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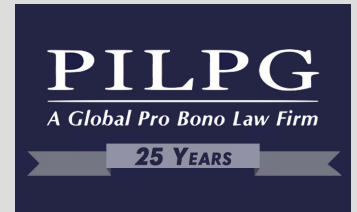
War Crimes Prosecution
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Contents

AFRICA

NORTH AFRICA

Libya

- Turkey Faces a Dilemma in its Foreign Policy Toward Libya (Arab Center Washington DC)

CENTRAL AFRICA

Central African Republic

Sudan & South Sudan

Democratic Republic of the Congo

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- **Cameroon could face new atrocity crimes after deploying government forces to counter armed separatists (Robert Lansing Institute)**
- **Journalists call for justice for slain Cameroonian colleague (AP News)**
- **Chad: Justice Needed for October Crackdown (Human Rights Watch)**

Mali

Liberia

- **Liberia: Massaquoi Defense Claims Liberians' Roles in War Crimes Covered Up in a Deal with Liberian Government as Appeal Court Moves to Liberia (Front Page Africa)**

EAST AFRICA

Uganda

- **ICC justifies charging Kony in absentia (Daily Monitor)**
- **Confirmation of Kony charges hearing will lead to fatigue, Ugandans tell ICC (The Monitor)**

Kenya

- **Suspected fighters kill four road workers in eastern Kenya (SABC News)**

Rwanda

- **Congo police scatter protestors denouncing slow M23 rebel pullback (Reuters)**
- **HRW: Rwanda conviction of opposition politician stifles free speech (Jurist)**
- **Brit detectives' Rwanda trip in probe into five genocide suspects living in UK (The Mirror)**
- **DR Congo crisis: UN re-echoes possible Genocide in Kivu (The New Times)**
- **Rwanda fires on Congo military aircraft accused of violation (Associated Press)**

Somalia

Ethiopia

- **Enat Party says Oromia regional state massacring ethnic Amhara (Borkena)**
- **EU demands accountability for war, Ethiopia re-engagement (The Reporter)**
- **Conflict in Ethiopia's Tigray likely claimed 600,00 lives – AU Mediator (KBC)**
- **Ethiopia: Leaked video exposes Fano militia admitting gang-raping, looting in Tigray (Sudan Tribune)**
- **UN-Backed Panel Urges Ethiopia to Cooperate with Atrocities Probe (Bloomberg)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

Turkey

Kosovo Specialist Chambers

Azerbaijan

Russia

MIDDLE-EAST

Iraq

Syria

Yemen

Special Tribunal for Lebanon

Israel & Palestine

Gulf Region

ASIA

Afghanistan

- War crimes investigators narrow focus to three key targets, including Roberts-Smith (The Age)

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- 6 men sentenced to death for war crimes in 1971 Bangladesh Liberation War (Anadolu Agency)

War Crimes Investigations in Myanmar

- Myanmar military accused of war crimes, genocide in German suit (Al Jazeera)

AMERICAS

North & Central America

South America

Venezuela

TOPICS

Truth and Reconciliation Commission

Terrorism

Piracy

Gender-Based Violence

Commentary and Perspectives

- **The UK is Completely Abandoning its Duties Towards Refugees (Human Rights Watch)**
- **Democracy Is on the Line in Peru (Human Rights Watch)**

Aiding and Abetting

- **French court dismisses complicity in war crimes charge against TotalEnergies (mtv Lebanon)**
- **Biden's Empty Call to Reevaluate US-Saudi Relationship (Human Rights Watch)**

WORTH READING

- **John Bernard Quigley: Prohibition of Palestine Arab Return to Israel as a Crime Against Humanity**

AFRICA

NORTH AFRICA

Libya

Turkey Faces a Dilemma in its Foreign Policy Toward Libya (Arab Center Washington DC) Mustafa Gurbuz

January 24, 2023

On January 9, 2023, a Libyan court suspended an energy exploration deal between Turkey and Libya's Tripoli-based Government of National Unity (GNU) that was originally signed in October 2022. The Turkish Foreign Ministry immediately protested the action, with Foreign Minister Mevlut Cavusoglu stating, "The text is a treaty, a memorandum of understanding. So therefore, just like the memorandums of understanding that Libya signed with other countries, it does not need to be passed by the parliament in Libya." Ankara also declared that the Libyan government still stands behind the hydrocarbon agreement despite the court ruling, and dispatched its intelligence chief to visit Libyan Prime Minister Abdul Hamid Dbeibah.

This complication reveals Turkey's current impasse in Libya. On the one hand, the Turkish authorities have opened channels for dialogue with Libya's Tobruk-based House of Representatives (HoR), hosting Speaker Aguila Saleh and calling for a diplomatic solution that unites Libya's two rival government bodies. But on the other hand, exclusive dealings between Ankara and the Tripoli government go against Turkey's own goal of healing the divisions between Libya's rival factions, which is ultimately the best means by which to secure Turkey's interests in the eastern Mediterranean. Ankara may find Libya's

divisions useful for receiving more concessions in its negotiations, but exploiting said divisions would mean further deepening them rather than serving Libyan unity. Turkey is thus facing a foreign policy dilemma in Libya, and has yet to make a firm decision on how best to proceed.

Three Important Aspects

Several factors are shaping Turkey's dilemma over its Libya policy. First, changing priorities in Turkish foreign policy more broadly are an important driver for policy decisions in Libya. The Turkish government has now begun to mend ties with the United Arab Emirates, which was a key challenger to Turkey in escalating a drone-based proxy war during the Libyan civil war. Ankara has also made diplomatic openings in Saudi Arabia and Egypt, the other regional powers that are united in confronting Turkey's ambitious policy in the Horn of Africa and Libya. Turkish President Recep Tayyip Erdoğan's recent handshake with his Egyptian counterpart Abdel Fattah el-Sisi is an apparent sign that Ankara desires a diplomatic path forward to resolve the Libyan crisis.

Second, shifting dynamics among Libya's political elite present a risk to Turkey's strategic calculations. Ankara's strong relations with Fathi Bashagha, Libya's rival interim prime minister who was appointed by the HoR, have weakened after Bashagha's turn to Egypt and France for support. Last year, Bashagha's armed attacks against the Tripoli-based GNU government were foiled by Libyan militias, allowing Dbeibah to emerge victorious. Dbeibah, however, is still not able to fully control western Libya, a fact that makes Turkey unsure about where to hedge its bets.

Third, Turkey's fast-approaching presidential election, which is scheduled to be held in May 2023, does not help to calibrate the strategic communications that Ankara aims to articulate. Turkish opposition leaders provide alternative visions for the Libyan crisis and therefore create both hope and suspicion about the future of Turkish policy toward Libya.

Libya and Turkey's New Regional Diplomacy

Controversy erupted in Turkish politics after images of the Erdoğan-Sisi handshake were released. The Turkish President's conservative supporters could not believe that Erdoğan took such a step, which may hurt his strongman image at home, especially at a time when he is conducting a campaign in a tight electoral race. Others opined that Erdoğan may be trying to reach out to secular and nationalist Turks who are often critical of his ideological proclivities. Whatever the reason might be, one fact about the Erdoğan-Sisi rapprochement is rather obvious to foreign policy wonks: the Turkish government is seeking a way to break the ties that exist between the various countries that form alliances against Turkey in the eastern Mediterranean.

By making new diplomatic overtures to Israel, the UAE, Saudi Arabia, and Egypt, Turkey is aiming to kill the momentum that Greece and Cyprus have gained in the past few years.

By making new diplomatic overtures to Israel, the UAE, Saudi Arabia, and Egypt, Turkey is aiming to kill the momentum that Greece and Cyprus have gained in the past few years. Sisi has become a key player in Mediterranean energy politics, which sometimes harm Turkish interests. Soon after becoming Egypt's president, he held a series of meetings with Greek and Cypriot officials to reach a deal on importing natural gas from Cyprus. And he later led efforts to establish the East Mediterranean Gas Forum, which excluded Turkey. Thus, Turkey-Egypt relations cannot be separated from developments in Libya, which has geostrategic significance for both countries.

Before the Erdoğan-Sisi meeting in Qatar, Egyptian officials were singling out Libya as the main issue impeding normalization between Cairo and Ankara. Cairo demands the withdrawal of Turkey's military personnel and affiliated foreign fighters, while Ankara refuses to take such steps, which could weaken its hand in diplomatic negotiations. In response to Turkey's October 2022 deal with the Tripoli government, Egypt moved forward with a unilateral declaration to demarcate its western maritime borders. With this move, Cairo rejected every Turkish claim included in the 2019 and 2022 memorandums signed between Libya's Tripoli government and Ankara. Egypt also signed a new intergovernmental cooperation memorandum with Greece to bolster its earlier exclusive economic zone agreement with the country in 2020.

The fact that Turkey has refrained from directly criticizing Sisi for this unilateral declaration is telling. The Turkish response was to call on Egypt and Libya to start negotiations to resolve their differences, emphasizing that Turkey prefers dialogue "as soon as possible." Ankara knows that deals with the Tripoli government cannot be realized without third party ratification and that reaching a consensus with Cairo is the only way to guarantee Turkish economic interests in Libya. Ankara, however, has yet to figure out how to reach a consensus with Cairo without making too many concessions.

Turkey's escalation tactics will have their limits. Ankara does not want to ruin its improved relations with the UAE, Israel, and Saudi Arabia. And an escalation in tensions may not only revive the Egypt-Israel-UAE partnership with Greece and Cyprus, but may also invite Russian military support to eastern Libya. What Turkey wants is to secure its economic interests in Libya, which will most likely be achieved by the establishment of a unified Libyan government.

Shifting Sands in Libyan Politics

Turkey's struggle to find the correct path forward also stems from shifting dynamics among Libya's political elite. The role of Fathi Bashagha, who was interior minister in the previous Tripoli-based Government of National Accord (GNA) before switching sides to join the rival Tobruk-based government in eastern Libya, is an interesting case in point. Once a spokesperson for the Misrata Military Council, Bashagha was known for his strong ties with the Muslim Brotherhood and Turkey. And as the GNA's interior minister, some perceived him as more influential than then Prime Minister Fayeze al-Sarraj. With Turkey's support, Bashagha also played a key role in defending Tripoli against General Khalifa Haftar's Libyan National Army, and promised to rein in armed militias that controlled Tripoli. But he then surprisingly made a deal with General Haftar and the HoR's Aguila Saleh, and in February 2022, the HoR chose him to form an interim government on the grounds that Dbeibah's Tripoli-based government's term had expired on December 24, 2021, when nationwide elections were supposed to be—but never were—held under a United Nations peace plan. Bashagha's long and twisted career on both sides of Libya's current divide exemplifies the challenges that Turkey faces in deciding how best to conduct foreign policy.

Libya has also witnessed a violent escalation in the past year. In May 2022, the militias on both Bashagha and Dbeibah's sides started to resort to armed battles in their contest for power. In response to Bashagha's rise in the east, Turkey chose to engage with the Tobruk-based government and made diplomatic openings therein. Accompanied by Turkish businessmen, Turkey's ambassador to Tripoli visited Benghazi to discuss prospects for Turkish entrepreneurs' return to eastern Libya to finish construction projects that were interrupted by the civil war. The discussions also included issues such as reopening the Turkish consulate in Benghazi and reviving Turkish Airlines flights to the city.

In August 2022, Erdoğan met with Saleh, signaling Turkey's seriousness in reaching a deal with the Tobruk government. And Turkish officials declared that Ankara would not discriminate between Libya's regions because Libya is "an inseparable whole." Soon after Saleh's visit to Turkey, an emboldened Tobruk government aimed to strike a final blow to Tripoli with a swift military offensive. Dbeibah's government and its allied forces, however, succeeded in repulsing the attacks, despite taking casualties. Bashagha's political and military failures have thus raised serious doubts about his aptitude for leadership and have drawn sharp criticism in the HoR.

With Turkey currently talking to both Libyan governments, it now faces a dilemma. Ankara's support for the Tripoli government is important as a bargaining chip to gain economic concessions in eastern Libya. But Dbeibah's Tripoli government is not in a position to unify the country.

With Turkey currently talking to both Libyan governments, it now faces a dilemma. Ankara's support for the Tripoli government is important as a bargaining chip to gain economic concessions in eastern Libya. But Dbeibah's Tripoli government is not in a position to unify the country. It is not Dbeibah's success, but rather Bashagha's that would be more desirable for Ankara because such success would produce a unified Libya that enjoys workable relations with Turkey. And such a strategy will only be successful if Bashagha's government can deliver unity without triggering a new episode of violent escalation. Turkish strategic support to Tripoli, however, undermines eastern Libya's attempt to unify using diplomatic solutions. In other words, some of Turkey's actions may conflict with each other, thereby hampering its goals in Libya.

