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Watch



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

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NORTH AFRICA

Libya

Eastern Libyan authorities round up thousands in crackdown on migrants (Associated Press) By

Sam Magdy

June 3, 2023

Libyan authorities rounded up thousands of mostly Egyptian migrants and amassed them at the border, activists said Saturday, as Libya continued its crackdown on migrants.

The migrants were detained in raids over the past two days on trafficking warehouses in the border town of Musaid and other areas in eastern Libya, said Tarik Lamloum, an activist with the Belaady Organization for Human Rights.

Libya is the dominant transit point for migrants from Africa and the Middle East trying to make it to Europe. The country plunged into chaos following a NATO-backed uprising that toppled and killed longtime autocrat Moammar Gadhafi in 2011. Oil-rich Libya has been ruled for most of the past decade by rival governments in eastern and western Libya, each backed by an array of militias and foreign governments.

Human traffickers have benefited from the chaos in Libya and smuggled migrants through the country's lengthy border with six nations. They then pack desperate migrants seeking a better life in Europe into ill-equipped rubber boats and other vessels in risky voyages on the perilous Central Mediterranean Sea route.

Lamloum and another local group, al-Abreen, which helps migrants in Libya, estimated that more than 6,000 migrants have been held at the border. Most of the migrants are Egyptians who were taken to the customs hangar of the Musaid crossing point with Egypt, awaiting their deportation to their home country, they said.

The Security Directorate of Benghazi, which oversees the police force, reported the raids on migrants in Musaid but gave no further details. It also said they detained five suspected traffickers, including four Libyans and Bengal, on a Europe-bound boat carrying eight other Bengalis.

A spokesman for the forces of military commander Khalifa Hifter, which control eastern Libya, did not answer phone calls and messages seeking comment.

Al-Abreen posted footage showing large numbers of migrants guarded by security officers, while being marched on foot to the Musaid crossing point. Other footage shows dozens of migrants it said had been freed from a traffickers' warehouse.

Esreiwa Salah, an activist with al-Abreen, described the situation at the hangar where the migrants have been held as "tragic."

"The situation is bad and tragic," he said over the phone from Benghazi. "The area is not equipped (to host detained migrants)."

Many Egyptian migrants were released and deported to Egypt on Friday according to Mahdi el-Omda, a former Egyptian lawmaker who along with other tribal elders in the western Egyptian city of Matrouh mediated the migrants' release with Libyan authorities in Musaid.

The detained migrants include Syrians, Sudanese, Pakistanis and Bengalis who legally entered Libya over the years through the Benina airport in the eastern city of Benghazi, Lamloum said.

Authorities rounded up at least 400 other migrants from Pakistan and Bangladesh from eastern Libya and took them to the Qanfouda detention center where they await deportation, Lamloum said.

The campaign in eastern Libya comes as raids continue in the country's western cities on migrants following clashes between Nigerian and Sudanese migrants in the town of Zuwara. The surfacing of a video in April showing migrants torturing and murdering a Libyan national also fueled anti-migrant sentiment, according to an internal report by the U.N. refugee agency.

Drone raids were carried out on what the government in the capital of Tripoli said were trafficking warehouses in the towns of Zawiya and Maya, major hubs for migrants and fuel smuggling in western Libya, officials said.

The UNHCR report, seen by The Associated Press, said the crackdown on migrants in Tripoli and other western towns resulted in the detention of 1,800 migrants over the past month. Most of them were transferred to government-run detention centers for migrants or were in the process of moving from other facilities, the UNHCR said.

Such migrant detention centers are rife with abuses, including forced labor, beatings, rapes and torture — practices that amount to crimes against humanity, according to U.N.-commissioned investigators.

The U.N. report expected that the crackdown on migrants “will continue to expand and target more areas within Tripoli and beyond.”

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CENTRAL AFRICA

Central African Republic

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

Central Africa faces 'turning point' amid multiple crises (United Nations News) June 5, 2023

Despite critical gains by Central African nations in advancing stability and cooperation, the region faces multiple crises, and the coming months mark “an important turning point”, the top UN official there told the Security Council on Monday.

“Central Africa is richer in opportunities and resources than it is in challenges”, but, the coming months will mark “an important turning point” for the region, where crucial political and electoral processes must take place by the end of the year, said Abdou Abarry, the UN Secretary-General's Special Representative for Central Africa.

“We will ensure, with the Security Council's valuable support, that the episodes of violence, fuelled in particular by hate speech, which have marred elections in the past, are avoided at all costs,” said Mr. Abarry, who also heads the UN Regional Office, UNOCA. “The peace and stability of the subregion are at stake.”

Presenting the Secretary-General's latest report on developments in Central Africa since his last Council briefing in December, Mr. Abarry said States are making strides in realizing the vision of a “region of prosperity”.

Highlighting successes in resolving tensions, galvanizing reconciliation, and tackling security issues, he commended collective efforts made by leaders of the region, from awareness to act on climate change to fruitful dialogue between Chad and the Central African Republic (CAR).

‘Devastating’ impact of Sudan crisis

Concerns remain, including a rise in piracy alongside the deep impact of the Sudan conflict and the war in Ukraine, he said.

The ongoing fighting in Sudan is having “devastating humanitarian consequences” for Chad and CAR, he said.

Since fighting broke out between rival military forces in mid-April, an exodus of civilians fleeing the violence has spilled over

neighbouring borders. For Chad alone, \$129.8 million will be needed to care for an estimated 100,000 refugees for the next six months.

“Recent developments on the border between Chad and CAR and the impact of the Sudanese crisis on these two countries remind us of the urgent need to adopt a holistic approach to issues of peace and security in Central Africa, a region already marked by the presence of a multitude of armed and terrorist groups,” he said.

“Without a swift and peaceful resolution of the conflict, the effects will be disastrous not only for Sudan, but also for all countries in the Lake Chad Basin region,” he cautioned, adding that the recent joint military operations by Chad and CAR on their shared border reflect their desire to strengthen bilateral cooperation to address common security challenges.

Impact of Ukraine war

Central Africa is suffering the impact of the crisis in Ukraine, which is reflected in inflation and rising prices of basic foodstuffs and fuel, sometimes with shortages.

“Although most States have taken measures to mitigate the effects on consumers, we must remain aware that the further deterioration of the socio-economic situation could lead to a rise in the social front that would be detrimental to the stability of countries,” he said.

Upsurge in piracy

The security situation in Central Africa has also been marked by an upsurge in maritime piracy incidents in the Gulf of Guinea, he said.

This trend highlights the need to strengthen interregional cooperation, especially as the 10th anniversary of the adoption of the Yaoundé Code of Conduct approaches, he added, reiterating his Office’s readiness to support efforts to strengthen coordination among such stakeholders are the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission.

Addressing root causes

However, as the situation in the Lake Chad Basin and the Sahel demonstrates, a purely military response will not be sufficient to address the root causes of insecurity, he said, emphasizing that political and socioeconomic measures are also needed to stop armed groups from exploiting intercommunal conflicts, such as those related to transhumance.

States in the region discussed the cross-border management of the activities of armed groups and related concerns at a recent meeting of the Security Council’s Standing Advisory Committee (UNSAC), he said.

Pledging support for ongoing regional efforts, he said a joint mission is currently being deployed, in partnership with the UN Office for West Africa and the Sahel (UNOWAS) in the four countries of the Lake Chad Basin to assess the impact of violent extremism on local populations.

11 UN peacekeepers accused of sexual exploitation, abuse in Central African Republic (Associated Press) By Jean Fernand Koena

June 9, 2023

Eleven U.N. peacekeepers stationed in Central African Republic have been accused of sexual exploitation and abuse, the United Nations said Friday.

Investigations were still underway, but preliminary evidence gathered by the U.N. Office of Internal Oversight Services revealed that the members of a Tanzanian peacekeeping unit deployed in the country’s west were implicated in the exploitation and abuse of four victims, according to a statement by the U.N. Multidimensional Integrated Stabilization Mission in the Central African Republic, also known as MINUSCA.

“Upon learning of the allegations, MINUSCA immediately deployed a rapid intervention team to assess the allegations and identify and listen to the alleged victims,” the statement said. “Immediately afterwards, MINUSCA relocated the unit concerned to another base, where it is confined to barracks, in order to protect the victims and the integrity of the investigation.

Indigenous community wins, then loses, path to reclaim ancestral rainforest land in Peru Indian, Pakistani coasts on high alert a day before Cyclone Biparjoy is expected to make landfall Long-awaited Vietnam energy plan aims to boost renewables, but fossil fuels still in the mix To fight berry-busting fruit flies, researchers focus on sterilizing the bugs “Victims received immediate care and support through the mission’s partners, according to their medical, psychosocial and protection needs.”

The evidence also points to a breakdown in command and control over personnel, and once the investigation is complete, the entire unit of 60 peacekeepers will be repatriated. Some of the victims are believed to be minors, but that is yet to be confirmed, the U.N. said.

The mineral-rich but impoverished Central African Republic has faced deadly intercommunal fighting since 2013, when predominantly Muslim Seleka rebels seized power and forced President Francois Bozize from office. Mostly Christian militias later fought back, also targeting civilians in the streets. Untold thousands were killed, and most of the capital's Muslims fled in fear.

A U.N. peacekeeping mission was deployed the following year and now has nearly 17,500 uniformed personnel. In November, the mission's mandate was extended for a year.

The United Nations has long been in the spotlight over allegations of child rape and other sexual abuse by its peacekeepers, especially those based in Central African Republic and neighboring Congo.

In 2021, U.N. Secretary-General António Guterres ordered the immediate repatriation of a contingent from Gabon operating in the country, following credible reports of sexual abuse by some of its 450 members, and past allegations.

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Sudan & South Sudan

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

'No Woman Feels Safe': Sexual Violence Rampant in Sudan War (AFP) June 7, 2023

Zeinab was fleeing war-torn Sudan's capital to seek safety when she found herself pinned to the ground, a rifle to her chest, as a paramilitary fighter raped her

"I was sure we were about to die," she told AFP, recounting how she, her younger sister and two other women, one with an infant daughter, were all sexually violated.

Dozens of women have reported similar attacks — in their homes, by the roadside and in commandeered hotels — since the war erupted in mid-April between the army and the paramilitary Rapid Support Forces.

A month into the war, said Zeinab, the women were fleeing Khartoum when their minibus was stopped at an RSF checkpoint.

Terrified, they were marched into a warehouse where a man "in civilian clothes who seemed to be their commander" ordered Zeinab to the ground, she said.

"I was pinned down by one man while the other raped me," she told AFP. "When he was done, they switched. They wanted to keep my sister with them. I begged them on my hands and knees to let her go."

The women were eventually allowed to leave and escaped to Madani, 200 kilometers away, where they reported the attack to police and went to a hospital.

When Zeinab later recounted their ordeal, she had found refuge in another country.

"We're not the first people this has happened to, or the last," she said.

Sudan's war has claimed at least 1,800 lives and displaced more than 1.5 million people. The horrors of the conflict have been compounded by a wave of sexual violence, say survivors, medics and activists who spoke to AFP.

Most have requested anonymity or, like Zeinab, used a pseudonym for fear of reprisals against them and others.

Both Sudan's army chief, General Abdel-Fattah Burhan, and the RSF, led by General Mohamed Hamdan Dagalo, have

accused their enemies of such attacks.

And human rights lawyer Jehanne Henry said that indeed both sides have committed "notorious acts of sexual violence" in the past.

The governmental Combating Violence Against Women and Children Unit documented 49 assaults in the first two weeks of the war.

In all but six cases, survivors identified perpetrators "in RSF uniform," said unit chief Sulaima Ishaq al-Khalifa, adding that there are "new reports night and day."

"There is not a single woman in Khartoum now who feels safe, not even in her own home," al-Khalifa said.

The worst fighting has raged in Khartoum and the Darfur region, where former dictator Omar al-Bashir once unleashed the notorious Janjaweed militia from which the RSF emerged.

In their scorched-earth campaign since 2003, they committed genocide, war crimes and crimes against humanity, including rape, according to the International Criminal Court.

Now mass rapes are again being reported in Darfur, said Adjaratou Ndiaye, the U.N. Women representative in Sudan.

Documented cases, like wider casualty counts, are likely "the tip of the iceberg," said a Sudanese Women Rights Action group researcher.

Medics say many victims receive no care as hospitals have been ransacked or destroyed. Many cases have been reported by civil society groups known as resistance committees, which long campaigned for democracy.

A lawyer who has long documented sexual assaults by security forces, said the scourge now impacts "every segment of Sudanese society."

"We have seen the rape of young girls and old women, mothers with their children," she said, adding that to the perpetrators "it doesn't matter."

Amid dire shortages, health workers have struggled to provide HIV medication or emergency contraceptives.

"The situation is catastrophic," said a member of the Central Committee of Sudanese Pharmacists.

Activists and medics are trying to document every attack. The aim, said the lawyer, is "to ensure there is no impunity."

Zeinab hopes the rapists will one day face justice but voices resignation.

"I shared my testimony to try and stop this happening to others, to tell them the road isn't safe," she said. "But even when I filed the police report, I knew nothing would come of it. They're never going to get the men who did this."

Sudan conflict: What to do with the dead bodies in Khartoum (BBC) By Ethar Shalaby
June 8, 2023

"I have buried three people inside their own houses, and the rest just by the entrance of the road that I live on," said Omar, whose name we have changed.

"That's better than opening the door and seeing a dog chewing on part of a dead body."

No-one knows how many people have died so far but it is believed to be well over 1,000, including many civilians caught in the crossfire.

With two military factions - the regular army and the Rapid Support Forces (RSF) paramilitary group - battling it out despite various ceasefires, it is far too dangerous to try and go to a cemetery.

Omar has buried at least 20 people.

"A neighbour of mine was killed in his house. I couldn't do anything but remove the ceramic tiles in his house, dig a grave and bury him," he told the BBC.

"Corpses are left to decay in the heat. What can I say? Some neighbourhoods in Khartoum are now turning into cemeteries."

Last month, Omar dug graves for four people by a road just a few metres away from his house in the al-Imtidad district of Khartoum. He said he knew of other people who had to do the same in nearby neighbourhoods.

"Many of those who were killed were buried in areas near Khartoum University, close to Seddon fuel station, a well-known landmark. Other corpses were buried in neighbourhoods close to Mohamed Naguib road."

There are no official figures for the number of people buried in houses or neighbourhoods in Sudan, but Omar said "it could be dozens".

Hamid, whose name we have also changed, has a similar experience.

He told the BBC he had buried three army personnel in a communal area of Shambat city, 12km (7.5 miles) outside the capital, after a military jet crashed.

"I was in the area by chance. A group of five people and myself moved the corpses away from the debris, and buried them in an area surrounded by residential buildings."

Hamid, a property agent who has lived in the area for 20 years, believed that this was a "work of mercy". "It is not important where we bury the dead," he said.

"Burying them is the priority. It is a charitable thing to do. The journey to the graves [in cemeteries] could take days and snipers are everywhere.

"We are trying to help society avoid a health disaster. It is a religious and moral duty."

'Burying the truth'

Despite the good intentions, these actions could unwittingly destroy evidence of war crimes, the head of the doctors' union, Dr Attia Abdullah Attia, said.

He warned that these "amateurish" methods of burial could "bury the truth", adding that clues of how people died could be destroyed.

Dr Attia said bodies should be identified and buried in graves in a timely and dignified manner. He insisted people should leave the burial process to the health authorities, the Red Cross and the Sudanese Red Crescent.

"Burying the dead this way is not justified. The burial process should have the presence of official governmental representatives, the prosecution, forensic specialists and the Red Cross. It is also important to take DNA samples."

When asked why he believed it would be possible to follow these practices in a country where the health system and law and order have collapsed, he said foreign countries should play a role.

The two volunteers, Omar and Hamid, both said they take photographs of the faces and bodies of the dead before they bury them, which can help identification in the future.

But Dr Attia also warned that unsafe burials could lead to the spread of disease.

"Burying the dead at a shallow level makes the graves more likely to be exhumed by stray dogs. The correct way of burying isn't applied here, because a solid object or bricks need to be placed in the grave to prevent the bodies being exposed," he told the BBC.

Hamid, however, says most Sudanese people were aware of the proper way to dig a grave where the bodies are placed "at least one metre under the ground".

Some organised efforts to bury bodies are under way.

A man, who we are calling Ahmed, volunteers with the Red Cross to clear bodies from the streets.

"I take photos of the face and body, record if it is a new dead body or has decayed [and] give it a number."

He said they keep a file for every body for future identification. Despite Dr Attia's criticism, people feel they have no choice due to the collapse of the public health infrastructure.

On 11 May, videos circulated on social media showing the burial of two Sudanese female doctors, Magdolin and Magda

Youssef Ghali, in their garden.

Their brother, who we are not naming, told the BBC in a video call that burying his two sisters in the house was "the only solution".

"They were left for almost 12 days without burial," said the brother in tears.

"The neighbours reported a foul smell coming from the house so people volunteered to bury them in one grave in the garden."

The health authorities have been working with the Red Cross and the Sudanese Red Crescent to move bodies to cemeteries. But fighting has hindered the arrival of the burial teams.

As people try to survive and bury their dead in a dignified manner, the thought of a war crimes tribunal feels like a remote possibility in the midst of so much violence and loss.

The story of the siblings captures the horror that people are facing every day.

"My sisters were buried in one hole in their garden. I would never have imagined that would be their end," said their brother.

