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Watch

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AFRICA

NORTH AFRICA

Libya

Official Website of the International Criminal Court ICC Public Documents - Situation in the Libyan Arab Jamahiriya

UN reports abuses of migrants in Libya (Jurist)

By Yige Wang
March 22, 2019

A UN report on Thursday described the ill treatment of migrants and refugees in Libya, including rape and torture by smugglers, traffickers, Libyan officials and armed groups.

UN Assistant Secretary-General for Human Rights Andrew Gilmour presented the report by the High Commissioner on Afghanistan and Libya. Gilmour said that evidence of systematic rape and torture of men, women and children in detention centers were the most harrowing accounts of human rights violations he has ever heard. Migrants and refugees freed from detention in Libya testified about the extortion technique whereby the perpetrators force them to call their families, who will hear the screams until they pay a ransom.

Irregular migrants from Africa have passed through Libya to reach European countries, who work with the Libyan Coast Guard to intercept migrant ships at sea. Gilmour urged to end the restriction to rescue migrants by nonprofit organizations.

Concerning Afghanistan, Gilmour said that conflicts continued to impact the lives of civilians, the number of casualties being the highest since 2009.

Speaking as a concerned country, Libya expressed surprise that the report did not refer to efforts to promote economic and social rights, anti-terrorism measures or services offered to migrants in transit.

Daesh militants attack Libya town, kill 1, kidnap 3 (Middle East Monitor)

March 26, 2019

Daesh yesterday attacked morning the Libyan town of Ghadwa, south of the city of Sabha, killing a young man and kidnapping three others.

Local sources said a group of armed men riding ten SUVs stormed the town and clashed with the citizens killing a young man named Mohammed Abdullah Hamkam.

The sources added that the militants raided the homes of two wanted persons and detained them before detaining another young man belonged to the Salafist movement. The militants also cut off telephone lines in the region.

Members and supporters of Chadian gangs often attack the town of Ghadwa.

On Sunday, Britain and the United States warned their citizens not to travel to Libya because of an imminent "terrorist attack" targeting government institutions in Tripoli.

Boys forced to rape their sisters, women sexually assaulted until they bleed to death and men's genitals cut off: Survivors reveal 'unbelievable' horrors faced by refugees in Libya (Daily Mail)

By Chris Dyer
March 27, 2019

Migrants travelling to Europe are being raped and tortured including by forced incest and mutilation, a shocking new study has revealed.

Routine rape and sexual torture throughout their journey to Europe threatens many migrants, especially in Libya, with men facing abuse nearly as regularly as women.

Smugglers torture migrants and film the attacks on Skype to extract ransom money from their families, according to the study

carried out by the Women's Refugee Commission.

One mental health worker described graves filled with men with their penises sliced off - a description corroborated by the account of a survivor of a mass mutilation.

Migrants told similarly horrific stories about rape, forced incest and mass sexual abuse intended to humiliate detainees who had to strip naked and become either rapists themselves or victims.

Men and women are forced to rape others, penises are cut off, boys have to rape their sisters and women are abused and raped until they bleed to death, the report said.

A survivor from Gambia said, according to the report: 'If someone had told me this before, I would never have believed it. You can only believe it if you have seen it with your own eyes.'

At one of the official prisons, a 19-year-old Nigerian woman told a health worker that women faced near constant threat of rape, and men only marginally less.

Migrants bribe their way to freedom or escape if they can.

'They said that if we tell in Europe what is happening in Libya, our brothers and sisters in the prison will pay,' she said, according to the report.

According to a 20-year-old man from Guinea, 'when the men came back crying, they would talk about what the guards did to them and how violent it was'.

Sarah Chynoweth, the study's lead researcher told German broadcaster Deutsche Welle: 'On their journey through the desert, many refugees are kidnapped by human traffickers and armed groups or taken to official prisons.

'If a man tries to escape, all other men are forced to rape him. People are regularly punished, forced into submission and controlled.'

Previous studies have found that nearly all women who cross from North Africa have been raped or sexually abused along the journey, but this report found that the danger was likely nearly as prevalent among men.

The graphic study based on dozens of interviews with aid workers and migrants was released on Monday by the Women's Refugee Commission.

It comes as Europe has blocked rescues at sea and outsourced its migration policy to Libya's coast guard instead.

The United Nations High Commissioner for Refugees (UNHCR) estimates there are around 670,000 migrants in Libya and it is believed that between 5,000 to 6,000 are being held in camps.

The EU has spent €338 million (\$382 million) in Libya since 2014 to stem migration, much of it on strengthening the Libyan coast guard and the detention centres.

Migrants turned back in the Mediterranean are unlikely to fare much better in official detention than they did in the warehouses, according to Chynoweth.

United Nations staff and aid groups have limited access to the centres and Chynoweth said migrants told her than in any case 'we were just too terrified to say anything'.

With European Union funding, the Libyan coast guard retrieves migrants from the Mediterranean Sea and returns them to detention centres nominally run by the Libyan government, where migrants say the abuse resumes.

Because the men were victimised together, they were willing to talk about it in ways that might otherwise be taboo. Mostly, they don't talk about it.

The area around Bani Walid is particularly notorious for its clandestine prisons, where migrants have described being held in sunless warehouses for months and even years on end while smugglers try to extract payments from them to continue their journey.

Last May, more than 100 migrants and refugees broke out from one of the lockups, fleeing under their captors' gunfire.

At least 15 people died and 40 were left behind, according to the aid group Doctors Without Borders. The survivors were

ultimately shipped to an official Libyan detention centre.

And now official detention is likely where they will end up even if they make it into the Mediterranean, due to European policy that has effectively banned rescues at sea in an effort to slow migration.

Chynoweth has carried out similar studies among the Rohingya refugees in Bangladesh and Syrian refugees in the Middle East.

What differs in the European context, she said, is how widespread it is, and the fact that profoundly disturbing forms of sexual torture are used for purposes of extorting ransoms - sent via video to desperate families.

'The minute people are stopped at sea, Europeans wash their hands of it,' said Hassiba Hadj-Sahraoui, the humanitarian affairs adviser for Doctors Without Borders, also known as Medecins Sans Frontieres.

Earlier this month, the European Union issued a statement saying the continent's migration crisis is over, 'and current levels are a mere 10 per cent of what they were at their peak in 2015'.

The statement cited 'appalling conditions' in Libya's detention centres as an issue, without suggesting solutions.

One of the study's few bright points came aboard the MSF rescue ship Aquarius. On the ship, the medical team realised that men and boys appeared not to know that what they'd experienced was sexual abuse.

Trained health workers decided in 2018 to emphasise free medical and psychological counselling.

As a result, the study said, 33 per cent of sexual assault survivors who came forward last year on the Aquarius were male, compared with just three per cent in 2017.

'It was about creating that safe environment, allowing the men and boys to know they're not alone,' said Aoife Ni Mhurchu, who was a nurse on board the Aquarius at the time and specialises in working with vulnerable populations.

Few migrants had any illusions that their attackers would face justice, said Ni Mhurchu, who worked in four detention centres in Libya before her time at sea.

She said few detained in Libya would dare come forward while there.

'This climate of impunity in Libya signals to this extremely vulnerable population that reporting is not only dangerous but futile,' she said.

The Aquarius is now chartered for a scientific expedition. The only people pulling migrants from the Mediterranean waters off the Libyan coast take them right back where they came from.

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CENTRAL AFRICA

Central African Republic

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

CAR Peace Deal Stakeholders to Address 'Misunderstandings' At Monday Talks - Minister (UrduPoint) By Fakhir Rizvi

March 15, 2019

The government of the Central African Republic (CAR) and armed groups operating in the country, which signed a peace agreement last month, will address "misunderstandings" relating to the deal's implementation at a meeting organized

by the African Union (AU) in Ethiopia's Addis Ababa on Monday, Maxime Kazagui, the CAR's communication minister, told Sputnik on Friday.

The CAR government and 14 armed groups signed the peace agreement after 10 days of talks in the Sudanese capital of Khartoum in early February. CAR President Faustin Archange Touadera then did a cabinet reshuffle on March 3, which Moussa Faki Mahamat, the AU commission chairman, described as a "step toward inclusive and representative governance in the CAR." The AU commission chairman said in a statement last week that the AU would convene a consultation meeting of the deal's stakeholders in Addis Ababa on March 18 to follow up on the progress that has been made since the deal was signed.

"We will make a point about the misunderstanding over the appointments in the government ... It's not about resuming the negotiations, it's not at all about bringing the discussions of Khartoum to the table. It's precisely about making a point on misunderstandings over the constitution of the government, and also to find out when the other stakeholders will implement their obligations," Kazagui said.

According to the minister, representatives of certain armed groups were not happy about the recent changes in the government, which the opposition had demanded include members it selected.

"It's not a secret that there was discontent of certain armed groups over the nominations in the government ... When we asked the armed groups to send a list of five people, five Names to join the government, it did not mean that all five would join the government. They send five and the prime minister will chose maybe one, maybe two people. Some thought that all five would joint he government. So all this will be clarified," he stressed.

The minister added that meetings like this would be held regularly. The CAR government delegation to Monday's talks will be headed by the newly appointed prime minister, Firmin Ngrebada.

The Central African Republic has been suffering from a drawn-out conflict since a coup in 2013. Much of the fighting in recent years has been between Muslim-majority Seleka and Christian Anti-Balaka militias.

Just one month in, optimism around CAR's peace deal is fading (Mail and Guardian) By Lewis Mudge
March 19, 2019

There is no doubt a peace deal could be transformative for the Central African Republic. Armed groups control 80% of the territory. Tens of thousands of people languish in internal displacement camps in the centre of the country.

About 1.2-million people are either refugees or internally displaced.

So there was cautious optimism last month when the parties agreed a new deal — the eighth since 2012 — in Khartoum under African Union auspices. But there are worrying signs that the peace deal is beginning to fray. Just this week reports surfaced of fighting in Basse Kotto province between Seleka from the Union for Peace in the Central African Republic on the one side, and anti-balaka on the other.

When the mostly Muslim Seleka made their way toward Bangui in late 2012, they unleashed a new and brutal wave of violence against civilians. In late 2013, the Christian and animist anti-balaka militias began to organise counterattacks. But in those attacks, civilians also became the target. Both sides executed civilians, raped women and girls or took them as sex slaves, pillaged homes, and destroyed entire villages and neighbourhoods.

I've spent much of the past six years travelling across the country, interviewing victims and their family members, and meeting with leaders of many of the armed groups as they fractured, made alliances with former enemies, and tried to remake themselves as political parties. In all the conversations with these leaders, there was one constant refrain: "This isn't our fault, so we should not be held accountable for what happened. If civilians suffered, then we should talk about reconciliation, not justice. Justice will only lead to more problems."

This question of justice was crucial, if complicated, in Khartoum. A key sticking point was the question of amnesty, sought by almost all the groups. During the talks, one rebel spokesman told journalists plainly, "We must have amnesty to have peace."

The accord itself was signed days before the draft was made public, fuelling speculation that the national government had offered broad amnesty or that prosecutions were to be frozen. In the end, the agreement was vague on next steps to ensure justice for serious human rights abuses, crimes against humanity and war crimes. It does not mention specific judicial processes or recent efforts to promote justice in the country.

Representatives of some of the armed groups told me that they believe this means an amnesty has been granted, even though the word is not mentioned. They consider establishment of a Truth, Justice, Reconciliation and Reparation Commission an

alternative to criminal accountability. But they are ignoring that the accord clearly recognizes the role impunity has played in entrenching "cycles of violence." This important point echoes the conclusions of the Bangui Forum, national consultations held from May 4 to 11 2015 that brought together more than 800 representatives of community and other non-governmental organisations, political parties, and armed groups from across the country. The forum stated that "no amnesty" would be tolerated for those responsible for and acting as accomplices in international crimes.

The establishment of a Truth Commission does not in any way prevent national and international judicial systems from doing their work. And much has already been accomplished.

Among the recent efforts has been the establishment of a new tribunal in the Central African Republic's domestic court system to try war crimes and crimes against humanity. Known as the Special Criminal Court, it formally began operations in late 2018. The International Criminal Court (ICC) also has opened an investigation into crimes committed since August 2012. Late last year, the court arrested two leaders of the anti-balaka militias that were parties to the conflict, Alfred Yékatom and Patrice Edouard Ngaïssona. The national judicial system continues to prosecute Seleka and anti-balaka leaders and fighters in criminal trials.

Peace dividends that can be gained from the deal are much needed. But so are fair and credible prosecutions of the worst crimes to help ensure that rampant abuses in the CAR, fuelled by the lack of accountability, are brought to an end.

The government and its international partners should make clear to the armed groups and to the civilians who have suffered since 2012 that a Truth Commission does not equal amnesty. They can do this by providing continued support for the national judiciary, the Special Criminal Court, and the ICC's investigation and prosecution of grave crimes.

Central African Republic reaches deal on new govt: African Union (Yahoo News) March 20, 2019

The government of the Central African Republic and armed groups that had joined it in a peace deal have reached an agreement to form an "inclusive government," the African Union said Wednesday.

"The Central African authorities and the 14 armed groups (that) signed the peace accord negotiated in early February in Khartoum agreed to an 'inclusive government' in Addis Ababa," the AU said.

The deal is the eighth attempt to bring peace to the conflict-wracked, impoverished state since 2012.

Signed in the CAR capital Bangui on February 6 after negotiations in Sudan, it brings together the CAR government and 14 armed groups who control most of the country.

The agreement called for a series of confidence-building measures, such as establishing joint patrols and the creation of a truth and justice commission within 90 days.

Under the peace accord's provisions, President Faustin-Archange Touadera agreed to form an "inclusive" government.

But within weeks, the deal was under strain -- five militia groups either pulled out of the new government or rejected its makeup. On Tuesday, 11 of the 14 groups demanded that Prime Minister Firmin Ngrebada step down, calling for a "government of national unity" and direct talks with President Faustin-Archange Touadera.

Central African Republic opens cabinet to more armed groups to bolster peace (Reuters) By Crispin Dembassa-Kette
March 22, 2019

Central African Republic has included more rebel officials in an expanded cabinet, the president announced on Friday, in a bid to shore up peace efforts after several armed groups said they were not sufficiently represented following a deal last month.

Central African Republic reached an agreement with 14 armed groups in February, aimed at bringing stability to a country rocked by violence since 2013 when mainly Muslim Seleka rebels ousted the then President Francois Bozize, prompting reprisals from mostly Christian militia.

The diamond and gold-producing country has been ravaged by years of conflict that had shown little sign of abating until now.

President Faustin-Archange Touadera announced on Friday a new cabinet list of 39 members, in which all 14 armed groups were represented. Only 10 groups were represented in the previously announced list, which had 34 members.

The peace deal, signed in Sudan's capital Khartoum, faced its first major setback a month after it was ratified, when several armed groups withdrew representatives from the new cabinet and demanded a more inclusive reshuffle.

The president's announcement came two days after reconciliation talks arranged by the African Union in Ethiopia's capital Addis Ababa.

The 14 rebel groups had said last week that they had not been sufficiently consulted over the original cabinet list.

In the new line-up, the major Selaka groups FPRC and UPC have three and two representatives, respectively.

"The UPC congratulates itself and congratulates Prime Minister Firmin Ngrebada for forming a government that now respects the Khartoum accord. We call on all ministers to get to work without delay to bring peace back to this country," UPC political coordinator Hassan Bouba told Reuters via telephone.

Christian anti-balaka militia did not immediately respond to a request for comment.

Thousands of people have died because of the unrest and a fifth of the country's 4.5 million population have fled their homes. The United Nations deployed a peacekeeping mission in 2014.

But prospects for a lasting peace remain uncertain, as agreements in 2014, 2015 and 2017 all broke down.

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Sudan & South Sudan

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

South Sudan peace deal doomed if disputes not settled: think-tank (Reuters) By Hereward Holland
March 13, 2019

South Sudan's six-month-old peace deal is doomed to collapse unless the sides can settle a string of disputes and bring former rebels into the army before the formation of a new government in May, a think-tank said on Wednesday.

About 400,000 people have been killed, and more than a third of the country's 12 million people uprooted by the five-year civil war - a conflict punctuated by multiple rounds of mediation followed by renewed bloodshed.

The accord signed in September by President Salva Kiir and rebel leader Riek Machar - the former vice president - has reduced fighting, but could break down over several disputes, the Brussels-based International Crisis Group said in a report.

"The peace agreement is stalling and is at risk of collapse if more political deals aren't struck," said Alan Boswell, the group's South Sudan analyst. There was no immediate comment from the government or Machar's supporters.

The deal called on the two main rival factions to assemble, screen and train their respective forces and unify them into a national army before the formation of a unity government in May.

None of these steps have occurred, just two months before the deadline, the report said.

There were also unresolved disputes over local boundaries - which some sides felt Kiir had redrawn to benefit his Dinka ethnic group, the report added.

Fighting has continued in the southern Equatoria region between the army and a rebel force led by former deputy army chief Thomas Cirillo, who refused to sign the September deal.

The landlocked, oil-producing country split away from Sudan in 2011 after decades of fighting, then collapsed into its own civil war.

The chaos dismayed regional and world powers who helped broker the secession, and had hoped South Sudan's independence

would draw a line under the long-running conflict that destabilized large parts of east Africa.

Solidarity with the Sudanese revolution! (Fourth International) March 10, 2019

Since December 13, 2018, an impressive popular uprising has emerged in Sudan, and has continued to unfold ever since, with the primary slogan "Tasgut bas" (overthrow, that's all!). The inhabitants of the city of Al Damazin (the capital of Blue Nile State), followed by those of Atbara in the north-east of the country on 19 December, were the first to protest against the tripling of the price of bread, against a background of drastic austerity measures, inflation and massive corruption driven by the government. Then the demonstrations spread to the rest of the country and to the capital Khartoum, demanding the overthrow of the regime. Despite the repression that has already left dozens dead, thousands wounded and tortured, the uprising has become massive and deeply self-organized, developing an extraordinary imagination to propose peaceful initiatives on a daily basis.

This movement stands against the power monopolized by President Omar Al Bashir, a military man who seized power in 1989 with the intention of never letting go, who, with his entourage, corrupted the various security apparatus and his party the National Congress (formerly the Islamist National Front). This clique has repeatedly appropriated the country's wealth and reduced democratic freedoms and the rights of women and oppressed minorities.

El Bechir is charged with war crimes, crimes against humanity and genocide by the International Criminal Court in The Hague concerning repression in Darfur. This led to the secession of Southern Sudan in 2011, where oil wealth was concentrated, and Sudan has since been plunged into economic slump. Recently, Al Bashir tried to save his regime by approaching the Saudi Arabian monarchy, the Egyptian dictator Al-Sissi, Putin's Russia, Bashar Al Assad and the far-right government of Israel. Salah Gosh, the head of Special Services, was also able to travel to France in the autumn to meet with an official from Macron's party.

At the same time, the Sudanese regime is zealously implementing the IMF's anti-grassroots economic programmes: cuts in public services, privatisations and increases in basic prices.