Elections Matter

Still-to-be-determined elections in Libya and the 2023 presidential elections in Turkey will matter a great deal. Turkey's opposition parties are sending different messages to Libyan and Egyptian authorities, who are on the lookout for cues from Ankara. Most recently, a visiting delegation of Turkish opposition MPs to Benghazi stated that it did not support Erdoğan's one-sided maritime deals. Thus, it is reasonable to expect an Erdoğan victory in the elections would empower him in negotiating with eastern Libya, as well as with Cairo. However, if Erdoğan loses, Turkey's Libya policy may not remain as ambitious as it currently is. Securing financial interests in Libya will likely endure in Turkish state policy regardless of the outcome of the upcoming elections. However, increasing maritime tensions in the eastern Mediterranean may possibly be dropped from Ankara's policy agenda in the future. This is why the Turkish government cannot easily convince dissenting parties of the need for a shared future before these critical May elections.

The question, however, is how long Libya's turmoil can remain under control without a serious prospect for nationwide elections. In some parts of Libya, a climate of impunity has fueled horrific crimes against civilians. A new report from Amnesty International on the Tariq Ben Zeyad armed group, for example, details how the militia, which is led by General Haftar's son Saddam Haftar, has routinely targeted thousands of political opponents. In the areas under Haftar's control, this powerful militia has inflicted "a catalogue of horrors, including unlawful killings, torture and other ill-treatment, enforced disappearance, rape and other sexual violence, and forced displacement—with no fear of consequences." Trauma and mistrust resulting from such crimes will make unification difficult.

Turkey's Hard Choices

Turkey is currently sitting on the fence regarding the road map for its future decisions in Libya. Its dilemma is primarily about

finding the right legitimate political body there that can deliver meaningful resolutions. This is why Turkish interest will be best served by supporting free and fair Libyan elections, even though this is a difficult goal to achieve. Nothing but elections could offer legitimacy and establish bridges among rival factions, and Dbeibah's government has vowed to only hand over its mandate to an elected government. Therefore, Turkey's efforts at encouraging Libyan elections will receive support from Tripoli. Without free and fair elections, the HoR in eastern Libya is also skating on thin ice. Bashagha's failures may lead to divisions within the eastern Libya camp and thus to the erosion of whatever political legitimacy that the HoR enjoys. In such a scenario, Turkey's hopes related to the Tobruk-based government would be dashed.

Without tapping into public legitimacy through free and fair elections, the Libyan political elite will likely remain divided and weak. And although Ankara may find Libya's divisions useful for receiving more concessions in its negotiations with Cairo and with Libya's rival governments, exploiting those divisions will harm the cause of Libyan unity that remains the key to securing Turkish geopolitical and economic interests in the eastern Mediterranean.

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

CENTRAL AFRICA

Central African Republic

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

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

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

Cameroon could face new atrocity crimes after deploying government forces to counter armed separatists (Robert Lansing Institute)

January 20, 2023

What began as a political dispute in the Anglophone regions is now a complex armed conflict and a major humanitarian crisis that disproportionately affects the civilian population, particularly women and children. The targeting of individuals based upon their cultural identity poses a direct threat to Anglophone and Francophone civilians and may amount to war crimes and crimes against humanity. Longstanding tensions between herding and farming communities in the south-west and north-west regions have been exacerbated by the Anglophone conflict and the proliferation of arms. Patterns of deadly inter-communal violence between these groups leaves populations at further risk. Cameroonian government has decided to solve the historical problem militarily, denying the severity of the crisis and has failed to address the root causes of the conflict or engage in a political process to resolve it. However, The Cameroonian army has been repeatedly accused of abuses that have been denied by the Cameroonian government.

Cameroon's government has deployed at least 100 troops to Gayama, a village on the border with Nigeria, after clashes between Cameroonian separatists and Nigerian herders left at least 12 people dead.

Abdoulahi Aliou, the highest-ranking government official in Menchum, the administrative unit in charge of Gayama, said the rebels killed two herders immediately upon their refusal to pay. The surviving herders, who are ethnic Fulani from Taraba and Benue states, returned home and organized a counterattack.

They attacked separatist camps, and killed at least four fighters. Six civilians, including the traditional ruler of Munkep village and his son, were also killed in the clashes. Cameroon's anglophone separatists have attacked Nigerians along the border more often. In June 2022, villagers in western Akwaya town said armed men believed to be rebels carried out a series of attacks that killed at least 30 people, including five Nigerian merchants. The separatists have been fighting since 2017 to carve out an English-speaking state from French-speaking majority Cameroon. The Roman Catholic Church in Menchum says many civilians fled Gayama and neighboring villages to avoid getting caught in clashes between separatists and the arriving troops.

Separatists acknowledged they have been battling Nigerian herders, who they say should respect their orders.

The socio-political crisis that began in October 2016 in the Anglophone North- west and Southwest regions mutated into armed conflict at the end of 2017. Seven armed militias are currently in positions of strength in most rural areas. The security forces reacted slowly, but since mid-2018 have inflicted casualties on the separatists. They have not been able, however, to regain full control over rural areas nor prevent repeated separatist attacks in the towns. Seven armed militias present on the ground have a total of between 2,000 and 4,000 combatants. They recruit mainly from the Anglophone community, but also among the security forces and include dozens of Nigerian mercenaries, who generally bring their own weapons and ammunition and are deployed as trainers or combatants. Some are former combatants or those out of work after agreements between the Nigerian government and political-military groups in the Niger Delta. Others are simply criminals who fled to Cross River state to escape the Delta Safe 1 Operation launched in 2016 by the Nigerian army to fight crime in the Delta. Dozens of Cameroonian police officers and soldiers, mostly officers, and retired or discharged soldiers have also joined the militias. Most militias have female combatants, some of whom are local leaders.

In 2018, the militias gradually took control of some rural and urban periphery areas. Since September 2018, they have had to adapt their deployments to security force offensives but, despite suffering losses, they retain a position of strength in most of these areas, maintaining roadblocks and security checkpoints. Many of these weapons were seized from the security forces, while others were acquired in Nigeria from paramilitary or criminal groups in the Delta. Initially funded almost exclusively by the diaspora, the militias have become more autonomous. They carried out kidnappings for ransom, extorted shopkeepers and certain sectors of the population and imposed “taxes” on companies. This relative financial independence allows them to cut themselves free from political organisations in the diaspora. Ignoring orders to respect the rights of civilians, they commit abuses and are gradually alienating the residents. As the population becomes less cooperative, they have greater recourse to violence to ensure obedience.

Since mid-2018, the conflict in Anglophone regions has spread to Cameroon’s Francophone regions, increasing the risk of intercommunal conflict. In addition to the armed separatist groups, some pro-government self-defence militias, especially in Bakweri and Mbororo communities, and an unknown number of small criminal groups and semi-criminal/semi-separatist groups are active, including in the West region.

Within the governing elite, almost all the Francophone leaders advocate a military solution to the conflict, but senior Anglophones in government are more divided. Some fear they will lose their positions in the event of dialogue, which may lead to the emergence of a new Anglophone elite. Others are favourable to dialogue with the separatists. But they are careful to hide their views and sometimes even take intransigent positions for fear of arousing suspicion they may be sympathetic to the Anglophone cause.

Some senior officers in the security forces firmly believe in repression. But others feel that a more political approach, with emphasis on decentralisation or regionalism, should accompany the military response. Aware there can be no military victory, they nevertheless hope to contain the conflict and reduce the violence to a residual level, as in the Far North. Rather than seeking complete control over the Anglophone regions, they aim to maintain control over urban areas, the urban peripheries and “strategic” rural areas.

As a social conflict, farmer–herder conflict has been characterized by severe and persistent violence that create social tensions as well as human and environmental insecurity issues among rural dwellers across neighbourhoods’, often based on partial judgment or unresolved cases of crop damage by cattle or rangeland encroachment by farmers. Farmer–herder conflict is noted for its tendency of often creating suspicions and ethnic bias between local farmers and herders based on religious and ethnic differences. In recent years, such biases have escalated into open violence, becoming more deadly and socio-economically untenable across Sub-Saharan Africa, especially in Cameroon, Ghana, Kenya, Mali, Nigeria, Sudan, Niger, Senegal, Kenya, Burkina Faso, and Tanzania. In the Middle Belt of Nigeria, for example, farmer–herder conflict is responsible for more deaths than the Islamic terrorist groups of Boko Haram, Al Shabab, and Al-Qaeda combined. Farmer–herder conflicts in this region are deepened by Muslim–Christian divides, exacerbated by climate change, population growth, increasing threats of terrorism, and the availability of arms in the hands of herders, who aggravate hostilities and manipulate ethnic and religious differences across the Sahelian zone in regions like the Lake Chad Basin, Nigerian Middle Belt, and Horn of Africa.

Gun trafficking only increases violence and farmer–herder conflicts in the region.

Using a political ecological approach in analyzing the politics of farmer–herder conflicts and alternative conflict management (ACM) in Northwest Cameroon (NWC) it becomes obvious that environmental change, scarcity, and insecure access to food, farming, and grazing resources, often driven by climate change and population growth are not always the main drivers of farmer–herder conflicts.

The term ‘farmer–herder conflicts’ in this usually refers to competition over agro-pastoral resources in an ethnically and culturally heterogeneous environment between local farmers and Fulani herders.

The politics of farmer–herder conflicts in NWC could be traced as far back to the British colonial period in Southern Cameroon in the 1920s and 1930s, which coincided with the early arrival of the first Fulani pastoral migratory waves into the territory. Early in their arrival, Fulani herders were mainly nomads, whereas the host farming communities were farmers, hunters, and gatherers. Over time, Fulani pastoralists became sedentarized and seminomadic, encouraged by the British colonial administration; they realized growth in cattle numbers while also increasing crop damage by trespassing cattle in the Bamenda Grassfields.

The colonial administration wanted Fulani herders to become sedentary and diversify their production system by involving crop cultivation alongside cattle breeding for subsistence, as well as reduce crop damage by cattle. The main objective of the British colonial administration in encouraging Fulani herders to settle permanently and only engage in transhumance was to increase the cattle tax revenue and Fulani population needed to augment the colonial revenue for the running of colonial

affairs. This economic interest of the colonial administration led to the development of agro-pastoral policies that favored Fulani herders, such as the issuing of protected status with land certificates referred to as Certificates of Occupancy for Fulani settlements. Fulani herders took the certificate of occupancy as land rights and abused it by allowing their cattle to destroy crops belonging to local farmers around rangelands. Thus, the colonial government could only grant Fulani pastoralists in Southern Cameroon temporary protective status and not citizenship because it saw the latter as 'strangers'. Local farmers and chiefs saw Fulani herders as intruders because of the growing incidence of crop damage caused by their cattle.

Journalists call for justice for slain Cameroonian colleague (AP News) By SAM MEDNICK
January 23, 2023

Journalists in war-torn Cameroon on Monday called for an "urgent and rigorous" investigation into the death of a prominent reporter.

The Cameroon Association of English-Speaking Journalists said Monday the mutilated body of Salomon Mbani Zogo, more popularly known as Martinez Zogo, was found Sunday near Soa, a suburb of the capital.

Zogo, a journalist and managing director at private radio station Amplitude FM, was abducted near his home on January 17 by unidentified men in Cameroon's capital, Yaounde, the association said.

According to rights groups, Zogo was the host of a popular daily show and regularly denounced alleged embezzlement by well-known people, particularly from the business world.

The government said the results of an autopsy are pending. Government spokesman Rene Emmanuel Sadi said an investigation is underway "to find and bring to justice the perpetrators of this heinous, unspeakable and inadmissible crime, which cannot be justified under any pretext."

Journalists paid their respects to Zogo Monday, lighting candles and placing flowers next to a picture outside the radio station where he worked.

"When you see all the mutilations that his body suffered and the fact that his body was thrown in a field like that, I have the impression that this is a message that was sent to all independent journalists and to all those who think that this country can function differently. So, it's quite terrifying," said Jean Bruno Tagne, a local journalist.

Conflict has rattled the Central-African nation since English-speaking separatists launched a rebellion in 2017, with the stated goal of breaking away from the area dominated by the French-speaking majority country and setting up an independent, English-speaking state.

