



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch



FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Volume 18 - Issue 20
January 11, 2023

Editor-in-Chief
Matthew Koutsky

Technical Editor-in-Chief
Alexa Stovsky

Managing Editors
Spencer Luckwitz
Harper Fox

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

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.

Contents

AFRICA

NORTH AFRICA

Libya

- **Libya: Mass grave with 18 bodies found in ex-IS stronghold (Associated Press)**
- **One of "the world's most wanted" human traffickers caught, Interpol says (CBS News)**

CENTRAL AFRICA

Central African Republic

- **Russia's Wagner group ramping up operations outside of Ukraine, U.S. warns (POLITICO)**
- **US and Russia clash over violent extremism in Africa (Associated Press)**

Sudan & South Sudan

Democratic Republic of the Congo

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Mali

- **Mali Pardons Ivorian Soldiers It Had Sentenced to 20 Years in Prison (The New York Times)**

Liberia

- **Finnish appeals court begins Liberia war crime hearing (Reuters)**

EAST AFRICA

Uganda

Kenya

- **Chebukati should be taken to The Hague, Raila says (Nairobi News)**
- **Researchers demand severe punishment for counterfeit medicine (The Standard)**

Rwanda

- **Genocide: Prosecution pokes holes in Ntaganzwa's appeal case (The New Times)**
- **Swedish court reduces Genocide convict Mbanenande's life sentence (The New Times)**
- **DRC: Rwanda Condemns Targeting Of Nationals On "Spying" Accusations Amid Increased Public Incitement (KT Press)**
- **Rwandan's leadership guilty of growing human rights abuses, while the West watches (The Hamilton Spectator)**
- **France: Rwanda genocide convict leaves jail pending appeal (Africa News)**
- **Rwanda says it will not accept DR Congo refugees any more (Al Jazeera)**

Somalia

- **Death toll in Somalia twin bombings rises to at least 35 (Associated Press)**
- **Somalia claims Al-Shabab seeking talks for first time (Arab News)**

Ethiopia

- **Ethiopian Victims of War Sue the State (Fair Planet)**
- **News: Ethiopia loses second attempt to defund resources for UN rights experts (Addis Standard)**
- **Tigray Rebels Start Handing Over Heavy Weapons (The Defense Post)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnian Serb Ex-Soldiers Acquitted of Assaulting Civilians (Balkan Transitional Justice)**
- **Bosnian Prosecutor Indicts Almost 20 For War Crimes (Radio Free Europe)**
- **BiH Prosecutor's Office has filed an Indictment against Seven Persons for War Crimes (Sarajevo Times)**
- **Bosnian Croat Ex-Fighter Charged with Murdering Father and Son (Balkan Transitional Justice)**
- **Bosnia Upholds Verdict Clearing Wartime Fighter of Assaulting Boy (Balkan Transitional Justice)**
- **Bosnia Confirms Ex-Policeman's 20-Year Sentence for Killing Civilians (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

Turkey

Kosovo Specialist Chambers

Azerbaijan

Russia

- Evidence of Russian crimes mounts as war in Ukraine drags on (Associated Press)
- London to host international meeting on alleged war crimes in Ukraine (Reuters)
- Ukraine official says Russian cyberattacks on its energy network could equate to war crimes (Business Insider)

MIDDLE-EAST

Iraq

Syria

Yemen

Special Tribunal for Lebanon

Israel & Palestine

Gulf Region

- Yemeni patience with Saudis has a limit (Tehran Times)

ASIA

Afghanistan

- Inquiry into “unlawful killings” by UK soldiers in Afghanistan announced (World Socialist Web Site)
- UK accused of 'hypocrisy' over Ukraine war crimes summit 20 years after Iraq invasion (Middle East Eye)

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

War Crimes Investigations in Myanmar

- Myanmar's Suu Kyi to hear final verdicts from junta court (France 24)
- Myanmar junta chief's family assets found in Thai drug raid, sources say (The Japan Times)

AMERICAS

North & Central America

South America

Venezuela

TOPICS

Truth and Reconciliation Commission

Terrorism

- **Google develops free terrorism moderation tool for smaller websites (Financial Times)**
- **Fbi And Dhs - Strategic Intelligence Assessment And Data On Domestic Terrorism (The National Counterterrorism Center)**
- **France has not ruled out declaring Iran's Guards to be a terrorist group (Reuters)**
- **Combatting Cyberterrorism via Spatial Insights (Geospatial World)**

Piracy

- **Global acts of piracy fall to 14-year low, but maritime threats remain (rfi)**

Gender-Based Violence

- **Greece and UK cooperate against domestic and gender-based violence (Greek City Times)**

Commentary and Perspectives

- **The West Must Stop Playing Erdogan's Dangerous Game (Time)**
- **Bring Home Canadians Unlawfully Held in Northeast Syria (Human Rights Watch)**

Aiding and Abetting

- **At least 87 Yemenis killed and 136 injured in 14 months with arms supplied by UK and US: report (peoples dispatch)**

WORTH READING

- **Khandker Tanbir: The Normative Significance of the International Crimes Tribunal Legal Regime of Bangladesh**

AFRICA

NORTH AFRICA

Libya

Libya: Mass grave with 18 bodies found in ex-IS stronghold (Associated Press) By Sam Magdy
January 1, 2023

Libyan authorities on Sunday said they have found 18 bodies buried in a mass grave in a former stronghold of the Islamic State group along the conflict-stricken North African nation's coast.

The Missing Persons Authority said in a statement the bodies were unearthed in the Sabaa area of Sirte, a city in central Libya. The bodies were taken to a local hospital, it added.

Sirte, the birthplace of former longtime dictator Moammar Gadhafi, fell under the control of Islamic State militants between 2015 and 2016. The militants, along with al-Qaida, gained a foothold in oil-rich Libya amid the chaos that engulfed the country after the 2011 uprising and a NATO intervention in the conflict.

The militants were eventually driven out of the city in December 2016 by Libyan forces supported by the U.S. and allied with the U.N.-backed government in the capital Tripoli. Hundreds of alleged former Islamic State fighters remain incarcerated in Libyan prisons, many of whom are awaiting trial.

Since Ghadafi's overthrow and killing, Libya has been split between rival authorities. Sirte is now controlled by forces loyal to military leader Khalifa Hifter based in the country's east.

In its statement, the Missing Persons Authority said they collected samples of the dead bones in an effort to identify the bodies. Further details on the cause of death for those found were not provided.

Several mass graves have been uncovered across Libya recently. In October, officials said they found 42 bodies in a mass grave in a school site in Sirte.

In December 2018, the bodies of more than thirty men were discovered near Sirte, believed to be the corpses of a group of Ethiopian Christians whom Islamic State fighters executed in a video the group published years earlier.

In the western town of Tarhuna, hundreds of corpses have been uncovered across several graves after militia fighters loyal to Hifter retreated from the area in June 2020.

One of "the world's most wanted" human traffickers caught, Interpol says (CBS News)
January 6, 2023

An Eritrean national described as one of "the world's most wanted" human traffickers has been arrested in Sudan after an international manhunt led by the United Arab Emirates, Interpol announced on Thursday. The suspect — identified as Kidane Zekarias Habtemariam — is accused of leading a criminal organization that abducts, extorts and murders East African migrants trying to cross the Mediterranean Sea from Libya, the France-based police agency said in an online statement.

He was arrested on Sunday in a "major international police operation led by the United Arab Emirates, based on information shared via Interpol," said a statement from the UAE's Ministry of Interior, published by The Khaleej Times.

A breakthrough in the manhunt came after UAE authorities began closely tracking Habtemariam's organization and members of his family, uncovering money laundering patterns that led them to Sudan, the agency said. Interpol first began monitoring Habtemariam's activities in 2019.

Habtemariam had been the subject of two Interpol red notices, one from Ethiopia and the other from the Netherlands, the agency said. Dutch authorities accused Habtemariam of running a camp in Libya that housed thousands of migrants.

Habtemariam was convicted in absentia and sentenced to life imprisonment after escaping from custody in Ethiopia while on trial on people smuggling charges in 2020.

Libya has in recent years emerged as the dominant transit point for migrants seeking a better quality of life in Europe. The oil-rich country plunged into chaos following a NATO-backed uprising that toppled and killed longtime autocrat Muammar Gadhafi in 2011. Human traffickers have benefited from the chaos in Libya, smuggling migrants in across the country's lengthy land borders with six nations.

According to a tweet posted by the UAE's interior minister, Saif Bin Zayed Al Nahyan, the international operation lasted nine months and also involved Dutch, Ethiopian and Sudanese authorities, Interpol said.

"Thanks to the professionalism and dedication of our police officers, the world's most wanted human trafficker will no longer be able to commit his despicable actions," Saeed Abdullah al-Suwaidi, director of the UAE's Federal Anti-Narcotics General Directorate, said in a separate statement cited by Interpol.

Sudanese police did not respond to requests for comment.

[\[back to contents\]](#)

CENTRAL AFRICA

Central African Republic

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

Russia's Wagner group ramping up operations outside of Ukraine, U.S. warns (POLITICO) By Erin Banco
January 9, 2023

Top U.S. officials are increasingly tracking the movements and efforts of a Russian private military group outside of Ukraine as Moscow continues to use the organization to launch influence operations in Africa and Europe.

Last month the Biden administration downgraded classified intelligence saying Russia is relying on the Wagner group in Ukraine to recruit prisoners and launch offensives in the city of Bakhmut.

But U.S. officials are also gathering intelligence related to the group's activities in countries such as the Central African Republic, Mali and Serbia, according to cables obtained by POLITICO, where Russia is using Wagner to fight anti-Putin sentiment and defend government mining interests with troops and weapons.

The Wagner group, owned by Russian oligarch Yevgeny Prigozhin, operates in dozens of countries and works with governments on military and political projects. The U.S. has long tracked the group's activities across the world, particularly in countries such as Syria, where U.S. troops are stationed.

But the recent statements from American officials underscore the degree to which the administration is concerned about Russia's reliance on the group and Wagner's ability to shape events in countries where the U.S. and its allies hold business and diplomatic relationships.

The cables show how U.S. officials are tracking the movements and activities of Wagner on the ground in the Central African Republic and Serbia, and the extent to which the group poses threats to local forces and officials. While Wagner has for years operated in both countries, the cables provide fresh context to how the Biden administration is analyzing the paramilitary group's increasing activity in politically turbulent countries.

“There’s been a growing focus on Russia’s relationship in Africa and in building a sphere of influence that really hasn’t existed since the end of the Cold War,” said Catrina Doxsee, the associate director and associate fellow for the Transnational Threats Project at the Center for Strategic and International Studies. “The use of private military companies, particularly as we’ve seen in countries with weak governance, ongoing security challenges and enriched natural resources, sets [Wagner] up to either carry out ... security agreements or to facilitate future diplomatic relationships with those countries.”

Prigozhin and Wagner have been under U.S. sanctions for years. But the U.S. has recently taken additional steps to try to control Wagner’s access to weapons. At the end of December, the Biden administration implemented additional export controls on Wagner, making it more difficult to access any equipment with U.S. technology.

NSC spokesperson John Kirby told reporters last month that because of sanctions and export controls, Wagner has looked for partners across the world to supply tools to support its operations — and North Korea has completed an initial arms delivery. The administration is also considering designating Wagner as a terrorist organization, Bloomberg reported last month.

“There are a handful of different concerns that we have when we’re seeing them operate in a place like Africa,” Doxsee said. “A big implication is Russia’s ability to spread its own power projection and intelligence capabilities — not only by displacing Western military intelligence capabilities — but also [through] the pursuit of new basing rights and other opportunities that would give them access to strategically important locations.”

The Wagner group’s operations in Africa span various countries, including Madagascar and Libya. In recent years, the group has also ramped up activity in the Central African Republic. The group set up offices in the country in 2018, establishing the “Russia house” — a cultural center — in the capital of Bangui. It worked to train troops and protect President Faustin-Archange Touadéra.

Human rights groups have said Wagner may be responsible for executing, torturing and beating civilians in the country. The Kremlin denies any official link to Wagner.

“The U.S. government is concerned about the extent to which Wagner is interfering in sovereign countries’ internal politics, violating human rights, and robbing them of mineral wealth,” one senior administration official said. “There is significant evidence that Wagner’s harsh counterterrorism tactics in places like Mali are worsening the situation by creating more opportunities for extremist exploitation.”

In December, U.S. officials began tracking the fallout of an alleged attack on one of the Wagner group’s top leaders, Dmitry Sytii in the Central African Republic, according to the cables. Prigozhin claimed Sytii received a package that exploded in his hands, calling it a “terrorist attack.” He alleged the package came with a note indicating that the French were responsible.

But in the days following the incident, U.S. officials scrambled to determine if an attack had occurred or whether Wagner was spreading disinformation for political reasons — a tactic often used by the group, according to the cables. U.S. officials could not immediately determine if Wagner was attempting to make it look as though the French had attacked the group.

French officials have denied any involvement. French Foreign Minister Catherine Colonna reportedly called Wagner’s allegations “Russian propaganda.”

U.S. officials received varying information about the event, including that the attack may have taken place at a military base or the cultural center and conversely that Sytii was seen partying in Bangui in the hours after the incident allegedly occurred. Officials also heard that Sytii may have been hospitalized and lost three fingers in the blast but also that he may have been evacuated.

American officials raised questions about the timing of the news — it came shortly after unidentified aircraft targeted a cotton factory where Wagner troops were reportedly positioned. It also came one day after the departure of the French military and two days after a fire broke out at the European Union delegation’s headquarters in Bangui, one of the cables said.

“All worried that there had recently been a remarkable number of coincidences,” one of the cables said.

The administration is also tracking Wagner’s movements in Serbia and Belarus — a Russian ally that has staged Moscow’s troops to prop up the war effort in Ukraine. Reports of Wagner group operatives in Belarus surfaced in 2020. The government in Minsk announced that it had arrested 33 operatives working to sow chaos in the lead up to the presidential elections.

Since then, the Belarussian government, under the leadership of President Alexander Lukashenko, has grown closer to Russia.

Wagner has positioned people in Belgrade as well, and announced it had officially set up operations in Serbia at the beginning of December. Since then, it has launched influence operations to counter “activity against the Putin regime by elements of the Russian diaspora,” one of the cables said.

The group's presence in Serbia comes as tensions continue to rise on the border of Kosovo. Serbian President Aleksandar Vučić — who does not recognize Kosovo's 2008 declaration of independence — has ordered troops to move into combat-ready positions and has threatened to cross into Kosovo to protect Serbian people living there. The situation in Kosovo has worsened since November when authorities announced that ethnic Serbs would have to surrender their Serbian-issued license plates.

Meanwhile, Russia, aided by Wagner, continues to lose people on the battlefield in Ukraine, particularly in Bakhmut. The Institute for the Study of War, a think tank, assessed last week that Wagner's forces are serving in a "chiefly attritional role" in the city and have "likely become degraded to a near-debilitating extent."

"Russians have really poured a lot of effort into Bakhmut. It's largely been a struggle fought by promotion in the Wagner group. [It] has largely been a battle fought with, quite frankly, convicts," a senior administration official told reporters Wednesday. "In fact, we believe ... that 90 percent of the casualties that he has suffered have been, in fact, convicts."

American officials are planning additional actions against Wagner to limit its role in Ukraine. The U.S. has already sanctioned Prigozhin, Wagner and its network, but additional financial measures are likely forthcoming.

US and Russia clash over violent extremism in Africa (Associated Press) By Edith Lederer
January 10, 2023

The United States accused Russian military contractors backed by the Kremlin on Tuesday of interfering in the internal affairs of African countries and "increasing the likelihood that violent extremism will grow" in the Sahel region which is facing increasing attacks and deteriorating security -- an allegation Russia denied.

U.S. deputy ambassador Richard Mills lashed out at the Wagner Group at a U.N. Security Council meeting on West Africa and the Sahel, accusing its paramilitary forces of failing to address the extremist threat, robbing countries of their resources, committing human rights abuses, and endangering the safety and security of U.N. peacekeepers and staff.

France's political counselor Isis Jaraud-Darnault echoed Mills, saying "the model" used by Wagner mercenaries has proven "totally ineffective in combating terrorism." She cited the "nefarious" and devastating impact of its work and human rights violations, including the alleged killing of over 300 civilians in Mali, and its pillaging of natural resources.

Britain's deputy U.N. ambassador James Kariuki cited the deterioration of security especially in Mali, Burkina Faso, Nigeria and the Lake Chad Basin, and the fear of instability spreading to West African coastal countries. "You cannot ignore the destabilizing role the Wagner Group plays in the region. They are part of the problem, not the solution," he told the council.

Russia's deputy U.N. ambassador Anna Evstigneeva rejected attempts "to besmirch Russian assistance to Mali," where Moscow has a bilateral agreement to assist the transitional government, "and in other countries in Africa."