Power had already been challenged on the streets in previous years, especially by students, but today we are witnessing the country's transition into a revolutionary process of the kind that emerged in the Arab region in 2011. The organisation of the uprising was first and foremost driven by the Sudanese Professional Association (SPA), composed of networks of doctors, teachers and other civil servants and professionals. They kept the principles and memory of class struggle trade unionism alive while the unions were put under the total control of the regime, and progressive militancy severely repressed over long decades (We should remember that the Sudanese Communist Party was one of the most massive in the Arab world). They have been able to combine this memory and give a prominent place to youth but also to women, which allows a strong inventiveness and the necessary size and strength in the current situation.

Under this impetus, the revolution adopted a plural political and organizational leadership called Forces of Freedom and Change, with a founding document of the same name that lays the foundations for a democratic break with the regime and its policies. This coordination publishes a weekly press releases presenting a daily timetable of mobilizations, but also daily guidelines, district by district, taking into account technical and safety aspects. "Committees of resistance at the grassroots" have been created as part of this collective process.

The revolution set itself the objective of a "political" general strike through peaceful means, alone, capable, according to it, of overthrowing this power, and leading to a truce declared by the armed opposition. The movement's objective is a "political" general strike with peaceful means. While the broadened nature of this branch to include various unions or parties currently limits the social aspects of its programme, the convergence with the organized labour movement is beginning, it has thus taken up the demands of striking Port Sudan port workers against the privatization of the container terminal, which is intended to be bought by a Philippine company.

The Fourth International expresses its full solidarity with this powerful uprising of the Sudanese people, and calls for an end to repression and the release of detainees. We wish them every success in their goal of overthrowing an autocratic regime that has been responsible for the suffering of the Sudanese people for too long. We hope that this dynamic will contribute to the momentum of popular struggles.

After 30 Years, Sudan's President to Step Down Amid Protests (Jerusalem Post) By Tara Kavalier
March 7, 2019

President Omar al-Bashir, accused of genocide in Darfur, remains in office as Sudan

is rocked by the largest sustained protests in its history.

While clinging to the presidency, Omar al-Bashir of Sudan stepped down on Friday as leader of the country's governing National Congress party, ceding control to its deputy chairman, Ahmad Harun. The move came after Bashir declared a national emergency in late February following three months of widespread demonstrations.

Alan J. Kuperman, an Associate Professor at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin, explained to The Media Line that poor living conditions sparked the protests.

"The impetus, as usual, is economic suffering," he said.

The Sudanese economy, still feeling the effects of now-lifted United States sanctions and struggling with high inflation, has suffered since oil-rich South Sudan seceded in 2011. Facing a large deficit, the government in Khartoum stopped subsidizing wheat and other essential goods, making them even less affordable for the already impoverished populace.

"When [the government] tries to remove subsidies and raise prices, as western economists urge, the people revolt," Kuperman said.

The economy is not the only thing negatively impacting the quality of life in Sudan. Citizens enjoy little protection in the realms of speech and property rights, and the government, rife with corruption and infighting, faces violent conflicts among rebel groups in states like South Kordofan, which borders South Sudan.

"Sudan has experienced tough challenges in the past but nothing like what we have now with an almost complete collapse in economic, political and social aspects of life," Abdel Adam, a freelance Sudanese journalist, told The Media Line.

According to Eric Reeves, an independent analyst on Sudan, one reason for the national emergency was to bring the protests under control.

"Bashir felt he was losing the battle against demonstrators and no longer had any other option," he told The Media Line.

Dr. Hamed El Tijani Ali, an Associate Professor in the Department of Public Policy and Administration at The American University in Cairo, told The Media Line that "these are considered the longest and most sustained demonstrations in the country's history." He further explained that unlike protests in 1964 and 1985 that led to the ouster of the leadership, the current unrest is being organized by young people using social media.

"They have little hope for a prosperous future," Ali noted.

Adam, the journalist, described the protesters as being diverse "geographically, demographically and culturally, with different religions and languages represented."

Johan Brosché, a researcher in the Department of Peace and Conflict at Uppsala University in Sweden, explained to The Media Line that Bashir's emergency declaration suspended the country's constitution. Security forces can now search and seize property without a warrant, while individuals must obtain a permit to hold public gatherings.

He added that Bashir might also have declared the state of emergency to ensure good relations with the military by increasing its authority.

Having assumed the presidency in a 1989 military coup, Bashir understands first-hand that keeping the military happy is crucial to retaining power.

"The key determinant in whether these 'people power' protests will succeed is usually whether the security services stay loyal to the political leader," the University of Texas' Kuperman said.

Adam believes that one of the reasons Bashir does not want to step down is a fear of revenge and accountability. Once out of office, he explained, the president would no longer be able to protect associates as well as members of his family from prosecution.

Furthermore, he could be tried by the International Criminal Court, where he has already been charged with two counts of war crimes for the genocide in Darfur and five counts of crimes against humanity.

The American University in Cairo's Ali said that regional authoritarian leaders fear the protests in Sudan could trigger democratic fervor in their own states, much like the Arab Spring. Bashir's removal, he said, would serve as "a reminder to autocrats in the region that we cannot trade off liberty with security

Sudan's Unlawful State of Emergency (The Washington Post) By Nasredeen Abdulbari and Rebecca

Hamilton

March 5, 2019

On Feb. 22, Sudan's embattled president, Omar al-Bashir, declared a one-year, nationwide state of emergency. He subsequently issued five decrees to implement the declaration that collectively curtail fundamental rights to a degree that is unprecedented in the post-independence history of Sudan.

The state of emergency came during peaceful protests — started by the Sudanese people late last year, which now pose a credible threat to the 30-year rule of Bashir's National Congress Party. Bashir, already wanted by the International Criminal Court (ICC) for atrocities against his own people, clearly recognizes the precariousness of his position following his government's conspicuous failure to stem the protests through use of excessive force.

The true objective of Bashir's declaration of a state of emergency appears to be stopping the protests that are in their fourth month. The government's argument — that the declaration aims to address the economic crisis of the country — is belied by the targeting of fundamental rights being exercised by the protesters, including their right to peaceful assembly, gatherings, processions and labor strikes. Moreover, the establishment of emergency prosecution offices and courts violate the right to a fair trial, which is guaranteed under international law and the Sudanese constitution.

A declaration of emergency entails a partial breakdown of the constitutional order; for the period of the emergency, the protection of certain rights can be suspended. Both national constitutions and international law place strict conditions on the invocation of such extraordinary measures.

Legally, there must be an official proclamation identifying a situation that “threatens the life of the nation.” No doubt, Bashir and the National Congress Party feel they are under threat. Decrees restricting basic rights of gathering and assembly, prohibiting strikes, symposiums, discussion gatherings, events, and any similar activities without permission, speak to the real targets of the emergency measures. But under the 2005 Sudanese constitution, the outbreak of peaceful protests, even if they implicitly or explicitly aim to topple the government, is not one of the grounds for declaring a state of emergency.

Bashir's newly appointed vice president and minister for defense, who is under U.S. sanctions, has said that the emergency declaration is justified by the economic crisis facing the country and caused by smuggling activities. But while one of the implementing decrees prohibits dealing in foreign currency and gold, and seeks to crack down on the black market for fuel and flour, the remainder of the decrees go far beyond the economic realm. Moreover, the economic deterioration has been ongoing — for over three years — with no serious measures taken to address it.

This state of emergency violates Sudan's constitution and international law. Even in a true emergency, certain non-derogable rights must still be upheld, and all other rights can only be infringed upon “to the extent strictly required by the exigencies of the situation.” Here again, Sudan's state of emergency does not withstand scrutiny.

One of the decrees gives Sudan's security forces the right to search any building, restrict the movement of people, arrest people suspected of committing a violation related to the state of emergency and seize assets or property during investigations. These sweeping provisions are not the kind of narrowly tailored measures required by international law. Moreover, those arrested by the security forces are routinely subject to torture, inhumane and degrading treatment — violations of non-derogable rights by any international standard.

The formal punishment for violating the decree includes imprisonment for up to 10 years. This is in addition to any penalty provided for in any other laws. The penalties found in other laws, such as the Sudanese criminal code, can be very severe. For example, under the 1991 criminal code, the punishment for undermining the constitutional order, a crime against the state, can amount to the death penalty.

Another of the decrees orders the attorney general to establish emergency prosecution bureaus, orders the chief justice to establish emergency courts, and authorizes each of them to issue the rules that will apply to defendants put through these systems. This is a far cry from international fair trial standards of a “competent, independent and impartial tribunal.” Under article 211(a) of Sudan's constitution, a fair trial is a non-derogable right. And although article 4(2) of the international covenant on civil and political rights, which speaks to the derogation of rights in an emergency, does not explicitly list a fair trial as a non-derogable right, the U.N. Human Rights Committee in general comment No. 29(11) has stated that the right to a fair trial falls within this category.

In the face of President Bashir's declaration of emergency, the protests in Sudan continued unabated. Protesters stayed on the streets the night that he announced the declaration and have continued to their public demonstrations ever since. The protesters repeatedly call for freedom, peace, and justice. They chant that “revolution is the choice of the people.”

Additional measures taken by Bashir include dissolving the national and state governments, appointing military and security officers as governors, and delegating his powers as chairman of the National Congress Party to Ahmed Harun, a man also under U.S. government sanctions and wanted by the ICC for his leading role in the Darfur atrocities.

By placing military officials in leadership positions across the nation Bashir has, together with the state of emergency, effectively put the country under military rule. And neither this, nor his decision to hand the leadership of his party to another ICC indictee, will diminish the strength of the protesters' rallying cry. For them, this unlawful declaration is just the latest manifestation of the very problem they seek to address. They have only one demand, which is the fall of the regime.

Sudan, a State of Emergency (Sudan Tribune) By Lutz Oette

The state of emergency declared by Sudan's president al-Bashir on Friday, 22 February, constitutes a dramatic escalation of developments since the protests and uprising against the regime began in mid-December last year. Resorting to a state of emergency in times of challenges to its rule is neither new nor surprising, being part and parcel of the arsenal of an authoritarian state. In this instance, it is an important move with obvious political and legal ramifications. Politically, it visibly puts the military and security complex in charge. It recreates the early days of the regime when it took power by a military coup in 1989 and essentially ruled the country by revolutionary decree. The state of emergency and emergency orders made in its wake set out in detail the kind of challenges the regime disapproves of, and gives it sweeping powers to suppress them. It thereby opens the door to a wave of human rights violations, adding to the mounting record of arbitrary arrests, torture, excessive use of force and extrajudicial killings over the last two months. The emergency measures highlight that President al-Bashir has not heeded any internal or external calls for change. On the contrary, the state of emergency is true to form, in line with close to thirty years of illegitimate, repressive rule.

Two of the emergency orders adopted on 25 February concern the exercise of civil and political rights, two the economy, and one corrupt practices. The thrust of Emergency Orders 1 and 2 is a combination of far-reaching prohibitions and wide powers. Their barely disguised aim is to suffocate protests, stifle freedom of expression and the media, and counter monitoring and accountability of violations by the state's forces. Emergency Order 2 prohibits, and criminalises, with up to ten years' imprisonment, a long list of activities. This includes unlicensed gatherings, strikes, breach of public safety and security, and the "preparation, publishing or circulating news that harms the state or citizens." It also "prohibits the preparation or publishing of information, photographs, documents or personal documents of any person who occupies a public office or his family." This provision, seemingly aimed at preserving the integrity of the public office and privacy of office holders, is actually a response to the effective strategy of activists. They have identified security agents involved in violations online, thereby naming and shaming them publicly. Emergency Order 1 complements these prohibitions by vesting Sudan's regular forces with wide powers of enforcement. This includes power of search and entry of buildings, imposition of controls on any property, seizure of assets, restriction of movement, and "arrest of persons suspected of involvement in any emergency-related crime." In an extraordinary additional clause, the forces are provided with "any other powers deemed necessary by the President of the Republic", which essentially gives the President, and the forces carte blanche. The Sudanese Attorney General is also reported to have established emergency prosecution offices, with cases to be heard before specifically established emergency courts. Evoking notorious precedents in Sudan and elsewhere, these courts are set to serve as a tool for the regime's bidding.

The declaration of the State of Emergency and the emergency orders do not stand up to legal scrutiny. Article 210(1) of Sudan's Interim National Constitution requires, for there to be an emergency, the "occurrence of an imminent danger, whether it is war, invasion, blockade, natural disaster or epidemics as may threaten the country." It is difficult to see how the exercise of democratic and constitutionally guaranteed rights, here determinedly peaceful protests and use of freedom of expression, threaten the country. A threat to regime survival is not synonymous to a threat to the country. The official rationale of having to address national politics in order to reach a political consensus is extremely vague, besides being politically unconvincing as a means to prepare for a "free and fair" election in 2020. The government need not fear any legal challenges of the state of emergency and emergency orders before the largely compliant Constitutional Court. The matter is different when it comes to Sudan's international obligations. The African Charter on Human and Peoples' Rights does not entitle states to derogate from rights under states of emergencies. Under the International Covenant on Civil and Political Rights, state may only declare an emergency in a situation that threatens the life of the nation. The UN Human Rights Committee in a General Comment mentioned "a mass demonstration including instances of violence" as possibly constituting such a situation. This clearly implies that the violence emanates from the demonstrators, not solely the state, as is the case in Sudan. Any emergency measures taken must be "strictly required by the exigencies of the situation." According to the Human Rights Committee, there is usually no need for states to derogate from freedom of movement and freedom of assembly as

Sudan has done in Emergency Orders 1 and 2. There are no safeguards against abuse of power, particularly torture. It is not clear whether any of the measures can be challenged before the courts, there is no right to habeas corpus, and officials enjoy immunity. Emergency courts do not guarantee essential fair trial rights. In short, it is rule by law without any rule of law. This emergency rule creates a legally sanctioned dreamland for security forces who can act exercising extremely broad powers with impunity and a corresponding nightmare for Sudan's citizens.

Sudan's emergency measures are a license for human rights violations. They are deeply undemocratic, aimed at stifling legitimate political protest and expression. The regime's declaration of the state of emergency equates to a public acknowledgment of political bankruptcy. If any further reminder were needed, the developments demonstrate that the situation in Sudan constitutes a political and human rights emergency. It is high time that regional and international actors take a firmer line. If anyone threatens the life of the nation in Sudan, it is a government whose leader is wanted by the International Criminal Court for war crimes, crimes against humanity and genocide, not the people who are fed up with decades of oppression, corruption, deteriorating livelihoods and bleak prospects for their future.

Sexual Violence Persists in South Sudan Despite Recent Political Strides, Top United Nations Official Says while Briefing Security Council (Relief Web) March 8, 2019

Implementation of Revitalized Peace Agreement Progressing 'Slowly but Surely', Juba's Permanent Representative Assures Members

Meeting to discuss the evolving situation in South Sudan against the backdrop of International Women's Day, The Security Council heard today that sexual violence against women and girls persists in spite of the young nation's recent political strides.

David Shearer, the Secretary-General's Special Representative and Head of the United Nations Mission in the Republic of South Sudan (UNMISS), briefed the 15-member Council on the "considerable" progress achieved since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan in September 2018. Commending the efforts of regional partners in brokering the Agreement, he said opposition leaders are now moving freely around Juba, the capital, and engaging in the peace process. Meanwhile, refugees are beginning to return home and there have been rapprochements between Government officials and members of the Sudan People's Liberation Army-in Opposition (SPLA-IO).

"Many people are alive today who might not have been without the [peace] Agreement," he emphasized. Nevertheless, significant challenges remain, including delays in implementing the timetable set out in the Revitalized Agreement and the lack of a resolution on boundary issues. Warning that "a peace that falters will generate frustration, anger and a possible return to violence", he stressed that sexual violence must end if displaced people are to feel safe enough to return home. The Government must work to end impunity, he reiterated, noting that UNMISS is helping to build the justice system's capacity to deal with such crimes. A United Nations-supported court will open this month, with jurisdiction over crimes of a sexual or gender-based nature, he said.

Angelina Nyajima Simon Jial, Founder of the non-governmental organization Hope Restoration South Sudan, also briefed the Council, dedicating her remarks to women around the world who continue to fight for their rights. Describing the mass rape perpetrated near the town of Bentiu in late 2018 as a symptom of a much deeper problem, she said women and girls in South Sudan suffer some of the world's highest rates of gender-based violence. Whereas groups like Hope Restoration South Sudan work to provide protection and life-saving services, their lack of resources makes operations difficult, she said, pointing out that the bulk of available resources goes to United Nations agencies and international organizations, with the smallest portion funding national groups.

"We cannot build a strong and vibrant civil society in South Sudan with these constraints," she stressed, warning that the country's hopes for peace will fade without the participation of local groups. Much funding previously allocated has dried up, she noted, asking: "How do you tell someone who has been subjected to horrific acts of violence that you can no longer help?" While it is encouraging that the United Nations 2019 Humanitarian Response Plan prioritizes such programming, the Security Council must include local non-governmental organizations in the UNMISS mandate and request that donors support them, she said.

As Council members took the floor, many welcomed recent strides by the parties concerned and commended them for putting South Sudan's broader interests above their own. However, several speakers sounded the alarm over high levels of sexual and gender-based violence — including the use of rape as a weapon of war — and called for intensified political commitment to address such heinous crimes.

Côte d'Ivoire's delegate expressed concern over significant delays in achieving the goals for South Sudan's pre-transition phase. The parties must "come to grips" with the substantive issues, notably by inserting provisions in the transitional constitution, establishing the Independent Transitional Boundary Commission and putting transitional security arrangements in place. Noting that security sector reform should allow for the unification of belligerents and creation of a disciplined army,

he said transitional justice bodies should also be established — notably a hybrid court — and echoed the Secretary-General's call to strengthen the UNMISS mandate and render it more flexible.

The representative of the United States said that today's observance of International Women's Day is a reminder that "we must do everything possible" for the millions of women still facing staggering levels of violence in South Sudan. While welcoming the fact that the Revitalized Agreement seems to be holding, he noted the failure of previous accords and called upon the Government to demonstrate its full commitment. The United States provided \$845 million in assistance to South Sudan in 2018, he recalled, cautioning that such aid "is not infinite" and will require the Government to take responsibility for its people.

Emphasizing the need to avoid past mistakes, the Russian Federation's representative commended the important role played by the Intergovernmental Authority on Development (IGAD) in helping to reach the Revitalized Agreement. He went on to state that his delegation does not share the Western opinion that sanctions pressure and the imposition of the arms embargo made the peace process possible. "The Council should not take credit for the success of regional mediators," he stressed, describing the Agreement as a demonstration of the principle of "African solutions to African problems".

South Sudan's delegate said that his country's security, peace and economic situation has "improved noticeably" since the signing of the Revitalized Agreement. Implementation is progressing "slowly but surely," he added, noting that President Salva Kiir Mayardit is touring the Greater Bahr El Ghazal region in the company of opposition leaders. Refugees are now returning voluntarily in large numbers and the economy is in the early stages of recovery, he said, adding that consumer goods are available and prices are dropping in Juba's markets. Yet, challenges persist, including inadequate funding, he noted. However, the Government will carry on, "using whatever means and resources are available", he stressed, urging the Council to work with regional partners to convince outstanding opposition groups to join the peace process.

