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War Crimes Prosecution  
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](mailto:warcrimesswatch@pilpg.org) and type "subscribe" in the subject line.

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## AFRICA

### NORTH AFRICA

#### Libya

**UN experts: Libya's security threatened by foreign fighters (Associated Press)** By Edith M. Lederer  
May 28, 2022

**Libya faces a serious security threat from foreign fighters and private military companies, especially Russia's Wagner Group which has violated international law, U.N. experts said in a report obtained by The Associated Press.**

The experts also accused seven Libyan armed groups of systematically using unlawful detention to punish perceived opponents, ignoring international and domestic civil rights laws, including laws prohibiting torture.

In particular, "migrants have been extremely vulnerable to human rights abuses and regularly subjected to acts of slavery, rape and torture," the panel said in the report to the U.N. Security Council obtained late Friday by the AP.

The oil-rich North African nation plunged into turmoil after a NATO-backed uprising in 2011 toppled dictator Moammar Gadhafi, who was later killed. It then became divided between rival governments — one in the east, backed by military commander Khalifa Hifter, and a U.N.-supported administration in the capital of Tripoli. Each side is supported by different militias and foreign powers.

In April 2019, Hifter and his forces, backed by Egypt and the United Arab Emirates, launched an offensive to try and capture Tripoli. His campaign collapsed after Turkey stepped up its military support for the U.N.-supported government with hundreds of troops and thousands of Syrian mercenaries.

An October 2020 cease-fire deal led to an agreement on a transitional government in early February 2021 and elections were scheduled for last Dec. 24 aimed at unifying the country. But they were canceled and the country now has rival governments with two Libyans claiming to be prime minister.

The cease-fire agreement called for the speedy withdrawal of all foreign fighters and mercenaries but the panel said "there has been little verifiable evidence of any large-scale withdrawals taking place to date."

The report said Chadian opposition groups operate from Libya and Sudanese fighters have been recruited by Hifter. Turkish-backed Syrian fighters have been seen by the panel in government military camps in Tripoli while Hifter-affiliated Syrian

fighters operate alongside the Wagner Group's fighters in the strategic northern city of Sirte and nearby Jufra. At least 300 of these Syrians have returned home and not been replaced by Hifter, the report said.

The panel said it continues to investigate the deployment of Wagner fighters and the transfers of arms and related materiel to support its operations.

The Wagner Group passes itself off as a private military contractor and the Kremlin denies any connection to it. But the United States identifies Wagner's financier as Yevgeny Prigozhin, an oligarch who is close to Russian President Vladimir Putin.

The panel said it considers a Samsung electronic tablet left on a Libyan battlefield by a Wagner mercenary and obtained by the BBC in early 2021 to be authentic. It contained maps of the locations of 35 unmarked anti-personnel mines in the Ain Zara area of south Tripoli that was then a frontline area under Hifter's control, supported by Wagner.

Several mines had never been reported as being in Libya before and their transfer therefore violated the U.N. arms embargo, the panel said. It added that a booby-trapped mine exploded during a mine clearance operation killing two civilian mine clearers.

Experts also received information about the recovery of anti-tank mines from positions primarily occupied by Wagner in south Tripoli.

The panel said the failure to visibly mark the anti-personnel and anti-tank mines and issue warnings of their locations to civilians in the areas was a violation of international humanitarian law by Wagner.

The Wagner tablet also contained a list of requested items including drones and tanks that would violate the arms embargo if delivered, the panel said, but it didn't know if any of it had.

The panel said it identified 18 arms transfers and four examples of military training between March 2021 and late April 2022 that violated the U.N. arms embargo. Among the examples it cited was the Luccello, a ship flying the Comoros flag that delivered 100 armored vehicles to Hifter in Benghazi.

The experts said four migrants suffered human rights abuses in secret detention facilities controlled by human traffickers in the areas of Tazirbu in the Libyan desert and Bani Walid near the northwest coast. They said victims were enslaved, severely beaten, deliberately starved and denied medical care.

"Two former female detainees, who were 14- and 15-year-old girls at the time, further testified to the panel that multiple perpetrators repeatedly raped them, subjected them to sexual slavery and other forms of sexual violence during the period of over 18 months in a secret detention facility in Bani Walid," the report said.

The panel said it also found that guards responsible for protecting the most vulnerable migrants in the government-run Shara al-Zawiya detention center "took a direct part in or turned a blind eye to consistent acts of rape, sexual exploitation and threats of rape against women and girls" detained there between January and June 2021.

### **Group urges ICC to probe alleged use of mines in Libya war (Associated Press) May 31, 2022**

#### **Human Rights Watch on Tuesday called for the International Criminal Court to investigate allegations of the use of landmines in 2019 by Russian paramilitaries fighting in Libya.**

According to the New York-based watchdog, new data has emerged from Libyan demining groups linking mercenaries from Russia's Wagner Group to the use of "banned booby traps" in Libya during an offensive by east-based Libyan forces trying to capture the capital of Tripoli from rival militias.

The Wagner Group backed the offensive of the east-based forces led by commander Khalifa Hifter, who was also supported at the time by the United Arab Emirates, Egypt and Russia. Hifter's offensive collapsed in the spring of 2020, when Turkey and Qatar stepped up their military support to his rivals in western Libya.

Libya plunged into turmoil after a NATO-backed uprising in 2011 toppled dictator Moammar Gadhafi, who was later killed. It has for years been split between rival administrations, each backed by different militias and foreign powers.

Lama Fakhri, HRW's director for Mideast and North Africa, said a "transparent and international" inquiry is needed to look into the use of land mines around Tripoli.

The group said that a demining group with the Tripoli-based Defense Ministry reported that mines and other explosive ordnance killed at least 130 people and wounded 196, mostly civilians, between May 2020 and March 2022 in Tripoli's

southern suburbs.

HRW cited a tablet left on a Libyan battlefield by a Wagner mercenary that contained maps of the locations of 35 unmarked anti-personnel mines. The tablet was obtained by the BBC in early 2021. A U.N. panel of experts said earlier this week it considers the device to be authentic.

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## CENTRAL AFRICA

### Central African Republic

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

#### **Former Russian mercenary lifts lid on secretive Wagner Group (Yahoo News UK)**

May 21, 2022

**Marat Gabidullin is the first combatant from private Russian paramilitary company Wagner to break rank and talk publicly about the secretive organisation. He recounts his four years as a mercenary in eastern Ukraine and Syria in his memoir *In the Same River Twice*, now available in French.**

Gabidullin, 55, a Russian veteran with the airborne forces and a former bodyguard, joined Wagner in 2015. Injured in Palmyra, Syria, in 2016, he quit the unit in 2019. His memoir relates the battles waged by the Wagner Group in Donbas, Syria and on the Africa continent.

Officially, Russia bans private military companies and Moscow denies knowledge of Wagner.

But human rights abuses by Wagner fighters in Central African Republic, Libya and most recently in Mali have been reported, and denounced, by France, the EU and the UN.

Rights groups have accused Wagner of carrying war crimes in Syria.

Gabidullin's memoirs were published in Russian and English earlier this year. To mark the publication of the French version "Moi, Marat, ex-commandant de l'armée Wagner" (Ed. Michel Lafon) he spoke to RFI's Denis Strelkov.

RFI: Do you fear for your safety?

Marat Gabidullin: My answer to this question is always very simple: it was before that you had to be afraid, now the Rubicon's been crossed. I want as many people as possible to know how this military company works from the inside. The world must know the reality, see Wagner's real face. It's sometimes unflattering, nothing is simple. But Wagner's image is often demonised in the press. And for good reason.

What do you mean?

A few years ago, everyone was talking about a video on the execution of two Syrian militiamen. The people responsible for this execution were identified as Wagner mercenaries. I think they were.

Did you know them? Were they with you in Syria?

No, I don't know them personally. All the evidence shows that these mercenaries were part of the battalions formed in 2017 on the fly, just before a major military operation in Akerbat. Very few of these new recruits had any military experience.

Can you confirm that members of the Wagner company committed war crimes in Syria?

Neither I, nor my colleagues, nor the soldiers under my command committed any; we have no civilian blood on our hands.

But you have to understand one thing. Who is a Wagner soldier? He's someone who isn't accountable, has no legal existence, no clear status. He acts with absolute impunity. He will never answer for his actions, for his crimes in a court of law. So everything depends on his personality.

But I would stress they're often men with military experience and no psychological problems. They're able to make good decisions in times of war.

But those who join Wagner's army without military experience, where do they come from?

It's hard to say. Especially now with the war in Ukraine. I don't think they sift through them, there aren't any strict criteria for going to the front.

So Wagner is still recruiting men to send to Ukraine?

Yes, troops are being trained to fight in Donbas.

Three Russian journalists were killed in Central African Republic while trying to investigate Wagner, and you are talking openly. Why is Wagner letting you talk?

I didn't ask anyone's permission. I just think it's important to talk about it because the problem of private military companies is extremely important for Russia.

Have you received any threats following your revelations?

At the moment I don't feel in danger because I'm far from Russia. But knives are most probably being sharpened against me back there.

How closely is Wagner linked to the Kremlin and the Russian army?

Russian law doesn't just prohibit mercenary groups, individuals can't even possess automatic weapons. But such companies exist so it means they are protected by the state.

Who created the Wagner company? Was it the powerful Evgenii Prigozhin – once called "Putin's chef" and whom you know personally?

I don't want to get into names, I don't see the point. But here's the simple outline: there's a man with an entrepreneurial spirit, close to the tsar, and he has a commercial project abroad. He lays the project out before the tsar and asks for money and means. The tsar agrees and gives him what he needs, but asks him to promote his country's political interests abroad.

Do you think the Wagner army's role in Syria was appropriate?

You mustn't forget that in Syria we fought the Islamic State organisation – the plague of the 21st century. But I understand that by going to fight a ferocious beast, we allowed another ferocious beast – Bashar al-Assad – to remain in power.

He's a less violent and less dangerous wild beast, but he's still a wild beast that's caused a lot of suffering to his people, whereas his army was weak and ineffective.

You explain in your book that you and your comrades were the ones on the front line, far more so than the Russian army.

The war in Syria was won by mercenaries – all the most important military interventions were carried out by us, not by the regular army. The capture of Palmyra, of Akherbat, that was us!

What happened in Akherbat is very telling. We did all the work, and then we were ordered to leave the city. That's when the Russian army entered the town with the journalists. The soldiers, followed by cameras, liberated a city that had already been liberated!

When you went to Ukraine in 2015, it wasn't to fight the Islamic State group. What was your mission and why did you accept it?

I was a victim of Russian propaganda, I shared its ideas. We were told that the Nazis who took power in Kiev were threatening Donbas, that we had to save "the Russian world". I believed it was necessary.

Who do you think gives orders to Wagner's army? Russian generals, officers?



Without a doubt, and it's normal. They're in collaboration with the Russian army's centre of command. Otherwise it wouldn't have been possible on the ground – troops never make decisions on their own.

You left Wagner in 2019. Have you been invited to fight in the war in Ukraine?

They will never let me back into Wagner, I'm persona non grata for them. But I was contacted by another private military company in September. As soon as I realised that it involved fighting against Ukraine, I told them I couldn't. It goes against my convictions, I told them frankly.

But you went to Ukraine in 2015. That didn't that bother you?

Yes, but my mission in Lugansk [in Donbas] had a big impact on me. The two months I spent in Ukraine made me realise that we were being lied to a lot in Russia, that the propaganda did not correspond to reality.

I even wanted to leave Wagner after 2015. But I was invited to go to Syria, a faraway Arab country that I didn't know. Fighting against Ukrainians, my compatriots, wasn't the same thing as fighting people I didn't know. So I continued. It was also about earning money.

How much were you paid?

At the time, it was 80,000 roubles (about 1,200 euros) during the training period. Then during the war, 180,000 roubles a month (2,600 euros). If you took part in combat it was 240,000 roubles (3,700 euros).

What is your status here in France as a Wagner veteran, given the organisation is blacklisted by the European Union?

At the moment I don't have a residence permit, I'm just a tourist. But if I feel it's dangerous for me in Russia I might stay here. I'm not ashamed of anything, I haven't committed any act for which I will be criminally responsible.

### **People for Peace: Breaking prison barriers in Central African Republic (UN News)**

May 29, 2022

#### **Women are often “placed second or even ignored” when they are employed as corrections officers in prisons and other detention centres, according to Téné Maimouna Zoungrana, an officer from Burkina Faso serving with the UN Mission in the Central African Republic (MINUSCA).**

Talking to UN News ahead of the International Day of Peacekeepers, which is marked annually on 29 May, she explains how she continues to break down gender barriers.

“I’m the Coordinator of the Security Teams at the Ngaragba Central Prison in Bangui, the capital of Central African Republic (CAR).

This is the largest and most notorious prison in the country with some 1,335 inmates, which accounts for 69 per cent of the entire prison population in the country.

My main task is to work with national partners, in order to build their capacities to maintain law and order and effective justice systems; this is a key function of peacekeeping.

As the main trainer and coordinator of rapid intervention activities, I and my team of 42 officers, support national prison staff in incident and crisis management.

I have introduced rapid intervention training modules into the national curriculum of CAR’s prison administration.

#### **Male-dominated environment**

The field of security is a typically male-dominated environment, where women are often placed second or even ignored, because of stereotypical perceptions that men are better suited for the job.

I had the courage and strength, and vocation, to break down barriers and assert myself confidently in this field.

I believe that a key factor in my success as the main trainer and coordinator of the rapid intervention activities at Ngaragba Prison is my perseverance. Where other colleagues resist, I volunteer to lead.

This has helped reduce certain prejudices about the capabilities of women in this work environment. I give maximum effort to the tasks entrusted to me; often more than male colleagues.

Today my colleagues admire my work, and encourage me to move forward. This has made other women from MINUSCA and the CAR prison administration more interested, with some women opting to train and work in rapid intervention.

To help increase the number of women deployed in non-traditional roles, I organize team meetings where I sensitize women to take an active part in the tasks that some consider are (better suited for) men.

I invite women to take part in training that aims to give them opportunities and allow them into spaces that were once considered men's domain. I also entrust them with tasks in the same way as men.

My proudest achievement is the recruitment and initial training of 300 civilian professional prison officers, including five women, who are part of the prison administration's rapid intervention team set up in 2022.

By setting an example as the Commander of the Rapid Response Team of MINUSCA's Corrections Unit, I am changing the position and perception of women... in the field of security.

Together, with all the other women pioneers, we have a responsibility to carry the torch and break down gender stereotypes, prejudices and barriers against women in the field of corrections and security."

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## **Sudan & South Sudan**

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ICC Public Documents - Situation in Darfur, Sudan**

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## **Democratic Republic of the Congo**

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

**M23 withdraw: the conflict in DRC is far from over (Lansing Institute)**

June 1, 2022

**The conflict in North Kivu and Ituri seems to be not over amid M23 rebels decision to withdraw from Nyiragongo and Rutshuru territories.**

There are also other groups who have been killing people and are continuing to kill civilians with impunity. They have competed for years for control of the area's rich mines. Some of the groups have ties to Rwanda, Uganda or Burundi.

After the first clashes in March and April this year, the M23 declared multiple unilateral ceasefires. It also announced it was willing to lay down its arms for good. Then in April it promised to withdraw from the areas it had occupied after the fighting in late March and asked for a dialogue with the Congolese government.

These declarations happened at the onset of yet another round of talks between armed groups and the Congolese government in Nairobi under the aegis of Kenyan President Uhuru Kenyatta. The Congolese government framed these talks as the last chance for armed groups to surrender. Accompanied by this threat was an announcement of yet another regional force to be set up to fight armed groups.

The key reason of M23 withdraw is probably decreasing the level of Rwandan support. Generated strong messaging from international actors, along with cuts in development aid resulted in a change in Rwandan policy and the effective abandonment of the M23.

M23 rebels have withdrawn from Nyiragongo and Rutshuru territories controlled in North Kivu. Local sources say they are currently in a border village with Rwanda. According to civil society organizations in Nyiragongo, some villagers have returned to their homes. Residents who fled the latest M23 attacks in Rugari and Kisigari in Rutshuru are also returning to their villages.

On the ground in North Kivu, other Congolese armed groups have recently declared a new ad-hoc coalition, allegedly brokered by Congolese army officials. This is aimed at fighting the M23. Thus, the M23 rebellion finds itself in the tiny but highly strategic border triangle between eastern DRC, Rwanda and Uganda, and at the centre of fast-paced and interlaced local and regional security and diplomatic developments.

While the rebels withdrew after strong international pressure, they continued to control key strategic sites, such as the Bunagana border post to Uganda. These provided them with significant income from taxation. So, the tension between the countries and the unrest in the DRC are likely to continue.

### M23 background

The M23 and its predecessor groups have claimed to defend Tutsi interests, particularly against ethnic Hutu militias like the Democratic Forces for the Liberation of Rwanda (FDLR). The FDLR was founded by Hutus who fled Rwanda after participating in the 1994 genocide of more than 800,000 Tutsis and moderate Hutus.

By 1996, the First Congolese War broke out as Rwanda and Uganda invaded the area where alleged Hutu killers were living to root them out.

M23 also known as the Congolese Revolutionary Army (Armée révolutionnaire du Congo) was composed of former members of the rebel CNDP, and allegedly sponsored by the government of the neighbouring states of Rwanda and Uganda.

Rwandan political support for the M23 also began with its foundation, and grew in intensity as the M23 made territorial gains. What is less clear is the extent to which Rwanda was directly responsible for the M23's creation, or conversely whether it was reacting opportunistically to events triggered by Congolese actors.

Uganda's primary role was to act as facilitator and host for peace-talks between the Congolese government and M23. While the UN Panel of Experts alleged some Ugandan support to the M23, this is disputed by many observers, and – if it took place – was small scale and relatively unimportant. The reasons for Uganda's involvement are again complicated.

The M23 rebellion can be viewed as a corollary of the Second Congo War, also known as Africa's first world war, that started in 1998.

With the Sun City peace agreement the war officially came to an end. Among other things, this stipulated the inclusion and integration of combatants from rebel groups in the Military of the Democratic Republic of the Congo (FARDC).

M23 says the DRC government has failed to honor a 2009 agreement under which its fighters were to be incorporated into the army. However, in 2012, they mutinied, saying the deal had not been upheld and naming their group the March 23 (M23) Movement.

A former rebel and Tutsi Laurent Nkunda refused to integrate into the FARDC because he believed the army was threatening the ethnic Tutsi populations living in the Eastern DRC's Kivu regions. In addition, the Rwandan Hutu refugees living in the area had now organized themselves as the Democratic Liberation Forces of Rwanda (FDLR) and Nkunda perceived them as a threat to the Tutsi populations as well. He set up the National Congress for the Defence of the People (CNDP) and started attacking the FDLR and the FARDC forces in the Kivu regions.

Regarding the geography of the rebellion, by the end of 2012 the M23 had taken control over large parts of the Rutshuru area in North Kivu, close to the Rwandan border (UCDP). This area is one of the major mining sites for coltan in the 'Little North' in North Kivu. This indicates that M23 rebels, former CNDP-rebels, were aware of the resource-richness of the area.

By the end of 2012 the M23 rebels started to move closer to Goma, the capital of North Kivu and they managed to seize the city on 18 November for a period of 14 days (UCDP). Goma is the city where Kivu's mining products from the resource-rich peripheries Rutshuru, Masisi and Walikale are gathered and traded onto the international market.

Ever since conflict started in North Kivu rebel groups have occupied territories through which they also gain the control over the access to mines, and this also applies to the M23. This generates income in several ways.

The rebels gain revenues by selling mining licenses to anyone that wants to operate in the area under their control. By establishing control over access to the mines, the rebels can continue to engage in this lucrative business. There is evidence

that the M23 installs roadblocks in their occupied territory to tax coltan as it is traded to other areas. There are signs that rebel groups in the area engage in partnerships with international companies that secure extraction and trading ties in exchange for financial support.

The group insists it is fighting ethnic Hutu groups to protect the minority Tutsi living along the border between Congo and Rwanda.

A United Nations report found that Rwanda created and commanded the M23 rebel group. Rwanda ceased its support following international pressure as well as the military defeat by the DRC and the UN in 2013. After the M23 attacks of 2022, the Congolese government blamed Rwanda, and accused President Paul Kagame's government of supporting the rebels. But Kigali insists that M23 is Congo's internal problem and should be resolved among Congolese themselves.

Rwanda, and, to a lesser extent, Uganda, are seeking to maintain covert external influence and control over areas of Eastern DRC. Both as a buffer against threats emerging from Congolese territory (FDLR), and the growing risk of a new generation of internal Rwandan dissidents finding safe haven in the DRC – and a mechanism to defend the entrenched economic and security advantages felt largely by a Rwandan-linked, and often Tutsi, local elite. This elite had taken root during the domination of Eastern DRC by the RCD-G, and included control of trade routes, mining sites and large areas of grazing land. Though impossible to prove, these resources are likely to have channelled significant profits back to Rwanda. The CNDP was launched by former RCD-G combatants, which in turn gave birth to the M23. Therefore, for many Congolese, the M23 represented the continuation of the long-running conflict with its war-time Rwandan opponent.

The problem is some M23's leaders and combatants are likely to have been more self-interested, seeking to exploit the weakness of the Congolese government to defend or expand their control – over land, mining sites, parallel chains of command within the Congolese military, and trade routes – either for their own profit and power, or on behalf of local and regional backers, most notoriously Rwanda. Still others were seeking to avoid arrest and, in the case of Bosco Ntaganda, prosecution by the ICC. Loyalty to former commanders, both Congolese and external, are likely to also have played an important part.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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### Lake Chad Region - Chad, Nigeria, Niger, and Cameroon

**BREAKING: Boko Haram Terrorists Kill 60 Farmers In Mass Attack In Borno, Others Missing (Sahara Reporters)**

May 24, 2022

**Members of the Boko Haram sect have launched a large-scale attack, killing over 60 farmers in Rann, the headquarters of Kala-Balge Local Government Area of Borno State.**

Several bullet injuries were seen on the bodies of the deceased farmers who were buried on Monday.

Residents told SaharaReporters that many others are yet to be accounted for. "The Boko Haram terrorists on motorcycles

armed with guns and machetes surrounded their farms and started killing them one by one," a villager said.

"Over 50 people were buried in Rann on Monday. As it this morning, more dead bodies have been found; the death toll is over 60 now."

Boko Haram has increasingly targeted farmers, herders and loggers, accusing them of spying and passing information to the Nigerian military.

They have also been raiding herding communities, stealing cattle, a valuable commodity in the region to fund their operations.

In 2020, the insurgents invaded a rice plantation in Zabarmari, a community in the Jere Local Government Area, killing at least 43 farmers.

Boko Haram and its offshoot, Islamic State West Africa Province, have become more ferocious in recent times.

The Nigerian Army has repeatedly claimed that the insurgency has been largely defeated and it frequently underplays any losses.

The terror group has caused over 100,000 deaths and displaced millions of individuals mainly in Adamawa, Borno and Yobe states.

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## Mali

### **'Exponential rise' in abuses linked to Mali army: UN report (ahramonline)**

May 31, 2022

#### **Civilian deaths and rights abuses attributable to the Malian armed forces surged in the first quarter of 2022, a United Nations report said on Monday.**

While jihadists remain the biggest source of violence against civilians, there was an "exponential rise" in fatalities and other abuses linked to the armed forces, "supported by foreign military elements", the UN's MINUSMA peacekeeping force said.

The total number of people killed in the first quarter of 2022 by all parties in the conflict -- jihadists, militias, self-defence groups and security forces -- quadrupled over the last three months of 2021, rising from 128 to 543.

A total of 248 civilian deaths were attributable to the defence and security forces, the report said.

It recorded 320 human rights violations during this period that could be blamed on government forces -- a tenfold increase over the last quarter of 2021, when 31 cases were documented.

The report did not identify the "foreign military elements" supporting the army.

Daniela Krosiak, Deputy Special Representative for MINUSMA, I, said the UN was "very concerned" about the overall security situation in Mali, and the deterioration she said was taking place in central Mali and in the so-called tri-border area with Burkina Faso and Niger.

#### **Jihadist insurgency**

The landlocked Sahel country has been battling a jihadist insurgency since in 2012.

In August 2020, soldiers disgruntled at the mounting military toll ousted the elected president, Ibrahim Boubacar Keita.

The junta then wove closer ties with Russia, bringing in personnel it describes as military instructors, but which France and others say are operatives of Wagner, the controversial Kremlin-linked security firm.

The arrival of Wagner personnel was one of the reasons given by France in announcing in February its military withdrawal from Mali after nearly a decade-long deployment aimed at fighting jihadists.

Paris also argued that the Malian authorities had repeatedly obstructed their operations.

MINUSMA reported the deaths of at least 21 civilians who it says were summarily executed by the Malian Armed Forces, and others reported missing.

