Reflecting on this decision, Chino Obiagwu, chair of the Nigerian Coalition for the International Criminal Court, said "the consequence is that victims had hopes raised and then those hopes were dashed... this reflects a failure of justice both at the domestic level and the international level."

Ultimately, ongoing resource constraints that stem from years of underfunding severely affect the court's delivery of justice, not just in Nigeria, but also across all countries on the court's docket. As a court of last resort, the ICC is often the only

available avenue for justice for victims of the most serious crimes.

At the upcoming session of the Assembly of States Parties, Canada should lead by example. The government should highlight the need to ensure equal access to justice to victims across and within all ICC situations and express a willingness to consider this year, and in coming years, an investment in the court's regular budget necessary to realize this goal. Canada should change the terms of this debate away from a race to hold down the bottom line to the need for longer-term planning and the court's sustainability.

Canada should back up its stated commitments to justice with the resources the court needs to do its job. Canada and other justice-supporting countries can send the strongest possible signal of support for the ICC, its global mandate, and the right of victims of serious crimes to access justice, by strengthening the court's budget to ensure that all the court's organs can accomplish their critical work.

This concrete step would demonstrate that justice for grave international crimes is truly a priority for Canada, regardless of where abuses are committed and by whom.

How A New Declaration Can Help Protect Civilians During Wartime (Human Rights Watch) By Hanan Salah
November 30, 2022

A new political declaration to protect civilians from the devastating effects of explosive weapons when used in populated areas during wartime was adopted by 82 countries, in Dublin, on 18 November.

It received significant endorsement by 23 Nato states including Canada, France, Germany, Italy, Turkey, and the United States.

In the conflict-ridden Middle East and North Africa only Kuwait, Morocco, and Palestine were among the signatories.

Globally, wars are being fought increasingly in urban areas, putting millions of civilians at risk from explosive weapons with wide area effects.

They include aerial bombs, rockets, missiles and artillery, and mortar projectiles, which have a large blast and fragmentation radius, are inaccurate, or deliver multiple munitions at once.

Civilians "Bear the Brunt"

Human Rights Watch has repeatedly documented that civilians bear the brunt of the use of explosive weapons.

They are killed or maimed not only during the fighting but also by unexploded ordnance once the fighting has ceased, as has occurred recently in Israeli-occupied Palestine, Yemen, Syria, Iraq, Libya, and Lebanon.

In addition, damage to or destruction of infrastructure interferes with basic services, like education and health care, which infringes on human rights and drives displacement.

As a researcher, I have seen the harm that these weapons do to civilians when used recklessly in populated areas. Whether it was the three little sisters who were killed by an air strike by the eastern-based Libyan Arab Armed Forces on their home in Tripoli, or a drone strike by the United Arab Emirates on a biscuit factory in Tripoli's suburbs that killed eight civilians, death and destruction are the immediate effect ripping families apart and destroying livelihoods.

The declaration commits governments to adopt national policies and practices to restrict or refrain from the use of explosive weapons in populated areas when harm to civilians or civilian objects is expected.

It recognizes that the direct and reverberating effects of explosive weapons are foreseeable when they are used in populated areas and includes commitments to assist victims, facilitate humanitarian access, and collect and share data about the effects of explosive weapons.

Civic groups including Human Rights Watch have been calling for years for a formal commitment by all states to curb the use of explosive weapons in populated areas.

In the May 2021 attacks by the Israeli military on the occupied Gaza Strip, the UN found that Israel's often-unlawful use of explosive weapons killed at least 129 Palestinian civilians, including 66 children, and wounded hundreds.

In Yemen, three apparently unlawful aerial attacks in January 2022 by the Saudi and UAE coalition killed at least 80 civilians, including three children, and wounded more than 100 people. In northeast Syrian cities and towns, Turkish drone attacks and

shelling by Turkish-backed Syrian forces have intensified in recent months, killing and injuring civilians, including children.

Long-Term Harm

No less sinister are the long-term effects. When explosive weapons damage or destroy critical civilian infrastructure, it wreaks havoc on access to water, electricity, sanitation, education, and health care.

Explosive weapons can also harm the environment by contaminating air, soil, and water, threatening people's health, or forcing them to relocate far from their homes - in some cases causing mass migration.