Sudan: Attacks based on ethnicity may amount to war crimes (UN News) June 13, 2023

Fighting between the Sudanese Armed Forces (SAF) and rival military group the Rapid Support Forces (RSF), which erupted in mid-April, has left thousands dead or injured, and displaced more than a million.

Communities also continue to face severe shortages of food, access to medical supplies and restricted movement out of conflict areas, while allegations of sexual violence against women and girls have emerged.

'Deeply worrying'

UN Special Representative for Sudan, Volker Perthes, said the security, human rights and humanitarian situation continue to rapidly deteriorate across the country, particularly in the greater Khartoum, Darfur and Kordofan areas.

Mr. Perthes, who also heads the UN Integrated Transition Mission in Sudan (UNITAMS), said he was particularly alarmed by the situation in El Geneina, capital of West Darfur, where the violence has taken on ethnic dimensions.

"While the United Nations continues to gather additional details regarding these reports, there is an emerging pattern of large-scale targeted attacks against civilians based on their ethnic identities, allegedly committed by Arab militias and some armed men in Rapid Support Force (RSF)'s uniform. These reports are deeply worrying and, if verified, could amount to crimes against humanity," he said.

Two decades ago, thousands were killed across Darfur, and millions displaced, in fighting between Sudanese Government forces backed by allied militia known as Janjaweed on one side, and rebel groups on the other.

Document all violations

Mr. Perthes added the UN "condemns in the strongest terms all attacks against civilians and civilian infrastructure, whatever the form and whoever the alleged perpetrators are."

He emphasized that the security forces and non-State armed actors must uphold their duty to respect the right to life and refrain from attacks against civilians, in line with international humanitarian law.

"While I am encouraged that in some areas, local communities and state authorities have taken proactive measures to help de-escalate and mediate, it is important to ensure that all violations are documented and protected for accountability purposes," he said. UNITAMS will continue efforts to monitor the situation and towards engaging with all parties to reach a peaceful resolution to the conflict, in coordination with regional and international partners.

Genocide expert's condemnation

Meanwhile, UN Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, has strongly condemned the ongoing fighting and the parties' "blatant disregard for ceasefires", her office said in a statement.

Ms. Nderitu was also gravely concerned by renewed fighting in the capital, Khartoum, particularly targeted missile attacks against two neighbourhoods on Sunday, which killed 18 people and injured many others.

“In addition to human rights violations and abuses committed in Khartoum, the Special Adviser is alarmed by reports that the security vacuum and the protection gap in several states has been exploited by armed groups, including the Janjaweed and other rebel armed groups,” the statement said.

“These groups have allegedly been retaliating against ethnic communities on the basis of their ties to the main parties to the conflict, the Sudanese armed forces and the RSF. These attacks, if confirmed, could amount to war crimes and crimes against humanity.”

No justification for reprisals

The Special Adviser also warned of the potential of war crimes in Darfur, where hundreds have been killed and injured in reported clashes between members of different groups.

Homes have been looted and burned, and the hospital in El Geneina was also attacked. As civilians flee the fighting, homes abandoned by Masalit communities have been occupied by Arab communities, according to reports.

Although tensions between ethnic communities are not new in Darfur, they could not be used as a justification for reprisal, the statement said.

Civil war fears

“The violence in West Darfur is shocking. If it continues, it can develop into renewed campaigns of rape, murder, and ethnic cleansing amounting to atrocity crimes,” the Special Adviser warned.

Ms. Nderitu feared that if left unaddressed, the violence and intercommunal clashes occurring in some areas of Sudan could engulf the entire country in a civil war, with high risks of atrocity crimes being committed.

The Special Adviser stressed that the SAF and RSF leaders have a responsibility to protect civilians, and to respect international human rights and humanitarian law. She also called for an urgent and consolidated ceasefire, and for accountability for human rights violations and abuses.

UN chief ‘highly worried’

UN Secretary-General António Guterres is “highly worried about the increasing ethnic dimension of the violence in Sudan, as well as by reports of sexual violence”, his spokesperson said in a statement issued later on Tuesday.

Mr. Guterres is deeply concerned about the situation in Darfur and appalled by reports of large-scale violence and casualties across the region, particularly in El Geneina, and other areas, including the city of Nyala in South Darfur, and in Kutum and El Fasher, located in North Darfur.

UN Spokesperson Stéphane Dujarric said the Secretary-General reiterates his call for the SAF and RSF to cease fighting and commit to a durable cessation of hostilities. The parties were also reminded of their obligation to protect civilians.

“The Secretary-General reaffirms the United Nations’ commitment to supporting the Sudanese people,” Mr. Dujarric added.

“With nearly nine million people now urgently requiring humanitarian aid and protection in Darfur, he stresses the need for an end to looting and widened access so aid can reach those who most need it.”

The UN chief also paid tribute to humanitarian workers, especially local partners, who risk their lives to deliver assistance.

UN: Sudan’s war displaces over 2 million, as fighting rages in Darfur region (AP) Samy Magdy

June 14, 2023

The conflict in Sudan has displaced more than 2 million people, the United Nations said on Wednesday, as a U.N. official warned that escalating attacks in Darfur city could amount to “crimes against humanity.”

Sudan has plunged into chaos since mid-April when monthslong tensions between the military and its rival, the paramilitary Rapid Support Forces, exploded into open fighting in the capital, Khartoum, and elsewhere across the northeastern African nation.

The fighting continued unabated Wednesday in parts of the capital and the western region of Darfur, both have seen some of the worst battles. At least 959 civilians have been killed and about 4,750 others were wounded as of June 12, according to Sudan's Doctors Syndicate, which tracks civilian casualties.

The brutal clashes have forced more than 1.6 million people to leave their homes for safer areas inside Sudan, according to the International Organization for Migration. About 530,000 others fled to the neighboring countries of Egypt, South Sudan, Chad, Ethiopia, the Central African Republic, and Libya, the agency said.

The medical group said the toll could be much higher, given it was unable to take into account those who were killed or wounded in the ongoing clashes in Genena, the provincial capital of West Darfur. The city's hospitals have been out of service since the fighting erupted there in April, the group said.

All of Sudan's 18 provinces experienced displacement, with Khartoum at the top of the list with around 65% of the total number of displaced people, followed by West Darfur with over 17%, according to the IOM's Displacement Tracking Matrix.

In Genena, the provincial capital of West Darfur, the RSF and allied Arab militias rampaged through the city over the past week, killing and wounding hundreds of people, according to local activists and U.N. officials.

Activists and residents in Genena reported dozens of women were sexually attacked inside their homes and while trying to flee the fighting. Almost all rape cases were blamed on the RSF, which didn't respond to repeated requests for comment.

Khamis Abdalla Abkar, the provincial governor of West Darfur province, accused the RSF and allied militias of attacking local communities across Genena. In a phone interview on Wednesday with Saudi-owned television station, Al-Hadath, he urged the international community to intervene to protect civilians in his province. Volker Perthes, the U.N envoy in Sudan, said Tuesday the fighting in Genena has taken "an ethnic dimension," with Arab militias and armed men in RSF uniforms showing "an emerging pattern of large-scale targeted attacks against civilians based on their ethnic identities."

Such attacks, "if verified, could amount to crimes against humanity," he warned.

Alice Wairimu Nderitu, the U.N. special adviser on the prevention of genocide, also condemned "the shocking violence" in Genena. She warned in a statement Tuesday that such fighting could turn into "renewed campaigns of rape, murder, and ethnic cleansing amounting to atrocity crimes."

Darfur had been the scene of genocidal war in the early 2000s, when ethnic Africans rebelled, accusing the Arab-dominated government in Khartoum of discrimination. Former dictator Omar al-Bashir's government was accused of retaliating by arming local nomadic Arab tribes, known as Janjaweed, who targeted civilians.

The Janjaweed later evolved into the RSF.

No respite for Sudan civilians two months into brutal war (AFP) June 14, 2023

Since April 15, the regular army headed by Abdel Fattah al-Burhan and the paramilitary Rapid Support Forces commanded by his former deputy Mohamed Hamdan Daglo have been locked in urban combat that has left whole neighbourhoods of the capital Khartoum unrecognisable.

The fighting quickly spread to the provinces, particularly the flashpoint western region of Darfur, and has now killed at least 1,800 people, according to the Armed Conflict Location and Event Data Project (ACLED).

On Wednesday, the regular army carried out "air strikes for the first time in El Obeid," the capital of North Kordofan state, 350 kilometres (220 miles) south of the capital, which has been "surrounded by the RSF since the war began," witnesses told AFP.

Nationwide, some 2.2 million people have fled their homes, more than one million of them escaping Khartoum, according to the International Organisation for Migration.

Of those, more than 528,000 have sought refuge in neighbouring countries, according to the UN agency. Those that remain have run out of "food, water and medicine," Khartoum resident Ahmed Taha told AFP.

"We have nothing left. The entire country has been completely devastated. Everywhere you look, you'll see where bombs have fallen and bullets have struck. Every inch of Sudan is a disaster area."

US and Saudi mediation efforts are at a standstill after the collapse of multiple ceasefires in the face of flagrant violations by both sides.

"We think we've given them every shot," a senior US State Department official said on Tuesday. Aid agencies have pleaded for the opening of humanitarian corridors to allow assistance in and fleeing civilians out but to no avail.

Entire districts of Khartoum no longer have running water, mains electricity is only available for a few hours a week and most hospitals in combat zones are not functioning. A record 25 million people -- more than half the population -- are in need of aid, according to the UN.

"We have been suffering and suffering and suffering the scourge of this war for two months," said Khartoum resident Soha Abdulrahman. 'Crimes against humanity'

The conflict's other main battleground Darfur -- home to around a quarter of Sudan's population -- was already scarred by a two-decade war that left hundreds of thousands dead and more than two million displaced.

Amid what activists have called a total communications "blackout" in large parts of the region, hundreds of civilians have been killed in the current fighting. Homes and markets have been burnt to the ground, hospitals and aid facilities looted and more than 149,000 sent fleeing into neighbouring Chad.

The head of the UN mission in Sudan, Volker Perthes, said Tuesday there was "an emerging pattern of large-scale targeted attacks against civilians based on their ethnic identities, allegedly committed by Arab militias and some armed men" in RSF uniform.

If these reports are verified they "could amount to crimes against humanity", he said.

Daglo's RSF have their origins in the Janjaweed militias which ousted strongman Omar al-Bashir unleashed on ethnic minorities in the region in 2003, drawing charges of genocide, war crimes and crimes against humanity.

The paramilitaries remain highly mobile and adept at the sort of urban combat that has gripped Khartoum and Darfur's cities but the regular army has so far enjoyed a virtual monopoly of the skies.

However, an army official said Wednesday that the RSF had begun using "drones", which an RSF source said they had obtained "from commandeered army centres". Both sources spoke to AFP on condition of anonymity because they are not authorised to speak to the media.

According to a military analyst from the region who requested anonymity for his safety, the RSF "might have obtained them from the Yarmouk" weapons manufacturing and arms depot complex, which they overran just days after the collapse of US and Saudi-brokered ceasefire talks.

UN: Sudan's Darfur clashes, crimes against human rights (AFP) June 14, 2023

The head of the United Nations mission in Sudan said Tuesday 12th June, 2023 that attacks in Sudan's Darfur region could amount to crimes against humanity. Darfur has never recovered from years of fighting that began in 2003, and since April has been a centre of the now eight-week-old war between Sudanese army chief Abdel Fattah al-Burhan and his former deputy Mohamed Hamdan Daglo, known as Hemeti, who leads the paramilitary Rapid Support Forces (RSF).

"There is an emerging pattern of large-scale targeted attacks against civilians based on their ethnic identities, allegedly committed by Arab militias and some armed men" in RSF uniform, Volker Perthes, head of the UNITAMS mission to Sudan, said in a statement. "These reports are deeply worrying and, if verified, could amount to crimes against humanity." He said the situation in Darfur "continues to deteriorate" and expressed particular alarm about El Geneina, the capital of West Darfur state, following waves of violence "which took on ethnic dimensions".

Another UN official, Toby Harward of the UN refugee agency, previously said hundreds have been killed in Darfur, on the border with Chad. In 2003, rebels in Darfur rose against Sudan's Arab elites they accused of monopolising political power and wealth. The Islamist-backed strongman then in power, Omar al-Bashir, responded by unleashing the Janjaweed militias, whose atrocities shocked the world. The unrest killed at least 300,000 people and displaced 2.5 million, according to the UN. The bloodshed led to international charges of genocide, crimes against humanity and war crimes against Bashir and others.

Daglo, from Darfur's pastoralist camel-herding Arab Rizeigat people, rose to prominence with the Janjaweed, which made

up the bulk of the RSF formed in 2013. Darfur governor Mini Minawi, a former rebel leader now close to the army, on Saturday, said on Twitter that “what is happening in El Geneina and Kutum should lead to an international investigation”. Last week the Sudanese authorities loyal to the army declared Perthes “persona non grata”, accusing him of taking sides in the conflict. Perthes was outside Sudan at the time. The UN expressed support for him and said his status had not changed. It said the declaration of “persona non grata” violated international law.

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Democratic Republic of the Congo

**Official Website of the International Criminal Court
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More than 45 people killed by militia groups in eastern Congo, says the United Nations (ABC News) By Christina Malkia

June 12, 2023

More than 45 people have been killed and a dozen wounded by a militia group in eastern Congo's Ituri province, said the United Nations peacekeeping mission in Congo on Monday.

The attack, which occurred Sunday evening into Monday morning, is believed to have been perpetrated by the CODECO militia group, which massacred vulnerable displaced people at the Lala displacement site in Djugu territory, said the U.N.

The peacekeeping mission "extends its condolences to the families of the victims and wishes a speedy recovery to the injured. This attack constitutes a serious violation of international humanitarian law and (the peacekeeping mission) wishes to recall that deliberate attacks against civilian populations can constitute war crimes," said the statement.

Fighting between CODECO, a loose association of various ethnic Lendu militia groups, and Zaire, a mainly ethnic Hema self-defense group, has been ongoing since 2017 but has worsened recently. Dozens of civilians have been killed by CODECO this year.

In December, the United Nations said the insurgent group was expanding its areas of control, attacking civilians and Congo's military, and taxing communities in the areas that it holds.

The killings come amid surging violence across eastern Congo, where conflict has been simmering for decades. More than 120 armed groups are fighting in the region, most for land and control of mines with valuable minerals, while some groups are trying to protect their communities.

HRW accuses M23 militia of rape, finds mass graves in DR Congo (Al Jazeera) June 14, 2023

Human Rights Watch (HRW) has published a damning report accusing the M23 militia of committing murder, rape and "other war crimes" in the volatile east the Democratic Republic of the Congo in recent months.

In the report released on Tuesday, HRW said it had so far “documented eight unlawful killings and 14 cases of rape” by M23 fighters.

Last year, the United Nations accused the group of executing at least 131 people in November in retaliation for clashes between M23 and rival armed groups. The UN's human rights office then later said that 171 civilians were executed in the last ten days of November.

In April and May, after the group withdrew from Kishishe, HRW used photos, videos, testimonies and satellite images to establish the presence of 14 mass graves in the village.

The group – whose members are predominantly ethnic Tutsis from Rwanda – has captured swathes of territory in DRC's North Kivu province since taking up arms in late 2021 after years of dormancy, with over a million people displaced by the fighting.

The DRC accuses Rwanda of backing the M23. Independent UN experts and several Western nations, including the United States, agree with Kinshasa. But Kigali continues to deny the claims.

“The United Nations Security Council should add M23 leaders, as well as Rwandan officials who are assisting this abusive armed group, to the council’s existing sanctions list,” HRW said in a statement on Tuesday.

“The M23’s unrelenting killings and rapes are bolstered by the military support Rwandan commanders provide the rebel armed group,” said Clementine de Montjoye, Africa researcher at the New York-based rights monitor.

One of the survivors was a 46-year-old woman who was raped in February. “As they were raping me, one said: ‘We’ve come from Rwanda to destroy you’,” she said.

Her 75-year-old mother was shot dead for refusing to let the M23 fighters have sex with her. Meanwhile, The M23 denied the allegations in a statement and accused the watchdog of seeking to tarnish its image.

Kigali has also dismissed HRW’s report.

“Rwanda is not going to be intimidated by these campaigns of disinformation and distractions from ongoing regional peace efforts,” government spokesperson Yolande Makolo told the AFP news agency.

The HRW report also claimed that groups backed by the DRC government in the fight with the M23, were also guilty of raping civilians.

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WEST AFRICA

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Mali

UN peacekeeper killed, 8 seriously injured in northern Mali attack (ABC News) June 9, 2023

Attackers killed one U.N. peacekeeper and seriously injured eight others Friday in Mali’s northern Timbuktu region, an area where extremists continue to operate, the United Nations said.

The peacekeepers, all from Burkina Faso, were part of a security patrol that was targeted first by an improvised explosive device and then by direct small arms fire seven kilometers (four miles) from their base in the town of Ber, U.N. spokesman Stephane Dujarric said.

The U.N. Security Council, Secretary General Antonio Guterres and the head of the U.N. peacekeeping mission in Mali, El-Ghassim Wane, strongly condemned the attack.

U.N. Secretary-General Antonio Guterres called on Mali's transitional authorities to identify the perpetrators of the attack and bring them to justice swiftly, noting that "attacks targeting U.N. peacekeepers may constitute war crimes under international law," Dujarric said.

The Security Council also called for a swift investigation and accountability, and underlined that attacking peacekeepers may not only be a war crime but that involvement in planning, directing, sponsoring or conducting such an attack can lead to sanctions.