The report also records the discovery of 35 charred bodies, including those of people previously arrested by the armed forces, a claim the Malian authorities have denied.

Most of the victims of these were members of the ethnic Fulani, or Peul, community, accused of harbouring jihadist sympathies.

"In addition to extrajudicial, summary or arbitrary executions and other killings, the UN report included 45 cases of enforced or involuntary disappearance and several cases of arbitrary arrest as well as "torture and cruel, inhuman or degrading treatment".

These "well documented" abuses were specifically attributable to Malian security forces, the report said.

'Public freedoms restricted'

Guillaume Ngefa, MINUSMA's human rights director, said during a videoconference that the toll figures released "do not include the events in Moura," a central village where there were reports of a massacre of civilians in March.

Human Rights Watch (HRW) has said that Malian soldiers and white foreign soldiers executed 300 civilians in Moura, in the centre of the country, between March 27-31.

Mali says it "neutralised" 203 jihadists in Moura.

Ngefa said a MINUSMA investigation into those killings was "very advanced" but not yet complete.

The Malian authorities have still not allowed UN experts to visit the site.

The MINUSMA report noted that the Malian authorities had announced their own investigation into the events in Moura.

They have told the UN mission that access to the site will be "considered" once their own investigation is finalised.

The MINUSMA report, more generally, pointed to a "continuous narrowing" of democratic debate, and restrictions in the exercise of public freedoms.

### **Over 500 killed in Mali clashes as military junta loses grip (The Business Standard)**

May 31, 2022

#### **Over 500 civilians died in attacks carried out by armed forces and Islamist groups in Mali from January to March this year, the United Nations said in a report on Monday that detailed a rapid unravelling of an already desperate security situation.**

The killings represented a 324% rise over the previous quarter and highlighted the failure of Mali's military junta to limit human rights abuses or stop groups linked to al Qaeda and Islamic State from carrying out campaigns of violence.

They come just as Mali cuts ties with former colonial power France and as Wagner Group, a Russian private military contractor, steps in to help defeat militants who have carried out attacks in the centre and north for nearly a decade.

Mali's military, which took power in a 2020 coup, did not respond to requests for comment. Wagner Group could not be reached.

"Malian Armed Forces, supported on certain occasions by foreign military elements, increased military operations to combat terrorism ... some of which sometimes ended in serious allegations of violations of human rights," the UN's Malian mission, known as MINUSMA, said in the report.

Western powers strongly opposed Wagner's intervention, warning that it could stoke violence in Mali and neighbouring countries where communities face growing levels of drought, malnutrition and poverty.

MINUSMA documented 320 human rights violations by the Malian military in the January-March period, compared with 31 in the previous three months.

The most notable case was in the town of Moura, where witnesses and rights groups say the Malian army accompanied by white fighters killed scores of civilians they suspected of being militants.

"In addition to summary executions, security forces also allegedly raped, looted, arrested and arbitrarily detained many civilians during the military operation," MINUSMA said.

MINUSMA is conducting an investigation but has been refused access to the town. MINUSMA said its request will only be considered once the government has conducted its own investigation.

Mali has been hit by violence since 2012 when jihadists took over the north. France beat them back, but by 2015 they had regrouped and unleashed a wave of attacks in the centre. They have since spread into Niger and Burkina Faso, raising concerns of regional instability.

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## Liberia

### **Civilian killings soar as Russian mercenaries join fight in West Africa (The Washington Post)**

By Danielle Paquette and Joyce Sohyun Lee and Jon Swaine

May 23, 2022

**The man knew what to expect from Islamist fighters. They had appeared at his door for years, demanding money or livestock — the taxes he paid to survive. Then one morning in March, the threat in his rural community suddenly had a confusing new face: White men in military fatigues, yelling in a language he did not recognize.**

Are you on Telegram? Subscribe to our channel for the latest updates on Russia's war in Ukraine. "They were shooting people. People in their homes," he said. "Everywhere, bodies were dropping to the ground."

At least 300 people are believed to have been killed in the man's town of Moura, in central Mali, though he and other witnesses suggest the toll could be far higher. Similar accounts have emerged across the West African nation since hundreds of Russian mercenaries joined the Malian army this winter in the fight to reclaim territory from groups loyal to al-Qaeda and the Islamic State.

The hired guns of the Wagner Group — a covert arm of the Kremlin, according to the United States and Western allies — have been repeatedly accused of war crimes, leaving a trail of atrocities across the Middle East and Africa. Profits flow back to Moscow, according to Western intelligence officials and security researchers, helping prop up Vladimir Putin's government at a time of growing economic isolation over its war in Ukraine.

In Libya, U.S. defense officials said Wagner agents planted explosives in children's toys. In the Central African Republic, human rights investigators received reports that mercenaries sexually assaulted young women and girls.

In Mali, where insurgents have overrun vast stretches of the country, witnesses told The Washington Post that men they believe to be Russian operatives have killed scores of innocent people in recent months under the guise of restoring peace.

"There are quite a lot of eyewitness accounts on the presence of White soldiers speaking an unknown language," said Héli Nsaibia, senior researcher at the Armed Conflict Location and Event Data Project (ACLED), which documents violent events around the world. Mounting visual evidence, he added, "strongly suggests they are private Russian military contractors and not conventional Russian forces."

Between 800 and 1,000 Russian mercenaries are now active in Mali, according to U.S. military officials focused on Africa, providing services that cost Mali's military government up to \$10 million monthly. They guard the presidential palace, officials say, and are tasked with tracking extremists in the scrubland.

The number of Malians fleeing to neighboring Mauritania has surged in the months since Wagner landed. Registrations at a refugee camp near the border have more than quadrupled since February, according to the U.N. refugee agency. And groups that track civilian deaths at the hands of security forces say fatalities have skyrocketed.

Russian mercenaries have landed in West Africa, pushing Putin's goals as Kremlin is increasingly isolated

Wagner operates in secrecy, masking its activities with an evolving network of shell companies that often avoid formal paperwork. But documents and imagery reviewed by The Post, some of them previously unreported, point to a heightened Russian presence in Mali.

Satellite photographs captured the build-up of a military base outside the airport in the Mali capital, Bamako, from April 2021 to February 2022. (Video: Google Earth/Maxar) Satellite photographs illustrate the buildup of a military base outside the airport in the capital, Bamako, which Western officials say is used by Wagner operatives. Flight records reveal Russian Air Force jets making unpublicized trips to and from that city. Drone videos and surveillance photos captured by French authorities and reviewed by The Post show White men in uniform alongside Malian forces.

The Malian government has denied hiring Wagner, saying it works only with Russian military instructors. But Russian officials have publicly contradicted that claim, calling the operatives “private” contractors. The line is blurry, experts say, as many Wagner agents are Russian military veterans.

The Kremlin did not respond to a request for comment. When asked by The Post in March about Wagner’s expanding footprint in Mali, Kremlin spokesman Dmitry Peskov said, “We have nothing to do with the activities of private military companies abroad.”

The Malian government and army did not respond to messages and calls seeking comment.

‘Nowhere is safe’

French soldiers return from patrol in Sevare, some 400 miles north of Mali's capital, Bamako, on Jan. 24, 2013. French troops withdrew from Mali earlier this year. (Jerome Delay/AP) Ever since Russia seized Ukraine’s Crimean Peninsula in 2014, poisoning relations with the West, it has pushed to build alliances elsewhere. Putin paid special attention to African nations, where movements to slash ties with former colonizers like France were gaining steam — particularly in Mali, a nation of 21 million. Despite a nine-year international military intervention led by Paris, extremists now dominate two-thirds of the territory.

After French President Emmanuel Macron announced last year that Paris planned to withdraw thousands of troops, Bamako turned to Moscow. Relations with France collapsed. Malian officials kicked out the French ambassador and told all French troops to leave “without delay.”

Not long after that, the White strangers in military fatigues showed up, said the man who described the bodies falling.

The Post is withholding the names of witnesses because they fear retaliation by the Malian government.

The man is a musician from the town of Moura, once a sleepy community of farmers and herders. The peace was shattered when al-Qaeda militants invaded the country in 2012. They settled in Moura seven years ago, giving residents an ultimatum: Support us, leave with nothing, or die. Many in the town of roughly 10,000 chose to stay and adhere to uncomfortable new rules.

“The jihadists made everyone dress like them and grow beards like them,” the musician said. “For men, it’s hard to tell us apart. You are not a jihadist but you look like a jihadist.”

Insecurity has fueled waves of civil unrest in Mali, making room for army officers to overthrow two presidents in the past two years. The new military leaders pledged to bring in help to end the bloodshed.

Satellite imagery shows that construction of the new military base near Mali’s main airport began in August, a month before news broke that leaders were negotiating a deal with Wagner. Mercenaries sleep in the barracks and run a logistical hub, according to the Western officials, who spoke on the condition of anonymity to discuss sensitive matters.

At least six Russian military aircraft have touched down this year in Bamako. Three were unannounced by the Malian military, according to flight data provided by Flightradar24 and cellphone video posted to Telegram. On the way to Mali, some appeared to make stops in Syria and Libya, countries where Wagner is known to operate.

In this composite of flight data, a Russian Air Force Tupolev Tu-154 plane departs Moscow for Bamako, Mali, on Dec. 18, 2021. The plane stops in Damascus, Syria, and its trackable signal goes in and out over Libya and Niger for eight hours, before it finally reappears near Benghazi, Libya, headed toward Bamako.

Surveillance photos and drone video captured last month by the French Armed Forces and shared with The Post show what military officials described as Russian mercenaries at a Malian base formerly occupied by French troops. The patch of a white skull, a symbol embraced by Wagner, is visible on a vest.



An unprecedented massacre Mali's relationship with Moscow has proved popular in Bamako, thanks in part to a sophisticated disinformation campaign linked to the Kremlin. Rallies regularly feature Russian flags and signs celebrating Wagner.

Beyond the capital, though, enthusiasm fades to fear.

"I am terrified of the extremists," one cow seller from Moura told The Post. "I am terrified of the Malian army and these White soldiers. Nowhere is safe."

Malian soldiers and their Russian partners killed at least 456 civilians from January to mid-April, ACLED estimates, marking a sharp year-over-year rise in the number of deaths attributed to security forces.

"The Russians are making Mali less safe," said a Malian conflict researcher based in the heart of the insurgency, who spoke on the condition of anonymity because the government has arrested critics. "They can loot and massacre the population without consequences."

The United Nations team charged with investigating human rights abuses in Mali has tried since February to reach areas where reports of extrajudicial killings have surfaced but has been blocked repeatedly by the government. Security forces briefly detained U.N. investigators trying to interview witnesses from Moura in late April. The witnesses were jailed, according to two people with knowledge of the incident, who spoke on the condition of anonymity because they fear government retaliation.

The largest massacre was in Moura, where 300 people were killed during a four-day operation in late March, a Human Rights Watch investigation found.

"I've documented atrocities by all sides in Mali for over a decade, and while armed Islamists have massacred hundreds of people, this is the worst single atrocity by any group," said the author, Corinne Dufka.

The Post interviewed three men from Moura, the musician and two cow sellers, who said they witnessed the massacre. All three fled the town and went into hiding. Their accounts paint a picture of a brutal operation that left no room for due process.

The violence began when five helicopters appeared on the morning of March 27. One landed in each corner of Moura, while one equipped with artillery hovered in the air.

Immediately, people began to run — a mix of extremists and civilians. The security forces shot at everyone.

About a fifth of the commandos were White, the witnesses estimated. They all seemed to be wearing the same uniform, and one of the Malian soldiers acted as an interpreter. The White men were shouting to one another in a foreign language.

"If I hear French, I know it is French," said the musician, who speaks a local dialect but watches television in French, Mali's official language. "I did not recognize the language."

The security forces spread throughout Moura, breaking into houses and dragging men out. They left the women and children alone.

The musician said he tried to remain calm and show the intruders his papers. He knew men in the area who had been mistaken for extremists and killed over the years.

"The jihadists live among us," the musician said. "We have no choice. In this village, there is no presence of the government. There is no law. The jihadists knew that. It is easy for them to control."

A Malian soldier scanned his documents and told him to sit on the ground outside his house. He watched some of his neighbors get tied up and dragged away. Many remained outside, under the hot sun, for four whole days. The security forces went around confiscating phones, the musician said, preventing people from documenting the scene.

The musician heard gunshots and screaming. Then he saw smoke: The security forces were burning the bodies.

One victim was his 46-year-old brother, a herder.

"The bodies were unrecognizable," he said. "All we had was ashes."

The witnesses said no one knows how many people were killed, but they estimated close to 600, double the Human Rights Watch figure. Half were civilians, they said.

The security forces told residents not to cooperate with extremists or they would return. The Malian defense ministry later

announced that soldiers had killed 203 “terrorists.” Army brass visited Moura on April 10 and declared the town had been “released from the terrorists’ yokes.”

Yet Moura no longer exists, the witnesses said. Once the attention dwindled, the extremists accused residents of working with the military and ordered them to leave. “There is no one left in Moura,” the musician said.

Satellite imagery taken at the end of April and throughout May appears to confirm his account: There are no structures left by Moura’s riverbed and the figures in the town squares are gone.

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## EAST AFRICA

### Uganda

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

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### Kenya

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

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### Rwanda (International Criminal Tribunal for Rwanda)

**Official Website of the ICTR**

**Second Rwandan genocide fugitive confirmed dead (Reuters)**

May 19, 2022

**One of the last remaining fugitives sought by a U.N. tribunal over his alleged key role in the 1994 Rwandan genocide was confirmed dead and the case against him closed, U.N. war crimes prosecutor Serge Brammertz said in a statement on Wednesday.**

The announcement of the death of Pheneas Munyarugarama comes just days after the prosecutor confirmed the death of another one of the most wanted fugitives over the Rwandan genocide.

There are now only four outstanding fugitives under the International Residual Mechanism for Criminal Tribunals (IRMCT) jurisdiction. The IRMCT is still prosecuting the remaining cases in the Rwandan genocide, such as the trial of Felicien Kabuga.

According to an investigation led by prosecutor Brammertz, Munyarugarama died of natural causes in the Democratic Republic of Congo in February 2002.

The former military official had been indicted on charges of genocide and crimes against humanity for his alleged central role in mass killings in the Ntarama and Nyamata Catholic churches where some 10,000 people were killed by Hutu soldiers and militias.

In all more than 800,000 Tutsis and moderate Hutus were slaughtered by Hutu extremists, led by the Rwandan army and a militia known as the Interahamwe in 100 days in 1994.

Former U.N. tribunals for war crimes in Rwanda and Yugoslavia have been rolled over into a successor court that has offices in The Hague, Netherlands, and in Arusha, Tanzania.

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## **Somalia**

### **To counter al-Shabaab, Somalia's new govt must do something for the kids (African Arguments)**

By Liban Obisye and Liban A. Hussein

May 24, 2022

**Earlier this month, Somali legislators selected Hassan Sheikh Mohamud to become the country's next president. In lengthy and long-overdue indirect elections, Somalia's 328 MPs voted for the former president from 2012-2017 to return to the top job.**

President Mohamud, who was immediately sworn in, faces numerous tough challenges. These range from a devastating drought that risks pushing millions into famine, to deep political divisions within Somalia's federal government and with state authorities.

Arguably his biggest task, however, will be to tackle al-Shabaab and a recent rise in attacks. This March, suicide bombings killed 48 people in central Somalia. This month, an assault on an African Union base led to the deaths of ten peacekeepers.

In confronting this challenge, President Mohamud's new administration will need to contend with the Islamist militants' use of children. Al-Shabaab is known to use boys as spies, logistics operatives and combatants, including as suicide bombers. And it has been found to use girls as cooks, cleaners, and "wives" as well as to spy or move weaponry.

Tackling this war crime head on will be critical to saving thousands of children from myriad forms of abuse and, in some instances, death. But it will also be essential to combating the al-Shabaab threat as a whole. In almost all the groups' acts of terrorism, young people are involved in some capacity.

#### Recruiting children

Al-Shabaab has admitted to recruiting young people but has denied that it recruits anyone under 15, which would violate international law. The Islamist groups has said it enlists young people to religiously educate them. By contrast, research by security agencies, Human Rights Watch and academics suggests the militants use a combination of threats, financial incentives, and often brutal violence.

Al-Shabaab has forcibly enlisted thousands of young people against their and their families' wills, but sometimes recruitment is more complicated. In some cases, desperate families in poverty volunteer their children as a last resort in return for money and support from the militants.

Al-Shabaab recruitment, among both adults and young people, benefits from discontentment among Somalia's population. The country has a bulging young population with limited or no opportunities. Trust in the government and its security institutions are low, and not helped by the courts' failure to deliver justice for victims of abusive security forces. Somali society is rife with corruption and inequality, exacerbated by the 4.5 clan power-sharing system. And millions are facing or are closely threatened by the prospect of a dire humanitarian crisis with inadequate local or international support.

In the face of this, al-Shabaab claims to be meritocratic and lures young recruits with the promise of money, marriage, and power. Most of al-Shabaab's child recruits are from areas the group holds or has a significant presence in. But it is notable that

its level of recruitment in big cities like the capital Mogadishu is reportedly increasing.

Once recruited – forcibly or otherwise – al-Shabaab uses vulnerable children for a variety of combat and non-combat operations. The Islamist militants benefit from the fact that young people are likely to attract less suspicion among security services and may be more susceptible to the group's violent ideology.

#### Recognising real reasons

Over the past decade or so, Somali's federal government has attempted to combat al-Shabaab's child recruitment in a variety of, ultimately ineffective, ways.

It has launched media campaigns, for instance, aimed at winning young militants back or dissuading those who might be tempted to join al-Shabaab. Because these campaigns focused on the evils of the terrorist groups rather than the needs of the children, however, they have made little impact.

From 2012, subsequent governments have also employed the use of amnesties and de-radicalisation programmes, run jointly with international partners. Since 2018, the office of the Prime Minister has had a working group for Combating Violent Extremism. These responses have similarly fallen short in addressing the reasons families may succumb to al-Shabaab in the first place. In these interventions, the voices and perspectives of children and their families have largely been missing.

Somalia's de-radicalisation programme focuses on re-educating children who have returned from al-Shabaab or been captured in battle. The young people are made to face up to their crimes and denounce the group's violent ideology. They are then supposedly provided with psychological support to reintegrate into society. It is impossible to assess the programme's effectiveness, however, as it has never been publicly evaluated.

Nonetheless, the programme has operated as a feeder scheme for the Somali security services, including the army, police, and national intelligence agency. Many allegedly de-radicalised young people have been drafted into government service. Without a clear assessment of the programme's effectiveness, this raises concerns that al-Shabaab could exploit this pipeline to infiltrate Somali security organisations.

Unless President Mohamud's administration honestly examines the reasons that many young people and their families see joining al-Shabaab as an attractive or necessary option, the Islamist militants will keep winning the radicalisation war. To truly tackle child recruitment, his new government will have to recognise that al-Shabaab's greatest tools in turning Somalia's future generations against its present leadership are issues such as endemic poverty, social exclusion, lack of basic public services, endemic corruption, paralysed politics, and poor governance. An effective military strategy is also essential to combatting al-Shabaab – insecurity allows militants to use brute force, torture and abductions to recruit many child soldiers – but not sufficient.

Over three decades of civil war, the concept and uniqueness of childhood in Somalia has been lost for many. One of President Mohamud's priorities on returning to office must be to work with international partners to win back the nation's youth to a more progressive and peaceful agenda for national development. He did this as a pioneering educator and peace activist in the past; he must now do it as leader of the nation.

#### **Still No Justice in Somalia Health Workers Massacre (Human Rights Watch)**

By Laetitia Bader

May 25, 2022

##### **Two years ago, Gololey village in Somalia's Middle Shabelle region was shaken to its core by the chilling massacre of eight health workers.**

On the afternoon of May 27, 2020, five masked gunmen – four reportedly in government uniforms – abducted seven male health workers from a healthcare clinic run by a nongovernmental organization. They also took a man who ran a nearby pharmacy. The gunmen marched the eight off, blindfolded, leaving their petrified female colleagues behind.

For almost 24 hours the community tried desperately to locate the men. On the afternoon of May 28, their bullet-riddled bodies were found just outside the village.

The killings devastated this small community, which reeled from the loss of their loved ones. Many of the young men, whom their relatives called their greatest hope, supported their families. For months their deaths left the community without greatly needed health care.

The killings also sent shockwaves throughout the country.

Both regional authorities and the government in Mogadishu initiated investigations. But two years on, despite the reported

involvement of government security forces in the killings, nothing has come from those investigations. The then-regional president had established an investigation committee and promised it would release its findings within 30 days. But this never happened. Nor have any results of the investigation by the federal Somali Police Force's Criminal Investigations Department (CID) been shared.

Relatives and colleagues of the seven health workers repeatedly called for justice. Several of their colleagues who witnessed the abductions testified to investigators in difficult circumstances. One female colleague told us at the time: "I was stressed for a long time. You can understand how it feels to miss your colleagues who were working alongside you; we hope one day they will get justice."

Besides this particularly horrific incident, other investigations into killings and enforced disappearances of civilians in recent years have also not been concluded, allowing impunity to prevail and leaving relatives with no answers.

Somalia's new president, Hassan Sheikh Mohamud, has committed to making legal and judicial reforms a priority. He can start by ordering the review of pending federal government investigations into serious incidents of attacks on civilians. And the many relatives and colleagues of the Gololey massacre victims deserve investigation updates.

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## Ethiopia

### **Ethiopia's civil war engulfs civilians in crisis (Bay State Banner)**

By Eloise Binder  
May 26, 2022

**As the world focuses on mounting casualties in Ukraine, a real-time humanitarian tragedy in Ethiopia is playing out with barely any media coverage or foreign aid to relieve the crisis.**

Ethiopia has been at war with itself for 18 months, prompting a mass exodus, thousands of casualties, and a famine that has left millions without food. The crisis stems from Prime Minister Abiy Ahmed's 2020 decision to enlist forces from both the Ethiopian military and neighboring Eritrea to oust a rival party from control of the province of Tigray in the north of the country.

Nearly 2.4 million people have fled the conflict in Africa's second most populous nation. Rising food shortages and mounting civilian and military casualties in one of the largest and most powerful African economies have prompted protests around the world.

Some of those protests have been in Boston, home to about 12,000 Ethiopians.

"It's been an absolutely brutal conflict," said Michael Woldermariam, the son of Ethiopian immigrants and the director of Boston University's African Studies Center. "The costs of this war are astronomical — politically, economically, socially."

Hilary Matfess, a professor formerly affiliated with the center, expressed little faith in the will of Ahmed's government to address the crisis. "I would also just point out that there was a real sense of optimism about what the rise of Abiy Ahmed meant for Ethiopian politics, that, in retrospect, was a little naive," he said.

Amnesty International and Human Rights Watch have jointly accused the Ethiopian government of crimes against humanity. A 207-page report by the agencies details incidents of perceived ethnic cleansing against the Tigrayan population. The many accounts of alleged crimes include the one of a 39-year-old farmer attempting to flee the village of Bereket with his three children. The man, deliberately targeted with heavy weapons by soldiers, nearly died from shrapnel injuries.

"The organizations found that since November 2020 in Western Tigray, civilian authorities, and Amhara regional security forces, with the acquiescence and possible participation of Ethiopian federal forces, committed numerous grave abuses as part of a widespread and systematic attack against the Tigrayan civilian population that amount to crimes against humanity as well as war crimes," the report concluded.

For its part, the Abiy government has denied accusations of war crimes, calling charges of civilian atrocities and ethnic

cleansing “completely unfounded and spurious.”

The Human Rights Watch/Amnesty International report calls for a ceasefire as an immediate but temporary solution to amend the tensions in Ethiopia, but Abiy, having successfully deployed fleets of armed drones to drive back rebels in recent months, seems disinclined to hold back efforts to regain territory.

A mediation team from the African Union, headed by former Nigerian President Olesegun Obasanjo, has made little progress in trying to end the conflict, which has spilled across borders and put resources in jeopardy, including a recent hydroelectric dam built on the Upper Nile.

The war began in November 2020, but tensions between Tigray and the central government, dominated by Ethiopians of Amhara descent, run deep in the country. Amhara rulers ascended to the throne of Ethiopia in 1000 B.C. and held power for nearly 3,000 years until the last emperor, Hailie Selassie, was overthrown in a socialist coup in 1974.

The current conflict stems from a falling out between Abiy’s government in Addis Ababa and the Tigray People’s Liberation Front (TPLF), which dominated the country for 30 years before Abiy’s election in 2018. A former intelligence officer and a minister in the TPLF government, Abiy sought to reduce Tigrayan influence after he came to power.

During the 2018 political campaign, Ahmed promised unity and an end to discord. He famously won the Nobel Peace Prize in 2019 for reaching a peace accord with neighboring Eritrea, long a rival for dominance in the arid region.