Antipersonnel landmines and cluster munitions are the two types of explosive weapons already prohibited by international treaties because of their inherently indiscriminate effects on civilians. International law does not otherwise specifically prohibit the use of explosive weapons in populated areas, though certain weapons whose effects cannot be adequately limited, may be unlawful in certain situations.

While the declaration is not legally binding, countries that endorse it commit to take steps to advance the protection of civilians from explosive weapons that go beyond existing law. The law of armed conflict already prohibits attacks that target civilians, are indiscriminate, are disproportionate in their impact on civilians, or fail to distinguish between civilian and military targets.

All countries that endorse the declaration should interpret it in their national statements, policies, and legislation in the way that gives civilians the greatest possible protection during wartime. In particular, they should avoid the use of explosive weapons with wide area effects in populated areas, and restrict the use of all other explosive weapons in such circumstances.

Israel, Egypt, the United Arab Emirates, Saudi Arabia, Syria, and Libya - which in the past decade and before have participated in various conflicts and have used explosive weapons with wide area effects that killed civilians should consider endorsing the declaration as a matter of priority.

Signing a declaration is no guarantee that civilians caught in conflict won't be harmed. The sad reality is that governments and non-state actors embroiled in conflict will continue to use explosive weapons.

But if supported by a large number of countries, the declaration has the potential to reinforce the principle that using these weapons in populated areas should be avoided because the foreseeable harm to civilians is a price that no self-respecting entity should be willing to pay.

It also gives constituents and multilateral bodies the chance to hold governments to their pledges, which can be the first step toward accountability, justice, and compensation for the victims and their families.

Italy's criminalisation of migrant rescue: the Iuventa case (Human Rights Watch) By Giulia Tranchina
December 13, 2022

Italy's new government has launched a fresh assault on non-governmental rescue groups that save lives.

While the rhetoric is sharper and some tactics are new, successive Italian governments have tried to block groups who rescue migrants at sea, including with criminal charges.

Judges have thrown out all charges in all cases except one: an ongoing trial of members of the Iuventa crew and two other rescue groups. The case, currently listed for a further preliminary hearing on 19 December, shows the lengths to which Italian authorities are willing to go to stop rescue groups from saving lives at sea, with worrying implications for the rule of law.

Since 2017, successive Italian governments have repeatedly condemned rescue groups, imposed a controversial NGO "Code of Conduct," delayed and refused to let survivors on these ships land, and attempted to prosecute such groups on spurious charges of abetting "illegal migration."

Within days of coming to power, prime minister Giorgia Meloni's government tried to get away with the "selective disembarkation" of only some of the people on board two rescue ships and flat out refused to allow a third to dock. The interior minister wants to authorise provincial officials to impose hefty fines and order the seizure of non-government rescue ships.

So far, Italian courts have limited authorities' attempts to discredit and disrupt rescue groups. Judges have cancelled fines, lifted ship seizures, and exonerated sea rescuers of wrongdoing.

The prosecution of the Iuventa crew and others from three rescue groups is the only ongoing case, after the Italian authorities

invested huge financial resources, involved five police agencies, and dragged on the investigations for almost five years.

The accused are charged with "facilitating illegal immigration" over rescues carried out between September 2016 and October 2017.

If convicted, they face up to 20 years in prison. Among them are four Germans from the crew of the Iuventa, a rescue ship operated by the group Jugend Rettet, which rescued 23,810 people between July 2016 and August 2017, when it was seized by the Italian authorities. The group has been unable to operate since then.

The case has been marred by prejudicial publicity against the accused, unreasonably lengthy investigations, illegal wire-tapping, problems accessing interpretation and translation of incriminating evidence and other procedural irregularities that together raise concerns about the defendants' access to a fair trial.

After three security officers for a private company with ties to the far-right who worked on the Vos Hestia, another rescue ship, contacted Matteo Salvini, then a member of the EU Parliament, alleging that the Iuventa crew might have colluded with smugglers, the Italian police planted an undercover operative on the Vos Hestia and wiretapped crew members. The bulk of the evidence against the Iuventa crew consists of observations from the Vos Hestia.