Mali has been ruled by a military junta since a 2020 coup against an elected president, Ibrahim Boubacar Keita. It has faced destabilizing attacks by armed extremist groups linked to al-Qaida and the Islamic State group since 2013.

In 2021, France and its European partners engaged in the fight against extremists in Mali's north withdrew from the country after the junta brought in mercenaries from Russia's Wagner Group.

The Security Council expressed concern about Mali's security situation "and the transnational dimension of the terrorist threat in the Sahel region." It urged the Malian parties to fully implement a 2015 peace agreement.

The United States warned Mali's military government in April that it would be "irresponsible" for the United Nations to continue deploying its more than 15,000 peacekeepers unless the western African nation ends restrictions, including on operating reconnaissance drones, and carries out political commitments toward peace and elections in March 2024.

The warning came as the U.N. Security Council considers three options proposed by Secretary-General António Guterres for the peacekeeping mission's future: increase its size, reduce its footprint, or withdraw troops and police and turn it into a political mission. Its current mandate expires on June 30.

Dujarric said the peacekeeper killed on Friday was the ninth to die in Mali this year. The secretary-general paid tribute to "the determination and courage" of peacekeepers in Mali who work "in extremely challenging circumstances," he said.

"This tragic loss is a stark reminder of the risks that peacekeepers in Mali and other places around the world face while tirelessly working to bring stability and peace to the people of Mali," he said.

Second UN peacekeeper dies following attack in Mali's northern Timbuktu region (AP News)

June 12, 2023

A second U.N. peacekeeper has died from injuries sustained during an attack in Mali's northern Timbuktu region, an area where extremists continue to operate, the United Nations announced Monday.

The attack Friday on a security patrol that was hit first by an improvised explosive device and then by direct small arms fire seven kilometers (four miles) from their base in the town of Ber killed one peacekeeper and seriously injured eight others, all from Burkina Faso.

U.N. spokesman Stephane Dujarric said Monday that Private First Class Bouma Bamouni, 28, passed away on Friday while First Lieutenant Ali Barro, who died on Sunday, would have turned 33 next month. Both joined the peacekeeping mission, known as MINUSMA, on Oct. 11, 2022 "where they served with professionalism, contributing to our efforts to restore peace and security in Mali," he said.

Barro was the tenth U.N. peacekeeper to die in Mali this year.

U.N. Secretary-General Antonio Guterres and the U.N. Security Council condemned the attack and called on Mali's transitional authorities to identify the perpetrators and bring them to justice, noting that attacks on U.N. peacekeepers may constitute war crimes under international law.

Mali has been ruled by a military junta since a 2020 coup against an elected president, Ibrahim Boubacar Keita. It has

faced destabilizing attacks by armed extremist groups linked to al-Qaida and the Islamic State group since 2013.

In 2021, France and its European partners engaged in the fight against extremists in Mali's north withdrew from the country after the junta brought in mercenaries from Russia's Wagner Group.

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Swiss court confirms historic war crimes ruling against Liberia warlord (Reuters) By Emma

Farge

June 1, 2023

A Swiss court on Thursday upheld a guilty verdict for war crimes in the case of a former Liberian rebel commander and convicted him of crimes against humanity in a landmark case.

Alieu Kosiah, who fought in the 1990s against then-President Charles Taylor's army, was sentenced to 20 years in prison in June 2021 for rape, murder and cannibalism in Switzerland's first ever war crimes trial.

Those charges and others were upheld by the court although he was acquitted of ordering and inflicting cruel treatment, the Swiss Federal Court's appeal bench said in a statement. Four of his acts were deemed crimes against humanity - a term reserved for the most serious, systematic attacks.

The three-judge panel sentenced Kosiah to 20 years in prison and expelled him from Switzerland for ten years after his term is up.

As well as being a first for Switzerland, the verdict is one of the only examples of justice for acts committed during Liberia's back-to-back civil wars between 1989-2003 which became infamous for their brutality, with marauding child soldiers and drugged-up fighters.

"The courage and the determination of the victims who fought relentlessly for 30 years has been rewarded. Justice was handed down today and this is a strong message for all perpetrators: they will not escape justice," Zena Wakim, one of the prosecution lawyers, told Reuters.

Alain Werner, a Swiss lawyer for the prosecution and director of NGO Civitas Maxima, which has worked on the case since 2014, called it a "great day for these incredibly brave Liberian victims".

The trial was often heavy with emotion as some Liberian witnesses and victims confronted Kosiah for the first time since the wars. One of them who was raped by Kosiah as a child broke down during testimony.

Kosiah's lawyer denied the charges against him throughout the proceedings and said he was not present when the crimes were allegedly committed.

He was arrested in 2014 in Switzerland, where he had been living. A 2011 Swiss law allows prosecution for serious crimes committed anywhere.

Liberia has never tried its warlords and some still hold prominent roles in society.

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EAST AFRICA

Uganda

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Kenya

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Mackenzie To Be Prosecuted Locally Under International Criminal Laws (Kenya News Agency) By Emmanuel Masha

June 7, 2023

Controversial cult leader Paul Nthenge Mackenzie and his allies will be prosecuted locally using the International Crimes Act 2008 and the Rome Statute, Interior Cabinet Secretary Kindiki Kithure said Tuesday.

Prof. Kindiki said investigations had revealed that the crimes committed in Shakahola met the threshold of crimes against humanity, which he said would be prosecuted for the first time by Kenyan judicial officers.

“For the first time in our country, we are going to have a prosecution of international crimes by our local judicial institutions,” he said, adding, “Therefore, we are giving effect to a number of our laws that have not been tested locally before.”

The CS, who was accompanied by Internal Security Principal Secretary Dr. Raymond Omollo, the Director of Criminal Investigations Mohammed Amin and other senior ministry officials, said the government would operationalize the International Crimes Act 2008 that criminalizes genocide, crimes against humanity and extermination among others.

“Our investigative agencies have assured us that they have a proper case for finding culpable the main suspect (Mackenzie) and all his collaborators for serious crimes including genocide, crimes against humanity, extermination, murder and all other crimes that are on the table and are being processed in terms of linking the evidence they have with the elements of the various crimes,” he said.

Prof Kindiki, who launched phase three of the exhumation of bodies of the Shakahola tragedy and the opening of security roads within the security operation area, said the government would also be implementing the Rome Statute on the International Criminal Code Articles Six and Seven, which he said was part of the Kenya law.

“We shall be implementing locally the Rome Statute on the International Criminal Code Articles Six and Seven on genocide and crimes against humanity because that treaty is part of the laws of our country by virtue of Article Two paragraph five of the Constitution that says that every international treaty or convention to which Kenya is a party is part of our national law,” he said.

He said the that State would also use laws that have already been used in the past including the Prevention of Terrorism Act, and that it was a just a matter of time before Mackenzie and his collaborators meet their destiny in Kenyan courts.

We have enough evidence to pin him and his collaborators to the most egregious and most horrible crimes against the human race,” he said adding, “What has happened here is not a small matter, but a grave outrage on humanity not just in Kenya but all over the world.”

The CS also announced that the 800-acre piece of land believed to belong to Mr. Mackenzie would no longer be used for agricultural or ranching purposes, but will instead be converted into a national monument in remembrance of the atrocities meted on humanity, so that such a tragedy does not recur in the country.

He however said Mr. Mackenzie extended his outrageous activities beyond his 800 acres of land to about 37,000 acres of the Chakama Ranch, adding that the scene of crime (the 800 acres) would be taken over by the Government and converted into a national memorial site.

“For that reason, the scene of crime where this most horrendous work has been carried out can never be reverted to normal and ordinary human activity. Once the scene of crime is clear of investigations, and subject to any direction that may be given by the Judiciary, the scene of crime will be taken over as a national memorial,” Prof. Kindiki said.

He said the government, in consultation with members of the public would convert the scene of crime into a place of remembrance so that Kenyans do not forget what happened in Shakahola for many generations and centuries to come.

“This is not a place that can be reverted to farming, ranching and other human activities because the souls of our brothers and sisters, adults and children that we lost here require much more dignity than that,” he said.

He said once the investigations are completed, the government would, in consultation of members of the public including the local community, call a national congregation of all religious faiths so that the true believers from every religion and the country’s leadership at all levels for a commemoration service presided over by religious leaders,

This, he said, would be able to rescue the sacred right and freedom of worship and correct the damage caused by Mr. Mackenzie and his collaborators that he said had given religion a bad name despite the fact that religion has done a lot of good to humanity.

“We want to rescue the sacredness and freedom of worship which has been threatened and defiled by crooks, criminals and thugs who have been hiding behind scriptures of different religions to commit crime, and Mr. Mackenzie belongs to that category,” he said.

Prof. Kindiki said the security roads, which are being opened by the Kenya Defence Forces, will be used by security agencies to search and rescue those who are still alive within the Shakahola forest as well as identify the graves of those who may have died and buried there.

He said a total of 242 persons had died in the tragedy (the number rose to 251 after nine more bodies were exhumed Tuesday) and that 95 victims of the cultic teachings had been rescued by the security agencies since the “Operation Okoa Maisha” began, 19 of them having already been reunited with their families.

He said 93 DNA samples had been taken from family members of missing persons suspected to have been followers of Mr. Mackenzie for the purpose of scientifically identifying the bodies, most of which are decomposed beyond recognition.

He called upon the families who could have lost their loved ones to be patient as processing of DNA result takes time.

Death toll from Kenya cult tied to pastor surpasses 300, with more exhumations planned (ABC News) June 13, 2023

The number of people who died after a Kenyan pastor ordered his followers to starve to death in order to meet Jesus has surpassed 300, authorities said Tuesday, and the death toll is expected to rise as more exhumations are planned.

The death toll increased to 303 after 19 more bodies were recovered from mass graves in the vast forested land in Kilifi County of coastal Kenya, where pastor Paul Mackenzie and his followers lived.

Coastal regional commissioner Rhoda Onyancha told local journalists that 613 people tied to the area are missing.

On Monday, 65 of the 95 parishioners whom authorities said they rescued from the property were charged with attempting suicide after they staged a hunger strike to protest being held at a shelter. They were moved to a jail.

Police went to MacKenzie's property in April after investigators received a tip that dozens of people were starving to death after their pastor told them it was a way to meet Jesus. The emaciated followers were treated at a Malindi hospital before they were taken to the shelter.

Mackenzie is expected back in court this week after police were granted more time to hold him pending investigations.

Before his arrest in April, the pastor had been charged in connection with the disappearance of children but was released on bond. Kenyan President William Ruto has likened Mackenzie to a terrorist.

Interior Minister Kindiki Kithure said more mass graves were earmarked for exhumation. He suggested the pastor might be charged terrorism or genocide-related offenses.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwanda genocide fugitive to be taken to Arusha for trial (The Citizen) By Zephania Ubwani
June 4, 2023

The Rwandan genocide fugitive who was arrested in South Africa recently could be headed to Arusha for trial.

Fulgence Kayishema (63) was apprehended for his role in the 1994 killings after being on the run for nearly 20 years.

He briefly appeared in the Cape Town Magistrate's Court two days after his arrest for an initial trial related to genocide.

However, additional charges were brought against him, including fraud and breaking immigration rules. The two counts of fraud and three charges related to illegal residency in South Africa are borne out by the fact that he has been living in South Africa using an assumed name.

But the prosecution authorities in Rwanda have been quoted as saying Kayishema would likely be brought to Arusha to stand trial.

"Once the South African court process concludes, Kayishema will first be transferred to Arusha", said Faustin Nkusi, a spokesman for the prosecution. In Arusha, he will face the United Nations' International Residual Mechanism for Criminal Tribunals (IRMCT), or the Mechanism.

Thereafter, he is expected to be extradited to Rwanda, his motherland, where he is accused of coordinating the horrific killings in 1994.

He added that a "step-by-step" process of extraditing the fugitive was underway and that it would be completed soon.

Mr Kayishema is one of the most sought-after suspects of the 1994 Genocide against the Tutsi in Rwanda, in which nearly one million people were hacked to death.

Officials of the Arusha-based IRMCT (the Mechanism) could not be reached yesterday to confirm reports that the suspect would, indeed, be brought to Arusha for trial.

But the prosecutor, Serge Brammertz, was quoted by the Rwandan media last week as saying he hopes "Fulgence Kayishema will be in Rwanda for prosecution in a few weeks."

Early this year, IRMCT closed its UN Detention Centre near the Arusha airport, where people facing trial for their role in the Rwanda genocide were held during prosecution.

The Mechanism, which took over from the International Criminal Tribunal of Rwanda (ICTR), is likely to wind up its business soon.

The ICTR, for its part, closed shop in December 2015 after convicting 61 suspects of the Rwanda genocide and acquitting scores of others.

Kayishema, the former head of the judicial police in the Rwandan government at the time of the killings, was indicted in 2001 and had \$5 million on his head.

He is accused of playing a pivotal role in planning and executing the killings of approximately 2,000 Tutsis at a Catholic church during the genocide.

Felicien Kabuga, the alleged mastermind and financier of the killings arrested in 2020, is currently on trial in the Netherlands for his role in the genocide.

Efforts to bring him to Arusha or Kigali to stand trial for his key role in the horrific massacres failed.

Rwanda: More Witnesses Pin Genocide Suspect Hategekimana On Ntyazo Massacres (All

Africa) By Aurore Teta Ufitiwabo
June 4, 2023

In the ongoing trial at the Cour d'Assises de Paris, witnesses have testified to the prime role played by genocide suspect Philippe Hategekimana, also known as 'Biguma,' in the death of the former Bourgmestre of Ntyazo Commune, Narcisse Nyagasaza./p>

Hategekimana, formerly a deputy commander of Gendarmerie (police) in the current Nyanza District, is currently on trial in France. The trial commenced on May 10 and is expected to conclude on June 30.

During the trial, Israel Dusingizimana, former councilor of the Mushirarungu sector in the commune of Nyabisindu, told court how Nyagasaza was killed saying that he recalls seeing Hategekimana arriving in a white double-cabin vehicle in company of gendarmes, and took Nyagasaza and five other Tutsis.

He remembers that under the orders of Hategekimana, the gendarmes searched the five Tutsis, confiscated their money, and then shot them dead by the roadside. Afterward, they continued their journey and arrived in front of the under-construction Mushirarungu sector office.

"We got out of the vehicle and ascended the road, where Hategekimana commanded a search of the bourgmestre. The gendarmes seized Rwf 1,000 from his pocket. Then, he lay down on the ground, supporting himself on his left arm. Two gendarmes, once again following Hategekimana's orders, shot him twice," he recalls.

Following the incident, Hategekimana addressed the Hutu individuals present, stating, "Here is an example of what you must do to the Tutsi who are on the hill of Nyabubare."

Another witness, Eliyazari Nsengiyobiri, confirmed that it was on Saturday, April 23, 1994, when Hategekimana addressed the people gathered around the vehicle which was carrying Nyagasaza. He stated that they had apprehended Nyagasaza, accusing him of transporting the Tutsi across the border. Hategekimana pointed at Nyagasaza as he made this declaration.

Hategekimana proceeded to interrogate Nyagasaza, specifically questioning him about the whereabouts of the Inkotanyi. Nyagasaza responded that he had no information. In response, Hategekimana said, "Do you see the arrogance of this man?" He then instructed Nyagasaza to empty his pockets, and Nyagasaza got out a Rwf1000 note.

Hategekimana then ordered Nyagasaza to lie down on the ground. Under his orders, one of the accompanying gendarmes shot Nyagasaza. Hategekimana then proceeded to command the people to bury the body of the bourgmestre.

Hategekimana, 66, faces charges of orchestrating the murder of Tutsis and establishing roadblocks to intercept and execute Tutsis in the hills of Nyamure and Nyabubare, as well as the former Ntyazo, Nyabisindu, and Rusatira communes--all located in southern Rwanda.

Top Dutch court says Rwandan genocide suspect cannot be extradited (Reuters) June 6, 2023

The Dutch supreme court on Tuesday ruled that a man facing charges of genocide and crimes against humanity for his alleged role in the 1994 Rwandan genocide should not be extradited to Rwanda because it cannot be guaranteed his trial will be fair.

In its judgment the Supreme Court confirmed a lower court ruling of November last year that said extradition to Rwanda risked "a flagrant infringement of the right to a fair trial" for Pierre-Claver Karangwa because he is an opposition politician.

The Dutch authorities, who have extradited at least three Rwandan genocide suspects to stand trial in Kigali since 2016, had appealed that decision but that appeal was denied by the Supreme Court.

Karangwa, a former military official in his sixties, is accused of having a key role in the massacres of nearly 30,000 Tutsis in the Mugina parish near the Rwandan capital of Kigali in April 1994.

An estimated 800,000 ethnic Tutsis and Hutu moderates were killed during Rwanda's genocide, orchestrated by an extremist Hutu regime and meticulously executed by local officials and ordinary citizens in the rigidly hierarchical society.

Karangwa has already had his Dutch nationality revoked over the genocide accusations. He is now in a legal limbo where he is officially not wanted in the Netherlands but cannot be extradited.

UN judges declare 88-year-old Rwandan genocide suspect unfit to stand trial because of dementia (Associated Press) By Mike Corder

June 7, 2023

United Nations judges have declared an 88-year-old Rwandan genocide suspect unfit to continue standing trial because he has dementia and said they would establish a procedure to go on hearing evidence without the possibility of convicting him.

The majority decision published Wednesday by judges at the International Residual Mechanism for Criminal Tribunals means no guilty verdict can be reached in the trial of Félicien Kabuga, one of the last fugitives charged in connection with the 1994 genocide.