Two months before the conflict broke out, Abiy cancelled regional elections in Tigray, citing unlawful challenges to the government, but the province moved ahead with balloting. Citing rebel activity, Ahmed ordered a pre-emptive military offensive against the Tigrayan opposition. The campaign enjoyed initial success before suffering heavy losses in a massive counter-offensive by veteran Tigrayan fighters who have long dominated the nation’s military forces.

Woldermariam, who focuses his work on conflict in the Horn of Africa — a huge eastern swath of the continent encompassing Ethiopia, Eritrea and Somalia and parts of neighboring Sudan — has closely followed the war since its start.

In the beginning, he said, “Tigrayans were really on the backfoot. The federal government, its Eritrean allies, associated allied Amhara militia had the military upper hand. Then the Tigrayans launched their own military offensive, which was met with a counteroffensive ... the military story is extremely complex, even though the fighting is static.”

But civilian suffering continues, with millions facing famine in the absence of seed and fertilizer during the planting season. Ethiopia, a landlocked country more than 60% larger than Texas with a population of 115 million, has suffered devastating consequences in every corner of its territory.

In addition, Human Rights Watch documented that “for the many Tigrayan men, women, and children who remained behind in Western Tigray, the abuses did not stop after federal and allied forces established control” of the region.

Matfess said that Abiy has raised the stakes of the conflict by becoming a visible symbol of the government’s military campaign. “In the beginning of the conflict, there was a sense of distance, but as a part of this nationalization campaign, Abiy Ahmed himself ... has now reportedly gone to the front lines,” said Matfess.

Cippara Abraham, the daughter of Ethiopian immigrants, accused the Abiy government of perpetrating atrocities against civilians. “There are so many unnecessary deaths attached to this war, and the acting Ethiopian government under Ahmed unfortunately has a lot of that blood on its hands,” said Abraham, 18, during an interview last week at the Ethiopian Community Center in Cambridge.

“Nowhere on earth is the health of millions of people more under threat,” said Dr. Tedros Adhanom Ghebreyesus, director general of the World Health Organization, citing close to 100,000 combat deaths, 200,000 deaths from starvation and more than 100,000 from lack of medical attention.

In stark contrast to the massive media coverage of the war in Ukraine, the conflict in Ethiopia has received little attention. Nations from around the world have poured resources into Ukraine as well, while millions of Ethiopian civilians are facing imminent death from starvation.

“People are dying on a massive scale, and barely anybody is talking about it,” said Abraham.

Suffolk University student Christy Gebeyaw, also interviewed in Cambridge, said the war has deeply affected every citizen of the country. She encouraged local students to begin conversations about the war and the humanitarian crisis, pleading that they “spread awareness of the issues.”

**TPLF says its fighters clash with the Eritrean army (Ethiopia Observer)**

May 30, 2022

## **Rebel forces in the Tigray region say fighting has broken out again with neighbouring Eritrea.**

The Tigrayan People's Liberation Front (TPLF)'s spokesman Getachew Reda said on Twitter on May 31 that the Eritrean forces shelled the Tigray town of Sheraro on the 28th and 29th of May.

He accused Eritrea of attempting to escalate tensions. Eritrea has not yet responded to the reports.

Ethiopian government spokesperson Legesse Tulu told the BBC he had no information about the alleged fighting but said it could only be a provocation on the part of TPLF which would use to lay the blame on the Eritrean government.

In addition to the clashes that took place in the past two days, Getachew said that the Eritrean 57th and 21st divisions had attacked the Tigray region and that the Tigrayan forces had thwarted the attack in the Adi Awalla area. "A brigade commander, three battalion commanders and more than 300 soldiers were killed and wounded. Many weapons and materiel was also captured," he added.

In response, the government spokesperson Legesse Tulu, told the BBC that "we do not believe Eritrea could launch the attack at this time."

The TPLF forces are preparing for war and might be planning a provocation in the area as a pretext for the war, he added.

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## **EUROPE**

### **The Court of Bosnia and Herzegovina, War Crimes Chamber**

**Official Court Website [English translation]**

**Prosecutor's Office of BiH filed Indictment against Five Persons for War Crimes (Sarajevo Times)**  
May 19, 2022

**The Special Department for War Crimes of the Prosecutor's Office of BiH has filed an indictment against Zoran Nešković, born in 1965 in Rogatica, Panto Pantović, born in 1948 in Sarajevo, Slaviša Čerić, aka "Čera", born in 1973 in Rogatica, Nenad Ujčić, born in 1972 in Rogatica and Pero Despet, born in 1963 in Rogatica.**

The charges against the indictees are that during the war and armed conflict in BiH, in the second half of 1995, they as members of the VRS Military Police, namely the accused Nešković as Commander of the Detention Facility in the facility 'Rasadnik' Agricultural Estate in Rogatica and the other indictees as guards in the said facility, acted contrary to the Geneva Conventions for the Protection of Civilian Persons in Time of War.

The indictment alleges that in late July 1995 more than 40 Bosniak civilians from the Rogatica, Čepa and Srebrenica areas were detained at the facility, most of them elderly people in their 60s and two minors, as well as more than 10 persons who needed medical aid and who had been abducted from the convoy accompanied by international forces, on the road Čepa-Kladanj.

The indictees are charged with multiple beatings, robberies, sexual abuse and humiliation and other forms of severe ill-treatment of detainees. Most of the victims suffered severe physical and mental injuries and health impairments the consequences of which they still feel.

Also, the defendants are charged with the murder of one detainee who was a religious official, who was taken out of the facility and killed by shooting from a firearm.

The indictees are charged with the criminal offence of War Crimes against Civilians under Article 142 (1) of the assumed Criminal Code of the SFRY and the Prosecution will prove the allegations of the indictment by subpoenaing 45 witnesses, 3 of which with granted protective measures, as well as 2 expert witnesses, and it will enclose more than 150 pieces of material evidence.

The indictment was forwarded to the Court of BiH for confirmation.

### **Novica Tripkovic Given Combined Sentence of 20 Years (Balkan Insight)**

By Nejra Dzaferagic

May 25, 2022

#### **Former Bosnian Serb soldier given eight years for rapes committed in the Foca area in 1992, and a total of 20 years when this is combined with verdicts pronounced previously.**

Trial chamber chairwoman Minka Kreho said a plea agreement on an indictment confirmed in January 2021 had now been accepted.

Novica Tripkovic was found guilty of having raped two captured Bosniak girls in the Foca area between August 2 and 9, 1992.

From early July to August 1, 1992 members of the Bosnian Serb military and police captured several women, girls, children and elderly Bosniaks in the area of Kalinovik municipality.

Among them were S-1 and S-2, whom they unlawfully detained together with other Bosniak civilians.

On the evening of August 2, 1992 uniformed and armed members of the Bosniak Serb Army, VRS, took S-1 and S-2 and five other unlawfully detained Bosniak girls from the school building where they were held, and handed over one of the girls to the Bosnian Serb soldier, taking the other girls to a house where they locked them.

As member of the VRS, the court ruled, Tripkovic acted contrary to the rules of international humanitarian law, violating provisions of the Geneva Convention, by taking S-1 from the place where she was unlawfully detained on August 3, 1992 to a room on the ground floor, where he raped her for a couple of hours. During that period S-1 recalled seeing the name "Salko" tattooed on his left upper arm.

Tripkovic was also found guilty of having taken another female from the house where she was unlawfully held in Foca between August 2 and 9, 1992 to the barracks where he was staying near the penal and correctional Facility in Foca.

He raped her there and brought her back to the same house, where she had been detained, the following morning. On August 9, 1992 she was taken to the Partizan sports hall, where other unlawfully detained Bosniak civilians from that municipality were held.

Judge Kreho said Tripkovic would serve eight years in jail for "crimes against humanity".

On top of previous sentences in two other cases, the court gave him a cumulative sentence of 20 years.

In June 2011 the Court of Bosnia and Herzegovina sentenced him to eight years for crimes against humanity committed in the Foca area in 1992.

He was later sentenced, under a second instance verdict of the State Court, delivered in February 2017, to eight years for crimes committed in the Kalinovik area in August 1992. These two sentences were combined in 2017.

He was exempted from paying the criminal proceeding costs in this case, which will be covered from the court budget.

### **Bosnian Serb Ex-Soldier Gets Six Years for Rape in Glamoc (Balkan Insight)**

May 27, 2022

#### **The Court of Bosnia and Herzegovina sentenced Dusko Suvara to six years in prison for rape and inhumane treatment in the Glamoc area in 1992.**

Dusko Suvara, who failed to attend the pronouncement of the first-instance verdict, was found guilty of having raped two Bosniak women in the Glamoc area while a member of the Bosnian Serb Army in May and June 1992.

The Chamber found that Suvara took a victim identified only as S-1 from a house in Luke under threat and raped her. The



defendant, while shooting, later entered the house of a victim identified as S-2 in the village of Cukure, where S-2 was with her husband, demanding money. He then took S-2 to a meadow, where he treated her in an inhumane manner and raped her.

The Chamber said guilt was determined on the basis of all evidence presented, especially the defendant's admission of guilt for the second count from the indictment. The Chamber did not accept his denial of the first count from the indictment.

Trial Chamber chairman Davorin Jukic said that, as for aggravating circumstances, the Court took into consideration the gravity of the crime and the defendant's persistence, as well as previous convictions.

"As for mitigating circumstances, the Chamber took into account the fact that at the time the defendant was a young adult and expressed regret and admission of guilt for count two," Jukic said.

He said the Chamber had found him guilty of a war crime against the civilian population based on former Yugoslav law, which was in effect at the time and is more lenient to the perpetrator.

He added that the Chamber had intervened with the indictment, omitting everything that had not been proved or was considered redundant. It could not determine that Suvara was responsible for torture, as his actions did not clearly reach the threshold for that crime.

The defence's proposal of a combined prison sentence was rejected, because the conditions had not been met.

The injured parties were advised to file a civil suit, because, Jukic said, the criminal proceeding did not provide grounds for awarding compensation.

The parties may appeal the first-instance verdict.

### **Start of Bosnian Serb General's Trial Postponed in Serbia (Balkan Insight)**

By Milica Stojanovic

May 30, 2022

#### **The start of the high-profile trial of Bosnian Serb Army Drina Corps commander Milenko Zivanovic, already the focus of controversy, was postponed after Bosnian prosecutors offered to transfer the case to Serbia instead of pursuing their own trial.**

The first hearing in the trial of wartime Bosnian Serb Army Drina Corps commander Milenko Zivanovic, accused of crimes against Bosniaks from Srebrenica in 1995, was postponed by Belgrade Higher Court on Monday so Serbian officials can consider the offer of a formal transfer of the case from Bosnia and Herzegovina.

Judge Mirjana Ilic said that last week Belgrade Higher Court was informed that "the Prosecutor's Office of Bosnia and Herzegovina has also filed an indictment [against Zivanovic] for crimes against humanity regarding the same events that are the subject of this indictment and that it is ready to submit a motion to transfer the case [to Serbia]".

The case was already the focus of controversy because Zivanovic was indicted in both Bosnia and Serbia, almost simultaneously, for similar crimes in Srebrenica in 1995, raising questions about the prosecutors' motives.

According to the Serbian indictment, Zivanovic "ordered the forced relocation of the Muslim-Bosniak civilian population from certain areas belonging to the [Bosnian Serb Army] Drina Corps' area of responsibility and, with his orders and actions, participated in the forced relocation of the Muslim-Bosniak civilian population from the Srebrenica [UN-]protected zone".

In Bosnia and Herzegovina, Zivanovic was indicted for planning and directing the activities of Bosnian Serb Army Drina Corps units in a widespread and systematic attack on Bosniak civilians in the Srebrenica and Zepa areas in 1995. He is accused of being a participant in a joint criminal enterprise.

The Bosnian indictment was issued in mid-December 2021 and the Serbian charges were issued two weeks later.

Zivanovic was questioned twice in Serbia on Bosnia's request, the last time in December 2021. The Bosnian prosecutors said they were not aware at that point that there was an ongoing case against Zivanovic in Serbia.

Serbia and Bosnia and Herzegovina have an agreement that allows one country to take over criminal proceedings from the other.

In the Zivanovic case, the Bosnian prosecution has notified its Serbian counterpart that it needs to seek consent from 23 victims in the case before it can officially propose a takeover.

As a consequence, the Serbian War Crimes Prosecutor's Office has proposed that the start of the Zivanovic trial be postponed

until a decision is made, and the initial hearing has been rescheduled for September.

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## **International Criminal Tribunal for the Former Yugoslavia (ICTY)**

**Official Website of the ICTY**

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## **Domestic Prosecutions In The Former Yugoslavia**

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### **Turkey**

#### **Turkey accused of war crimes as chemical weapons used 44 times (Morning Star)**

By Steve Sweeney  
May 20, 2022

**Turkey has been accused of using chemical weapons more than 70 times on guerilla positions this week as its war on Iraqi Kurdistan intensifies.**

The banned munitions are said to have been used to strike bases held by the Kurdistan Workers Party (PKK) in the Avashin, Metina and Zap mountain ranges, known collectively as the Medya Defence Zones.

Officials from the Kurdish resistance group said by using the chemical weapons Turkey was committing war crimes and warned against downplaying their use.

“Our forces in the resistance areas practice tactical richness with the fighting of mobile guerilla units and in war positions and tunnels.

“They are putting a spoke in the occupiers’ wheel and have the initiative in their hands,” the PKK said in a statement.

“The Turkish occupation forces are in a difficult situation and are continuously using chemical weapons on a massive scale against the guerrillas’ positions and tunnels.

“The use of chemical weapons by the Turkish army dozens of times a day is not an ordinary attack and should not be considered by anyone as a normal state of affairs. It is a war crime,” officials said.

According to the Kurdish resistance organisation chemical weapons were used 44 times in just one day. It said that three drones were shot down by PKK fighters during Tuesday’s attack.

Turkey launched Operation Claw Lock last month, escalating its war on Iraqi Kurdistan which started in April last year.

PKK commander Cemil Bayik has said the renewed military offensive has intensified due to the war in Ukraine and the desire for European countries to end reliance on Russian oil.

A pipeline which is earmarked for increasing supplies to European markets via Turkey runs through Kurdistan giving imperialist countries an added impetus to crush the PKK and the Kurdish people he says.

Last month Prime Minister of the Kurdistan Region of Iraq, Masrour Barzani met his British counterpart Boris Johnson in London where they discussed bilateral trade deals including the supply of oil.

Turkish jets and howitzers continued to pummel Kurdish villages this week while ground troops were stopped by PKK fighters as they tried to advance in the Sikefta Birindara resistance zone. Chemical weapons were allegedly used by Turkish forces 27 times in the Shahid Sahin resistance area and at Gire Cehennem in the Ciyares resistance area.

World powers have remained silent despite the ongoing atrocities, with Turkey accused of a string of war crimes including the bombing of hospitals and a UN-administered refugee camp.

## **Two children killed in Turkish air strike on Iraqi Kurdistan as global silence continues (Morning Star)**

By Steve Sweeney

May 27, 2022

### **TWO children were killed and at least 10 injured in a Turkish air strike on Amedi district in Iraqi Kurdistan on Thursday evening as the international silence continues.**

Video footage appeared to show Kurdish villagers fleeing a Turkish drone attack in which a five-year-old child and a 14-year-old boy were killed.

A six-year-old child was among those injured in the bombardment and was taken to a hospital in Bamarne.

Eyewitnesses said that it was a Turkish air strike and believed that the missiles were fired by unmanned aerial vehicles or jets.

Mukhtar of Zewa village Birqi Omar said that families were picnicking when they came under attack.

“Turkey bombed our families, killing two people, aged 10, and injuring another,” he said. Kurdistan Democratic Party (KDP) affiliated intelligence services sought to shift blame for the attack on to the Kurdistan Workers Party (PKK).

They accused the Kurdish resistance group of “firing two rockets on the village of Ardana in Bamarni sector” of Amedi, saying two minors were killed and two injured.

But the claims were contradicted by the father of one of the boys killed in the air strike who was adamant that “Turkish jets did this, Turkey bombs Kurdish children,” saying he witnessed the attack.

The KDP is allied with Turkey in its illegal invasion and occupation of Iraqi Kurdistan.

Its peshmerga forces have launched attacks on guerilla bases and given co-ordinates of PKK positions to the Turkish armed forces.

The PKK accused the regionally dominant Barzani-led party of attempting to “whitewash Turkey’s war crimes” in northern Iraq.

Turkey has been accused of a litany of atrocities since it launched its illegal invasion and occupation of Iraqi Kurdistan in April 2021.

This has included the alleged use of chemical weapons, with around 500 reported attacks in the past year, 70 of which are claimed to have taken place last week alone.

Investigations by the Morning Star have revealed a shocking cover-up of the attacks with medics threatened by KDP forces into changing their expert reports after treating patients for symptoms consistent with exposure to chemicals.

One person was killed in the latest Turkish missile strike on a refugee camp last weekend which critics insist is a war crime.

Two civilians and three PKK guerillas were killed the same day as two cars were targeted in Chamchamal, deep inside Iraqi Kurdistan.

PKK commander Cemil Bayik said this week that Britain, the US and Nato were fully behind Turkey’s war on Kurds and the use of chemical weapons.

“Nato is actively involved in this war which is why this is a war against Nato,” he said.

## **Putin, Erdoğan discuss Turkey’s planned military campaign into Syria (Medya News)**

May 31, 2022

**Turkish president Recep Tayyip Erdoğan and Russian president Vladimir Putin spoke by phone on Monday to discuss issues including Turkey’s planned military campaign into north Syria. The Turkish presidency later said in a statement:**

“Erdoğan said that the terror-free zone with a depth of 30 kilometers from the Turkish border, as had been stated in the memorandum of understanding of October 2019, was not established, and that it was imperative to make these areas secure.”

The mentioned ‘memorandum of understanding of October 2019’ states that Russian military and Syrian border guards ‘will facilitate the removal of YPG elements’ along the Turkish-Syrian border ‘outside the area of ‘Operation Peace Spring’ to the depth of 30 km from the border.

Turkish authorities view YPG (People’s Defence Units), that constitute the major component of the Syrian Democratic Forces (SDF) which operates as the ground force in the international coalition’s ongoing campaign against the Islamic State (ISIS), as an extension of the Kurdistan Workers’ Party (PKK).

‘Operation Peace Spring’

The Turkish military occupied an area of 4,820 square kilometres in the campaign that began on 9 October 2019, with 600 settlements, including Ras al-Ayn (Serê Kaniyê), Tell Abyad (Girê Spî), Manajir, Suluk, Mabrouka, and cut the M4 highway.

The campaign resulted in the displacement of over 300,000 people and caused the death of more than 90 civilians. Human rights violations were reported.

Amnesty International stated that it gathered evidence of war crimes and other violations committed by Turkey and Turkish-backed armed groups who are said to ‘have displayed a shameful disregard for civilian life, carrying out serious violations and war crimes, including summary killings and unlawful attacks that killed and injured civilians.’

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## **Kosovo Specialist Chambers**

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## **Azerbaijan**

### **Azerbaijan has not been held accountable for its crimes: Conference on rights of Artsakh-Armenians launched in Yerevan (ArmenPress)**

June 1, 2022

**Azerbaijan has not been held accountable for its crimes committed during the 2020 large-scale military attack against Artsakh and after that, which encourages the Azerbaijani government to continue conducting ethnic and racial discrimination against the Armenian population of Artsakh, promoting hate speech against them and its aggressive policy of depriving Artsakh-Armenians of their fundamental rights.**

An international conference titled “Human Rights and Accountability: The Aftermath of War” was held today at the American University of Armenia, dedicated to the current post-war human rights crisis in Artsakh.

The First Annual International Conference on Human Rights was organized by the Center for Truth and Justice.

Talking about the importance of this event, the conference coordinator Emilia Mikayelyan recalled the large-scale military attack unleashed by Azerbaijan and Turkey against the people of Nagorno Karabakh on September 27, 2020, reminding about the thousands of people who were killed by them and terrorists, and the current humanitarian crisis in Artsakh caused by the war. She said the Armenians of Artsakh want to live freely, without fear that they will again be subject to violence and ethnic

cleansings by the Azerbaijani government. Meanwhile, Azerbaijan, not being held accountable for its war crimes, continues promoting hatred and hate speech against Armenians and is regularly violating the 2020 November 9 trilateral agreement on the ceasefire.

“The consequence of this is that Armenians of Artsakh live in an absolute isolation and face continuous threats, encroachments and a real danger of ethnic cleansings. And during this whole period Azerbaijan has not been held accountable for any of its crimes, which encourages it to continue its aggressive policy of depriving the Armenians of Artsakh of their fundamental rights. The Center for Truth and Justice has organized this conference to gather the representatives of legal mind and to discuss very sincerely this crisis facing the Armenians of Artsakh for many years”, she said.

President of the Constitutional Court of Armenia Arman Dilanyan welcomed the conference participants and thanked the organizers for the efforts made. He also thanked all organizers and participants who arrived from the Armenian Diaspora.

“I think that the participation of internationally known lawyers, international law experts and human rights advocates from more than 15 countries is the best indicator that the topics to be discussed in coming days are relevant and have an important meaning not only for the Armenian public, but also for our international partners”, Dilanyan said.

The President of the Constitutional Court said that today lawyers witness with their own experience manifestations of xenophobia propaganda, promotion of extremist nationalist ideology, religious intolerance and other condemnable phenomena. Therefore, he highlighted organizing this international conference dedicated to the rights of the Artsakh population and overcoming the consequences of war.

In addition to the reports of experts, the testimonies of war witnesses, collected by the CFTJ students from the persons who suffered from the war, including the displaced persons and the soldiers who returned from the Azerbaijani captivity, will be presented during the three-day conference.

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## Russia

### **Ukraine jails Two Russian soldiers for shelling villages (The Guardian)**

May 31, 2022

#### **Two Russian soldiers have each been sentenced to more than 11 years in jail after a court in central Ukraine found them guilty of firing artillery at civilian areas.**

The verdict after the trial in the Poltava region came one week after another court in the capital, Kyiv, gave a 21-year-old Russian soldier a life sentence – the country’s first judicial reckoning on Russia’s invasion.

The servicemen convicted on Tuesday, Alexander Bobikin and Alexander Ivanov, were handed sentences of 11 years and six months under legislation against “violating the laws and customs of war”.

They were found guilty of firing Grad missiles on two villages in the north-eastern Kharkiv region in the early days of the war. The Interfax news agency reported that both previously pleaded guilty.

It said their legal defence had requested a more lenient sentence, claiming the soldiers had been following orders and acting under duress.

The verdicts this month against Russian servicemen are expected to be the first in a wave of trials. Ukraine says it has already opened thousands of war crime investigations since the Russian president, Vladimir Putin, sent in his troops.

Rights organisations have voiced hope that Ukraine’s trials of Russian soldiers will be impartial and transparent. After the conviction in Kyiv of 21-year-old Vadim Shishimarin, the Kremlin said it had not received any information about his case while his trial was under way. Ukrainian lawyers representing the Russian servicemen say they have not been in contact with legal or military officials in Moscow.

Ukraine has identified several thousand suspected war crimes in the eastern Donbas region where Russian forces are pressing their offensive, Kyiv’s chief prosecutor separately said on Tuesday.

“Of course we started a few thousand cases about what we see in Donbas,” the prosecutor general, Iryna Venediktova, told a news conference in The Hague as she met international counterparts.

“If we speak about war crimes, it’s about possible transfer of people; we started several cases about possible transfer of children, adult people to different parts of the Russian Federation,” she said. “Then, of course, we can speak about torturing people, killing civilians and destroying civilian infrastructure.”

Ukrainian authorities did not have access to Russian-held areas of Donbas but they were interviewing evacuees and prisoners of war, Venediktova told the press conference at the headquarters of the EU judicial agency, Eurojust.

In total, Ukraine had identified 15,000 war crimes cases across the country since Russia’s invasion on 24 February, she added.

Ukraine had identified 600 suspects for the “anchor” crime of aggression, including “high level of top military, politicians and propaganda agents of Russian Federation”, the prosecutor general said.

Nearly 80 suspects had been identified for alleged war crimes that had actually taken place on Ukrainian soil, she added.

### **3 nations join international team probing Ukraine war crimes (Associated Press)**

By Mike Corder

May 31, 2022

**Three more nations on Tuesday joined an international investigation team probing war crimes in Ukraine, and the International Criminal Court prosecutor said he plans to open an office in Kyiv, amid ongoing calls for those responsible for atrocities since Russia’s invasion to be brought to justice.**

Estonia, Latvia and Slovakia signed an agreement during a two-day coordination meeting in The Hague to join Lithuania, Poland and Ukraine in the Joint Investigation Team that will help coordinate the sharing of evidence of atrocities through European Union judicial cooperation agency Eurojust.

ICC Prosecutor Karim Khan said the teamwork underscores the international community’s commitment to the rule of law.