Also speaking today were representatives of Germany, United Kingdom, Dominican Republic, Peru, Belgium, Poland, South Africa, China, Equatorial Guinea, Kuwait, Indonesia and France. The meeting began at 10:10 a.m. and ended at 12:20 p.m.

DAVID SHEARER, Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan (UNMISS), outlined the "considerable" developments occurring on the ground in recent months. He noted that the Revitalized Agreement on the Resolution of the Conflict in South Sudan — signed on 12 September 2018 and brokered through the Intergovernmental Authority on Development (IGAD), particularly through the commendable efforts of Sudan — continues to hold, demonstrating the trust and confidence built by the parties. Citing four positive changes, he said opposition politicians from various parties are moving freely around the capital, Juba, without hindrance and participating in meetings on the peace process.

More than 71 meetings and rapprochements have been held across the country between Government officials and Sudan Liberation Army-in Opposition (SPLA-IO) forces and politicians, he continued. "The enthusiasm for peace among the people is palpable," he said, noting that overall levels of political violence have diminished significantly. "Many people are alive today who might not have been without the [peace] Agreement," he emphasized. The exception to that trend, however, is Central Equatoria, where fighting, killings and sexual assaults continue to be reported, he said. People are also expressing a willingness to return home, with an estimated 135,000 refugees — out of some 2.3 million — having returned and many internally displaced people having signalled their wish to do the same.

Turning to continuing challenges, he said the timetable set out in the 12 September 2018 Agreement is well behind where it should be, and many fundamental issues still need to be resolved. They include the resolution of boundary and state issues, as well as the formation of a unified armed force and the constitution-making process. Pointing out that the current "pre-transitional Government" phase of the peace process will end on 12 May, he stressed that, from that point, the revitalized transitional Government is scheduled to take over and the Vice-Presidents should have taken up their roles. "A peace that falters will generate frustration, anger and a possible return to violence," he warned. "We cannot allow that to happen." There is no "plan B" alternative to implementing the Agreement, he said, underlining the critical importance of a fully engaged IGAD, supported by the African Union in partnership with the United Nations.

Reporting on the ongoing suffering in South Sudan, he emphasized that five months of a more stable environment cannot redress food insecurity and other humanitarian challenges overnight. Donor nations provided more than \$1 billion in life-saving support in 2018 — twice South Sudan's State budget — he recalled, noting that the funds enabled humanitarian agencies to deliver assistance to 5 million people. The 2019 target is \$1.5 billion to reach some 5.7 million people in need, he said, citing the challenges of humanitarian access and governmental delays in some areas. A trust fund has been established to intervene in areas of ongoing conflict, he said, adding that it aims to reconcile differences between warring communities and to bolster agreements by providing economic support and services.

He went on to state that UNMISS is working to support the refugee return process, while humanitarian agencies provide programming in areas including agriculture, education and health. "The next three months are critical," he stressed, noting

that, after that, the rainy season will make land transport impossible and close the window for planting crops. Emphasizing that sexual violence must end if people are to feel safe enough to return home during that time, he underlined that ending impunity is a core function of the Government and a vital part of the peace and reconciliation process. In that regard, UNMISS is working with the Government to build the capacity of the justice system to deal with such crimes, including by operating a mobile court system that has helped to try and jail several dozen perpetrators, he said. A United Nations-supported court will open in Juba this month, with jurisdiction over crimes of a sexual nature, as well as those entailing gender-based violence, he added.

ANGELINA NYAJIMA SIMON JIAL, Founder, Hope Restoration South Sudan, dedicated her remarks to women around the world who continue to fight for the rights of women and girls, while working daily to restore peace in their communities. Women-led organizations play a crucial role in building peace and security in South Sudan, she said, stressing that the mass rape in Bentiu last November was a symptom of a much deeper problem affecting women and girls in the country, which suffers some of the world's highest rates of gender-based violence. It is in that context that women's organizations work tirelessly to deliver life-saving services, she said. They respond to gender-based violence, protect people with special needs and create women-friendly spaces offering psychosocial support and income-generating activities, often in the hardest-to-reach areas, throughout the rainy season and even when fighting surrounds them. "And we will still be there when UNMISS has left," she emphasized.

However, a lack of resources makes it difficult to operate amid intense competition for humanitarian resources between international and national non-governmental organizations, she noted. The bulk of funding goes to United Nations agencies and international organizations, the smallest portion to national groups. And within national civil society, the smallest portion, by far, of funding goes to women-led organizations. "We cannot build a strong and vibrant civil society in South Sudan with these constraints," she stressed, going on to caution: "And without us, our community's hopes for a lasting peace will fade." For example, in September 2018, Hope Restoration South Sudan received a grant from the South Sudan Humanitarian Fund to open a girl-friendly space in Leer, she said, recalling also that she was surprised by the number of women who began, within months, to visit and build relationships with case workers, and more so, to learn that nearly half of them were survivors of gender-based violence, some having suffered multiple rapes. By early 2019, however, the organization lost its funding, she said, asking: "How do you tell someone who has been subjected to horrific acts of violence that you can no longer help?" While it is encouraging that the 2019 Humanitarian Response Plan has prioritized such programming, the Security Council, for its part, must include local non-governmental organizations in the UNMISS mandate, she said, asserting: "We are not there and this needs to change." Calling for urgent recognition that humanitarian needs cannot be met without addressing deep-rooted gender inequality, she insisted that women must be involved in such discussions. They are ready to fill the 35 per cent quota reserved for them in the Agreement, but, to do so, they need the Council's support, she asserted. Indeed, the women, peace and security agenda is much more than just "getting women to the peace table", she added, underlining that it is about women being central players in all aspects of efforts for peace.

To make a difference, women-led organizations need financial support to operate on a more sustainable basis while scaling up their work, she said, adding that they must be able to offer more one-stop centres for medical care, legal services and skills-development. Noting the approaching mandate renewal for UNMISS, she urged the Council to make a direct request that international donors work with local non-governmental organizations, stressing that the Mission and international non-governmental organizations must support their efforts to take on a much greater share of the humanitarian work. "This kind of partnerships between local non-governmental organizations, donors, UNMISS and the international humanitarian community has been a critical missing piece in South Sudan — a partnership that will work better with a clear understanding of the challenges facing women and girls," she said. She concluded by calling for engagement with local communities, emphasizing that they must be consulted and heard. When they raise concerns about mounting tensions, they speak from an informed position of local knowledge, she pointed out. "There is a wealth of untapped potential," she said, adding that, in order to unlock it, better ways of working together must be found.

Statements

JONATHAN R. COHEN (United States) said that today's observance of International Women's Day reminds the international community that "we must do everything possible" for the millions of women who still face staggering levels of violence in South Sudan. Welcoming the fact that Peace Agreement seems to be holding, he nevertheless expressed concern over the lack of political will among the parties to fully implement the Agreement, continuing violence in and around Yei, and the ongoing recruitment of children. Recalling that previous peace agreements have failed, he called upon the Government to demonstrate its commitment, including by ensuring transparency in the use of oil revenues to support the population. Among other things, he also called for an end to obstruction of the work of ceasefire monitors, the removal of impromptu road barriers, an end to inappropriate taxes and fees imposed on aid workers, and intensified efforts to open a hybrid court. He went on to recall that the United States provided \$845 million to South Sudan in 2018, but warned that such assistance "is not infinite" and will require the Government to take responsibility for its people.

VASSILY A. NEBENZIA (Russian Federation), also spotlighting the commemoration of International Women's Day, said that his country does much to ensure equal rights and opportunities for women around the world. Welcoming the significant progress made in implementing the various agreements reached in South Sudan, he noted that "we are witnessing a significant decrease in the levels of violence, as well as a reduction in violations of human rights". Meanwhile, more and more refugees are willing to return home and opposition party members are moving about freely. Echoing appeals for the parties to formally finalize their arrangements on security issues and introduce amendments to the Constitution, he emphasized that mistakes made in the past must now be avoided. He went on to commend IGAD's important role in helping to reach the Peace Agreement, emphasizing that his delegation does not share the opinion of Western colleagues that the peace process was made possible by sanctions pressure and the imposition of the arms embargo. "The Council should not take credit for the success of regional mediators," he stressed, describing the Agreement as a demonstration of the principle of "African solutions to African problems". He also expressed support for the mandate extension for UNMISS. CHRISTOPH HEUSGEN (Germany) noted that the "peace process is at a crossroads" as the 12 May deadline for forming a transitional Government approaches. Key questions about security arrangements remain open, he said, citing the establishment of security services, as well as the number and boundaries of states. Parties to the Revitalized Agreement must step up efforts on this front and make the whole process more inclusive, he emphasized, expressing concern about continued fighting, particularly in the Equatorias, and the country's human rights situation, including gender-based violence. Together with the United Kingdom and Peru, the Government of Germany convened the first-ever meeting of the Informal Expert Group on Women, Peace and Security for South Sudan last week, he said. Outlining some of the Group's recommendations, he said they include increased participation of women in the committees and mechanisms of the revitalized peace process. He went on to express his delegation's support for extending the mandate of UNMISS, stressing that the Mission remains indispensable in supporting South Sudan and its people.

JESSICA PHILIPS (United Kingdom) noted that five years of fighting claimed nearly 400,000 lives, with women and girls often experiencing rape and sexual assault, yet, time and again, perpetrators are not held to account. Despite the signing of the Peace Agreement and the reduction in political violence, there has been an uptick in communal and sexual violence, she said, adding that of particular concern are reports warning of the normalization and persistence of sexual violence, perpetrated at times by armed militia groups, sometimes encouraged by commanders. Despite calls to identify those responsible, this has not happened, she said, pointing out that, instead, organizations providing support to victims have come under attack by the Government. "We cannot accept these brutal acts", nor allow impunity, she emphasized. Calling for an end to sexual violence and the culture of impunity, she pressed the Government to protect civilians, investigate all instances of sexual violence and bring those responsible to justice. Support must be extended to organizations helping survivors, she stressed. Recalling the United Kingdom's consistent calls for greater inclusion of women in peace processes, she urged the parties to deliver on promises to meet the 35 per cent quota. She went on to express concern that space for civil society continues to shrink and pressed all actors to engage civil society. Noting that the Secretary-General's report is the last before the May transition date, she expressed concern over the lack of progress on some of the most difficult issues, pinpointing fighting as the cause of the man-made humanitarian and protection crisis in South Sudan. She urged all parties to ensure full implementation of the Agreement.

JOSÉ SINGER WEISINGER (Dominican Republic) said that, since the signing of the Revitalized Agreement, the number of victims of political violence has fallen and the free movement of opposition politicians in Juba is clear. Yet, such modest progress is fragile, amid persistent threats against civilians and ongoing sexual and intercommunal violence, he said. Humanitarian personnel must be able to move freely throughout the territories, with South Sudan fulfilling its commitments in the Revitalized Agreement, he stressed, adding that the signatories must resolve their differences, while regional and international actors maintain support for the process. He went on to express concern about the vulnerable situation of civilians amid reports of rape and other violations, including kidnappings. It is alarming that such cases are not investigated, prosecuted or punished, he said, pressing both the Government and the parties to bring perpetrators to account. He praised the South Sudan People's Defence Force plan to launch its own action plan next week, and the Government for ratifying the Optional Protocol to the Convention on the Rights of the Child. Underlining the need to establish the hybrid court and other transitional justice mechanisms, as well as services for survivors of sexual violence, she pointed out that the Joint Transitional Security Committee does not have a single woman in its ranks.

VERÓNICA BUSTAMANTE (Peru) welcomed the continuing enforcement of the Revitalized Agreement and the deduction of political violence, noting, however, that progress is needed on substantive issues. Recalling the Secretary-General's appeal for the parties to establish transitional security arrangements and form a national unity Government, she said those goals should be prioritized as none has been achieved. Furthermore, the establishment of the Independent Boundaries Commission, approval of a draft law on constitutional reform and the adoption of a governance system must be carried out, she said. Expressing regret that intercommunal violence continues to affect civilians, she said the 1.87 million internally displaced persons and 2.27 million refugees in neighbouring countries shed light on the grave humanitarian situation. Condemning sexual violence against women and girls, she urged the Government and other relevant parties to punish perpetrators, emphasizing that the recent sexual violence in Bentiu offers proof that transitional security arrangements must be implemented as soon as possible. She went on to say that UNMISS should have a close relationship with women-led organizations, adding that the United Nations and IGAD must monitor compliance with the Agreement, especially regarding

the 35 per cent quota for women's participation in decision-making.

KAREN VAN VLIERBERGE (Belgium) noted that the political landscape in South Sudan has undergone a significant change in recent years, with broad-scale progress being made on reducing political violence. Nevertheless, there are persistent to implementing the Agreement and the parties must agree on a future vision for the security sector in order to avoid a fresh round of violence. "This Agreement is a window of opportunity to achieve a lasting peace in the country," she said, expressing concern over the serious humanitarian crisis continuing to linger in South Sudan, and rising intercommunal violence in some areas. Women and girls are not yet reaping the dividends of peace, she added, noting that instead, sexual violence has actually risen since 2018. No lasting solution can be reached without urgently countering such crimes, which affect not only women and girls, but also men and boys, she pointed out. As for displaced people, she emphasized that conditions must be truly favourable for people to be able to return to their homes. They must be properly informed and enjoy full security, she added. In that regard, she laid out several functions that UNMISS can take up, including the protection of civilian sites so as to enhance their safety and security.

JOANNA WRONECKA (Poland), while describing the signing of the Revitalized Agreement as a significant milestone towards peace, nevertheless expressed concern that several of its fundamental provisions — including on establishing transitional security arrangements and the conclusion of the Independent Boundaries Commission's work — are yet to be implemented, and the timelines set by the Agreement are being missed. Welcoming the fact that the permanent ceasefire has largely been respected across the country, she nevertheless expressed grave concern about increased levels of intercommunal violence, persisting tensions, as well as sexual violence against women and girls. "We are appalled by the heinous attacks in and around Benitu," she said, condemning the use of sexual violence as a weapon of war in the strongest possible terms. Stressing the need to end such violence, she called for accountability and joined appeals that the Government spare no effort in bringing the perpetrators to justice. Since there can be no durable peace without inclusiveness, women and young people must be fully represented in the peace process, she emphasized, noting also that regional engagement will remain crucial.

JERRY MATTHEWS MATJILA (South Africa) urged the Government and other parties to do everything in their power to complete the establishment of the mechanisms and committees prescribed by the Agreement, adding that the return of former Vice-President Riek Machar is crucial to the accord's implementation. For its part, South Africa will continue to support the peace process through mediation efforts by President Matamela Cyril Ramaphosa, in his capacity as Chair of the African Union's High-level Ad Hoc Committee on South Sudan, and by Deputy President David Mabuza, in his capacity as Special Envoy to South Sudan. However, South Africa remains concerned about the slow progress and insufficient resources to ensure the Agreement is implemented, he said, adding that his delegation supports the renewal of the UNMISS mandate.

WU HAITAO (China) noted that work on the priorities outlined in the Revitalized Agreement is lagging behind, adding that the Council should offer more assistance by pushing the parties to implement the accord. The parties bear primary responsibility for implementing it, he emphasized, urging the international community to provide funding and technical support, while respecting South Sudan's leadership role. Efforts should be made to support the African Union, IGAD and regional countries by pushing the parties to reach consensus on the implementation of political and security arrangements, as outlined in the Agreement, he added. Emphasizing the need to provide humanitarian and economic support, he reiterated China's support for renewing the UNMISS mandate, notably its focus on helping the parties implement the Revitalized Agreement.

GBOLIÉ DESIRÉ WULFRAN IPO (Côte d'Ivoire) expressed concern over significant delays in attaining the goals for the pre-transition phase, emphasizing that the parties must come to grips with the substantive issues, notably by inserting provisions into the transitional constitution, establishing the Independent Transitional Boundary Commission and putting transitional security arrangements in place. He went on to praise the South Sudan United Front's desire to participate in the peace process and encouraged the Government to respond favourably. Security sector reform should allow for the unification of belligerents and the creation of a disciplined army, he said, stressing also the need to establish transitional justice bodies, notably a hybrid court. With the numbers of internally displaced persons and refugees remaining high, the international community should help to create the conditions for their voluntary, safe and dignified return, he said, reiterating his delegation's support for the creation of a United Nations force to help overcome the crisis in South Sudan. He echoed the Secretary-General's call to both strengthen the UNMISS mandate and make it more flexible.

JOB OBIANG ESONO MBENGONO (Equatorial Guinea) said the signing of the revitalized peace agreement was a significant step forward towards South Sudan's return to peace and stability. The formation of the transitional Government was another important step, he said, calling on the parties to now work for the integration of the national security forces. The time has come to fully implement the peace agreement, both in letter and in spirit. Deploring the persistence of sporadic fighting across South Sudan, as well as continued violence against civilians, he called on the Government to bring those responsible for such crimes to justice. Attacks against UNMISS personnel and humanitarian workers are equally unacceptable. Welcoming the fact that some displaced persons are beginning to return home, he commended the parties for having put the interests of the country ahead of their own narrow priorities. As UNMISS is still critical for stability in the country, he joined other speakers in

voicing support for an extension of its mandate. MANSOUR AYYAD SH. A. ALOTAIBI (Kuwait) welcomed the return of political leaders to Juba, as well as the reunification efforts of the Sudan People's Liberation Movement (SPLM). Commending States in the region for their efforts to resolve the situation in South Sudan, he said the return of people to their homes from protection of civilian sites will help to further restore hope. He also echoed expressions of concern over fighting in Equatoria and voiced his delegation's hope that UNMISS personnel will be granted freedom of movement across the country.

DIAN TRIANSYAH DJANI (Indonesia) said the Revitalized Agreement is the only option for ensuring lasting peace in South Sudan, and as such, the momentum generated by its signing must not be allowed to slip away. There is much work to be done on transitional security arrangements, incorporation of the Agreement into the Transitional Constitution, and resolving the boundaries and states issue. The need for international humanitarian assistance remains critical. As the peace process advances, there must be commensurate positive developments on the ground. Noting that non-signatory armed groups continue to be a source of insecurity, he expressed concern about clashes involving the National Salvation Front in Equatoria, and voiced support for continued outreach by the IGAD Special Envoy to non-signatories. The renewed UNMISS mandate must include support for implementing the Revitalized Agreement, in cooperation with the Government, he said.

ANNE GUEGUEN (France), Council President for March, spoke in her national capacity, saying the opportunity presented by South Sudan's Revitalized Agreement must not be lost. Mutual trust among the parties is increasing, she said, adding that the Agreement's full implementation is the only way forward. The more the parties wait, the more the process will fizzle out and combatants will become impatient. Echoing calls to urgently agree on security arrangements and border issues, she said States of the region — along with UNMISS — can help support those processes. Pointing out that intercommunal violence continues, as spotlighted recently by the Human Rights Council, she added that the level of sexual violence remains unacceptably high. Mobile courts are a useful initiative that should continue, she said, also calling for the swift establishment of a hybrid court. Meanwhile, she also called for expediting humanitarian assistance, continuing efforts to protect civilians, facilitating refugee returns and using sanctions to deter sexual violence crimes.