Kabuga is accused of encouraging and bankrolling the mass killing of Rwanda's Tutsi minority. His trial began last year, nearly three decades after the 100-day massacre left 800,000 dead. He is in custody at a U.N. detention unit in The Hague, and isn't expected to be released for now despite the judges' ruling.

The judges' decision disappointed many Rwandans.

Yolande Mukakasana, a genocide survivor and writer, said that the judges who say Kabuga is unfit to stand trial should be tried too, asserting that their action could promote genocide denial.

"Kabuga's actions during genocide led to the death of old innocent people who were older than Kabuga. I know people who were too old to walk but killed on account of being Tutsi," Mukakasana said.

"The decision by the court is likely to undermine the spirit of reconciliation going on in Rwanda. As a genocide survivor, I don't understand this."

Justin Karangwa, another genocide survivor and a teacher, said the crime of genocide needs severe punishment.

Medical experts who have closely monitored Kabuga's health said the "consequences of dementia deprive Mr. Kabuga of the capabilities necessary for meaningful participation in a trial" and "he will not recover these capacities because his condition is characterized by progressive and irreversible decline."

In a written decision, the judges said that they therefore would set up "an alternative finding procedure that resembles a trial as closely as possible, but without the possibility of a conviction."

Kabuga is charged with genocide, incitement to commit genocide, conspiracy to commit genocide as well as persecution, extermination and murder. He pleaded not guilty. If he were convicted, he would have faced a maximum sentence of life imprisonment.

At the opening of his trial in September, prosecution lawyer Rashid Rashid described Kabuga as an enthusiastic supporter of the Tutsi slaughter who armed, trained and encouraged murderous Hutu militias known as Interahamwe.

The genocide was triggered on April 6, 1994, when a plane carrying President Juvénal Habyarimana was shot down and crashed in the capital, Kigali, killing the leader who, like the majority of Rwandans, was an ethnic Hutu. Kabuga's daughter married Habyarimana's son.

The Tutsi minority was blamed for downing the plane. Bands of Hutu extremists began slaughtering Tutsis and their perceived supporters, with help from the army, police, and militias.

After years as a fugitive from international justice, Kabuga, who had a \$5 million bounty on his head, was arrested near Paris in May 2020. He was transferred to The Hague to stand trial at the residual mechanism, a court that deals with remaining cases from the now-closed U.N. tribunals for Rwanda and the Balkan wars.

Wednesday's decision in his case came about two weeks after one of the most wanted suspects in Rwanda's genocide, Fulgence Kayishema, who is suspected of orchestrating the killing of more than 2,000 people at a church nearly three decades ago, was arrested in South Africa after 22 years on the run.

Rwandan genocide suspect Kayishema faces 54 charges in South Africa (Anadolu Ajansi) By Hassan Isilow

June 9, 2023

Fulgence Kayishema, one of the most wanted suspects in the 1994 Rwanda genocide, appeared in a South African court on Friday facing 54 charges.

The 62-year-old former Rwandan police officer was arrested on May 24 in Paarl, a town in South Africa's Western Cape Province, after being on the run for 22 years.

He is accused of orchestrating the killing of approximately 2,000 Tutsi refugees at the Nyange Catholic Church during the 1994 genocide against the Tutsi in Rwanda. An estimated 800,000 Tutsis and moderate Hutus were killed in Rwanda in 1994 during a 100-day bloodshed.

Prosecutors told the Cape Town Magistrate's Court Friday that Kayishema now faces 54 charges which include contravention of the Immigration Act as well fraud charges among others.

Prosecutors allege the Rwandan national lied while applying for asylum in South Africa by using a false identity. His case has been postponed to June 20.

Kayishema was arrested in a joint operation by South African authorities and a fugitive tracking team of the International Residual Mechanism for Criminal Tribunals (IRMCT), according to a statement released by the special UN tribunal in May.

The IRMCT's chief prosecutor, Serge Brammertz, said Kayishema was a fugitive for more than 20 years, and "his arrest ensures that he will finally face justice for his alleged crimes."

The IRMCT said genocide is the most serious crime known to humankind and the international community has committed to ensuring that its perpetrators will be prosecuted and punished.

"This arrest is a tangible demonstration that this commitment does not fade and that justice will be done, no matter how long it takes," the statement said.

The UN also welcomed the arrest of Kayishema, saying: "Kayishema's apprehension sends a powerful message that those who are alleged to have committed such crimes cannot evade justice and will eventually be held accountable, even more than a quarter of a century later," Stéphane Dujarric, spokesman for UN Secretary-General Antonio Guterres, said in a statement in May.

Malawi Deports Genocide Suspect to Rwanda Following Appeal (KT Press) By Edmund Kagire

June 12, 2023

Malawi has responded to a request by Rwanda to apprehend dozens of genocide suspects thought to be living in the Southern African country by deporting one of the wanted individuals to Kigali, a move that could trigger more deportations.

The National Public Prosecution Authority (NPPA) confirmed on Monday that on Sunday, 11 June 2023 received genocide fugitive identified Théoneste Niyongira alias Kanyoni, following his deportation from Malawi.

"Mr Niyongira was the subject of an NPPA Indictment and International Arrest Warrant issued to the Republic of Malawi on 15 April 2019. Théoneste Niyongira alias Kanyoni is accused of the crime of Genocide committed in former Ndora Commune, Butare Préfecture,"

"The NPPA commends Malawi authorities for the deportation of Mr. Niyongira, as well as the collaboration in the effort to fight impunity," a statement signed by the NPPA Spokesperson, Faustin Nkusi, reads.

Last week, Malawi said it had been requested by Rwanda to help apprehend 55 fugitives wanted in connection with the 1994 Genocide against the Tutsi who are thought to be hiding in the country.

Malawi's Minister of Homeland Security, Ken Zikhale Ng'oma, said Rwanda lodged an official request for assistance as it seeks to locate the suspected fugitives who continue to elude the long arm of the law.

"The Rwandan government has sought assistance from the Malawi government in identifying 55 suspects who are currently hiding in Malawi. These individuals are known warlords," Ng'oma told a press conference in the capital Lilongwe last Monday.

Rwanda's request comes weeks after Fulgence Kayishema, one of four remaining fugitives sought by U.N. investigators for their role in the genocide, was arrested in South Africa after more than two decades on the run.

Kayishema, who used many aliases and false documents, is thought to have travelled on a Malawian passport, ending up in South Africa. The Malawian government said it would investigate the manner in which Kayishema received a passport.

Malawi has previously extradited another genocide fugitive, Vincent Murekezi, in 2019. Murekezi had been hiding in Malawi for 15 years. He was deported after completing a sentence of five years after he was found guilty of forgery.

DR Congo: Killings, Rapes by Rwanda-Backed M23 Rebels (Human Rights Watch) June 13, 2023

Rwanda-backed M23 rebels in eastern Democratic Republic of Congo have committed unlawful killings, rape, and other apparent war crimes since late 2022, Human Rights Watch said today. Attacks with explosive weapons in populated areas of North Kivu province have killed and injured civilians, damaged infrastructure, and exacerbated an already dire humanitarian crisis. Armed groups opposing the M23 have also committed rape.

The Rwandan army has deployed troops to eastern Congo to provide direct military support to the M23, helping them expand control over Rutshuru and neighboring Masisi territories. The United Nations Security Council should add M23 leaders, as well as Rwandan officials who are assisting the abusive armed group, to the Council's existing sanctions list.

"The M23's unrelenting killings and rapes are bolstered by the military support Rwandan commanders provide the rebel armed group," said Clémentine de Montjoye, Africa researcher at Human Rights Watch. "Both Congo and Rwanda have an obligation to hold M23 commanders accountable for their crimes along with any Rwandan officials supporting them.

The M23 armed group includes soldiers who participated in a mutiny from the Congolese national army in 2012. The group's senior commanders have a well-known history of serious abuses against civilians. The dire security situation has been compounded by two years of martial law in the region and the collaboration of the Congolese armed forces (Forces armées de la République démocratique du Congo, FARDC) with various armed groups, mostly along ethnic lines. The warring parties have increasingly appealed to ethnic loyalties, putting civilians in remote areas of North Kivu province at a heightened risk.

From March to May 2023, Human Rights Watch interviewed, in-person and by phone, 81 Congolese victims of abuses, family members, witnesses, local authorities, representatives of Congolese and international nongovernmental organizations, UN officials, and foreign diplomats. Human Rights Watch also verified, using satellite imagery, photos, and videos, the shelling and destruction of civilian infrastructure. Most of the abuses documented took place between November 2022 and March 2023.

Human Rights Watch documented 8 unlawful killings and 14 cases of rape by M23 fighters. Human Rights Watch also received credible reports of over a dozen other summary killings by M23 forces, but because of access and security constraints, could not independently corroborate them. In addition, seven people were killed and three injured in apparently indiscriminate shelling on populated areas in Kanombe, Kitchanga, and near Mushaki, during M23 attacks.

Survivors reported cases of M23 fighters raping women in front of their children and husbands, which adds to the trauma experienced by victims and erodes the social fabric of communities and families. Gang rapes were reported involving up to five assailants. Due to stigma and underreporting by survivors, the full number of incidents of sexual violence by armed groups is most likely much higher.

A 46-year-old mother of six, who fled Mushaki in Masisi territory on February 25 with her 75-year-old mother, ran into a group of 10 M23 rebels, who took their money. "They wanted to rape us," she said. "My mother said no, so they shot a bullet into her chest, and she died on the spot. Then four of them raped me. As they were raping me, one said: 'We've come from Rwanda to destroy you.'"

Survivors and witnesses identified M23 fighters on the basis of their uniforms and equipment, in some cases with the help of photographs published by the UN Group of Experts on Congo. Some victims said that M23 rebels identified themselves as such or said they had come from Rwanda.

Human Rights Watch also documented six cases of rape by rebels linked to other armed groups, including the Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda, FDLR), a largely

Rwandan Hutu armed group, some of whose leaders took part in the 1994 genocide in Rwanda, and the Nyatura Abazungu.

M23 leaders have denied that their forces have committed any crimes. On June 6, Human Rights Watch spoke with an M23 spokesperson who said the armed group denied allegations that its forces have committed abuses.

The UN Group of Experts, that monitors the arms embargo and sanctions violations in Congo, independently presented compelling evidence of Rwandan support to the M23 rebels. The Rwandan government has denied these allegations.

On May 1, the East African Community (EAC) announced that its troops were deployed to “ensure observance of ceasefire and in addition overseeing the withdrawal of armed groups.” The EAC and African Union-led political processes should ensure that adequate humanitarian aid is provided to those in need and that victims of abuse have access to justice, Human Rights Watch said.

The renewed hostilities involving the M23, the Congolese army, and various other armed groups have resulted in the displacement of about one million people since March 2022. On May 9, 2023, the aid organization Médecins Sans Frontières (MSF, or Doctors without Borders) said it had provided care to 674 survivors of sexual violence in the last two weeks of April in camps for displaced people around Goma, the North Kivu provincial capital, a dramatic increase from previous reporting periods. Sexual violence against women and girls is widespread and not limited to areas of fighting. In many of the cases reported to MSF, women and girls were raped while searching for food or firewood around displacement camps.

Most of the victims of sexual violence interviewed by Human Rights Watch did not receive any medical treatment.

A humanitarian aid official working in North Kivu described the situation as “catastrophic,” adding that established displaced persons camps were only receiving the “absolute bare minimum” of support. “[Meanwhile,] all along the road to Sake, makeshift camps housing up to 15,000 people each have appeared, and they have no latrines, shelter, no water, and no health care,” the aid official said. “There is no one working there.”

The Congolese government with the support of international donors should urgently provide medical, mental health, and socioeconomic services for displaced people and survivors of sexual violence in the regions affected by the violence, Human Rights Watch said.

“The African Union and United Nations should intensify efforts to help the Congolese government to better protect civilians at risk from attack,” de Montjoye said. “The United Nations should impose targeted sanctions on those assisting the M23 and other abusive forces. Foreign governments currently providing military assistance to Rwanda should recognize that they too may be complicit in rebel atrocities.”

The resurgence of the M23 rebel group since late 2021 led several Congolese armed groups to form a coalition in opposition. These militias are typically organized along ethnic lines, and some were previously rivals. By August 2022, most had returned to their respective strongholds. But following the M23 offensive in late October 2022 and its advance into the Bwito chefferie (chiefdom) and Masisi territory, the coalition resurfaced. It took on a prominent role on the front line of the fighting with the apparent backing of some senior Congolese army officers.

The M23’s renewed military operations and abuses have stoked ethnic hatred against the Congolese Tutsi community, whom many Congolese in North Kivu consider supporters of the M23, a largely Tutsi-led armed group. Human Rights Watch has documented several instances in which people from an ethnic Tutsi background or simply perceived as Tutsi or Rwandan faced hostility, threats and attacks by ethnic-based militia and the communities they claim to represent.

On December 15, United States Secretary of State Antony Blinken said that Rwanda should “use its influence with M23 to encourage” them to withdraw and to “pull back” their forces. Belgium, France, and Germany have also urged Rwanda to stop assisting the M23. Because Rwandan-supplied arms are contributing to M23’s widespread and systematic abuses against the civilian population, governments providing military assistance to Rwanda, such as the US and France, should suspend that support. The EU should ensure that its recent assistance to the Rwanda Defence Force (RDF) mission in northern Mozambique is adequately monitored so that the EU is not contributing indirectly to abusive military operations in eastern Congo.

Any support by the EU or foreign governments to troops deployed by the EAC or its member states should be provided only on condition of development of a vetting mechanism in line with international standards, a strong protection mandate and due diligence policy, and the development of a human rights monitoring mechanism.

The UN sanctions committee should immediately seek additional information on M23 leaders and Rwandan military officers with a view to adopting targeted sanctions against them. The EU and others should maintain and expand sanctions against senior M23 commanders, leaders of other armed groups, and senior officials from across the region who have been found responsible for or complicit in recent serious abuses by their forces or those for which they have command responsibility.

The armed conflict in eastern Congo is bound by international humanitarian law, or the laws of war, including Common Article 3, Protocol II to the 1949 Geneva Conventions, and customary international law, which prohibit summary executions, rape and other sexual violence, pillage, forced recruitment, and other abuses. Serious laws-of-war violations committed with criminal intent – deliberately or recklessly – are war crimes. Commanders may be criminally responsible for war crimes by their forces if they knew or should have known about such crimes and failed to prevent them or punish those responsible. Rwandan officials may be complicit in war crimes through their military assistance to M23 forces.

Killing, Rape by the M23 Human Rights Watch documented killings and rapes by M23 rebels targeting civilians caught up in the fighting between the M23 and Congolese forces as they tried to flee to safety.

In Kanombe, which M23 forces captured in August 2022, former residents said that several hundred armed M23 fighters entered the town wearing military uniforms, sometimes with RDF insignia, and body armor.

“[The M23 told us:] ‘Anyone who is against us will die. We are not coming to fight, we are here to take back our land,’” said a former Kanombe resident who lived under M23 occupation before fleeing in January. “After they arrived, the M23 raped women, forced people to work for them, and beat people up, ... “[W]e had to work in our fields and give them our crops.”

Three former residents described the execution of a man in November. “He went to the fields to get food without permission and the M23 killed him; he was 31 years old,” said one. “We found his body in the field later.”

A 22-year-old woman who fled Kitchanga in February, several weeks after the M23 took the town, described life under their control:

The M23 harassed people and looted houses. They took what they wanted and took men away. I don’t know where they took them.... After two weeks, they started raping women. They didn’t care if we were married or not. They came to my house in the evening on February 20. They told my husband to leave. There were seven of them, and five raped me. My husband couldn’t stand what happened to me and left me. I had to flee on my own, through the forest.

A 28-year-old woman described being gang raped in early January by M23 fighters who had occupied the town of Kako, Rutshuru territory:

After my husband left to go to work, five men came and knocked on my door around 10 a.m.... They said they were M23 and asked me if I was married. I said yes. They all raped me. I screamed but my neighbors were too afraid to come in.

Her husband came home but she heard her neighbors tell him not to come in or they would kill him. She said:

I offered them money, they said no. I asked for forgiveness. But they still held down my hands and legs and raped me until I lost consciousness.... Now I am pregnant, and I don’t know whose baby it is. I am so ashamed. Now my husband has left for good.

A woman, 37, and her husband, 36, who fled the fighting around Kitchanga on January 19, said that about a dozen M23 fighters intercepted them and seven others, including three women. The fighters tied up the men and executed one, said the couple. “They accused us of being FDLR and said we were collaborating with killers,” said the husband. They took the women further away and raped them.

The wife said: “They tore my clothes, I was crying and begging them to kill me rather than rape me. They raped me one by one; I was screaming so much. As the third one was raping me, I lost consciousness.” The soldiers tied the men to trees and severely beat them. Eventually, the husband was able to run away. Two of the men who managed to escape later found the wife.

On February 10, as M23 fighters surrounded the town of Mushaki, in Masisi territory, they shot at fleeing civilians, killing a 62-year-old man. The man’s wife said:

We knew the government troops were fighting M23.... [M23 were following us and] when we got to a place called

“Volcan,” my husband was shot in the back. He dropped dead and I couldn’t stay because there were so many bullets being fired at us. I don’t even know if he’s been buried.

Shelling, Pillage of Civilian Areas Human Rights Watch documented ten cases in which explosive weapons injured or killed civilians in Kitchanga and near Mushaki, in Masisi territory, and in Kanombe, in Rutshuru territory. In some of the incidents, it is not clear which military force was responsible for the attack.