“I think it shows that there is this common front of legality that is absolutely essential, not just for Ukraine ... but for the continuation of peace and security all over the world,” he said.

Moscow’s invasion of Ukraine has been widely condemned as an illegal act of aggression. Russian forces have been accused of killing civilians in the Kyiv suburb of Bucha and of repeated attacks on civilian infrastructure including hospitals and a theater in the besieged city of Mariupol that was being used as a shelter by hundreds of civilians. An investigation by The Associated Press found evidence that the March 16 bombing killed close to 600 people inside and outside the building.

Since Russia invaded on Feb. 24, the AP and PBS series Frontline have verified 273 potential war crimes.

Ukrainian President Volodymyr Zelenskyy has denounced killings of civilians as “genocide” and “war crimes,” while U.S. President Joe Biden has called Russian President Vladimir Putin “a war criminal” who should be brought to trial.

The team that met Monday and Tuesday at Eurojust’s headquarters in The Hague was established in late March, a few weeks after the ICC opened an investigation in Ukraine, after dozens of the court’s member states threw their weight behind an inquiry. Khan has visited Ukraine, including Bucha, and has a team of investigators — the largest team of prosecutors ever deployed by the international court — in the country gathering evidence.

Khan now plans to work toward opening an office in Ukraine “in the next few weeks.”

Ukraine’s prosecutor general, Iryna Venediktova, said that her office has already opened some 15,000 criminal investigations related to the war and identified over 500 suspects, including Russian ministers, military commanders and propagandists. She said her office was ready to proceed against some 80 of them.

Last week, in the first case of its kind linked to the war, a Ukrainian court sentenced a captured Russian soldier to the maximum penalty of life in prison for killing a civilian. On Tuesday, a court in Ukraine convicted two Russian soldiers of war crimes for the shelling of civilian buildings and sentenced both to 11 1/2 years in prison.

Russia staunchly denies its troops are responsible for atrocities. The Defense Ministry said earlier this month that “not a single civilian has faced any violent action by the Russian military.”

Analysts warn that the process of meting out justice will be long and complex as investigators piece together forensic and other evidence and seek to establish who ordered or knew about atrocities and failed to act to prevent or punish them.

The meeting in The Hague isn’t the only place accountability is being sought.

Prosecutors in Poland, Germany, Lithuania, Latvia, Estonia, France, Slovakia, Sweden, Norway and Switzerland have opened investigations of their own. And there have been growing calls to set up a special tribunal to try Russia for the crime of aggression in Ukraine. The ICC can't prosecute the crime of aggression because neither Russia nor Ukraine are members of the court.

Khan said the united front of nations investigating crimes since the Russian invasion "hopefully can provide some modicum of accountability for the crimes that we are seeing in Ukraine and that really should no longer be tolerated."

### **Ukraine identifies 600 Russian war crime suspects: Prosecutor (Al Jazeera)**

May 31, 2022

#### **Ukraine has identified more than 600 Russian war crime suspects and has started prosecuting about 80 of them, Kyiv's top prosecutor said.**

The list of suspects includes "top military, politicians and propaganda agents of Russia", Prosecutor General Iryna Venediktova told a news conference in The Hague on Tuesday as she met her counterparts from other countries.

She added that "200 to 300 new cases of war crimes are added every day".

Venediktova said Estonia, Latvia and Slovakia had decided to join an international investigation team in Ukraine, which was originally formed by Ukraine, Lithuania and Poland in March to enable the exchange of information and investigation into suspected war crimes and crimes against humanity.

They are working with the International Criminal Court (ICC), which launched its investigation into possible war crimes in Ukraine in early March.

ICC Prosecutor Karim Khan's office has deployed a team of 42 investigators, forensic experts and support personnel to Ukraine and Khan on Tuesday said the ICC was "working toward opening an office in Kyiv" to support the investigations.

Venediktova said international support was vital to Ukraine's efforts to investigate all possible war crimes.

"We should collect and protect everything in the right way. It should be acceptable evidence in any court," the prosecutor said.

Russia has denied targeting civilians or involvement in war crimes while it carries out what it calls a "special military operation" in Ukraine.

Venediktova said Ukraine has identified several thousand suspected war crimes in the eastern Donbas region where Russian forces are pressing their offensive.

"If we speak about war crimes, it's about possible transfer of people, we started several cases about possible transfer of children, adult people to different parts of the Russian Federation," she said.

"Then, of course, we can speak about torturing people, killing civilians and destroying civilian infrastructure."

Ukrainian authorities did not have access to Russian-held areas of Donbas, a region in eastern Ukraine, but they were interviewing evacuees and prisoners of war, Venediktova told the news conference at the headquarters of the European Union judicial agency, Eurojust.

At Eurojust, evidence and witness statements are now to be stored in a central database and made available to all members of the group.

In total, Ukraine had identified 15,000 war crime cases across the country since Russia's invasion on February 24, Venediktova said.

Toby Cadman, co-founder of the Guernica Group and co-head of Guernica 37 International Justice Chambers in London told Al Jazeera that the timeline for the investigations will be a lengthy one, but it's important to document crimes as the Russian invasion of Ukraine continues.

"As we know the International Criminal Court will not be able to deal with everything... War crimes investigations, by their very nature are complex and can take many years, so I think we'll be looking at the situation in Ukraine for many years to come, as we've seen in other conflict areas such as Bosnia and Herzegovina where they're still prosecuting war crimes from the 1992-1995 conflict," Cadman said.

"In terms of whether we can get the perpetrators before court, the majority of perpetrators are going to be Russian military and political figures that will not necessarily cooperate with the investigation.

“But that’s why the documentation of these crimes has to occur now so that the evidence is safeguarded. So even if we’re not able to get [Russian President Vladimir] Putin before a court today or tomorrow, we will be able to get the most senior perpetrators before the court one day.”

## **Ukraine reports 15,000 suspected war crimes (BBC)**

June 1, 2022

### **Around 15,000 suspected war crimes have been reported in Ukraine since the war began, with 200 to 300 more reported daily, its chief prosecutor said.**

Some 600 suspects have been identified and 80 prosecutions have begun, Iryna Venediktova told reporters in The Hague.

The list of suspects includes "top military, politicians and propaganda agents of Russia", she added.

Russia has denied targeting civilians or involvement in war crimes.

Of the 15,000 alleged war crimes, Ms Venediktova said several thousand had been identified in the eastern Donbas region - the scene of fierce fighting between Russian and Ukrainian troops.

Alleged war crimes in the region include the possible forcible transfer of people - including cases of adults and children - to different parts of Russia, Ms Venediktova said. Torture, the killing of civilians and the destruction of civilian infrastructure are also suspected war crimes, she added.

Though investigations relating to the eastern region have started, Ukrainian authorities do not have access to Russian-held areas, AFP news agency reports Ms Venediktova as saying. They were, however, interviewing evacuees and prisoners-of-war, she added.

"Investigations are very difficult when fighting is going on at the same time," she is quoted as saying by German news agency DPA.

Estonia, Latvia and Slovakia have also joined the investigation efforts, Ms Venediktova said. Poland and Lithuania were already helping.

The International Criminal Court described Ukraine as a "crime scene" and has despatched its largest team of investigators ever to Ukraine to assist in the investigations. It said it was also hoping to open an office in Ukraine's capital Kyiv.

The announcements came as two Russian soldiers were jailed for 11 and a half years in Ukraine on Tuesday for shelling civilian areas. The first Russian soldier to be put on trial in Ukraine, Sgt Vadim Shishimarin, was sentenced to life in prison for killing a civilian last week.

Ukraine's ombudsman for human rights, Lyudmila Denisova, was also sacked by Ukraine's parliament. She was criticised for not organising humanitarian corridors and facilitating prisoner exchanges, as well as her handling of alleged rape cases against Russian soldiers, according to local media reports. Ms Denisova said she would appeal the decision.

On the ground, Ukrainian and Russian forces battled for control of the eastern city of Severodonetsk in the Luhansk region.

The city is said to be divided between the two sides - but not equally. Regional governor Serhiy Haidai said "70%-80% of the city is controlled by the Russian army".

An explosion also reportedly hit a nitric acid container in the city, which is thought to have been caused by an airstrike, Mr Haidai said. He told the BBC toxic fumes were released into the air following the explosion, but only in a small area.

Russia now occupies almost all of Luhansk, as it focuses on seizing it and neighbouring Donetsk.

Away from the fighting, European Union leaders reached political agreement to ban 90% of oil imports from Russia, excluding pipeline oil, which Hungary had opposed. But EU members remain split over Russian gas exports.

Russian oil giant Gazprom also announced it would be cutting gas supplies to Denmark's Orsted, as well as Shell Europe for its supplies to Germany, after both companies failed to make payments in roubles - something Russia has demanded.

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# MIDDLE-EAST

## Iraq

### Grotian Moment: The International War Crimes Trial Blog

#### **It's Always the Right Time to Call George W. Bush a War Criminal (Jacobin)**

By Chip Gibbons

May 21, 2022

**On January 20, 2009, the United States completed a changing of the guard. As was customary, the outgoing president attended the new president's swearing in before flying out of town. On MSNBC, Chris Matthews made an uncharacteristically lucid remark about George W. Bush's flight from Washington: "It's going to be like the Romanovs, too, and I mean that. There's a sense here that they are fallen from grace, that they're not popular, that the whole family will now go into retreat."**

Matthews's remark raised objections from his fellow talking heads. Keith Olbermann (yes, that Keith Olbermann) reminded him that many predicted Richard Nixon and those around him would be similarly exiled, only for them to reemerge as public figures in the years after Watergate.

"Let's not even put George W. Bush anywhere in the category of Richard Nixon," Matthews retorted. "Richard Nixon was tragic, and he made terrible mistakes, he did wrong things, but he was a major president."

Richard Nixon may very well have been, as Matthews asserted, "trickier" than Bush. Yet Matthews was ironically whitewashing Nixon, referring to him as a president who made major accomplishments while tragically making mistakes — foreshadowing the contemporary rehabilitation of Bush.

During the Donald Trump years, Bush was bizarrely celebrated as a sort of anti-Trump, with a majority of Democrats viewing him favorably. Recently, Bush, lacking any sense of self-awareness, has reemerged to condemn Russia's illegal and morally abhorrent invasion of Ukraine. His gaffe this week, where he confused Vladimir Putin's invasion of Ukraine with his own invasion of Iraq, reveals why he probably should have gone into hiding.

In a speech at his presidential center, Bush condemned Putin for rigging elections and suppressing dissent, saying, "The results are a lack of checks and balances in Russia and the decision of one man to launch a wholly unjustified and brutal invasion of Iraq. I mean, of Ukraine."

As someone who was politicized by Bush's invasion of Iraq, and who spent time during the Bush years listening to the firsthand accounts of antiwar veterans about the brutality of the occupation, it is difficult to explain in words my deep, visceral reaction to this video. War is a crime. And Bush's invasion of Iraq was entirely unnecessary and unprovoked. It was an act of unmitigated aggression with a staggering human toll. And all of this death and destruction was a choice by the Bush administration.

To see Bush hypocritically condemning others for carrying out the same crimes is bad enough. But to see him in the process accidentally invoke his own war crimes, make a joke about it, and then have the audience laugh along with him is a loathsome spectacle. While Russia's invasion of Ukraine is a crime, it seems like rigged elections, the suppression of dissent, and unjustified and brutal invasions are topics he would have the decency to avoid weighing in on.

But rigged elections, suppression of dissent, and unjustified and brutal invasions are perhaps the only topics Bush is equipped to opine on, which may be why he briefly confused his war with Putin's. Many in the Beltway press will find the comparison unseemly. But the facts speak for themselves, and they're worth revisiting if for no other reason than because Bush's illegal and disastrous war has largely been flushed down the memory hole, despite being launched less than two decades ago and shaping so much of the world we inhabit today.

Pining for War

The 2003 US invasion of Iraq was murderous. It was a massive assault on an already devastated nation. According to the United Nations, the 1991 bombing of Iraq under President George H. W. Bush was “near apocalyptic” and brought the country “to a pre-industrial age.” US sanctions, which President Bill Clinton kept in place, not only prevented Iraq from rebuilding but led to mass death of Iraqi children. And by the end of Clinton’s term, the US was bombing Iraq once every three days. One of Bush’s first acts in office (a full two years before the Iraq War) was to dramatically escalate this bombing.

From the perspective of Iraqi citizens who had lived under consistent US bombing for over a decade, the US was already waging war on them. But Bush’s Iraq War officially began on March 20, 2003. The opening salvo, “Shock and Awe,” was the brutal aerial bombardment of a largely powerless nation by the world’s sole remaining superpower. The long-term occupation of Iraq, documented by US soldiers who turned against the war, required high levels of lethality.

The US has never truly dealt with the death toll of this war. The total number of casualties has unsurprisingly been a contentious subject. As media watchdog FAIR repeatedly pointed out, the US media has worked to obscure the truth about how many Iraqis died. The Iraq Body Count project puts the total number of deaths at 288,000. Peer-reviewed studies in the New England Journal of Medicine, the Lancet, and PLOS Medicine put the total number of dead at 151,000, 650,000, and 461,000, respectively. British polling agency ORB put the death count at 1.2 million.

Whichever death count you use, it’s monstrous. And what was all this killing done for? Bush’s two cited reasons for the invasion, that Iraq had weapons of mass destruction and Saddam Hussein was connected to the attacks of September 11, 2001, were lies. Bush’s connection of 9/11 to Iraq was perhaps the deadliest conspiracy theory, fake news, or disinformation of the twenty-first century.

The truth is, Bush and his crew wanted war. A series of leaked British memos prepared by UK prime minister Tony Blair’s staff gives insight into Bush’s drive for war. In minutes from a June 2002 meeting between Blair and senior government officials known as “The Downing Street Memo,” the MI6 chief Richard Dearlove states bluntly, “Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.”

The foreign minister similarly relayed, “It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran.”

Another leaked memo, this one recording a January 2003 meeting between Bush and Blair, documents how they discussed potential ways to provoke Saddam and create a justification for war. One idea was a proposed plot to paint a US reconnaissance plane in United Nations colors in hopes the Iraqi government would shoot it down.

### The War That Never Ended

The Iraq War may be Bush’s most monstrous crime, but it is far from his only one. Bush’s entire political career was built on death.

As governor of Texas, Bush set records by presiding over 131 executions. His reputation for bloodthirstiness was parodied after his election in a Saturday Night Live sketch in which Bush told the defeated Al Gore, “Maybe I’ll start a war. Wars are like executions supersized.”

After Nixon’s fall from grace, the nation underwent a reckoning with the larger abuses of the security state. (Obama, in the signature accomplishment of his administration, made sure no such reckoning proceeded for Bush). Almost immediately after these reforms were made, the Right began trying to undo them. They lobbied for removing restrictions on the FBI and the CIA and refounding the House Un-American Activities Committee, one of the principal instruments of McCarthyism.

As the anti-communist mantra had been discredited, they turned to a new justification for ratcheting up counter-subversive repression at home and military aggression abroad: the threat of terrorism. While the revanchist defenders of an unchecked security state found their first messiah in Ronald Reagan, under Bush, they would realize their wildest dreams.

On September 11, 2001, members of al-Qaeda murdered nearly three thousand people on US soil. The gruesome and horrific tragedy of that day left Americans shocked and in mourning. In addition to recommending Americans go shopping (not doing so would be letting the terrorists win), Bush and his administration exploited a nation’s collective grief to achieve their long-desired expansion of the US security state.

Just days after the attack, Congress passed the Authorization for the Use of Military Force that was understood as authorizing a war in Afghanistan. In fact, it failed to mention a single country. It was a blank check for global war. To date, it has been cited to justify military actions in twenty-two countries.

Bush also argued that the resolution, and the inherent wartime authorities of the president, gave him the authority to wiretap without warrants, kidnap, and even indefinitely detain US citizens. Neither the courts nor Congress could stand in his way. For those not in the United States, Bush set up a prison camp in Guantánamo Bay, Cuba, and approved a global program of forced disappearances (“rendition”) and torture. While Afghanistan was frequently juxtaposed against Iraq as “the good war,” it was clearly never more than an unnecessary assault on a poor country.

On the home front, less than two months after 9/11 (and weeks after Bush had already set up a secret surveillance program at the NSA), the Bush White House rammed through the Patriot Act. This longtime wish list of previously politically unthinkable proposals expanded the scope of national security surveillance and obliterated many of the key post-Watergate reforms of the 1970s. The FBI and Department of Justice criminalized and hounded supporters of Palestinian rights in the name of the war on terror, while Bush helped to censor information about the Saudis’ role in the 9/11 attacks. The Saudis were, of course, longtime business partners of the Bush family.

Bush rightfully left office disgraced. He was viewed as an illegitimate usurper of the presidency before ever taking office. Not only did he lose the popular vote, but many Americans had doubts that without the intervention of the Supreme Court, he wouldn’t have won the electoral college either.

He launched two brutal invasions, decreed a global war without boundaries and limits, and shredded democracy at home. In spite of priding himself on his ability to keep Americans safe, this was exposed as a complete fallacy in the aftermath of Hurricane Katrina. The public watched in real time as poor and working-class, mostly black, Americans were left to die on rooftops by a cruel and uncaring federal government run by a man who boasted his base was “the haves and the have mores.”

During Bush’s final years in office, the economy suffered the worst crisis since the Great Depression. While a global economic crisis had far deeper roots than one president, it added yet another ignominious failure to Bush’s already packed résumé.

While in the immediate aftermath of 9/11, Bush had the highest approval ratings of any president (92 percent), Bush’s ratings would later plummet to 19 percent. Such a low was not achieved by Richard Nixon or Donald Trump. By the end of his term, 41 percent of Americans believed Bush was not just a bad president but the worst president in US history.

Days after the 9/11 attacks, Bush told the nation of his impending wars, “This crusade, this war on terrorism, is going to take a while.” Three administrations later, it’s still taking a while. The effects of this crusade have been disastrous for the people of the Middle East who live on the other side of US bombs. Our democracy, which Bush degraded, has never recovered from his crusade either.

If Bush is not going to stand trial for war crimes, he should at the very least have the decency to avoid appearing in public as a moral authority on unjustified invasions. Instead, as Bush’s recent gaffe and his audience’s clear amusement at his misstatement demonstrate, neither Bush nor US society has ever really reckoned with the consequences of his imperialist crusade.

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## Syria

### **Dutch police arrest Syrian accused of war crimes for Assad (Associated Press)**

By Molly Quell  
May 24, 2022

**Dutch authorities on Tuesday arrested a 34-year-old Syrian asylum-seeker accused of war crimes, marking the first arrest of a person in the Netherlands suspected of committing crimes in support of Syria’s government.**

The man, whose name has not been released by the police, has been charged with crimes against humanity and war crimes for allegedly violently detaining a civilian in 2013 and turning the person over to Syrian officials, who then tortured that person.

According to the Dutch Public Prosecution Service, the man was a member of the Liwa al-Quds, or Jerusalem Brigade, a faction made up mostly of Palestinian fighters.

The suspect moved to the Netherlands in 2020, applied for asylum, and settled in the small southern city of Kerkrade. The

Dutch police received a series of tips about his involvement with Liwa al-Quds, which they consider to be a criminal organization.

The suspect will have his first court appearance Friday.

Liwa al-Quds played a big role in the Syrian government's offensive in the northern city of Aleppo, which ended in 2016 with the capture of rebel-held neighborhoods. The four years of fighting in Aleppo left many members of the group dead or wounded, and ended in a major victory for Syrian President Bashar Assad's government.

This is the fifth war crimes case in the Netherlands to stem from the conflict in Syria. Under universal jurisdiction, the Netherlands can prosecute certain crimes even if they were committed abroad. A court in The Hague convicted another Syrian asylum-seeker, Ahmad al-K., last year for war crimes for executing a Syrian Army soldier, an event that was captured on video.

Germany was the first country to convict an official from Assad's regime. In 2021, a court in Koblenz sentenced Eyad al-Gharib, a former member of Assad's secret police, to four and a half years in prison for being an accessory to crimes against humanity.

### **Syria says any Turkish incursion amounts to 'war crimes' (Reuters)**

May 25, 2022

**Syria's foreign ministry said on Wednesday that it would consider any Turkish military incursions into its territory as "war crimes and crimes against humanity."**

Turkish President Tayyip Erdogan on Monday said Ankara would soon create safe zones 30 km (20 miles) beyond its southern borders to combat what he characterized as terrorist threats, in a likely reference to Kurdish armed groups in northern Syria.

Ankara has already conducted three incursions into northern Syria since 2016, mainly targeting the U.S.-backed Syrian Kurdish YPG.

Damascus sees the incursions as a violation of the country's sovereignty and territorial integrity.

On Wednesday, Syria's foreign ministry said it had sent a letter to the United Nations secretary-general and the Security Council, describing Turkey's actions as illegitimate.

"They amount to what can be described as war crimes and crimes against humanity," it said in a statement carried by the state news agency.

### **Release of Syrian soldier accused of war crimes stirs protests (AL-Monitor)**

By Sultan al-Kanj

May 30, 2022

**Dozens of angry residents of al-Bab in the eastern countryside of Aleppo gathered on May 22 in front of the military police building in the city, demanding accountability for those responsible for the release from the military police prison of a regime army soldier accused of war crimes without bringing him to justice.**

The protesters blocked the main roads in the city and surrounded the military police building with burning tires. The movement was triggered by the expiry of a 72-hour deadline the Ministry of Defense of the Syrian opposition-affiliated Interim Government had given to the temporary military investigation committee established to submit the results of the investigation into the case of the suspect.

The protesters staged an open sit-in in front of the police building, threatening a peaceful escalation if their demands were not met.

The military police in the city, affiliated with the Turkish-backed Syrian National Army (SNA), had released the suspect due to the intervention of a commander in the SNA-affiliated Sultan Murad Division named Hamido al-Juhaishi.

Well-informed local sources told the Syria TV website on May 18 that the suspect, Mohammed al-Mustafa Bin Hassan, born in al-Bab in 1992, joined the Syrian regime's elite 4th Division in 2011 at the onset of the Syrian revolution that broke out back then against Bashar al-Assad's government. After his release from the 4th Division, Bin Hassan returned to the city of al-Bab via clandestine routes five months ago. He was recently arrested by the military police, who later released him in exchange for a sum of \$1,500, according to the sources.

The sources added that the release followed an investigation into the suspect, who confessed to the of killing seven civilians, the rape of two women and several other crimes during his mandatory service.

They further indicated that a number of officers and members of the military police, including the head of the Military Investigation Department, had submitted their resignations from the police in protest against the release of the accused despite his confession to the crimes.

In this context, Farouk Abu Bakr, a commander in the Thaeroon Movement (a merger of several factions affiliated with the SNA), told Al-Monitor, “The problem started when the military police released this person accused of committing crimes and fighting alongside the regime. The release stirred the ire of the residents who took to the street, demanding those behind his release be held accountable.”

He added, “Several meetings were held between the Ministry of Defense of the Interim Government, the military police and the protesters. The latter were promised that their demands would be met. Consequently, the official of the military police branch in the city of al-Bab was dismissed, and Juhaishi (the Sultan Murad Division commander), who helped secure the release of the accused, was summoned to the military police for investigation. The Interim Government formed a temporary investigation committee to hold accountable all those involved in the release.”

Meanwhile, Syrian activists expressed their support for the protesters' demands and called for the prosecution of the corrupt in the military police and in all factions. On his Twitter account, journalist Majed Abdel Nour voiced his support and solidarity with the revolutionaries and people of al-Bab city in their sit-in and protests.

Another activist, Dareen al-Abdullah, also tweeted about the protests. “The movements of the free Syrians in the city of al-Bab forced the minister of defense (and those who supported him) to yield to the demands of the people, which revived hope, reanimated the spirit of the revolution, and reinstated the popular movement and the Syrian revolution against every corrupt person,” she posted.

The protesters issued May 22 this statement from the sit-in tent they set up in front of the military police headquarters in al-Bab: “After responding to the request of the minister of defense in the Interim Government to form a delegation of protesters to meet with him inside the military police building, the minister insulted the delegation representing revolutionary and civil figures by demanding them to break up the sit-in, without any conditions. He is holding accountable those who leaked information about how the [regime] soldier was smuggled outside the [prison] branch while refusing to hold those involved in this crime accountable. He insists on not meeting the demands of the protesters under the pretext of [avoiding] the consecration of a new course of conduct in the areas outside the regime’s control.”

The statement called on National Coalition for Opposition and Revolutionary Forces of Syria President Salem al-Meslet, Prime Minister of the Interim Government Abdulrahman Mustafa, commanders of the Thaeroon Movement Fahim Issa and Saif Abu Bakr, commander of the SNA’s Third Corps Abu Ahmed Nour as well as other factional commanders to clarify their position on the “insulting” action of the minister of defense. It further urged them to assume their responsibilities in holding to account those involved in the release of the suspect.