A meticulous investigation by Forensic Oceanography analysed available visual, audio and technical information and produced coherent computerised reconstructions that persuasively refute the prosecution's allegations against the Iuventa crew. Their analysis demonstrates that the Iuventa crew did not return empty boats to smugglers or in the direction towards Libya, nor did they communicate with anyone potentially connected with smuggling networks.

One of the main security company witnesses disavowed his testimony in media interviews, saying that he never actually witnessed any collaboration between the Iuventa crew and smugglers.

The preliminary hearings have been marred by breaches of legal procedures and repeated adjournments.

Non parli Italiano?

Defence lawyers have raised concerns about the failure to employ a competent German interpreter for hearings and interrogations and the prosecution's refusal to provide German translations of crucial documents.

Questioning of a Iuventa defendant had to be suspended three times, including most recently on 2 December, due to serious problems with the translation. The prosecution has repeatedly failed to notify the defendants in a timely way of hearing dates and details of the charges against them, breaching procedural rules and causing adjournments and delays.

Concerns about the defendants' access to a fair trial have been so serious that a coalition of international groups has started monitoring the hearings. The UN special rapporteur on human rights defenders, Mary Lawlor, described the case against Iuventa crew as a "baseless prosecution" of sea rescuers "purely assisting those in need" and recommended dropping the charges.

This trial is a crucial test for the rule of law in Italy.

Unless the prosecution takes positive steps to ensure the defendants' right to a fair trial, it will be hard to avoid the conclusion that the Italian authorities are willing to sacrifice the rule of law as well as common decency in their desire to punish people for saving lives.

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Aiding and Abetting

Car Industry Linked to Forced Labor in Xinjiang (Human Rights Watch) By Jim Wormington
December 6, 2022

A new report links the world's biggest car companies to Chinese government forced labor in the northwest Xinjiang region.

The new research, by Sheffield Hallam University's Helena Kennedy Centre for International Justice and NomoGaia, a nongovernmental organization, details Xinjiang's role in the production of metals critical to auto manufacturing, including aluminum, steel, and copper, as well as the region's manufacturing of batteries, tires, and other car parts.

The report finds evidence that many Xinjiang-based suppliers are implicated in government forced labor programs and details links to major car makers. The authors wrote to the car companies and suppliers referenced in the report, and as of December 6 had received replies from 13 companies, either denying links to Xinjiang or promising to investigate further.

Since 2017, Chinese authorities in Xinjiang have detained an estimated one million Uyghurs and other Turkic Muslims. Detainees and prisoners are subjected to torture and other ill-treatment, cultural and political indoctrination, and forced labor.

An August 2022 report by the Office of the United Nations High Commissioner for Human Rights found that the abuses in Xinjiang may amount to crimes against humanity.

This June, the United States Uyghur Forced Labor Prevention Act took effect, establishing a presumption that goods made in whole or in part in Xinjiang, or produced by entities in China linked to forced labor, are not eligible to be imported into the United States. Car makers with suppliers in Xinjiang risk having their vehicles or parts seized at the border by US customs officials. The European Union in September 2022 proposed a law that would prohibit the import of products made with forced labor.

Human Rights Watch in 2021 co-published a report describing aluminum sourcing as a blind spot for the car industry and calling for increased efforts to map aluminum supply chains and address related human rights abuses.

This latest report makes clear that car makers should accelerate efforts to trace their supply chains and enhance their oversight of suppliers. Failing to do so means they risk selling vehicles tainted with forced labor.

Frontex Delivers Cruelty from the Skies (Human Rights Watch) By Judith Sunderland and Lorenzo Pezzani
December 14, 2022

In the footage, you can see the small, overcrowded wooden boat motoring away in the middle of the Mediterranean Sea as the Libyan Coast Guard vessel, the Ras Jadir, chases it. It is too far away to see any faces, but it seems like the people are aware they are being chased and are trying to evade capture.

They do not succeed. The Libyan Coast Guard eventually catches up with the boat and forces the 20 or so men to board their patrol vessel. After that, the video cuts off. What most likely happened afterwards was that the people from the boat were forcibly returned to Libya to almost certain detention and abuse.

The footage was shot on July 30, 2021, from the Seabird, a plane flown on behalf of the rescue group Sea-Watch and was obtained by Border Forensics and Human Rights Watch as part of our investigation into the practices of the European border agency, Frontex.