The government has accused the separatists of committing atrocities against English-speaking civilians. The conflict has killed more than 3,300 people and displaced more than 750,000 others, according to the U.N.

Rights groups and journalists say the information space is shrinking.

In a statement Monday, Amnesty International Regional Director for West and Central Africa Samira Daoud said Zogo's probable murder is one of many in a line of people killed, raped, convicted or intimidated in Cameroon for speaking out about human rights violations, all with total impunity.

Amnesty also demanded an answer to the death in custody of journalist Samuel Ajiekah Abuwe, who was arrested by defense and security forces in August 2019.

Chad: Justice Needed for October Crackdown (Human Rights Watch)
January 23, 2023

Chad's transitional government should end its crackdown on opponents and provide redress for the serious human rights violations that were committed around the October 20, 2022 protests, Human Rights Watch said today.

The authorities have an obligation to conduct prompt, independent, thorough, and transparent criminal investigations into serious human rights violations related to the October 20 crackdown, including killings, deaths in detention, and torture, and hold those found responsible to account. They should free protesters who were imprisoned before and after unfair summary trials held from the end of November to early December, and those still languishing in pretrial detention.

"The violence against protesters was extreme and disproportionate, leaving scores dead and wounded, and hundreds detained without access to lawyers or family," said Lewis Mudge, Central Africa director at Human Rights Watch. "The authorities should immediately ban the use of live ammunition against protesters and invite United Nations experts to carry out

independent investigations.”

Since former President Idriss Déby died in April 2021, the transitional government headed by Déby’s son, Gen. Mahamat Déby, has on several occasions violently suppressed protests demanding civilian democratic rule. The government has particularly targeted opposition parties. On October 20, 2022, thousands took to the streets in N’Djamena, the capital, and several other towns in southern Chad, including Moundou, Doba, and Sarh, to protest the current transitional government’s decision to extend the transitional period by two years.

Security forces fired live ammunition at protesters, killing and injuring scores, beat people, chased them into homes, and arrested them, Human Rights Watch found. Relatives and witnesses said that those arrested were held in local police stations, and in at least one school in N’Djamena for several days. Then, hundreds of men and boys were taken to Koro Toro, a high security prison 600 kilometers from N’Djamena designed to house “violent extremists.”

Human Rights Watch researchers visited N’Djamena between November 13 and 21, where they interviewed 68 victims, family members of victims, witnesses, civil society organizations, lawyers, and government officials. Human Rights Watch also met with the country’s deputy prosecutor, the president’s human rights adviser, and with members of the National Human Rights Commission (Commission Nationale des Droits de l’Homme, CNDH) to share preliminary research findings and seek additional information. Human Rights Watch also requested meetings with the ministers of justice and public security, the prime minister, and the president, which were all refused.

In late December and in January, Human Rights Watch spoke with four people, including two children, who had been held in Koro Toro. They said that several people died both on the way to the detention center and at the detention center, that they were often denied food and water, and that children were held in the same cells and rooms as adults for at least the first two weeks. Human Rights Watch has not yet been able to establish how many people may have died in transit and at Koro Toro.

Witnesses, including members of the international community, said protesters were not armed but used slingshots to throw stones at soldiers and set fire to government property. Media reported that protesters attacked police stations and destroyed property.

The full toll of the violence is still not known. Chadian authorities said 50 people were killed, including around 15 police officers, and 300 injured. Human Rights Watch has not been able to confirm the police officers’ deaths, but human rights groups believe the number of protesters and residents killed could be much higher than the official figures and suspect some people may still be missing.

International standards on the use of force specify that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,” the use of force should be exceptional, and “the use of firearms is considered an extreme measure.”

By early December, 401 people who had been allegedly caught in the act (flagrant délit) had been put on trial for a range of crimes such as unauthorized gathering, destroying property, arson, and disturbing public order. Between 150 and 200 others still face trials.

Lawyers have denounced the trials in Koro Toro as unfair and presenting serious logistical problems given that, among other things, the detention center is in a remote location far from the capital. Under Chadian law, authorities may hold detainees for up to 48 hours then must release them or present proof of the need for continued detention. In this case, a prosecutor told Human Rights Watch they have detained people under “preventive detention” which is allowed for up to six months.

Detainees were effectively held incommunicado in Koro Toro as they had no access to family members and lawyers, Human Rights Watch said. Moreover, for detainees whose whereabouts are still not known, family members and lawyers have requested information from officials to no avail, and they may be considered cases of enforced disappearances. Authorities should publish a list of all detainees from in and around the October 20 protests and release them on bail. If a court rules that there are lawful grounds to justify their continued detention, authorities should transfer them to N’Djamena, where they may access family members or counsel, and participate in transparent public legal proceedings.

Chad’s Constitution and international human rights obligations guarantee all detainees the right of access to a lawyer, family visits, and health care, rights that were not respected in this case. The arbitrary and violent nature of the arrests, lack of transparency of procedures, and inaccessibility of the accused are serious violations, Human Rights Watch said.

Under international law, children may not be detained except as a matter of last resort and for the shortest appropriate period. Children who are detained should be separated from adults, unless it is considered in the child’s best interest not to do so.

In the days following the violence, an investigation commission was announced under the auspices of the Economic Community of Central African States (ECCAS), one of eight African Union’s regional economic communities. Civil society

leaders and lawyers in N'Djamena told Human Rights Watch they had no confidence that the ECCAS investigation would be independent or effective and advocated technical assistance from the Office of the UN High Commissioner for Human Rights (OHCHR) to make the investigation more effective.

On October 22, the African Commission on Human and People's Rights (ACHPR) condemned the excessive use of force against protesters and expressed its deep concerns with the events of October 20. Chadian authorities should ensure respect for freedoms of expression, assembly, and association, including by lifting a three-month ban on opposition parties imposed in the wake of the protests, Human Rights Watch said.

"Chad should choose the path of respect for fundamental human rights, not violent repression, ensuring that opposition party members and protesters can speak out and be heard," Mudge said. "To do otherwise would not only treat Chad's international legal obligations with complete contempt, but is a guarantee for more protest, instability, and unrest." For additional details, accounts by witnesses, and recommendations for further investigation, please see below.

Increased Repression Leading to the October 20 Protests

The October 20 crackdown came after a sharp increase in repression against protests just before and since Idriss Déby was killed in April 2021. The country's security forces had increased repression and cracked down on protesters and political opponents in the lead-up to the country's April 11, 2021 presidential election, using teargas to disperse and injure protesters and human rights activists, and arbitrarily arresting hundreds of opposition party members and supporters, as well as civil society activists, subjecting some to severe beatings and other ill-treatment.

After the 2021 election and Idriss Déby's death, security forces again used excessive force, including indiscriminate live ammunition, to disperse opposition-led demonstrations across the country. Several protesters were killed, authorities detained activists and opposition party members, and security forces beat journalists covering protests.

Killings, Injuries Related to the Protests on October 20

The protests defied an October 19 government ban on protests. Many of the protesters were either members of the opposition party the Transformers (Les Transformateurs) or were sympathetic to it. Witnesses said that security forces, including members of the presidential guard, police, and armed men in civilian clothes driving unmarked cars, went to areas inhabited by communities known to support political opposition groups, including the Transformers and Wakit Tamma (the time has come, in Chadian Arabic), a coalition of Chadian opposition political parties and civil society organizations. The Transformers' president, Succès Masra, fled the country shortly after the protests.

In Chagoua and Moursal, two neighborhoods of N'Djamena, researchers found that security forces rounded up men and boys from homes, often in groups, violently breaking down doors, witnesses said. Security officials shot at some of the men.

In one case in Moura, soldiers chased a 23-year-old student, Ndignodji Nodjingar Mathieu, into a bedroom and shot him while he hid under a bed. The soldiers then dragged his body out of the compound and tried to take it with them, but "we all objected so they left the body outside and the family came to take it away," a witness said. "We found him dead," another witness said. In another case, they shot dead 21-year-old Djambaye Emmanuel in the street in front of the house of the president of the National Assembly.

In another case from the same neighborhood, family members said that Blasé Djikossi, 25, was arrested at his home. Though what happened to him is not known, a relative said that he was told Djikossi had died in a truck accident en route to Koro Toro with several others.

In the Walia area of N'Djamena, a man told researchers that his nephew, Nasingar Urbain, 32, who had a disability, was shot in front of his compound while watching the protests from a distance. "He could not run," the man said. "He was just watching from a distance and got shot by military from the road." Urbain died after four days in the hospital, leaving behind a daughter and pregnant wife.

Human Rights Watch recorded two instances of men who were violently detained by the military in the early morning hours of October 21, then died in military custody.

Theodore Diontilo, 32, was asleep at his home in the Dembe neighborhood between two and three in the morning when the military stormed into the compound where he lived. The men accused Diontilo of being a member of the Transformers and detained him, along with several others. Members of Diontilo's family searched for him over the course of several days, then found that his body was at a local morgue.

Researchers found that security forces detained men and boys in a primary school in the Abena neighborhood in N'Djamena, subjecting detainees to harsh beatings. One man who was detained at the school said he was tied up with other detainees, four

of whom had been badly beaten.

Djide Philomon, 43, was detained at the Abena school for three days, family members said. He was beaten so badly that he was transferred to a military hospital in N'Djamena. Family members who managed to visit him said his body was swollen and he had difficulty moving and speaking. Visitors last saw him at the hospital on November 4, but the next day he was dead. His death certificate said he died of a heart attack after being "traumatized by torture after the protests on October 20, 2022."

Soldiers also beat bystanders. On October 21 at about 6 p.m., after a curfew went into effect, soldiers intercepted a 60-year-old man while he was buying airtime for his phone in the Atron neighborhood and beat him so badly with the butt of a gun that he lost his left eye.

"Two Toyota pick-ups accelerated toward me then stopped," he said. "Something told me not to run. The soldiers got out and beat me with the butt of the gun in my face. I fell on the ground, bleeding. Now I cannot do anything. I am just at home."

Arbitrary Arrests, Detentions

The UN estimated that over 1,400 people were detained during the crackdown in various locations across the country. In November officials announced that 621 people were at Koro Toro, including 83 children, without releasing a list.

A month later, many family members of those arrested or missing said they still had no information about the whereabouts of their loved ones. Others had received calls from the International Committee of the Red Cross or letters from the detainees confirming they were at Koro Toro.

Of the 401 people who were tried in summary trials on December 2, 59 were acquitted, 262 were sentenced to between two and three years in prison, and 80 were given suspended jail terms of one to two years, according to media reports. On December 18, 139 of those convicted were transferred to N'Djamena and, according to local media, were released. The 83 children held at Koro Toro have been transferred to N'Djamena for trials before a juvenile judge, lawyers who are following cases of people in Koro Toro said.

The four people Human Rights Watch interviewed about Koro Toro said they had been released on December 18. They said they saw several people die in the open trucks that took them to Koro Toro as they were packed tightly and there was no food or water over the course of the three-day journey. "When someone died in the truck, the soldiers told us to throw the body out," one former detainee said.

Other former detainees said that several people died at Koro Toro from lack of food and water or because of other health ailments. An independent investigation will be crucial to establish how many people died in transit or at Koro Toro, Human Rights Watch said.

Another 150 to 200 detainees in Koro Toro are awaiting criminal charges on what are believed to be more serious crimes. Not all the names of those facing criminal charges have been published, leaving some family members confused as to the whereabouts of their loved ones.

Human Rights Watch researchers interviewed family members of dozens of men and boys who were detained in various locations around N'Djamena.

A 70-year-old man who lives near the Abena primary school said, "On the 21, at 5 a.m., soldiers came to my house and opened the door. They saw me and said, 'You are old, where are your kids?' ... They found my three kids and took them straight from my house to the school."

In some cases, the security forces carried out mass arrests of people in the same residential compound. In Chagoua, in N'Djamena's seventh arrondissement, security forces arrested 16 men from one compound just after midnight on October 21. Family members said the soldiers just started breaking down doors and arresting men and boys. In late November, one was confirmed to be held in a police station in N'Djamena, three were confirmed to be held at Koro Toro, and five were later confirmed to have been summarily tried in Koro Toro.

In Moursal, in the sixth arrondissement, security forces blocked off an area and went house to house to arrest men and boys. "They pulled the men out of the bedrooms by force and took them away," said a witness who described the arrest of three men inside her compound. Her neighbor described a similarly violent arrest of six men and boys from her compound: "They broke down the door and picked one boy from the toilet before coming into the house to arrest the others."