Nine photos and videos that Human Rights Watch examined from Kitchanga show damage to houses and civilian infrastructure, including a hospital and a church, most likely caused by mortars and shoulder-fired rockets. The damage to the hospital and the church was also visible in satellite imagery.

A 32-year-old man from Kitchanga said that on January 20 a mortar shell struck his house, killing his three brothers and injuring his sister: “We were in the house preparing to flee when the round struck. Our house was next to a hospital. Many rounds fell and many people died.” Residents reported that M23 were attacking Kitchanga at the time and captured the town in the following days.

After fleeing to Karuba, a woman took refuge in her uncle’s house about 10 kilometers south of Mushaki. Fighting broke out between Congolese army forces and the M23. She said that although the Congolese army “had fled” around February 26, the M23 shelled the village, hitting her uncle’s house and killing her cousin and another man. Two people in Karuba confirmed the deaths. “I know nine people who died because of the M23 shelling,” said one of them. “We heard around 24 artillery shells fall on Karuba and its surrounding areas.”

A medical worker at a hospital near Sake said that between January and March, staff had treated dozens of victims with injuries caused mainly by shelling or gunfire. Two other medical workers in North Kivu said that medical centers had been overwhelmed with trauma victims.

People who lived in M23-occupied areas told Human Rights Watch that M23 combatants looted, destroyed, or set fire to property, forced people to work for them without pay, and abducted men for possible forced recruitment.

A 20-year-old woman from Kausa, in Masisi territory, said:

When they entered, they said they would target those who had protected the FARDC [Congolese army].... [The M23] said that they were coming to take back their land, and that if we let the FARDC return they would kill us all. They forced men to carry their things and told them to join them. They looted houses and took our belongings.”

Residents in Rugari, a locality in Rutshuru territory which the M23 captured in late October, said that the rebels burned down and destroyed between 40 and 60 houses between October and January. They said that the rebels targeted houses they said belonged to other armed groups members. Satellite images that Human Rights Watch analyzed corroborate the destruction by fire of at least 40 structures along the N2 main road in Rugari area.

Rape by Other Armed Groups Human Rights Watch has previously reported on Congolese army units that have supported armed groups implicated in serious abuses in the fighting with M23. Human Rights Watch interviewed six survivors of rape by armed groups, including the FDLR and the Nyatura Abazungu. In some cases, the attacks appeared to be retaliation against women who had been in M23-occupied areas.

A 60-year-old woman said that FDLR fighters raped her as she was hiding from the M23 in the forest near her home in Rugari, in Rutshuru territory. “The M23 arrived on the night of October 26. At 6 a.m. on October 27, a group of us went to hide in the forest,” about 10 women in all, she said. “Around 2 p.m., some FDLR found us hiding. They raped all of us.... I know they were FDLR because they are based in the Karambi forest near Rugari, and we know them.... They said they would kill us if we refused.”

A 35-year-old woman said she was raped while fleeing the M23’s arrival in Kitchanga with three of her children. In February, Nyatura Abazungu rebels stopped them at a checkpoint as they were making their way toward Karuba. “I saw two men being whipped, and then released. The rebels called me and told me I am an M23 supporter. I said it’s not true,” she said. “The others left, and a woman went ahead with my children.... I spent two hours trying to negotiate for them to let me go, in vain. One of them told me to follow him and took me to a little house, where he raped me. He said that if I resisted, he would kill me.”

A 30-year-old woman described her encounter with rebel fighters close to Kitchanga, while she and her husband fled the fighting. Her husband believed that the group was FDLR as they were wearing a mix of civilian clothing and Congolese army uniforms, and they were the only ones still in the forest fighting the M23. “They were armed and some had sticks,” he said. She said:

They asked my husband for money, and he lied and said he didn't have any. When they searched him and found 100,000 Congolese Francs (US\$45), they beat him up. Then three of them raped me. They untied the cloth holding my baby on my back and put him next to my other children. They cut open my clothes and one-by-one raped me in front of my children and my husband.

She saw a doctor at a health clinic near Goma, but said she still experiences intense pain. Her husband is seeing a counselor to recover from the trauma of witnessing the rape.

Congo's government has an international legal obligation to investigate alleged war crimes on its territory and appropriately prosecute all those responsible. Congolese officers who assist armed groups that commit abuses can be held responsible for aiding war crimes.

Earlier M23 War Crimes The M23 was originally made up of soldiers who participated in a mutiny from the Congolese national army in April and May 2012. These soldiers were previously members of the National Congress for the Defense of the People (Congrès national pour la défense du peuple, CNDP), a former Rwanda-backed rebel group. They claimed their mutiny was to protest the Congolese government's failure to fully implement the March 23, 2009 peace agreement (hence the name M23), which had integrated them into the Congolese army.

In June 2012, the then-United Nations High Commissioner for Human Rights, Navi Pillay, described the M23's leaders as "among the worst perpetrators of human rights abuses in [Congo], or in the world." They included Gen. Bosco Ntaganda, who has since been convicted by the International Criminal Court (ICC) for war crimes and crimes against humanity when he led another armed group in Ituri province, and Col. Sultani Makenga, who is now referred to as "general" and has been leading the current offensive.

Human Rights Watch documented war crimes by M23 forces that, with support from Rwanda, took over large parts of North Kivu province in 2012. The Rwandan army deployed its troops to eastern Congo to directly support the M23 rebels in military operations.

UN investigators also said that Ugandan army commanders had sent troops and weapons to reinforce some M23 operations and assisted the group with recruiting. After the M23 briefly captured Goma, UN-backed government troops forced them back into Rwanda and Uganda in 2013.

Congolese authorities issued arrest warrants for Makenga and other UN-sanctioned M23 senior commanders in 2013. Rwanda and Uganda never acted on extradition requests to their countries.

Regional attempts over the past 10 years to demobilize M23 fighters have failed. The armed group resurfaced in November 2021, attacking Congo's military forces, amid claims that Congolese President Félix Tshisekedi's administration was not committed to existing peace agreements, including an amnesty for rank-and-file fighters. The agreements, however, did not address accountability for the worst human rights abusers.

On June 14, the spokesperson of the M23 sent Human Rights Watch a statement, dated June 10, denying that the armed group's forces had committed abuses documented in this report.

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Somalia

Several killed in hotel siege in Somalia's Mogadishu (Al Jazeera) June 9, 2023

At least six civilians have been killed and 10 others wounded in a six-hour siege by fighters from the armed group al-Shabab at a beachside hotel in Somalia's capital Mogadishu, police said on Saturday.

"Three brave members of the security forces were martyred during the rescue operation," the Somali Police Force said in a statement.

Security forces killed seven attackers from the al-Qaeda-linked rebel group, the statement added.

The attack took place on Friday evening at the popular upmarket Pearl Restaurant, on the capital's Lido Beach.

"Security forces have successfully neutralised the #AlShabaab militants responsible for the terrorist attack on the Pearl Beach Hotel in Lido Beach, #Mogadishu," Somali National News Agency (SONNA) said on Twitter.

"A large number of civilians were rescued during the operation," SONNA said.

The news agency had earlier posted photos showing soldiers in the restaurant of the hotel responding to the attack. One stood next to a glass door with a bullet hole in it, while sandals and a dustpan lay near him.

Al-Shabab has claimed responsibility for the attack.

Witnesses reported hearing an explosion followed by heavy gunfire at the hotel.

"I was near the Pearl Beach restaurant when (a) heavy explosion occurred in front of the building," Abdirahim Ali, a witness, told AFP news agency.

"I have managed to flee but there was heavy gunfire afterwards and the security forces rushed to the area."

Yaasin Nur was at the restaurant and told AFP it was "full of people as it was recently renovated".

"I'm worried because there are several of my colleagues who went there and two of them are not responding to their phones," he said.

Lido Beach is one of Mogadishu's most popular areas and is busy on Friday nights as Somalis enjoy the weekend by visiting local coffee shops and ice cream parlours.

The attack came only days after al-Shabab fighters killed 54 Ugandan peacekeepers in an attack on an African Union base in the southern town of Bulo Marer.

Continuing attacks Al-Shabab has been driven out of Somalia's main towns and cities but has retained power in large swaths of rural areas, and has continued to carry out attacks against security and civilian targets, including in the capital.

Hotels have often been targeted in the past as they tend to host high-ranking Somali and foreign officials.

The rebels launched a large-scale attack against a hotel at Lido Beach in 2020, killing 10 civilians and a police officer.

The latest attack highlighted the security problems in the Horn of Africa country as it struggles to emerge from decades of conflict.

Last year, Somalia's President Hassan Sheikh Mohamud launched an "all-out war" against al-Shabab, rallying Somalis to help flush out members of the group he described as "bedbugs".

His remarks came after 21 people were killed and 117 others were wounded in an al-Shabab siege on a Mogadishu hotel in August 2022 that lasted 30 hours.

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Ethiopia

Ethiopia: "ethnic cleansing" continues in Tigray despite peace agreement, says HRW (Africa News) June 1, 2023

Forces in Ethiopia's Amhara region are continuing a campaign of "ethnic cleansing" of part of neighbouring Tigray under their control, despite the end of the conflict in this region of northern Ethiopia, Human Rights Watch (HRW) said on Thursday.

The November agreement that put an end to hostilities in northern Ethiopia "has not put an end to the ethnic

cleansing of Tigrayans in the Western Tigray zone", Laetitia Bader, deputy Africa director of the human rights organisation, accused in a press release.

Regional paramilitary units and Amhara "Fano" militiamen, who supported the Ethiopian federal army during the brutal two-year war against the rebel regional authorities of Tigray, have taken control of this area, which is administratively attached to Tigray but which the Amhara consider to be their ancestral homeland.

"Amhara forces" there "continue to forcibly evict Tigrayans as part of a campaign of ethnic cleansing", HRW accuses in a new report.

"Since the start of the armed conflict in Tigray in November 2020, the Amhara security forces and the interim authorities have carried out a campaign of ethnic cleansing against the Tigrayan population in West Tigray, committing war crimes and crimes against humanity", HRW points out, denouncing "arbitrary detentions, torture and forced deportations".

HRW says it interviewed 35 people by telephone between September and April this year - witnesses, victims and members of humanitarian organisations.

"The interviewees said that local authorities and Amhara forces had imprisoned more than a thousand Tigrayans" in official and unofficial prisons in three West Tigray towns "on the basis of their identity, before forcibly deporting them in November 2022 and January 2023", explains HRW.

The precise number of Tigrayans driven out of West Tigray is unknown, but "by 2021, it was estimated that hundreds of thousands of people had been displaced from West Tigray to other parts of Tigray", according to the organisation.

"In March, militias in West Tigray continued to threaten and harass Tigrayan civilians", it continued.

HRW claims to have submitted its preliminary conclusions to the Ethiopian government in May but to have received no response, and accuses it of showing little eagerness "to bring to justice those responsible for abuses in Western Tigray" and of "opposing independent investigations into atrocities in Tigray".

The peace agreement signed in Pretoria in November between the federal government and the Tigray authorities provides for the establishment by the Ethiopian authorities of a "transitional justice" mechanism designed to identify and try those responsible for the many atrocities, attributable to both sides, recorded during the two years of war in northern Ethiopia.

Ethiopia rejects 'ethnic cleansing' accusation in western Tigray (Al Jazeera) June 6, 2023

The Ethiopian government has rejected a report by Human Rights Watch (HRW) that alleges an "ethnic cleansing" campaign is under way in western Tigray despite a truce signed in November.

The allegations are "not substantiated by evidence", Ethiopia's Government Communication Service said in a statement on Tuesday.

"This distorted and misleading portrayal of the situation attempts to undermine peaceful coexistence and fuel inter-ethnic conflict and obstruct the national efforts for peace and reconciliation," it said.

The war, which broke out in November 2020, has pitted regional forces from Tigray against Ethiopia's federal army and its allies, including forces from other regions and neighbouring Eritrea. It stems from grievances rooted in periods of Ethiopia's turbulent past when particular regional power blocs held sway over the country as a whole.

Fighting has raged on and off since then, killing thousands of civilians, uprooting millions and leaving hundreds of thousands on the brink of famine.

The HRW issued a report last week saying the November peace agreement to end the two-year conflict in Tigray had not stopped "ethnic cleansing" in the disputed western part of the region, known as the Western Tigray Zone.

"The Ethiopian government should suspend, investigate, and appropriately prosecute commanders and officials implicated in serious rights abuses in Western Tigray," the report said.

"Since the outbreak of armed conflict in Tigray in November 2020, Amhara security forces and interim authorities have carried out a campaign of ethnic cleansing against the Tigrayan population in Western Tigray, committing

war crimes and crimes against humanity.”

‘Forced expulsions’ It was not the first time forces aligned with Ethiopia’s federal government have been accused of forced expulsions and other rights abuses in western Tigray.

US Secretary of State Antony Blinken called for troops from the Amhara region to leave Tigray in 2021, accusing them of committing “acts of ethnic cleansing”. An Amhara spokesman at the time dismissed the allegations as “propaganda”.

Western Tigray – fertile land under Tigray’s authority but also claimed by ethnic Amharas as ancestrally theirs – was swiftly captured by federal and Amhara forces during the war. According to the HRW, a concerted campaign of “forced expulsions” began in earnest and has not let up despite the November peace deal.

The Ethiopian government, however, said the US-based rights group made the allegations “without conducting a thorough and credible investigation in all areas affected by the conflict”.

The government said it has embarked on nationwide consultations in a process for transitional justice that will allow a “comprehensive investigation”.

“The truth will be told and perpetrators of crimes will be held accountable,” the statement said.

The UN-backed Commission of Human Rights Experts on Ethiopia issued a report in September saying there was evidence of widespread human rights violations by all sides during the fighting.

Rights group sues Ethiopian Airlines for 'discriminating' against Tigrayans (Yahoo! News) June 7, 2023

National flag carrier Ethiopian Airlines has been summoned for a court hearing Friday over claims by a human rights group that it discriminated against travellers from Tigray, according to court documents seen by AFP.

The airline, which has a monopoly on domestic flights, resumed air links between the capital Addis Ababa and the Tigray region after a peace deal was signed in November 2022 ending two years of conflict in northern Ethiopia.

But according to Ethiopian organisation Human Rights First, the airline banned the sale of tickets for flights from two working airports in Tigray -- in the capital Mekele and the city of Shire -- to Tigrayans aged between 15 and 60.

The "only exceptions" were for mothers travelling with children, or people with a medical letter, according to a member of Human Rights First, who spoke to AFP on condition of anonymity.

According to the group's lawsuit, Ethiopian Airlines also systematically applied the maximum fare for flights from Tigray to the Ethiopian capital.

Ethiopian Airlines, which is wholly state-owned, has rejected the claims in a written response to the civil court, and called for them to be dismissed.

Human Rights First says its action is based on an internal company memo that has been seen by AFP, and on three testimonies including one by a former employee of Ethiopian Airlines.

It argued that Ethiopian Airlines had "violated the constitutional right for any Ethiopian citizen to move legally around the country" and for Tigrayans to have equal service.

The NGO said it wanted the tribunal to order the airline to "lift its prohibition on 15-60 year-olds from travelling from Tigray to Addis Ababa and foreign destinations," to provide equal service to all customers and to stop the "price discrimination."

It is also seeking an apology for the "monetary and moral" damage caused.

Ethiopian Airlines said in its response that it "does not have the legal authority to impose prohibitions. The airline has not undertaken the (alleged) prohibition."

It also said the claims of price discrimination targeting ethnic Tigrayans were "false".

Ethiopian Airlines did not respond immediately to AFP's request for comment.

USAID suspends all food assistance to Ethiopia after uncovering scheme diverting aid (CNN) By Jennifer Hansler

June 8, 2023

The US government’s humanitarian agency has suspended food aid to Ethiopia after determining “that a widespread and coordinated campaign is diverting food assistance from the people of Ethiopia” – a nation where more than 20 million people require food support.

In a statement Thursday, a spokesperson for the US Agency for International Development (USAID) said the determination was made “after a country-wide review” and “in coordination with the Government of Ethiopia.”

“As a result, we made the difficult but necessary decision that we cannot move forward with distribution of food assistance until reforms are in place,” the spokesperson said.

On Thursday, USAID and the Ethiopian Ministry of Foreign Affairs said in a joint statement that their “two governments are conducting investigations so that perpetrators of such diversions are held to account,” calling the revelations of the diversion “deeply disturbing.”

The Washington Post first reported on the suspension of the food aid and the diversion scheme.

A document from the Humanitarian Resilience Development Donor Group, which was briefed by USAID, said that “the scheme appears to be orchestrated by federal and regional Government of Ethiopia (GoE) entities, with military units throughout the country benefiting from humanitarian aid.”

“Private grain and flour traders and operators have also played a role in the scheme,” said the document, which was seen by CNN.

A source familiar with the matter told CNN the agency found that food assistance was being diverted both before and after being given to beneficiaries.

The decision to suspend food assistance to Ethiopia came after USAID first announced a pause to aid in the Tigray region in early May. The northern Ethiopian region has suffered immense humanitarian devastation due to the impact of the country’s recent conflict.

In a statement, USAID Administrator Samantha Power said the agency found that “food aid, intended for the people of Tigray suffering under famine-like conditions, was being diverted and sold on the local market,” in the words of USAID Administrator Samantha Power.

The source familiar with the matter told CNN Thursday that once the scheme was discovered in Tigray, USAID redoubled its efforts to look more exhaustively at food assistance across the country, which led them to the determination that the campaign was happening nationwide.

In her statement about the Tigray food assistance suspension, Power said in early May that “USAID referred the matter to USAID’s Office of the Inspector General, which began an investigation.”