AKUIE BONA MALWAL (South Sudan) said the security, peace and economic situation in South Sudan has "improved noticeably" since the signing of the Revitalized Agreement, with confidence-building measures — a prerequisite for peace — seen in the return of many opposition leaders to Juba. Peace implementation is progressing "slowly but surely", he said noting that President Salva Kiir Mayardit is touring the Greater Bahr El Ghazal region in the company of opposition leaders. Touching on other gains, he said the National Dialogue Regional Conferences have started, with the first one concluded in Wau last week. The next one will be held in Greater Upper Nile region in the coming days, with the final conference to be held in the Greater Equatoria region before the end of May, he said. Refugees are returning voluntarily "in big numbers" and the internally displaced are leaving their camps. The economy is in the early stages of recovery, with consumer goods available and prices dropping in Juba's markets. Yet, challenges persist, he noted, explaining that peace implementation is moving slowly due to inadequate funding. The Government will carry on, "using whatever means and resources are available", he said, urging the Council to work with IGAD and the African Union to convince the few opposition movements which opted out of the Agreement to sign up and join the peace process.

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Democratic Republic of the Congo

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Unknown attackers threaten to worsen Ebola epidemic in Congo (Reuters) By Inna Lazareva
March 4, 2019

Aid workers at the epicenter of the worst Ebola epidemic in the history of the Democratic Republic of Congo say they are facing a spike in attacks and threats, slowing their work and potentially triggering a surge of new cases.

While two Medecins Sans Frontieres (MSF) facilities treating Ebola patients in North Kivu province were attacked last week, aid workers said they are only the latest in a series of incidents.

One of the facilities has since reopened.

“We had at least 10 cars that were broken into in Katwa,” said Michel Yao, incident manager for the World Health Organization referring to an attack last month in an area in the eastern trading hub of Butembo, a city with strong links to neighboring Uganda.

“There are increasing attacks on different teams,” Yao told the Thomson Reuters Foundation by telephone from Butembo.

He cited the difficult conditions faced by aid staff working on disinfection, safe burials, support of health facilities, those providing vaccinations to treat Ebola and others.

The current Ebola epidemic, first declared in August, is believed to have killed at least 561 people, so far, and infected over 300 more.

It is unclear who exactly is behind the attacks, said Jean-Philippe Marcoux, country director for the Mercy Corps charity in Congo.

“It’s a minority of groups but sometimes they react violently and target response workers,” he said.

“To a certain extent, Ebola has been politicized during the run up to (December’s presidential) elections,” said Marcoux.

Some communities believe the Ebola response to be part of a political conspiracy to control or exclude the local population from the electoral process, he said.

Some people accuse the government or the international community of “bringing us Ebola”, Marcoux said.

In some neighborhoods, locals ignore potentially life-saving precautions, Marcoux added.

“They refuse treatment, they refuse follow ups, they refuse vaccinations and they refuse assistance for the (safe) burials.”

“The teams and staff are very scared,” WHO’s Yao said. “When our team enters (certain areas), they are suddenly surrounded by hostile people who are even armed.”

“We saw bullet marks on the wall,” Yao added, referring to an attack on an Ebola treatment center in Butembo on Wednesday.

The center was set on fire while an extended gun battle between the attackers and security forces ensued, health officials said.

The torching of the two centers prompted Medecins Sans Frontieres (MSF) to suspend medical activities.

“It will definitely affect the prognosis of people surviving Ebola,” Yao said. “The fear is that if we cannot work in the coming days and weeks, we will have a major surge of cases in Butembo. I cannot exclude re-infection in places where the outbreak has been brought under control. This is really our fear.”

Blaming the attacks on insecurity and violent gangs “would be too easy,” said Marcoux in a statement released on Thursday.

“Building community acceptance and securing trust has not been given the same weight as treatment, and we are continuing to see the consequences - suspicion abounds and case numbers rise,” he added.

“The only way around it is to establish dialogue, which takes time, resources, and with the right people that (communities) can trust - that would be a good place to start.”

Israel to Suspend Expulsion of Hundreds of Congolese Migrants (Haaretz) By Lee Yaron

March 7, 2019

Israel will suspend a decision to expel hundreds of citizens of the Democratic Republic of Congo.

The decision to suspend the expulsion was announced by Interior Minister Arye Dery on Thursday, and came after the Foreign Ministry said that the repatriation could not be accomplished without endangering the lives of those facing deportation.

The Foreign Ministry’s intervened after human rights organizations filed a petition to the Jerusalem District Court, demanding that the expulsion of be stopped.

Last December, the court decided to freeze the expulsion.

There are several hundreds of ex-Congolese citizens residing in Israel who came to the country after fleeing violent clashes that their country has suffered for about two decades.

The DRC has also seen a recent epidemic of the Ebola virus that has killed hundreds.

Explaining the move, Dery said that the Foreign Ministry's recommendation came in light of "recent developments in the DRC."

The suspension, he added, would remain in effect for as long as was necessary to get a clear picture of events in the country.

In October, after an earlier consultation with the Foreign Ministry over lifting the collective protection granted to Congolese in Israel since 2002, Dery concluded that there was nothing preventing their repatriation.

The Interior Ministry's Population and Immigration Authority notified DRC nationals in Israel that they had 90 days, until January 5, to leave the country and that they would not be issued visas permitting them to stay in Israel beyond that date. A coalition of Israeli human rights groups then filed their petition in Jerusalem District Court to stop the expulsion.

The petitioners argued that the expulsion should not be carried out without a thorough examination of the security and humanitarian situation in the DRC. The court granted a temporary stay in December "to avoid serious and irreversible harm" to Congolese in Israel.

In addition to citizens of the Democratic Republic of the Congo, Israel provides temporary collective protection from expulsion to nationals of three other African countries – Sudan, South Sudan and Eritrea.

There are at least 400 nationals of the DRC in Israel, according to the Population Authority, which did not respond to an inquiry from Haaretz regarding how many of them have already received refugee status in Israel, protecting them from expulsion, how many have pending asylum requests for refugee status and how the requests will now be handled.

Two of the groups that filed the district court petition, the Hotline for Refugees and Migrants and HIAS, issued a statement welcoming Dery's action and said the earlier decision to lift collective protection was "hasty and dangerous" in light of instability in the DRC. The statement also noted that many Congolese asylum seekers in Israel have been waiting for over a decade for a decision on their asylum requests, during which time "they have faced the possible threat of expulsion to the country that they had fled to save their lives."

Inbar Barel and Merav Ben-Ze'ev, the two lawyers who had drafted the district court petition on behalf of the human rights groups, also welcomed the Interior Ministry's decision, but added: "We regret that there was a need in the first place to file a petition" to halt a step that would have been "clearly hasty and dangerous." They called on the Interior Ministry to act on the asylum requests of Congolese citizens in Israel, "some of which have been gathering dust on its desk for more than 10 years."

DRC: Ebola response failing to gain the upper hand on the epidemic (Reliefweb) March 7, 2018

Seven months into the largest ever Ebola outbreak in the Democratic Republic of the Congo (DRC), the Ebola response is failing to bring the epidemic under control in a climate of deepening community mistrust, Médecins Sans Frontières (MSF) said at a press conference in Geneva today.

People who died in the community make up more than 40% of new cases since the beginning of the year.

At the epicentre of the epidemic in Katwa and Butembo, 43% of patients in the last three weeks had no known links to other infected patients.

"We have a striking contradiction: on the one hand a rapid and large outbreak response with new medical tools such as vaccines and treatments that show promising outcomes when people come early - and on the other hand, people with Ebola are dying in their communities, and do not trust the Ebola response enough to come forward," said International President of MSF, Dr. Joanne Liu.

Last week, MSF suspended its Ebola activities in Katwa and Butembo, in North Kivu province, after successive attacks on two treatment centres. While MSF does not know the motives or identities of the attackers, these incidents follow an escalation of tensions around the Ebola response.

Dozens of security incidents occurred against the Ebola response as a whole in February alone. While the causes of these incidents are not all the same, it is clear that various political, social and economic grievances are increasingly crystalizing around the response.

A range of issues have led to these tensions: from the massive deployment of financial resources focusing only on Ebola in a neglected region suffering from conflict, violence and long-standing health needs; to elections being officially postponed due

to the Ebola outbreak, exacerbating suspicions that Ebola is a political ploy.

The use of police and armed forces to compel people to comply with health measures against Ebola is leading to further alienation of the community and is counterproductive to controlling the epidemic. Using coercion for activities such as safe burials, tracking of contacts and admission into treatment centres discourages people from coming forward and pushes them into hiding.

The Ebola response must take a new turn. Choices on how to manage the disease must be given back to patients and their families. Vaccination for Ebola must reach more people, and more vaccines are needed for this. Communities have other dire health needs that should be addressed. And coercion must not be used as a tactic to track and treat patients, enforce safe burials or decontaminate homes.

“Ebola is a brutal disease, bringing fear and isolation to patients, families and health care providers,” said Dr. Joanne Liu. “The Ebola response needs to become patient- and community-centered. Patients must be treated as patients, and not as some kind of biothreat.”

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

Boko Haram Attacks. Is Chad Losing Control of the Central African Pivot Space? (Global Research)

By Andrew Korybko

March 25, 2019

The geostrategically pivotal Central African country of Chad is dangerously losing control of the region after recent developments despite having one of Africa’s most powerful militaries, with Boko Haram’s deadliest-ever attack against its forces last Friday proving why the government of long-serving leader Idriss Deby depends on being a joint Franco-Zionist protectorate in order to survive, but even that might not be enough to ride out of the wave of change that’s sweeping the region.

Boko Harm Strikes Back

Boko Haram brazenly inflicted its deadliest-ever attack against Chadian forces last Friday after killing 23 soldiers along the northeastern shores of Lake Chad and causing long-serving leader Idriss Deby to replace the chief of staff of his armed forces and two other deputies in response. Most of the world assumed that the regional terrorist group was defeated after a concerted multinational effort by the four countries of the Lake Chad region over the past few years, but the organization is nevertheless very much alive and as dangerous as ever as recent events in Chad and neighboring Niger prove. All of this is somewhat surprising, however, since Chad is regarded as having one of Africa’s most powerful militaries and is even capable of projecting power as far west as Mali as part of the French-led “Operation Barkhane” anti-terrorist mission across the Sahel, making one wonder whether this geostrategically pivotal Central African country is finally losing control of the region after

recent developments.

What A Difference A Decade Makes!

The regional security situation used to be markedly different a decade ago than it is today. The state-to-state Hybrid War in Sudan's Darfur had finally been defused and Chad's northern and southern flanks were secured by friendly long-serving Libyan and Central African Republic (CAR) strongmen Gaddafi and Bozize respectively. Cameroon, which functions as Chad's energy and commercial outlet to the rest of the world, was stable under President Biya's then-uncontested rule, while neither Niger nor Nigeria were seriously threatened by Boko Haram at that point in time.

Nowadays everything is altogether different. Sudan is destabilized from within by an incipient Hybrid War, while Libya has been a failed state and haven for Chadian rebel groups since the 2011 NATO war on the country, though General Haftar is progressively restoring stability there. The Central African Republic is emerging from its previous failed state status of the past half-decade but with Russia replacing the influence of Chad's French patron there. As for Cameroon, it's in an unofficial low-intensity state of civil war, while both the Nigerien and Nigerian borderlands have become heated battlefields against Boko Haram.

The Franco-Zionist Protectorate

In the context of the many non-electoral regime changes that have taken place across the continent over the past decade (the "African Spring") and the deteriorating security environment all along its periphery (both in terms of unconventional challenges like rebels/terrorists and general strategic ones such as Hybrid Wars and Russia's rising influence in the CAR and Sudan), it's little wonder that Chad has clung even tighter to its French patron and sought the help of its in-country military forces from time to time. Paris has a history of militarily intervening at crucial moments in order to support its political proxies in the country, which has been Deby for nearly the past three decades since he seized power in a 1990 coup and expanded his nationwide patronage network throughout the entire armed forces.

Still, the neo-imperial policy of Françafrique is under unprecedented strain after suffering enormous strategic setbacks by Russia in the CAR. It's also seriously challenged by the rising terrorist threats that have emerged in West Africa (specifically Mali) as a direct result of the 2011 NATO War on Libya and which are now spilling over into Burkina Faso and beyond. This could explain why Deby thought it fitting to seek "Israel's" security assistance in exchange for coming under its joint protectorate influence. The majority-Muslim country broke ranks with most of the "Ummah" by hosting the "Israeli" earlier this year and signing several security, intelligence, and other deals with his political entity. Evidently not having full faith in the long-term prospects of Françafrique, Deby is betting that his government would have better prospects of survival by becoming a Franco-Zionist protectorate instead.

Destabilization Scenarios

Even with the support of both France and "Israel", Deby might not be able to ride out the wave of change that's sweeping the region since foreign military assistance might not suffice for dealing with the multifaceted challenges that Chad could potentially face in the near future. Putting aside the serious danger posed by Boko Haram and its increasingly brazen attacks inside of the country within relative proximity to the capital city, there are three interconnected scenarios that could unfold to catalyze a "phased leadership transition", some of which were touched upon two years ago in the author's Hybrid War analysis on Chad. These are a worsening of the Cameroonian Hybrid War, the creation of a Color Revolution movement (especially one that gives off the optics of a North-South Muslim-Christian "Clash of Civilizations"), and a "deep state" coup.

To explain, Chad is almost entirely dependent on Cameroon for access to the outside world, so the deteriorating situation in its neighbor could eventually lead to a disruption in trade (especially if Color Revolution unrest paralyzes its main ports) that would immediately spike prices in the landlocked country that's ignobly regarded as one of the world's poorest states. This could naturally provoke protests that might quickly turn into a Color Revolution, particularly if the state disproportionately reacts with lethal force and singles out certain ethno-religious communities for punishment. In the worst-case scenario of rapidly spiraling instability, possibly accelerated by an uptick in Boko Haram and rebel attacks during this time, the Chadian "deep state" might conclude that their nation's interests are best served by initiating a "phased leadership transition" against their elderly leader such as the one underway in Algeria and possibly soon in Sudan too.

Concluding Thoughts

Regardless of what happens in the coming future, it's undoubtable that Chad has found itself in a more challenging regional security environment than ever before, especially after Boko Haram's brazen attack last Friday. The country's de-facto status as a joint Franco-Zionist protectorate might be enough to thwart most conventional and unconventional threats, but would be irrelevant in safeguarding the state if its Cameroonian lifeline is abruptly cut off by a worsening of the Hybrid War in the neighboring nation. The chain reaction of consequences that this could quickly trigger might be enough to bring superficial

change to the country, though any “deep state”-driven “phased leadership transition” probably wouldn’t change the substance of the Chadian system or remove France and “Israel’s” influence within it. Rather, it might lead to Chad losing control over the Central African pivot space and refocusing its attention inwards in the aftermath, which could irreversibly alter the regional balance of power in unpredictable ways.

33 Boko Haram Terrorists Killed By Niger Forces In Lake Chad Region (Strategic Intelligence)

March 18, 2019

Niger announced that its troops killed 33 Boko Haram terrorists while at the same time seizing vehicles and weapons from the said militants in an operation in the Lake Chad region.

According to a statement issued by Niger’s defense ministry, A vehicle up-armored to be used as a suicide vehicle bomb was destroyed, while two other vehicles, two motorcycles, a 120-mm mortar, 10 AK-47 assault rifles, two 60mm shells and 3,736 rounds of all calibers were seized.

The operation was conducted in conjunction with Nigeria and other troops from the Multinational Joint Task Force. Nigeria’s Air Force said that NAF Intelligence, Surveillance, and Reconnaissance (ISR) platforms and Alpha Jet attack aircraft in coordination with Niger’s Air Force ISR and attack aircraft supported ground troops from the Multinational Joint Task Force “to pursue and decimate” Islamic State West Africa province (ISWAP) militants on the fringes of Lake Chad.

The death of the militants comes as both factions of Boko Haram attempt to assert dominance with ISIS-acknowledged ISWAP suffering a leadership falling out. ISIS affiliates in the north and west Africa have been making radical moves in attempts to offer safe havens for fleeing fighters from the Middle East where the group is losing ground in Iraq and Syria.

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Mali

Mali government sacks senior army officers and dissolves militia after brutal massacre that left more than 130 villagers dead (South China Morning Post)

March 25, 2019

Mali’s government on Sunday announced the sacking of senior military officers and the dissolution of a militia, a day after the massacre of more than 130 Muslims, including women and children.

Prime Minister Soumeylou Boubeye Maiga said new military chiefs would be named, and that the Dan Nan Ambassagou association, composed of Dogon hunters, had been dissolved.

The dissolution of the militia was to send a clear message, Maiga told journalists: “The protection of the population will remain the monopoly of the state.”

Survivors of Saturday’s attack said ethnic Dogon hunters carried out the deadly raid in Ogossagou, a village in central Mali inhabited by the Muslim Fulani community.

Maiga did not name the senior officers sacked, but defence ministry sources told AFP they were the Armed Forces Chief of General Staff M’Bemba Moussa Keita, and chiefs of the Army and the Air Force.

The prime minister’s announcement came hours after an emergency meeting called by President Ibrahim Boubacar Keita in response to Saturday’s massacre, in which at least 134 men, women and children were killed.

The victims were shot or hacked to death with machetes, a security source told AFP.

The UN Children’s Fund said “Malian children are paying a heavy price for the intensification of violence.” “Growing insecurity since 2017 has led to an increase in murders, mutilations and the recruitment of children,” Unicef said.

For its part the European Union called for “immediate steps (including) the disarmament and dismantling of all militias” in

Mali.

Researcher Baba Dakono of the Bamako-based Institute for Security Studies told AFP the attack was “unprecedented” but “predictable” because of a weak state presence in the region.

It was the deadliest attack since the end of the 2013 French-led military intervention that drove back jihadist groups who had taken control of northern Mali.

The massacre took place as a delegation from the UN Security Council visited the Sahel region to assess the jihadist threat.

“The secretary general is shocked and outraged” by the bloodshed, Antonio Guterres’s spokesman said in a statement late Saturday.

The UN chief called on the Malian authorities “to swiftly investigate it and bring the perpetrators to justice”, the statement added.

Guterres’s spokesman said the UN mission in Mali, MINUSMA, provided air support to deter further attacks and assisted with the evacuation of the injured.

Earlier, the UN said the visiting ambassadors from the Security Council member states met on Saturday with Maiga to discuss the volatile situation.

The attack was launched at dawn on Saturday in the village near the border with Burkina Faso, in a district that has seen frequent inter-communal violence.

While local attacks are fuelled by accusations of grazing cattle on Dogon territory and disputes over access to land and water, the area is also troubled by jihadist influence.

Jihadist fighters have emerged as a threat in central Mali in the past four years. A group led by radical Islamist preacher Amadou Koufa has recruited mainly from the Fulani community.