Another neighbor, a 70-year-old man, described the arrest of his brother, Nanimian Ezechiel, 57, and four other family members from his compound. A nephew who managed to escape said, "To our surprise the military came in by force. [...] They knocked the door down. We were all rounded up. They took Ezechiel and two of my cousins into the car and came back for us."

I was saved by a neighbor who hid me in the confusion.”

Another man in the same area said that his cousin, 32-year-old Abba Hassane Tagahm, was arrested outside his front door. A man from the Adala neighborhood said that soldiers arrested him in front of his home while he was talking to a neighbor. They forced him into their truck, forced him and two other detainees to clear roadblocks, then released them.

“I still have beating marks on my back and arms,” he said.

Detention and Abuse at the Abena Primary School

Late on October 19, witnesses said, security forces began rounding up men and boys in Abena district, detaining them in local police stations. “At 10 p.m., the police and army were already near the Transformers Headquarters [in Abena] and using teargas,” one resident said. “They started to arrest youth in front of their houses to prevent them from protesting.”

On October 20, as the protests waned, security forces began using the primary school as a detention center for at least four days, holding dozens of men, and possibly boys, in small classrooms, researchers found. Witnesses said they were afraid to leave their homes to investigate but they could hear the screams of detainees, and believed they were beaten.

Human Rights Watch researchers saw the buildings that were used by security forces to detain men and possibly boys. One man who lives near the school and was there as the men were detained said, “All [night long] we heard them beaten. We could not hear what they were saying, just the screams.”

Another man who lives near the school said, “On the 20th there were shots [coming from the school]. The classes were transformed into jails. They used two buildings. The screams were horrible. I could hear the screams all night. They were screams of pain.”

A 29-year-old man who was detained at the school for 24 hours said: “I live just near the school. On the 21, we were in the house. At around 1p.m. [...] more than 10 soldiers broke down the door [of our compound]. My brother and I were taken to the school. I was taken to the smaller building and put in a classroom with 23 other men and boys. We had to urinate and defecate inside. If you asked for anything you were beaten. [...] One guy there, he was [a member of the Transformers] was beaten badly. Soldiers put a plastic bag put around his head, he didn’t die, but he defecated himself. They [also] brought in four people and really beat them. Three of them were arrested at Yaya Diallo’s [a political opponent] office.” A 22-year-old man who was also detained at the school said he also saw beatings and was told by an officer, “We can kill all of you in this class, but it would only be a waste of bullets.”

An official from the CNDH confirmed that it also had information that the school was used as a detention center.

Need for a Credible, Independent Investigation and Criminal Accountability

Chadian authorities have made little or no progress investigating the alleged human rights violations. Several initiatives by civil society activists and lawyers’ groups to collect victims’ complaints are underway, but the efforts may be hampered by authorities’ inability to prosecute those responsible for the abuses.

Due to the serious nature of the crimes committed by Chad’s security forces on October 20 and on the days that followed, there should be a strong response from the international community. Representatives from the ACHPR Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and from its Committee for the Prevention of Torture in Africa should request visits to Chad to conduct investigations with an eye toward public reporting.

The AU and the UN human rights office should work with the government to ensure there is a credible independent investigation that complies with international standards and has sufficient resources to carry out its work promptly and that it publishes its results in a timely manner. Such an investigation could be carried out by or with the assistance of one of the UN human rights bodies who have the technical expertise on independent investigations that comply with international law.

The AU, the European Union, and UN should also strongly urge Chadian authorities to ensure that prompt, independent, fair, and open criminal investigations take place into all crimes committed and any potential cover-up, leading to the fair and effective prosecution of those allegedly responsible in accordance with international standards, including protesters who may have attacked security forces and those from the security forces who gave orders or who are liable under command responsibility.

[back to contents]

Mali

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

Liberia

Liberia: Massaquoi Defense Claims Liberians' Roles in War Crimes Covered Up in a Deal with Liberian Government as Appeal Court Moves to Liberia (Front Page Africa) By Anthony Stephens

January 27, 2023

In April 2022, a district court in Finland acquitted Massaquoi, 53, of war crimes and crimes against humanity, including murder and aggravated rape, after a marathon trial lasting more than a year with long visits for hearings in Liberia and Sierra Leone. A four-judge panel found prosecutors failed to prove Massaquoi's guilt beyond a reasonable doubt. Massaquoi was released from detention where he had been held since his 2020 arrest.

Now prosecutors are back hoping to prove the case. The appeal, before the Turku Court of Appeal, began earlier this month. The court will move to Liberia in February. A key issue for prosecutors has been Massaquoi's apparent coaching of witnesses.

"Massaquoi had a meeting with his family in prison," said prosecutors according to a translated transcript of the trial taken by Civitas Maxima, the Swiss-based justice activists. "After that meeting, a handwritten bundle of paper, which had been folded very small, was found in the toilets of the meeting room. When the police opened the bundle of documents, it turned out that they were notes written by Massaquoi and were addressed to people who have been heard or who are considered to be heard in this matter."

Prosecutors claimed that Massaquoi sent notes to Elizabeth, his ex-wife, who testified on his behalf during the first trial.

"Don't tell them anything about what happened after 2003, it's none of their business," said the note, read by prosecutors. "You lived in Makeni....I went to a meeting called by Sesay in the fall of 2000. I told you that I went on a peace journey with others, and you never saw me leaving Makeni with the troops." Massaquoi's defense lawyers did not contest the veracity of the notes. "Massaquoi has been worried that people don't remember things," said Paula Sallinen. "In addition, at that stage, he had been criticized for his choice of assistant and he was worried that he would not be believed at all." The defense sought to downplay the significance of the notes. "It is probably undisputed that the note was found in the prison. It is very long and wide-ranging and it has never gone anywhere, so it has never been able to influence anyone, not the memory or anything else."

Witness tampering was a constant theme in Massaquoi's trial. Three defense witnesses claimed they had been offered bribes to testify against Massaquoi by Hassan Bility, the head of Global Justice and Research Project, which works with Civitas Maxima to gather evidence of war crimes. The claims were rejected by Milton Blahyi, one of the potential witnesses, alleged to have been offered a bribe.

The same defense witnesses conceded they had been contacted by Alan White, the former chief investigator of the then Special Court for Sierra Leone, whose oversight of witnesses in the Sierra Leonean trial, to which Massaquoi was an informant, would have come into question had Massaquoi been found guilty.

The case against Massaquoi was sparked in 2020 when Civitas Maxima and GJRP presented evidence to Finnish authorities that he had committed crimes on behalf of President Charles Taylor the Liberian President at the time in Liberia. Massaquoi was granted exile and immunity in Finland in return for testify against Taylor and other rebel commanders in the Sierra Leone court.

Witness tampering is just one of the issues the three judges of the appeal court will have to contend with as the trial runs its course over the coming months. Like all trials involving crimes from two decades ago, this trial has been dogged by allegations of memory failure and inconsistencies in witness testimonies. Those challenges factored heavily in the first court's 850-page

ruling.

“The witnesses’ accounts have been very similar in some respects, and in some respects they have changed in court in the same way compared to the pre-trial phase,” said the court. “This has been the case in particular with regard to the time of the events. This suggests a kind of collective processing of the facts on the basis of which the witnesses formed their perceptions, or at least external influences. In some respects it has been difficult to distinguish between what was based on the witness’s own observations and what was otherwise based on information obtained by the witness. These factors undermine the reliability and relevance of individual reports as evidence.”

But prosecutors have insisted the district court was wrong. “If a witness has said that he saw Massaquoi quietly or a few times 20 years ago and even in a situation where Massaquoi was shooting at him or his relatives, it cannot be assumed that the witness would be able to identify Massaquoi from the pictures.”

“The evidence that is received this spring must be evaluated in a structured way so that questions related to the probative value of one testimony or piece of evidence do not unreasonably weaken the probative value of other evidence: you cannot “comb” all the evidence related to the same topic into the trash can.”

But defense lawyer Sallinen cautioned the court. “The Court of Appeal must pay attention to whether the witnesses are speaking about their own experiences or information heard from others,” said Sallinen. “In addition, attention must be paid to the change of narratives.” Just like judges of the district court, the appeal court judges, who are due in Liberia this weekend, will travel to Lofa County and Waterside in Monrovia to conduct “on-site inspections” of the scenes of the alleged crimes. Prosecutors have alleged Massaquoi killed and ordered the killings of civilians and fellow soldiers in the two areas.

One witness who could make an appearance in the Liberia hearings is Joseph Marzah, commonly known as Zizar Marzah, a one-time key Taylor commander and Massaquoi ally. Marzah refused to testify in the first trial. In an exclusive interview with New Narratives after the acquittal he said the court made a mistake.

“Gibril Massaquoi fully took part in war here,” Marzah said listing the Lofa towns he was with Massaquoi. “He passed through the towns of Zorzor, Fessibu and Vasala.”

Marzah said on Taylor’s orders, he put the rank of captain on Massaquoi because of his strong performance on the frontlines of battle. “Gibril Massquoi was assigned to me. When we sent him for our logistics like arms and ammunition, he went for them and brought them to us,” said Marzah. “Where there was intense fighting, he joined us to fight. In 2001 and 2002, he was with us, and we battled LURD in Chicken Soup Factory, Double Bridge, ELWA and Shefflin.”

The defense sought to downplay Marzah’s evidence. Sallinen claimed he had in fact carried out one of the crimes – the mass killings against members of the Gbandi tribe in Lofa – and it had been covered up by Liberian investigators.

“The TRC reports mention Zizar in particular Marzah and Stanley, e.g. Kamatahun Hassala in regard to burning into people’s houses,” said Salminen. “However, their role was not investigated. It is obvious that the police investigation has been skewed from the beginning by the fact that the police promised the Liberian authorities that the role of the Liberians would not be investigated.”

Moss Carter, spokesman for the Liberia National Police told FPA/NN by phone that they are “researching their case files” and cannot provide further comments on the matter.

But Marzah, denied the allegations to New Narratives. He claimed he protected members of the Gbandi tribe, who allegedly killed during those incidents because his wife was a Gbandi woman.

“It was Benjamin Yeaten [another top Taylor commander known as “Chief 50”] who sent Brigadier General Gourtior, [known as “Idi Amin” after the late Ugandan President], “Butu Lazen” and the late “Busy Boy”. They went to Kamatahun Hassala to carry out those executions,” Marzah alleged.

Yeaten’s whereabouts are unknown, but many of the witnesses in the previous trial accused him of widespread atrocities. Widely called “Chief 50”, Yeaten headed Taylor’s Special Security Service, now Executive Protection Service.

[back to contents]

Uganda

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

ICC justifies charging Kony in absentia (Daily Monitor) By Tobia Jolly Owiny
January 24, 2023

The International Criminal Court (ICC) has detailed why it wants the 33 charges slapped against Lord's Resistance Army (LRA) leader Joseph Kony confirmed.

Addressing the media in Gulu City yesterday, Mr Dahirou Santana, the international cooperation advisor in the office of the ICC chief prosecutor, said confirming the charges against Kony in absentia would renew efforts to arrest him.

"By going into this process, we would galvanise the efforts from the international community to ensure that Kony is apprehended," Mr Santana said.

The Hague-based ICC issued an arrest warrant for Kony in 2005 on allegations of war crimes and crimes against humanity.

Kony launched a bloody rebellion in northern Uganda more than three decades ago unleashing a campaign of terror that spread to several other countries.

In November last year, the office of the chief prosecutor led by Mr Karim Khan tabled a submission before the court's Pre-trial Chamber requesting its judges to confirm the 33 charges against Kony even though he had not yet been arrested.

"Once the judge grants us that request, we will add additional charges to the charges that are already in the warrants of arrest. We will also be relying on evidence that was presented in [Dominic] Ongwen's case as much as possible," Mr Santana said.

Ogwen is a former LRA child soldier and army commander who was sentenced to 25 years in jail for war crimes.

This publication understands that both the offices of public counsel for victims and the public counsel for defence requested the court to allow them to make submissions on the prosecutions' request.

However, judges declined the requests stating that such submissions were premature since the Pre-trial Chamber was yet to issue an order on the conduct of the proceedings, detailing how they will run those proceedings regarding the confirmation of charges against Kony.

Article 61 (2)b of the Rome Statute allows the prosecutor to request the chamber to carry out the hearing when the suspect has fled, or cannot be found and that all reasonable steps have been taken to ensure that he appears before the judges.