In this context, one of the activists who organized the protests told Al-Monitor on condition of anonymity, “What happened is just a small manifestation of the corruption of the factional system. Rampant corruption prevails among the structures of the SNA and the Interim Government. There is not a single entity that manages the areas. Each faction or group who is said to be affiliated with the Interim Government operates independently and starts acting as an independent government. This hinders accountability.”

He added, “Turkey is to blame for a large part of this corruption. It is supporting these groups and is not screening them so as to keep those who are honest and dismiss those who are corrupt, who are well known. We have temporarily halted the protests. We are waiting to see if all our demands will be implemented or not. Should the Interim Government fail to keep its promises, protests will resume at a larger scale.”

In a statement published May 22, the Ministry of Defense of the Interim Government announced the dismissal of the chief of the military police branch, Abdul Latif Khaled al-Ahmad, under the pressure of the protests that continued for several days.

The SNA also announced on May 19 its decision to refer Juhaishi to the military judiciary for investigations against the background of the release of the Syrian regime soldier.

### **Syrian government accuses Turkey of ‘ethnic cleansing’ in north Syria (Medya News)**

May 31, 2022

**In a statement, the Syrian government rejected Turkey’s plan to create a ‘safe zone’ in north Syria, and condemned Turkish attacks, which it said, constituted ‘war crimes’.**

The Syrian Foreign and Expatriates Ministry said on Monday:

“The Syrian Arab Republic rejects those hostile acts, launched by Turkish occupation since many days on regions and towns in north-eastern side of Syria that claimed the lives of many civilians, inflicted heavy losses to public and private properties, and displaced dozens of families.”

It continued:

“Turkey’s attempt to establish the ‘safe zone’ in Syrian territories is a malevolent act of aggression and part of the geographic and ethnic cleansing practiced by the government of Recep Tayyip Erdoğan in the north Syria.”

Describing Turkey’s acts as ‘war crimes’ and ‘crimes against humanity’, it added:

“Syria’s sovereignty, independence, and territorial integrity will not be a subject of blackmail or bargain by the extremist Turkish regime in cooperation with its ally in Washington and with some Western countries that seek to gain cheap political targets at the expense of the Syrian people and their territorial integrity.”

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## Yemen

### **Aiding and Abetting War Crimes in Yemen: Criminal Complaint Submitted Against French Arms Companies (Amnesty International)**

June 1, 2022

**Today, Mwatana for Human Rights, the European Center for Constitutional and Human Rights (ECCHR) and Sherpa submitted a criminal complaint with the Paris Judiciary Tribunal against French arms companies with the support of Amnesty International France. The organizations are calling for the initiation of a criminal investigation into the arms companies Dassault Aviation, Thales, and MBDA France for their possible complicity in alleged war crimes and crimes against humanity in Yemen, potentially enabled by their arms exports to Saudi Arabia (SA) and the United Arab Emirates (UAE).**

In March 2015, a military coalition led by SA and the UAE (the Coalition) began an aerial bombing campaign against Houthi and Saleh forces in Yemen. Until the recent ceasefire, for the last seven years the Coalition continued its air campaign, which has first and foremost taken its toll on civilians. The United Nations describes the conflict and its consequences as the “greatest humanitarian catastrophe” of our time, while international organizations, NGOs and experts have claimed for years that attacks by all warring parties, including the Coalition’s airstrikes, may amount to war crimes and crimes against humanity. There is an abundance of public documentation from international organizations indicating that throughout the conflict, the Coalition has conducted countless attacks on civilians, as well as civilian homes, markets, hospitals and schools.

“The coalition’s airstrikes have caused terrible destruction in Yemen. Weapons produced and exported by European countries, and in particular France, have enabled these crimes. Seven years into this war, the countless Yemeni victims deserve credible investigations into all perpetrators of crimes, including those potentially complicit. We’re hoping that French courts can play a role in starting to fill the current cavernous accountability gap in Yemen,” stated Abdulrasheed al-Faqih, Executive Director of Yemeni organization Mwatana for Human Rights.

Despite the overwhelming evidence of indiscriminate attacks on Yemeni civilians by the Coalition since 2015, France has delivered more than 8 billion euros worth of war materials, ammunition and maintenance services to SA and the UAE during the period from 2015 to 2020. It has been documented that French-produced fighter jets, as well as missiles and guidance systems produced by Thales and MBDA France, are used in the conflict in Yemen. The complaint submitted today argues that French companies, while fueling the conflict, may also be aiding and abetting war crimes and crimes against humanity allegedly perpetrated by the Coalition.

“It is paramount that those who aid and abet violations of international humanitarian law and international crimes are held to account, including western political and economic actors. Arms trade is not a neutral activity: companies are responsible for the human rights aspects of their exports and could be held criminally liable as accomplices if they persist in exporting arms while knowing that they could be used to commit crimes,” said Cannelle Lavite, Co-director of the Business and Human Rights department at ECCHR.

SA and the UAE are among the largest customers of the French arms industry. Beyond the likely illegality of these arms exports under the Arms Trade Treaty and other international norms that require states to ban arms exports in cases where there is a clear risk that they will contribute to serious violations of international humanitarian law, it is necessary to establish whether these exports can entail criminal responsibility on the part of the actors who may contribute to such violations, including companies.

“Arms exports are fueling the conflict and the suffering of Yemeni civilians. By investigating the potential responsibility of economic actors in the crimes committed in Yemen, French justice could play a vital role in the fight against impunity and access to justice for those affected by international crimes” added Sandra Cossart, Executive Director at Sherpa.

Amnesty International France supported the development of this complaint by providing legal expertise and research assistance, as well as in-depth and credible information demonstrating how arms supplied to the Coalition may have been used to commit serious violations of international humanitarian law. The organization has just completed a two-year campaign calling on France to increase transparency and establish parliamentary oversight of arms sales. “The current lack of transparency concerning the issuance of export licenses makes it virtually impossible to control the legality of the licenses and confront the state. While arms manufacturers tend to hide behind these licenses, they do not absolve them of their responsibility for their businesses’ impacts on human rights,” said Aymeric Elluin, Amnesty International France.

While the swift efforts undertaken by the international community to investigate potential war crimes committed in Ukraine should be applauded, we believe that a similar focus and urgency should be applied to ensure accountability for war crimes committed in all conflicts, wherever they take place.

In December 2019, Mwatana, ECCHR and a group of NGOs submitted a communication to the International Criminal Court, detailing 26 separate airstrikes by the military coalition that could be classified as war crimes. With today’s complaint, the organizations reiterate the call for criminal accountability for arms exports that violate international rules and fuel the conflict. National jurisdictions have to play their part in holding those responsible to account.

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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**

**Israeli forces use Palestinian girl as a human shield in Jenin (Defense for Children International – Palestine)**

May 19, 2022

**Israeli soldiers used a 16-year-old Palestinian girl as a human shield in front of an Israeli military vehicle while deployed in the northern occupied West Bank city of Jenin last week.**

Israeli soldiers forced Ahed Mohammad Rida Mereb, 16, to stand in front of an Israeli military vehicle on May 13 around 8 a.m. in the Al Hadaf neighborhood of Jenin as Palestinian gunmen shot heavily toward the Israeli forces’ position, according to information collected by Defense for Children International - Palestine. Israeli forces ordered Ahed to stand outside the military vehicle for around two hours while they sat inside.

“International law is explicit and absolutely prohibits the use of children as human shields by armed forces or armed groups,” said Ayed Abu Eqtaish, Accountability Program director at Defense for Children International - Palestine. “Israeli forces intentionally putting a child in grave danger in order to shield themselves constitutes a war crime.”

Israeli forces besieged Ahed’s home around 6 a.m. on May 13 in order to arrest her 20-year-old brother, according to documentation collected by DCIP. Israeli forces ordered Ahed, her parents, and her two younger brothers out of the house and to move to a yard across the street. Israeli forces exchanged fire with Ahed’s older brother, who remained in the house. Around 8 a.m., Palestinian gunmen shot heavily toward an Israeli military vehicle, which is when Israeli forces ordered Ahed to stand outside the military vehicle.

“Bullets were being fired at the military vehicle from all directions,” Ahed told DCIP. “I was trembling and crying and shouting to the soldiers to remove me because the bullets were passing over my head, but one of them ordered me in Arabic through a small window in the military vehicle, ‘Stay where you are and don’t move. You’re a terrorist. Stand in your place until you say goodbye to your brother.’”

Ahed tried to tilt her head to the side to dodge the bullets, but one of the Israeli soldiers ordered her to stand up straight, according to information collected by DCIP. Ahed stood in front of the Israeli military vehicle for about two hours before running to a nearby tree and collapsing on the ground, according to documentation collected by DCIP.

Around two hours later, Israeli forces evacuated Ahed’s two-story house, where she lived with her parents, three brothers, grandparents, two uncles and their wives, and their eight children ranging in age from one to 11 years old, according to information collected by DCIP. After the family evacuated, Israeli forces bombed the house with rocket-propelled grenades, which caused the house to catch on fire. Israeli forces also shot live ammunition at the house, according to documentation collected by DCIP.

Israeli forces withdrew from Ahed’s neighborhood around 11 a.m. She learned that Israeli forces arrested her older brother and that neighborhood residents posted on social media that she was being used as a human shield by Israeli forces, which led the Palestinian gunmen to stop shooting at the Israeli military vehicle.

Ahed was transferred by private vehicle to Jenin Hospital and was treated for intense mental stress and a severe lack of oxygen, according to documentation collected by DCIP.

The use of civilians as human shields, wherein civilians are forced to directly assist military operations or used to shield armed forces or armed groups or objects from attack, is prohibited under international law. The practice is also prohibited under Israeli law based on a 2005 ruling by the Israeli High Court of Justice.

Since 2000, DCIP has documented at least 26 cases involving Palestinian children being used as human shields by the Israeli army. All except one case have occurred after the Israeli High Court of Justice ruling. Only one of those cases led to the conviction of two soldiers for “inappropriate behavior” and “overstepping authority.” Both were demoted in rank and given three-month suspended sentences.

### **Routine torture: painful binding, isolation from the outside world and deprivation of food, drink, and toilet access: This is what the ISA’s “interrogation system” looks like (B’Tselem)**

May 23, 2022

**On Sunday, 22 August 2021, Yazan (22) and Muhammad (20) a-Rajbi arrived at the Russian Compound detention facility after being summoned for an Israeli Security Agency (ISA) interrogation. Upon arrival, they were arrested and taken to the ISA wing, where they were interrogated under torture for 42 days. The torture included being kept sitting on small chairs and handcuffed to them for more than 24 hours, being denied access to the bathroom, as well as food and drink, being kept in a small cell, where they could neither stand up straight nor lie down and being deprived of continuous sleep. One of them was also locked, handcuffed, inside a wooden closet and left there for a long time until he lost consciousness.**

The interrogators also sent the two to various prisons and put them in cells with collaborators, who threatened and isolated them in an attempt to extract information or a confession from them.

The interrogators accused the two of participating in clashes in the East Jerusalem neighborhood of Silwan in July of 2021- an accusation they both denied. After 20 days, Muhammad a-Rajbi admitted he had thrown one stone after he could no longer bear the torture. He was nevertheless interrogated for 22 more days in an attempt to force additional confessions out of him. Yazan a-Rajbi admitted to throwing two stones, which brought his interrogation to an end. He was transferred to Megiddo Prison 42 days after his arrest. They were charged with participation in riots and an attempted assault on a police officer and



sentenced to eight months in prison. After their release in March 2022, they gave their testimony to B'Tselem.

The use of torture in Yazan and Muhammad a-Rajbi's interrogation was not a private initiative undertaken by a specific ISA interrogator, but rather part of an interrogation method that relies on cutting detainees off from the world by subjecting them to harsh and degrading holding conditions and prolonged, violent face to face interrogations. This system of torture may be applied by ISA interrogators but it is enabled by other authorities, including the Israeli Prison Service, which creates the severe holding conditions, judges who repeatedly remand detainees to custody while ignoring what is being done to them, and the law enforcement system which grants ISA interrogators who harm detainees immunity from prosecution.

In a testimony gave B'Tselem field researcher 'Amer 'Aruri, Yazan a-Rajbi (22), a resident of the neighborhood of Silwan in East Jerusalem, spoke about his interrogation under torture at the Russian Compound, Megiddo Prison and Shikma Prison in August 2021. His testimony was collected on 28 March 2022 after his release from prison.

On Sunday, 22 August 2021, at around 6:00 A.M., I went to the police station at the Russian Compound after receiving a summons from the ISA. When I arrived, I was immediately arrested, given a change of clothes and put in a holding cell, where I was alone. After about an hour, I was taken in for interrogation. The interrogators accused me of firing at Israel Police and Border Police vehicles on 9 July 2021. I denied it. That day, I was in the a-Tur neighborhood with my brother visiting a friend, and I didn't participate in the clashes that broke out in Silwan then. A relative of mine (19) was wounded in the back by police in those clashes. I told all of this to the interrogators, but the interrogation continued until 11:00 P.M. There were 12 interrogators. There were six interrogators in the room at any given time. They took turns. They bombarded me with questions non-stop. All this time, I was sitting on a chair with my hands handcuffed behind my back and my legs shackled. They didn't beat me but cursed my family and my mother. They didn't let me go to the bathroom and didn't bring me food or water, even though I asked them. One of the interrogators told me that they had more important things to deal with than water and going to the bathroom.

The next day, they didn't interrogate me. I was able to rest from sitting on the chair. In the morning, they brought me a boiled egg and a piece of chocolate. There was a tap in the cell. The cell itself was designed for sleeping only and was so small I had to sleep curled up, and there was no room to stretch my legs. The cell had a squatting toilet, no toilet seat, and a small sink. The ceiling was low, and I couldn't stand straight and had to bend down.

On Tuesday, at 8:30 A.M., I was taken in for interrogation again. One of the interrogators told me what time it was. They sat me on a chair again with my hands handcuffed behind my back and my legs shackled in front. I stayed in this position for two days, constantly being interrogated and asked questions. This time, too, there were six interrogators who switched every four hours. The interrogators kept pressuring me to admit that I participated in the shooting on 9 July 2021. I told them that I was at a friend's in the a-Tur neighborhood during the clashes, and then I was told that my relative had been injured in the clashes in the neighborhood and was taken to al-Makassed Hospital. The hospital is close to my friend's house, so I went straight over when I heard he was wounded. I told the interrogators they could check the cameras on the street.

For the entire two days of this interrogation round, I wasn't allowed to go to the bathroom and had to pee in my pants. They wouldn't let me change, and I was left with urine and feces inside my clothes in the interrogation room. The interrogators kept their distance from me because of the smell of feces and sprayed perfume in the room. It wasn't until I went back to the cell that they let me change, and it was only then that I washed myself in the sink.

During the first week of detention, they also locked me up in a low, closed wooden closet inside one of the interrogation rooms. They sat me down inside it in a semi-squat. My head was between my legs, which were shackled. I couldn't lift it. My hands were also cuffed behind my back. I don't remember how long they left me in the closet, maybe two hours or more. When the interrogators opened the closet, I was already unconscious. I think the interrogator knows exactly how long a person can last inside such a closet. It's like a pressure cooker. I felt my head was about to explode from the pressure, and my back was about to break. When I recovered, I saw the six interrogators who put me in this closet. They immediately started questioning me on another matter. This time, they accused me of collecting money from guys in Silwan to buy firecrackers on the day the municipality demolished a store belonging to one of the residents because it was built without a permit. I don't remember what day the store was demolished, but I do remember that when it happened, I was at my job in Jaffa. We did plumbing work at a construction site near the beach. I even took a selfie at the site. I didn't tell them that. I exercised the right to remain silent and refused to answer any of the interrogators' questions.

During the interrogations, they brought another detainee, M.G. (20), into the interrogation room, who told me, "I'm sorry, under the pressure of torture, I said you participated in the summer incidents." He was screaming and crying when he told me this. The interrogators brought in another guy, H.'A. (19), who also told them that I'd collected money to buy firecrackers.

About two weeks after I was arrested, I was transferred to Megiddo Prison, where I was placed in a room with six other people. I was sure they were "asafir," meaning collaborators, because they tried to get me to confess. At first, they tried to just talk to me, but when that didn't work, they put nine other people in the cell, who told me that I was an ISA collaborator myself and

threatened me. Some of them had razors, and they tried to scare me into confessing. Then someone else arrived, handed me a notebook and told me to write the names of guys who throw stones in Silwan. I told him I didn't know what he was talking about.

After about three days in the collaborators' cell, I was driven to the courthouse to extend my detention and then taken to Ashkelon Prison and put in a large wing with many detainees. One of them asked me to help him fold laundry, and as I did, he tried to extract information from me. He wanted me to admit to firing on a Border Police vehicle and that I'd bought firecrackers. When I returned to the room, I found out I'd been labeled a collaborator because I refused to say why I was arrested and what happened in the interrogation room. The collaborators isolated me in a separate room and told me, "You're staying here until you admit what you did. We want to protect you." There was only cold water in the shower in the room. They held me there for four days. I was there all alone. I only ate what they brought me because the collaborators forbade me to leave the room.

When I returned to the cell, one of the detainees approached me and handed me a cell phone. He told me I could talk to my family. I told him I didn't remember the phone numbers of my mom and dad or any of my siblings. At that moment, someone hit me on the back of the neck. I turned around and saw it was one of the interrogators from the Russian Compound. I didn't understand where he suddenly came from. He must've been waiting for me there with the collaborators. He tied my hands and feet, led me to a private vehicle and blindfolded me with a piece of cloth. He wrapped the seat belt around my neck and fastened it. I felt I was suffocating the whole way from Ashkelon to Jerusalem. There were two other people in the car. One of them was sitting next to me. The interrogators kept questioning me during the ride. They told me, "Confess and get rid of this torture." I kept exercising the right to remain silent.

I was taken back to the Russian Compound, and there, the interrogation continued. They kept me sitting on a chair again for a day and a half, and again I had to pee in my pants. That's when I decided to end the whole thing. I told the interrogators, "I admit to throwing two stones in the clashes at the al-Aqsa mosque, but other than that, I didn't do anything." At that moment, the torture and the interrogations stopped, and a few days later, 42 days after I was arrested, I was transferred to Megiddo Prison. On 17 December 2021, I was sentenced to eight months in prison and a six-month suspended sentence.

What I went through in the interrogations was a very difficult and painful experience: I was cut off from the world. My head, abdomen and neck hurt because of the positions they handcuffed me in for long hours. I only ate once a day, at best. There were even days when I didn't eat anything. Maybe three days like that. Since I was released, my eyesight hasn't been good.

Muhammad a-Rajbi (20), a resident of the neighborhood of Silwan in East Jerusalem, told B'Tselem field researcher 'Amer 'Aruri about his torture during the interrogations at the Russian Compound and Megiddo Prison in August 2021. His testimony was collected on 28 March 2022, after his release from prison:

On Sunday, 22 August 2021, I went to the police station in the Russian Compound after receiving a summons for questioning. I was immediately put in the holding cells. There was another person in the cell with me. I think he was an "asfur," meaning a collaborator, because he tried to get personal details or a confession out of me. That night, I was taken for in for interrogation. There were 10 interrogators there. They accused me of throwing stones and hurling firecrackers and Molotov cocktails at settlers in Silwan on 7 and 9 July 2021.

They didn't beat me during the interrogation. They just screamed and swore at me as I was sitting on a chair with my hands tied behind my back and my legs shackled in front. The interrogator repeatedly told me, "Confess already. If not, you'll sit on that chair forever." They interrogated me for 20 days, during which I sat on that chair for long hours. They gave me food once a day at the end of the interrogation. There were two days when I didn't eat because the interrogation took longer. The interrogator told me, "We want to finish the interrogation. There's no food." When I returned to the cell, they didn't bring me anything. They told me there was no more food. Because they did not let me go to the bathroom, I had to hold it in for a very long time, and it caused pain in my bladder. When I was put back in detention, the first thing I did each time was pee, and then the pain was even more intense.

After 20 straight days of interrogation, I confessed to throwing one stone. I confessed because I was fed up and exhausted. I was in pain during this entire time because I wasn't allowed to go to the bathroom. I was also not given enough food, didn't sleep, and sat handcuffed on a chair for long hours, maybe ten or 15 hours a day.

After I confessed, I was taken to Megiddo Prison, where they put me in the room with the "asafir," who tried to make me spill out more information. They claimed they were from the Tanzim (Fatah's military wing), that they were helping prisoners, and wanted to know everything about me to protect me inside the prison. I was kept in this room for two days. They kept threatening to hit me, and I was afraid they'd do it.

After a few days, I was taken back to the Russian Compound, where they continued tying me to the chair every day, like in the first round of interrogation. The interrogators threw more and more questions at me, and I kept telling them, "I confessed to

throwing one stone. That's all I have to say." In those interrogations, the last ones, they did let me go to the bathroom. Not immediately when I asked, but after an hour or two, at most.

My whole body ached, not only because of the urinary retention but also my head, back, and neck due to being tied to the chair and the difficulty of falling asleep in the holding cell. They kept me in a tiny cell, and I had to curl up the whole time. The guards didn't bring food to the cells, and sometimes I refused to eat because the food was awful: half-cooked rice, hard potatoes or dry and inedible pastries. The interrogation period was very tough because they wouldn't let us sleep. One of the guards kept knocking on the cell doors to harass the detainees.

After the second interrogation period ended, I was transferred to Megiddo Prison. I was sentenced to eight months. When I was arrested, I was a 12th-grade student, and because of the arrest, I missed a lot of school. After I was released, I decided not to go back to school. I've been working in cleaning in the meantime, and I don't know if I'll find another job. The arrest ruined my future.

### **CNN, AP confirm Shireen Abu Akleh killed by Israeli forces (Middle East Monitor)**

May 25, 2022

**It said that videos obtained by CNN, "corroborated by testimony from eight eyewitnesses, an audio forensic analyst and an explosive weapons expert, suggest that Abu Akleh was shot dead in a targeted attack by Israeli forces."**

Major media outlets CNN and AP have confirmed in two separate reports that Al Jazeera's Palestinian journalist Shireen Abu Akleh was killed by Israeli occupation forces. CNN has even suggested that she was targeted deliberately.

According to CNN, an investigation is carried out into the incident "offers new evidence — including two videos of the scene of the shooting — that there was no active combat, nor any Palestinian militants, near Abu Akleh in the moments leading up to her death."

It said that videos obtained by CNN, "corroborated by testimony from eight eyewitnesses, an audio forensic analyst and an explosive weapons expert, suggest that Abu Akleh was shot dead in a targeted attack by Israeli forces."

Abu Akleh, an American citizen who worked with Al Jazeera for more than two decades, was covering an Israeli occupation raid into Jenin refugee camp on 11 May when she was killed. A colleague, Ali Samudi, was injured, also after being shot by Israeli soldiers.

Associated Press, meanwhile, said that the bullet that killed Abu Akleh came from an Israeli gun. "Almost two weeks after the death of the veteran Palestinian-American reporter for Al Jazeera, a reconstruction by the Associated Press lends support to assertions from both Palestinian authorities and Abu Akleh's colleagues that the bullet that cut her down came from an Israeli gun."

AP noted that multiple videos and photos taken on the morning of 11 May show an Israeli convoy parked just up a narrow road from Abu Akleh, with a clear line of sight. They show the reporters and other bystanders in real time taking cover from bullets fired from the direction of the convoy.

The only confirmed presence of Palestinian militants was on the other side of the convoy, some 300 metres away, mostly separated from Abu Akleh by buildings and walls. Israel claims that at least one militant was between the convoy and the journalists, but it has not provided any evidence or indicated the shooter's location to support its claim.

### **Al Jazeera to send Abu Akleh case file to the ICC: Full statement (Al Jazeera)**

May 26, 2022

**Qatar-based media network says it has assigned a legal team to refer the killing of its journalist to the International Criminal Court.**

Below is Al Jazeera Media Network's statement on referring the killing of journalist Shireen Abu Akleh to the ICC:

Al Jazeera Media Network has assigned its legal team to refer Shireen Abu Akleh's murder case file to the International Criminal Court in The Hague.

The Network said in a statement issued on Thursday that it has formed an international legal coalition that consists of its legal team along with international legal experts. The coalition is preparing a complete case dossier to be submitted to the Prosecutor of the International Criminal Court.

In addition to the killing of Shireen Abu Akleh by the Israeli Occupation Forces outside Jenin refugee camp in the West Bank on May 11, 2022, the case file will also include the Israeli bombing and total destruction of Al Jazeera's office in Gaza in May 2021, as well as the continuous incitements and attacks on its journalists operating in the occupied Palestinian territories.

According to Article 8 of the Charter of the International Criminal Court, targeting war correspondents, or journalists working in war zones or occupied territories by killing or physically assaulting them, is a war crime.