Since then, there have been repeated clashes between the nomadic Fulani herders and the Dogon ethnic group. Last year that violence claimed some 500 civilian lives, according to UN figures.

In January, Dogon hunters were blamed for the killing of 37 people in another Fulani village, Koulogon, in the same region.

The Fulani have repeatedly called for more protection from the authorities. The government in Bamako has denied their accusations that it turns a blind eye to – or even encourages – Dogon attacks on the Fulani.

Once considered a beacon of democracy and stability in Africa, Mali in recent years has been dogged by a coup, civil war and Islamist terrorism.

Extremists linked to al-Qaeda took control of the desert north in early 2012, but were largely driven out in a French-led military operation launched in January 2013.

In June 2015, Mali’s government signed a peace agreement with some armed groups, but the jihadists remain active, and large tracts of the country remain lawless.

The violence persists despite the presence of UN peacekeepers, a strong French military contingent and the creation of a five-nation military force in the region.

Africa: Making Sure ICC Victims Get Reparations, Assistance (allAfrica) By Felipe Michelini
March 26, 2019

March started with for two important events for the Trust Fund for Victims (TFV) of the International Criminal court (ICC). This is good news for the victims of the most heinous crimes worldwide, such as genocide, against humanity, of war and aggression. In 2018 the TFV received contributions from states, political parties and private donors of over €4 million. This means an increase of 37% from the previous year. It seems governments have understood the vital role of the TFV within the Rome Statute system to provide the opportunity for victims, survivors and relatives to recover their dignity.

As the press release from the TFV establishes, the contributions included installments of multi-annual unrestricted funding

arrangements (the Netherlands, and Sweden), as well as multi-annual earmarked sexual and gender-based violence (SGBV) programmes (Finland), contributions designed for the Trust Fund's reparations and/or assistance reserve (Ireland, Germany), as well as for specific awards (the Netherlands, Norway, and the United Kingdom). The Trust Fund also received contributions from new or returning donors, including Austria, Denmark, Mali, New Zealand, Philippines, Slovakia, Slovenia, Spain, and Uruguay. No doubt it was a good year due to the work of the Board of Directors and the Secretariat. However, It will be necessary to strengthen the capabilities of the TFV to reach private funding.

On the other hand, the recent ruling from the ICC Trial Chamber VIII on the reparations on the Al Mahdi case renews the hope of reparative justice. Al Mahdi was found guilty of war crimes after intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, between June and July 2012. A jail sentence of nine years was ordered.

This latest ICC decision means more efficient proceedings to make the reparation aim of the system a reality. The ruling accepts the Updated Implementation Plan (UIP) submitted by the TFV on a broad number of issues, including collective compensations, protection of buildings, economic harm and symbolic reparations.

The TFV has to report periodically to the Trial Chamber VIII, but it has the flexibility to make sure to accomplish them within a three-year period. This means that the TFV has to face the challenge to be strong, super active and pragmatic to fulfill the tasks it has committed to perform before the Trial Chamber and the victims.

Many non-Governmental Organizations (NGOs) have requested that the ICC have a more victim-centred approach. This decision moves the Hague court in that direction, and happily the TFV has played a relevant role. It has to be emphasised how the Draft Implementation Plan (DIP) and the UIP were handled, including close consultations with the Legal Representation of Victims.

Additionally, the TFV currently implements reparations awards in the cases of Lubanga and Katanga, and within the assistance mandate in Uganda and the Democratic Republic of the Congo. New assistance projects and activities are in development in Cote d'Ivoire, Central African Republic, Georgia, and Kenya.

In conclusion, these two events are positive steps to make the system work, but it will be necessary to try harder to show that the system really aims to punish the criminals and to protect the victims and survivors.

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Liberia

Liberia: Swiss Will Try Former Rebel Leader Alieu Kosiah for War Crimes (All Africa)
March 27, 2019]]

In a ground-breaking case, Swiss prosecutors have announced that Alieu Kosiah, a former commander of the United Liberation Movement for Democracy in Liberia (ULIMO) who was arrested in Switzerland nearly five years ago, will be put on trial in the country for war crimes allegedly committed in Liberia.

"The suspect is being accused of violations of the laws of war as a member of a military faction in the context of the internal armed conflict that took place in Liberia between 1989 and 1996," the office of the Swiss Attorney-General announced in Bern, the capital, on Tuesday. The office did not announce the name of the suspect, but Civitas Maxima, a Geneva-based network of network of human rights lawyers, named him as Kosiah.

It will be the first time that Switzerland's Federal Criminal Court tries a case under an indictment related to international criminal law. The prosecutors said one of the reasons the case had taken so long to bring to trial was "the lack of cooperation by Liberia..."

Civitas Maxima, which has been pressing for the prosecution, said it will be the first-time a ULIMO member is indicted for war crimes.

The Swiss prosecutors said that in July and August 2014, several Liberians filed complaints with the Attorney-General against Kosiah, who was living in Switzerland. The Liberians' testimonies alleged that either he or troops under his command

"committed, among other crimes, assassinations, a rape and acts aimed at enslaving and terrorizing the population in the Lofa County between 1993 and 1995."

The charges are being brought under the Swiss Military Criminal Code. The current international criminal law regime was adopted domestically in Switzerland only in 2011, after the alleged crimes were committed, and does not apply retrospectively.

The military code makes war crimes punishable "regardless of where they were committed and of the perpetrator's or the victim's nationality," the prosecutors said. The code enables Switzerland to enforce the "requirements of international conventions on the conduct of warfare and for the protection of persons and property" and charge suspects for contravening "other recognized laws and customs of war."

The prosecutors' statement outlined the charges Kosiiah will face as follows:

"The defendant is accused of having ordered the murder respectively murdering or participating in the murder of civilians and soldiers hors de combat, desecrated a corpse of a civilian, raped a civilian, ordered the cruel treatment of civilians, recruited and employed a child soldier, ordered several pillages and ordered and/or participated in forced transports of goods and ammunition by civilians. The defendant has allegedly committed these crimes between March 1993 and the end of 1995 as a member of a military faction."

Hassan Bility, director of the Liberia-based Global Justice and Research Project, said the announcement of the prosecution is "a great day for justice in Liberia, a great day for all of the victims."

Civitas Maxima lawyers Alain Werner and Romain Wavre added: "We are proud that the bravery of the victims who testified against Alieu Kosiiah is finally being recognized through this trial. It is important for the victims to know that if they talk, they will be heard."

Bility also used the announcement to call on the Liberian government to establish its own war crimes court.

Jewel & The Trial of Agnes Taylor (New Democrat)

March 24, 2019

Accused of a string of torture offences and human rights violations, Agnes Taylor, one of the ex-wives of former President Charles Taylor is set to appear in a UK court.

The charges date back to Liberia's civil war almost 20 years ago and she appears to be prosecuted under the of "a public official or person acting in an official capacity".

The case could potentially expose other officially known wives of the polygamist warlord including Liberia's current Vice President Jewel Howard Taylor.

In 2012, Charles Taylor was sentenced by The Hague to 50 years in prison for aiding rebels who committed atrocities in neighboring Sierra Leone .

Agnes has denied all charges, including one relating to a woman witnessing the shooting of her two children while she was tied up.

Agnes Taylor, 52, is also accused of conspiring to use rape to torture women during the west African country's civil war in 1990. Another allegation states that the former university lecturer was involved in the torture of a child, who was tied to a tree and witnessed the shooting of others.

She entered not guilty pleas to eight charges.

The first relates to alleged rapes by (National Patriotic Front of Liberia) NPFL forces in a village in Liberia. Three more relate to the alleged torture of a 13-year-old boy by severely beating him. A fifth relates to the alleged torture of a man by severely beating him, while a sixth relates to the alleged torture of another man by shooting him in the leg.

The seventh relates to the alleged torture of an unnamed child, who was allegedly tied to a tree and witnessed the shooting of others, while the eighth relates to the alleged torture of a "pastor's wife" in 1990 by tying her up and her witnessing the shooting of her two children.

All of the alleged offences are said to have been committed while Ms Taylor was "a public official or person acting in an official capacity".

Each of the torture counts states her alleged actions were "in the performance or purported performance of [her] official

duties”.

The trial of Agnes Taylor could have implication for other former Wives of the jailed ex-President. Jewel Taylor for instance was associated and married to Taylor when some of the horrific war crimes and human rights violations of his rebel and presidential regime were committed.

At the heart of the Civil war in the 1990s, Jewel left the comfort of US home and traveled to Taylor’s rebel territory demonstrate her loyalty and support, she told News Week.

In a May 2012 interview with Newsweek’s Clair MacDougall Jewel downplayed and denied the Charles Taylor recruitment of children into rebel army. She said Samuel K. Doe soldiers orphaned them and that Taylor treated them like a father.

Clair: when talking about child soldiers, she told me that Taylor “loved children” and that the rebel’s Small Boys Units were made up of children orphaned by government forces. “They were people who did not have access to their parents, because they had been killed,” she said. “They saw [Taylor] as a father figure. And if you visit areas of Monrovia and talk to a lot of ex-combatants, they call him papay—‘our father’—somebody who came to their aid when there was no one else,” she said.

Four years after that interview, she met with US state Department officials to beg for the release of her ex- husband (former President Charles Taylor) from prison and his subsequent return to Liberia, minutes from the September 13, 2017 Congressional hearing on Liberia showed.

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EAST AFRICA

Uganda

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

An ex-colonel in the Lord’s Resistance Army goes on trial in Uganda (The Economist)

March 21, 2019

People still fear Thomas Kwoyelo in the villages around Pabbo, a town in northern Uganda where the Kilak hills smudge the horizon. Prosecutors in Uganda’s first war-crimes case allege that when he was a colonel in the Lord’s Resistance Army (LRA), a rebel group that terrorised northern Uganda from 1987 until 2006, he and his men abducted children, stole animals and massacred civilians. He pleads not guilty on all 93 counts, which include charges for murder, rape and enslavement. “He should be locked away for ever and never come back,” says one widow.

The prosecution made its opening statement on March 12th in the high court in Gulu, a short drive away. The trial is seen as a test case for the court’s International Crimes Division, one of the first domestic war-crimes courts in Africa. Established in 2008, after failed peace talks with the LRA, it has convicted human traffickers and terrorists. But Mr Kwoyelo, captured a decade ago in Congo, is the first LRA rebel to appear before it. Many in northern Uganda don’t think he should face trial at all.

Most of the group’s leaders have escaped justice. In 2005 the International Criminal Court (ICC) in The Hague issued arrest warrants for five senior commanders. One of them is now on trial there; three others are thought to be dead. Joseph Kony, the self-declared spirit medium who led the rebellion, is still at large. Thousands of LRA fighters have received amnesty under a law passed in 2000. Mr Kwoyelo—too junior to appear on the ICC’s list—is aggrieved that he was not given amnesty. Higher-ranking rebels walk free.

In the villages where Mr Kwoyelo once roamed people catch news of his trial on radios. It is better that the case is heard in Gulu, says one man, than in a foreign court. The Ugandan court has appointed victims’ counsels, distinct from those for the prosecution and defence, who liaise with communities and represent victims in court. One of the counsels says their purpose is to “establish the bigger picture, beyond the guilt or innocence of the accused”.

But the defense argues that Mr Kwoyelo is a victim, claiming he was abducted as a child while walking to school and forced to follow orders for fear of being shot. That story elicits some sympathy in northern Uganda. This was a disturbingly intimate war, where almost everybody knows someone who was abducted and returned. A local MP is standing surety for Mr Kwoyelo to seek bail. He argues that Mr Kwoyelo should instead go through a “traditional” ceremony, which puts reconciliation above punishment. It is a popular view, though not one shared by many victims.

Distrust of the court is rooted in memories of the war. In it the government ordered almost the entire local population into squalid camps where thousands died of disease. “Between the government and the rebels, who is to blame?” sings Bosmic Otim, a pop star. Many people accuse the army of committing atrocities and wonder why its soldiers are not on trial, too.

Perhaps that is the point. The ICC, which Ugandan leaders have previously supported but now rail against, will investigate crimes only when domestic courts are unable or unwilling to do so. Uganda has used its own war-crimes court to “give the perception that the Ugandan government was able to try international crimes and therefore shield its leadership from ICC investigations,” argues Nicholas Opiyo, who was Mr Kwoyelo’s lawyer for nearly ten years before dropping out of a case he deems irretrievably unfair. Harriet Ssali, the registrar of the domestic court, says that it had “practically begged” people to file reports on alleged army atrocities, but that they are too scared to do so. Any such case would be passed on to a military tribunal.

The judges think Mr Kwoyelo’s trial will take three years, which is optimistic. The court is so short of money that one of the victims’ counsels could not afford to travel to a recent session. Nor is it clear who will fund the reparations that the victims expect. The trial is meant to set Uganda on a road towards justice. The risk is that it becomes a dead end.

Uganda denies backing Rwandan rebels as tensions grow (The Washington Times)

By Rodney Muhumuza

March 19, 2019

Uganda’s president is denying support for rebels opposed to Rwanda’s government as tensions between the two East African neighbors persist, raising fears of a possible armed conflict.

In a letter to Rwandan President Paul Kagame published on Tuesday in government-controlled media, President Yoweri Museveni said that “there is no question of Uganda supporting anti-Rwanda elements.”

An official with the Ugandan presidency confirmed Museveni authored the private letter to Kagame in efforts to assuage the Rwandan leader’s concerns about alleged help from Uganda being extended to the Rwanda National Congress, an opposition group in exile that’s led by former Rwandan army chief Kayumba Nyamwasa.

Nyamwasa, who lives in South Africa, has survived at least two assassination attempts he believes were ordered by Rwandan authorities. Rwanda, which denies targeting Nyamwasa, has outlawed his group, which it accuses of operating rebel cells in eastern Congo.

In the letter published in the Ugandan newspaper The New Vision, Museveni acknowledged he recently met with a member of a Rwanda National Congress who spoke of “bad things” happening in Rwanda and who “wanted us to support them.”

Museveni also met separately with an exiled Rwandan tycoon, Tribert Rujugiro, who is accused by Rwandan authorities of financing rebels opposed to Kagame, according to Museveni’s letter to Kagame. Rujugiro’s business in Uganda, notably a big tobacco processing plant, is one of the contentious issues, with Kagame demanding Rujugiro divests out of Uganda.

It appeared Museveni would not move to forcibly shut down or sell Rujugiro’s business.

“If, therefore, he is still a problem to Rwanda, the correct option is to use the courts of Uganda to prove the case of terrorism and then his assets can be frozen,” Museveni wrote to Kagame on March 10, talking about Rujugiro.

Rujugiro himself denies supporting anti-Kagame groups, saying in an interview with the New Vision on Sunday that “Kagame knows that if I opted to help the rebels fighting against him, it would take less than six months to defeat him.”

Both Museveni and Kagame have recently made remarks seen as threatening to each other, with the Ugandan leader warning that “those who try to destabilize our country do not know our capacity” and Kagame countering that “nobody anywhere can bring me to my knees.”

Rwanda’s government has closed a busy border crossing with Uganda, stranding traders in what Uganda describes as a trade embargo. Rwanda’s government has ordered its citizens not to travel to Uganda.

Tensions between Rwanda and Uganda, as well as between Rwanda and Burundi, “are reaching an alarming level” and “could lead to another proxy conflict in eastern (Congo),” according to analysis by the South Africa-based think tank Institute for Security Studies.

In recent years Rwanda also has sparred with Burundi over charges Burundian rebels are based across the border in Rwanda.

In the 1990s the armies of Uganda and Rwanda went to war in eastern Congo when they backed rival rebel groups. Many parts of eastern Congo remain lawless, with many armed groups still operating there.

Kagame and Museveni, strong leaders who have ruled their countries for many years, have increasingly disagreed in recent years as Kagame, once an intelligence lieutenant for Museveni, asserts his authority at home and in the region.

Kagame, who grew up as a refugee in Uganda, was a Ugandan army major before he led Uganda-backed rebels who took power in Rwanda at the end of the 1994 genocide.

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Kenya

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

Launch of New Research into Preventing Violent Extremism in Kenya (Africa News)

By APO Group on behalf of British High Commission Nairobi
March 21, 2019

Representatives from the Kenyan Government joined members of the diplomatic community and civil society today, for the launch of new research into preventing violent extremism in Kenya. The launch was co-hosted by the National Counter Terrorism Centre, the British High Commission Nairobi, and the Embassy of the Netherlands, Nairobi.

The research, which was jointly funded by the British and Dutch Governments, seeks to further understanding of 'at-risk' communities in Kenya, and to support an evidence-based approach to policy and decision making.

Researchers looked at the drivers of radicalisation, how radicalisation and recruitment work in practice, and which approaches to preventing and countering violent extremism may be most effective. Among the findings, it was clear that social networks are key; those with small or weak social networks are at risk of radicalisation. Personal crises, and structural challenges such as unemployment & poverty also play a big role. When considering how to effectively respond to the risk of radicalisation, the research highlighted the positive role informal grassroots interventions can play in influencing 'at-risk' individuals, and the role mothers play in encouraging their children to leave violent extremism.

The research includes recommendations for government, practitioners and development partners working to prevent violent extremism.

Speaking during the launch, Ambassador Martin Kimani said:

'This launch delivers carefully researched findings and practice-relevant recommendations that help sharpen the focus of terrorism prevention work on individuals who are truly at risk of recruitment. I commend the researchers on this effort.'

British High Commissioner Nic Hailey said:

'The UK is committed to working with Kenya to respond to the shared threat of violent extremism. Research ensures we adopt an evidence-based approach to the design of our interventions, so that they really work, preventing people from being radicalised in the first place.'

Dutch Ambassador Frans Makken said:

'Preventing and countering violent extremism is not just a matter of violence alone; it is also about a country's reputation, investment climate and, most importantly, the future of its youngsters. This research helps to pinpoint causes of radicalization and recruitment and, hence, to support policies as well as concrete action on the ground to prevent and counter violent extremism.'

Kenya must not force refugees back to Somalia by closing Dadaab camp (Amnesty International)

March 26, 2019

Responding to news that the Government of Kenya plans to close the Dadaab refugee camp by the end of August, Amnesty International Kenya's Executive Director Irungu Houghton said:

“The Government of Kenya courts a humanitarian disaster and international criticism if it intends to forcibly return hundreds of thousands of refugees to Somalia without proper consultation, planning and regard for their safety. These men, women and children have fled ongoing armed conflict in fear for their lives and suffered a raft of other human rights abuses.

Any decision to arbitrarily close the camp would also violate the February 2017 Kenyan High Court ruling that the intended closure of Dadaab in 2016 is un-constitutional and illegal under both national and international law.

“These plans must be shelved. The Kenyan government must seek genuine durable solutions for Somali refugees including integration into the Kenyan society and resettlement to third countries. The international community must support the Kenyan government to do this by availing financial and technical support and offering resettlement places to the most vulnerable refugees.”