It also allows the prosecutor to inform the person (suspect) about the charges slapped against him and that a hearing to confirm the charge will be held against that person.

In the case of Kony, Mr Santana said the prosecution's major task will be to demonstrate to the court that the evidence supporting the charges brought against the suspect is enough for the suspect to be committed to trial.

"The hearing would allow the evidence to be heard so that the victims and communities affected can be aware of the evidence we intend to rely upon and we also hope that this confirmation hearing would also show the nature and strength of the evidence we intend to bring forward," Mr Santana stated.

According to him, the prosecution submitted the request in November.

This publication also established that the 33 charges heaped on Kony were the outcome of the first investigations that were conducted in early 2004 onwards before the warrants of arrest were issued. While 22 are crimes against humanity, 11 are war crimes charges.

The crimes include murder, enslavement, sexual enslavement, rape, intentionally directing attacks against the civilian population, pillaging, and forced conscription of child soldiers, among others, allegedly committed after July 2002.

Asked about the quality of evidence against Kony, Mr Santana said they have all the evidence and witnesses required, adding that charges against Kony could triple once the Pretrial Chamber grants their request to confirm the charges against him.

Confirmation of Kony charges hearing will lead to fatigue, Ugandans tell ICC (The Monitor) By Bill Oketch

January 25, 2023

Representatives of persons affected by the Lord's Resistance Army (LRA) insurgency have said "there would be possible fatigue and exhaustion" in the eventuality of a confirmation of charges hearing involving Ugandan warlord Joseph Kony.

In November 2022, the International Criminal Court (ICC) chief prosecutor Karim Khan sought to revive cases against the fugitive Ugandan rebel commander who remains at large despite an arrest warrant issued against him in 2005 on allegations of war crimes.

Prosecutor Karim Khan said he had asked judges for authorisation to hold a hearing to confirm the charges against Kony in his absence.

Now, Ms Judy Adoko, who is also a traditional leader in Lango Sub-region, said the process seems to be very thinly close to the real trial "and you might go through exhaustion just collecting evidence and getting witnesses."

"It will cause exhaustion and might not work," Ms Adoko told ICC officials who were in Lira City on Tuesday to brief Lango sub region people regarding matters in the Hague based court.

Ms Adoko's concern was embraced by a handful of Ugandans that attended the meeting with the ICC team.

Mr Anthony Otim, a human rights officer with Uganda Human Rights Commission, said: "At this rate even cases against God can be taken to ICC. I just want to know if it is really possible for ICC to try someone who is not there. We do not even know if he (Kony) is still alive or dead."

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

ICC insists that confirming the charges against Kony would make it easier and quicker to put him on trial should he be captured.

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

Confirmation of charge hearing is a process that usually takes place ahead of a trial. It's only when charges against a particular suspect are confirmed by the judges that the case is ready to go to trial.

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

Kenya

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

Suspected fighters kill four road workers in eastern Kenya (SABC News) January 11, 2023

Four workers from Kenya's highways agency were killed in an ambush by suspected militants on Wednesday near the country's eastern border with Somalia, police said.

The workers were leading a three-car convoy from the town of Garissa to Bura when they hit an explosive device planted in the road by suspected members of the Somali insurgent group al Shabaab, according to a police report.

"A vehicle with four employees of the Kenya National Highway Authority was attacked with an IED, all the four died on the spot," says John Otieno, a local government administrator.

Spokespersons for al Shabaab could not immediately be reached for comment as their phones were switched off. Al Shabaab

killed 166 people at Garissa University in 2015, and 67 at a mall in Nairobi in 2013, but the frequency and severity of the group's attacks in Kenya has reduced in recent years.

The al Qaeda franchise's cross-border raids are part of its campaign to pressure Kenya into withdrawing its troops from the African-Union mandated peacekeeping force in Somalia, ATMIS.

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

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Congo police scatter protestors denouncing slow M23 rebel pullback (Reuters) By Djaffar Al Katanty
January 18, 2023

Police fired tear gas to disperse demonstrators in Congo's eastern city of Goma on Wednesday who were calling on authorities to enforce an agreed withdrawal of M23 rebels from occupied territory in the region.

Regional leaders brokered a ceasefire in November under which the Tutsi-led group, which launched a fresh offensive last year, was meant to pull out of recently captured positions. The deadline for this was Jan. 15, according to Congo's presidency.

But the M23 has been accused of flouting the deal and occupying territory elsewhere to compensate for withdrawals that critics consider to be mainly ceremonial. President Felix Tshisekedi made similar accusations on Tuesday.

Christophe Lutundula, Congo's minister of foreign affairs, reiterated the accusations in a statement on Wednesday, saying M23 was still controlling access to the outskirts of Kibumba and Rumangabo, two towns they were supposed to have withdrawn from.

The M23 have denied this and accused Congolese authorities of breaching the agreement.

The M23 is a militia that claims to defend the interests of Congolese Tutsis, the ethnic group that was targeted in the Rwandan genocide. They captured Goma in 2012 before Congolese and United Nations (UN) forces chased them into Rwanda and Uganda the following year. The latest resurgence follows frustration over the slow demobilisation process to reintegrate them into civilian life if they lay down their weapons.

Civil society groups organized protests in Goma on Wednesday to denounce delays in implementing the M23 withdrawal.

City authorities banned the march but hundreds still took part, chanting and holding signs denouncing the East African Community (EAC), which set up a regional military force last year to end rebel-driven unrest.

"We are asking EAC forces to leave the city and wage offensives where the M23 is," said protester Gloire Bagaya, 26.

"They should either go home or go the front line against the enemy."

Police fired tear gas at the demonstrators and arrested about a dozen people, including three journalists, according to a Reuters reporter on the scene.

A local police commander denied any arrests were made.

The EAC regional force said in a statement that civil society groups have a right to demand immediate peace in eastern Congo, and understands the impatience.

"It is crucial to understand that the search for lasting peace demands patience for approaches put in place by the regional force to work," it said.

The M23's latest offensive has displaced at least 450,000 people and sparked a diplomatic crisis between Congo and neighbouring Rwanda.

Congo accuses Rwanda of fuelling the conflict by supporting the rebels - an accusation levelled also by Western powers and United Nations experts. Rwanda denies this.

Several protests have taken place in Goma over the past months, the latest directed at Rwanda and the ceasefire deal.

Complaints that United Nations peacekeepers have failed to protect civilians against long-standing militia violence spurred deadly protests in July.

HRW: Rwanda conviction of opposition politician stifles free speech (Jurist) By Anoushka Rajesh Suhane
January 19, 2023

Human Rights Watch (HRW) Wednesday accused the Rwandan government of manipulating the country's justice system to stifle free speech, citing the conviction of Rwandan opposition politician Théophile Ntirutwa, a member of the unregistered Dalfa-Umurinzi opposition party.

The High Court's Rwamagana chamber sentenced Ntirutwa last month to seven years in prison for "spreading false information or harmful propaganda with intent to cause a hostile international opinion against [the] Rwandan Government." Ntirutwa was previously arrested on the above charge, along with the formation of a criminal association, murder, and theft in May 2020. He spent two-and-a-half years in pretrial detention, after which he was acquitted on December 16 on all charges except spreading false information.

According to HRW, Ntirutwa's "conviction and harsh sentence violate human rights law." HRW claims that the Rwandan government frequently uses the penal code to prosecute critics and members of the opposition party who have protested cuts in food rations.

Lewis Mudge, Central Africa Director at HRW said:

As the 2024 presidential elections approach, the Rwandan government should immediately release civil society activists, journalists, and opposition figures jailed for exercising their fundamental rights. The government should respect and protect their right to freedom of expression: a precondition for an environment conducive for free and fair elections.

HRW asked Rwanda to repeal the provision penalizing free speech immediately and revise the penal code according to international and human rights standards.

Brit detectives' Rwanda trip in probe into five genocide suspects living in UK (The Mirror) By Tom Pettifor
January 20, 2023

British detectives are travelling to Rwanda in the coming days as part of an investigation into five genocide suspects living in the UK.

Scotland Yard officers are understood to be preparing to interview more witnesses in the African country.

The suspects, from Kent, Essex, London and Manchester, were interviewed by police voluntarily in 2020.

The Met has already taken dozens of witness statements from victims of the 1994 atrocities in which Hutus killed 70% of the Tutsi population.

The Mirror tracked the suspects down in 2019 when one, Celestin Mutabaruka, 67, who lives in Kent, said he welcomed the chance to clear his name.

He added: "I have nothing to hide."

Vincent Bajinya, 59, is a doctor who has British citizenship and changed his name to Brown.

Speaking at his flat in Islington, North London, he said two years ago: "I am not a criminal and I never did those things."

A third suspect is Celestin Ugirashebuja, 69, who is now a care worker in Essex.

Emmanuel Nteziryayo, 58, a fourth questioned, now lives in Manchester.

A fifth man originally sought for questioning had suffered a stroke.

The men were named during court proceedings in 2015 when a judge in London ruled they should not be extradited to

Rwanda as they would not get a fair trial.

They were arrested in the UK in 2013 after a Rwandan extradition request but denied committing genocide.

DR Congo crisis: UN re-echoes possible Genocide in Kivu (The New Times) By Edwin Ashimwe
January 24, 2023

The United Nations Special Advisor on Genocide Prevention, Alice Wairimu Nderitu, says she has received alarming reports on multiple attacks against civilians along ethnic lines, particularly in DR Congo's Ituri province.

Nderitu, who sounded a similar warning in December 2022, said her concerns also included mass killings, sexual violence, and attacks against IDP camps.

"Whilst the situation in North and South Kivu requires immediate action, so does the situation in Ituri. Civilians are being massacred based on ethnic identity, yet again. The conditions necessary for the commission of atrocity crimes continue to be present in a region where a genocide happened in 1994," she said in a report released on Tuesday, January 24.

"We need to do our utmost to make sure that history doesn't repeat itself," she added.

According to the report, the Ituri Province was relatively calm for several years, and in 2017 armed groups resumed systematic attacks on villages.

Since December 2022, at least 195 civilians allegedly lost their lives and many more have been injured.

And on January, 13, 2023, an attack reportedly by the CODECO militia group in the villages of Nyamamba and Mbogi, Djugu territory, Ituri province, resulted in at least 49 civilians summarily executed.

A few days later, two mass graves containing the bodies of 42 and seven civilians respectively were discovered in the same locations.

"Impunity cannot prevail. When such heinous crimes are committed, perpetrators must never get away with it", she stressed.

"The situation in Ituri remains extremely volatile. If we do not act promptly, the region may be engulfed in atrocity crimes as happened in the past."

The UN, through its framework of analysis for atrocity crimes, recently established "indicators and triggers" present in DRC including; dissemination of hate speech and absence of independent mechanisms to address it, politicization of identity as well as proliferation of local militias and other armed groups across the country.

DR Congo is home to over 100 militia groups including the FDLR, which have led to the current skirmishes in the eastern part of DR Congo.

"The Special Adviser reiterates her continuous support towards strengthening existing prevention mechanisms," she noted.

Nderitu also reiterated previous calls made on all armed groups in DR Congo to cease attacks on civilians, participate unconditionally in the political process, including regional initiatives, and lay down their weapons.

Rwanda fires on Congo military aircraft accused of violation (Associated Press) By Cara Anna
January 24, 2023

Rwanda has fired on a Congolese military aircraft it alleges violated its airspace in a new escalation of tensions between the neighbors that has set off alarm across central Africa.

A Rwandan government statement said "defensive measures" were taken against a Sukhoi-25 from Congo on Tuesday evening, and it urged Congo to "stop this aggression." Rwanda's state broadcaster shared unverified video of what appeared to be a projectile fired at an aircraft.

Congo's government in a statement asserted that the Rwandan attack on its fighter plane occurred in Congolese airspace near the city of Goma's international airport and that the plane had not entered Rwandan airspace. It said the plane landed without major damage.

Congo considers this "a deliberate act of aggression that equals an act of war" with the goal of sabotaging regional peace

efforts, the statement said.

The incident occurred a week before Pope Francis arrives in Congo's capital, Kinshasa, for a three-day visit to highlight the toll that decades of conflict have taken on the country, particularly eastern Congo, a volatile region rich in minerals critical to much of the world's technology.

Congo for months has accused Rwanda of supporting a rebel group called M23, one of dozens that's fighting in eastern Congo.