Al Jazeera Media Network condemns the killing of our colleague Shireen Abu Akleh, who worked with the Network for 25 years as a professional journalist covering the ongoing conflict in the occupied Palestinian territories. The Network vows to follow every path to achieve justice for Shireen, and ensure those responsible for her killing are brought to justice and held accountable in all international justice and legal platforms and courts.

## **The Shelling of Khudair Warehouse: Chemical Warfare by Indirect Means (Forensic Architecture)**

May 28, 2022

**This investigation marks the launch of Al-Haq's newly established Forensic Architecture Investigation Unit (FAI Unit). For the past 1.5 years, Al-Haq and Forensic Architecture have worked closely to build the FAI Unit. Housed within Al-Haq's Monitoring and Documentation Department in Ramallah, and the first of its kind in the Middle East, the FAI Unit employs Forensic Architecture's established methodologies and techniques for monitoring and documenting violations against Palestinians in pursuit of legal accountability and public advocacy. In so doing, the FAI Unit aims to produce a new generation of visual investigations led by Palestinian practitioners.**

On the evening of 15 May 2021—the 73rd anniversary of al-Nakba and during Israel's latest military attack on Gaza—the Israeli occupation forces bombed the Khudair Pharmaceuticals and Agricultural Tools Company in Beit Lahiya, the largest agricultural chemical warehouse in Gaza. Incendiary artillery shells set fire to hundreds of tonnes of toxic pesticides, fertilisers, chemicals and other farming materials, initiating a toxic cloud that enveloped large parts of northern Gaza. The Israeli army did not provide a statement about the attack. Forensic Architecture and Al-Haq's newly established Forensic Architecture Unit (FAI Unit) worked together with members of the Khudair family and residents of the area to investigate the attack and its toxic consequences as part of the ongoing environmental disaster imposed on Palestinians living in Gaza. This investigation marks the launch of the FAI Unit. The first of its kind in the Middle East, the FAI Unit ushers in a new generation of visual investigations for the monitoring and documentation of Israeli war crimes and apartheid. The Khudair Warehouse Located in Beit Lahiya, the Khudair Warehouse stores roughly 50% of all vital agricultural chemicals used in the besieged strip. We gathered original photos and drone footage, conducted interviews with local residents, and analysed dozens of images and videos of the site available online, as well as CCTV footage given to us by the Khudair family, in order to construct a 3D model of the warehouse. The warehouse is composed of six rooms totalling 2,700 square meters and is surrounded by Palestinian homes and agricultural fields. The precise circumstances of the strike were initially unknown as none of the CCTV videos we sourced contained an accurate timestamp. Seeking time indicators, we conducted shadow analysis to determine the approximate time of attack. We then synchronised the videos to determine the timing of events, and established the time of the first canister to hit the site at around 5:46pm—likely from the south-east. This was followed by a second canister three seconds later, and at 5:48pm, four other canisters followed. We identified three of these canisters in the interior of the warehouse—landing inside Room 1 and Room 4. By 5:56pm, a plastic stockpile opposite to the south entrance caught fire, and a minute later another fire started inside Room 4. Photos of munition collected from the site by the Palestinian Center for Human Rights show the remains of cylindrical canisters, around 15cm in width. The dimensions and the smoke tail match the M150 Smoke HC 155mm ammunition developed by the Israeli weapons manufacturer Elbit Systems: an 'advanced smoke projectile' and a new type of shell designed to splinter into five separate canisters, all of which emit high-density smoke. Munitions expert Chris Cobb-Smith explained that M150 artillery is designed to create smoke screens to mask troop movement. But on May 15 there were no reported occupation forces on the ground in Beit Lahiya, and thus: 'There is no military justification for the M150 to be used here. It is inherently inaccurate and unsuitable for use in an urban environment.' — Chris Cobb-Smith Agrochemical Catastrophe Room 1 contained plastic and nylon sheets, as well as plastic pipes and farming equipment, while Room 2 contained primarily pesticides and fertilisers, including over 18,000 litres of Kontos, a highly toxic and flammable liquid insecticide. Meanwhile, Room 3 contained around forty varieties of chemicals, fertilisers and pesticides, including Ken-Amine Herbicide, Dursban Insecticide, and NPK Fertiliser. In total, the fire affected over fifty tonnes of hazardous chemicals stored on the site. Toxic Plume Starting on 13 May, and for a full week thereafter, Abdelsalam Abu Halime, who lives nearby, documented the consequences of Israeli occupation forces' attacks. On 15 May, at 5:52pm, Abu Halime filmed a thick column of black smoke rising from the Khudair warehouse. To estimate the reach of the plume, we used meteorological data such as wind direction from the day of the attack, and geolocated two frames of Abu Halime's footage. Within the first hour, the toxic plume had affected an area of approximately 5.7 square kilometers—spanning Beit Lahiya and its agricultural zones, as well as the densely populated Jabaliya refugee camp—placing approximately 3,000 homes in its shadow. The Khudair fire continued for six hours, from 5:50pm until 11:00pm, destroying most of the facility and consuming the majority of its contents. We consulted fluid dynamics expert Dr. Salvador Navarro-Martinez, who measured the concentration and spread of the hazardous chemicals stored in the warehouse. He explained that the air concentration of some

of the chemicals crossed Acute Emergency Levels—or AEGL. Areas hundreds of metres away from the warehouse had sulphur dioxide and phosphorus pentoxide concentrations of above AEGL-2, indicating a high risk of ‘irreversible damage’ to human health. Navarro-Martinez further stated that: ‘When exposed to several chemical substances at the same time, as with the fire at this Warehouse, toxic emissions have the potential to amplify each other’s impacts.’ We spoke to residents living near the now polluted area who described to us in detail the intense toxic smells their families endured after the shelling—two of the residents living nearby, Israa Khudair and Doaa Khudair, informed us that they both experienced miscarriages shortly after the attack. ‘Tantamount to Chemical Weapons’ This strike was the first in an apparent series of punishing attacks by the Israeli occupation forces, deliberately targeting civilian economic infrastructure and the industrial sector. On 17 May, two days after the Khudair Warehouse was destroyed, the Fomco Sponge Factory near Jabaliya camp was attacked in a similar manner, causing a large-scale fire. On the same day, over half a dozen other factories and warehouses, located in the industrial zone east of Gaza’s Shejaiyyeh neighbourhood, were also bombed. The pattern visible across these strikes suggests that the targeting of the Khudair warehouse was deliberate—this is further supported by the fact an incendiary weapon was used. Each of these bombings exposes Palestinian residents to a range of lethally toxic chemical gases, generating additional long-term health and environmental damage in the besieged strip. In a legal report based on the findings of this investigation, Al-Haq states that: ‘Israeli occupation forces’ shelling of the Khudair Agrochemical Warehouse, with knowledge of the presence of toxic chemicals stored therein, is tantamount to chemical weapons through indirect means. Such acts are clearly prohibited... and prosecutable under the Rome Statute of the International Criminal Court.’

### **Israeli forces kill four Palestinians in occupied West Bank (Al Jazeera)**

June 2, 2022

#### **Four Palestinians have been killed by Israeli forces in less than 48 hours in separate incidents.**

A 17-year-old Palestinian has been killed by Israeli forces near the occupied West Bank city of Ramallah, the Palestine Red Crescent Society has said.

Palestinian Ma’an news agency quoted the Red Crescent as saying that the boy, identified as Odeh Mohammed Odeh, arrived at the Palestine Medical Complex in Ramallah with “a bullet wound to the chest”. He was shot by Israeli forces in al-Midya, a village west of Ramallah, it added.

“Doctors tried to save his life, but he died of as a result of a very critical injury,” the Red Crescent was quoted as saying on Thursday.

Odeh was the fourth Palestinian to be killed by Israeli forces in the West Bank in two days.

Ayman Mahmoud Mheisen, 29, was killed on Thursday morning during a pre-dawn Israeli military raid on the Dheisheh refugee camp in the southern city of Bethlehem, according to the Palestinian Ministry of Health.

Mheisen was a father of three and a former prisoner who spent three years in Israeli jails, Palestinian prisoner rights groups said.

Separately, Israeli forces killed 24-year-old Bilal Awad Qabaha during a raid on the village of Yabad, outside of Jenin city in the northern West Bank late on Wednesday, the ministry said.

Qabaha was in a critical condition when he was transferred to a hospital in Jenin, where he died.

The army had raided Yabad in the evening to destroy the home of Diaa Hamarsheh, who carried out a shooting attack on March 29 in the town of Bnei Brak near Tel Aviv, killing five people. Hamarsheh was killed in a shoot-out with Israeli police at the scene.

The army also arrested Hamarsheh’s 59-year-old father, Ahmad, after the demolition.

Israel destroys the homes of Palestinian assailants as part of a policy that has long been criticised by rights groups as collective punishment towards their families and towns.

Confrontations broke out with the Israeli army in Yabad shortly after the raid began, with several serious live ammunition injuries reported.

On Wednesday morning, Israeli forces shot dead Palestinian female journalist Ghufran Warasneh, 31, at the entrance to the Arroub refugee camp north of Hebron, in the occupied West Bank.

The Israeli army claimed she was in possession of a knife and had tried to stab soldiers, but witnesses told Al Jazeera that Warasneh, who was on the third day of a new job at a radio station, had posed little threat.

Israeli forces attacked Warasneh's funeral procession at the camp on Wednesday, firing live bullets at mourners and tear gas directly into the crowd. At least one Palestinian was seriously wounded and being treated in hospital after being hit by a live bullet during the funeral.

Warasneh is the second Palestinian journalist to be killed by Israeli forces in less than a month.

On May 11, the Israeli army shot dead Al Jazeera correspondent Shireen Abu Akleh while she was covering a military raid in Jenin. Israeli forces also attacked her funeral procession in occupied East Jerusalem in an attempt to prevent it from advancing on foot.

According to the Palestinian Ministry of Health, Israeli forces have killed 61 Palestinians since January 1.

Local and international rights groups have condemned what they call Israel's excessive use of force and "shoot-to-kill policy" against Palestinians, including suspected assailants, in the occupied West Bank and Gaza Strip.

Senior Israeli politicians – including Israeli Prime Minister Naftali Bennett – have encouraged the use of lethal force and given orders to shoot Palestinians who did not pose an imminent threat.

The United Nations Office of the High Commissioner for Human Rights has noted in reports that Israeli forces "often use firearms against Palestinians on mere suspicion or as a precautionary measure, in violation of international standards".

A string of Palestinian attacks since March has killed 19 people in Israel.

Israeli forces increased the intensity of their raids, including in the Al-Aqsa Mosque compound in East Jerusalem. Hundreds of Palestinians were injured in raids conducted by Israeli forces and settlers at the compound during the Muslim holy month of Ramadan and during Sunday's Israeli far-right "Jerusalem Day" parade in and around the Old City.

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## **Gulf Region**

### **Top Saudi court upholds death sentence of two young Bahraini nationals (PressTV)**

May 21, 2022

#### **Saudi Arabia's Supreme Court has upheld death sentences of two young Bahraini nationals over trumped-up terror charges.**

The Riyadh-based supreme court of appeals sentenced Sadiq Majid Thamer and Jaafar Mohammed Sultan to death after finding them guilty of "smuggling explosives" into the kingdom and involvement in terrorist activities.

Human rights organizations and an opposition protest movement described the rulings as "unfair and arbitrary," saying they were issued based on confessions extracted under torture. [sentence-against-two-Bahraini-youths-on-trumped-up-terror-charges](#).

This comes as social media activists have launched campaigns in solidarity with the two young Bahraini men, with human rights organizations and campaigners calling for an end to the "unjust" ruling and their immediate release.

Bahrain's February 14 Revolution Youth Coalition held the Saudi regime fully responsible for the youths' safety, calling on the United Nations Secretary-General Antonio Guterres to take on his duties and intervene urgently to stop the crime.

The Bahraini opposition protest movement also called on the international community to stand up against Saudi Arabia's King Salman and Crown Prince Mohammed bin Salman, and prevent the death sentences from being carried out.

The February 14 Revolution Youth Coalition demanded swift action to save the lives of the two young Bahraini nationals before it gets too late, considering Bahrain's ruling Al Khalifah regime as a partner in any criminal action against the Arab nation.

Sultan and Thamer were arrested in May 2015 along the King Fahd Causeway, which connects Saudi Arabia and Bahrain.

They were held incommunicado for months after their arrest. The Bahraini youths were subjected to systematic and fatal torture with the aim of extracting false confessions from them.

Ever since bin Salman became Saudi Arabia's de facto leader in 2017, the kingdom has arrested dozens of activists, bloggers, intellectuals and others perceived as political opponents, showing almost zero tolerance for dissent even in the face of international condemnations of the crackdown.

Muslim scholars have been executed and women's rights campaigners have been put behind bars and tortured as freedom of expression, association, and belief continue to be denied.

Over the past years, Riyadh has also redefined its anti-terrorism laws to target activism.

Bahrain's most prominent cleric Ayatollah Sheikh Isa Qassim has said that drawing up a new constitution is the only way out of the political crisis in the protest-hit tiny Persian Gulf country, urging the regime in Manama to pursue an agreement with the Bahraini opposition instead of increasingly suppressing dissent.

Demonstrations have been held in Bahrain on a regular basis ever since a popular uprising began in mid-February 2011.

The participants demand that the Al Khalifah regime relinquish power and allow a just system representing all Bahrainis to be established.

Manama, however, has gone to great lengths to clamp down on any sign of dissent.

### **Saudi Arabia: Death penalty against juvenile offender amounts to arbitrary deprivation of life, say UN experts (United Nations)**

May 31, 2022

#### **UN human rights experts\* today called on the Government of Saudi Arabia to immediately release Abdullah al-Howaiti and quash the death penalty against him for crimes he allegedly committed as a child.**

Al-Howaiti was arrested in May 2017, when he was only 14 years old, accused of robbery and murder, and convicted, despite having an alibi, based on a confession of guilt extracted under torture and other ill-treatment. Al-Howaiti was recently sentenced to death for a second time after his original conviction was overturned by the Saudi Supreme Court in 2021.

"We are alarmed by the confirmation of the death sentence against Mr. Al-Howaiti, on 2 March 2022, without initiating any investigation into the allegations of torture or determining the veracity of the coerced confession of guilt," the experts said.

If confirmed by the Court of Appeal, the death penalty would be final and Al-Howaiti will be at an imminent risk of execution.

The UN experts were dismayed by the conviction of Al-Howaiti following a trial marred with due process irregularities, including failure to consider an alibi, the dismissal of allegations of torture and ill-treatment and the admission of torture tainted confessions as incriminating evidence, without proper investigation.

"We would like to remind the Saudi authorities of their obligation to conduct a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and to exclude any evidence obtained through torture and coercion from judicial proceedings," they said.

The imposition of the death penalty on children is absolutely prohibited under international law. No exception or derogation from this prohibition is possible under any circumstances, the UN experts recalled.

"We urge the Saudi Government to adopt without delay the necessary legislative measures to abolish the imposition of the death penalty for children for all crimes, including in relation to offences punished under qisas and hudud," the experts said. Qisas is a category of retributive justice for murder in Saudi Arabia, which allows families of the victims to demand the death sentence, compensation or offer a pardon, while hudud refers to Islamic penal law or Quranic punishments for offences including theft, brigandage, adultery and apostasy.

In November 2021, the Working Group on Arbitrary Detention concluded in its opinion No. 72/2021 that the detention of Al-Howaiti was arbitrary.

"Prolonged incommunicado detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment, and can in itself constitute a form of such treatment," the experts said.

The UN experts have previously expressed their concerns regarding this case to the Government of Saudi Arabia. They reiterated their request to the authorities to take immediate measures to protect the moral and physical integrity of Abdullah Al-Howaiti, considering his age and vulnerability. offender-amounts-arbitrary

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## ASIA

### Afghanistan

#### **1.1 Million Afghan Children Face Severe Malnutrition, UN Says (Fox 59)**

By Associated Press

May 25, 2022

**In Afghanistan, 1.1 million children under the age of 5 will likely face the most severe form of malnutrition this year, according to the U.N., as increasing numbers of hungry, wasting-away children are brought into hospital wards.**

U.N. and other aid agencies were able to stave off outright famine after the Taliban takeover of Afghanistan last year, rolling out a massive emergency aid program that fed millions. But they are struggling to keep pace with relentlessly worsening conditions. Poverty is spiraling and making more Afghans in need of aid, global food prices are mounting from the war in Ukraine and promises of international funding so far are not coming through, according to an assessment report issued this month.

As a result, the vulnerable are falling victim, including children but also mothers struggling to feed themselves along with their families.

Nazia said she had lost four children to malnutrition — two daughters and two sons under 2 years old. “All four died due to financial problems and poverty,” the 30-year-old Nazia said. When her children fell ill, she didn’t have the money to treat them.

Nazia spoke to The Associated Press at Charakar Hospital in the northern province of Parwan, where she and her 7-month-old daughter were both being treated for malnutrition. Her husband is a day laborer but is also a drug addict and rarely brings in an income, she said. Like many Afghans, she uses only one name.

UNICEF, the U.N. children’s agency, said 1.1 million children this year are expected to suffer from severe acute malnutrition, also known as severe wasting, nearly double the number in 2018 and up from just under 1 million last year.

Severe wasting is the most lethal type of malnutrition, in which food is so lacking that a child’s immune system is compromised, according to UNICEF. They become vulnerable to multiple bouts of disease and eventually they become so weak they can’t absorb nutrients.

The numbers of children under 5 being admitted into health facilities with severe acute malnutrition have steadily mounted, from 16,000 in March 2020 to 18,000 in March 2021, then leaping to 28,000 in March 2022, the UNICEF representative in Afghanistan, Mohamed Ag Ayoya, wrote in a tweet last week.

Hit by one of its worst droughts in decades and torn by years of war, Afghanistan was already facing a hunger emergency; but the Taliban takeover in August threw the country into crisis. Many development agencies pulled out and international sanctions cut off billions in finances for the government, collapsing the economy. Millions were plunged into poverty, struggling to afford food for their families. By the end of last year, half the population of around 38 million lived under the poverty line, according to U.N. figures. As the economy continues to crumble and prices mount, that could rise this year to as high as 97% of the population by mid-2022, according to the U.N. Development Program.



Because of poverty, “mothers do not have proper nutrition during pregnancy, and are not able to eat properly after birth, said Mohammad Sharif, a doctor at Charakar hospital.

At the Mirwais Hospital in southern Kandahar province, 1,100 children with malnutrition have been admitted in the past six months, 30 of whom died, said Dr. Mohammad Sediq, head of the children’s ward.

One mother, Kobra, said she had been unable to breastfeed her 6-month-old child. “He is constantly losing weight and cries a lot, I know it is all because of hunger, but I can’t do anything” she said.

At her home in an impoverished district of Kandahar city, Jamila said her 8-month-old son died last month after being diagnosed with severe malnutrition. If she doesn’t get help, she fears for her other four children, she said.

“The government hasn’t helped us at all, no one has asked us if we are hungry or have something to eat or not,” she said.

U.N. agencies launched a massive, accelerated aid program after the Taliban takeover, ramping up to a point that they now deliver food assistance to 38% of the population.

The number of people facing acute food insecurity fell slightly from 22.8 million late last year to 19.7 million currently, according to a May report by IPC, a partnership among U.N. and other agencies that assesses food security. From June to November this year, that number is expected to fall a little further, to 18.9 million, IPC said.

But those small reductions “are far from indicating a positive trend,” it warned. The decrease was low compared to the scale of the aid, it said. Moreover, deteriorating conditions threaten to overwhelm the effort. It pointed to the continued crumbling of the economy, higher food and fuel prices and supply disruptions caused by the Ukraine war, and “unprecedented inflation” in Afghanistan.

Meanwhile, lack of funding threatens aid’s reach. The proportion of the population receiving food aid could plummet to only 8% over the next six months because so far only \$601 million of the \$4.4 billion needed has been received from the world community, the IPC said. Just over \$2 billion has been pledged.

Melanie Galvin, chief of UNICEF’s nutrition program in Afghanistan, said the 1.1 million children figure came from the agency’s annual assessment, conducted last fall and based on expected conditions. “Every year, all the factors connected to malnutrition keep going up,” she told the AP. It just keeps going up and up in terms of a deteriorating situation.

Drought has been the main driver of food insecurity, she said, compounded by growing poverty, lack of access to clean water and to medical care, need for greater vaccination for diseases like measles that hit malnourished children.

The good news is that agencies have access to the entire country now, she said. UNICEF opened around 1,000 treatment sites in remote locations where parents can bring their malnourished children rather than having to trek to larger urban centers.

But an emergency response is not sustainable in the longer term, she said. “We need all these factors in the external environment to improve.”

### **Afghan Authorities Urged to Address Serious Human Rights Challenges (Saudi Gazette)**

May 27, 2022

**Afghanistan is at a crossroads and the de facto authorities, the Taliban, must pursue a path toward stability and freedom for all citizens, especially women, the UN independent expert on human rights there said in the capital, Kabul, on Thursday.**

Special Rapporteur Richard Bennett was speaking to journalists at the end of an 11-day visit to the country.

Bennett said Afghanistan is facing a plethora of human rights challenges that are having a severe impact on the country’s people. However, the Taliban have failed to acknowledge or address the magnitude and gravity of abuses, many of which were committed in their name.

“The Taliban stands at a crossroads. Either the society will become more stable and a place where every Afghan enjoys freedom and human rights, or it will become increasingly restrictive,” he said.

“If benchmarks are met such as the urgent opening of secondary schools for girls, the establishment of an inclusive administration that genuinely represents every segment of the Afghan society, and a platform is provided for dialogue and avenues for redressing grievances, the risks of further instability and suffering in Afghanistan may be mitigated.”

While in Afghanistan, Bennett met with Taliban leaders and civil society representatives, including women human rights defenders, as well as journalists, minorities, victims of human rights violations, people with disabilities, and judicial members.

The invitation by the de facto authorities allowed the UN expert access to the entire territory, and to visit sensitive locations, such as schools, hospitals, and prisons, reflecting what he called a crucial commitment to ensure that transparent monitoring could be undertaken.

Bennett noted that armed hostilities in many parts of the country had ceased, with a reduction in conflict-related casualties since the Taliban takeover last August. The recent establishment of a commission for the return of leading Afghan personalities may provide an opportunity for dialogue, and potentially strengthen governance, he added.

Although the granting of the general amnesty to officials of the former Government and members of the security forces could be a first step toward reconciliation, he was alarmed about reports of ongoing extrajudicial and revenge killings of former members of the security forces and officials, and door-to-door searches.

Addressing the ongoing humanitarian and economic crisis, Bennett called on the international community to continue to provide support to Afghanistan, and to ensure equitable and gender-sensitive aid distribution.

Governments also should ensure that the implementation of sanctions does not substantially hamper the provision of essential public services.

Bennett also expressed alarm that many of the de facto authorities' policies and drive for absolute control, are having a cumulative effect on a wide range of human rights. They also are creating a society ruled by fear.

The advancing erasure of women from public life was especially concerning, he said, citing measures such as the suspension of girls' secondary education, severe barriers to employment, enforcing a strict form of Hijab, or body covering, and limits on freedom of movement, association, and expression.

"I call upon the de facto authorities to immediately reverse policies and directives that negatively impact women as well as to prioritize women's and girls' rights to equal participation in education, employment, and all other aspects of public life," he said.

The rights expert also called for investigations into a series of attacks on places of worship and schools in Kabul, Kunduz, and Balkh provinces, some of which have been claimed by the ISIS-K terrorist group.

He said such attacks, which specifically target members of the Hazara, Shia, and Sufi communities are becoming increasingly systematic in nature and reflect elements of an organizational policy, thus bearing hallmarks of crimes against humanity.

Recently, Panjshir and other northern provinces have seen clashes between the de facto security forces and fighters affiliated with the National Resistance Front, an anti-Taliban group.

Bennett was concerned about allegations that civilians have suffered violations of international human rights law and international humanitarian law, including arbitrary arrests, extrajudicial killings, torture, and forced displacement.

The high number of reports of intimidation, harassment, attacks, arrests, and in some cases killing or disappearance of journalists, prosecutors, judges, and civil society members, was another serious concern, he said.

Special Rapporteurs like Bennett monitor and report on specific country situations or thematic issues in all parts of the world.

These independent experts receive their mandates from the UN Human Rights Council and serve in their individual capacity.

They are not UN staff, and they are not paid for their work.

Bennett was appointed in April and will deliver his first report to the Council in September.

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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)**

**Reparations unlikely for victims of Pol Pot's regime in Cambodia (UCA News)**

By Luke Hunt

May 24, 2022

**Hopes of financial compensation for survivors of Pol Pot's brutal regime that ruled Cambodia with an iron fist between 1975 and early 1979 are becoming less likely as the Khmer Rouge Tribunal continues to wind down.**

The Extraordinary Chambers in the Courts of Cambodia (ECCC), which was sworn in 16 years ago and charged with prosecuting senior leaders of the regime for unleashing one of the worst mass killings in the 20th century, could secure only three guilty verdicts for crimes against humanity and genocide.