"Some countries once again today declared that Russia apparently is pillaging and looting the resources of Africa and is facilitating the growth of the terrorist threat," she said, accusing those unnamed nations of doing the same thing "throughout the world and in Africa" especially in neighboring Libya which destabilized the entire area.

"Accusations against Russia are just astonishing, given common sense," and undermine African leaders trying to resolve their own problems and decide who they want to cooperate with, she said.

Evstigneeva never mentioned the Wagner Group by name. The group is run by a confidant of Russian President Vladimir Putin, Yevgeny Prigozhin, and its mercenaries are accused by Western countries and U.N. experts of numerous human rights abuses throughout Africa, including in the Central African Republic, Libya and Mali.

Giovanie Biha, the deputy head of the U.N. Office for West Africa and the Sahel, told the council that "insecurity has again deteriorated in large parts of the region," due to activities of armed groups, violent extremists and criminal networks. As a result, she said, more than 10,000 schools across the Sahel have closed, leaving millions of children without an education, nearly 7,000 health centers have shut down.

Armed groups are fighting for supremacy and control of resources, she said, and the central Sahel is facing "unprecedented levels of security and humanitarian challenges, socio-political instability, further compounded by the impact of climate change, and food insecurity which was exacerbated by the conflict in Ukraine." She added that increasing attacks in countries along the Gulf of Guinea are threatening transport arteries to landlocked countries further north.

According to Secretary-General Antonio Guterres' latest report issued this week, over 18.6 million people in the region are experiencing "severe food insecurity," an increase of 5.6 million since the end of June 2022, with Burkina Faso, the Niger and Nigeria being the hardest hit. And about 6.3 million people are displaced across the Sahel, an increase of 300,000 since June.

Russia's Evstigneeva said Moscow shares concerns about the increasing number of terrorist threats in the region, ongoing inter-ethnic and inter-communal conflict, organized crime, drug trafficking and killing of a large number of civilians by fighters in the second half of 2022.

She pointed to the withdrawal of French counterterrorism forces and the Takuba European military task force under their command on June 30, saying it wasn't agreed on with Mali's transitional government and is having "a negative impact" on the security situation in the short-term.

"Nonetheless," she said, "there is already some progress" and Russia is providing Mali with "appropriate assistance."

Mills, the U.S. deputy ambassador, said the United States is deeply concerned at the security, humanitarian and political crisis in the Sahel that are causing "a dramatic increase in the strength and influence of violent extremism."

The problem requires "a democratic governance solution," he said. "We are also gravely concerned about democratic backsliding across the region and urge the return of democratically elected, civilian-led governments."

West Africa's latest wave of coups kicked off in Mali in 2020, followed by another in Guinea in 2021, and then Burkina Faso in January 2022.

Omar Aliou Touray, president of the West African regional group ECOWAS' commission, told the council he was pleased to report that transitions to critical elections in the three countries are "on course," with voting to take place in the next two years.

[\[back to contents\]](#)

Sudan & South Sudan

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

[\[back to contents\]](#)

Democratic Republic of the Congo

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

[\[back to contents\]](#)

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

[\[back to contents\]](#)

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

[\[back to contents\]](#)

Mali

Mali Pardons Ivorian Soldiers It Had Sentenced to 20 Years in Prison (The New York Times) By
Elian Peltier
January 7, 2023

The military junta that controls Mali pardoned 49 Ivorian soldiers and suspended their prison sentences, ending a diplomatic dispute that highlighted the growing isolation of the West African country and its strained relations with its neighbors.

The decision, announced late on Friday, came a week after the soldiers, who had been detained nearly six months ago, had received sentences of 20 years. Mali had accused the soldiers of being mercenaries, but the government of Ivory Coast said they were in Mali to support a nearly decade-old United Nations peacekeeping mission of 15,000 members assigned to protect civilians from armed groups.

Months of negotiations and a mediation led by the president of Togo ensued, but on Dec. 30, a court in Bamako, Mali's capital, convicted 46 soldiers of crimes including conspiracy against the government after a closed trial that lasted a day and a half. Three female soldiers, who had been arrested and later released, were sentenced to death in absentia because they did not appear in court for their hearing.

On Friday, however, Mali's military leader, Col. Assimi Goïta, revoked the sentences of all soldiers, Col. Abdoulaye Maiga, the government spokesman, said in a statement read on national television.

"This gesture demonstrates once again the attachment to peace, dialogue and pan-Africanism," the statement said about Colonel Goïta's move, a claim that is at odds with Mali's recent attitude toward its neighbors and international partners.

Inside Bamako, much of the population believes that the Ivorian soldiers were mercenaries, Doussouba Konaté, a civil society leader in Mali, told The New York Times in December. But abroad most diplomats and analysts repeatedly questioned the legitimacy of the detention.

After the soldiers were arrested, the United Nations acknowledged procedural "dysfunctions" in a note to the Malian government and admitted that "certain measures have not been followed." But the Ivorian authorities denied that the soldiers had been sent to disturb public order, and denounced their detention as hostage-taking.

Mali's relations with some West African neighbors and international partners have soured since a military junta seized power in Mali in a coup in 2020 and overthrew civilian leaders in a second one, in 2021. In August, French troops left Mali after a nearly decade-long military intervention intended to restore order in the country, which has been battling a terrorist threat in an increasingly unstable region.

In November, Britain said it was withdrawing its contingent involved with the U.N. peacekeeping operation, known as MINUSMA, citing concerns over Mali's partnership with the Wagner Group, a Russian paramilitary group. Benin, Germany and Sweden have also said they will leave.

Mercenaries affiliated with the Wagner Group have been accused of widespread killings and human rights abuses in Mali, particularly against civilians. Mali, where Wagner mercenaries have been operating alongside the country's military, according

to Western officials, has denied any partnership with the group and has dismissed accusations of human rights violations.

[\[back to contents\]](#)

Liberia

Finnish appeals court begins Liberia war crime hearing (Reuters) By Anne Kauranen

January 10, 2023

A Finnish court of appeal began on Tuesday hearing an international war crime case in which a Sierra Leonean man is charged with murders, rapes and other atrocities during the Liberian civil war between 1999 and 2003, the court said.

Prosecutors believe the 53-year-old suspect Gibril Massaquoi - who denies any wrongdoing - murdered, raped and mutilated civilians while he was in a high position in Revolutionary United Front.

The RUF was an insurgent group that fought in Sierra Leone but also in Liberia for its ex-president Charles Taylor.

Last year, Massaquoi, who has lived in Finland for many years, was acquitted of all charges by a lower Finnish court. It said a significant doubt remained over his participation in the suspected acts due to witnesses changing their testimonies.

But the prosecutors took the case to Turku court of appeal, whose members will travel to Liberia and Sierra Leone to hear witnesses again in the coming months, the court said.

Liberia endured conflicts that killed around 250,000 people between 1989 and 2003, when Taylor, who seized power in a coup that sparked the rebellion, stepped down.

Thousands of people were mutilated and raped in fighting that involved drugged fighters and child soldiers conscripted by warlords.

Taylor was convicted to 50 years in prison for war crimes by a U.N.-backed Special Court for Sierra Leone in The Hague in 2013.

In November, a French court sentenced former Liberian rebel commander Kunti Kamara to life in prison for atrocities committed during the first Liberian civil war.

Massaquoi's case is the second international war crime case Finland is dealing with, after a former Rwandan pastor Francois Bazaramba was sentenced to life in prison in 2012 for participating in genocide in his native country in 1994.

The Turku court expects to conclude the case in June, it said.

[\[back to contents\]](#)

EAST AFRICA

Uganda

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

[\[back to contents\]](#)

Kenya

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

Chebukati should be taken to The Hague, Raila says (Nairobi News) By Wangu Kanuri
January 7, 2023

One Kenya Coalition leader Raila Odinga has said the outgoing chair of the Independent Electoral and Boundaries Commission (IEBC), Wafula Chebukati, should be prosecuted in the International Criminal Court (ICC) in The Hague.

In a meeting with delegates in Mombasa county, Mr Odinga also vowed to “expose” what transpired in the 2022 presidential elections.

While expressing his dissatisfaction with how IEBC conducted the presidential elections, Mr Odinga also defended the four embattled commissioners in the electoral agency.

“There will be no need for Kenyans to vote come 2027 until we clean up Chebukati’s rubbish,” Mr Odinga said, adding that the IEBC boss committed crimes against humanity and should therefore be prosecuted at The Hague.

At the same time, Mr Odinga said he is unshaken by his loss in last year’s presidential election and that he will soon announce his next political move.

“They want to take Baba to Bondo. I know the direction to the place and I need no one to take me. However, Kenyans say that I continue,” Odinga said.

Mr Odinga also rubbished claims of a split within Azimio la Umoja, saying that political outfit is strong and would not fade away.

“If you see an Azimio leader attending President William Ruto’s meeting that is not an indication that its political leaders are splitting,” he said.

His comments come a day after Wiper party leader Kalonzo Musyoka urged Mr Odinga to back him up in the 2027 presidential race.

Mr Musyoka, whose close confidants had earlier set the tempo for his 2027 bid, said that having supported Mr Odinga three times – in 2013, 2017, and 2022 – he is now ready to take a stab at the country’s top seat and that the ODM leader is under obligation to endorse his bid.

“The fool in me ended up supporting Raila for the third time, but that fool is wiser now than he was then,” Musyoka said. “I’m no fool. It took some painful introspection and I brought it out before I supported my friend Raila.”

Researchers demand severe punishment for counterfeit medicine (The Standard) By Ayoki Onyango
January 9, 2023

Researchers from the University of Ottawa and the American Enterprise Institute are rooting for a law that would make counterfeiting medicine a crime against humanity under the jurisdiction of the International Criminal Court (ICC).

Under the ICC statute, there are various crimes against humanity, which are, by their nature, committed by private criminal organisations as well as by countries.

Lead researcher John Drawley, from Ottawa University, termed those counterfeiting medicine and human drugs merchants of death who should be charged for crimes against humanity and severely punished.

Counterfeit drugs are completely different from generic drugs. Generics are inferior versions of the original drugs while counterfeits are illegal and dangerous drugs some of which are poisonous.

The push for a law to punish those counterfeiting medicine follows a study by Dr Drwaley and his team of scientists from the University of Ottawa and the American Enterprise Institute. The 2020 research looked at the dangers of counterfeit medicine on people's lives and found them to be plenty and serious.

Locally, pharmacists have warned of the increasing cases of counterfeit medicine entering the market.

They say counterfeit drugs are manufactured or imported by criminals or groups cashing in on the rush for cheaper versions of expensive medicines. The researchers say those involved mainly target the drugs for treatment of non-communicable diseases such as diabetes, cancer and hypertension.

Cartels are said to target popular original medicines such as painkillers used by many people on a daily basis and normally sold over the counter.

A survey conducted by the National Quality Control Laboratories (NQCL) and the Pharmacy and Poisons Board (PPB) in 2018 found that a significant number of drugs and medicines in the market, (12 per cent), are counterfeits.

Results of a separate study conducted by independent institutions, the Kenya Association of Pharmaceutical Industry (KAPI) and Pharmaceutical Society of Kenya (PSK), Kenya Medical Association (KMA), and Kenya Association of Manufacturers (KAM), found the number of fake drugs in the Kenyan market is even bigger than what the government agencies had suggested.

Findings of the study by KAPI, PSK, KMA and KAM found that up to 30 per cent of medicines and drugs in Kenya are fake, with a black market value of up to Sh15 billion.

"Fake drugs can cause harm and even cause death to the user. They can also lead to serious drug resistance," says Dr Rupen Haria, a Nairobi-based pharmacist, who is the managing director of Harley's Pharmaceutical.

Dr Haria says it is hard to identify fake drugs. "It would be less risky if people can buy medicines from registered pharmacies only," he says.

While most of the counterfeits are imported from China, Pakistan and India, reports indicate that some medicines are being altered locally in ordinary households, small cottage industries and individual home backyards.

There are fears that some of the drugs on sale are no more than just water and chalk.

Dr Haria says anti-counterfeit laws should be stricter than what the case currently is. "The laws should be enforced strictly. More resources should also be channelled towards post-surveillance and regular testing of drugs to ensure quality and safety."

Vinod Guptan, the CEO of MedSource Group, said the health sector is incurring a lot of losses because of the counterfeits. The government also loses a lot of money in taxes because of the illegal trading of fake drugs.

Pharmacist Paul Njoroge says the Anti-counterfeit Act that came into force in 2009 is too lenient on offenders. The Act prescribes a five-year imprisonment for a first offender and a fine equal to three times the value of the fake drugs.

[\[back to contents\]](#)

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Genocide: Prosecution pokes holes in Ntaganzwa's appeal case (The New Times) By Hudson Kuteesa
December 29, 2022

The prosecution has poked holes in Ladislas Ntaganzwa's appeal against the life sentence handed to him by the High Court Chamber for International Crimes (HCCIC) in 2020 for his role in the 1994 Genocide against the Tutsi.

The 60-year-old, a former Mayor (Bourgmestre) of Nyakizu Commune (now part of Nyaruguru District) was found guilty of

committing crimes including genocide, as well as rape and murder as crimes against humanity.

He was also accused of being at the helm of the April 15, 1994 attacks against the Tutsi who had sought refuge at Cyahinda Catholic Parish in Nyakizu Commune, where many lives perished.

During the first instance trial, witnesses pinned him on having gone to Butare and brought with him the Gendermaine (Policemen) to Cyahinda, and ordered them to shoot the Tutsi civilians who were gathered at the Catholic Parish.

The Gendermaine is said to have partnered with the Interahamwe and Burundian refugees in the killing.

After the HCCIC's verdict against him, Ntaganzwa filed an appeal at the Court of Appeal in Kigali, which has been hearing his case since last week.

His appeal plea is based on a number of factors, prominent of which is the claim that the witness' accounts that were used against him during the first instance trial were not legitimate.

For example, among other things, he said the witnesses who testified that they saw him in the Cyahinda attacks contradicted each other concerning the type of clothes he was dressed in, with some saying he was donned in a military shirt. In contrast, others said he was dressed like a civilian.

However, responding to his claims, Prosecutor Faustin Nkusi said the way Ntaganzwa was dressed on that day was something very trivial that witnesses can forget after twenty years.

However, he noted that what matters is the fact that there is enough evidence that pins Ntaganzwa to having been at the scene, including the fact that Ntaganzwa himself admitted that he was there.

Though Ntaganzwa admitted that he was at the scene together with the Gendermaine that he had brought from Butare, he said he was only there to protect the citizens.

He added that the shooting that happened was only accidentally done by one of the Gendermaine.

Nkusi challenged this, questioning how the mere accidental shooting could have led to the death of the multitudes that perished on the scene.

"Besides, it was not only the Gendermaine who were there during the attack. The Interahamwe and Burundian refugees carrying traditional weapons were there with them, assisting in the killing. Were these also trying to keep the citizens' security?" Nkusi asked.

A witness account cited by Nkusi stated that Ntaganzwa told the Tutsi gathering at the Parish:

"You used your money to buy cows; we used ours to buy guns. Now stand tall and let the cow horns face off with the bullets."

After that statement, bullets were heard all over, and many Tutsis were slain by the Gendermaine, Interahamwe, and Burundian refugees.

Nkusi also told the judges that after the attacks, Ntaganzwa wrote a report and sent it to his top leaders, informing them that they had fought with the "Inkotanyi" in Cyahinda and overwhelmed them.

"If the shooting was merely accidental shooting as he claims, why did it result in killing young children, old men, women?" the prosecutor asked.

Ntaganzwa was arrested in 2015 in the Democratic Republic of Congo and extradited to Rwanda in 2016.

He was one of the nine people indicted by the International Criminal Tribunal for Rwanda (ICTR) but had not yet been arrested by the time the UN court closed shop in 2015.

In 2012, the ICTR, as part of its completion strategy, decided to refer to Rwandan prosecution the case files of six of the nine major suspects who had remained at large.

These included Ladislas Ntaganzwa, Fulgence Kayishema, Charles Sikubwayo, Aloys Ndimbati, Ryandikayo, and Phineas Munyarugarama.

The other three: Felicien Kabuga, Augustin Bizimana, and Protais Mpiranya would be tried by the International Residual Mechanism for Criminal Tribunals (IRMCT).

Kabuga was arrested in France in 2020 and is currently being tried by IRMCT on counts including genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide, and persecution and extermination – both as crimes against humanity.

For Bizimana, it came to be confirmed that he died in 2000, and similar news was confirmed for Protais Mpiranya, whom the ICTR confirmed to have died on October 5, 2006, in Harare, Zimbabwe.

Swedish court reduces Genocide convict Mbanenande's life sentence (The New Times) By Moise M. Bahati
December 30, 2022

A Swedish court has reduced to 24 years the life sentence handed to Stanislas Mbanenande, 64, for his role in the 1994 Genocide against the Tutsi, in which more than one million people were killed.