The fingerprints of the European Union and Frontex, its border agency, are all over this incident. The EU naval mission EUNAVFOR MED trained the Libyan Coast Guard. Italy donated the Ras Jadir.

Our analysis of the flight tracks of a drone that Frontex operates out of Malta suggests it very likely detected the wooden boat, as it was flying in the area on that day. It probably sent video and other data to its headquarters in Warsaw, where staff in turn passed the information to coastal authorities, including the Libyan Coast Guard.

Simply put, without the material, operational, and political support provided by the EU, this and many other sea interceptions would not have been possible.

Our research demonstrates that Frontex uses its vast resources to assist interceptions of refugee and migrant boats by Libyan forces. Over the last few years, Frontex has signed contracts with private companies to operate a remote-piloted Heron drone and several piloted planes out of airports in Malta and Italy. We obtained copies of them through freedom of information requests.

Each of these aircraft monitors a specific area of the central Mediterranean, forming a tightly knit yet extensive web of aerial patrol. Frontex aircraft have more than doubled their flight time over the central Mediterranean, from 1,396 hours in the air in 2018 to 2,869 hours in 2021.

On July 30, 2021, a date we looked at closely, Frontex's own database recorded five interceptions facilitated by its aerial surveillance programme. Our analysis of its flight tracks suggests the drone spotted at least three of them.

Frontex says aerial surveillance helps to save lives, and that it has to alert all coastal authorities, including the Libyan Coast Guard, when it spots a boat in distress. The border agency told us it only sends out mayday alerts to all ships in the area if there is a risk of

imminent loss of life, in other words, if the boat is about to sink. The Sea-Watch 3, an NGO rescue vessel, was near the wooden boat and could have provided assistance and taken the people on board to safety in Europe. Frontex did not alert them.

Data analysis by Border Forensics suggests that on days when Frontex assets fly more hours over their area of operation, the Libyan Coast Guard tends to intercept more vessels. At the same time, the flights have not had a meaningful impact on deaths at sea.

Frontex told us they issued 21 mayday alerts in the central Mediterranean between January 2020 and April 2022, while it says its aircraft made 433 detections in that operational area in 2021 alone.

This low number of mayday alerts compared with the number of boat sightings is based on a deliberately narrow interpretation of when a boat is in distress. This allows Frontex to alert Libyan authorities, even though the EU knows the Libyan Coast Guard is returning people to abusive situations, and gives it an excuse not to alert nearby vessels, including nongovernmental ships, which would seek to take passengers to safe European ports.

Frontex aerial surveillance now forms a central plank of the EU's strategy to prevent asylum seekers from reaching Europe by boat and to knowingly return them to unspeakable abuse in Libya.

It goes hand in hand with the withdrawal of EU ships from the central Mediterranean, the handover of responsibility to Libyan forces, and the harassment of nongovernmental rescue groups. The increasing reliance on aerial surveillance is an attempt by the EU to further remove itself physically and legally from its responsibilities: It allows the EU to maintain a distance from boats in distress while keeping a close eye from the sky.

Ultimately, though, providing the Libyan Coast Guard with the information needed to capture people at sea, knowing full well the arbitrary detention, violence, and exploitation people face upon return to Libya, makes the EU complicit in this abuse.

At a recent meeting in Brussels, EU interior ministers “underlined the need to prevent loss of lives at sea”. Yet, they also approved an action plan that strengthens cooperation with Libya and reinforces aerial surveillance.

Under the EU's deterrence approach, the Mediterranean has become the deadliest migration route in the world. Only a fundamental re-orientation of European migration policies towards legal and safe passage could help end this senseless carnage. Frontex itself also needs to be scrutinised for its practices, especially after new evidence emerged that it has engaged in serious misconduct, including covering up unlawful and abusive pushbacks of asylum seekers and migrants by Greece to Turkey.

In the meantime, EU countries should use aerial surveillance to support rescue at sea and disembarkations in safe ports, rather than returns to abuse in Libya. Frontex, and member states like Italy and Malta, should consider all overcrowded, unseaworthy boats in open waters to be in peril and alert all vessels in the area to ensure timely assistance, and cooperate with, rather than harass civilian rescue groups.

Otherwise, all the EU's pledges about saving lives at sea will remain tragically empty rhetoric.

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