“We also launched a thorough review of our programs, and as part of the investigation, deployed senior leadership from our Bureau for Humanitarian Assistance to Ethiopia to conduct further assessments,” she said. “Following this review, USAID determined, in coordination with the U.S. Embassy in Addis Ababa and our implementing partners, that a temporary pause in food aid was the best course of action.”

“The U.S. government has raised its concerns with officials from both the Ethiopian federal government and the Tigray Interim Regional Administration. Both federal and regional authorities in Ethiopia have expressed their willingness to work with us to identify those responsible and to hold them accountable,” Power said.

On Thursday, US Secretary of State Antony Blinken met with his Ethiopian counterpart on the sidelines of the counter-ISIS ministerial in Riyadh.

“The Secretary welcomed the Ethiopian government’s commitment to work together to conduct a full investigation into the diversion of U.S. food assistance and to hold accountable those found responsible,” a readout from the US State Department said.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Accused of Genocide in BiH received a Minimum Sentence in Prison in Serbia (Sarajevo Times) June 5, 2023

He was accused of genocide in Bosnia and Herzegovina (BiH). In Serbia, he entered into an agreement with the Prosecutor's Office and was sentenced to a minimum of five years in prison.

Miomir Jasikovac, the former commander of the military police company of the Zvornik Brigade of the Army of the Republika Srpska (RS), was charged in Serbia with war crimes in December 2022, just ten days after the Prosecutor's Office of BiH indicted him for genocide.

Thus, once again, Belgrade "preempted" Sarajevo and prevented further proceedings against those accused of the crime of genocide, who reside in Serbia.

It was not possible to find out that it was the same person because the Prosecution for War Crimes of Serbia published its indictment without mentioning the name of the defendant.

Belgrade, however, did not accuse him of genocide because Serbia refuses to recognize it and try him for this crime.

"In this way, the trial according to the indictment of the Prosecutor's Office of BiH, which charged Jasikovac with genocide and the murder of around 2,300 people, was actually prevented," war crimes researcher Jovana Kolaric told.

When asked by journalists why they filed their indictment, even though they knew that BiH had done it before them, the Prosecutor's Office in Serbia replied that "the facts and evidence obtained during the investigation were of the quality that is required for filing an indictment".

The Prosecutor's Office did not answer the question of why, despite the gravity of the crime, a plea agreement was concluded with Jasikovac.

What did Serbia accuse Jasikovac of?

"AA", as stated, is accused of participating in the arrest of members of the Army of BiH and civilians from July 13th to 15th, 1995, together with subordinate members of the military police company of the Zvornik Brigade, and escorting them to locations, knowing that they would be killed there.

According to the indictment, more than 300 people were killed at three locations in the east of BiH.

The Prosecutor's Office in Serbia did not specifically answer journalists' question as to how there was a significantly lower number of victims than the one stated in the BiH indictment, Slobodna Evropa reports.

Sarajevo Court Sentences Five Ethnic Serbs To Prison For Crimes Committed During Bosnian War (RadioFreeEurope/RadioLiberty) By RFE/RL's Balkan Service
June 8, 2023

Bosnia-Herzegovina's state court has sentenced five ethnic Serb ex-policemen to prison terms for committing war crimes against Muslim Bosniak civilians during the 1992-1995 Bosnian War.

Milan Djokic and Branislav Trisic were sentenced on June 8 in the first instance to three years in prison each, while Zoran Tanasic, Zarko Milanovic, and Mladen Krajisnik got two years in prison each.

They were all found guilty of torturing Bosniaks in the Bijeljina area in the northeastern part of Bosnia from April 1992 until the end of September 1994 on political, national, ethnic, cultural, and religious grounds.

They were acquitted of the accusation of crimes against humanity, while three other defendants, Savo Mrsic, Milivoje Cobic, and Milan Markovic, were acquitted on all counts.

Djokic was the police commander of Janja from the end of 1992 to June 1993, and later became the deputy commander. Tanasic, Milanovic, and Krajisnik were police officers in Janja, while Trisic was an operative of the State Security Service.

Janja is located 10 kilometers south of Bijeljina.

The trial that began in 2016 initially included three more defendants, but two of them died in the meantime, while a third one was deemed incapable of standing trial because of illness.

Bijeljina was the site of a massacre committed in early April 1992 by local ethnic Serb paramilitaries and by the Serb Volunteer Guard, a Serbia-based paramilitary group led by Zeljko Raznatovic, known as Arkan, a former soccer hooligan. Up to 80 people, mostly Bosniaks, but also ethnic Serbs suspected of "collaboration" were killed during the massacre.

More than 100,000 people were killed in the Bosnian conflict, which ended with a U.S.-brokered agreement that divided the country and its administration largely along ethnic lines among Bosniaks, Serbs, and Croats.

Bosnia Convicts Serb Ex-Policemen of Torturing Civilians (Balkan Transitional Justice) By Marija Tausan
June 8, 2023

Five former policemen were convicted of torturing Bosniak civilians in the north-eastern town of Janja from 1992 to 1994 during the Bosnian war.

The Bosnian state court on Thursday sentenced ex-policemen Milan Djokic and Branislav Trisic to three years in prison each and Zoran Tanasic, Zarko Milanovic and Mladen Krajisnik to two years each for committing a war crime against Bosniak civilians.

In the first-instance verdict, the court found the five defendants guilty of torturing the Bosniak civilians in the Janja area in the period from 1992 to 1994.

Djokic was found guilty on four sub-counts, in his capacity as commander of the police station in Janja, for failing to prevent others from abusing the civilians who had been detained for questioning about weapons.

Trisic was convicted of beating up three civilians with a metal stick and his fists, and Tanasic of beating up two civilians. The court found that Milanovic and Krajisnik each hit one civilian.

"The court found particular mitigating circumstances in favour of the defendants, thus handing down a sentence that is below the legal minimum," said presiding judge Zeljka Marenic.

Three other defendants, Savo Mrsic, Milivoje Cobic and Milan Markovic, were acquitted of all charges.

The trial began in June 2016, and initially included three more defendants. Two of them, Vlado Stjepanovic and Ljubisa Ikić, have died, while another, Zoran Bogdanovic, is incapable of standing trial due to illness.

Thursday's verdict can be appealed.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

International Tribunal Expands Sentences for Two Defendants for Committing Atrocity Crimes in the Former Yugoslavia (U.S. Department of State) By Matthew Miller

June 5, 2023

Yesterday's appeals judgment by the United Nations International Residual Mechanism for Criminal Tribunals (IRMCT) in the case of Jovica Stanišić and Franko Simatović, which recognized their responsibility for war crimes and crimes against humanity committed in Bosnia and Herzegovina and Croatia, has been long-awaited. This judgment marks the conclusion of the final IRMCT case arising out of the work of the International Criminal Tribunal for the former Yugoslavia (ICTY), closing an important chapter in international criminal justice in the former Yugoslavia. We are grateful for the decades of work by the judges, attorneys, and other court staff of the ICTY and its successor, the IRMCT, and their immense contributions to the rule of law and the fight against impunity.

We also acknowledge and honor the courage and resilience of victims, survivors, and their loved ones who continue to fight for the official acknowledgment of these crimes. We recognize the courage of the thousands of witnesses who participated in this and other trials and without whom justice could not be served. Atrocity crimes convictions underscore individual responsibility and are not a reflection of an entire people. The United States will continue to press for justice, mutual trust, and reconciliation as the foundation for peace and stability.

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Turkish state gangs in Afrin killed a child and kidnapped at least 53 people in May (ANF News) June 1, 2023

The Afrin-Syrian Human Rights Organization said that the Turkish state and its mercenaries (police, civilian police, al-Jabhe al-Shamiye and Emşat gangs) kidnapped at least 53 people, including 4 women, for arbitrary reasons in May. It was stated that thousands of dollars in ransom were demanded for the release of the abductees.

The Turkish state, which has established a total terror regime in the occupied region, systematically kidnaps people and demands ransom from their families. The abducted are usually kept at different points in the Afrin canton, where they are subjected to brutal torture.

A child was killed

According to the Human Rights Organization, Ankara-affiliated gangs that randomly opened fire in Afrin after the second round of the presidential elections in Turkey, on 28 May, killed a child in the Mehmudi camp and injured 25 other people.

Public property looted

Part of the war crimes committed by the Turkish state consists in the confiscation and looting of public property.

In the month of May, more than 900 olive and fruit trees were cut down in Afrin city center as well as in the Mabata and Raco districts. The wood of these trees is sold in Afrin, Ezaz, Idlib and Jarablus markets.

Ethnic cleaning, colonial buildings

Ethnic cleansing activities continue in Kurdish lands. The Turkish state, in cooperation with Qatar, Kuwaiti and Palestinian organizations, is constructing colonial buildings in the villages and districts of the Afrin canton. Approximately 50 new colonial buildings were built in the village of Şadêr in the district of Şêrawa. Excavations were also carried out on 30 hectares of land in the same area.

The Human Rights Organization reported that the World Aid Committee "Insur", in cooperation with Palestinian associations, has built "Emel 2" colonial buildings on Lelun mountain in the southeast of the Afrin canton.

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Kosovo Specialist Chambers

Azerbaijan

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Russia

Evidence grows of explosion at collapsed Ukraine dam (Reuters) By Dan Peleschuk
June 9, 2023

Evidence was growing on Friday that there was an explosion at the Kakhovka dam in southern Ukraine around the time it collapsed, according to Ukrainian and U.S. intelligence reports and seismic data from Norway.

Ukraine's security service said it had intercepted a telephone call proving a Russian "sabotage group" blew up the Kakhovka hydroelectric station and dam early on Tuesday in the Kherson region.

Norway's research foundation Norsar said that data collected from regional seismic stations showed clear signals of an explosion.

And U.S. spy satellites detected an explosion at the dam, a U.S. official was quoted as saying by the New York Times.

The destruction early on Tuesday of the facility - which had been in Russian hands since shortly after Russia's full-scale invasion of Ukraine in February 2022 - unleashed mass flooding, forcing thousands of residents to flee and wreaking environmental havoc.

The Security Service of Ukraine (SBU) posted a one-and-a-half minute audio clip on its Telegram channel of the alleged conversation, which featured two men who appeared to be discussing the fallout from the disaster in Russian.

Reuters could not independently verify the recording.

Russia has accused Kyiv of destroying the dam. The Russian foreign ministry did not immediately reply to a Reuters request for comment on the SBU statement.

"They (the Ukrainians) didn't strike it. That was our sabotage group," said one of the men on the recording, described by the SBU as a Russian soldier. "They wanted to, like, scare (people) with that dam."

"It didn't go according to plan, and (they did) more than what they planned for."

The man also said "thousands" of animals had been killed at a "safari park" downstream as a result.

The other man on the line expressed surprise at the soldier's assertion that Russian forces had destroyed the dam.

The SBU offered no further details of the conversation or its participants. It said it had opened a criminal investigation into war crimes and "ecocide".

"The interception by the SBU confirms that the Kakhovskaya HPP (Hydroelectric Power Plant) was blown up by a sabotage group of the occupiers," the SBU said in a statement. "The invaders wanted to blackmail Ukraine by blowing up the dam and staged a man-made disaster in the south of our country."

The U.S. official said that satellites equipped with infrared sensors detected a heat signature consistent with a major explosion.

Norsar said in a statement that the data from one seismic

station in Romania showed activity at 02:54 a.m. local time on Tuesday, indicating an explosion, and the timing coincides with media reports of the dam collapse.

Together with the power station, the dam helped provide electricity, irrigation and drinking water to southern Ukraine, including Crimea, which was annexed by Russia in 2014.

Water levels were high in the reservoir in the buildup to the explosion, media reported.

Hundreds of Ukrainians were rescued from rooftops in the flooded areas during the week. The governor of the southern region of Kherson said some 600 square kilometres, or 230 square miles, were under water.

"By blowing up the Kakhovskaya HPP dam, the Russian Federation definitively proved that it is a threat to the entire civilised world," SBU chief Vasyl Malyuk was quoted as saying in the statement.

"Our task is to bring to justice not only the leaders of (Russian President Vladimir) Putin's regime, but also the ordinary perpetrators of crimes," he said.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

UN investigative team in Iraq 'digitising' Daesh war crimes evidence to support

prosecutions (Middle East Monitor June 7, 2023

The UN investigative team to promote accountability for crimes committed by the Daesh terror group is "digitising" war crimes evidence to support prosecutions of perpetrators, an official said Wednesday, Anadolu Agency reports.

Christian Ritscher, the head of UNITAD, said his team is assisting the Iraqi judiciary to organise and access "considerable volumes of Daesh records and battlefield evidence, via a mega digitisation project."

"Digitisation operations have been launched at five courts in Iraq, and two further courts will follow in the coming months," he told the UN Security Council.

"As of now, the impressive amount of 8 million pages of Daesh documents from the holdings of the Iraqi authorities, including Kurdish authorities has been digitised."

He said his team will establish a central archive that would be the unified repository of all digitised evidence against Daesh in the coming days.

"The central repository will play a key role to support prosecutions of Daesh perpetrators for the international crimes in Iraq," he said. "It could be a milestone to found a comprehensive e-justice system in Iraq which can be upheld as a leading example not only in the region, but also globally."

Ritscher said his team also works closely with competent investigative judges in Europe, who fully support their investigations.

Daesh seized vast swathes of territory in Iraq and in Syria and declared a self-styled caliphate in 2014.

Admissible evidence, competent courts, critical to ensuring justice for ISIL victims in Iraq (UN News) June 7, 2023

Ambassadors were briefed by Christian Ritscher, Special Adviser and Head of the UN Investigative Team to promote accountability for these crimes, UNITAD, established five years ago.

The Islamist group declared a self-styled caliphate across parts of Iraq and northern Syria in 2014, before being militarily defeated and driven from Iraq in December 2017.

Commitment stronger than ever

Presenting UNITAD's 10th report, he informed of progress to date, including supporting the digitization of millions of documents which are now in the possession of the Iraqi judiciary.

Investigators have also produced a case-assessment on ISIL's development and use of chemical weapons. Further details will be outlined during an event at UN Headquarters in New York on Thursday, co-hosted alongside Iraq and India.

"Today, the commitment of the Iraqi Government, in partnership with UNITAD, to advance the fight against impunity, seek justice in the name of victims and survivors - most of whom are Iraqis - and to address the remaining threat posed by ISIL, is stronger than ever," he said.

Mission not over

However, the mission is far from over. Mr. Ritscher stressed that "UNITAD's work is to not simply establish a record for ISIL crimes, but to hold ISIL members who committed such heinous international crimes accountable, through evidence-based trials and before competent courts."

"International crimes" refers to the serious violations of war crimes, crimes against humanity and genocide. The UN team is already working closely with competent Iraqi investigative judges who support their investigations, he said.

"In turn, UNITAD is enhancing their capacities and ensuring that Iraqi courts are ready to hold ISIL perpetrators accountable for their international crimes, when the moment comes," he added.

Mr. Ritscher assured the Council that there is no shortage of evidence of ISIL crimes, describing the terrorist group as “a large-scale bureaucracy that documented and maintained a State-like administrative system.”

“What we aim to do is to ensure that this evidence is admissible before any competent court, whether in Iraq or in other States where prosecutions of ISIL members for international crimes are taking place,” he said.

Archiving digitized documents

In this regard, UNITAD has been leading a largescale project to digitize “considerable volumes” of ISIL records and battlefield evidence. So far, eight million pages from the holdings of the Iraqi and Kurdish authorities have been digitized.

“Senior Iraqi Judges have informed me that their response times in relation to case files and requests for information have significantly improved, signalling lasting change because of these innovative efforts,” he said.

As a next step, UNITAD is establishing a central archive that will be the unified repository of all digitized evidence against ISIL. The archive will be located at the Supreme Judicial Council of Iraq and launched in the coming days.

“This central repository will play a key role to support prosecutions of ISIL perpetrators for their international crimes in Iraq. Moreover, it could be a milestone to founding a comprehensive e-justice system in Iraq, which can be upheld as a leading example, not only in the region, but also globally,” he said.

Legal framework key

Meanwhile, adopting an appropriate domestic legal framework remains the main challenge, Mr. Ritscher told the Council.

He underlined UNITAD’s committed to supporting the Iraqi-led process towards a legal framework that enables national courts to prosecute ISIL criminal acts as international crimes.

He pointed to the recent establishment of a joint working group bringing together Government, legal and judicial representatives, as well as key parliamentarians, as an important step forward.

“Once an appropriate domestic legislation on international criminal law has been adopted, the way forward will be clearer. I remain hopeful that this will happen sooner rather than later,” he said.

Preparing for future trials

In parallel, UNITAD has already begun to contribute to the preparation of future trials.

The Team has intensified cooperation with counterparts in the Iraqi judiciary, to jointly build cases against specific persons of interest and alleged perpetrators, prioritizing those living outside Iraq.

Investigators are currently supporting some 17 countries, by conducting witness interviews, as well as providing expert testimonies and technical analysis in criminal proceedings against alleged ISIL members and supporters.

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Syria

Netherlands, Canada take Syria to World Court over torture claims (Reuters) By Stephanie van den Berg
June 12, 2023

The Netherlands and Canada are taking Syria to the World Court over torture claims, the International Court of Justice (ICJ) said on Monday.

In their application, Canada and the Netherlands claim that "Syria has committed countless violations of

International law, beginning at least in 2011," and asked for emergency measures to be taken to protect those at risk of being tortured, the ICJ, also known as the World Court, said in a statement.