As of December 22, Mbanenande, who was found guilty of genocide and crimes against humanity in 2012, had served 11 years in custody.

According to Swedish media, the Örebro district court said Mbanenande showed good behavior before and after his conviction and his risk of recidivism was low, hence a lenient sentence.

Recidivism, one of the most fundamental concepts in criminal justice, refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.

Prisoners in Sweden get released after serving two thirds of their sentences.

Mbanenande will potentially be released in five years.

He had earlier applied to have his sentence suspended.

In 2013, the Stockholm district court said Mbanenande had an informal role as leader among the Interahamwe militia in Kibuye Prefecture and was involved in arranging massacres of the Tutsi in areas including at Nyamishaba school, a Catholic church, the hotel Home St. Jean and Gatwaro stadium.

The court said Mbanenande also shot at people with an automatic rifle. He denied the charges.

DRC: Rwanda Condemns Targeting Of Nationals On "Spying" Accusations Amid Increased Public Incitement (KT Press) By Edmund Kagire
December 31, 2022

The Government of Rwanda has come out to condemn attacks targeting Rwandan nationals working or living in the Democratic Republic of Congo (DRC) by authorities in what is signaling an escalation in public incitement and hate speech. Some of the targeted individuals include Rwanda expats working for international organisations.

In a statement released by the Government Spokesperson, Yolande Makolo, Rwanda called out the targeted arrests and torture of the citizens who were mainly working or living in the DRC capital Kinshasa, some for many years.

"Just days after the UN Group of Experts identified a troubling rise in ethnic violence and hate speech directed against Rwandans, Rwandophones, and the Congolese Tutsi community by DRC officials, military officers and civil society leaders, this week's press briefing by DRC's Deputy Interior Minister Jean-Claude Moliye Mandongo represents a truly alarming escalation in xenophobia and public incitement to violence," the statement reads in part.

"Rwanda is deeply concerned about the fate of two Rwandan citizens, Dr Juvenal Nshimiyimana and Moses Mushabe, both staff of the African Health Development Organisation detained in Kinshasa since 30 August 2022, who were presented as "spies" to the media at the briefing held this past Tuesday, 27 December," it adds.

"This parading of alleged "spies" is straight from a playbook that we recognise all too well. Leaders unable or unwilling to account for their own failures will seek to fuel ethnic divisions and point the finger at sinister outside forces. Nobody in the Great Lakes Region is under any illusion as to where this leads or how great the toll," it says further.

Rwanda also pointed out that in an ominous reference to the Genocide in Rwanda, DRC officials at Tuesday's press briefing accused the Rwandan detainees of planning to shoot down a plane carrying the Congolese President and also alluded to further arrests of more people linked to the African Health Development Organisation – a deliberate attempt to further

inflare Congolese public opinion.

“We urge leaders in the DRC to deescalate the hateful rhetoric and turn back from the path they seem to be choosing. The international community, including those who insist on coddling the DRC leaders, should take note and hold DRC officials accountable for this escalation,” it added.

According to the communique, Rwanda’s Ministry of Foreign Affairs has formally protested the arbitrary arrest and detention of several Rwandan citizens in the DRC and requested their unconditional release.

In two notes verbales of 4 November and 7 December 2022, Rwanda protested the arbitrary arrest and detention of Dr Juvenal Nshimiyimana and Moses Mushabe, both staff of the African Health Development Organisation, and called for their release.

Mushabe is reported to be seriously ill and in need of medical attention. Dr. Juvenal Nshimiyimana has previously served as a country representative of UNAIDS in the DRC.

Photos of the detained Rwandan nationals have been awash on social media, shared by officials and trolls alike, in an apparent celebration by DRC for cracking down on the alleged ‘spy network’.

Rwandan’s leadership guilty of growing human rights abuses, while the West watches (The Hamilton Spectator) By Stanley D. Quaye

January 5, 2023

In 1994, the world watched in horror as genocide occurred in Rwanda. To their disgrace, many western nations, particularly France and Belgium, supported the Rwandese government as a million people, primarily Tutsis but also some moderate Hutus, were massacred. In genocide’s aftermath, Paul Kagame came to power and almost 30 years later remains, essentially, Rwanda’s dictator.

Kagame took his country from poverty to prosperity. Under his leadership, Rwanda has emerged from the ruins of the devastating genocide and has become an African engine of impressive growth. But that has come at a high cost to human rights. Over the past two decades, Kagame has ruled his country with an iron fist. He has murdered opposition figures, at home and abroad, limited free speech, imprisoned human rights activists and journalists, and bullied neighbouring countries, especially Congo and Burundi. With financial aid from western allies, Kagame has built a strong army, and is actively involved in various deadly conflicts in Central Africa.

During the 1994 genocide, many refugees, both Hutu and Tutsis fled to neighbouring Congo. Kagame has taken advantage of this situation by establishing the March 23 rebel group. His intentions are clear: to annex the Rwandan occupied region of Congo, gain access to huge mineral resources in the area, and carry out revenge killings of ethnic Hutu in the Congo. The evidence is clear, though Kagame denies any involvement with the rebels, known as M23.

In August of last year, the United Nations reported that Rwandan military officers were providing military support to M23. The Reuters News Agency, quoting a team of UN experts, reported that Rwandan troops were conducting military operations in the Congo along side M23 fighters.

M23 forces have committed numerous atrocities, including rape, massacres, and other war crimes. On Dec. 8, a UN investigation established that the M23 had massacred 131 civilians in two villages, in North Kivu province in eastern Congo. They buried the victims in mass graves. This horrifying incident is in keeping with widespread and systematic atrocities against the civilian population.

There have been many calls for Kagame and his government to be sanctioned for what are undoubtedly crimes against humanity and war crimes in the Democratic Republic of Congo. But no such steps have been taken by the international community. On the contrary, Kagame continues to receive support from western governments despite his alarming human rights records. Most recently, the United Kingdom has ignored Rwanda’s poor human rights record and entered into an agreement to provide massive amounts of development funding to Rwanda in exchange for the Kagame government agreeing to accept deported asylum seekers.

Why does the international community keep doing business with Kagame despite his evident criminality? The answer lies in part in the collective guilt and shame felt by many governments for their glaring failure to head off the 1994 genocide and, even worse, to refuse to intervene to stop it when it was underway. Kagame knows how to manipulate that.

As well, Rwanda is helping protect French and European commercial interests in Mozambique. For example, the French energy giant Total has a multibillion-dollar project in Mozambique’s troubled Cabo Delgado region. France needs Rwanda’s

military assistance in safeguarding the project.

All of this and more leads western nations to give Kagame a free ride, no matter how grave the human rights violations he orchestrates. They have, to their shame, decided turning a blind eye is justified.

But do we not learn from history? It would seem not. For if they did, they would know that placing economic interests over human rights and the rule of law is misguided comes with a heavy price. It truly is time for a new approach, and for firm action to curtail Kagame's murderous and destructive campaign, in Rwanda and throughout Africa. Canada could and should play a lead role in making that happen.

France: Rwanda genocide convict leaves jail pending appeal (Africa News) January 6, 2023

A French-Rwandan man sentenced in Paris in 2021 for complicity in genocide, has been released from prison pending his appeal.

Claude Muhayimana was released from detention on 21 December and placed under judicial supervision pending his appeal.

The former driver, who has appealed his conviction, was referred to the investigative division of the Paris Court of Appeal, which ruled on 30 November that the extension of his pre-trial detention did not appear to be "essential either for the needs of the proceedings pending the hearing, or as a security measure".

He was released from detention on 21 December and placed under judicial supervision pending his appeal.

"I find this decision wise and particularly justified, since we have no idea when the appeal will be held," said his lawyer Philippe Meilhac, stressing that his client had "remained free during most of the investigation, without ever posing a problem.

The 61-year-old, who became a naturalised French citizen in 2010, is accused of having transported gendarmes and Interahamwe militiamen, the armed wing of the Hutu genocidal regime, to the sites of massacres of Tutsis between April and July 1994 in Kibuye and the surrounding hills, where tens of thousands of people were killed.

In December 2021, he was found guilty by a majority of votes of complicity in genocide and complicity in crimes against humanity in the hills of Karongi, Gitwa and Bisesero over the period from 7 April to the end of June 1994, and of complicity in crimes against humanity in July in the hills of Bisesero.

Rwanda says it will not accept DR Congo refugees any more (Al Jazeera) January 10, 2023

Rwandan president says his country will not shoulder the burden of hosting those fleeing the deadly conflict in DR Congo.

Rwanda says it can no longer offer refuge to people fleeing violence in the Democratic Republic of the Congo (DRC), stoking already high tensions between the central African neighbours.

Persistent fighting in the east of the mineral-rich DRC pits federal troops against rebels from the M23 group, which has captured swaths of territory.

The DRC, along with the United States and several European countries, has repeatedly accused Rwanda of backing the Tutsi-led rebels from M23, although Kigali denies the charge.

"We cannot keep hosting refugees" from DR Congo, President Paul Kagame told the upper house of parliament in the capital Kigali on Monday. "This is not Rwanda's problem. And we are going to ensure that everybody realises that it is not Rwanda's problem.

"I am refusing that Rwanda should carry this burden."

Tensions have soared due to the fighting and thousands have fled the battles into neighbouring states, including Rwanda.

In November, the UN said about 72,000 Congolese refugees had crossed into Rwanda.

Kigali has repeatedly blamed Kinshasa for the crisis and accused the international community of turning a blind eye to the DRC's alleged support for the Democratic Forces for the Liberation of Rwanda (FDLR), a mainly Rwandan Hutu rebel movement implicated in the 1994 genocide in Rwanda.

Kigali sees the FDLR as a threat that justifies incursions into the DRC.

Rwanda has also accused the DRC – where presidential elections are due this December – of using the conflict for political purposes as well as of “fabricating” a November massacre of at least 131 civilians. A UN probe blamed the deaths on M23 rebels.

[\[back to contents\]](#)

Somalia

Death toll in Somalia twin bombings rises to at least 35 (Associated Press) By Omar Faruk
January 5, 2023

A doctor says the death toll in a pair of suicide car bombings in Somalia early Wednesday has risen to at least 35, including nine members of the same family, in one of the worst attacks by al-Shabab extremists in retaliation for a government offensive described as “total war.”

Dr. Yahye Abdi, who works at the single, overwhelmed hospital in Mahaas district told The Associated Press that more than 80 people were wounded, with 30 of them airlifted to the capital, Mogadishu. Some of the dead were found in the rubble of houses on Thursday, he said,

Police have said the attackers targeted a military facility in the Hiran region, which is at the heart of the government’s offensive against al-Shabab. The attack occurred after the dawn prayer.

Al-Shabab claimed responsibility for the attack, which is the deadliest since a bombing last October at a busy junction in Mogadishu killed at least 120 people.

The al-Qaida-linked group numbering thousands of fighters has controlled parts of central and southern Somalia for more than a decade. The Somali government, with the assistance of local militias and the support of U.S. forces, has vowed to defeat the extremists this year.

Somalia claims Al-Shabab seeking talks for first time (Arab News) January 8, 2023

Somalia’s government claimed Saturday that the Al-Shabab extremist group has for the first time asked to open negotiations, amid a military offensive the government has described as “total war.”

There was no immediate statement by Al-Shabab, an Al-Qaeda-affiliate that for well over a decade has carried out high-profile bombings in Somalia’s capital and controlled parts of the country’s central and southern regions, complicating efforts to rebuild the once-failed state after decades of conflict.

“Al-Shabab requested to open negotiations with the Somali government, but there are two groups within Al-Shabab,” Deputy Defense Minister Abdifatah Kasim told journalists in Mogadishu.

“The first part is foreigners, and the second part is local Somalis. Those locals have a chance to open up negotiations, but those foreigners who invaded our country have no right for talks. The only option is to return to where they are from.”

The deputy defense minister added that “for the Somalis, we are ready to receive them, for they are willing to surrender to the Somali government. They must follow the government’s instructions, reintegrate with their society, or face the Somali National Army in the front lines.”

This is the first time Somalia’s federal government has said that the extremist group has requested talks.

In September, during a US visit, President Hassan Sheikh Mohamud said “they are not willing to negotiate,” while stressing that “we are ready to talk to them” and have sent messages about it.

Al-Shabab numbers several thousand fighters, including an unknown number of foreigners, both from regional countries like neighboring Kenya and beyond.

The extremists have carried out several high-profile attacks over the years in Kenya, including in the capital, Nairobi, and at a military base used by the US.

Al-Shabab has long sought to impose strict laws in Somalia and seeks the withdrawal of foreign troops operating in the Horn of Africa country.

The US has a military presence in Somalia to combat the extremists, along with Turkey and a multinational African Union force.

Somalia's president after being elected last year launched a military offensive against Al-Shabab with the support of some local militias that have regained control of some communities from the extremists.

The president in a New Year's address vowed to eliminate Al-Shabab this year. The extremists, under pressure as the government seeks to squeeze its sources of financing, have lashed out.

An October bombing at a busy intersection in Mogadishu killed at least 120 people, and a pair of bombings Wednesday in a region at the heart of the government offensive killed at least 35 people.

[\[back to contents\]](#)

Ethiopia

Ethiopian Victims of War Sue the State (Fair Planet) By Bob Koigi

December 31, 2022

Two years after a protracted war between the Ethiopian government and rebels took place claiming hundreds of thousands of lives and displacing millions more, victims and survivors of the conflict are suing the government for gross violation of human rights and atrocities that have been described by international bodies as equivalent to war crimes and crimes against humanity.

An armed conflict that broke out in Ethiopia in November 2020 and pitted government forces against rebels under the Tigray People's Liberation Front (TPLF) wing has metamorphosed into a humanitarian crisis of epidemic proportions and a near-genocide.

Close to two years since the war erupted, 600,000 civilians have lost their lives, more than 2.8 million have been displaced and over 20 million are in need of aid.

HUMAN RIGHTS VIOLATIONS Residents of the Tigray region in northern Ethiopia suffered some of the most devastating impacts of the conflict, with civilians being subjected to torture, rape, murder, detention, gender-based violence and a blockade of humanitarian aid, among other atrocities. Both government troops and rebels were accused of these gross human rights violations.

An ad-hoc International Commission of Human Rights Experts on Ethiopia established by the UN Human Rights Council in its initial findings noted that the parties to the conflict had committed some atrocities that amounted to war crimes and crimes against humanity.

The UN Secretary-General, the UN Office of the High Commissioner for Human Rights (OHCHR), the Ethiopian Human Rights Commission (EHRC) and other NGOs in a report also accused the warring parties as being responsible for international crimes.

Pressure has since been piling on perpetrators to be held to account and for justice to prevail for millions of Tigrayan victims whose lives have been disrupted.

JUSTICE FOR TIGRAYAN CIVILIANS A consortium of legal bodies, including Legal Action Worldwide (LAW), the Pan-African Lawyers Union (PALU) and Debevoise & Plimpton LLP have taken this further and are suing the Ethiopian government on behalf of Tigrayan victims.

The historic case was first filed in February this year at the African Commission on Human and Peoples' Rights, a quasi-judicial human rights entity that promotes and monitors protection of human rights across Africa as enshrined in the African Charter of Human and Peoples' Rights.

In a statement, the litigants noted that despite atrocities having been committed against all parties to the conflict and against civilians of different ethnicities, they were focused on suing the state as it bears the primary responsibility to its citizens - highlighting that the Tigrayan community was the most affected by the conflict.

Nick Leddy, LAW's Head of Litigation said that the consortium is looking for accountability from the government for its conduct while getting justice and closure for the victims and survivors.

"Given that there are no local remedies available at the moment, the fact that the courts in Ethiopia are not particularly welcoming to Tigrayans claims and the International Criminal Court doesn't have jurisdiction over Ethiopia, we felt there was need among Tigrayan survivors to get justice," Leddy told FairPlanet.

He added that they identified "[The] African Commission as the ideal avenue to bring human rights claims against the Ethiopian government given that it is the preeminent human rights institution on the continent and one that the Tigrayans can easily access."

THE CASE AGAINST THE ETHIOPIAN STATE In October, the African Commission announced that it would hear the case and requested the Ethiopian government to ensure that there was an end to allegations of atrocities while enhancing access of humanitarian aid to Tigrayan citizens and protecting aid workers.

Finally in November, after various attempts at a truce, the Ethiopian government and TPLF signed an agreement to end all hostilities. But did this development have an impact on the case?

According to Leddy, while this was a positive development, there has been news of violations of the peace deal which raised concerns among Tigrayan victims and gave the court case more impetus.

The entities on 13 December filed a brief on the merits and admissibility of the case. "The brief details the violations committed by the Ethiopian government and its allies among them Eritrean forces," Leddy noted. "This includes statements from survivors and open-source materials such as NGO, academic, and UN reports."