To Rwanda's displeasure, powerful voices in the West have openly agreed. United Nations experts last month said they have "substantial evidence" of Rwandan government forces crossing into Congo to reinforce M23 rebels or to conduct operations against another rebel group that includes fighters accused of taking part in the 1994 Rwandan genocide. The United States, France and Germany have urged Rwanda to stop supporting the rebels.

The Rwandan government has called accusations that it is supporting M23 "wrong" and part of a "tired old blame game" undermining efforts by regional leaders to find a lasting peace, "to which Rwanda is fully committed."

Rwanda also accuses Congo of supporting another rebel group that reportedly includes ethnic Hutus who participated in the genocide that killed more than 800,000 ethnic Tutsis and moderate Hutus who tried to protect them. The U.N. experts said they found evidence of support by some Congolese forces to armed groups.

The public pressure on Rwanda is notable. Human rights watchdogs and others have long accused Rwanda of using the international community's guilt over its delayed response to the genocide to dampen criticism of its actions including the stifling of opposition at home and abroad.

At a Nov. 23 summit in Angola, which included Congo's president and Rwanda's foreign minister, regional leaders called for a cease-fire in eastern Congo to be followed by a withdrawal of rebels from major towns under M23 control. The armed group said it would withdraw from some of the occupied territories before Jan. 15, but some areas remain under its control.

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

Somalia

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

Ethiopia

Enat Party says Oromia regional state massacring ethnic Amhara (Borkena) January 12, 2023

The Oromia regional state and the Federal government will be responsible for the massacre against ethnic Amhara, says Enat Party.

Enat Party, one of the opposition parties in Ethiopia, said the Oromia regional state has removed its facemask and openly engaged in massacring people.

Unprecedented – in the history of the world – meticulous and recurring horrific massacre has been underway targeting Amharic speakers in the region, it said in the statement it released on social media.

The party is saying that it has received new reports that hundreds of thousands of ethnic Amhara had been displaced from different parts of Wollega in the region due to relentless attacks and residing in Kiremu district, Haro Addis Alem kebele, are encircled by heavily armed government forces and are under attack.

Roads are blocked in a way to deny them a way out and the lives of those displaced and currently staying in Kiremu are under

threat, says Enat Party assessing the reports it received from the area.

They hear gunfire targeted against them.

According to the party, it is Oromia regional state security forces that are targeting ethnic Amhara civilians. The attack started on Wednesday around 6 a.m. and it was from four directions, according to the Enat Party.

There are reported deaths but the number is unspecified.

As has been repeated before, the Oromia regional state has been making repeated claims that the “OLF-Shane” was attacking ethnic Amharas who have been living there for generations. It also made claims that it was fighting the Shane group.

But recently, there have been allegations that the Oromia regional state is actively and openly engaged in the massacre of ethnic Amharas living in the region.

Neither the regional state nor the Federal government did not remark on the recent developments.

The Enat party criticized both the Federal government and Oromia regional state for being silent about the ongoing massacre. And it called on the government to discharge its responsibility to protect the security of citizens and to end the attack in Kiremu.

It also called on the Ethiopian Defense Force to rescue those who survived the attack in the region.

Furthermore, the Enat Party underscored that it is a matter of time before the massacre that is targeting ethnic Amhara turns into an attack against other ethnic groups. We all should stand together against it, it said.

Conflict in Ethiopia's Tigray likely claimed 600,00 lives – AU Mediator (KBC) January 15, 2023

Around 600,000 people are estimated to have been killed during an armed conflict between the Ethiopian government forces and the rebels in the restive Tigray region, Former Nigerian President and the African Union's lead mediator in the peace talks, Olusegun Obasanjo, told the Financial Times on Sunday.

"The number of people killed was about 600,000," he said.

Ethiopian officials said on November 2, 2022, when the peace agreement was signed, that it stopped "1,000 deaths every day," Obasanjo recalled.

Tim Vanden Bempt, a member of a research group investigating war crimes committed during the Tigray conflict, said that this estimate might be "roughly correct."

"Based on reports from the field, the number of dead could be somewhere between 300,000 and 400,000 civilian casualties only — this from atrocities, starvation, and lack of healthcare," he said, adding that as many as 200,000-300,000 people died on the battlefield, according to unofficial figures.

However, some Ethiopian officials put the total number of casualties, both civilian and battlefield, at 80,000-100,000, the newspaper noted.

Ethiopia has been struggling with a violent internal conflict since November 2020, when the central government accused the rebel Tigray People's Liberation Front (TPLF) of attacking its military base and launched an anti-terrorist operation in the region. In June 2021, the rebels seized the city of Mek'ele, the administrative regional center, and the government declared an unconditional ceasefire. However, the rebels launched a new offensive soon after and took control of the southern part of Tigray and the neighboring Amhara region.

A new truce was reached in March 2022, when the Ethiopian authorities announced the introduction of an indefinite humanitarian truce for the delivery of humanitarian aid to Tigray. After a five-month pause, hostilities resumed in August.

In early November 2022, the Ethiopian government and the Tigray rebels signed a new ceasefire agreement, which provided for the disarmament of TPLF forces within a few weeks. The restoration of the Internet connection and telecommunications in the region, the resumption of banks' operations and humanitarian aid supplies were discussed during the talks among other issues.

Ethiopia: Leaked video exposes Fano militia admitting gang-raping, looting in Tigray (Sudan Tribune) By Tesfa-Alem Kekle

January 16, 2023

Amhara's Fano militia group, which has been fighting Tigray forces alongside the Ethiopian federal forces and allied Eritrean troops, admitted committing widespread atrocities in Ethiopia's northernmost Tigray region.

A leaked video seen by SudanTribune shows a Fano leader confessing various war crimes the Amhara forces committed during the two-year conflict in the Tigray region.

The footage exposed Fano members explicitly accepting the grave crimes including rape and gang-raping they committed against women and girls in Tigray.

"Haven't a Tigrinya's women been gang-raped for three? Didn't you rape?" The Fano leader says collectively accuses his colleagues at a meeting addressing a crowd of Fano members.

In 2021, an Amnesty International report accused the Ethiopian military and its allies including Fano militia forces of being responsible for widespread sexual violence against women in Tigray, using rape as a strategy of war.

The report then said the Tigray violations scale amounts to war crimes.

According to the human rights group's findings, one Tigrayan woman was gang-raped in front of her children.

In a debate in front of the British parliament, Labor Party politician Helen Hayes estimated that at least 10,000 women in Tigray have been raped since the beginning of the war.

In the leaked video, the Fano leader also speaks about a large sum of money and food grains looted from Tigray.

"I possess in my hand evidence of 21 million ETB (roughly \$ 400,000) looting by our members," he said adding "We will not let them get away with it".

"Didn't we loot Teff grains? 86 quintals of food grain were looted from a house of one farmer."

The looting of food grains was taking place as 80 % of Tigray's estimated 7 million people were in urgent need of food and other humanitarian aid.

According to the Fano leader's testimony, public schools and hotels were also among the victims of looting.

The leader is seen harshly confronting wrongdoings by members of the group.

He accused the Fano members of putting the looting blame on Tigray forces.

"46 laptops were looted from one school, not by TPLF, it is my friends who stole sold and shared the money"

"Didn't we loot fridges? Haven't entire fridges and bed sheets been looted from a hotel? TPLF didn't loot Timuga school. Tell me who did?" the Fano leader asked the crowd who were listening in a mood of guilt.

"Didn't we loot refrigerators?" Wasn't an entire refrigerator and bed sheets looted from a hotel? The TPLF did not loot Timuga's school. Tell me who did it? Fano's leader asked the crowd who listened with a sense of guilt.

"I am carrying all these crimes in my heart," he told the crowd.

He further spoke on incidents where Fano members kill each other following a dispute over looted items.

The circulation of the leaked video comes only a few days after Addis Ababa said Amhara forces were withdrawing from Tigray.

Ethiopia's military last Thursday said members of the neighbouring Amhara forces had left the Tigray town of Shire and surrounding areas two months after a peace agreement in the Tigray conflict.

The Amhara forces, like those from neighbouring Eritrea, were not a party to the November 2022 peace agreement signed between the Ethiopian government and Tigray People's Liberation Front (TPLF).

Hence their continued presence in Tigray has been a major challenge to the implementation of the Pretoria peace deal.

Fighting broke out in Ethiopia's northern Tigray region in November 2020 after the central government accused Tigrayan

fighters of attacking a federal army base and sending forces to the region to depose Tigray leaders.

The death toll from the civil war reached about 600,000, making it one of the world's deadliest conflicts of recent times, according to the African Union's lead mediator.

"The number of people killed was about 600,000," former Nigerian president and African Union envoy Olusegun Obasanjo told the Financial Times in an interview this week.

He recalled that on November 2 last year, the day the peace agreement was signed in Pretoria, Ethiopian officials said: "We have stopped 1,000 deaths every day."

UN-Backed Panel Urges Ethiopia to Cooperate with Atrocities Probe (Bloomberg) By Simon Marks
January 18, 2023

A United Nations-backed panel that's probing human-rights violations during Ethiopia's civil war called for the government's full cooperation after its investigators failed to secure access to the scenes of some alleged crimes.

The two-year war, which broke out in late 2020, pitted Prime Minister Abiy Ahmed's forces against rebels from the northern Tigray province. In October, the UN Human Rights Council renewed the mandate of a group of experts tasked with investigating atrocities committed during the conflict.

"Our commission sees it very much in Ethiopia's interests to cooperate with us on both access and transitional justice because it sends a signal to the international community and to their own people that they have turned a corner," Steven Ratner, a senior member of the Commission of Human Rights Experts on Ethiopia, said by phone. "States that shun UN investigators and push them away are often regarded as pariah states."

Government and Tigrayan leaders signed a peace deal in South Africa on Nov. 2 to end the war which left thousands of people dead, and the rebels have begun handing over their tanks, artillery units and armored vehicles to the army.

The government has meanwhile released policy options on how to ensure there is transitional justice for the victims. It states that processes that emphasize punishing offenders "would not achieve lasting peace and reconciliation."

The UN team led by Mohamed Chande Othman, a former chief justice of Tanzania, is available to advise the government on how to improve its proposals, according to Ratner.

"We have a lot of expertise to offer and transitional justice is something that is specifically mentioned in the peace agreement," he said. The panel won't be "fixated on something that has happened in the last two years," but sees itself as a mechanism that can help prevent a re-occurrence of the violence, Ratner said.

Ethiopia has invited the UN's Human Rights office in Ethiopia to conduct its investigation alongside a probe by the Ethiopian Human Rights Commission. The latter panel's impartiality was called into question after it released a report in 2021 that found all parties to the conflict committed violations that may have amounted to war crimes yet didn't express a view on the proportionality of those crimes.

The UN commission's current investigations will focus "in much more depth" about the role Eritrean forces played in the conflict, according to Ratner. Eritrea backed Abiy's forces and has been implicated in perpetrating widespread atrocities, including raping and massacring civilians in Tigray.

[back to contents]

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

[back to contents]

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

[back to contents]

Domestic Prosecutions In The Former Yugoslavia

[back to contents]

Turkey

[back to contents]

Kosovo Specialist Chambers

Azerbaijan

[back to contents]

Russia

[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

ASIA

Afghanistan

War crimes investigators narrow focus to three key targets, including Roberts-Smith (The Age) By Nick McKenzie
January 20, 2023

Three former SAS soldiers and their associates have emerged as the key targets of the secretive agency investigating war crimes by Australian soldiers, which aims to lay its first criminal charges this year.

The Office of the Special Investigator has focused on the “SAS three”: Victoria Cross recipient Ben Roberts-Smith and two former SAS three-squadron members, including a soldier allegedly seen in helmet camera footage shooting an apparently unarmed Afghan man in a wheat field.

The ramping up of investigations into the three ex-SAS members and a small number of their associates comes as former special forces soldiers and their supporters have mounted a campaign to smear those they suspect of co-operating with war crimes investigators.

As the ongoing war crimes probe divides the nation’s defence community, a company recently founded by five veterans has produced and is marketing bottles of whiskey named after an alleged war crimes incident currently under active investigation. Promotional material for the whiskey published on the liquor company’s website glorifies the involvement of some in the SAS in “violence, drinking and theft”.

The Age and The Sydney Morning Herald have spoken to almost two dozen sources, including defence insiders who have been contacted by the Office of the Special Investigator (OSI) and asked to provide the agency with information or witness statements about incidents in Afghanistan. Several serving and former SAS soldiers are co-operating.