They are seeking to hold the government of President Bashar al-Assad accountable for gross human rights violations and torture under the U.N.

Convention against Torture, which Damascus ratified in 2004.

"It is the Dutch government's position that there is ample evidence demonstrating that Syria has committed serious human rights violations against Syrian citizens on a grand scale," the Dutch Foreign Ministry said in a statement.

In their application, Canada and the Netherlands have asked the court to issue emergency orders for Syria to cease all acts of torture and cruel treatment and to end arbitrary detentions, among other things. Usually, the World Court will order emergency hearings to mull such requests within days of receiving a claim.

If it finds it has jurisdiction, the ICJ would be the first international court to be able to make a legal finding on the alleged state use of torture in Syria.

Canada and the Netherlands decided to act in 2020 after Russia blocked multiple efforts in the United Nations Security Council to refer a case on human rights violations in Syria to the International Criminal Court, which prosecutes individuals for war crimes and is also based in The Hague.

So far, there has been one conviction for the use of torture by a former Syrian state official in a landmark trial in Germany in January last year. The German case was filed under the country's universal jurisdiction laws, allowing its courts to prosecute crimes against humanity committed anywhere.

Cases before the ICJ usually take years to reach a final verdict, but emergency orders can be issued within weeks.

Syria's 12-year civil war has killed hundreds of thousands of people, displaced millions and drawn in regional and world powers.

The devastation of the conflict has been compounded by the large-scale destruction caused by earthquakes that hit northwestern Syria in February.

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Yemen

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Special Tribunal for Lebanon

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

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Israel and Palestine

UN commission accuses Israel of taking aim at Palestinian human rights groups (ABC News) By Josef Federman

June 8, 2023

Investigators commissioned by the U.N.'s top human rights body on Thursday accused Israel of "delegitimizing and silencing civil society" by outlawing Palestinian human rights groups and labeling their members as "terrorists."

The findings came in the annual report by the Human Rights Council's "Commission of Inquiry." The commission, led by a three-member team of human rights experts, was established in 2021 following an 11-day war between Israel and the Hamas militant group in Gaza. Israel accuses the rights council, and the commission, of being unfairly biased.

The report also accused both Hamas and the rival Palestinian Authority in the Israeli-occupied West Bank of committing rights violations. But it said most of the violations it had uncovered were committed by Israel as part of a campaign it says is aimed at "ensuring and enshrining its permanent occupation at the expense of the rights of the Palestinian people."

Former U.N. human rights chief Navi Pillay, who leads the commission, accused Israeli and Palestinian authorities of "limiting the rights to freedom of expression and peaceful association."

"We were particularly alarmed by the situation of Palestinian human rights defenders, who are routinely subject to a range of punitive measures as part of the occupation regime," she said.

In 2020 and 2021, Israel designated seven Palestinian rights groups as terrorist groups, effectively outlawing them. It later raided and shut some of their offices.

Israel says the groups are connected to the Popular Front for the Liberation of Palestine — a secular, left-wing movement with a political party as well as an armed wing that has carried out deadly attacks against Israelis. Israel and its Western allies consider the PFLP a terrorist organization.

The rights groups deny any connection to the PFLP, and a number of European nations have rejected the Israeli claims, citing a lack of evidence.

Thursday's report said the Israeli crackdown on the groups was "unjustified and violated fundamental human rights, including the rights to freedom of association, expression, opinion, peaceful assembly, privacy and the right to a fair trial."

It also took aim at Israel's deportation of a Palestinian human rights activist last year from east Jerusalem to France. Israel has accused the activist, Salah Hammouri, of PFLP membership.

Chris Sidoti, a member of the commission, said there was "no doubt" that the deportation "constitutes a war crime."

In a statement released by its U.N. mission in Geneva, Israel rejected the report's findings.

"The Commission of Inquiry against Israel has no legitimacy. It never had," it said.

It accused the commission members of having "pre-existing biased prejudices" and compared the commission's public hearings to gather information for the report to "kangaroo trials."

"Israel has a robust and independent civil society which is composed of thousands of NGOs, human rights defenders, national and international media outlets, that can operate freely throughout the year," it said.

The commission is the first to have an "ongoing" mandate from the U.N. rights body. Critics say its annual scrutinizing of Israel testifies to an anti-Israel bias in the 47-member-state council and other U.N. bodies.

Last year, Israel, the United States and Britain accused one of the commissioners, Miloon Kothari, of making

antisemitic remarks by questioning Israel's right to be a U.N. member and alluding to a "Jewish lobby." Kothari later apologized.

Proponents say the commission is needed to keep tabs on persistent injustices faced by Palestinians under decades of Israeli rule.

In the report, the commission also criticized the rival Palestinian governments in the West Bank and Gaza, accusing them of targeting human rights activists "with the aim of silencing dissenting opinions."

It said authorities in both areas have forcibly closed civil society activities.

"In Gaza, organizations seen to be challenging the social, religious and political status quo have been particularly targeted," it said.

In the West Bank, it said many activists have been arrested for protests and online activism and charged with defaming officials and participation in illegal gatherings.

The Commission found that Palestinian security forces "routinely intimidate" activists and journalists "through threatening phone calls, interrogations or cautionary interviews and arbitrary arrest and detention," it said.

It said it had received information about "torture and ill-treatment to punish and intimidate critics" both in Gaza and the West Bank.

"The frequency and severity, and the absence of accountability indicate that such cases are widespread in nature," it said.

It accused Palestinian forces in the West Bank of arresting or allowing violence against LGBTQ+ people, and using sexual and gender-based violence to silence female human rights defenders.

There was no immediate reaction from either the internationally recognized Palestinian Authority in the West Bank or Hamas in Gaza.

Israel captured the West Bank, east Jerusalem and Gaza Strip in the 1967 Mideast war. The Palestinians claim all three areas for a future independent state.

Israel annexed east Jerusalem in a step that is not internationally recognized and says the West Bank is disputed territory, and that its fate should be determined through negotiations. Israel withdrew from Gaza in 2005.

The international community overwhelmingly considers all three areas to be occupied territory.

The rights of civil society members are being violated by all entities in Israel and the Occupied Palestinian Territory, UN Commission of Inquiry says; Israeli Government restrictions intrinsically linked to occupation (United Nations Human Rights) June 8, 2023

The rights of civil society members in Israel and the Occupied Palestinian Territory are being violated by authorities in all areas through harassment, threats, arrests, interrogations, arbitrary detention, torture and inhuman and degrading treatment, according to a report to the Human Rights Council issued today by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.

The report examined attacks, restrictions and harassment of civil society actors in Israel, and the Occupied Palestinian Territory including East Jerusalem. It found that the majority of violations are being committed by Israeli authorities as part of the Israeli Government's goal of ensuring and enshrining its permanent occupation at the expense of the rights of the Palestinian people.

The report found that the Israeli Government has increasingly restricted civic space through a strategy of delegitimizing and silencing civil society. This includes criminalizing Palestinian civil society organizations and their members by labelling them as "terrorists," pressuring and threatening institutions that give a platform for civil society discourse, actively lobbying donors, and implementing measures intended to cut sources of funding and support.

This strategy is being implemented in Israel and the Occupied Palestinian Territory against Israeli and Palestinian civil society organizations and activists, and internationally against international advocates of Palestinian rights.

The report determined that the designations by Israeli authorities of six Palestinian NGOs as “terrorist” organizations and a seventh Palestinian NGO as unlawful were unjustified and violated fundamental human rights, including the rights to freedom of association, expression, opinion, peaceful assembly, privacy and the right to a fair trial.

Palestinian authorities in both the occupied West Bank and in Gaza were also found to be targeting Palestinian human rights defenders and civil society activists with the aim of silencing dissenting opinions. The arrest and detention of Palestinian activists by both Israeli and Palestinian authorities was noted as a particularly harsh reality for many Palestinian activists.

“Today we issued a report that focuses on the silencing of civil society in the Occupied Palestinian Territory and Israel, and we concluded that all duty bearers are engaged in limiting the rights to freedom of expression and peaceful association,” said Navi Pillay, Chair of the Commission. “We were particularly alarmed by the situation of Palestinian human rights defenders, who are routinely subject to a range of punitive measures as part of the occupation regime. These measures also have far-reaching consequences for children, contributing to family fragmentation and to increased psychological trauma and fear.”

The Commission conducted more than 127 interviews with victims and witnesses, experts and others for the report; these included public and closed hearings in Geneva held in November 2022 and March 2023. Its call for submissions issued on 2 November 2022 resulted in 21 submissions being received.

The Commission dedicated a significant part of the report to reviewing restrictive policies and practices, and their impact on different civil society groups, including journalists, women human rights defenders, artists and cultural activists and Palestinian cultural centres promoting diversity and the inclusion of LGBTQ persons.

The report found that Palestinian journalists are particularly targeted and subjected to frequent harassment and punitive measures, seemingly as part of an effort to deter them from continuing their work. Israeli journalists are also being monitored and harassed, and increasingly practise self-censorship out of fear of attacks and losing employment.

Women human rights defenders face significant and distinct risks due to their visibility and role in fighting for societal and political change. They have been specifically targeted by Palestinian State actors and anti-gender rights groups because they are perceived as challenging religious and cultural norms and the status quo.

The report also found that actions by Israeli and Palestinian authorities that shrink freedom of expression in the cultural space, affecting artists and cultural activists, constitute violations of cultural rights.

“We assigned significant importance to understanding the impact of the shrinking civic space on specific groups of activists, some of whom are more vulnerable to attacks and have suffered substantial personal harm as a result of being targeted,” said Commissioner Miloon Kothari.

“Women human rights advocates and protesters have been subjected to distinct gender-based stigmatization and isolation compared to their male counterparts, including sexual and gender-based violence during protests and online harassment and smear campaigns with the sole intent to discredit them and deter them from activism in public places,” Kothari said. “We are also troubled with restrictions imposed on the right to cultural life and cultural and artistic expression which we outlined in our report, and we are extremely concerned with statements made by Israeli politicians aimed at erasing elements of Palestinian culture and identity.”

Although the report focused primarily on actions undertaken by authorities, it also found that certain non-governmental organizations play key roles in silencing civil society in the Occupied Palestinian Territory and Israel and pressuring those advocating for Palestinian rights around the world. Right-wing organizations operating in Israel and abroad effectively implement and promote the Israeli Government’s strategy against civil society. Palestinian anti-gender rights groups operating in the occupied West Bank, have targeted Palestinian women human rights defenders. Both Israeli and Palestinian authorities allow, and in some cases encourage and support, the actions of non-governmental organizations targeting civil society actors.

The report found reasonable grounds to conclude that several Israeli actions undertaken against civil society organizations amount to violations of international human rights and humanitarian law and may constitute crimes under international law. These include the arbitrary detention of civil society organization members and their forcible transfer from the Occupied Palestinian Territory to Israel, in violation of the Fourth Geneva Convention, the revocation of East Jerusalem residency permits and the deportation of a human rights defender from East Jerusalem.

“We have no doubt that the revocation of Salah Hammouri’s East Jerusalem residency permit based on an alleged ‘breach of allegiance’ to the State of Israel constitutes a war crime,” said Commissioner Chris Sidoti. “Demanding allegiance from protected people in occupied territory is a reprehensible violation of international humanitarian law. We have preserved information about the individuals who bear responsibility for what may amount to the war crime of unlawful deportation, including third parties such as airlines and their staff that assisted in the deportation.”

The report recommended that all duty bearers ensure that the rights to freedoms of association, expression and opinion and peaceful assembly, and economic, social and cultural rights including health, housing and education, are respected and protected and that civil society actors, including human rights defenders, journalists and women human rights defenders, are able to conduct their activities safely, freely and without harassment or retribution.

The report also recommended that the Office of the Prosecutor of the International Criminal Court prioritize the investigation into the situation in the Occupied Palestinian Territory, including the identification of direct perpetrators, those exercising command responsibility and individuals who aid or abet the commission of crimes under the Court’s jurisdiction.

The Commission’s 22-page report will be complemented by a more detailed document in the form of a conference room paper (CRP), to be distributed during the upcoming 53rd session of the Council in June.

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Afghanistan

A First (Civil) Ruling Confirms Australia's War Crimes in Afghanistan (Justice Info) By Maxim Shanahan
June 9, 2023

As Ben Roberts-Smith lay stretched out, sunning himself on a Bali pool deck Justice Anthony Besanko of the Federal Court of Australia was putting the finishing touches on a 726 page judgment, published on Monday June 5, that would confirm Roberts-Smith’s fall from revered national hero to a “callous and inhumane” criminal, who “disgraced his country” by committing, on multiple occasions, the war crime of murder while deployed to Afghanistan with Australia’s special forces (SAS).

The proceedings, which were the equal longest in the Federal Court’s history, concerned allegations made in three

newspapers in 2018 that Roberts-Smith had, among other things, kicked a unarmed Afghan civilian off a cliff, and procured a soldier under his command to shoot him; pressured an inexperienced special forces soldier to execute an elderly, unarmed Afghan in order to “blood the rookie”; and had killed an unarmed prisoner with a prosthetic leg by machine-gunning him from close range.

While the verdict was a civil judgment in a defamation trial, criminal jeopardy remains for Roberts-Smith and the witnesses whose actions in Afghanistan were given a public airing at trial. Justice Besanko found that the Victoria Cross recipient was motivated to lie at trial “to resist findings against him which may affect whether further action is taken against him,” and noted that “it is inherent in the finding of criminal conduct [at a civil trial] that that may increase the likelihood of the alleged actor being [criminally] charged.”

HIGHEST DEGREE FOR A DEFAMATION CASE Roberts-Smith argued that the articles published by the journalists conveyed various defamatory imputations, including that he “committed murder” on numerous occasions within the meaning of the Geneva Conventions and Australia’s complementary legislation, authorised unlawful killings and “bashed” an unarmed civilian. It was further pleaded by his lawyers that the articles conveyed the imputation that Roberts-Smith “broke the moral and legal rules of military engagement and is therefore a criminal.”

Roberts-Smith sought aggravated damages, the removal of the articles from media’s websites and a permanent injunction restraining publication of the defamatory imputations, effectively gagging further reporting on war crimes allegations against the former soldier.

The newspapers defended the imputations on the basis that they were substantially true – a notoriously difficult defence to prove in Australian defamation law. The newspapers were required to prove on the balance of probabilities that “every material part” of the imputations were true. Given the gravity of the allegations, the degree of satisfaction required by the judge was high: “where potential criminality is involved... exactness of proof is required,” said Besanko.

“What is unusual in this case is not only did Roberts-Smith lead imputations of actual criminality rather than reasonable suspicion of criminality, it is also that the newspapers were able to establish the substantial truth of that conduct”, explains Professor David Rolph, of the University of Sydney.

“If you’re proving actual criminal conduct, as [the newspapers] managed to do, they have to set out to prove to Ben Roberts-Smith actually murdered people, actually was complicit in the murder of people, and actually committed war crimes. That’s much more forensically onerous than merely demonstrating that there is a reasonable suspicion of these things.”

That’s why, in ruling in favour of the newspapers, Justice Besanko made a finding that it was true that Roberts-Smith was a criminal who “broke the legal rules of military engagement” and committed multiple war crimes.

“BLOODING THE ROOKIE” The civil judgment therefore includes a finding that war crimes were committed under Australian and international law.

On Easter Sunday 2009, Roberts-Smith and his troop were instructed to assault a compound code-named Whiskey 108. Persons 14 and 24 [the identities of SAS soldiers are protected] gave evidence for the newspapers that, in the lead up to the mission, they heard Person 5 (the troop commander and a close friend of Roberts-Smith) say in group settings that “we” were going to “blood the rookie,” referring to Person 4, a member Roberts-Smith’s troop.

After securing the compound, the soldiers discovered a tunnel in a courtyard. Justice Besanko accepted the evidence of the newspapers’ witnesses that two Afghan men emerged from the tunnel, surrendered and were placed under the control of the Australian troops. One man was elderly and the other had a prosthetic leg.

Person 24 gave evidence that, around this time, he saw Roberts-Smith emerge from the compound holding the elderly man. He heard Person 5 shout at Person 4 saying “get in here. Get in here now.” At this point, Roberts-Smith approached Person 41, who was searching a room, and asked to borrow his silencer. He continued:

“[Roberts-Smith] then walked down and grabbed the Afghan male by the scruff of the shirt, picked him up and marched him a couple of metres forward [so] he was in front of Person 4. He then kicked him in the back of the legs behind the knees until he was kneeling down in front of Person 4. He pointed...to the Afghani [sic] and said to Person 4, ‘Shoot him’.”

After averting his gaze, Person 41 looked back to see Person 4 standing “in a bit of a state of shock,” with “a dead Afghan male at his feet.”

ROBERTS-SMITH'S ACCOUNT "HIGHLY IMPROBABLE"

Further, Person 41 told the court that, after leaving the compound to search another area, he observed Roberts-Smith walking towards him. He had his machine-gun held up with his right arm and was "frog-marching [another] Afghan by the scruff of his neck with his left arm." This was the man with the prosthetic leg.

"[BRS] then proceeded to throw the Afghan male down onto the ground. The Afghan male landed on his back. [BRS] then reached down, grabbed him by the shoulder, flipped him over onto his stomach, and then I observed him lower his machine gun and shoot approximately three to five rounds into the back of the Afghan male. After he had done that, he looked up and saw me standing there, and he looked at me and said, 'Are we all cool? Are we good?' And I just replied, 'Yeah, mate, no worries.'"

The man's prosthetic leg later found its way to the SAS base, where it was mounted and used as a drinking vessel.