The Ethiopian government has 60 days from the day the brief was filed to respond, with the legal firms having 30 days to then submit a rejoinder.

There are, however, concerns over the willingness of the Ethiopian government to abide by the ruling of the Commission should it rule in favour of the victims.

Ethiopia has also not ratified some key international human rights protocols which would provide other avenues to prosecute the case - for example in the African Court on Human Rights in Arusha further.

Leddy argued that the ultimate goal of the case in addition to securing justice for victims is also to draw the attention of the international community to the level of abuse that the Ethiopian government has unleashed on its people.

"This is an important case to document the widespread human rights violations and to make sure that survivors can have some possibility of justice."

"Ultimately," he concluded, "we hope there will be lasting peace for the sake of the victims and survivors."

News: Ethiopia loses second attempt to defund resources for UN rights experts (Addis Standard)
December 31, 2022

Ethiopia's draft resolution requesting the Fifth Committee of the UN General Assembly to not approve any resources for the International Commission of Human Rights Experts on Ethiopia (ICHREE) was defeated on Friday by a vote of 71 against 32 in favor, whereas 50 members states abstained the vote.

This is the second failed attempt by Ethiopia to have UN's General Assembly to defund resources for the UN rights experts who were appointed by the UN to investigate war-related human rights abuses in Ethiopia. After its opposition to the formation of ICHREE, in April this year, the Ethiopian government voted to block the U.N. funding for it, unsuccessfully.

In introducing the resolution, Ethiopia argued that the text did not recognize the government's cooperation with the Council to conduct investigations and demanded the Fifth Committee of the UN General Assembly, which has the responsibilities for

administrative and budgetary matters, to defund resources.

ICHREE's first report to the UN Human Rights Council presented in September this year on its initial findings of Ethiopia's war covering "the hostilities in Tigray and Amhara regions," concluded that "there are reasonable grounds to believe that violations, such as extrajudicial killings, rape, sexual violence, and starvation of the civilian population as a method of warfare have been committed in Ethiopia since 3 November 2020," and that there were "reasonable grounds to believe that, in several instances, these violations amount to war crimes and crimes against humanity."

The report said grave human right violations were committed to a varied degree by the Ethiopian national defense forces, Eritrean defense forces, Amhara region forces including militia and the irregular armed group, Fano, as well as the Tigrayan forces in the course of Ethiopia's war.

However, it was the "the widespread denial and obstruction of access to basic services, food, healthcare, and humanitarian assistance" that the Commission believes "amounts to a crime against humanity." It also said there was "reasonable grounds to believe that the Federal Government is using starvation as a method of warfare."

Ethiopia maintains the Commission was established for a political purposes and has had uneasy relationship with it, once accusing it of having "weaponized human rights for political pressure."

Yesterday's vote at the UN General Assembly to keep the funding for ICHREE comes amidst concerns by international rights organizations that the Pretoria permanent cessation of hostilities signed between the Ethiopian federal government and the TPLF on November 02 falls short of clarity on victim-centered justice and access to human rights experts and independent rights monitors to all areas affected by the two-year long war.

Under "Article 2 – Principles Underpinning the Permanent Cessation of Hostilities," the two sides agreed to be guided by "Respect for fundamental human rights and democratic norms and principles; Protection of civilians; Respect for the African Charter on Democracy, Elections, and Governance; Accountability and justice in accordance with the FDRE Constitution and the AU Transitional Justice Policy Framework," triggering calls for effective accountability for grave human rights violations committed during Ethiopia's two year war.

The US government and the EU however continued insisting on accountability for human rights violations and abuses as well as implementation of transitional justice as part of the full implementation of the Pretoria CoHA. On 22 December, US Secretary of State Anthony Blinken said that the US was focused on making sure that it can "get independent human rights monitors into Tigray to verify that there are no ongoing atrocities, even as we're looking for accountability for what's already taken place."

Similarly, in its latest statement, the EU that that "concrete progress on the implementation of the ceasefire, unimpeded humanitarian access, and accountability for International Humanitarian Law and human rights violations and abuses, will allow the gradual reestablishment of the full spectrum of EU's development cooperation and economic support." In October, the EU has succeeded in having a resolution renewing ICHREE's mandate approved by the Geneva-based U.N. Human Rights Council.

Tigray Rebels Start Handing Over Heavy Weapons (The Defense Post) January 11, 2023

Tigrayan rebels said Wednesday they have begun handing in their heavy weapons, a key part of a deal signed more than two months ago to end a deadly conflict in northern Ethiopia.

The terms of the November 2 peace agreement include disarming rebel forces, restoring federal authority in Tigray and reopening access and communications to the region, which has been cut off from the outside world since mid-2021.

Fighting broke out in November 2020 when Prime Minister Abiy Ahmed deployed the army in a bid to topple Tigrayan leaders who had been challenging his authority for months and whom he accused of attacking federal military bases.

"Tigray has handed over its heavy weapons as part of its commitment to implementing the #Pretoria agreement," Tigray People's Liberation Front (TPLF) spokesman Getachew Reda tweeted Wednesday, referring to the November 2 deal signed in the South African capital.

"We hope & expect this will go a long way in expediting the full implementation of the agreement. We hope & expect!"

There has been no reaction yet from Abiy's government to his statement, and spokespeople did not respond to AFP requests for comment.

A deal on the implementation of the agreement signed in Nairobi on November 12 said the disarmament of heavy Tigrayan weapons would take place at the same time as the withdrawal of foreign and non-federal forces.

Neighboring Eritrea has backed the Ethiopian army in the conflict but Asmara did not participate in the Pretoria talks.

With access to Tigray restricted, it is impossible to independently verify the situation on the ground.

An aid worker based in the strategic Tigrayan city of Shire told AFP by phone Wednesday that he saw Eritrean troops as well as members of armed forces from the neighboring Amhara region.

‘Atrocities’ The precise death toll from the brutal two-year conflict, which was largely fought amid stringent media restrictions, is unknown, although it unleashed a desperate humanitarian crisis in Tigray.

It has displaced more than two million Ethiopians and plunged hundreds of thousands of people into near-famine conditions, according to the UN, and left more than 13.6 million people dependent on humanitarian aid in northern Ethiopia.

The International Crisis Group think tank and rights group Amnesty International have described the conflict as “one of the deadliest in the world.”

The fighting has stopped since November’s peace deal and the rebels have claimed to have disengaged 65 percent of their fighters from the front lines.

But Tigrayans have denounced “atrocities” they say have been committed by Eritrea’s army and the Amhara regional forces.

Tigrayan authorities, as well as residents and aid workers who testified to AFP, accuse them of looting, rape, executions, and abductions of civilians.

Humanitarian operations have been ramped up since the peace deal, but the amount of food and medical aid being delivered remains far below the enormous needs.

Mekele was connected to the national power grid on December 6 and the Ethiopian Electric Utility has announced a plan to fully restore electricity in cities and towns in war-affected areas within two weeks, local media reported.

Ethiopia’s main bank CBE said on December 19 that it was resuming operations in some towns, and telephone communications with the region have begun to be restored.

An Ethiopian government delegation, including the prime minister’s national security advisor Redwan Hussein and several ministers, visited Tigray’s capital Mekele on December 26, marking a major step in the peace process.

A few days later, on December 29, Ethiopian federal police entered Mekele for the first time in 18 months.

[\[back to contents\]](#)

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [\[English translation\]](#)

Bosnian Serb Ex-Soldiers Acquitted of Assaulting Civilians (Balkan Transitional Justice) By Marija Tausan
December 29, 2022

Former Bosnian Serb Army soldiers Bratislav Bilbija and Djuro Adamovic were found not guilty of beating up civilians in the Prijedor area during the war in 1992.

The Bosnian state court on Thursday acquitted Bratislav Bilbija and Djuro Adamovic of the inhumane treatment of civilians in the hamlet of Bukvik near Prijedor in August 1992.

Bilbija was accused of having kicked and hit one man with his fists and a rifle butt in mid-August 1992 and Adamovic of having beaten up another man.

The verdict came after a retrial. The former soldiers were initially convicted of inhumane treatment but acquitted of murder, torture and forced disappearances.

The state court's appeals chamber then quashed part of the first-instance verdict that convicted them of mistreating the civilians and ordered a retrial.

"The appeals chamber has been unable to determine beyond reasonable doubt that the defendants committed the crimes with which they are charged, partially due to inconsistency in witnesses' statements," presiding judge Stanisa Gluhajic explained at the time.

The appeals chamber however upheld the part of the first-instance verdict that acquitted them of murder, torture and forced disappearances.

The verdict is now final and cannot be appealed.

Bosnian Prosecutor Indicts Almost 20 For War Crimes (Radio Free Europe) By RFE/RL's Balkan Service
December 30, 2022

One person was indicted for crimes against humanity for attacks on villages in the Vlasenica region.

The Prosecutor-General's Office of Bosnia-Herzegovina has indicted more than a dozen people for crimes against the civilian population and against prisoners of war committed during the violent breakup of Yugoslavia.

Under the indictments filed on December 30, 15 people were accused of committing war crimes in the Banja Luka Military-Investigative Prison, known as Mali Logor, for "illegal imprisonment, beatings, detention in inhumane conditions, abuse, sexual abuse, and other inhuman acts."

The offenses "were committed against dozens of victims, civilians and war veterans. Prisoners of Bosniak and Croat nationality, among whom there were also women and elderly people, and the beatings also resulted in death," the Prosecutor-General's Office said.

The same day, the office indicted one person for crimes against humanity for participating in attacks on villages inhabited by Bosniak civilians in the Vlasenica region.

It also indicted a Bosniak army security officer for his role in keeping "illegally imprisoned" ethnic Serbs behind bars and participating in their torture, and an ethnic Croat who allegedly participated in the execution of two civilians -- a father and son -- in the Maglaj region.

The suspect from Vlasenica is now living in Serbia, the office said, while the suspect from the Maglaj region currently resides in Croatia.

More than 100,000 people died in the 1992-95 Bosnian War -- which was marked by ethnic cleansing and brutality -- that ended with the signing by Serbian, Croatian, and Bosniak leaders of a U.S.-mediated peace in Dayton, Ohio.

The Dayton accords created two highly autonomous entities, the Serb-dominated Republika Srpska and the Bosniak-Croat Federation, that share some joint institutions.

The country is governed and administered along ethnic lines established by the agreement, with a weak and often dysfunctional central government.

BiH Prosecutor's Office has filed an Indictment against Seven Persons for War Crimes (Sarajevo Times) December 30, 2022

The BiH Prosecutor's Office has filed an indictment against seven people for war

crimes against prisoners of war.

The defendants are charged of acting contrary to the provisions of the Geneva Conventions on the protection of prisoners of war during the war, in their capacity as commanders and members of the 511th Glorious Mountain Brigade of the ARBiH, during the war and armed conflict in Bosnia and Herzegovina.

They are accused of being, during the attack of the RBiH Army on VRS positions in the region of Kobiljnjak, Osmača and Čojluka (Bosanska Krupa municipality) in the period from the second half of May 1995 to the middle of July 1995, after capturing and putting outside combat operations at least 25 members of the VRS, of whom four were immediately killed, and the remaining 21 were taken prisoner and kept under the supervision of the Military Police of the 511th Brigade of the RBiH Army, as prisoners of war to whom the provisions of the Geneva Conventions refer, on several occasions, the accused personally, with other persons, participated in the taking of the prisoners and their murders, of whom some of the prisoners were killed with firearms, and some of the prisoners were beaten to death with wooden stakes and other objects.

In this way, at least 25 captured members of the VRS were killed.

The bodies of the murdered prisoners were exchanged and found in 1995 and 1996, and the body of one victim was found in 2004.

The defendants are charged of having acted against the rules of international humanitarian law by violating the provisions of the Geneva Convention on the Treatment of Prisoners of War, thereby committing the criminal offense – War Crime against Prisoners of War from Article 175 of the Criminal Code of Bosnia and Herzegovina.

The indictment has been forwarded to the Court of Bosnia and Herzegovina for confirmation, announced the Prosecutor's Office of Bosnia and Herzegovina.

Bosnian Croat Ex-Fighter Charged with Murdering Father and Son (Balkan Transitional Justice) By Emina Dizdarevic and Jasmin Begic
December 30, 2022

The Bosnian prosecution charged former Croatian Defence Council fighter Robert Bresic with involvement in seizing and killing two Serb civilians, a father and son, in Maglaj during the war in 1992.

The Bosnian prosecution on Friday charged ex-fighter Robert Bresic with committing a war crime against the civilian population.

The prosecution said that in late July 1992, Bresic and other members of the Croatian Defence Council, HVO seized a father and a son from a building in the town of Maglaj.

The two Serbs were taken towards the village of Tunjice, where they were shot dead. Neither was a member of the military or involved in the conflict, according to the prosecution.

Bresic currently lives in Croatia.

In another indictment filed by the state prosecution on Friday, a former Bosnian Army First Corps soldier, Mustafa Gegaj, was charged with war crimes against Serbs in the Sarajevo neighbourhoods of Hrasnica, Butmir and Sokolovic Kolonija.

Gegaj is accused, in his capacity as security officer with the First Corps' Fourth Motorised Brigade, with committing a war crime against the civilian population.

"He has been charged with having personally participated in torture in humiliating ways, grave forms of abuse and beating, as well as inflicting permanent physical and mental injuries to nine victims, who still feel the effects of the abuse, in detention facilities in the Hrasnica area, where Serb civilians from the Hrasnica, Butmir and Sokolovic Kolonija areas, including women and one girl, were unlawfully detained," the prosecution said in a statement.

The State Investigation and Protection Agency arrested Gegaj on December 15.

Both the indictments have been sent to the state court for confirmation.

Bosnia Upholds Verdict Clearing Wartime Fighter of Assaulting Boy (Balkan Transitional Justice)
By Selma Boracic Mrso
January 5, 2023

The state court upheld the verdict clearing Territorial Defence force ex-fighter Agan Ramic of committing a crime against humanity by hitting a minor in a village in the Konjic area during wartime in 1992.

The Bosnian state court said on Thursday that it has rejected an appeal by the state prosecution as “ill-founded” and confirmed the first-instance verdict acquitting Agan Ramic of mistreating a minor in the village of Brdjani in the Konjic area in May 1992.

The state court’s statement said the verdict acquitting Ramic of crimes against humanity was confirmed on December 6.

The court’s first-instance verdict in May last year ruled that the crime was incorrectly classified as a crime against humanity in the indictment.

The presiding judge said that the prosecution had not offered concrete evidence for this legal classification, and that the court had not found, on the basis of the evidence presented, that Ramic acted in the way portrayed in the indictment.

The indictment had claimed that Ramic went to the minor’s family’s house in Brdjani on an undetermined date in May 1992, wearing an army uniform, and asked the minor to catch a lamb for him.

The minor caught a lamb but Ramic was dissatisfied with it and started hitting him with a rifle butt. Other members of the Territorial Defence then joined in, the indictment claimed.

Ramic was charged with having committed the crime as part of a widespread and systematic attack on the Serb population in the Konjic area.

Explaining the acquittal in May 2022, the presiding judge cited inconsistencies between the indictment and the victim’s evidence, adding that the victim did not even confirm where the incident took place.

Under the original indictment, Ramic was charged with committing crimes against the Serb civilian population in the Konjic area between May 1992 and May 1993 alongside Esad Ramic, Omer Boric, Sefik Niksic, Adnan Alikadic, Mitko Pirkic, Redzo Balic, Hamed Lukomirko, Safaudin Cosic, Muhamed Cakic, Ismet Hebibovic, Enes Jahic, Senadin Cibo, Zeljko Simunovic and Zdenko Grbavac.

However, Ramic and Grbavac’s cases were separated from the case against the others because he was unavailable to the Bosnian judiciary at the time.

The second-instance verdict cannot be appealed.

Bosnia Upholds Verdict Clearing Wartime Fighter of Assaulting Boy (Balkan Transitional Justice)

By Selma Boracic Mrso

January 5, 2023

Bosnia Confirms Ex-Policeman’s 20-Year Sentence for Killing Civilians (Balkan Transitional Justice) By Jasmine Begic

January 10, 2023

The Bosnian state court upheld the verdict convicting former reservist policeman Dusan Culibrk of involvement in the wartime killings of more than 50 Bosniaks and Croats in the Bosanska Krupa area in 1992.

The appeals chamber of the Bosnian state court has confirmed the first-instance verdict sentencing Dusan Culibrk to 20 years in prison for involvement in killings of Bosniaks and Croats during wartime in July and August 1992, his lawyer told BIRN on Tuesday.

Lawyer Drazen Zubak said that his appeal against the first-instance verdict was rejected as unfounded.