"Compensation could only work with a complete acknowledgement of responsibility," said Ou Virak, president of the Phnom Penh-based Future Forum think tank. "There are far too many people who remained in power and too many powerful countries that need to be held accountable."

Since the tribunal was only responsible for pursuing crimes inside Cambodia during the four-year regime, it meant China, which backed Pol Pot, and America's involvement in the Indochina wars were not a consideration amid the mountains of evidence.

Instead, genocide museums, memorials, stupas and education programs will make up the legacy to be left behind by the ECCC. "Global investment in genocide museums here in Cambodia, potentially funded by countries who want to salvage their souls, could be a good starting point," said Ou Virak

Most senior leaders of the Khmer Rouge died violently or behind bars, either awaiting their trial or following their conviction. Only Khieu Samphan, the former head of state, remains alive and in jail awaiting his appeal for a genocide conviction. If that is overturned, he will remain behind bars for a previous conviction and his role in the deaths of around two million people, more than quarter of Cambodia's population.

Efforts to prosecute lesser-ranking Khmer Rouge commanders were thwarted by disputes between international and local lawyers working for the court that proved impossible to resolve. Many of those commanders have retired to a quiet life and some still hold political connections.

Under Cambodian law, civil parties can claim compensation in criminal cases for damages they suffered from the crimes being tried. But any fiscal compensation would have to be provided by the Cambodian government, Western or Chinese donors, however unlikely.

ECCC spokesman Neth Pheaktra said reparations acknowledged by the tribunal were solely collective and moral in nature, adding that the court's legal framework was not capable of providing individual monetary compensation.

"They seek to provide judicial recognition to victims of the Khmer Rouge, assist survivors to restore their dignity, heal trauma and injuries suffered by victims, and preserve their collective memories," he said.

Some academics have argued strongly for financial reparations.

A 2008 survey by the Berkeley Human Rights Center found that 12 percent of Cambodian respondents wanted economic measures as part of compensation packages while just 10 percent asked for memorials and commemorations.

All surveys indicated justice for lost relatives and international recognition for the crimes committed under Pol Pot were among the top priorities.

Hao Duy Phan, a research fellow at the Institute of Southeast Asian Studies, suggested in the East Asia Law Review that NGOs could "act as coordinators working with the government in assisting the victims and mobilizing financial resources."

A later survey by the Berkeley Human Rights Center indicated that attitudes had changed, with most people backing symbolic measures such as museums and public ceremonies.

Helen Jarvis, former chief of the Public Affairs Section from the ECCC's inception until June 2009 and then head of the Victims Support Section, said she supported a wide range of collective and moral reparations for all victims.

This included ceremonies, memorials, recognition, maintenance of archives and documentation, access to mental and physical

health and welfare support, as well as special recognition for all those who participated in the ECCC process as civil parties.

“It is clearly impossible to give individual financial compensation to every one of the millions of Khmer Rouge survivors and their descendants who can also establish harm as a victim,” she said.

But she felt that all eligible elderly or needy victims should be entitled to assistance under the National Social Security Fund, including non-citizens who can establish that they also suffered harm from the Khmer Rouge.

Cambodia has the means of allocating funds after initiating its first social welfare system early last year as part of financial measures introduced to protect the poor, about 17 percent of the population, against the economic crunch that accompanied the Covid-19 pandemic.

Ou Virak said more education investment about this part of Cambodia’s history, and a truth and reconciliation commission, would also be welcome contributions.

“Other forms of compensation could be in stupas and memorials at various locations to acknowledge the atrocities that have taken place, and as a reminder to the world we have failed these victims,” he said.

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## **Bangladesh International Crimes Tribunal**

### **Moulvibazar: Three to hang for war crimes (United News of Bangladesh)**

May 19, 2022

#### **The International Crimes Tribunal in Moulvibazar on Thursday sentenced three men to death for their involvement in crimes against humanity during the 1971 Liberation War.**

The three-member Tribunal, led by Justice Md Shahinur Islam, handed down the punishment to Abdul Aziz alias Habul, Abdul Mannan alias Monai and Abdul Matin, after holding them guilty of murder, rape, looting, arson, torture and kidnapping. Of them, Matin was tried in absentia.

Lawyers M Sarwar Hossain and Abdus Sattar Paloyan appeared for the convicts, all residents of the district, while prosecutors Muklesur Rahman Badal and Sabina Yasmin Khan Munni represented the state.

According to the prosecution, the investigation agency of the tribunal started a probe against the three convicts on October 16 in 2014.

On November 14 in 2016, the investigation was completed. On February 29 of that year, the tribunal issued arrest warrants against the three.

Police arrested Abdul Mannan and Abdul Aziz on March 1 of the same year. On the following day, the two were produced before the Tribunal and sent to judicial custody.

In November 2016, the tribunal's investigating agency submitted the chargesheet against the three accused. On May 15 of the year, the tribunal framed charges against them and started the trial.

### **3 sentenced to death for war crimes in Naogaon (The Business Standard)**

May 31, 2022

#### **The International Crimes Tribunal of Bangladesh on Tuesday sentenced three – Md Rezaul Karim alias Montu, Md Shahid Mandol, and Md Nazrul Islam – to death for committing crimes against humanity in Naogaon during the Liberation War in 1971.**

The three-member tribunal, headed by Justice Md Shahinur Islam, gave the verdict, finding them involved in murder, abduction, plunder and other inhumane acts.

Convicted in absentia, Md Nazrul Islam is absconding, while the two others are behind bars. A fourth person accused in the case, Ishak Ali, died in jail before the trial started.

The Tribunal, in its verdict, said Rezaul Karim was a student of Rajshahi University during the Liberation War and an active member of Jamaat-e-Islami. He was enrolled in the Razakar force and led a camp in his locality.

The three others convicted, joined the force under the leadership of Rezaul Karim and were involved in committing atrocities.

The investigation Agency of the Tribunal launched a probe against them in 2016, framing case charges in early 2019.

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## **War Crimes Investigation in Myanmar**

### **A Tale of Two Genocide Cases: International Justice in Ukraine and Myanmar (East Asia Forum)**

By Juliette McIntyre

May 26, 2022

**The International Court of Justice (ICJ) is dealing with two very different cases under the Genocide Convention — one against Myanmar and one against Russia. The way that the defendant states have responded to the cases reveals much about the strengths and limits of international justice mechanisms in addressing global atrocities.**

In the first case, filed in November 2019, The Gambia alleges that Myanmar is responsible for committing genocide against the Rohingya ethnic minority during ‘clearance operations’ in Rakhine State in 2017. During these operations, which resulted in the exodus of 740,000 mostly Rohingya refugees to Bangladesh, Myanmar’s military forces committed serious human rights violations including mass killings, torture and rape, and the destruction of homes and mosques. In December 2019, the ICJ heard arguments on whether to grant an interim order for provisional measures under Article 41 of the Court’s Statute — a hearing notorious for the appearance of former state counsellor Aung San Suu Kyi as the Agent for Myanmar. The Court’s unanimous order, issued in January 2020, required Myanmar to ‘to take all measures within its power to prevent the commission of all acts’ of genocide against members of the Rohingya group in its territory.

Myanmar was also required to report back to the ICJ ‘on all measures taken to give effect’ to this order within four months and then every six months until a final decision on the case was reached. In compliance with the order, Myanmar submitted its first report on 22 May 2020 and a second on 23 November 2020.

In February 2021, the Myanmar military staged a coup, which led to Aung San Suu Kyi’s jailing and a bloody crackdown on the military’s political opponents and civilians. But the military government has continued its engagement with the ICJ proceedings. Ko Ko Hlaing, Union Minister for International Cooperation under the junta, appeared as the agent for Myanmar at a second round of hearings in February 2022, along with Attorney General Thida Oo.

The second case derives from Russian President Vladimir Putin’s assertion that Ukraine’s government and military committed genocide against Russian speakers in the Luhansk and Donetsk oblasts of eastern Ukraine. He has made this allegation several times since 2015, but most poignantly on 23 February 2022 as one of the justifications for Russia’s invasion of Ukraine the following day.

Ukraine applied to the ICJ for an order that Russia’s aggressive war could not be justified based on false claims of genocide. This is a ‘negative genocide’ case where Ukraine will have to establish that it has not committed genocide in the Donbas to deny Russia’s legal explanation for the invasion any legitimacy. During the arguments on whether to grant an interim order for provisional measures, Russia did not appear before the ICJ or submit any proper pleadings. Instead, the Russian government announced on Twitter that ‘in light of the apparent absurdity of the lawsuit, we decided not to attend it’.

In cases of non-appearance, the ICJ is obliged to ensure that any claims made are well-founded and will sometimes bend over backwards to ensure fairness to the absent party. Even so, in mid-March, the ICJ found in favour of Ukraine and issued a

provisional measures order. It accepted as plausible Ukraine's argument that it had a right under the Genocide Convention not to be subjected to a false claim of genocide, which is then used as a basis for using force against it. The judgment was not unanimous — the Russian and Chinese judges voted against key provisions. But the ICJ held that Russia was required to immediately suspend its military operations in Ukraine. Russia has not complied with this order, marking a key difference from the Myanmar case.

The Gambia, Myanmar, Ukraine and Russia are all parties to the Genocide Convention, which provides that disputes relating to the 'interpretation, application or fulfilment' of the treaty shall be submitted to the ICJ. Provisional measures orders issued by the ICJ are binding on the parties to the proceedings.

For Myanmar, there was no significant cost of non-compliance. The Rohingya pogrom and exodus occurred in 2017, long before the ICJ case and resultant ruling. But for Russia, compliance would mean effectively cancelling the invasion of Ukraine — clearly not in Putin's interest.

Myanmar is a small state while Russia is nuclear-armed, a permanent member of the United Nations Security Council and provides the European Union with most of its energy needs. For Myanmar's military junta, continued participation in the ICJ proceedings provided some benefits. It contributed to the military's diplomatic efforts to convince both international and domestic audiences that it is the legitimate government. Russia needs no license from the ICJ to establish itself as a key actor on the international stage.

An extended ICJ proceeding may also result in evidence being presented of ongoing Russian war crimes, crimes against humanity and potentially genocide. For Putin it is better to let the case conclude quickly and ignore the decision.

The tale of these two genocide cases demonstrates the gaps between international law, international justice, and the actions of powerful states.

As these two ICJ cases show, major international actors, particularly those who pay lip service to the 'rules-based order', must ensure that they fully respect international law so that future belligerents have fewer grounds to justify their aggression.

**Myanmar: Military Onslaught in Eastern States Amounts to Collective Punishment (Amnesty International)**  
May 31, 2022

**Myanmar's military has been systematically committing widespread atrocities in recent months, including unlawfully killing, arbitrarily detaining and forcibly displacing civilians in two eastern states, Amnesty International said today in a new report.**

The report, "Bullets rained from the sky": War crimes and displacement in eastern Myanmar, found that Myanmar's military has subjected Karen and Karenni civilians to collective punishment via widespread aerial and ground attacks, arbitrary detentions that often result in torture or extrajudicial executions, and the systematic looting and burning of villages.

The violence in Kayin and Kayah States reignited in the wake of last year's military coup and escalated from December 2021 to March 2022, killing hundreds of civilians and displacing more than 150,000 people.

"The world's attention may have moved away from Myanmar since last year's coup, but civilians continue to pay a high price. The military's ongoing assault on civilians in eastern Myanmar has been widespread and systematic, likely amounting to crimes against humanity," said Rawya Rageh, Senior Crisis Adviser at Amnesty International.

"Alarm bells should be ringing: the ongoing killing, looting and burning bear all the hallmarks of the military's signature tactic of collective punishment, which it has repeatedly used against ethnic minorities across the country."

Post-coup surge in violence

For decades, ethnic armed organizations in Myanmar, including in Kayin and Kayah States, have been engaged in struggles for greater rights and autonomy. Fragile ceasefires in place in both states since 2012 broke down after the February 2021 coup, and new armed groups have emerged. In its operations, the military has relentlessly attacked civilians.

Some attacks appear to have directly targeted civilians as a form of collective punishment against those perceived to support an armed group or the wider post-coup uprising. In other cases, the military has fired indiscriminately into civilian areas where there are also military targets. Direct attacks on civilians, collective punishment, and indiscriminate attacks that kill or injure civilians violate international humanitarian law and constitute war crimes.

Attacks on a civilian population must be widespread or systematic to amount to crimes against humanity; in Kayin and Kayah

States, they are both, for crimes including murder, torture, forcible transfer, and persecution on ethnic grounds.

Unlawful strikes In its ongoing operations, Myanmar's military has repeatedly fired explosive weapons with wide-area effects into populated civilian areas. Dozens of witnesses told Amnesty International about barrages that lasted days at a time. The organization documented 24 attacks by artillery or mortars between December 2021 and March 2022 that killed or injured civilians or that caused destruction to civilian homes, schools, health facilities, churches, and monasteries.

For example, on 5 March 2022, as families were at dinner, the military shelled Ka Law Day village, Hpapun Township, Kayin State, killing seven people, including a woman who was eight months pregnant. A close family member of four of the people who were killed said he had to sit in his house all night looking at the bodies, for fear of being injured by further shelling, before burying them in the morning.

Many people described the military's use of fighter jets and attack helicopters as particularly terrifying. Witnesses described not being able to sleep at night out of fear of air strikes, or fleeing to seek shelter in bunkers and caves.

Amnesty International documented eight air strikes on villages and an internally displaced persons (IDP) camp in eastern Myanmar in the first three months of 2022. The attacks, which killed nine civilians and injured at least nine more, destroyed civilian homes and religious buildings. In almost all documented attacks, only civilians appear to have been present.

In one case, at around 6pm on 23 February 2022, a fighter jet fired on Dung Ka Mee village, Demoso Township, Kayah State, killing two civilian men and injuring several others. Amnesty International interviewed two witnesses and a relative of one of the deceased as well as an aid worker who responded after the attack. They said there was no fighting that evening and that the nearest armed group base was a mile or more away.

A local resident, a 46-year-old farmer who witnessed the attack, said the military aircraft made three passes, firing guns and a rocket:

"When that fighter jet was flying toward us in a nose-down position, I was numb... When they fired the rocket, I got myself together and realized I had to run [to a bunker]... We were shocked to see the dust and debris come towards us... There is a two-story building... The family lives upstairs and the downstairs is a mobile phone store. This building collapsed and it was also on fire."

Another witness, a 40-year-old farmer, saw the remains of a neighbour's body:

"We couldn't even put them in a coffin, we put them in a plastic bag and buried them. People had to pick up the body pieces and put them in a bag." In another incident, the military carried out an air strike on Ree Khee Bu IDP camp at around 1am on 17 January 2022, killing a man in his 50s as well as 15- and 12-year-old sisters.

#### Extrajudicial executions

The report documents how Myanmar's military carried out arbitrary detentions of civilians on the basis of their ethnicity or because they were suspected of supporting the anti-coup movement. Often, detainees were tortured, forcibly disappeared or extrajudicially executed.

In one of many cases where soldiers extrajudicially executed civilians who ventured out from displacement sites to collect food or belongings, three farmers from San Pya 6 Mile village in Kayah State went missing in January 2022. Their decomposed bodies were found in a pit latrine around two weeks later.

The brother of one of the victims said he identified the men by their clothes and the state of their teeth. Soldiers fired on him and others as they tried to retrieve the bodies; they could only return to finish the burial a month later.

In a massacre that prompted rare international condemnation, soldiers near Mo So village in Kayah State's Hpruso Township reportedly stopped at least 35 women, men and children in multiple vehicles on 24 December 2021, and then proceeded to kill them and burn their bodies. Doctors who examined the bodies reportedly said many of the victims had been tied up and gagged, bearing wounds suggesting they were shot or stabbed.

Amnesty International maintains that the incident must be investigated as a case of extrajudicial executions. Such killings in armed conflict constitute war crimes.

Witnesses also described Myanmar's military shooting at civilians, including those attempting to flee across a river along the border with Thailand.

#### Looting and burning

Following a pattern from past military operations, soldiers have systematically looted and burned large sections of villages in Kayin and Kayah States. Witnesses from six villages reported having items including jewellery, cash, vehicles and livestock stolen, before homes and other buildings were burned.

Four men who fled Wari Suplai village, on the border of Shan and Kayah States, said they watched from nearby farmland as houses went up in flames after most villagers fled on 18 February 2022. They told Amnesty International that the burning went on for days, destroying well over two-thirds of the houses there. “It’s not a house anymore. It’s all ashes — black and charcoal... It’s my life’s savings. It was destroyed within minutes,” said a 38-year-old farmer and father of two young children.

Amnesty International’s analysis of fire data and satellite imagery shows how villages were burned, some of them multiple times, in parts of Kayah State. The burning directly tracks military operations from village to village in February and March 2022.

A defector from the military’s 66th Light Infantry Division, who was involved in operations in Kayah State until October 2021, told Amnesty International that he witnessed soldiers looting and burning homes: “They don’t have any particular reason [for burning a specific house]. They just want to put the fear in the civilians that ‘This is what we’ll do if you support [the resistance fighters].’ And another thing is to stop the supply and logistics for the local resistance forces... [Soldiers] took everything they could [from a village] and then they burned the rest.”

The violence has caused the mass displacement of more than 150,000 people, including between a third and a half of Kayah State’s entire population. In some cases, entire villages have been emptied of their populations; at times, civilians have had to flee repeatedly in recent months.

Displaced people are enduring dire conditions amid food insecurity, scant health care — including for the conflict’s enormous psychosocial impact — and ongoing efforts by the military to obstruct humanitarian aid provision. Aid workers spoke of growing malnutrition and increasing difficulties in reaching displaced people due to the ongoing violence and military restrictions. “Donors and humanitarian organizations must significantly scale up aid to civilians in eastern Myanmar, and the military must halt all restrictions on aid delivery,” said Matt Wells, Amnesty International’s Crisis Response Deputy Director — Thematic Issues.

“The military’s ongoing crimes against civilians in eastern Myanmar reflect decades-long patterns of abuse and flagrant impunity. The international community — including ASEAN and UN member states — must tackle this festering crisis now. The UN Security Council must impose a comprehensive arms embargo on Myanmar and refer the situation there to the International Criminal Court.”

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## AMERICAS

### North & Central America

#### **Launch of the Atrocity Crimes Advisory Group (ACA) for Ukraine (U.S. DoS)**

By Anthony J. Blinken

May 25, 2022

**The United States, along with the European Union and the United Kingdom, has created the Atrocity Crimes Advisory Group (ACA). This joint initiative will directly support the efforts of the War Crimes Units of the Office of the Prosecutor General of Ukraine (OPG) to document, preserve, and analyze evidence of war crimes and other atrocities committed in Ukraine, with a view toward criminal prosecutions. As we launch this initiative, the Department of State will continue to work closely with the Department of Justice and other partners to support the pursuit of justice and**



**accountability. As the recent joint statement issued by the Attorney General and his international counterparts makes clear, we are united across the globe in our resolve to hold perpetrators responsible.**

Evidence of atrocities by members of Russia's forces in Ukraine continues to mount. Initially, this violence took the form of bombardments and missile and artillery strikes hitting densely-populated cities and towns, causing thousands of civilian deaths and destruction of civilian infrastructure. Later, when journalists, human rights defenders, and Ukrainian officials gained access to areas following the retreat of Russia's forces, we saw reports of violence of a different order - credible reports of unarmed civilians shot in the back; individuals killed execution-style with their hands bound; bodies showing signs of torture; and horrific accounts of sexual violence against women and girls. Most recently, credible reports are emerging of Ukrainian children being forcibly transferred out of the country.

The establishment of this multilateral accountability effort, therefore, comes at a critical time. The ACA will provide strategic advice and operational assistance to the War Crimes Units of the OPG, the legally constituted authority responsible for prosecuting war crimes and other atrocities in Ukraine. Although the United States and our partners are supporting a range of international efforts to pursue accountability for atrocities, the OPG will play a crucial role in ensuring that those responsible for war crimes and other atrocities are held accountable. The ACA is an essential element of the United States' commitment that those responsible for such crimes will be held to account.

The ACA's assistance to the War Crimes Units of the OPG includes expanded funding for the work of a multi-national team of international prosecutors and other war crimes experts already deployed to the region. This interdisciplinary team is providing strategic advice and operational assistance in areas such as collection and preservation of evidence, military analysis, investigation of conflict-related sexual violence, and co-operation with international and national accountability mechanisms. In this regard, the ACA will liaise with the Department of Justice as it pursues accountability in U.S. courts.

The ACA will streamline coordination and communication efforts to ensure best practices, avoid duplication of efforts, and encourage the expeditious deployment of financial resources and skilled personnel to respond to the needs of the OPG. The ACA's engagement with the OPG and other justice, law enforcement, and security agencies of Ukraine has been, and will continue to be, driven by the needs of the Ukrainian government, and the parameters of its support will be developed in close consultation with the OPG.

We look forward to working with Madame Prosecutor General Iryna Venediktova to further the cause of justice for the people of Ukraine. At the same time, our Department of Justice and other law enforcement agencies will be vigilant in doing our part to promote accountability for the war crimes and other atrocities being committed by Russia's forces.

### **Canada gives \$1M to investigate Russian sex crimes in Ukraine (Global News)**

By Marie Woolf

May 26, 2022

#### **Canada is committing an extra \$1 million to help the international community investigate sex crimes by Russian troops in Ukraine.**

Foreign Affairs Minister Melanie Joly said Canada would give the extra funds to the International Criminal Court to help it investigate sexual violence toward women, and also crimes against children.

Ten RCMP officers, and Canadian civilian law enforcement experts, are helping to investigate war crimes in Ukraine, including sexual violence by Russian troops.

Global Affairs Canada said the extra money could be used to help fund specialist sexual violence investigations and to protect victims who may be witnesses in war-crimes cases.

The funds may also be used to provide psychological support for victims.

Joly said it was important that Russian troops who have used sexual violence against Ukrainians be brought to justice.

"Canada condemns in the strongest terms the use of conflict-related sexual violence and we will continue to work with partners such as the ICC to end impunity for these heinous crimes," she said in a statement.

"Those who commit sexual violence in conflict situations must be held to account."

At a meeting in Ottawa earlier this month with Ann Linde, Sweden's foreign minister, Joly discussed the need to treat Russian troops using sexual violence as a weapon as war criminals.

Speaking to reporters after the meeting, Joly said 10 RCMP officers would help gather evidence of rape and sexual violence by

the Russian military.

Linde said Sweden has also sent "experts on investigating sexual and gender-based crime" to help the ICC with its war crimes investigation. They are interviewing refugees - "mainly women and girls and children," she said - as witnesses.

Ukraine's ambassador designate to Canada told members of Parliament earlier this month that Russia is using sexual violence against women and children as a weapon of war.

Yulia Kovaliv told the House of Commons foreign affairs committee on May 2 that Ukraine is compiling "horrific documented evidence" of war crimes.

"The horror is that children are victims of these sexual crimes, which are done (before) the eyes of their parents," Kovaliv said. "Sexual crimes is part of the Russian weapon (against) Ukraine."

### **Victim of a massacre, his call for help is ignored by the Canadian government (Cision)**

May 30, 2022

**The Minister of Justice and Attorney General of Canada, David Lametti, today refused to meet with Ramiro Osorio Cristales, one of the only survivors of a terrible massacre in Guatemala. Mr. Osorio Cristales, a Canadian citizen, has long demanded that Canada try Jorge Vinicio Sosa Orantes, an alleged war criminal who has been accused of actively participating in the massacre and who now lives in Canada, having obtained Canadian citizenship.**

Lawyers Without Borders Canada (LWBC), which is accompanying Mr. Osorio Cristales and the Guatemalan association of relatives of the victims of the massacre (Familiares de desaparecidos de Guatemala - FAMDEGUA) in their quest for justice, was also present in Ottawa, on his behalf and as a representative of the Canadian Partnership for International Justice (CPIJ), to call on Minister Lametti to act. The Minister has the authority - indeed the duty - under the Crimes Against Humanity and War Crimes Act, as outlined in a statement supported by 20 organizations which was prepared by LWBC in collaboration with CPIJ.

In 1982, the special unit in which Mr. Sosa Orantes was an officer who entered the Guatemalan village of Las Dos Erres and massacred almost the entire civilian population, systematically exterminating men, women, infants, and children. Ramiro Osorio Cristales, then five years old, was one of only two survivors of this massacre.