There is no suggestion that the SAS three are guilty of a war crime, only that they are the key targets of the OSI teams of investigators and analysts.

In the cases of the SAS three, the OSI has obtained information, including from witnesses, that implicates them in alleged summary executions of “persons under control”, the official term for detainees, or non-combatants.

The three-squadron wheat field killer was captured on helmet camera vision killing an apparently unarmed Afghan man. The vision, broadcast by the ABC in 2020, shows him asking his patrol commander if he should “drop”, or shoot the man. The commander’s response is inaudible.

A lawyer for the ex-soldier did not respond to questions but multiple sources said OSI officials had privately expressed confidence he would be charged with war crimes.

The OSI, which was set up by the government two years ago as the investigation and prosecution agency for war crimes, has been examining the wheat field killing, along with the veteran’s involvement in two other alleged war crimes incidents.

The second former three-squadron soldier is under investigation for his involvement in at least two alleged war crimes in 2012. This soldier’s alleged breaches of the Geneva Conventions were first uncovered and exposed in 2019 by The Age and Herald and involved the death of an injured Afghan who was removed from the care of an SAS medic by the soldier.

The highest profile member of the SAS three under the OSI microscope is Roberts-Smith, who denies all wrongdoing and who is suing this masthead for defamation for previously exposing his alleged involvement in war crimes.

It has long been anticipated that Roberts-Smith would be one of almost two dozen special forces soldiers to be scrutinised by the OSI, but his emergence as a key target has not previously been reported. Roberts-Smith was a prominent target of the Brereton inquiry into war crimes, which referred the findings of its exhaustive report in November 2020 to the OSI, along with the names of 23 suspects.

In November 2020, Roberts-Smith welcomed the creation of the OSI because the office had the “expertise and experience to consider evidence, not rumours, and make decisions based on evidence rather than on unsubstantiated rumours”.

Among the lines of inquiry being pursued by the OSI are allegations that Roberts-Smith directed two now former SAS soldiers to conduct summary executions. One of those soldiers has confessed to the alleged execution to other veterans, according to sources with intimate knowledge of the confessor’s conduct.

In 2018, this masthead revealed that Roberts-Smith was the subject of war crimes investigations being carried out by the Australian Federal Police. The AFP inquiries are ongoing and separate from the OSI’s more recent inquiries into Roberts-Smith, although sources said there has been ongoing discussion about the possibility of merging the probes.

The AFP has referred partial briefs of evidence to the Director of Public Prosecutions for legal analysis. Even SAS soldiers and officers who have helped the OSI or federal police are frustrated that the various inquiries have taken so long, casting an unresolved shadow over the special forces community.

The investigations by the OSI and AFP have divided the veterans’ community. Some defence alumni believe the probes are a witch hunt, but others have called for accountability.

An investigation by this masthead has identified one of the former SAS soldiers who has participated in an online campaign against war crimes witnesses as Andrew White. White, who was not involved in the alleged crimes, recently posted online that ongoing investigations were being run by “keystone cops” who were “harassing SASR operators and their families.”

White, an Afghan veteran, has denigrated SAS soldiers and support staff who have spoken up against alleged war crimes as “rats” and written that two of the Afghan veterans now assisting the OSI investigation are “dogging the boys”. White has attacked soldiers who have accused Roberts-Smith of wrongdoing, writing in one online post that it was a “pity he wasn’t eventually shown mateship from ‘some’ brothers in arms”.

“I would spit in their face,” White has written of these Afghan veterans. In a photo he posted of himself next to Roberts-Smith, White wrote “we gotcha back.”

White previously sent this masthead a statement about his online comments, but asked that it not be published.

White has also been using his social media accounts to promote a whiskey product named after an infamous alleged war crimes incident involving Roberts-Smith. The whiskey is also being promoted by the Returned and Services League of Australia (RSL) sub-branch in Kawana Waters, Queensland.

The whiskey has been produced and marketed by a liquor company owned by five veterans, including Mark Henneberry and Bryan Ramsbottom. The pair’s company produces and markets whiskey bottles designed by other veterans in a “decant on demand” model.

On Wednesday, the firm removed from public display its online promotion of the product after the pair were contacted by this masthead. It is still selling a whiskey range that celebrates an SAS mission on Easter Sunday 2009, in which two Afghans were allegedly summarily executed, although customers now need a password to view the offensive online content promoting the whiskey.

The Easter Sunday mission is under active federal police investigation.

Several SAS soldiers have given statements to the federal police about witnessing the alleged involvement of Roberts-Smith in the execution of two Afghans on Easter Sunday, including one with a prosthetic leg that was souvenired and later used as a drinking vessel. The Afghans were allegedly found in a tunnel and detained during the Easter Sunday mission, according to multiple sources with knowledge of aspects of the police inquiry.

The promotional material for the whiskey uses highly offensive racist terms to describe Afghans killed on the Easter Sunday mission, describes how the SAS soldiers engaged in “gangster shit” during the operation, disputes that any detainees were found in a tunnel and describes the removal of the prosthetic leg from the dead Afghan as symbolising “everything the Troop

stood for: violence, drinking and theft.”

The marketing material, which also glorifies the killing of Muslim men, claims to be “tongue in cheek”.

Henneberry and Ramsbottom’s company, which this masthead has decided not to name in order not to publicise its products, has released 150 bottles of the whiskey dedicated to the Easter Sunday mission.

When contacted, the pair’s company said the whiskey’s name, label and promotional material had been designed by a third party to raise funds for an unwell veteran. The company’s statement said the promotional material was obviously “embellished” and the firm would review its contents.

Military sources said serving and former SAS soldiers who took part in the mission found the production and sale of the whiskey disgusting, offensive and warned it could impact on the mental health of veterans.

Henneberry defended his company’s involvement in the whiskey production, saying no soldiers had been found guilty of war crimes and, in an apparent reference to those who have raised concerns about misconduct, that he’d never seen “so many people with axes to throw in my life”.

“Me, personally, I don’t think they are guilty,” he said of those facing war crimes investigations. “It’s a business decision that we have made.”

The Brereton Inquiry began in early 2016 and concluded in late 2020. The federal police’s Roberts-Smith probes began in June 2018 and are ongoing. The OSI was not operational until months after then prime minister Scott Morrison announced its creation in November 2020 and its director general, Chris Moraitis, told a senate hearing last November that he was “quietly confident” the agency would be able to “achieve our objectives of preparing briefs of evidence that the DPP will accept to prosecute.”

Among the key impediments to the OSI’s work is its difficulty in gathering evidence in Afghanistan, given the country is now controlled by the Taliban. However, both the AFP and OSI has received legal advice from the office of the Australian Government Solicitor that has resolved earlier concerns that much of the Brereton Inquiry’s information could never be used due to legal impediments.

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

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

6 men sentenced to death for war crimes in 1971 Bangladesh Liberation War (Anadolu Agency) By Najmus Sakib

January 23, 2023

A local court in Bangladesh on Monday sentenced six men to death for war crimes committed during the country's liberation war in 1971.

A three-member bench of the country's International Crimes Tribunal in the capital Dhaka announced the verdict in absentia against the convicted people.

Before the verdict was announced, security was beefed up around the courthouse. Only those with official authorization were permitted to enter the premises.

The tribunal found the six people, aged 56 to 70, guilty of murders, looting, kidnapping, and arson committed during the independence war in Trishal town, north-central Mymensingh district.

The convicted were members of the Bangladesh Muslim League, the state lawyer and prosecutor of the tribunal Tapas Kanti Baul said, referring to the political party founded in the subcontinent in 1906 as the All-India Muslim League.

Following Bangladesh's independence in 1971, the party was banned, along with other Islamic parties.

They were also activists and members of the Peace Committee and Razakar (volunteers) during the liberation war, he added.

They are all fugitives, Baul said, without saying where the convicted are now.

The tribunal, set up in 2009, has been criticized by global rights groups for not following fair trial standards.

According to the government prosecutor, there were nine accused in this case, and three of them died during court proceedings, including two in jail who were arrested.

And the remaining six are on the run, he added.

Complaints were filed against them in July 2018, and the trial process began in December of that year. In total, 19 people testified in court against the convicted people.

[back to contents]

War Crimes Investigation in Myanmar

Myanmar military accused of war crimes, genocide in German suit (Al Jazeera) January 24, 2023

Survivors of military abuses in Myanmar have lodged a criminal complaint in Germany, asking prosecutors to investigate and bring to trial those responsible for committing atrocities during crackdowns on opponents of the February 2021 coup, and against the Rohingya minority.

Fortify Rights, an advocacy group, announced the filing of the complaint on Tuesday.

The group said the case involves 16 individuals from Myanmar and was filed with the German Office of the Federal Prosecutor last week.

Matthew Smith, CEO and co-founder of Fortify Rights, said the complaint was lodged in Germany because of its universal jurisdiction laws, which allows for the prosecution of certain grave crimes no matter where they take place.

"Germany is in a unique position to help thwart impunity in Myanmar," Smith told a news conference in Bangkok, Thailand.

"This complaint provides new evidence proving that the Myanmar military systematically killed, raped, tortured, imprisoned, disappeared, persecuted and committed other acts that amount to genocide, crimes against humanity and war crimes in violation of German law," he said.

"Members of the military junta should not feel safe from justice in this world, and they must be held accountable."

There was no immediate comment from Myanmar's military.

The filing of the complaint comes days before the second anniversary of Senior General Min Aung Hlaing seizing power from the elected government of Aung San Suu Kyi on February 1.

The power grab has plunged Myanmar – which was facing accusations of genocide over the 2017 campaign against the Rohingya – into renewed conflict.

Enraged by the military's brutal repression of peaceful protests, civilian militias have taken up arms, while deposed legislators have set up a parallel government. Thwarted in his bid to consolidate his coup, Min Aung Hlaing responded with even more violence. His forces have engaged in arbitrary killings and torture and burned entire villages to the ground in acts that the United Nations says may amount to war crimes.

Fortify Rights said it was forced to seek German help because of the UN Security Council's refusal to refer the Myanmar military to the International Criminal Court.

It said approximately half of the 16 individuals in its complaint were Rohingya who had survived crackdowns in Rakhine State in 2016 and 2017, while the others were victims of post-coup atrocities in states and regions throughout the country in 2021 and 2022.

They include members of the Arakanese, Burman, Chin, Karen, Karenni and Mon ethnicities.

"We ask that for the first time in history, the Myanmar military be held accountable for all of its crimes against all ethnic groups," said Pavani Nagaraja Bhat, an investigations associate at Fortify Rights.

"Despite coming from different regions, ethnic groups and backgrounds all the complainants have suffered deeply since the coup, they've lost homes, family members, livelihoods, their freedoms, and many still live in a constant state of fear despite living outside their countries. What they've witnessed and survived is horrific," she told reporters. "By participating in this complaint, the complainants are saying enough is enough."

Individuals in the case include Nickey Diamond, who is currently residing in Germany.

"We trust in Germany to open an investigation and seek justice for genocide, crimes against humanity, and war crimes committed by the military and its leaders in Myanmar," he said. "This is the time to end impunity and ensure the military perpetrators and others no longer get away with their crimes."

Others in the case include a 51-year-old Rohingya woman who accused the security forces of killing seven members of her family during the 2017 crackdown. She also said she had heard individuals under the military's control raping her daughter-in-law while security forces beat her in a room next door. She also reported witnessing piles of dead bodies of Rohingya civilians in her village and soldiers stabbing, beating, and killing numerous Rohingya men and children.

"The Myanmar government and military have been trying to vanish our Rohingya community for 50 years," she said in a statement. "As a Rohingya woman, I want justice for the genocide so that it does not happen again."

Another complainant was Thi Da, a 35-year-old mother of three, who accused the military of forcibly disappearing her husband in 2021.

"I'm still angry with the [Myanmar junta] soldiers," the ethnic Chin woman said in a statement. "They don't think of us as people and treat us like animals or objects."

Fortify Rights said its primary objective was for the German Federal Prosecutor to open an investigation, collect and preserve evidence for prosecutions and issue arrest warrants against those responsible for the crimes committed in Myanmar.

It said that German prosecutors are currently conducting more than 100 investigations into international crimes related to other countries and contexts. These include alleged Russian war crimes in Ukraine.

It noted that German courts have also heard cases dealing with torture in Syrian prisons as well as crimes by members of ISIL or ISIS, including against the Yazidi community.