Under the first-instance verdict handed down in August 2022, Culibrk was found guilty, as a member of reservist police force at the Public Security Station in Bosanska Krupa, of having participated in July 1992 in the murder of 44 Bosniak and Croat detainees, including two women, who were removed from the Omarska detention camp.

The detainees were taken by minibus from Omarska to the village of Donji Dubovik, tied up with wire and shot dead next to the Lisac pit.

Culibrk was also found guilty of having participated in August 1992 in the murder of seven Bosniak civilians who were

travelling from Prijedor towards Bihac, next to the Lisac pit in Donji Dubovik. The victims' remains were exhumed from the pit in 2000.

Culibrk was indicted together with fellow ex-policeman Milorad Kotur, who now lives in Serbia. The Serbian authorities have now taken over the prosecution of Kotur.

[\[back to contents\]](#)

[\[back to contents\]](#)

Domestic Prosecutions In The Former Yugoslavia

[\[back to contents\]](#)

Turkey

[\[back to contents\]](#)

Kosovo Specialist Chambers

Azerbaijan

[\[back to contents\]](#)

Russia

Evidence of Russian crimes mounts as war in Ukraine drags on (Associated Press) By Michael Bisecker and Erika Kinetz
December 30, 2022

Ten months into Russia's latest invasion of Ukraine, overwhelming evidence shows the Kremlin's troops have waged total war, with disregard for international laws governing the treatment of civilians and conduct on the battlefield.

Ukraine is investigating more than 58,000 potential Russian war crimes — killings, kidnappings, indiscriminate bombings and sexual assaults. Reporting by The Associated Press and "Frontline," recorded in a public database, has independently verified more than 600 incidents that appear to violate the laws of war. Some of those attacks were massacres that killed dozens or hundreds of civilians and as a totality it could account for thousands of individual war crimes.

As Karim Khan, chief prosecutor of the International Criminal Court in The Hague, told the AP, "Ukraine is a crime scene."

That extensive documentation has run smack into a hard reality, however. While authorities have amassed a staggering amount of evidence — the conflict is among the most documented in human history — they are unlikely to arrest most of those who pulled the trigger or gave the beatings anytime soon, let alone the commanders who gave the orders and political leaders

who sanctioned the attacks.

The reasons are manifold, experts say. Ukrainian authorities face serious challenges in gathering air-tight evidence in a war zone. And the vast majority of alleged war criminals have evaded capture and are safely behind Russian lines.

Even in successful prosecutions, the limits of justice so far are glaring. Take the case of Vadim Shishimarin, a baby-faced 21-year-old tank commander who was the first Russian tried on war crimes charges. He surrendered in March and pleaded guilty in a Kyiv courtroom in May to shooting a 62-year-old Ukrainian civilian in the head.

The desire for some combination of justice and vengeance was palpable in that courtroom. “Do you consider yourself a murderer?” a woman shouted at the Russian as he stood bent forward with his head resting against the glass of the cage he was locked in.

“What about the man in the coffin?” came another, sharper voice. A third demanded the defense lawyer explain how he could fight for the Russian’s freedom.

The young soldier was first sentenced to life in prison, which was reduced to 15 years on appeal. Critics said the initial penalty was unduly harsh, given that he confessed to the crime, said he was following orders and expressed remorse.

Ukrainian prosecutors, however, have not yet been able to charge Shishimarin’s commanders or those who oversaw him. Since March, Ukraine has named more than 600 Russians, many of them high-ranking political and military officials, as suspects, including Minister of Defense Sergei Shoigu. But, so far, the most powerful have not fallen into Ukrainian custody.

“It would be terrible to find a scenario in which, in the end, you convict a few people of war crimes and crimes against humanity who are low-grade or mid-grade military types or paramilitary types, but the top table gets off scot-free,” said Philippe Sands, a prominent British human rights lawyer.

Throughout the war Russian leaders have denied accusations of brutality.

Moscow’s U.N. ambassador, Vassily Nebenzia, said no civilians were tortured and killed in the Kyiv suburb of Bucha despite the meticulous documentation of the atrocities by AP, other journalists, and war crimes investigators there.

“Not a single local person has suffered from any violent action,” he said, calling the photos and video of bodies in the streets “a crude forgery” staged by the Ukrainians.

Such statements have been easily rebutted by Ukrainian and international authorities, human rights groups and journalists who have meticulously documented Russian barbarity since the Kremlin ordered the unprovoked invasion in February.

Part of that effort, the AP and Frontline database called War Crimes Watch Ukraine, offers a contemporaneous catalog of the horrors of war. It is not a comprehensive accounting. AP and Frontline only included incidents that could be verified by photos, videos or firsthand witness accounts. There are hundreds of reported incidents of potential war crimes for which there was not enough publicly available evidence to independently confirm what happened.

Still, the resulting database details 10 months of attacks that appear to violate the laws of war, including 93 attacks on schools, 36 where children were killed, and more than 200 direct attacks on civilians, including torture, the kidnapping and killing of civilians, and the desecration of dead bodies. Among Russia’s targets: churches, cultural centers, hospitals, food facilities and electrical infrastructure. The database catalogs how Russia utilized cluster bombs and other indiscriminate weapons in residential neighborhoods and to attack buildings housing civilians.

An AP investigation revealed that Russia’s bombing of a theater in Mariupol, which was being used as a civilian shelter, likely killed more than 600 people. Another showed that in the first 30 days after the invasion, Russian forces struck and damaged 34 medical facilities, suggesting a pattern and intent.

“That’s a crime against the laws of war,” said Stephen Rapp, a former U.S. Ambassador-at-Large for War Crimes. “Once somebody’s injured, they’re entitled to medical care. You can’t attack a hospital. That’s the oldest rule we have in international law.”

Experts say Russia under President Vladimir Putin has repeatedly ignored the rules established by the Geneva Conventions, a series of treaties that dictate how warring countries should treat each other’s citizens, and the Rome Statute, which established the International Criminal Court and defined specific war crimes and crimes against humanity.

“These abuses are not the acts of rogue units; rather, they are part of a deeply disturbing pattern of abuse consistent with what we have seen from Russia’s prior military engagements — in Chechnya, Syria, and Georgia,” said Beth Van Schaack, the U.S. Ambassador at Large for Global Criminal Justice, speaking earlier this month at the International Criminal Court in The

Hague, Netherlands.

Short of a regime-toppling revolution in Moscow, however, it is unlikely Putin and other high-ranking Russians end up in court, whether in Ukraine or the Hague, experts say.

And even as a chorus of global leaders have joined Ukrainians in calling for legal action against the architects of this war, there is disagreement about the best way to do it.

The International Criminal Court has been investigating potential war crimes and crimes against humanity in Ukraine. But it cannot prosecute the most basic offense, the crime of aggression – the unjust use of military force against another nation – because the Russian Federation, like the United States, never gave it authority to do so.

Efforts to plug that loophole by creating a special international tribunal for the crime of aggression in Ukraine have been gaining momentum. Last month, the European Union threw its support behind the idea.

Some human rights advocates say a special tribunal would be the smartest way to proceed. Sands, the British human rights lawyer, said prosecuting Russia before such a tribunal would be a “slam dunk.”

“You’d need to prove that that war is manifestly in violation of international law,” he added. “That’s pretty straightforward because Mr. Putin has set out the reasons for that war, and it’s blindingly obvious that they don’t meet the requirements of international law.”

But Khan, the chief prosecutor of the International Criminal Court, has opposed the creation of a special tribunal, calling it a “vanity project.”

“We are an international court,” Khan told AP and Frontline in July. “We’ve been accepted, of course, by the Security Councilors as legitimate. They’ve used this court in terms of referrals. And I think we should focus on using this court effectively.”

Whatever happens on the international stage, the vast majority of cases will be heard within Ukraine itself.

The daunting task of turning Ukraine’s beleaguered prosecutorial service into a bureaucracy capable of building sophisticated war crimes cases falls on Yuriy Bielousov.

When he was offered the job of leading the war crimes department in the prosecutor general’s office, Bielousov knew it would be tough. Just how tough became clear after Russians pulled out of Bucha last spring, leaving behind a crime scene strewn with the decomposing bodies of more than 450 men, women and children.

Bucha was the first complex case picked up by Bielousov’s prosecutors, and it quickly became one of the most important. No one in Ukraine had ever dealt with something of that scale before.

“The system was not in collapse, but the system was shocked,” Bielousov said. “OK, OK, let’s go everyone, and just try to do our best.”

Ukraine has five different investigative agencies, each assigned legal responsibility for different kinds of crimes. The crimes in Bucha cut across all those categories, tangling the bureaucracy. That has only made building tough cases even harder.

Despite the setbacks and hurdles, Bielousov says his prosecutors remain focused on gathering evidence that will stand up in domestic and international courts. He says he is also focused on another goal -- compiling an incontrovertible record of Russia’s savagery that the world cannot ignore.

Yulia Truba wants the same thing. Her husband was one of the first men Russian soldiers tortured and killed in Bucha. She said she wants to establish a single, shared truth about what happened to her husband

“Russia won’t recognize this as a crime,” Truba said. “I just want as many people as possible to recognize it was a real murder and he was tortured. For me, this would be justice.”

London to host international meeting on alleged war crimes in Ukraine (Reuters) January 7, 2022

Justice ministers from around the world will gather in London to scale up the support being offered to the International Criminal Court in its investigations of alleged war crimes in Ukraine, the British government said on Saturday.

The meeting in March, which will be hosted by UK Justice Secretary Dominic Raab and his Dutch counterpart Dilan Yesilgoz-

Zegerius, will be attended by ICC Chief Prosecutor Karim Khan, according to a statement.

"Almost a year on from the illegal invasion, the international community must give its strongest backing to the ICC so war criminals can be held to account for the atrocities we're witnessing," said Raab, who is also Britain's deputy prime minister.

The meeting will seek to increase the global financial and practical support to the ICC and coordinate efforts to ensure it has all it needs to carry out investigations and prosecute those responsible, the statement said.

Russia, which calls its actions in Ukraine a "special military operation", has denied targeting civilians and other war crimes. Ukraine and the West say Moscow has no justification for what they say is an imperial-style war of occupation.

Britain has been steady in its backing for Ukraine, having provided 2.3 billion pounds (\$2.78 billion) in military support to Kyiv.

Russian and Ukrainian forces exchanged artillery fire at the front line in Ukraine on Friday, even after Moscow said it had ordered its troops to stop shooting for a unilateral truce that was rejected by Kyiv.

The ICC's Khan last year opened an investigation into possible war crimes in Ukraine. Legal experts say the court's jurisdiction on aggression only extends to member states and countries that have agreed to its jurisdiction, such as Ukraine but not Russia. Moscow does not recognise the tribunal.

"For us it is crystal clear: these crimes may not go unpunished," said Yesilgoz-Zegerius, describing the reports and images coming out of Ukraine as "horrific".

Ukraine official says Russian cyberattacks on its energy network could equate to war crimes (Business Insider) By Joshua Zitser

January 9, 2022

A senior Ukrainian cybersecurity official said Russian cyberattacks on critical and civilian infrastructure could equate to war crimes.

Victor Zhora, the chief digital transformation officer at the State Service of Special Communication and Information Protection of Ukraine (SSSCIP), told Politico that Ukrainian officials are gathering evidence of Russian cyberattacks to share with the International Criminal Court (ICC) in The Hague.

The cyberattacks in focus are those linked to more traditional military attacks, said Zhora, who leads cybersecurity operations for SSSCIP, per Politico.

"When we observe the situation in cyberspace we notice some coordination between kinetic strikes and cyberattacks, and since the majority of kinetic attacks are organized against civilians — being a direct act of war crime — supportive actions in cyber can be considered as war crimes," Zhora told Politico.

In the interview, the cybersecurity official cited several examples of Russian cyber warfare linked to military strikes, including an attack on DTEK, Ukraine's largest private investor in the energy industry, last July.

That month, DTEK said in a press release that Russia carried out a cyberattack on its infrastructure at the same time as a missile attack on the Kryvorizka power station.

"Their thermal power plant was shelled, and simultaneously, their corporate network was attacked," Zhora told Politico of the incident. "It's directed and planned activity from Russians, which they did both in conventional domain and in cyber domain."

Zhora noted other examples of coordinated attacks in Odesa, Lviv, and Mykolaiv, Politico reported.

The cybersecurity official said that shelling was supported by cyberattacks on "local authorities, websites, or on local internet service providers," per the media outlet.

A June 2022 Microsoft intelligence report highlighted numerous examples of coordinated kinetic and cyberattacks on Ukraine by Russia-backed groups.

These types of coordinated efforts directly impact Ukrainian civilians by disrupting the IT infrastructure, power grids, telecommunications, and critical infrastructure they depend on, Zhora told Politico.

Russia's attacks on Ukrainian civilian infrastructure, including energy facilities, were last month described by the United Nations High Commissioner for Human Rights as possible war crimes.

Russian President Vladimir Putin confirmed last month that Russia is targeting energy infrastructure but accused Ukrainian forces of doing it first. "Yes, we are doing it, but who started it?" Putin said in a video reported on by Politico.

Russia has been accused of multiple war crimes since it launched its invasion of Ukraine in February 2022. Ukraine's prosecutor general, Andriy Kostin, said in September that his office had documented some 34,000 potential war crimes committed by Russian forces.

Investigators are looking into events in Bucha, Mariupol, and the rape and torture of children, with the idea that these could be brought before judges in The Hague.

[\[back to contents\]](#)

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

[\[back to contents\]](#)

Syria

[\[back to contents\]](#)

Yemen

[\[back to contents\]](#)

Special Tribunal for Lebanon

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

[\[back to contents\]](#)

Israel and Palestine

[\[back to contents\]](#)

Gulf Region

Yemeni patience with Saudis has a limit (Tehran Times)

January 3, 2023

The Yemeni health ministry has condemned the latest violations of a very fragile truce that was supposed to end the eight-year war in the country.

Senior officials in the Yemeni capital have accused the United States of seeking to prolong the war, saying that Washington is using Riyadh as a proxy to topple the Sanaa government.

In the latest attack, Saudi shelling in Yemen's Saada province on the border with Saudi Arabia killed a number of civilians and injured several others.

This is while human rights groups and NGOs are calling for the formation of an international committee to probe both Saudi and U.S. crimes.

Monitoring groups say that since the initial UN-brokered truce in April last year, more than 3,000 Yemenis have died.

An Omani delegation has been trying to revive the truce since its uneasy pause back in early October 2022.

But Yemeni officials say there have been regular acts of aggression by the Saudis since then, in particular, the northern border province of Saada. Local residents have reported hearing the sound of regular shelling from across the border.

There are also landmines, unexploded armaments, and cluster bombs that are scattered around this border region. Many residents there, especially children, are dying after picking them up, thinking they are toys, but they soon explode. This has been a common theme last year despite the announcement of a ceasefire.

The same scenario has also been reported in the Western Yemeni province of Hodaydah. Reports emerging from Hodaydah this week also say spy drones have been hovering above the seaport area. An indication of intelligence gathering for a potential attack by Saudi Arabia. Over the years, Yemeni officials have reported surveillance drones in the skies for around a week, followed by an act of aggression.

During the 2022 truce period, monitoring groups say roughly 3,000 Yemenis have been killed.

This includes 102 children and 27 women. There were also 2,500 innocent Yemenis that sustained injuries during this time frame. Thousands of homes and dozens of communication stations were also targeted in addition to the damage to other infrastructure.

Despite the truce, the Saudis appear to be violating the terms on a regular basis.

The Saudi-led, U.S., backed coalition is also maintaining the all-out blockade of Yemen, preventing vital fuel tankers from entering the country to alleviate the suffering of the people. All the indications so far are that these acts of aggression will continue in 2023.

Yemenis say that the United States is encouraging Riyadh to increase attacks on its southern neighbor. The leader of the popular revolution Abdul Malik al-Houthi has pointed out that Yemen is at war with the U.S. and Washington is just using the Saudis as a proxy to help the Americans overthrow the Sana'a government.

This is in line with the U.S. foreign policy that seeks military escalation across the globe to further increase the profits of the American military-industrial complex.

Washington has sold Riyadh hundreds of billions of dollars' worth of weapons since the war on Yemen erupted in March 2015. It has also provided logistical and intelligence support as well as training Saudi warplane pilots, among many other measures of support.

This makes the U.S. directly complicit in the war, and it is one of the reasons why Yemen says it is Washington waging the war against their country.

The U.S. via the Saudis also cannot afford to lose Yemen as one of its proxies because of the country's very strategic location next to the Red Sea which is one of the world's most valuable trade routes, and the Bab al-Mandeb strait, a chokepoint determining entry and exit to that route.

Washington will go to any length to keep this war from ending until Yemen's sovereignty is lost, despite the nearly eight years of war crimes and genocide that have been committed in the country.