Justice Besanko found that the version of events led by the newspapers and described above was truthful, and was highly critical of the evidence of Roberts-Smith and his witnesses. Through a loan from the newspapers' media rival Kerry Stokes, Roberts-Smith was paying the legal fees of Persons 5, 29 and 35, who all gave evidence supporting his contradictory version of events. Besanko found that Roberts-Smith's account was "highly improbable," and he had motives to lie, including "to resist findings against him which may affect whether further action is taken against him."

THE MURDER OF ALI JAN

Another event is documented in detail in the ruling. On September 11 2012, Roberts-Smith participated in a mission to the village of Darwan, following up on intelligence that a rogue Afghan soldier was or had been in the village.

Towards the end of the mission, Roberts-Smith and others were clearing compounds in the area. In one, they found three fighting-age males, who were handcuffed and rendered hors de combat. One of the men was named Ali Jan.

An Afghan witness, Mohammed Hanifa, told the court from a secure location in Kabul that he was taken outside with Ali Jan and questioned by the Australians. He recalled being punched and kicked by "the big soldier" while pressed up against a wall. Another Afghan witness, Shahzada Faith described seeing "the big soldier" make Ali Jan stand up and walk over to the edge of an escarpment overlooking a dry creek bed.

Person 4 told the court that Ali Jan was made to stand with his back towards the large slope, and was held by Person 11. At this point, Roberts-Smith "walked forward and kicked [Ali Jan] in the chest... [he] was catapulted backwards and fell down the slope." Person 4 saw Ali Jan's face strike a rock on the way down, causing him to lose a number of teeth. After Ali Jan was brought back to his feet, he then saw Person 11 have a quick conversation with Roberts-Smith. After hearing shots ring out, he turned back to see Person 11 with his rifle raised next to a dead body.

When Person 4 next saw the body, the handcuffs had been removed and a radio placed on the body in an effort to indicate that Ali Jan had been a combatant. It was photographed in this state and used to support an official report of events agreed upon by the soldiers after the mission.

As with the incidents at Whiskey 108, Justice Besanko found that Roberts-Smith's case contained "a number of improbabilities" and that he "discussed his evidence at length" with Person 11, his only supporting witness, prior to the trial.

The newspapers were also able to prove that Roberts-Smith committed another murder in an October 2012 mission to the village of Chinartu. The court found that "through an interpreter [BRS] ordered Person 12 to shoot an Afghan male who was under detention ... Roberts-Smith was complicit in and responsible for murder."

ONGOING WAR CRIMES RECKONING

The defamation judgment marks the end of the beginning of Australia's war crimes reckoning. The media reports which first brought allegations of war crimes into the public consciousness have been proven largely to be true, outing one of Australia's most decorated soldiers as a war criminal and revealing the complicity of other members of the SAS.

Professor Melanie O'Brien of the University of Western Australia says "that's what makes this case so interesting,

because [war crimes being contested in a civil trial] is something that hasn't been seen before....it's certainly not the usual way to go about dealing with war crimes."

However, as the usually sensitive details of conflict incidents received a public and dramatic open court hearing, the official war crimes investigation continues. Representatives of the Federal Police and the Office of the Special Investigator (OSI) sat through the entirety of the trial, and it was revealed during the hearings that Roberts-Smith was being investigated by the OSI.

While the evidence given at the civil trial will not be directly admissible in criminal court, by launching the defamation case, Roberts-Smith has locked himself into a version of events found by a judge to be not credible, and the result of collusion. Efforts to conceal evidence and intimidate witnesses may also be led as evidence of consciousness of guilt. Indeed, as O'Brien says, "the first thing we may see is charges laid for threatening witnesses."

The investigation will continue outside of the public eye, but the very public civil case effectively implicates a number of other former soldiers who gave evidence. The OSI told the Senate in May that it was "currently progressing approximately 40 matters."

Amnesty International finds evidence of Taliban war crimes. What comes next? (Washington Examiner) By Beth Bailey
June 12, 2023

Amnesty International released a report last week presenting evidence of Taliban war crimes in Afghanistan's Panjshir province, the base of operations for opposition forces belonging to the National Resistance Front. The nongovernmental organization has put forward horrifying proof of "torture and other ill-treatment, extrajudicial executions, hostage-taking, the intentional burning of civilian homes, and arbitrary deprivation of liberty," finding that the Taliban's "conduct in sum constitutes collective punishment, which is in itself a war crime."

The report's depth of detail is striking considering the range of impediments Amnesty International faced in collecting data. The NGO's team could not travel to Panjshir because of "security concerns and access restrictions." Because citizens in Panjshir are under curfew, live with restricted access to smartphones, and have limited internet connectivity, most of the people whom Amnesty International interviewed had escaped the province.

Despite the Taliban's best attempts to repress media and disguise its criminality, a combination of technology and the group's own hubris may yet lead to justice in Afghanistan. Much of the video and photographic proof of Taliban killings that Amnesty International examined was shot by Taliban members. Forensic analysis of photographs of victims helped investigators discern information about the type and extent of torture they were subjected to, which likely contributed to their deaths. Analysis of satellite imagery helped locate sites where crimes occurred, while panchromatic imagery showed a likely burial plot where the Taliban attempted to cover up a mass execution.

Though Panjshir and the NRF are predominantly populated by Tajiks, a spokesperson from Amnesty International said the NGO's report "did not find civilians were being targeted for their ethnic background. Rather, they were being targeted due to suspicion of their affiliation with the NRF."

Afghan American U.S. Army veteran "Legend" is the founder of Vets4NRF and a supporter of the NRF's continued fight throughout Afghanistan. In an interview with the Washington Examiner, Legend lauded Amnesty International's report as "a good first step." He believes the Taliban's actions in Panjshir "are a clear indication that they have already lost the battle against the NRF and are now resorting to killing innocent families." While he welcomes further investigations into ongoing crimes against Panjshiris, Legend also believes "it is time for the world to take action and move beyond reports and investigations in order to hold the Taliban accountable for their crimes against humanity."

Amnesty International's report includes a host of steps the international community should take. The organization implores the International Criminal Court to investigate crimes, especially against vulnerable populations, committed in Afghanistan by all parties to the conflict. They also ask the U.N. Human Rights Council to create "an independent international accountability mechanism" for investigating violations of international human rights law.

The NGO reserves its most extensive list of suggestions for the Taliban. These include sweeping changes such as

reversing the ban on education for women and girls and ceasing their rampant violations of international human law. They also include more manageable steps, such as training fighters in international human rights law and discontinuing the use of schools as military and detention facilities. Many of the recommendations involve the need for transparency and improvements in the Taliban's system for investigating Taliban crimes and finding justice for victims, though Amnesty International notes that the Taliban "have shown themselves neither willing nor able to conduct ... an accountability process."

Amnesty International's report arrives at a time when too many onlookers are considering engagement with the Taliban. For the sake of the group's innocent victims, it is vital that relevant organizations follow Amnesty International's recommendations and begin to hold the Taliban to account for its criminality.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

**Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)
Cambodia Tribunal Monitor**

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Bangladesh International Crimes Tribunal

Fugitive war criminal arrested in Gazipur (Bangladesh Sangbad Sangstha) June 2, 2023

**Rapid Action Battalion (RAB) arrested a warranted fugitive war criminal
from Sreepur upazila of the district on Wednesday.**

The arrested was identified as Md Shahar Ali, 76, son of late Javed Ali, resident of Phulpur upazila of Mymensingh district.

RAB-2 senior assistant director (media) Md Fazlul Haque informed this information in a press release this morning that he was arrested following a secret operation at Sreepur upazila in Gazipur on Wednesday.

RAB said that during the Great Liberation War of 1971, Md. Shabar Ali and other Razakars were directly involved in various crimes against humanity including kidnapping, rape, brutal torture, arson, brutal murders.

On the night of May 23 in 1971, 15 to 16 armed Razakars including Shahar Ali and 5 to 6 Pakistani Army tortured the freedom-loving people of Maishakanda village of Phulpur police station and the people of the local minority community, looted and set fire to 10 to 12 houses.

In addition, on August 4, 1971, 20 to 25 armed Razakars, including Md Shahar Ali, led by the chairman of Phulpur Thana Peace Committee and Razakar Rajab Ali Fakir, looted the houses of the freedom-loving innocent people in East Bakhai and West Bakhai areas of Phulpur Thana and took 9 to 10 people to the Sharchapur Ghat of Kangsh River and shot them dead, RAB said.

On August 6, 2017, a case was filed at the International Criminal Tribunal.

On March 19, 2019 The International Criminal Tribunal issued an arrest warrant against Md Shahar Ali, RAB added.

He has been hiding in various parts of the country under disguise.

Bangladesh allows largest Islamist party to hold its first rally in decade (La Prensa Latina) June 10, 2023

Bangladesh's largest Islamist political party, Jamaat-e-Islami, held its first public rally on Saturday in over a decade after a government crackdown.

The rally by the political ally of the opposition Bangladesh Nationalist Party (BNP) comes amid a changing political landscape in the country ahead of the general election due later this year.

The Islamist party bore the brunt of a government crackdown on opposition parties in the past one-and-a-half decades, especially after the war crime trial against its leaders began in 2010.

Five of its top leaders were executed between 2013 and 2016 for committing war crimes during the country's War of Independence in 1971.

Thousands of its activists were arrested and allegedly faced torture in custody.

Jamaat sided with West Pakistan during the war but returned to Bangladesh's mainstream politics after independence, sharing power with the BNP between 2001 and 2006.

The party lost its registration in 2013 and had to participate in the 2018 election with the BNP symbol, winning no seats.

The ruling Awami League and its allies secured 288 out of 300 seats to win a third consecutive term in 2018 amid allegations of massive irregularities and ballot stuffing by the police.

According to Human Rights Watch, at least 1,858 Jamaat leaders and activists were arrested between Nov.1 and Dec.13, 2018, before the last general election.

Jamaat head Shafiqur Rahman is currently in jail.

Police did not allow the party to hold any public events in the past decade.

"They killed our senior leaders, hundreds were abducted, many houses were demolished, businesses were ransacked, hundreds became handicapped, our activists were not allowed to stay home," acting Jamaat chief Syed Abdullah Muhammad Taher told EFE.

"In spite of all this torture and subjugation, we have been conducting our program at the grass roots level. Internally, Jamaat is stronger than before."

Police permission for Jamaat to hold the rally at Dhaka's Institution of Engineers came two weeks after the United States announced a new visa policy for Bangladesh.

US Secretary of State Antony Blinken said on May 24 that the country will "restrict the issuance of visas for any Bangladeshi individual, believed to be responsible for, or complicit in, undermining the democratic election process in Bangladesh."

However, political analyst and ex-Dhaka University teacher Abul Kashem Fazlul Haque said it was not sure if police permission to Jamaat was linked to the new US visa policy.

"But it is almost certain they issued permission with the ruling party's consent. Since independence, the Awami League has always used Jamaat against its rivals," he said.

Jamaat leader Taher said they had chosen the period rally timing to press home their demands of releasing the party leaders, the resignation of Prime Minister Sheikh Hasina's government, and curbing essential commodities price hikes.

The main opposition BNP, which recently maintained some distance from Jamaat, reportedly under pressure from its Western allies, has held protest rallies regularly in recent months with similar demands, including an election-time caretaker government.

The BNP and the Awami League have taken turns in power in the country since 1991, except for a brief military rule between 2006 and 2008.

Adequate data found to try Jamaat for war crimes (Bangladesh Post) June 11, 2023

Law, Justice and Parliamentary Affairs Minister Anisul Huq on Sunday said adequate data have been found to try Jamaat-e-Islami for war crimes.

"There are adequate data. The information that came to International Crimes Tribunal is enough to try Jamaat for war crimes. We would send the relevant act to the cabinet soon for amendment. But we cannot declare Jamaat guilty until the final judgment," he said.

The law minister said these while replying questions of newsmen at 'Meet the Reporters' organized by Law Reporters' Forum (LRF) at Dhaka Reporters Unity auditorium on Sunday noon.

Replying a question on BNP chairperson Begum Khaleda Zia, the law minister said as per article 66 of the constitution, none can take part in the election, if he/she is sentenced to imprisonment for a term of not less than two years on conviction for a criminal offence involving moral turpitude.

"As per the constitution, Khaleda Zia has no scope to take part in the election. As fugitive Tarique Rahman has also been convicted, he too will not be able to take part in the election. If she (Khaleda Zia) joins any political meeting, it would prove that she is fit. Naturally if she is fit, then it's her responsibility to serve the remaining sentence. Term of her sentence is yet to finish," he said.

The law minister said the government has no plan to hold dialogue over upcoming election.

While talking about the recently announced US visa policy, Anisul Huq said he has informed its envoy Peter Haas that it's surely humiliating for Bangladesh, adding, "If this step is even taken against the opposition here, it is humiliating."

"I have told the US envoy that if this policy is used logically, we have nothing to say. But if it is used against any particular party, then we have objections against it. We are not upset over the visa policy. It is the pledge of the Awami League government to hold a free, fair and neutral election," he added.

Talking about Digital Security Act, the law minister said many countries across the globe has similar acts to tackle cyber crimes and said the government had talks about this with the concerned people of the UN.

"Even they have called for keeping the act. But emphasis was laid on some amendments. Now steps have been taken so that none gets arrested right after filing of the case. A cell has been formed to monitor this. We would move for next phase only after scrutinizing the prima facie of the case, so that none gets harassed and the act doesn't get misused," Anisul further said.

Presided over by LRF president Ashutosh Sarker, the programme was conducted by its general secretary Ahammed Sarwer Hossain Bhuiyan. Law and Justice Division Secretary Md Golam Sarwer and joint secretary Bikash Kumar Saha were present at the function, among others.

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War Crimes Investigation in Myanmar

Israeli Ministries, Arms Firm Accused of Supplying Myanmar Junta War Machine (Irrawaddy) By Hein Htoo Zan

June 10, 2023

A group led by a human rights lawyer has asked Israel's attorney general to investigate allegations that Israeli arms manufacturer CAA Industries along with defense and foreign ministry officials have aided and abetted the Myanmar military's crimes against humanity. Eitay Mack filed the petition on behalf of over 60 Israeli citizens on June 6, asking for a criminal probe into the CAA's 2019 shipment of injection molds and tooling to upgrade the Myanmar military's small arms.

The move stems from a report by Justice for Myanmar (JFM), a rights watchdog that exposes the regime's illegal businesses and other activities.

JFM uncovered shipment records dated 31 July 2019 that show CAA Industries dispatched injection molds and tooling for upgrading small arms in a deal worth almost US\$ 5 million. CAA Industries shipped the order to Star Sapphire Trading, a company controlled by Tun Min Latt, a Myanmar arms broker who has been indicted on money laundering, transnational organized crime and drug trafficking charges in Thailand.

Star Sapphire was the sole Myanmar representative of major Israeli arms companies Israel Aerospace Industries, Elbit Systems and Israel Shipyards, which led to a 2022 application for a criminal probe into possible bribery and corruption involving the three companies and officials from Israel's defense and foreign affairs ministries.

Last year, Star Sapphire Trading extended its registration to supply the Myanmar military's Directorate of Procurement with military equipment including aircraft, naval, and other machinery, according to JFM, citing leaked records.

Star Sapphire Group of Companies and Tun Min Latt are currently sanctioned by the US and UK. The US has also sanctioned Star Sapphire's Singapore subsidiary, Star Sapphire Group Pte Ltd, along with Tun Min Latt's wife, Win Min Soe.

Following the Myanmar military's brutal crackdown against the Rohingya, the Israeli Supreme Court issued a secret order in September 2017 banning the sale of arms to Myanmar. In January this year, Israel's attorney general was petitioned to investigate NASDAQ-listed Israeli spyware firm Cognyte Software Ltd plus defense and foreign affairs officials over allegations they had helped the Myanmar military commit crimes against humanity. In the latest petition, Eitay Mack condemned the Israeli government for approving licenses for Israeli military companies to export items that allow Myanmar's military regime to produce weapons for its crackdown on the popular uprising.

"Therefore, in addition to demanding a criminal investigation against the CAA company and the Israeli officials involved in the scandal, we also demand that the ongoing licenses granted to the CAA company be revoked," the lawyer said.

6,000 Myanmar civilians killed in 20 months post coup: report (Arab News) June 13, 2023

OSLO: More than 6,000 civilians were killed in Myanmar in the first 20 months after the February 2021 military coup, a report published Tuesday by the Peace Research Institute of Oslo said.

"Our data shows that the human toll of the conflict is higher than previously reported, and while the junta is clearly the main killer, anti-junta forces also have large amounts of blood on their hands," Stein Tonnesson, one of the two co-authors of the report, said in a statement.

The report said 6,337 civilians were killed "for political reasons" between February 1, 2021 and September 30, 2022, and 2,614 were injured.

That toll is much higher than others that have circulated, including those from international organizations.

According to the report, almost half of the deaths, 3,003, were attributed to the regime – the army, police and militias – while 2,152 were attributed to armed opposition groups.

Twelve were attributed to other civilians not affiliated with either the regime or opponents, and 1,170 to undetermined actors.

“This is a larger number than is normally cited in the media, and yet it is only an estimate, based on reported killings gathered from reliable media reports,” the report said.

“The actual total is surely higher since many killings have likely gone unreported.”

Alleging massive fraud, the Myanmar military annulled the legislative elections won by Aung San Suu Kyi’s party and overthrew her government.

Since then, the junta has carried out a large-scale repression of any opposition, arresting more than 23,000 people according to a local watchdog.

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