[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

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

Piracy

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

Gender-Based Violence

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

Commentary and Perspectives

The UK is Completely Abandoning its Duties Towards Refugees (Human Rights Watch) By Emilie McDonnell
January 17, 2023

In recent years, we have seen an alarming trend of wealthy, destination countries seeking to close their doors to asylum seekers and refugees. The United Kingdom is no exception.

The UK often speaks of its proud history of offering sanctuary to those fleeing persecution and being a compassionate and welcoming country. The UK and other European states' response to people fleeing Ukraine following Russia's full-scale invasion gave us a glimmer of hope that a humane approach is possible (although the UK's approach still fell behind that of its neighbors).

At the same time, the UK is completely abandoning its duties towards other people arriving on its shores. The government is attempting to expel asylum seekers to Rwanda, which cannot be considered a safe third country for asylum seekers. Human Rights Watch has extensively documented human rights violations there – arbitrary detention, torture and extrajudicial killings, including of refugees who protested a reduction in their food rations.

In June, the European Court of Human Rights effectively grounded the first expulsion flight to Rwanda. The UK government responded by including a clause in the proposed Bill of Rights Bill, commonly known as the Rights Removal Bill, that tells UK courts not to take account of any interim measure issued by the European Court.

But the Rwanda scheme is just one part of a broader raft of anti-refugee policies.

In April, the UK passed perhaps one of the most draconian asylum law in the UK's history, the Nationality and Borders Act 2022. It allows the UK to push back boats at sea, expel asylum seekers to countries they have never even set foot in, criminalizes seeking asylum, and allows discrimination against refugees based on how they arrived in the UK.

It is telling that UK border officials, tasked with carrying out these policies, have taken the government to court over pushbacks and the Rwanda scheme through their union.

More recently, the government signed another costly deal with France to stem Channel crossings by small boat. This means more surveillance, patrols and detection dogs, which only risks making the lives of people in encampments in northern France even more miserable and compelling them to attempt ever more dangerous crossings.

The UK is following in the footsteps of countries like Australia and the United States that have spearheaded externalized migration controls, policies that disproportionately affect Black and brown migrants and asylum seekers.

The US continues to deny access to asylum, expelling and pushing back migrants at its border with Mexico. Australia began turning back boats at sea in 2001 and has frequently touted its "model" of offshore detention on Nauru and Manus Island

which has been cruel, costly, ineffective and deadly.

At home, the UK's asylum and immigration system is marred with serious systematic failures. Asylum seekers are living in limbo, waiting years for an asylum decision and housed in woefully inadequate, overcrowded and often inhumane and unlawful conditions.

It doesn't have to be this way – not for the UK and not for other wealthy countries.

First, countries should put the human rights of asylum seekers and migrants squarely at the center of their asylum and immigration policies. This requires treating everyone with dignity and ensuring that they are afforded due process, including access to fair and effective asylum procedures, and protection from being expelled to somewhere where they would be at risk.

This does not preclude states from managing their borders, but they need to do so in compliance with their international obligations, including respecting everyone's right to seek asylum, by whatever mode of travel available to them.

Second, if states are serious about reducing the number of people risking their lives on treacherous journeys by boat or on foot, potentially in the hands of people smugglers or traffickers, they need to expand refugee resettlement and other pathways for legal migration so people can travel safely to their territories, such as routes for work and study.

Many countries, especially those with aging populations, can benefit from the cultural, economic and social benefits that refugees and other migrants bring.

At a time when many people are being forced to flee their homes including because of conflict, violence, poverty, and climate change, it is more important than ever for countries to live up to their commitments to global responsibility sharing.

Wealthy, destination countries foisting their responsibility for refugees onto other countries and creating hostile conditions for those who do manage to arrive sets a very dangerous precedent. Not only can this trigger a race to the bottom among developed states, but also lead other countries already disproportionately shouldering responsibility for the majority of refugees to renege on their international obligations.

Global challenges require global solutions, and every country should do its fair share to protect the world's refugees and respect human rights at their borders.

Democracy Is on the Line in Peru (Human Rights Watch) By Maria McFarland Sánchez-Moreno
January 24, 2023

With all eyes on the fight for democratic government in Brazil, with its obvious parallels to events in the United States, it's easy to miss another equally alarming struggle in the region. Peru has been shaken by protests and violence since the Peruvian Congress removed President Pedro Castillo from office on December 7 following his own attempt to shutter Congress. As of this writing, 55 people have died so far in the unrest, with 18 killed in the town of Juliaca on January 9 alone.

The deepening crisis is a cautionary tale about the risks of democratic governments' failure to do their jobs and deliver for ordinary people.

Since its independence from Spain in 1821, Peru has been riven by severe economic inequality and systemic racism. A third of the population lives in Lima, where the bulk of government services and wealth are concentrated, while rural areas and Indigenous populations in general have significantly higher rates of extreme poverty and social exclusion. Inequality, including the lack of access to health services in many rural areas, contributed to Peru experiencing the world's highest reported death rate from COVID-19.

Poverty has shot up in the last three years, including in rural areas where it was already most acute. Food insecurity has doubled since the start of the pandemic. The UN Food and Agriculture Organization reported in 2022 that more than half of Peruvians are food insecure — the highest rate in South America.

Meanwhile, Peru has experienced unrelenting political turmoil. In part, that's due to corruption scandals touching nearly every president in the last decade. But it's also because so many members of Congress seem more interested in horse-trading, partisan gains, and pursuing petty personal agendas — such as an unpopular law weakening the university accreditation system — than in addressing the country's problems.

Since Keiko Fujimori, the daughter of the autocratic and now imprisoned former President Alberto Fujimori, lost the 2016 presidential election, her party and others aligned with it in Congress have repeatedly sought to undermine whoever held the

presidency. In 2020, they successfully ousted President Martin Vizcarra on questionable legal grounds. Several members of Congress, as well as Keiko Fujimori, are themselves under criminal investigation for various offenses. In a January poll, 88 percent of Peruvians disapproved of Congress's performance.

The ousted President Castillo, a rural school teacher, was never widely popular either. But in some rural areas, he was able to gain support from communities who identified with him and believed his promises of greater inclusion.

When Castillo took office after eking out an electoral victory over Keiko Fujimori in 2021, it was clear from the behavior of some members of Congress — including false claims of electoral fraud — that they would seek to remove him as they did Vizcarra. When Congress finally did remove Castillo for what was effectively an attempted coup and Vice-President Dina Boluarte assumed the presidency, to some Peruvians this read as an effort to wrest power from them. As a result, protesters' main initial demand was for new elections in the short term.

While thousands have protested peacefully, reports of violence, arson, vandalism, and attacks on journalists have been common. Many police officers have been injured and one killed. Protesters have blocked roads, in some cases interfering with ambulances and contributing to deaths. The government has a responsibility to provide security and ensure accountability for violent acts.

At Boluarte's request, Congress voted on December 20 to move elections up from 2026 to 2024, but that decision needs to be confirmed in a second round of voting. Meanwhile, the government's brutal response to the protests is only compounding the indignation many feel.

President Boluarte has failed unequivocally to call on security forces to respect protesters' rights, even in the face of reports of excessive use of force and mass detention. The pervasive lack of accountability for police violence, and successive governments' failure to reform the police to ensure respect for human rights, amounts to a blank check for abuse.

Instead, administration officials have blamed the protesters for causing "chaos" or dismissed them — without offering evidence — as under the control of "foreign agitators" like former Bolivian President Evo Morales.

In a January 13 speech, Boluarte apologized for protesters' deaths, but further incensed many by stating that those "truly responsible" for the violence needed to be held accountable — and suggesting that "terrorism" played a role. In Peru, the "terrorism" label is often used in reference to the Maoist Shining Path insurgency, which killed thousands in the 1980s, to stigmatize protesters, activists, Indigenous people, or left-leaning political actors.

Protests have kept spreading, affecting more than a quarter of the country on January 19, with many protesters traveling to Lima. Increasingly, their calls are for Boluarte to resign, or for a constituent assembly to review the constitution.

Democracy is very much on the line in Peru. The protesters' demand for new elections is, ultimately, democratic. But repression and denial are likely to breed more anger and despair, playing into the hands of would-be autocrats across the political spectrum.

National and regional leaders need to rise above the petty politics, corruption, and personal interests that have marred Peru's political system. Broad, genuine, and constructive dialogue that takes people's needs and aspirations into account, along with positive outcomes secured through democratic institutions and effective action to protect the right of peaceful assembly, should be the priority.

Peru is far from the only democracy where the political system is increasingly divorced from the problems of its people. Others should take heed.

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

Aiding and Abetting

French court dismisses complicity in war crimes charge against TotalEnergies (mtv Lebanon) January 17, 2023

A French court has dismissed charges of complicity in war crimes against oil major TotalEnergies, lawyers for the NGOs who brought the charge said in a statement.

In October, the Darwin Climax Coalition and Ukrainian organisation Razom We Stand filed a complaint with the anti-terrorism unit of the Paris public prosecutor's office over what it said were acts of complicity in war crimes likely to have been committed by TotalEnergies in Ukraine.

Lawyers for the groups said they had been informed that the public prosecutor had dismissed the complaint. They added that the NGOs would appeal the verdict.

The NGOs said that the company had not only maintained its economic activity on the territory of a state openly at war, but also made profits from the sale of gas condensate, the transformation of which into kerosene was able to refuel the Russian air force.

The NGO lawyers said that in explaining its reasons for dismissing the complaint, the court stated that "the facts of complicity in the war crime denounced against the company TOTAL ENERGIES would appear insufficiently characterized, on the material level as on the intentional."

TotalEnergies did not immediately respond to a request for comment about the ruling. It had denied the accusations in October in a statement to French daily Le Monde.

Biden's Empty Call to Reevaluate US-Saudi Relationship (Human Rights Watch) By Sadie Statman
January 24, 2023

Following Saudi Arabia's decision to cut oil production in October, United States President Joe Biden announced there would be consequences for the Saudi government and a need to reevaluate the US-Saudi relationship. But three months later, that relationship seems unchanged.

Biden's unwillingness to genuinely reassess the relationship applies to US human rights policy toward Saudi Arabia as well. In December, Biden opposed a resolution introduced by Senator Bernie Sanders to ban US logistical support for airstrikes by the Saudi-led coalition in Yemen, many of which have resulted in apparent war crimes.

On the campaign trail, Biden had vowed to pursue accountability for the murder of journalist and US resident Jamal Khashoggi. Despite promises to make Saudi Arabia a "pariah," in September 2021 he chose not to sanction Saudi Crown Prince Mohammed bin Salman and in July 2022 he traveled to Jeddah to meet with the crown prince, who, according to US intelligence, was responsible for approving Khashoggi's murder. Since that disastrous visit, Human Rights Watch has documented a notable uptick in repression, including decades-long prison sentences for citizens sharing opinions on social media.

Last September, Biden repeated his promise that "human rights will be at the center of [US] foreign policy." That has not been the case when it comes to Saudi Arabia. A reevaluation of US interests in Saudi Arabia should include action against the government's escalating repression and complete suppression of public criticism.

Even with Saudi Arabia cutting – rather than increasing – oil production, Biden's decision not to follow through with a re-think about the US-Saudi relationship reveals the US government's perceived dependence on Saudi Arabia. This has the effect of weakening Biden's leverage on human rights. But it's more urgent than ever that the administration take a strong stand on human rights in Saudi Arabia.

What would a more human rights-focused foreign policy look like in the Saudi case? The US currently sells more military equipment to Saudi Arabia than to any other country. Instead of turning a blind eye to Saudi's abuses against its own population, as well as alleged war crimes it committed in Yemen, the US should halt those sales until there are clear human rights improvements. Doing so would put Biden's broader foreign policy toward Saudi back on credible footing.

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

WORTH READING

Prohibition of Palestine Arab Return to Israel as a Crime Against Humanity
John Bernard Quigley
January 18, 2023

A displaced population of Palestine Arabs, numbering over seven million, is dispersed around the world, with major concentrations in Lebanon, Jordan, Syria, and Palestine itself. This population is prohibited from entry for renewed residence in home areas situated in Israel. In international law a right of return to one's country is guaranteed as a matter of fundamental rights. Severe deprivation of internationally defined rights victimizing a civilian population based on ethnicity or nationality constitutes the crime of persecution, a sub-category of crimes against humanity, prosecutable at the International Criminal Court. With respect to a major portion of the displaced Palestine Arabs, jurisdictional prerequisites obtain for the opening of an investigation that might lead to charges against Israeli officials responsible for denying return to the Palestine Arabs.

[back to contents]

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