The bombing of hospitals, schools, and residential areas are all war crimes, which the U.S. and the Saudis must be held accountable for at the international tribunal in the Hague. But, the two allies are continuing their program of cruelty in order to achieve their geopolitical goals. Add to this the seizure of Yemeni oil tankers that have worsened what is already the world's largest humanitarian crisis.

These vessels have already been inspected by the United Nations to make sure only humanitarian supplies are being delivered to Yemen, yet Saudi Arabia continues to seize them.

This indicates that Washington doesn't only have a problem with the Sana'a government, its real issue is with the Yemeni people, and it appears the U.S. has no problem seeing innocent Yemenis suffer even further.

The reason America has an issue with the ordinary civilian Yemeni population is that they have flooded the streets in different cities as a clear sign of support for the revolution.

This is a revolution that has a foreign policy agenda to even help the Palestinian cause despite the difficult situation in which they are enduring.

On international Quds day, a sea of Yemenis have been turning out over the past years in solidarity with Palestine and have pledged to stand firm with the Palestinians.

This is another difficult challenge that the U.S., Saudi Arabia, and Israel share and have in common.

Whilst the strategic patience of Yemenis in the face of the Saudi truce violations has shown prudence, Sana'a has warned that this also has a time limit. The Yemeni armed forces say they have their fingers on the trigger.

It was the country's indigenously made missiles and drones that were fired at targets deep inside the Kingdom of Saudi Arabia, including Saudi state oil Aramco facilities that forced Riyadh to enter into a truce with Yemen in the first place.

Since then, Yemeni armed forces are reported to have been working day and night to further improve their military capabilities.

It may not be long before the era of strategic patience is over, and Yemeni retaliatory operations resume.

Saudi Arabia and the U.S. waged a war on Yemen in March 2015 to reinstall the former government of President Hadi which had forged close ties with Riyadh.

Since then, and in a sign of desperation, Saudi Arabia has sidelined Hadi and replaced his former government with another one.

Over the past eight years, as a result of almost daily bombing raids by the Saudis, hundreds of thousands of Yemenis have been killed, many of them women and children.

The evidence on the ground shows the humanitarian crisis, as a result of the blockade of Yemen, has been a deliberate attempt

to turn the Yemeni people against the revolutionary leaders.

But even this has not proven successful, as Yemen seeks to maintain its newly found sovereignty, independence, and territorial integrity after decades of Saudi rule.

This is the same Saudi rule that made Yemen the poorest country in West Asia.

And this low poverty level (with corruption rife) was present even before the war kicked off.

[\[back to contents\]](#)

ASIA

Afghanistan

Inquiry into “unlawful killings” by UK soldiers in Afghanistan announced (World Socialist Web Site) By

Harvey Thompson

January 2, 2023

A statutory inquiry investigating allegations of “unlawful killings” by British special forces of scores of unarmed civilians in Afghanistan and a subsequent cover-up is to begin in early 2023.

Commissioned by Defence Secretary Ben Wallace, Defence Minister Andrew Murrison told parliament it will in part “investigate and report on alleged unlawful activity by British Armed Forces” and “the adequacy of subsequent investigations into such allegations” by the Ministry of Defence (MoD).

The government has made clear the inquiry’s aim is to protect the guilty, not to bring them to justice. Wallace said, “While there have been several comprehensive investigations into the events in question, if there are further lessons to learn it is right that we consider those fully, to ensure all allegations are handled appropriately and in equal measure, to ensure our personnel are adequately protected from unnecessary re-investigations.”

In a letter to veterans and their families, Veterans' Affairs Minister Johnny Mercer said he was “aware of the impact of this news” on those involved, and “full legal and pastoral support” for anyone called up by the inquiry would be available. In a following tweet, he remained “intensely proud of our service in Afghanistan.”

In the Commons, Conservative former minister Sir Edward Leigh warned that the bar for prosecutions must be “very high” otherwise “we are going to inflict a severe blow on the morale of the veterans of our brave armed forces.”

Labour’s Shadow Defence Secretary John Healey was careful to get priorities in order for “the party of NATO”, saying, “Allegations of unlawful killings and cover-ups could not be more serious and this inquiry is essential to protect the reputation of our British special forces, to guarantee the integrity of military investigations and to secure justice for any of those affected.”

In October 2001, under the manufactured pretext of retaliation for the 9/11 terrorist attacks, the United States carried out an invasion and occupation of Afghanistan. Cloaked in a spurious mission to destroy Al Qaeda—a creation of the CIA-orchestrated war against Soviet forces in Afghanistan in the 1970s and 1980s--the real objective of the US military was to seize control of a country bordering the oil-rich former Soviet republics of the Caspian basin, China and Iran.

The British military played the leading supporting role. The invasion inaugurated the “war on terror” under which Washington claimed the right to pre-emptively invade any country it perceived as a threat to its global interests as well as to establish “black sites” used for torturing and interrogation. In March 2003, the US-led invasion and occupation of Iraq commenced based on lies about “weapons of mass destruction.”

The British government and military signed off on all of this in defiance of mass protests by millions in the UK and around the world.

Subsequent regime-change wars were launched under the hypocritical banner of “human rights,” in Libya, the country with the largest oil reserves in Africa, and Syria. These wars killed and injured millions of civilians, turned tens of millions more into refugees and destroyed entire societies.

In Afghanistan alone the longest official war involving the US military before its ignominious departure in August 2021—conservative estimates are that at least 175,000 civilians were killed since the 2001 invasion. The true death toll when including deaths caused indirectly by the war, such as disease and cold, are believed closer to a million.

In 2021, it was estimated that 18.4 million people across Afghanistan needed humanitarian relief.

Up to 750,000 US troops were sent into Afghanistan (the number of NATO forces peaked at around 140,000 in 2011) to wage a dirty colonial war characterised by mass murder through air strikes and night raids.

The killing and torturing of detainees, intended to terrorise the population into submission, swelled a growing anti-occupation insurgency until Taliban militias were able to overrun six provincial capitals within the space of barely one week, before ousting the hated and isolated US-backed Kabul regime in August 2021.

UK forces stationed in Afghanistan reached a peak of 10,000 a decade into the occupation and were deployed to the southern Helmand province, between 2006 and 2014, where many of the eventual 457 British fatalities took place. These were predominantly soldiers in their 20s or younger fighting a futile but bloody battle to stop the insurgency spreading to the nearby capital. It was during this period that British special forces were operating and to which the current inquiry will focus.

In July, the BBC screened an episode of its Panorama documentary series titled SAS Death Squads Exposed: A British War Crime? The programme aired interviews and evidence based on official files from police investigations and a four-year probe showing that one Special Air Service (SAS) unit in Helmand province had killed 54 people in suspicious circumstances between 2010 and 2011. The unit’s tour of duty resulted in a total Afghan death toll more than double that number. None of the unit’s members sustained any injuries in the raids, indicating they had faced no threats to their own safety.

Also revealed was evidence that senior officers were aware of concerns within the SAS but failed to pass on evidence to the military police.

The government denounced the BBC programme for being engaged in “irresponsible, incorrect” journalism. But within 24 hours it was forced to initiate a formal fresh investigation into the allegations, in which the BBC and other organisations were asked to share information, and which led to the recent announcement of a statutory inquiry.

The inquiry was announced by the government a day after the BBC released a follow-up investigation into a night raid on the south western Nimruz province in 2012 in which the SAS killed two young parents and severely injured their infant sons.

The inquiry is tasked with looking specifically at special forces raids known as Deliberate Detention Operations (DDOs) between mid-2010 and mid-2013.

Disclosures required by the court indicate that Afghan men detained on SAS night raids were often separated from their families and shot dead after a hand grenade or rifle was “unexpectedly produced” by the detainee.

The announcement of an independent statutory inquiry—as opposed to the review previously proposed by the government—expands the scope and powers available to the judge leading it.

According to the Guardian, “a high court case brought by the law firm Leigh Day on behalf of one man, Saifullah, alleged that his father, two brothers and a cousin were killed during an SAS raid on a compound in southern Afghanistan in February 2011. It was called Objective Tyburn by the SAS, referring to a historic place of execution in London.”

Internal SAS correspondence revealed that the morning after the report on the mission that led to the deaths of Saifullah’s family members was filed, an SAS sergeant-major described it in an email as “the latest massacre”.

In 2014, the Royal Military Police launched Operation Northmoor, an investigation into allegations of over 600 offences by British forces in Afghanistan, including the alleged killing of children by the SAS. It began winding down in 2017 and was terminated in 2019. The MoD said it had not found sufficient evidence any prosecutions.

Court proceedings in July heard that a military police officer wrote that “political pressure” was applied in 2016 to narrow the focus of a military police investigation into allegations of summary killings by SAS soldiers to limit their inquiries to “tactical-

level command responsibility”.

According to the Guardian, “documents cited in court earlier this year revealed there were significant concerns within the Armed Forces that a number of the RMP [Royal Military Police] investigations were flawed.”

Britain’s ruling elite specialising in protecting the guilty through the mechanism of the “independent public inquiry”. Even so, never has such an inquiry begun with such restrictive caveats or such blatant indications of an intended whitewash.

The July proceedings were given impetus by the political objective of accusing Russia of war crimes in Ukraine by a country supposedly in possession of a clean pair of hands. Those in charge of this and previous inquiries are motivated by the sole principles of protecting the “integrity” of the armed forces and the state they defend. They will not condemn as “war criminals” the political and military elite that has inflicted a 30-year cycle of imperialist military violence across the globe.

UK accused of 'hypocrisy' over Ukraine war crimes summit 20 years after Iraq invasion (Middle East Eye) By
Areeb Ullah
January 11, 2023

The British government has been accused of "rank hypocrisy" after it announced it would host a summit to discuss international support for an investigation into alleged war crimes in Ukraine coinciding with the 20th anniversary of the invasion of Iraq.

The London meeting, which is set to take place in March, is being co-hosted by the Dutch government and aims to increase "financial and practical support" for the International Criminal Court, which is based in The Hague.

British Deputy Prime Minister Dominic Raab said: "Russian forces should know they cannot act with impunity and we will back Ukraine until justice is served."

Dutch Justice Minister Dilan Yesilgoz-Zegerius, who will co-host the meeting with Raab, said: "The reports and images of Russia’s unlawful and unprovoked armed attack on Ukraine are horrific. For us it is crystal clear: these crimes may not go unpunished."

ICC prosecutor Karim Khan launched an investigation into the situation in Ukraine last March following Russia's invasion of its neighbour in February 2022.

The investigation examines alleged war crimes since 2013, covering the long-running conflict involving Russian-backed separatists in Ukraine's east, Russia's annexation of Crimea in 2014, and allegations of atrocities committed since the invasion.

The UK's Ministry of Justice has not confirmed the exact date of the meeting and had not responded to Middle East Eye's query at the time of publication.

But it is scheduled to take place in the same month as the 20th anniversary of British forces' participation in the US-led invasion of Iraq, which began on 19 March 2003, prompting criticism by rights groups.

Both British and American forces have been accused of committing war crimes during the invasion and subsequent occupation of Iraq, while the invasion was denounced as illegal by United Nations Secretary General Kofi Annan in 2004.

The Netherlands also supported the war at the time, but a Dutch parliamentary inquiry in 2010 concluded that the invasion had "no basis in international law".

War crimes In 2020, the ICC closed a preliminary investigation into allegations of war crimes by British forces in Iraq but said there was a "reasonable basis to believe that members of the British armed forces committed the war crimes of willful killing, torture, inhuman/cruel treatment, outrages upon personal dignity, and rape and/or other forms of sexual violence".

In 2019, Middle East Eye reported that the British army had at times allowed soldiers to shoot unarmed civilians suspected of keeping them under surveillance in Iraq and Afghanistan. According to several former soldiers interviewed by MEE, those shot included a number of children and teenage boys.

Rights groups told Middle East Eye that the UK risked being branded as hypocritical over its support for the ICC's role in investigating alleged atrocities in Ukraine.

Iain Overton, head of Action on Armed Violence (AOAV), told MEE: "[Russian President Vladimir] Putin should absolutely be held to account, but the UK government is in danger of engaging in hypocrisy by failing to investigate crimes perpetrated by

British soldiers properly."

Overton highlighted recent British government moves to introduce a five-year time limit on investigations into alleged war crimes by British soldiers, and legislation currently passing through parliament which would grant immunity to members of the British armed forces accused of human rights violations in Northern Ireland.

"Under successive governments, we've seen both an attempt to put a time limit on investigations on war crimes by British soldiers and a go-softly approach on investigating crimes in Northern Ireland," he said.

"Recently, press and AOAV investigations of SAS killings in Afghanistan have instigated a judge-led report, but this is a rarity."

In December, the British government announced a statutory inquiry into allegations that an SAS unit executed more than 50 civilians in Afghanistan's Helmand province in 2010 and 2011.

Emily Apple, a spokesperson for the Campaign Against the Arms Trade (CAAT), also raised concerns over the British government's record on arms sales to Saudi Arabia, which has been accused of committing war crimes during the war in Yemen.

"While it's good to see the UK government taking war crimes seriously, it's time it applied the same standards to all war crimes, including those committed by countries it sells arms to. Despite numerous violations of international law, the UK government continues to sell arms to Saudi Arabia to use in its war against Yemen," Apple told MEE.

"Since the war began, the UK has sold more than £20bn worth of arms to the Saudi regime, contributing to one of the world's worst humanitarian disasters. Dominic Raab's commitment to accountability for the atrocities committed in Ukraine is nothing but rank hypocrisy when put in the context of the UK government's continued support of the arms trade."

Neither the UK's Ministry of Justice nor the Dutch Ministry of Justice and Security had responded to MEE's request for comment at the time of publication.

[\[back to contents\]](#)

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

[\[back to contents\]](#)

Bangladesh International Crimes Tribunal

[\[back to contents\]](#)

War Crimes Investigation in Myanmar

Myanmar's Suu Kyi to hear final verdicts from junta court (France 24) December 30, 2022

A Myanmar junta court is expected to give its verdicts on the final charges against jailed civilian leader Aung San Suu Kyi on Friday, closing the military's latest battle with the democracy figurehead.

Suu Kyi has been a prisoner since the generals toppled her government in February last year, ending the Southeast Asian nation's brief experiment with democracy.

The Nobel laureate, 77, has already been found guilty on a raft of charges ranging from corruption to illegally importing walkie-talkies and breaching the official secrets act, and has been jailed for 26 years.

Journalists have been barred from the proceedings, which rights groups have slammed as a sham designed to remove Suu Kyi from Myanmar's political scene.

The remaining five corruption charges relate to the rental of a helicopter for a government minister, a case in which Suu Kyi allegedly did not follow regulations and caused "a loss to the state".

Each offence carries a maximum jail term of 15 years. In previous corruption cases, the court has generally sentenced Suu Kyi to three years per charge.

Last week, in the United Nations Security Council's first resolution on the situation in Myanmar since the coup, it called on the junta to release Suu Kyi.

It was a moment of relative unity by the council after permanent members and close junta allies China and Russia abstained, opting not to wield vetoes following amendments to the wording.

Turmoil Suu Kyi is currently imprisoned in a compound in the capital Naypyidaw, close to the courthouse where her trial is being held, and has been deprived of her household staff and pet dog Taichido.

Since the coup, she has largely disappeared from public view, seen only in grainy state media photos from the bare courtroom.

The country has been plunged into turmoil, with some established ethnic rebel groups renewing fighting with the military in border areas, and the economy in tatters.

"People's Defence Forces" eschewing Suu Kyi's strict policy of non-violence have also sprung up to battle the junta and have surprised the military with their effectiveness, observers say.

Analysts say the junta may allow Suu Kyi to serve some of her sentence under house arrest while it prepares for elections it has said will take place next year.

The military alleged there was widespread voter fraud during 2020 polls won resoundingly by Suu Kyi's National League for Democracy party, although international observers said the elections were largely free and fair.

More than 2,600 people have been killed in a crackdown by the military on dissent, according to a local monitoring group.

Rights groups have accused the military of extrajudicial killings and launching air strikes on civilians that amount to war crimes.

The junta meanwhile, says that "terrorists" have killed over 4,000 civilians.

Myanmar junta chief's family assets found in Thai drug raid, sources say (The Japan Times) By Panu Wongcha-Um and Poppy Mepherston
January 11, 2023

Thai officials found assets belonging to adult children of Myanmar's junta leader during a raid on the Bangkok apartment of a Myanmar tycoon charged with drug trafficking and money laundering, according to an official record and two people with knowledge of the case.

Title deeds and bankbooks belonging to Min Aung Hlaing's daughter and son were found at the home of Tun Min Latt, 53, when he was arrested in the Thai capital last September along with three Thai nationals on charges of conspiracy to traffic narcotics and money laundering.