In the statement, LWBC, CPIJ and the 20 supporting organizations call on:

the Crimes Against Humanity and War Crimes Program to review and document all allegations against Jorge Vinicio Sosa Orantes and to submit a request to the Attorney General of Canada to authorize a prosecution under the Crimes Against Humanity and War Crimes Act; the Attorney General of Canada to consent to the prosecution of Jorge Vinicio Sosa Orantes for war crimes and crimes against humanity committed during the massacre of Las Dos Erres; the Canadian government to assume its responsibilities towards alleged war criminals in Canada by activating its Crimes Against Humanity and War Crimes Program and ensuring that it has the necessary means to implement Canada's obligations to fight impunity for crimes against humanity and war crimes. Between June and August 2021, LWBC and CPIJ made numerous calls to the government to take action on this issue. These calls went unanswered.

Canada was one of the first countries to support investigations into crimes against humanity and war crimes committed in Ukraine since the Russian invasion. This strong commitment to international criminal justice must be equally strong in Canada. It is time for the Canadian government to act with courage by taking concrete steps to bring Mr. Sosa Orantes to justice. It is not acceptable that Mr. Sosa Orantes - who Canada itself says has committed crimes against humanity - continues to live freely on Canadian soil without being held accountable for these crimes.

#### Quotes

"I fled to Canada to live in safety, which I have been able to do for the past twenty years. This is no longer the case, one of the criminals who massacred my family, my friends, my village, lives freely in the country. Today, I am confident that the Canadian government will do the right thing: I ask the Minister of Justice, Mr. David Lametti, to initiate criminal proceedings against Jorge Vinicio Sosa Orantes."

- Ramiro Osorio Cristales, survivor of the Las Dos Erres massacre

"Last June, we asked the government to act on the case of Jorge Vinicio Sosa Orantes. Almost a year later, we are still waiting for the government to act. Today, 20 organizations are joining Lawyers Without Borders Canada in calling for the same thing. Simply revoking citizenship is not enough. To truly fight impunity, Canada must take its responsibilities and bring Jorge

Vinicio Sosa Orantes to justice to face charges of crimes against humanity.

- Pascal Paradis, Executive Director of LWBC

"As one of the first states to enact legislation to prosecute international crimes within its borders, Canada has all the tools at its disposal to investigate, charge and provide adequate recourse to victims of international crimes. Whether it is the Las Dos Erres massacre or other atrocities elsewhere in the world, all that is missing is the political will to give the Crimes Against Humanity and War Crimes Program the resources and authority it needs to fully realize the promises Canada has made since the creation of the International Criminal Court in 1998."

- Professor Fannie Lafontaine, Director of CPIJ

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## Commentary and Perspectives

### **Will Zambia Protect Children from Kabwe's Toxic Legacy? (Human Rights Watch)**

May 20, 2022

**"Janet" is a 4-year-old girl from Kabwe in Zambia's Central Province who suffers from frequent headaches. She is unusually small for her age and often has difficulty remembering things. Recent blood tests have shown that she has extremely high lead levels in her blood, which would be consistent with her symptoms. Her mother is both worried about her daughter's long-term health as well as angry, and says she wants to fight against the now closed lead and zinc mine that has made her daughter sick.**

Kabwe is the site of a mine and smelter that polluted the environment with extremely high levels of toxic lead from 1904 to 1994. The mine was originally owned by British colonial companies, including Anglo American, and later nationalized by Zambia. It was closed in 1994, but the mine's waste was never cleaned up, and even now, open waste dumps continue to pollute nearby residential areas such as Kasanda, Chowa, and Makululu.

As a result, tens of thousands of children in these areas are at acute risk of severe illness and have some of the highest blood lead levels in the world. Medical researchers estimate that over 95 percent of children living near the former mine have elevated blood-lead levels, and about half of them have blood lead levels past a threshold requiring urgent medical intervention.

The United Nations Committee on the Rights of the Child, an international expert body, will examine the state of children's rights in Zambia on 23 and 24 May. The Committee's session is part of its country review system, checking how well the Zambian government puts into practice its duties under the UN Convention on the Rights of the Child, which it has ratified.

We have spoken to Kabwe residents about the devastating impact of the contamination on people's lives. Parents in Kabwe's affected neighborhoods have told us that they are scared about their children's health and feel helpless because there is little government support. Their fears are not unfounded. Some parents have found that their children have serious difficulties concentrating and retaining information in school—memory loss and lack of concentration are typical symptoms for lead exposure. Lead can also cause hearing loss, vision loss, high blood pressure, developmental delays, and even coma, convulsions, and death. Children are especially at risk.

A group of teenagers and young adults in Kabwe has decided to speak out on the problem of lead pollution and formed a youth group to push for change. Janet's mother has joined the group. They work with Zambian civil society groups and the Catholic Church to advocate for a full clean-up and restoration of people's rights. Several Kabwe residents have also joined a class action lawsuit in South Africa against Anglo American.

Children are suffering serious violations of their rights to health and to a healthy environment in Kabwe. We hope that the situation in Kabwe will be a priority in the UN Committee's deliberations. The Zambian government should develop a plan for a comprehensive clean-up of the former mine site to remove or contain the toxic mine and smelter waste. As a first step, the

government should commission a technical plan and budget that lays out what successful remediation would look like for Kabwe.

In addition, all affected residential areas in Kabwe need to be cleaned up, all children in need should have access to quality affordable treatment for lead poisoning, and ongoing small-scale mining in lead-contaminated waste piles poses a serious health hazard and should be prohibited. Finally, those who have suffered adverse impacts on their rights should have access to a remedy, including compensation.

The government of Zambia, with a World Bank loan, is currently undertaking some efforts to address the problem. The Zambia Mining and Environmental Remediation and Improvement Project is testing and treating children-including Janet-and cleaning up a small number of homes, a school, and a highly polluted canal. While these are important steps, they do not tackle the source of the contamination, the mine waste itself. As long as the waste is not cleaned up, other measures are not sustainable, and any progress made will quickly be reversed.

A strong recommendation from the UN Committee on the Rights of the Child toward comprehensive remediation of the mine waste could help protect the future of children in Kabwe-including Janet.

### **'Global crisis' of violence: 161 healthcare workers were killed last year, study finds (The Gaurdian)**

By Nicola Kelly

May 24, 2022

#### **Violence against healthcare workers has become a "global crisis", with 161 medics killed and 188 incidents of hospitals being destroyed or damaged last year, according to a new report.**

Data collected from 49 conflict zones by the Safeguarding Health in Conflict Coalition (SHCC), also found that 320 health workers were wounded in attacks, 170 were kidnapped and 713 people were arrested in the course of their work.

The US-based group said on Tuesday that, although the total number of attacks was similar to those recorded in recent years, there had been an increase in violence in areas of new or renewed conflict in 2021, "underlining the fact that attacks on healthcare are a common feature in many of today's conflicts".

Leonard Rubenstein, chair of the coalition and a professor at Johns Hopkins University's school of public health, said: "The world's attention has understandably focused on Russia's invasion and its apparent strategy of targeting hospitals and ambulances, with more than 200 attacks on healthcare in Ukraine confirmed by the World Health Organization through [to] the end of April. Such violence against nurses, doctors and other health workers, however, takes place throughout the world and amounts to a global crisis."

In Afghanistan, the coalition recorded an increase in reported violence last year compared with 2020, after the takeover of the Taliban. The attacks included the death of a prominent surgeon who was killed while travelling in the country's Baghlan province in February 2021.

In Ethiopia's Tigray region, where the federal government is fighting the Tigray People's Liberation Front, 79% of health facilities have been destroyed since the conflict began in November 2020 and only 3% remain fully functional.

The SHCC found that 30 health facilities were damaged in Gaza last year, and in Myanmar, the public health system has all but collapsed since the coup in February 2021, with more than 300 health workers arrested.

The group said the figures, drawn from governments, media reports, international organisations and aid agencies, were likely to be a significant underestimate, due to underreporting from many countries around the world - in particular those that have experienced internet shutdowns.

Christina Wille, director at Insecurity Insight, which led the data collection and analysis, said: "Violence against healthcare resulted in widespread impacts on public health programmes, vaccination campaigns and population health, contributing to avoidable deaths and long-term consequences for individuals, communities, countries and global health writ large."

The report calls for the UN security council to refer credible reports of attacks on healthcare, which are considered war crimes, to the international criminal court, for governments to use their powers to prosecute these crimes, and for military leaders to review and reform practices and provide training to prevent attacks.

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# Aiding and Abetting

## **EU Needs to Hold Hungary to Account (Human Rights Watch)**

By Kerstin McCourt

May 20, 2022

**On Monday, EU ministers will discuss, for the fourth time, the systematic breakdown of the rule of law in Hungary. This scrutiny, under the process laid out in article 7(1) of the founding treaty of the EU, has been slow and lackluster. Meanwhile, fundamental rights continue to deteriorate in Hungary as its autocratic government entrenches power and jeopardizes the EU bloc's unity.**

This hearing is the first since FIDESZ, the right-wing populist party, won its fourth successive term when re-elected in April under the leadership of Viktor Orbán. The party won a landslide victory, in a contest where information was dominated by the government, leading the OSCE's election observation mission to conclude the elections were "marred by the absence of a level playing field."

The article 7(1) process, which could ultimately lead to the suspension of Hungary's voting rights, involves a structured discussion and timetable for recommendations. To date, four years after triggering the process, no recommendations have been tabled. This hearing needs to lead to a concrete plan and deadline for recommendations.

In previous years, the EU has also used other instruments in its toolbox, but not to their full potential.

The Commission has also launched, for the first time, rights-based legal actions against the Hungarian government. This led to precedent setting judgments from the EU's Court of Justice on freedom of association and academic freedom. But the Commission's failure to ask the court to accelerate procedures and demand a halt of violations has meant that irreversible harm was done. Hungary also failed to adequately implement the judgments, and the court has imposed fines on just one case. Currently, only two new cases - on media freedom and free expression related to LGTBQI rights - have completed the pre-litigation phase, but the Commission has delayed in referring them to the court.

After a long delay, and following a legal challenge by Hungary and Poland, the newly-created Rule of Law Conditionality Mechanism was eventually activated against Hungary on April 27. The mechanism is designed to protect the EU budget against corruption and use of funds amid rule of law violations, but it won't address wider state capture of public funds. Used with diligence and in conjunction with the other tools, it has the potential to push Hungary to enact reforms.

The time for hesitant half measures is over. To ensure genuine reforms and a reopening of spaces for independent civic engagement, a bold, concerted, and timebound approach is needed.

## **Myanmar: Japan-Trained Officer Among Abusive Forces (Human Rights Watch)**

May 22, 2022

**A Myanmar air force lieutenant colonel who received military training in Japan is deployed with forces that have been implicated in serious abuses in Myanmar's central Magway Region, Human Rights Watch and Justice For Myanmar said today. The Japanese government should immediately halt its training program and investigate whether other program participants are involved in operations involving laws-of-war violations.**

Myanmar Air Force Lt. Col. Hlwan Moe received training at Japan's Air Command and Staff College from August 2016 to March 2017, according to the All Japan Defense Association and a defense ministry document. A media outlet reported that Hlwan Moe is a deputy commander, and two well-connected sources said he is based at Magway Air Base. Heavy fighting in the Magway Region since the February 2021 coup, including armed clashes and airstrikes, has displaced over 50,000 civilians. The Myanmar military has committed summary executions, arson, and other abuses, including possible indiscriminate airstrikes in Magway, media have reported.

"The Myanmar military's long history of committing war crimes with impunity should have been enough evidence for Japan that its military training program was going to risk making Japan complicit in atrocities," said Teppei Kasai, Asia program officer at Human Rights Watch. "The Japanese government should give up its absurd, wishful thinking that its training program can change the Myanmar military's abusive culture."

Hlwan Moe's name, rank, position, and military ID 2321 are identified in a list of Myanmar air force personnel reportedly involved in airstrikes since 2021 that was leaked to Khit Thit Media, a Myanmar media group that published it in January 2022. Two sources with connections to Myanmar military personnel, who reviewed Hlwan Moe's photograph, confirmed his name, military ID and rank.

Since 2015, the Japanese government has accepted cadets and officers from Myanmar under article 100 of the Self-Defense Forces Act, which permits training and educating foreign nationals in Defense Ministry facilities with the defense minister's approval. In 2021, following the coup, Japan accepted two cadets and two officers. In 2022, Japan again accepted two cadets and two officers for training.

Human Rights Watch in December 2021 called on the Japanese government to immediately suspend the training program because it risks making Japan complicit in military atrocities. At the time, a Japanese Defense Ministry official replied that the ministry did not have any information about what the cadets and officers trained in Japan were doing once back in Myanmar.

During a parliamentary committee session on security on April 26, 2022, however, a Defense Ministry official said the defense ministry "knows to a certain extent" what "positions" they currently hold, but declined to disclose any details due to Japan's "relationship" with "the other country." For decades, the Myanmar military has been responsible for war crimes in long-running armed conflicts with ethnic armed groups, and crimes against humanity and acts of genocide against ethnic Rohingya in Rakhine State.

Since the February 2021 coup, junta security forces have carried out serious abuses including mass killings, torture, arbitrary arrests, and indiscriminate attacks on civilians that amount to crimes against humanity and war crimes. The security forces have killed over 1,800 people, including at least 130 children, and arbitrarily arrested over 13,000, according to the Assistance Association for Political Prisoners. The military has expanded abusive operations in ethnic minority areas and against anti-junta armed groups, displacing more than 550,000 people, while deliberately blocking aid to populations in need as a form of collective punishment.

The military has carried out targeted and indiscriminate attacks on civilians, including airstrikes and heavy artillery barrages, causing loss of life and property. Accounts from displaced people and aid workers suggest that the junta has continued to use the military's longstanding "four cuts" strategy, in which the armed forces maintain control of an area by isolating and terrorizing the civilian population. The United Nations special rapporteur on human rights in Myanmar, in his February report on government weapons sales to the Myanmar military, said that jet aircraft, attack helicopters, armored vehicles, light and heavy artillery, missiles, and rockets were being used against civilians.

Since the coup, the Japanese government has called for a restoration of democratic rule and the release of elected government officials, including Aung San Suu Kyi. On March 28, 2021, Japan's Defense Ministry issued a joint statement with 11 other countries criticizing the military's attacks against "unarmed civilians." The Japanese government halted new non-humanitarian Official Development Assistance (ODA) projects earlier in 2021 while allowing existing aid projects to continue. The Japanese Diet passed a resolution in June that condemned the coup and called for a "swift restoration of the democratic political system."

"It is inexcusable for Japan to continue to train cadets from the Myanmar military, knowing that it commits atrocity crimes," said Yadanar Maung, spokesperson for Justice For Myanmar. "Japan's cadet training program emboldens the junta and provides support to military personnel that may be used in the commission of crimes against the people of Myanmar. We call on the Japanese government to immediately halt these trainings and take concrete steps to stop the Myanmar military from committing grave violations, including ending business with the Myanmar military and its conglomerates."

### **Libya: Russia's Wagner Group Set Landmines Near Tripoli (Human Rights Watch)**

May 31, 2022

**New information from Libyan agencies and demining groups links the Wagner Group to the use of banned landmines and booby traps in Libya in 2019-2020, Human Rights Watch said today. The Wagner Group, a private Russian military security contractor with apparent links to Russia's government, backed Khalifa Hiftar's Libyan Arab Armed Forces (LAAF) in their attack on the Libyan capital, Tripoli. These mines killed at least three Libyan deminers before the mines' locations were identified.**

"The Wagner Group added to the deadly legacy of mines and booby traps scattered across Tripoli's suburbs that has made it dangerous for people to return to their homes," said Lama Fakih, Middle East and North Africa director at Human Rights Watch. "A credible and transparent international inquiry is needed to ensure justice for the many civilians and deminers unlawfully killed and maimed by these weapons."

Antipersonnel landmines, which are designed to be exploded by the presence, proximity, or contact of a person, violate international humanitarian law because they cannot discriminate between civilians and combatants. These victim-activated

weapons kill and maim long after conflicts end.

The prosecutor of the International Criminal Court (ICC), mandated since 2011 to investigate war crimes and other grave crimes in Libya, should examine the role of Libyan and foreign armed groups in laying antipersonnel mines during the 2019-2020 conflict. During his briefing to the United Nations Security Council in April 2022, the prosecutor reiterated that his office would make the Libya investigation a priority.

In August 2021, the BBC reported receiving an electronic tablet that had been left behind on the front lines in southern Tripoli and that they concluded belonged to a Wagner Group operative. The detailed information in the tablet suggests Wagner operatives played a role in placing antipersonnel landmines, the BBC said.

During a March visit to Tripoli, Human Rights Watch collected information from mine action groups that confirms that all 35 locations identified in the tablet were in fact mined, and that the Wagner Group was present in the mined areas at the time. Human Rights Watch also documented the deaths of three deminers attempting to dismantle some of these mines. The deminers did not have access to the tablet or the information contained in it. Human Rights Watch met with demining agencies and groups responsible for surveying and clearing Tripoli's southern suburbs. These included the Defense Ministry's Libyan Mine Action Center (LibMAC), which coordinates demining efforts of humanitarian groups on behalf of the government, Libyan and foreign civic groups including Free Fields, and demining specialists from the Ministry of Interior's Criminal Investigations Department.

The demining agencies and deminers provided Human Rights Watch with information that confirmed the BBC's findings on the tablet and that indicates that these mines were not just known to the Wagner Group, but that they were most likely responsible for placing them. A mine clearance specialist, who was present when two of the three deminers were killed, said that they were dismantling a mine placed under a sofa at the time. The specialist said that after the data from the tablet was shared, he was among the team tasked with clearing the explosives in eight of the 35 locations. He was able to use the precise coordinates identified in the tablet and in some cases information regarding the types of mines used in these locations, to assist in this clearance work.

The specialist said he found mines or other explosive devices at all eight locations he was tasked with clearing. He said in some cases they still needed to be dismantled, while in others the explosives had already gone off. He also showed Human Rights Watch images of scraps of paper in Russian that he found during his clearance work in southern Tripoli in houses and other locations controlled by Hiftar-allied forces before their withdrawal. The papers include lists of names and apparent schedules for shifts, lists of injured personnel, and lists with locations or coordinates, including one labeled "enemy."

The mines and booby traps found at the 35 coordinates were hidden inside homes and other structures, in some cases inside furniture and were often activated with a tripwire that was not visible. Mine experts told Human Rights Watch that the mines and booby traps apparently constructed by Wagner operatives were more sophisticated and lethal than those laid by Libyan, Sudanese, or Syrian groups.

According to LibMAC, of the 130 people killed and 196 injured in Libya between May 2020 and March 2022 by mines and other explosive ordnance, most were civilians in Tripoli's southern suburbs. The victims were between 4 and 70 years old, and included 299 men and boys, and 26 women and girls. The sex of one victim is unclear. A total of 78 casualties - 24 percent of the total recorded by LibMAC - were deminers.

Mine action groups said that by June 2020, when Hiftar's LAAF and allied forces including Wagner operatives withdrew from southern Tripoli suburbs after 14 months of fighting against groups allied with the former Tripoli-based Government of National Accord (GNA), they left behind many landmines and booby traps. These included at least four types of landmines that the mine action groups had not documented in Libya prior to this conflict, along with other victim-activated improvised explosive devices (IEDs). In addition, unexploded or abandoned ordnance contaminate some 720 million square meters (720 km<sup>2</sup>) in this area following the fighting.

On May 24, Human Rights Watch wrote to Russia's foreign minister to present the organization's findings and request information relating to the presence of Wagner Group operatives in Libya. Human Rights Watch asked the Foreign Ministry to clarify the military security contractor's role during the 2019-2020 conflict and affiliations with the LAAF, and for a response to allegations that Wagner Group operatives placed banned antipersonnel mines in the southern Tripoli suburbs. The Russian authorities have not replied.

Human Rights Watch attempted to find contact information for the Wagner Group or its management to share the report findings, but was unable to do so. All parties to Libya's armed conflicts are obligated to abide by the laws of war, which prohibit the use of weapons such as antipersonnel mines and booby traps that cannot distinguish between military targets and civilians. The 1997 Mine Ban Treaty further prohibits the use, stockpiling, production, and transfer of antipersonnel mines. The treaty also prohibits improvised victim-activated devices, including those made locally.



Libya should ratify the Mine Ban Treaty and commit to a comprehensive prohibition of use of antipersonnel mines, promote humanitarian mine action, and assist survivors, Human Rights Watch said. Libya should also grant access for a country visit to the UN Working Group on Mercenaries, pending since at least 2018, to enable it to get firsthand information on the impact of foreign fighters in Libya and identify challenges.

"Independent of an international inquiry, Libyan courts need to impartially investigate and appropriately prosecute commanders and fighters - including foreigners - for war crimes in Libya," Fakhri said.

Human Rights Watch is co-founder and chair of the International Campaign to Ban Landmines, 1997 Nobel Peace Co-Laureate.

#### Landmine Use and Demining in the 2019-2020 Conflict

The UN Libya Panel of Experts affirmed in a March 2021 report that private military operatives from the Wagner Group have been present in Libya since October 2018, assisting in the repair of military vehicles and participating in combat operations as well as extensive social media campaigns designed to support Hifter and his ground operations known as "influence operations." The Panel of Experts estimated that 800 to 1,200 Wagner Group operatives backed Hifter's forces in different observation, advisory, force protection, and combat roles. According to news reports, 200 Wagner Group operatives withdrew from Libya in April 2022.

The Independent Fact-Finding Mission on Libya (FFM), established by the UN Human Rights Council in June 2020 with a mandate to investigate violations of international human rights law and international humanitarian law committed in the country since 2016, found in its October 2021 report that the LAAF and the Wagner Group "may have violated the international humanitarian law principle of proportionality as well as the customary international humanitarian law obligations to minimize the indiscriminate effects of landmines and to remove them at the end of active hostilities." Unless renewed at the Human Rights Council, the mandate of the mission will expire in June 2022.

The electronic tablet left behind on the battlefield and provided to the BBC contained numerous Russian-language files and technical reference materials including maps of 35 coordinates that were labeled as locations of landmines and other explosive devices in Ain Zara, a southern Tripoli suburb. The tablet also contained around 130 diagrams of different types of mines and booby traps and instructions on emplacing them.

The maps indicated some of the type of mines placed in the mined area, which included the MON-50 and MON-200 directional fragmentation mines, and the OZM-72 bounding fragmentation mine. The maps were also labeled as "mined district" or "remote-controlled mine." Libyan armed groups are not known to have used MON-50, MON-200, or OZM-72: these mines had not been identified in Libya before the 2019-2020 conflict.

The tablet also identified code names of fighters, one of which the BBC matched to a Wagner Group operative previously identified in a leaked UN report. The BBC said it believed the tablet belonged to a Wagner operative based on the data it contained and the location where it was found, one where Wagner operatives were known to have been based.

LibMAC told Human Rights Watch that in 2021 it conducted nontechnical surveys of the 35 locations listed in the tablet and found landmines and other explosive devices at all of them. These surveys are the starting point for identifying, accessing, collecting, and reporting on the location of landmines and explosive remnants of war. LibMAC then issued orders for clearance of the 35 locations to the Libyan demining group Free Fields.

Gen. Mohamed Al-Turjman, LibMAC's director, said that the deminers that were deployed found that some of the mines or explosive devices had already exploded but that others were still active and needed to be cleared. He said three deminers were killed in two of these 35 locations: Khaled Hangar from the Defense Ministry's Military Engineers, and two Free Fields specialists, Tarik Farhat and Hossam Bin Madi, on July 6, 2020. All three men were killed during clearance operations before the BBC's reporting revealed the presence of the tablet.

A senior official at Free Fields, who wished to remain anonymous, confirmed that two of their staff were killed at one of the 35 locations by an OZM-72 mine.

The Russian government has previously denied any links to Wagner Group operations. In what appears to be the first acknowledgment by a senior Russian official of ties between the Wagner Group and Libyan authorities, Russian Foreign Minister Sergei Lavrov, in an interview with an Italian news channel on May 1, said that the Wagner Group "provides security services' to Mali's government and that "a private body has [also] been invited by the Libyan authorities on a commercial basis, like in Mali."

Individuals who carry out serious violations of the laws of war - including use of antipersonnel mines - with criminal intent are responsible for war crimes.

Those who commit, order, assist, or have command responsibility for war crimes in Libya are subject to prosecution by domestic courts and the ICC, which has a mandate over war crimes and other serious crimes committed in Libya since February 15, 2011.

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## WORTH READING

### **The Limits of Discretion in the Investigation and Prosecution of War Crimes at the International Level: The Mavi Marmara Saga**

By Emmanouil Billis

May 31, 2022

The article deals with the basic criteria involved in the selection of situations to be investigated and cases to be prosecuted before the International Criminal Court. These are examined in light of the goals of international criminal justice and the structural and evidentiary difficulties encountered by judicial mechanisms of international mission and composition. The analysis focuses on the limits of prosecutorial discretion at the level of international criminal justice. The Mavi Marmara ship incident is used hereto as a key point of reference.

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