The Government of Kenya has first announced its intention to close Dadaab refugee camp, allegedly to stem terrorist attacks in the country. In 2016, Amnesty International carried out research in Dadaab, following the Kenyan government's announcement at that time of its intention to close the camp. The organization found that forcing refugees to return to Somalia is a violation of the principle of non-refoulement.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Remembering Rwanda: small mercy from the horror of Kibeho (Lowy Institute)

John Connor
March 27, 2019

What you don't expect to see when you arrive at Kibeho are the eucalyptus trees.

When Belgium ruled Rwanda, gum trees were planted across the colony to provide firewood. A small country in central Africa, Rwanda is mainly populated by two ethnic groups: the minority Tutsi and the majority Hutu. In a typical colonial strategy of divide and conquer, the Belgian administration placed the Tutsi minority in a privileged position. With independence in 1961, the Hutu majority gained power, and many Tutsi were forced to flee to neighbouring Uganda. Years later would begin the worst of all crimes.

Negotiations to end a Hutu-Tutsi civil war broke down in April 1994 – 25 years ago next month – when the Rwandan president, who supported a peace plan, was assassinated. Hutu extremists then perpetrated a genocide on moderate Hutus and Tutsis. In a little over three months, half a million Rwandans were killed. The genocide ended only when Tutsi rebel forces defeated the Hutu government and seized power in July.

In the aftermath of the genocide, the Australian government provided a contingent of around 300 Australian Defence Force personnel. Half were medical staff: the remainder were infantry and Special Forces to provide force protection. The troops arrived in the Rwandan capital of Kigali on 7 August 1994. Based at Kigali Central Hospital, they removed dead bodies and wrecked equipment and brought the hospital back into use.

A second contingent replaced the first in February 1995. The civil war had been over for six months, but hundreds of thousands of Internally Displaced Persons were still in camps. The largest of these was Kibeho, where between 80,000 and 100,000 people were living in a camp sprawling over nine square kilometres.

The new Tutsi government believed that the camps were full of genocidaires and feared they would become the nucleus for a Hutu guerrilla army. The Rwandan army began planning to close the camps by force.

About one thousand troops arrived at Kibeho on 18 April 1995 to shut down the camp. The UN mission hastily requested the

Australian contingent to send 32 personnel to Kibeho. When they arrived the next day, as Corporal Blair Tidey remembered:

It was not until we moved deep into the camp that we found them – thousands of frightened people that had been herded closely together like sheep, huddled along a ridgeline.

The Rwandan army had concentrated the entire camp population in an area 1,000 metres long and 500 metres wide.

The Australians made contact with the troops and humanitarian workers already at Kibeho: a Zambian infantry company and the Médecins Sans Frontières (MSF) hospital staff at Kibeho, though unlike these two groups, they did not remain at Kibeho overnight. When they returned the next day, the Australians found that many refugees had been killed or wounded overnight. Half the casualties had gunshot wounds from Rwandan soldiers, the other half had machete wounds from Hutu militia who were forcing the refugees to stay in the camp to provide the militia with a “human shield”.

Australian troops went out with stretchers to retrieve casualties and bring them to the MSF hospital for treatment. When Rwandan troops started firing at the hospital, Lieutenant Steve Tillbrook moved his soldiers to the Zambian compound for mutual protection. In heavy rain, Rwandan troops entered the hospital compound and started shooting. In desperation, people surged over the razor wire and swamped the soldiers’ position. Lance Corporal Andy Miller ordered his troops to fix bayonets in case they needed to defend themselves.

When the last medical evacuation helicopter took off about 5.00 pm, around a thousand people rushed out of the camp. Rwandan troops on the ridge fired on those trying to escape with automatic rifles, rocket propelled grenades and machine guns. Then they moved down the valley in the rain, bayoneting and shooting the wounded.

As the Australians prepared to leave Kibeho that night, SAS medic Trooper Jon Church (who would later be killed in the 1996 Black Hawk training accident) rescued a bawling three year old girl. Another medic bandaged her arm to make it appear that she was injured, and she was given a biscuit laced with diazepam. When the sedative put her to sleep, she was hidden in one of the ambulance storage bins and taken to an orphanage. As Captain Carol Vaughan-Evans recalled:

We always remember that as a small victory. Despite all the [Rwandan army] did to that mass of humanity, we got one little girl out of there.

The Australians returned to Kibeho the next day to treat casualties and recover bodies. In the parts of the camps they could access, they counted 4,050 dead.

The Kibeho massacre was a horrific and disturbing event for all members of the Australian contingent in Rwanda. Many would later be diagnosed with Post Traumatic Stress Disorder. Four who served at Kibeho – Corporal Andy Miller, Warrant Officer Rod Scott, Lieutenant Steve Tillbrook and Captain Carol Vaughan-Evans – were awarded the Medal of Gallantry for their actions, the first time Australian soldiers had been awarded gallantry medals since the Vietnam War.

Gum trees line the ridge at Kibeho, where Australian peacekeepers found that there was no peace to keep.

Rwanda honours Father Desbois for his role in fighting Genocide (The New Times)

Julius Bizimungu

March 29, 2019

The Permanent Mission of Rwanda to the United Nations and the World Jewish Congress on Tuesday honoured Father Patrick Desbois with the first ‘Raphael Lemkin Award’ for exemplary work in the fight against genocide.

The award is in honour of his dedication to investigating and exposing crimes of genocide around the world.

Father Desbois is the founder and president of Yahad-In Unum, a global humanitarian organisation established in 2004 with the goal of identifying and commemorating the sites of Jewish and Roma mass executions in Eastern Europe during World War II.

The award ceremony took place at the UN headquarters in New York at a special event in memory of Raphael Lemkin, the Polish-Jewish lawyer and refugee who coined the term “genocide” and initiated the Genocide Convention 70 years ago.

The award was presented on behalf of WJC President Ronald S. Lauder by Adam Hummel, a member of the WJC Jewish Diplomatic Corps.

“In the same way that Lemkin sought to name a crime that did not yet exist, Father Desbois has sought to find and name those victims whose lives were cut short by the perpetration of that very crime,

In these ways, Father Desbois's work is a very real extension of what was started by Lemkin," he said.

In accepting the award, Father Desbois warned that genocide is not only a hate crime, saying that there are no pure anti-Semites or pure hate groups.

"With every genocide comes also rape, the looting of property and money, and ideology. There is no genocide without neighbours," he noted.

Father Desbois recalled among other stories a Yazidi child he interviewed recently who was turned into ISIS by his six-year-old best friend, and the barbaric behaviour of Nazi collaborators who would lay tables filled with sandwiches and tea while carrying out the mass shootings of Jews during the Holocaust.

Ambassador Valentine Rugwabiza, the Permanent Representative of Rwanda to the United Nations honoured Lemkin's legacy, saying, his passion, his belief in humanity, and his commitment should serve as an inspiration.

She also praised Father Desbois for his outstanding work in the fight against genocide.

"I can't think of a more deserving awardee for the first Raphael Lemkin Award than yourself. By reminding us all there is no genocide without the participation of neighbours, it means that there is also no prevention of genocide without the active involvement of neighbours," she noted.

She called on the world strive, on the individual level and in groups, to be that neighbour that does not stand by.

In less than two weeks Rwanda will mark 25 years since the 1994 genocide against the Tutsi, in which more than one million people were massacred.

"The weak response to this genocide, already 46 years after the ratification of the Genocide Convention, left us in shock and disbelief. What value is the Genocide Convention if it does not inspire, or indeed compel the world to stop genocides?" she wondered!

Rugwabiza also questioned if an enforcement mechanism could strengthen the convention or whether the UN Security Council urgently needs reform to ensure that the decision of a few powers don't determine the lives of millions who have no say.

As part of the event, a panel of experts on genocide – including a survivor of the 1994 genocide against the Tutsi in Rwanda – discussed the implications of learning from the past and working to prevent future genocides and crimes against humanity.

Panelist Liliane Pari Umuhoza, a child survivor of the 1994 genocide against the Tutsi, who has worked with other survivors over the years, indicated that the current challenges facing survivors include trauma.

"It's been 25 years, and people tend to forget or think that maybe with time it gets better, but healing and time are two different things." For survivors, the genocide is as clear as yesterday," she said.

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Somalia

The Hidden US War in Somalia (Amnesty International)

March 19, 2019

The US government must carry out impartial, thorough investigations into credible evidence its rapidly escalating air strikes in Somalia have killed numerous civilians, Amnesty International said in a new report today.

The Hidden US War in Somalia details how 14 civilians were killed and eight more injured in just five of the more than 100 strikes in the past two years. These five incidents were carried out with Reaper drones and manned aircraft in Lower Shabelle, a region largely under Al-Shabaab control outside the Somali capital Mogadishu. The attacks appear to have violated international humanitarian law, and some may amount to war crimes.

When approached with Amnesty International's findings, the US Africa Command (AFRICOM) repeated its denial that any civilians have been killed in its operations in Somalia.

"The civilian death toll we've uncovered in just a handful of strikes suggests the shroud of secrecy surrounding the US role in Somalia's war is actually a smokescreen for impunity," said Brian Castner, Amnesty International's Senior Crisis Advisor on Arms and Military Operations.

"Our findings directly contradict the US military's mantra of zero civilian casualties in Somalia. That claim seems all the more fanciful when you consider the USA has tripled its air strikes across the country since 2016, outstripping their strikes in Libya and Yemen combined."

In the course of their investigation Amnesty International researchers travelled to Somalia, conducted more than 150 interviews with eyewitnesses, relatives, persons displaced by the fighting, and expert sources – including in the US military – and rigorously analyzed corroborating evidence, including satellite imagery, munition fragments, and photos from the aftermath of air strikes.

The number of US strikes in Somalia surged after March 30, 2017, when President Trump signed an Executive Order declaring southern Somalia an "area of active hostilities".

US forces carried out 34 strikes in Somalia in the last nine months of 2017 – more than in the entire five years from 2012 to 2016. This increased again in 2018, to 47 strikes; and there have already been 24 in the first two months of 2019 alone.

According to a retired US Brigadier General Amnesty International spoke to, this lessened the burden on the US military to guarantee that civilians will not be killed in air strikes. Worryingly, the General also believes that the Executive Order widened the net of potential targets to include virtually any adult male living in villages sympathetic to Al-Shabaab and seen in proximity to known fighters. Such a broad targeting mandate would violate international humanitarian law and lead to unlawful killing of civilians.

For example, in a strike on the hamlet of Farah Waeyes, AFRICOM claims that "all individuals injured or killed were members or affiliates of Al-Shabaab," while Amnesty International has documented that two civilian men were killed, and five women and children injured, in addition to Al-Shabaab casualties.

Amnesty International uncovered compelling evidence that US air strikes killed a total of 14 civilians and injured eight more, in five attacks that may have violated international humanitarian law and could, in some cases, constitute war crimes. Reports of more civilian casualties from other strikes could not be sufficiently corroborated for inclusion in the report.

In one case, a US military air strike in farmland near the village of Darusalaam killed three local farmers in the early morning hours of November 12, 2017. They were resting in the open after working well into the night digging irrigation canals.

At around 3am an air strike targeted them without warning. The blast sent other farmers scrambling for cover and woke residents of two nearby villages. Villagers who went to recover the bodies at first light described the men's horrific injuries.

Amnesty International later analysed photographic evidence of the bodies that is consistent with eyewitness testimony. Two of the men were badly disfigured. A large ordnance fragment entered the first man's forehead, collapsing his skull; his forearms were blown backward and nearly torn off, but for a thin flap of skin. The second man's face, throat and chest were pockmarked by multiple ordnance fragments. The third man had a large wound on his side, and a small blow to his head, just above the right eye.

A farmer from Darusalaam village told Amnesty International: "The noise of the plane was louder than before, the day the attack happened. The weeks before, it used to come and leave, only that night it was not leaving. It was coming and coming and coming. When the noise [of an air strike] happened, everything ceased...I was so frightened. I couldn't keep watch on the farm at all. I went under the shelter of the tree and hid... These three young men were not expecting to be killed by a plane, and we did not expect the world to be silent."

As in the other cases Amnesty International investigated, multiple local residents identified the victims as civilians and not Al-Shabaab fighters.

Photos of the three dead farmers and the surrounding area allowed Amnesty International's Digital Verification Corps to pin down the location of the air strike.

They also provide other important clues, such as fractured dirt and a one-metre crater produced by high explosives, as well as ordnance fragments that indisputably come from a GBU-69/B Small Glide Munition. This type of weapon can only be launched from the US Air Force's AC-130 aircraft, a gunship most often used in close air support of infantry, not in isolated air

strikes. Not seen in Somalia in over a decade, the aircraft's presence marks an escalation of the conflict. AFRICOM has not reported the employment of AC-130s, but it did confirm that it carried out an air strike in the Lower Shabelle region at approximately 3am on 12 November 2017, claiming that it had killed "several" militants.

In another case, five civilians, including two children, were killed when a suspected Al-Shabaab truck exploded as it passed through the hamlet of Illimey on 6 December 2017. Satellite imagery shows that up to 10 structures were partially destroyed in the blast and resulting fires.

A friend of one of those killed heard the blast from Farsoley, a village 14km away: "It was huge...within about five minutes, I could see a huge dark smoke going up. We all said something really terrible happened...I rushed to the scene...[the truck] was completely destroyed. The whole village was burned. All the trees nearby were also burned. There was a big hole where the [truck] was hit."

While AFRICOM categorically denies having launched the attack on Illimey, there is compelling evidence that an air strike was involved, and a US security agency may be responsible.

Media reports and multiple eyewitnesses said that the explosion occurred when a munition was fired at the vehicle from the air. Eyewitnesses recall seeing or hearing an aircraft either before or after the attack, and Amnesty International reviewed satellite imagery that is consistent with an air strike being the cause of the explosion.

US forces are known to have carried out a further 76 air strikes in Somalia during the period Amnesty International examined, as well as 24 in the first two months of 2019, so the civilian death toll may well be much higher.

For Somalis affected by US air strikes, there has been little, if any, chance of obtaining justice. It is near impossible to even report the killing or injury of family or community members, given the location of these attacks and the security risks associated with doing so.

"The US government must ensure investigations into all credible allegations of civilian casualties are carried out, with accountability for those responsible for violations and reparation made to the victims and survivors," said Ella Knight, Military, Security and Police Researcher at Amnesty International.

"Both the US and Somali governments need to put an end the lack of transparency and must do more to enable affected communities to self-report civilian casualties – without this, justice is likely to remain elusive."

Gunmen Storm Somalia Government Building, Killing Minister and Others (The New York Times)

By Associated Press

March 23, 2019

Gunmen from an Islamist militant group stormed a government building in Somalia's capital, Mogadishu, after a suicide car bombing on Saturday, killing at least five people, including the country's deputy labor minister, the police said.

Somali security forces fought an hourslong gun battle with at least five assailants to retake control of the building, which houses the ministries of labor and works, a police officer, Capt. Mohamed Hussein, said.

The Reuters news agency, citing police sources, put the death toll at the end of the battle at 15.

Saqar Ibrahim Abdalla, Somalia's deputy minister of labor and social affairs, was killed in his ground-floor office shortly after the gunmen stormed the building, Captain Hussein said.

Saturday is a working day in Somalia, and dozens of people were believed to be in the building at the time of the attack.

The Shabab claimed responsibility for the attack at the building, which is not far from the headquarters of the Somali intelligence agency. As the attack unfolded, gunfire could be heard from in the building. White smoke billowed from the scene, witnesses said.

A similar attack targeting a busy area in Mogadishu in February killed at least 24 people. That attack also began with a pair of car bombs exploding in a popular area of Mogadishu where Somalis were relaxing at restaurants.

The Shabab, who have links to Al Qaeda, frequently carry out suicide bombings targeting public places, hotels and government offices. They are Africa's most active Islamist militant group, and have been fighting for years to take power and create an Islamic state in Somalia.

The group continues to mount lethal attacks despite being pushed out of Mogadishu, in part by African Union peacekeepers. It

mostly operates from rural areas in the country's south.

The group has carried out many deadly attacks in neighboring Kenya in retaliation over Kenya's deployment in 2011 of peacekeepers in Somalia.

The United States military has carried out a number of deadly airstrikes in recent months against the Shabab.

U.S. Missteps in Somalia Benefit Our Enemies (National Review)

By Michael Rubin

March 25, 2019

On December 13, 2018, national-security adviser John Bolton, in a speech at the Heritage Foundation, unveiled the Trump administration's Africa strategy, key components of which were, first, advancing trade ties to enable allies to thrive, and second, countering "radical Islamic terrorism."

It is ironic, then, that in the Horn of Africa, the Trump administration now doubles down to do the opposite. As China moves into Djibouti and Ethiopia and as the U.S.-funded government in Mogadishu increasingly offers its strategic assets to China, the State Department has decided to break past precedent and turn its back on Somaliland, the only stable, secure, and truly democratic region in the Horn of Africa, even as Russia seeks to move in on the territory.

More important, however, is that the U.S. State Department is, through either neglect or malpractice, risking a resurgence of radicalism in the Horn of Africa. Most of Somalia descended into chaos in 1991 as warlords and politicians fought over and looted government agencies and foreign aid. Along the Gulf of Aden, however, Somaliland remained stable and has been de facto independent ever since. In effect, Somaliland is to Somalia what Taiwan is to China. In terms of stability, it is what Iraqi Kurdistan is to Iraq, although, unlike Iraqi Kurdistan, it has embraced a more democratic (and less corrupt) order.

Somalia remains a mess. Just as in the run-up to Somalia's initial collapse, the State Department's policy seems simply to throw cash at the problem, apparently unaware that flooding failing governments with money exacerbates corruption and hastens collapse. (Perhaps it is time for the Senate Foreign Relations Committee or the House Oversight Committee to call U.S. ambassador Donald Yamamoto to explain his direction of a policy that has cost U.S. taxpayers hundreds of millions of dollars.)

While the United States recognizes a Somalia federal government, which in turn claims authority over the entirety of the country, in reality the central Somali government does not control more than a few city blocks in Mogadishu, and even that depends on an African peacekeeping mission that should expire next year. In a worrying development, earlier this month the Somali National Army disintegrated in the face of an al-Shabaab attack on Balad, just 20 miles from the capital. Al-Shabaab also reportedly took Dhanaane, just ten miles south of the capital's main airport, amid the federal government's failure to pay its troops. On March 23, an al-Shabaab bombing killed the country's deputy labor minister and at least nine others in the heart of the capital. Somalia's President Mohamed Abdullahi Mohamed, commonly known as Farmajo, appears helpless to do anything about Somalia's spiral into the abyss and now seems more eager to travel outside the country on the international donors' dime.

The only thing worse than a sinking ship is a conscious decision to tie all lifeboats to it as it goes down. Alas, that seems to be Ambassador Yamamoto's policy. Unlike previous American diplomats assigned the Somalia file, he has not stepped foot in the region. Security is no excuse: I recently visited Hargeisa, Berbera, and Borama in Somaliland and was able to stay in ordinary hotels and walk around without any security. And not only does Yamamoto refuse to distribute any support to Somaliland to enable it to continue to push back al-Shabaab, but the State Department and the U.S. embassy to Somalia also oppose commonsense military liaisons and communications between AFRICOM (United States Africa Command), the Djibouti-based CJTF-HOA (Combined Joint Task Force—Horn of Africa), and Somaliland's defense ministry and coast guard.