Tun Min Latt, who has interests in hotels, energy and mining, is a close associate of Min Aung Hlaing, who seized power from the democratically elected government in February 2021, three sources with knowledge of the matter said last year. He has procured supplies for the military, the sources said. Publicly available pictures show them together at an arms fair in 2019.

Tun Min Latt is in pre-trial detention; his lawyer could not be reached for comment.

Min Aung Hlaing's two children face no legal action over the assets, according to the two people with knowledge of the case. They added that Thai authorities did not consider them relevant to the investigation against Tun Min Latt.

Min Aung Hlaing's son, Aung Pyae Sone, and his daughter, Khin Thiri Thet Mon, who along with their father have been sanctioned by the United States and Canada, did not respond to requests for comment. The U.S said they had businesses that "directly benefited from their father's position and malign influence."

Their father also could not be reached for comment, and messages to Myanmar's military junta went unanswered.

The discovery of the documents indicated close ties between Tun Min Latt and the Myanmar junta chief's family.

A spokesperson for the activist group Justice for Myanmar said the discovery also indicated Min Aung Hlaing's family was hiding assets in Thailand and urged the Thai government to take "urgent action to prevent it from becoming a safe haven for Myanmar war criminals by blocking the illegitimate Myanmar junta and its members from accessing Thai banks and property, and freezing stolen assets that belong to the people of Myanmar."

Thai government spokesman Anucha Burapachaisri declined to comment and referred questions to law enforcement agencies, who did not respond to requests for comment.

During the September raid on Tun Min Latt's apartment in the Belle Grand Rama 9 condominium in Bangkok, police said they had seized \$8.96 million worth of assets including luxury cars, watches and bags, along with \$239,091 in cash.

According to an official asset seizure record dated Sept. 17, they also uncovered title deeds and a purchase contract from 2017 of a four-bedroom unit in the same condo in the name of Aung Pyae Sone, along with two Siam Commercial Bank (SCB) bankbooks for accounts in the name of Khin Thiri Thet Mon.

The document was obtained by Justice for Myanmar and independently verified by Reuters with two sources with knowledge of the case.

Since the coup, Min Aung Hlaing's forces have launched a bloody crackdown on dissent, killing thousands of opponents, according to the United Nations, which accuses Myanmar's troops of war crimes and crimes against humanity. The military says it is waging a war on "terrorists."

Thailand, which shares a land border of more than 2,000 kilometers with Myanmar, has refrained from overt criticism of the junta and last month invited junta ministers to attend a regional summit, which was boycotted by several nations because of their presence. The two people with knowledge of the case, who spoke on condition of anonymity because they were not authorized to talk to media, confirmed that the assets belonging to Min Aung Hlaing's children had been found during the raid.

Reuters has confirmed that Khin Thiri Thet Mon's bank account has since been closed, but was unable to determine who closed it or when. SCB and the Belle Grand Rama 9 condominium did not respond to requests for comment.

The Thai police, the Office of the Narcotics Control Board and the Anti-Money Laundering Office also did not respond to requests for comment.

[\[back to contents\]](#)

AMERICAS

North & Central America

[\[back to contents\]](#)

South America

[\[back to contents\]](#)

Venezuela

[\[back to contents\]](#)

TOPICS

Truth and Reconciliation Commission

[\[back to contents\]](#)

Terrorism

Google develops free terrorism moderation tool for smaller websites (Financial Times) By Cristina Criddle
January 3, 2023

Google is developing a free moderation tool that smaller websites can use to identify and remove terrorist material, as new legislation in the UK and the EU compels internet companies to do more to tackle illegal content.

The software is being developed in partnership with the search giant's research and development unit Jigsaw and Tech Against Terrorism, a UN-backed initiative that helps tech companies police online terrorism.

"There are a lot of websites that just don't have any people to do the enforcement. It is a really labour-intensive thing to even build the algorithms [and] then you need all those human reviewers," said Yasmin Green, chief executive of Jigsaw.

"[Smaller websites] do not want Isis content there, but there is a tonne of it all over [them]," she added.

The move comes as internet companies will be forced to remove extremist content from their platforms or face fines and other penalties under laws such as the Digital Services Act in the EU, which came into force in November, and the UK's Online Safety bill, which is expected to become law this year.

The legislation has been pushed by politicians and regulators across Europe who argue that Big Tech groups have not gone far enough to police content online.

But the new regulatory regime has led to concerns that smaller start-ups are not equipped to comply and that a lack of resources will limit their ability to compete with larger technology companies.

"I have noticed a big shift in the [leading] platforms becoming much more effective at moderating, and that pushes terrorist content and Covid hoax claims to [other sites]," Green added.

Yasmin Green: '[Smaller websites] do not want Isis content there, but there is a tonne of it all over [them]' © Rengin Mutevellioglu for The Washington Post/Getty Images A report by the Global Internet Forum to Counter Terrorism in 2021 estimated that for every 10,000 posts on Facebook, six would contain terrorist or extremist content. On smaller platforms, this figure could be as high as 5,000, or 50 per cent of content.

GIFCT, a non-governmental organisation founded by Facebook, Microsoft, Twitter and YouTube in 2017 to foster partnerships between many tech platforms, is supporting the project by Jigsaw. The non-governmental organisation has a database of terrorist content shared across its membership of tech companies, which moderation systems can use to detect existing materials.

On December 13, Facebook and Instagram owner Meta launched open-source software that other platforms can deploy to match terror content to existing images or videos in the database and highlight them for urgent human review.

Jigsaw's tool aims to tackle the next step of the process and help human moderators make decisions on content flagged as dangerous and illegal. It will begin testing with two unnamed sites at the beginning of this year.

"In our experience, we find that terrorists seek to exploit smaller platforms where content moderation is challenging due to limited resources," said Adam Hadley, director of Tech Against Terrorism.

Jigsaw has about 70 staff, primarily based in Google's offices in New York. Green, who became chief executive in July, said the loss-making division was not expected to become profitable.

"There's an understanding that there's a long-term business return . . . Google needs a healthier internet," Green added. "We are helping Google and helping the internet in a way that delivers value even though it isn't monetary."

Fbi And Dhs - Strategic Intelligence Assessment And Data On Domestic Terrorism (The National Counterterrorism Center) January 5, 2023

Pursuant to Section 5602(a) and (b) of the National Defense Authorization Act for FY 2020, the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS), in consultation with the Office of the Director of National Intelligence (ODNI), including the National Counterterrorism Center (NCTC), and the Department of Justice (DOJ), jointly produced two reports on domestic terrorism, which provided data as of the end of FY 2019. Section 5602(d) requires the Director of the FBI and the Secretary of Homeland Security, in consultation with the DNI, to jointly submit to the appropriate Congressional committees annual updates to those reports. This report constitutes the annual updates for FY 2020 and FY 2021.

France has not ruled out declaring Iran's Guards to be a terrorist group (Reuters) By John Irish January 10, 2023

France's foreign ministry said on Tuesday it had not ruled out the idea that the

European Union designate Iran's Revolutionary Guards (IRGC) as a terrorist organisation, a day after Germany said the move would be politically important and make sense.

Ties between Paris and Tehran have deteriorated in recent months as efforts to revive nuclear talks, to which France is one of the parties, have stalled. Tehran has detained seven French nationals while France is critical of an ongoing violent crackdown on protesters.

With the European Union discussing a fourth round of sanctions over the crackdown and Iran's supply of weapons to Russia, some member states have called for the bloc to classify the Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation. Britain is expected to make the decision in the coming weeks.

France has so far been reluctant to push for the Guards' designation. But Paris has left the door ajar, following further executions of protesters this week and closer military coordination between Tehran and Moscow that has seen drones transferred to Russia in its war against Ukraine.

"Given the continuation of this repression, France is working with its European partners on new sanctions' measures, without excluding any," Foreign ministry spokesperson Anne-Claire Legendre told reporters in a daily briefing when asked whether Paris supported designating the IRGC.

Germany's Foreign Minister Annalena Baerbock on Monday said that a new round of sanctions would not be enough.

"Listing the Revolutionary Guard as a terrorist organization is politically important and makes sense," she said on Twitter, adding that legal hurdles still needed to be cleared before it could be done.

Designating the IRGC as a terrorist group would mean that it would become a criminal offence to belong to the group, attend its meetings, and carry its logo in public.

Set up after Iran's 1979 Islamic Revolution to protect the Shi'ite clerical ruling system, the Guards have great sway in Iran's political system, controlling swathes of the economy and armed forces and put in charge of Iran's ballistic missile and nuclear programs.

The IRGC's political influence in Iran's complex power structure has increased since the election of President Ebrahim Raisi, whose government includes dozens of Revolutionary Guard commanders.

Its affiliate, the Basij, have been at the forefront of the state clampdown on the unrest sparked by the death of 22-year-old Mahsa Amini while in the custody of Iran's morality police on Sept. 16.

Combating Cyberterrorism via Spatial Insights (Geospatial World) By Nibedita Mohanta
January 11, 2023

Social media has emerged as a new turf of terrorist groups and organized crime syndicates. In this scenario, data-based insights and geospatial visualizations play a key role in tracking these activities.

While social media has enhanced connectivity and is a rich source of diverse information, at the same time, it poses several threats, ranging from impersonations, and identity thefts to cyber terrorism, and racketeering. The dark underbelly of the internet is a hotbed of all sorts of illicit activities that often tend to escape the lens of regulatory agencies.

As per estimates, cyber-attacks have spiked by up to 240% since the second half of 2021. According to the Cybersecurity Ventures report, the estimated cost of cyber crimes would reach up to \$10.5 trillion annually by 2025, representing one of the greatest wealth transfers in history. Had cybercrime been a country, it would have been the third largest economy in the world, after China and the USA, as Cybercrime Magazine forecasts.

How Do Extremist Groups Use Social Media?

Along with disinformation and fraud, the use of social media for terrorist propaganda, recruitment, and funnelling funds, is a big global threat. Counter-terrorism agencies globally are increasingly monitoring social media platforms to prevent these.

As per a study by Gabriel Weimann from the University of Haifa in 2012, nearly 90% of organized terrorist activities on the internet take place via social media.

"Terrorist groups such as ISIS, Al-Qaeda and Hezbollah have long used social media for a variety of purposes: training, recruitment, planning. Groups such as ISIS have used video sharing sites to post training videos on how to carry out

beheadings,” says Professor V.S. Subrahmanian, Walter P. Murphy Professor – Dept. of Computer Science & Buffett Faculty Fellow, Buffett Institute of Global Affairs, Head, Northwestern Security & AI Lab (NSAIL), Northwestern University.

“Closed groups have been used to plot attacks, but in order to join such closed groups, potential new members typically need a reference from someone already in the group,” he adds. The estimated cost of cyber crimes would reach up to \$10.5 trillion annually by 2025, representing one of the greatest wealth transfers in history

Lure of Online Networks

Extremist activities are not only confined to social media but other online networks such as gaming platforms and video channels as well.

There are over three billion gamers worldwide, out of which millions are active users on gaming and gaming-adjacent platforms. Considering the huge population, which mostly comprises teenagers, and adults aged between 20-35 years of age, who invest their leisure-time on gaming platforms, it has become a breeding ground for those with extremist ideologies. The attackers exploit the popularity of this space and accumulate the data about users for spreading propaganda, training and communication efforts.

These online networks and platforms allow terror groups to engage with their target audience, whereas previously terror groups would release messages via intermediaries. Social media platforms allow terror groups to release messages directly to their intended audience and converse with their audience in real time through chat boxes.

Prof. Subrahmanian says that terrorist groups use social media to target people that they don't know. For a long time, ISIS was posting instructional videos on how to carry out beheadings. When those kinds of videos started getting increasingly detected and blocked quickly, they changed tact. They started posting videos on how to cut a melon instead, at some level, melon being like the human head.

“They've taken the problem and sort of mapped it onto an analogous. They've taken their problem of showing would-be terrorists how to carry out terrible beheadings to an analogous problem, where the would-be terrorists, they're expecting to follow them, are nonetheless trained, but in a domain that none of us could have anticipated, including Facebook, Twitter, YouTube,” he adds.

“Social media was now a “loss leader” for groups like Islamic State (IS),” Cyber terrorism experts Prof Maura Conway, from Dublin City and Swansea universities was quoted as saying. “IS and the like still post on Facebook and Twitter etc., but they know that they'll quickly be removed, so they use a scattergun approach to entice the most number of people in the limited time their message will be seen,” she added.

Geospatial for Intel Gathering

Terrorists gather all the vital information about the area through their local source and chalk out the plan and the pattern of attacks. This is why they target young people, especially from the marginalized community of the area, who are either in need of money or a job to carry out their organized crimes.

With the use of geospatial analytics, these activities can be identified and tracked. Demographic mapping and distribution can come in handy in spotting areas and populations most at risk. Geospatial Information System (GIS) is used by defense authorities to identify cyber-crime and locate them on maps to track the criminals pre-emptively.

The US cyber-security firm, Mandiant, used geospatial technologies like social network analytics, intelligence and real-time event scoring to trace cyber-criminal activity in Shanghai, China in 2013. Geospatial technologies are transforming from identifying traditional crimes and analyzing cyber activities to protecting valuable data and information of the country. It provides important information rich with intelligence analytics to make informed decisions.

Data Conundrum

With the vast availability of online data and the model of aggregation and monetization by third party companies, there is a risk of this data being used for psychological profiling, behavioral manipulation, and indoctrination by terror groups. However, data-based insights come to aid in tracking criminal activities.

“Ten years ago when I started crowdsourcing data on sexual and gender based violence most people did not understand what I was doing and how the dataset could be useful,” says ElsaMarie DSilva, Founder, Red Dot Foundation.

“We are now actively mapping sexual and gender based violence in 17 countries besides India with partner organizations and it is interesting how they plan to use the data”.

New Response Plan

The behavior and actions taken by social media companies over the last five years have significantly improved the landscape in terms of the ability of terrorist groups to carry out these kinds of things.

“Governments have primarily tried to combat terror groups’ social media presence through legislation and regulation. For instance, in the early days (2010- 2015), terrorist content on mainstream social platforms was quite extensive.

In examples where a group was posting about how to cut a melon, it was not immediately clear if the video was a terrorist video or not, leading to delays and complications in taking the videos offline. In recent years, most major social platforms have cells that are dedicated to taking down such content as soon as possible,” says Prof. Subrahmanian.

“We cannot blame the social media, the real people to blame are the bad guys. The social media companies do have to be put on notice that they need to invest sufficient resources and have a game plan to deal with this kind of thing, and that’s part of regulation,” he adds.

There’s a need for compliance guidelines that are unambiguously mentioned. “Just like the Community Emergency Response Team (CERT) puts out cyber advisories, we need to put out social media advisories, and extensively monitor social media.” he concludes.

[\[back to contents\]](#)

Piracy

Global acts of piracy fall to 14-year low, but maritime threats remain (rfi) January 10, 2023

Global piracy rates have reportedly dropped to their lowest level since statistics first began in 2008, figures from the Maritime Information Cooperation and Awareness Centre (Mica) show.

The body’s French branch said there had been 300 acts of piracy and robbery reported in 2022 – a record low – but added that maritime security threats including smuggling and drug trafficking remained.

The Malaysia-based International Maritime Bureau (IMB), which is due to release its annual statistics on Thursday, had already reported in its quarterly report in October that piracy was at its lowest level since 1992.

In the waters of the Gulf of Guinea, until recently considered among the world’s most dangerous for piracy, only three ships were pirated in 2022 compared to 26 in 2019.

The number of people kidnapped in the same area dropped from 146 in 2019 to two in the past year.

'Crime shift'

"It has never been so low," Mica’s commander Eric Jaslin told the French news agency AFP, while warning: “You never know what tomorrow may bring in terms of piracy. We advise continued caution.

"Pirate groups are still present, but they have shifted to more lucrative and less risky actions.”

Researcher Katja Lindskov Jacobsen, from the University of Copenhagen, said in Mica's report that many former pirates had turned to other activities such as illegal oil refining or transporting stolen crude.

Acts of robbery in territorial waters as opposed to piracy on the high seas therefore remain at a high level.

Created in 2016, Mica keeps a 24-hour watch on global maritime traffic. It has partnerships with more than 50 shipping companies.

[\[back to contents\]](#)

Gender-Based Violence

Greece and UK cooperate against domestic and gender-based violence (Greek City Times) January 11, 2023

Deputy Labour and Social Affairs Minister for Demographic and Family Policy and Gender Equality Maria Syreggela met on Tuesday with UK Ambassador to Greece Matthew Lodge and members of the Metropolitan Police Service-New Scotland Yard, Bedfordshire Police and Scottish Police.

The meeting focused on the use for the first time in Greece of a risk assessment tool for domestic and gender-based violence, along with the Greek government's initiatives and actions to counter and prevent violence against women, as well as the collaboration between Greece and the UK.