It gets worse. While the United States supports reunification talks between Somalia and Somaliland, it has so far deferred responsibility for them to Turkey. Turkey, however, seems more intent on extracting as much money as possible for projects from Somalia's corrupt leadership and on fanning the flames of radicalism in Somalia. Some Turkish journalists, for example, have reported that Turkish intelligence officials transferred \$600,000 to al-Shabaab in 2012. More recently, the Turkish press has reported that SADAT — basically, an Islamist Blackwater founded by a military adviser of Turkish president Recep Tayyip Erdogan — has opened a facility in Somalia and is training Somali radicals. To trust Turkey to put democracy and U.S. national-security interests above Erdogan's penchant for radical Islamism represents the worst of State Department naïveté or policy inertia.

So what should the United States do to triage Somalia and preserve the American interest in the Horn of Africa?

Transparency in the expenditure of U.S. aid to Somalia is common sense. Given that the embassy represents the United States

to all of Somalia, U.S. diplomats should visit all parts of it, including Somaliland, and funds should be expended only in those areas where audits are possible and where politicians can deliver. No U.S. funds should support any entity that then turns around and opens its doors to China. Nor should U.S. money go to the Somali government so long as its president prefers to travel abroad rather than manage the problems in his country.

It will cost the United States nothing to assign a liaison at CJTF-HOA in Djibouti to communicate regularly with Somaliland's defense forces. With only 1 percent of the current U.S. allocation to Mogadishu, the Somaliland army and coast guard could fund its already successful operations to counter-piracy, deny al-Shabaab space, and stop weapons smuggling.

In addition, given the scale of U.S. assistance to Mogadishu, the State Department (or Pentagon) should take over or join the mediation to unify Somalia or define the relationship between it and Somaliland. Here, the State Department is lucky to have any number of former diplomats whom it can appoint as a special envoy for the purpose. (Peter Pham, an old Africa hand, is currently serving as special envoy to Africa's Great Lakes Region but is intimately familiar with the Horn and perhaps can be dual-hatted.)

One thing is clear, however. For the State Department and Secretary of State Mike Pompeo to sit back and do nothing will embolden America's adversaries, waste hundreds of millions of dollars, and enable al-Shabaab and other terrorist groups to expand and perhaps destabilize the remaining oases of security in the Horn of Africa.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Serb Ex-Soldiers' Village Killings Trial Opens (Balkan Insight) By Haris Rovcanin
March 18, 2019

The trial of former Bosnian Serb soldiers Ranko Babic, Bratislav Bilbija and Djuro Adamovic began at the Bosnian state court on Monday.

The indictment, read out in court by prosecutor Cazim Hasanspahic, alleges that Babic, Bilbija and Adamovic participated, as part of a widespread and systematic attack on the non-Serb civilian population, in the torture, abuse and murders of Bosniak civilians.

Two of the victims were killed in Ljeskare and three others taken away to an unknown location and never seen alive again.

"In the middle of August 1992, they came to the hamlet of Bukvik in Ljeskare, accompanied by several unidentified soldiers commanded by Babic, and took civilians out of a house and shack. After that they took all the women except one back into the house and separated the men [from the others]," the prosecutor said.

He added that around 15 civilians were taken from the buildings in the hamlet.

According to the charges, Adamovic hit one of the men on his body and, acting together with Bilbija, hit another one on his head with a blade of an axe. Then they allegedly ordered one of the civilians to load the beaten man onto a cart.

An unknown soldier then stabbed the man in his chest, which caused his death. The soldiers hit another man all over his body, killing him too.

The three defendants are also been charged with tying up three men with wire, beating them, ordering them to get into a police van, then driving them away. They have been missing ever since.

“Babic, who had the highest rank, failed to do anything to prevent the acts that were mentioned. By his presence, he encouraged the soldiers to continue committing these acts,” the prosecutor said.

This is Babic’s second trial for war crimes in the Prijedor area. A case against him and ten others for crimes in the village of Miska Glava, near Ljubija, is also underway.

The Ljeskare trial is due to continue on April 1, when the first prosecution witness will be heard.

Bosnia Arrests Serb Ex-Soldier for Wartime Rape, Torture (Balkan Insight) By Emina Dizdarevic
March 20, 2019

The Bosnian state prosecution announced that the State Investigation and Protection Agency arrested Dusko Suvara, alias Hans, in the Banja Luka area on Wednesday.

Suvara is charged with committing crimes against the civilian population in the municipality of Glamoc in 1992 as a member of the Bosnian Serb Army.

“The suspect has been charged with having forcibly taken victims from their houses and separated them from their families, while armed, threatening the victims by saying he would kill them and their family members and shooting with firearms, and committing the multiple rape and sexual abuse of Bosniak women, as well as the torture, intimidation and inhumane treatment of Bosniak civilians in the Glamoc area,” the prosecution said in a statement.

Following his arrest, Suvara will be handed over to a prosecutor, who will question him and make a decision about how to proceed with the case.

Radovan Karadzic Sentenced to Life in Prison (Balkan Insight) By Denis Dzidic
March 20, 2019

The Mechanism for International Criminal Tribunals’ appeals chamber on Wednesday convicted former Bosnian Serb President Radovan Karadzic of responsibility for some of the worst wartime crimes in Europe since World War II.

The appeal verdict confirmed Karadzic’s initial conviction and increased his sentence from 40 years to life in prison, citing the gravity of his crimes, which judge Vagn Prusse Joensen said were of “an unprecedented scale and cruelty”.

“The chamber considers the 40-year sentence inadequate when compared to convicts who were sentenced to life imprisonment,” Joensen said.

Karadzic was initially convicted by the Hague Tribunal under a first-instance verdict in March 2016, but both the defence and the prosecution appealed against the verdict.

The court on Wednesday upheld his convictions for the 1995 genocide of Bosniaks from Srebrenica, for terrorising the civilian population of Sarajevo with a long-running campaign of shelling and sniper attacks, for the persecution and extermination of Bosniaks and Croats in 20 municipalities across the country, and for taking UN peacekeepers hostage.

However, it also upheld his acquittal for committing genocide in seven other Bosnian municipalities in 1992.

Judge Joensen said that “the prosecutors have not proved that a mistake was made when it was determined that Karadzic was not guilty of genocide in 1992”.

Speaking about Karadzic’s participation in a joint criminal enterprise responsible for the Srebrenica genocide in July 1995, when over 7,000 Bosniak men and boys from the eastern Bosnian town were killed, Joensen said that considering that the Bosnian Serb leader was in constant touch with forces on the ground at the time, there was no error in judging him guilty.

He said that the key evidence was ‘Directive 7’, a Bosnian Serb official decision in March 1995 which Karadzic signed, saying that conditions should be made “unbearable” for people living in the Srebrenica enclave.

On the charge that he was part of a joint criminal enterprise to terrorise the civilian population of Sarajevo during the siege of the city by Bosnian Serb forces, Joensen said that orders that Karadzic gave, saying that civilians should not be attacked, were issued at times which were politically beneficial to him – when he was negotiating or when under pressure from the international community.

He also said that Karadzic failed to prove in his appeal that the original verdict made a mistake in finding him guilty of the

massacre at the Markale market in Sarajevo – one of the worst atrocities in the Bosnian capital during the siege.

The appeals judges rejected Karadzic's claim that his trial was unfair.

Joensen said that the court did violate Karadzic's rights by conducting visits to crime scenes without him, but added that this did not significantly harm his defence.

On hearing the sentence, Bosnian war victims who were in The Hague for the verdict let out a cheer in the courtroom gallery.

Murat Tahirovic, president of the Victims and Witnesses of Genocide Association, a Bosnian war survivors' group, welcomed the life sentence.

"Total justice is not possible but it is satisfaction for the victims," Tahirovic told N1 TV. Wednesday's ruling is final and cannot be appealed.

Karadzic was arrested in 2008 in Belgrade while living as a fugitive, disguised as a spiritual healer, after spending 12 years on the run.

His trial started in October 2009 and more than 500 witness testimonies were heard during the marathon proceedings.

Bosnian Serb Ex-Fighter Convicted of Wartime Murders, Rapes (Balkan Insight) By Emina Dizdarevic
March 22, 2019

The state court in Sarajevo on Friday found Sasa Cvetkovic guilty in a first-instance verdict of the murder of two elderly Roma civilians in the village of Kolonija, near Srebrenica, and the rape of two women in Bratunac, in June 1992.

"Alaga and Mejra Halilovic were disabled elderly Roma civilians who lived in Kolonija. They were at their house, unarmed and not members of any military formation," said presiding judge Stanisa Gluhajic.

He added that one of the rape victims was a minor, while the other was under 20 years old, and that the court found it indisputable that they were civilians and did not participate in hostilities. Judge Gluhajic said that although there was no evidence that the defendant was member of the military, the witnesses' testimonies suggested he was uniformed and armed with an automatic rifle.

Gluhajic said that one witness said he saw Cvetkovic shoot at Alaga Halilovic with an automatic rifle and then at Mejra Halilovic, who was bedridden. Evidence suggested that the bodies of the two women have never been found, he added.

The judge said that the court determined that Cvetkovic raped the two civilians, who knew the defendant, based on the testimonies they gave. He said that the women described the crime in a clear, detailed and convincing manner.

Gluhajic said the court had not accepted the defendant's claim that he was not present in Bratunac at the time, because it was in contradiction to testimony given by other witnesses. "As for the mitigating circumstances, the chamber considered the fact that he committed the crime as a young adult, as well as the fact that he had not been sentenced before and is a family man," he said.

He said that the court also took into account as aggravating circumstances "the facts that he committed the crime against elderly and disabled civilians and that one of the raped persons was a minor, less than 16 years old when the crime was committed".

Cvetkovic was ordered to pay one of the rape victims 7,670 euros for the pain and suffering she endured, while the second victim was advised to file a civil suit for compensation.

The defendant did not attend the hearing for health reasons.

The verdict can be appealed.

Bosnian Ex-Soldier Pleads Not Guilty in Serbian Trial (Balkan Insight) By Filip Rudic
March 22, 2019

Husein Mujanovic, who served as the commander of a prison in Hrasnica during wartime, pleaded not guilty on Friday of charges that he ordered and participated in abusing Serbs in a prison ran by the Army of Bosnia and Herzegovina from July 8 to October 15, 1992.

"I am not guilty of the things I am charged with," Mujanovic told Belgrade Higher Court at the opening of his trial.

The prosecutor read the indictment, saying that Mujanovic kept about 30 Serb prisoners in poor conditions.

The prisoners in Hrasnica were allegedly kept in garages without windows, where they were starved and slept on the floor.

According to the indictment, some of the prisoners were beaten in a nearby fallout shelter, and six died as consequence of the beatings. Mujanovic is charged with personally beating two prisoners who survived.

In his defence, Mujanovic said that conditions were poor as result of Sarajevo being under siege at the time by the Bosnian Serb Army.

"It was no better for the people outside... wherever a shell would fall in Hrasnica, someone would die," Mujanovic said.

He denied that he beat up prisoners, or knew about them being beaten. Mujanovic said that they slept on blankets, had medical examinations and ate the same rations twice per day as soldiers and free citizens.

Mujanovic insisted that the prison was not just for Serbs, but also held Bosniaks and a smaller number of Croats.

The war crimes prosecutor brought charges against Mujanovic after he was arrested in July 2018 by Serbian police at a border crossing between Bosnia and Serbia.

Bosnian Serb Ex-Policeman Acquitted of Srebrenica Crimes (Balkan Insight) By Marija Tausan
March 25, 2019

The Bosnian state court in Sarajevo on Monday found Milan Bogdanovic, the former commander of the Sixth Company of special police units at the Public Security Station in Zvornik, not guilty of committing crimes during an attack by Serb forces on Srebrenica in July 1995.

The court found that the prosecution had not presented sufficient evidence of his involvement in the murders, forced resettlements, unlawful detentions and forced disappearances of Bosniak men from Srebrenica.

"No witnesses saw or heard that the defendant himself carried out any of the actions described in the indictment or ordered members of the Sixth Company to do anything like that. The prosecution has not proved that members of that Company participated in the capture and escorting of the men, or in enabling others to kill them," said presiding judge Vesna Jesenkovic.

Bogdanovic was also acquitted on a second count which charged him with responsibility for the detention and disappearances of Bosniak civilians in his capacity as commander of the police station in Skelani.

The verdict can be appealed.

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

Official Website of the ICTY

The Appeals Chamber Of The International Residual Mechanism For Criminal Tribunals Delivers Judgment In The KARADŽIĆ Case (The Hague)

March 20, 2019

The Appeals Chamber of the International Residual Mechanism for Criminal Tribunals composed of Judge Vagn Prüsse Joensen, presiding, Judge William Hussein Sekule, Judge José Ricardo de Prada Solaesa, Judge Graciela Susana Gatti Santana, and

Judge Ivo Nelson de Caires Batista Rosa delivered today its judgement on the appeals filed by Mr. Radovan Karadžić and the Prosecution against the judgement rendered on 24 March 2016 by a Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”).

Mr. Karadžić, who was a founding member of the Serbian Democratic Party and, from 17 December 1992, served as President of Republika Srpska and Supreme Commander of its armed forces, was convicted by the Trial Chamber of genocide, crimes against humanity, and violations of the laws or customs of war and sentenced to 40 years of imprisonment.

Specifically, the Trial Chamber found Mr. Karadžić individually criminally responsible through his participation in joint criminal enterprises to: (i) permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in municipalities throughout Bosnia and Herzegovina between October 1991 and 30 November 1995 (“Overarching JCE”); (ii) spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling from late May 1992 until October 1995 (“Sarajevo JCE”); (iii) eliminate the Bosnian Muslims in Srebrenica in 1995 (“Srebrenica JCE”); and (iv) take United Nations personnel hostage in order to compel the North Atlantic Treaty Organization to abstain from conducting air strikes against Bosnian Serb targets from 25 May to 18 June 1995 (“Hostages JCE”). The Trial Chamber also found Mr. Karadžić responsible as a superior in relation to certain crimes committed by his subordinates in Srebrenica in 1995.

The Appeals Chamber reversed, in part, Judges Joensen and de Prada dissenting, Mr. Karadžić’s convictions related to the Overarching JCE to the extent that they are based on certain Scheduled Incidents. The Appeals Chamber unanimously dismissed all other aspects of Mr. Karadžić’s appeal and affirmed his remaining convictions pursuant to Articles 7(1) and 7(3) of the ICTY Statute for genocide, persecution, extermination, murder, deportation, and other inhumane acts (forcible transfer) as crimes against humanity, as well as for murder, terror, unlawful attacks on civilians, and hostage-taking as violations of the laws or customs of war, in relation to his participation in the Overarching JCE, the Sarajevo JCE, the Srebrenica JCE, and the Hostages JCE.

The Appeals Chamber dismissed, Judge de Prada dissenting, the Prosecution’s appeal, except as to the sentence. The Appeals Chamber granted the Prosecution’s sentencing appeal and found, Judges de Prada and Rosa dissenting, that the Trial Chamber committed a discernible error and abused its discretion in imposing a sentence of only 40 years of imprisonment. The Appeals Chamber, Judges de Prada and Rosa dissenting, set aside the sentence of 40 years of imprisonment and imposed on Mr. Karadžić a sentence of life imprisonment.

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Domestic Prosecutions In The Former Yugoslavia

Serbian Judge Clashes with Defence Lawyer at Lovas Trial (Balkan Insight) By Filip Rudic
March 18, 2019

The court-appointed lawyer for one of the defendants in the Lovas killings trial accused the court on Monday of denying her client, Zoran Kosijer, the right to choose his own legal counsel, which led to a clash with the presiding judge, Zorana Trajkovic.

Lawyer Gordana Andrejevic told the court that she faced challenges preparing the case since the court “denied” Kosijer’s right to choose his own attorney, which is his right under Serbian law.

“I was unable to establish trust with my client,” Andrejevic said.

Judge Trajkovic interrupted her to say that the lawyer who Kosijer wanted was ineligible to represent him in court.

“I will not allow you to make statements that are untrue,” Trajkovic said, adding that the appointed attorney was selected by the president of the Higher Court, and not the panel that is judging the case.

She explained that Kosijer was offered to choose another lawyer who would be eligible to represent him, and was appointed an attorney when he did not choose another himself.

The argument restarted a couple more times before the judge threatened “measures” and Andrejevic moved on with her closing statement in the trial.

At Monday’s hearing, several defence lawyers asked for their clients’ acquittal, while the accused Milan Devcic said in his own statement that the case against him was “staged”.

Ten former members of the police, Serbian territorial defence forces, the Yugoslav People’s Army and the ‘Dusan Silni’ (Dusan the Great) paramilitary unit are accused of committing war crimes against civilians and of killing 70 of them in the Croatian village of Lovas in October 1991.

The indictment says Serbian forces captured Lovas on October 10 that year, after which the beatings and torture of civilians started.

On October 17, the forces allegedly rounded up around 70 men from Lovas, aged 18 to 65, detained them and tortured some of them.

The next day, defendants Radovan Vljakovic and Radisav Josipovic, who were military officials with Serbian territorial defence forces, were ordered to use the civilians as a human shield in a minefield, according to the indictment.

Vljakovic and Josipovic are said to have chosen around 50 civilians and told them to walk towards a nearby field to check where the mines were.

When they got there, members of the Dusan Silni paramilitary unit told the civilians to walk in a line and to check with their feet where the mines were; Vljakovic and Josipovic allegedly participated in this.

When one man fell over, a mine exploded, and at the same time a number of soldiers started shooting at the Croats, 19 of whom were killed.

The prosecution said that 20 civilians were killed on October 10, when the village was captured, while the other victims were killed at other times.

All the former fighters were convicted in 2012, but Serbia’s appeals court annulled the verdict and sent the case for retrial in 2014.

Four of those who were initially convicted – Ljuban Devetak, Dragan Bacic, Aleksandar Nikolaidis and Milan Radojic – have since died.

In January 2019, the Serbian war crimes prosecution asked for a total of 59 years in prison for the eight Serb ex-fighters.

Radovan Karadzic Sentenced to Life in Prison (Balkan Insight) By Denis Dzidic
March 20, 2019

The Mechanism for International Criminal Tribunals’ appeals chamber on Wednesday convicted former Bosnian Serb President Radovan Karadzic of responsibility for some of the worst wartime crimes in Europe since World War II.

The appeal verdict confirmed Karadzic’s initial conviction and increased his sentence from 40 years to life in prison, citing the gravity of his crimes, which judge Vagn Prusse Joensen said were of “an unprecedented scale and cruelty”.

“The chamber considers the 40-year sentence inadequate when compared to convicts who were sentenced to life imprisonment,” Joensen said.

Karadzic was initially convicted by the Hague Tribunal under a first-instance verdict in March 2016, but both the defence and the prosecution appealed against the verdict.