According to an announcement, in the first six months of its pilot operation, which has now been concluded, the horizontal risk assessment tool included the training of the front line staff and its implementation in every public front-line reception service for victims of domestic violence, as well as the creation of the "ARTEMIS" teams focusing on risk management, as provided in articles 51 and 52 of the Istanbul Convention.

[\[back to contents\]](#)

Commentary and Perspectives

**The West Must Stop Playing Erdogan's Dangerous Game (Time) By ENES KANTER FREEDOM
JANUARY 4, 2023**

Over the last year we've all been spectators of an interesting scene: the Turkish President Recep Tayyip Erdogan threatened to veto the admission of Finland and Sweden to NATO. The Western reaction fell surprisingly short. Once again Erdogan was playing a game that he has mastered throughout his uninterrupted rule of two decades.

The Russian invasion of Ukraine brought a significant opportunity for Erdogan because Turkey is practically the only country with leverage on both sides of the trench. Of course, he could not stop the war. But Erdogan has used the situation to promote his persona within and outside Turkey. Considering Turkey's deep economic issues recently escalating into a full-blown crisis, this mediator role was the only saving grace for an aging strongman.

Being a great Machiavellian, Erdogan wanted to utilize his potential position to buy legitimacy in the West and convince them that his strategic worth outweighed his numerous violations of democratic principles. So far, it has paid off. The West ignored the fact that Turkey was the only NATO member that did not join the sanctions against Russia. Furthermore, a variety of Western leaders made official visits to Turkey, including the U.N. Secretary-General, all of which bolsters Erdogan's international credibility.

It's a deep frustration for me. I had to witness how my beautiful country Turkey, once on the path to becoming a strong democracy with a bright future, was not able to show enough resilience. It only needed one manipulator like Erdogan to make the whole country stray from the democratic path. Erdogan has become an authoritarian leader who reversed, step by step, almost every single democratization advance that happened under his early time of rule—why? To stay in power.

We all witnessed it: Power corrupts, absolute power—to which Erdogan is closer every day—corrupts absolutely. But my frustration isn't only with Erdogan, but with the majority of Turkish society.

Democracy is obsolete in Erdogan's eyes. But why is democracy obsolete for them, too? Why is it fine for them that their fundamental rights are violated by those who have taken an oath to protect them? How can they be so indifferent towards massive and systematic human rights violations targeting political dissidents especially Kurds and members of the Gülen Movement? There are crimes against humanity happening on a daily basis and they just stay silent, or even worse, are in favor of them.

And, of course, there is my frustration towards the West.

The West did not call his bluff in all these years. It has not found a means to really put the brakes on Erdogan—one cannot help but ask: Maybe it does not want to stop him? It allows itself to be undermined time and again by the Turkish president. There's not one dispute over the years where the U.S., the EU or NATO called Erdogan's bluff. Domestically, they are even helping Erdogan. It goes down well with his supporters if he stands up to the U.S. and Europe. The Turkish president has mastered the art of polarization like few others.

And the different in values is stark. NATO stands for: Promoting democratic values, enabling members to consult and cooperate on defense and solving security-related issues and preventing conflict. In military terms NATO is committed to the peaceful resolution of disputes. If diplomatic efforts fail, it has the military power to undertake crisis-management operations.

These are NATO's most fundamental values and yet they are ignored by the autocratic Erdogan. In the midst of NATO's biggest Russian crisis, Erdogan has continued developing deeper relations with Putin that go against NATO's interests and perhaps even acting a Trojan horse within NATO. For example, Erdogan went so far to demand the extradition of political dissidents, who had to flee from his cruelties to Europe. He can't stand the fact that some managed to escape him.

And above all he is manipulating the membership process of Sweden and Finland, which are ranked 3rd and 6th in The Economist Democracy Index, on the grounds that they harbor "terrorists"—which is just ridiculous. Then again, even I am a terrorist for Erdogan. It is ridiculous and incomprehensible, call it whatever you want: This has been the bitter truth for millions of Turks who have faced nearly 2 million "terrorism" investigations under Erdogan's regime.

A NATO member that is close to the abyss in any assessment of human rights and democracy measurements, prevents two of the most democratic countries in the world from getting the protection they deserve. And this despite the fact that, as a NATO member, it should be clear that the expansion of NATO to include Finland and Sweden will put NATO in a stronger position. With enlargement, the Baltic Sea becomes almost a NATO lake.

With his performance today, Erdogan wants to reinforce the impression that he is a global player capable of manipulating the West. We should understand why he's doing this because it helps him domestically. More precisely, Erdogan faces a tough time ahead of the elections scheduled for June 18, 2023. The shrinking economy, the depreciating Turkish lira, and high inflation, which is officially 83.45% but estimated to be around 186.27%, have significantly changed views on Turkey.

My question is: Will the West call Erdogan's bluff? Or will they continue to tolerate this Trojan horse in the NATO? And by doing this, help him to stay in power? The people in Turkey deserve so much better than this. The West must not allow Erdogan to instrumentalize them for his own political games. It's time, that the people of Turkey, who are standing up for democracy and human rights, get the support they deserve from the West. I am aware that this will of course not end Erdogan's reign or bring about a democratic rebirth but that shouldn't be an excuse for inaction.

The question is: Will the West stand by the Turkish people and promote democracy in Turkey?

Bring Home Canadians Unlawfully Held in Northeast Syria (Human Rights Watch) By Letta Tayler
January 6, 2023

As the new year approaches, families of Canadians unlawfully detained in dire conditions in northeast Syria are anxiously awaiting January 6. That's when a court in Canada will resume hearings on whether the government has violated the Canadian Charter of Rights and Freedoms by not repatriating their loved ones from the war-racked region.

Canadian authorities should end this uncertainty by promising to promptly help bring home all Canadians detained in northeast Syria since at least 2019 by a Kurdish-led force. At least 43 Canadians remain in squalid camps and prisons for thousands of Islamic State (ISIS) suspects and family members, the Canadian repatriations group Families Against Violent Extremism (FAVE) told me. But none have been charged with a crime. Thirty are children including 10 born to foreign mothers, FAVE said.

The court action was filed by families of 26 detained Canadians under the name "BOLOH," for "Bring Our Loved Ones Home." Since the hearings began, Global Affairs Canada, the government's foreign office, has notified at least 35 detained Canadians – seven women and 28 children including most BOLOH applicants – that they met criteria for possible repatriation, in part because of "deteriorating conditions" in the camps where they are detained, FAVE and families told me. But Canada has not committed to bringing them back.

Of equal concern, Global Affairs has not said it will even consider repatriating the other Canadians including six men, four of

whom are applicants in the court case. Yet conditions in prisons where the men are detained are even worse than in the life-threatening camps holding women and children, informed sources have told me including in December, with hundreds suffering from tuberculosis, malnutrition, and festering wounds.

In January 2022, ISIS attacked a prison holding foreigners, sparking clashes that left hundreds dead. A BOLOH applicant, one of three Canadian men detained there then, called me during the battle and described dead and wounded everywhere.

“I’ve seen with my own eyes about 80 to 100 killed,” the man said. “One kid, as we were trying to stop his bleeding, he died in front of me. His leg was busted open and hanging by the flesh. We tried to stop the bleeding with a shirt. He looked very young. There is no medicine, there is no blood for what is happening here. Today will be the sixth day with no food or water.”

The Canadian man also alleged to me that guards had subjected him and other detainees, including children, to “psychological torture, physical torture.”

In November, a Turkish warplane nearly hit another prison in northeast Syria, where two Canadian applicants in the court case were last known to be held. One was Jack Letts, who has also alleged he was tortured. The other Canadian was in such poor health that he needed help to walk or stand when his sister visited him in prison in 2021, the sister told me. “It’s now four years that I’ve been asking you to clarify the state of my brother’s physical and mental health,” the sister wrote Global Affairs in November.

In addition, Global Affairs has notified three foreign mothers that eight of their nine children may be eligible to come to Canada but that they are not, FAVE said. The fourth foreign mother, who has one child, has not received any notification. Repatriating children without their mothers would flout the international right of the child to family unity, absent compelling evidence that separation is in the best interest of the child.

When I visited northeast Syria in May, Abdulkarim Omar, an official with the governing Autonomous Administration of Northeast Syria, told me regional authorities want countries to repatriate their nationals, a call they still make. But Canada has only allowed back four children and three women in nearly four years, lagging far behind allies such as Australia, Germany, and France, which have repatriated scores of their nationals. During our meeting, Omar also urged the international community to create a court in northeast Syria to prosecute detainees implicated in crimes. But as recently as December, foreign government officials told me they saw no international support for trials in northeast Syria.

Canada, however, has a robust law enforcement and judicial system to monitor and prosecute adults if warranted. The government also has the capacity to help Canadians rebuild their shattered lives, including those trafficked into ISIS and children forced to live under the group. In the new year, the government should ensure all Canadians unlawfully detained in northeast Syria can come home, leaving no one in these life-threatening conditions.

[\[back to contents\]](#)

Aiding and Abetting

At least 87 Yemenis killed and 136 injured in 14 months with arms supplied by UK and US: report (peoples dispatch) January 11, 2023

According to an Oxfam report published on Wednesday, January 11, at least 87 Yemeni civilians were killed and 136 wounded in airstrikes carried out by the Saudi Arabia-led military coalition between January 2021 and February 2022 using weapons supplied by the UK and the US.

The report titled “Armed airstrikes part of ‘pattern of violence against civilians’ in Yemen” claims that at least four attacks were carried out daily during these 14 months, with a quarter of them being airstrikes.

The period saw a total of over 1,700 attacks by the Saudi-led coalition forces inside Yemen, of which 431 were airstrikes. At least 19 of the airstrikes had targeted hospitals and clinics.

An overwhelming 39% of the attacks were reported to have destroyed civilian homes or shelters, leading to large-scale forced displacement. Oxfam clarified that these figures do not include the widespread destruction to other civilian infrastructure that was

caused by airstrikes carried out by the Saudi-led coalition.

According to the UN, close to 400,000 civilians have been killed due to the war in Yemen. Over 10,000 were killed directly in the war, while the rest died due to starvation, disease, and lack of health facilities with the destruction of civilian infrastructure and the Saudi-led blockade imposed on the country.

Weapon supply to Saudi Arabia and its allies must end

Martin Butcher, arms and conflict policy advisor at Oxfam and the author of the report, claimed that the “intensity of these attacks would not have been possible without a ready supply of arms.” He said that the “UK government and others must immediately stop the arms sales that are fuelling war in Yemen.”

Saudi Arabia uses Typhoon and Tornado aircrafts supplied by the UK and F-15s supplied by the US to carry out airstrikes inside Houthi controlled areas of Yemen. These areas house the majority of the Yemeni population and include most of the major cities, including capital Sanaa, Saada, and the Hodeidah port.

The UK has sold weapons worth around USD 28 billion to Saudi Arabia since 2015 when the war began, according to the Campaign Against Arms Trade (CAAT). The US has also sold weapons worth billions of dollars to Saudi Arabia and its coalition partners such as the UAE.

UK-based CAAT has filed a lawsuit in the UK claiming that by selling arms to Saudi Arabia, the UK government is ignoring possible war crimes. Oxfam stated that the report is part of its attempts to “provide expert witness in support of the legal challenge.”

Arms sales were resumed by the UK in 2020 by the government of Prime Minister Boris Johnson despite a court ruling in June 2019 that arms sales to Saudi Arabia for use in Yemen were illegal. This ruling was given in a previous lawsuit filed by CAAT.

[\[back to contents\]](#)

WORTH READING

The Normative Significance of the International Crimes Tribunal Legal Regime of Bangladesh
Khandker Tanbir
January 9, 2023

International Crimes Tribunal Legal Regime of Bangladesh was established after the bloody liberation war of 1971 to punish the perpetrators under International criminal law. However, the norms on which the tribunal was meant to function were often debated. Was not ICT-BD worthy of justification? This article argues in favor of it. After describing the background and evaluating the narratives (along with rebuttals) the paper argues that the International Crimes Tribunal Legal Regime of Bangladesh was meant to establish transitional justice and has been a blow to the status quo of impunity and global inaction.

[\[back to contents\]](#)

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

**Faculty Advisor
Jim Johnson**

**Editor-in-Chief
Matthew Koutsky**

**Managing Editors
Spencer Luckwitz
Harper Fox**

**Technical Editor-in-Chief
Alexa Stovsky**

**Technical Editors
Alexa Stovsky
Kayla Briskey
Matthew Koutsky
Emory Bado**

**Emerging Issues Advisor
Judge Rosemelle Mutoka
Contact: warcrimewatch@pilpg.org**

Africa

Libya

**Kelsey Tschanen, Associate Editor
Matthew Mullins, Senior Editor**

Central African Republic

**Kelsey Tschanen, Associate Editor
Matthew Mullins, Senior Editor**

Sudan & South Sudan

**Chad Weisman, Associate Editor
Matthew Mullins, Senior Editor**

Democratic Republic of the Congo

**Chad Weisman, Associate Editor
Matthew Mullins, Senior Editor**

Côte d'Ivoire (Ivory Coast)

**Austin Milliren, Associate Editor
Matthew Mullins, Senior Editor**

Lake Chad Region

**Austin Milliren, Associate Editor
Matthew Mullins, Senior Editor**

Mali

Spencer Luckwitz, Associate Editor

Matthew Mullins, Senior Editor

Liberia

Spencer Luckwitz, Associate Editor

Matthew Mullins, Senior Editor

Uganda

Eliza Roberts, Associate Editor

Francesca Bergeret, Senior Editor

Kenya

Eliza Roberts, Associate Editor

Francesca Bergeret, Senior Editor

Rwanda (International Criminal Tribunal for Rwanda)

Harper Fox, Associate Editor

Francesca Bergeret, Senior Editor

Somalia

Harper Fox, Associate Editor

Francesca Bergeret, Senior Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section

Alicia Mallo, Associate Editor

Kayla Briskey, Senior Editor

International Criminal Tribunal for the Former Yugoslavia

Michaella Guyot-Polverini, Associate Editor

Kayla Briskey, Senior Editor

Domestic Prosecutions in the Former Yugoslavia

Alicia Mallo, Associate Editor

Kayla Briskey, Senior Editor

Turkey

Kyle Dunnell, Associate Editor

Kayla Briskey, Senior Editor

Kosovo Specialist Chambers

Michaella Guyot-Polverini, Associate Editor

Kayla Briskey, Senior Editor

Azerbaijan

Kyle Dunnell, Associate Editor

Kayla Briskey, Senior Editor

Turkey

Kyle Dunnell, Associate Editor

Matthew Koutsky, Senior Editor

Kosovo Specialist Chambers

Michaella Guyot-Polverini, Associate Editor

Matthew Koutsky, Senior Editor

Azerbaijan

Kyle Dunnell, Associate Editor

Matthew Koutsky, Senior Editor

Middle-East

Iraq

Brandon Burkey, Associate Editor
Maryam Assar, Senior Editor

Syria

Brandon Burkey, Associate Editor
Maryam Assar, Senior Editor

Yemen

Elise Manchester, Associate Editor
Maryam Assar, Senior Editor

Special Tribunal for Lebanon

Kendyl Biondich, Associate Editor
Maryam Assar, Senior Editor

Israel and Palestine

Elise Manchester, Associate Editor
Maryam Assar, Senior Editor

Gulf Region

Matthew Mullins, Associate Editor
Maryam Assar, Senior Editor

Asia

Afghanistan

Lucas Katz, Associate Editor
Estefania Sixto Seijas, Senior Editor

Extraordinary Chambers in the Courts of Cambodia

Asia Moore, Associate Editor
Estefania Sixto Seijas, Senior Editor

Bangladesh

Asia Moore, Associate Editor
Estefania Sixto Seijas, Senior Editor

War Crimes Investigations in Myanmar

Lucas Katz, Associate Editor
Estefania Sixto Seijas, Senior Editor

Americas

North and Central America

Sam Rodis, Associate Editor
Maryam Assar, Senior Editor

South America

Sam Rodis, Associate Editor
Maryam Assar, Senior Editor

Venezuela

Sam Rodis, Associate Editor
Maryam Assar, Senior Editor

Topics

Truth and Reconciliation Commissions
Francesca Bergeret, Senior Editor

Terrorism
Kayla Briskey, Associate Editor
Francesca Bergeret, Senior Editor

Piracy
Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor

Gender-Based Violence
Francesca Bergeret, Senior Editor

Commentary and Perspectives
Harper Fox, Associate Editor
Francesca Bergeret, Senior Editor

Worth Reading

Maryam Assar, Associate Editor

Matthew Koutsky, Senior Editor

War Crimes Prosecution Watch is prepared by the
International Justice Practice of the Public International Law & Policy Group
and the Frederick K. Cox International Law Center of
Case Western Reserve University School of Law
and is made possible by grants from the Carnegie Corporation of New York
and the Open Society Institute.

Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:
<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:
<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.