The court on Wednesday upheld his convictions for the 1995 genocide of Bosniaks from Srebrenica, for terrorising the civilian population of Sarajevo with a long-running campaign of shelling and sniper attacks, for the persecution and extermination of Bosniaks and Croats in 20 municipalities across the country, and for taking UN peacekeepers hostage.

However, it also upheld his acquittal for committing genocide in seven other Bosnian municipalities in 1992.

Judge Joensen said that “the prosecutors have not proved that a mistake was made when it was determined that Karadzic was not guilty of genocide in 1992”.

Speaking about Karadzic's participation in a joint criminal enterprise responsible for the Srebrenica genocide in July 1995, when over 7,000 Bosniak men and boys from the eastern Bosnian town were killed, Joensen said that considering that the Bosnian Serb leader was in constant touch with forces on the ground at the time, there was no error in judging him guilty.

He said that the key evidence was 'Directive 7', a Bosnian Serb official decision in March 1995 which Karadzic signed, saying that conditions should be made "unbearable" for people living in the Srebrenica enclave.

On the charge that he was part of a joint criminal enterprise to terrorise the civilian population of Sarajevo during the siege of the city by Bosnian Serb forces, Joensen said that orders that Karadzic gave, saying that civilians should not be attacked, were issued at times which were politically beneficial to him – when he was negotiating or when under pressure from the international community.

He also said that Karadzic failed to prove in his appeal that the original verdict made a mistake in finding him guilty of the massacre at the Markale market in Sarajevo – one of the worst atrocities in the Bosnian capital during the siege.

The appeals judges rejected Karadzic's claim that his trial was unfair.

Joensen said that the court did violate Karadzic's rights by conducting visits to crime scenes without him, but added that this did not significantly harm his defence.

On hearing the sentence, Bosnian war victims who were in The Hague for the verdict let out a cheer in the courtroom gallery.

Murat Tahirovic, president of the Victims and Witnesses of Genocide Association, a Bosnian war survivors' group, welcomed the life sentence.

"Total justice is not possible but it is satisfaction for the victims," Tahirovic told N1 TV. Wednesday's ruling is final and cannot be appealed.

Karadzic was arrested in 2008 in Belgrade while living as a fugitive, disguised as a spiritual healer, after spending 12 years on the run.

His trial started in October 2009 and more than 500 witness testimonies were heard during the marathon proceedings.

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Turkey

US State Department says Turkey killed civilians during Afrin capture (Kurdistan 24) By Wladimir van Wilgenburg
March 14, 2019

The State Department's 2018 Human Rights Report, published on Thursday, documents several violations carried out by Turkish-backed Syrian rebels in Afrin and by the Turkish army itself, including the killing of civilians, which violates international humanitarian law.

On Jan. 20, Turkish forces and allied Syrian rebels, known as the Free Syrian Army (FSA), launched a joint military operation to capture the Kurdish enclave of Afrin, located in northwestern Syria.

The released State Department findings mention reports that Turkish armed forces killed civilians during the capture of Afrin on March 16, 2018, specifically in the al-Mahmoudiya neighborhood, in which several people were killed while waiting to evacuate the city near a cattle market according to the UN Commission of Inquiry (COI).

"The strike reportedly killed at least 20 civilians, including women, children, and elderly persons. The COI assessed that, in conducting airstrikes beginning on January 20, the Turkish air force may have failed to take all feasible precautions prior to launching certain attacks, which it asserted was a violation of international humanitarian law," the report included.

Following the initial attack, human rights violations were also carried out on March 18, during the occupation of the formerly Kurdish-held region of Afrin by Turkey and its affiliated groups, the report continued.

"Syrian opposition groups supported by the Turkish government reportedly looted and confiscated homes belonging to

Kurdish residents in Afrin.”

The State Department report contradicts claims made by Turkish Presidential spokesperson Ibrahim Kalin in January, who stated Turkey was “committed to the safety of life and property of Syrians,” including the Kurds.

Quoting the COI, the State Department affirmed “residents in Afrin reported patterns of arbitrary arrests and detention, beatings, and kidnappings by armed groups affiliated with the FSA beginning with their takeover of certain areas.”

The report also documented that “Turkish-backed opposition armed groups reportedly engaged in forcible displacement of civilians and related abuses in Afrin.”

The State Department’s account of the events surrounding the Afrin invasion includes details from the COI report, a June 2018 HRW report, and information from NGOs such as the Free Yezidi Foundation and Yazda.

“Numerous residents of Afrin reported widespread looting and appropriation of civilian homes, hospitals, churches, and a Yezidi shrine by members of armed opposition groups and citizens when the armed opposition groups entered Afrin city in March.”

According to witnesses, Turkish troops were on occasion present in the vicinity of lootings but had not acted to prevent them.

“Residents reported having to purchase back cars stolen by the armed groups for between one million and 2.5 million Syrian pounds (\$2,000 and \$5,000).”

Additionally, “the COI noted the destruction of Yezidi religious sites appeared to have sectarian undertones, while house appropriations targeted mainly Kurdish owners who had fled clashes.”

The report noted that, although victims reported the cases to the newly established military police or local committees, both “reportedly failed to offer any tangible restitution.”

Turkish-backed armed opposition groups were also accused of barring access of returnees to their properties and informed them that their real or presumed support for the YPG [People’s Protection Units] precluded them from living in the area.

The Turkish-backed groups “confiscated homes that were marked with graffiti and then used by armed groups for military purposes or as housing for fighters and their families, who arrived from eastern Ghouta via Idlib after its evacuation.”

The report indicated Turkish officials may have been aware of the violations in Afrin but turned a blind eye. “If any armed group members were shown to be acting under the effective command and control of Turkish forces, the [UN’s] COI assessed that violations committed may be attributable to Turkish military commanders who knew or should have known about the violations.”

A report released by the United Nations’ Independent International Commission of Inquiry (COR) on Syria released in February also suggested armed groups in Afrin are guilty of war crimes.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Iraq sentences Belgian man to death for belonging to Islamic State (Reuters) By Raya Jalabi
March 18, 2019

An Iraqi court sentenced a Belgian man to death by hanging on Monday for being

part of the Islamic State militant group, one of dozens of foreign nationals facing the death penalty in Iraq.

Iraq has put hundreds of suspected members of the ultra-hardline jihadist group on trial, many of whom were arrested as Islamic State lost a string of strongholds to U.S.-backed military campaigns throughout Iraq.

The Central Criminal Court in Baghdad handed Belgian national Bilal al-Marchohi, 23, the death penalty for belonging to and conducting operations on behalf of Islamic State (IS).

During an hour of proceedings, the presiding judge read out portions of Marchohi's signed confession and showed a video and photographs that he said proved his membership of IS.

The images from a phone found in his possession at the time of his arrest showed Marchohi carrying a gun and making a hand gesture affiliated with the militants. Several pictures showed him cradling his infant son.

Marchohi denied all allegations against him in open court, including that he was a member of IS at any time.

"I shouldn't be prosecuted in Iraq," Marchohi said. "I should be prosecuted in Belgium. I am a Belgian citizen."

Judge Jumaa Saidi told the court that the photographs were clear evidence Marchohi was a member of Islamic State.

A translator was appointed by the judge for Marchohi, who spoke in English throughout the trial. He was also given a court appointed lawyer but had no contact with him during the trial.

Belgian consular representatives attended the proceedings.

The Belgian Foreign Ministry said it had no power to intervene but had made clear to the Iraqi government its opposition to the death penalty. "We have done it a few times - even before Mr al-Marchohi and Mr Jadaoun were put to trial," a ministry spokesman said in Brussels.

Marchohi's family, who live in the Belgian city of Antwerp, declined to comment.

Islamic State redrew the map of the Middle East in 2014 when it declared an ultra-radical Sunni Islamist "caliphate" spanning parts of Syria and Iraq and established a rule known for mass killings, sexual enslavement and punishments like crucifixion.

Marchohi is the second of two Belgians held in Iraq known to have been sentenced to death for a role in Islamic State. Tarek Jadaoun, 30, also known as Abu Hamza al-Beljiki, was sentenced to death in May 2018. A senior member of Islamic State, Jadaoun featured prominently in the group's propaganda videos which threatened attacks on European soil.

Human rights groups have accused Iraqi and other regional forces of inconsistencies in the judicial process and flawed trials leading to unfair convictions.

Islamic State captured a third of Iraq in 2014 but was largely defeated both there and in neighboring Syria last year.

Iraq's Feckless Government Is Enabling an Islamic State Revival (Bloomberg) By Bobby Ghosh
March 18, 2019

Iraqi Prime Minister Adel Abdul Mahdi holds the world responsible for rebuilding Iraqi cities destroyed in the war to liberate them from Islamic State's control. Noting the great sacrifice in blood by Iraqi forces in that war, Abdul Mahdi told a press conference this week, "The world has to repay the favor in terms of the security, stability and stopping the movement of displacement to other countries. The world has to repay the favor to Iraq to rebuild its areas."

Abdul Mahdi is right. The world does have a direct interest in putting Iraq together again: the longer war-ravaged cities like Mosul remain in ruins, the more bitter their populations will become, and the more susceptible to the ideology of resentment and revenge peddled by terrorist groups. A revival of IS and al-Qaeda in Iraq would endanger us all.

But here's the problem: the world can't help Iraq when Abdul Mahdi is so obviously uninterested in helping his own countrymen. His government's desultory reconstruction efforts are evident in western Mosul, which suffered the greatest damage during the war. Nearly two years after its liberation, large parts of Iraq's second-largest city remain almost exactly as they were when IS forces were ejected—in ruin.

Estimates of Mosul's reconstruction cost range from \$1 billion to \$2 billion. And yet, Abdul Mahdi's government, has only

allocated \$120 million for Nineveh province, of which Mosul is capital, in this year's budget. This is a pitiful sum for OPEC's second-largest oil exporter, with monthly export revenues of about \$8 billion.

In contrast, international donors—ranging from the European Union and the World Bank to the U.S., U.K. and other countries—have committed hundreds of millions of dollars to repair the city. (At a conference in Kuwait last year, international donors promised \$30 billion for the overall rebuilding of Iraq.) But donors say Baghdad is a bottleneck: Abdul Mahdi's government is too incompetent to disburse the funds. At a conference in the Iraqi city of Sulaymaniyah last week, the EU ambassador was blunt in his assessment: the government, said Ramon Blecua, had failed to “come up with a real action plan for Mosul,” leaving EU-funded projects stuck in the pipeline.

Other participants at the Sulaimani Forum worried that Baghdad's incompetence would drive away donors: other crises, in much poorer countries (Yemen, for one), will make demands on their attention and aid.

Still others were concerned about the social and sectarian consequences of Abdul Mahdi's inattention to reconstruction, noting that he risks frittering away the enormous political dividend of IS's defeat. The population of Mosul and the other IS-captured cities is, for the most part, Sunni. Although neglected by the post-Saddam Shia-led governments in Baghdad, they had become more favorably disposed after their liberation by Shia-majority Iraqi forces (with the assistance of U.S. airpower and training). In last summer's general election, Mosul showed its gratitude by voting for the then-prime minister, Haider al-Abadi, a Shia.

But the goodwill is fading. The National Democratic Institute, which has been polling Iraqis for several years, say many in the Sunni areas are losing faith in the government. At the Sulaimani Forum, Ancuta Hansen, the NDI's director for Iraq, warned of a “deepening pessimism,” as Sunnis struggle to rebuild their homes and find jobs in their devastated cities.

We've seen this movie before, and we know the sequel. IS is already making a comeback in parts of Iraq, stepping up a campaign of suicide bombings and intimidation. It already has a large pool from which to recruit new fighters: tens of thousands of Iraqis accused of helping IS are crammed into isolation camps, which draw inevitable comparisons to Camp Bucca, the U.S.-managed prison where the leadership of the terrorist group hatched their plans for jihad. The longer Baghdad drags its feet on reconstruction, the larger that pool will grow.

Abdel Mahdi is right that the world has a responsibility for Iraq's reconstruction: that responsibility begins with pressuring him to do his part.

THREE ISIS SUICIDE BOMBERS DETONATE NEAR IRAQ'S SINJAR (The Jerusalem Post) By Seth J. Frantzman
March 25, 2019

Three ISIS members surrounded by security forces and local paramilitaries blew themselves up on Sunday, in the northern Iraqi city of Sinjar.

The incident comes days after the US and Syrian Democratic Forces announced the defeat of ISIS in neighboring Syria. The incident illustrates the continued presence of ISIS threats in Iraq.

The battle began in the morning, according to local reports. The men were fleeing from Syria and had entered the area of Sinjar near the border. This area is still largely destroyed due to the war on ISIS; most of its civilian population, which used to be members of the Yazidi minority, have been unable to return due to the instability.

According to Sky News Arabia, the ISIS members were hiding out in the town of Kairouan (Qayrawan). “Our security forces from the army and the Popular Mobilization Forces of local tribes besieged three suicide bombers. They blew themselves up without causing any casualties [to our forces],” A spokesman for the Iraqi security forces told AFP.

A separate report said Iraq's 29th Brigade had participated in the operation and that the suicide bombers had come via Iraq's western Anbar desert. Other details indicated that as many as five ISIS members were killed in the gun battle, including the three wearing suicide vests. Photos, that could not be confirmed, showed bodies of the alleged ISIS members, one being dragged out of a house; others showed smoke and a damaged vehicle, but it was unclear if the vehicle had been damaged during this particular battle.

The battle is one of the worst in the area of Sinjar in recent memory. It comes as there are increased tensions in Sinjar between a local affiliate of the Kurdistan Workers Party and the Iraqi federal forces. The Yazidi minority who suffered genocide at the hands of ISIS has been asking to return, but the instability in Sinjar means much of the city and towns are still in ruins. More than 300,000 Yazidis still live in IDP camps years after the genocide – even after the defeat of ISIS.

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Syria

Syrian Refugees Use Precedent Set in Rohingya Case to Try to Bring Government Officials Before the International Criminal Court (The Intercept) By Maryam Saleh

March 16, 2019

Syrian activists and lawyers are testing the bounds of international law, making two new attempts to bring the government of Bashar al-Assad before the International Criminal Court.

Syrian refugees in Jordan, through London-based lawyers, sent communications to the office of the ICC prosecutor, asking her to exercise jurisdiction over Syria based on a precedent set last year in a case involving Myanmar's persecution of Rohingya Muslims. The communications are the latest push by Syrian civilians to hold accountable the government whose brutality upended their lives. In recent years, Syrian lawyers and human rights activists have experimented with rarely utilized aspects of international law, succeeding in getting European and American courts to weigh in on atrocities committed in Syria.

"Because of how politicized the war in Syria became, lawyers and those fighting for accountability really had to be creative," said Mai El-Sadany, the legal and judicial director at the Washington-based Tahrir Institute for Middle East Policy. "The most recent ICC Article 15 submissions" — a reference to communications with the ICC on information about alleged international crimes — "are evidence of this, that there is space for creativity in the accountability space."

"It is not possible for Syria to stabilize unless these criminals are held accountable."

The efforts come as the Syrian conflict enters its ninth year. On March 15, 2011, eight years ago yesterday, Syrians, inspired by the wave of protests sweeping the Middle East and North Africa, took to the streets in a "Day of Rage" demonstration. Within a few days, protesters around the country were calling for freedom, dignity, and political reforms. Later that month, activists in the southern city of Daraa toppled a statue of the late President Hafez al-Assad that stood in a city square. This past Sunday, hundreds of Daraawis marched once again, this time to protest the erection of a new statue of the former Syrian president.

In the intervening years, a mass anti-government uprising descended into a merciless war involving at least a half-dozen countries, each of which has contributed to Syria's destruction. Few would dispute, however, that the Assad regime is responsible for most of the violence that flattened entire cities, uprooted millions of people from their homes, and killed — according to an estimate that is now three years old — 470,000 people.

The scale of atrocities is unfathomable, yet the perpetrators have evaded accountability — and are gradually being welcomed back into the diplomatic fold. Some Arab states, which effectively blacklisted Assad in 2011, are slowly thawing their relations with the Syrian regime, while Russia, Iran, and China have invested in lucrative reconstruction contracts.

The victims of the war, however, have not been deterred from pursuing justice. One goal of their efforts, said Syrian human rights lawyer Anwar al-Bunni, is to send a strong message that core members of the Syrian regime should not be considered part of any transition period or political solution to the Syrian conflict. "The goal of our work is to block any attempt to rehabilitate war criminals and people who've committed crimes against humanity," said al-Bunni, whose work with the European Center for Constitutional and Human Rights led Germany's federal prosecutor to issue an international arrest warrant for Jamil Hassan, the head of Syria's notorious Air Force Intelligence Directorate. "It is not possible for Syria to stabilize unless these criminals are held accountable."

THE INTERNATIONAL CRIMINAL Court, which sits in the Hague in the Netherlands, is an international, intergovernmental tribunal created by the Rome Statute with the authority to investigate genocide, crimes against humanity, war crimes, and crimes of aggression. Often referred to as a court of last resort, it hears cases when state courts are unwilling or unable to do so, or when the United Nations Security Council or individual states refer cases to the court.

The U.N. Security Council in 2014 floated a resolution to refer Syria to the ICC. China and Russia (Syria's patron state), exercised their veto power to block that from happening. Because Syria has not ratified the Rome Statute, the court has no independent basis for jurisdiction. A ruling from the court last year, in a case pertaining to Myanmar's persecution of the Rohingya, however, opened up a new possibility for those hoping to bring Syria before the ICC.

In September, ICC judges issued a pretrial ruling that said the court could exercise jurisdiction over the deportation of the

Rohingya from Myanmar, which is not an ICC member state, to Bangladesh, which is. Deportation is a crime against humanity, and the court reasoned that one element of the crime — crossing the border — occurred in Bangladesh, thereby creating jurisdiction. The judges also ruled that the court could look into other crimes under the Rome Statute, such as persecution and other inhumane acts.

Based on that precedent, Syrians are arguing that the ICC has jurisdiction over deportations from Syria to Jordan, which is party to the Rome Statute and is home to more than 1 million Syrian refugees. The London-based Guernica Center for International Justice submitted an Article 15 communication to ICC prosecutor Fatou Bensouda on March 4, asking her to open an investigation into the forcible deportation of Syrians into Jordan. A group of lawyers, led by Rodney Dixon QC of Temple Garden Chambers, filed a similar communication on March 7, on behalf of 28 Syrian refugees in Jordan.

While the lawyers publicly announced their submissions, Article 15 communications are confidential and generally come to light only if the prosecutor decides to take some sort of action.

“Anyone can communicate with the court through Article 15 of the Rome Statute, the treaty that underpins the court, basically sending information to the court,” said Heidi Nichols Haddad, author of “The Hidden Hands of Justice: NGOs, Human Rights, and International Courts.” “It’s then up to the prosecutor to compile that information and decide whether to take it to a judge and move forward with a preliminary investigation.”

In a statement to *The Intercept*, the office of the prosecutor confirmed the receipt of the Syria-related communications. “As we do with all such communications, we will analyse the materials submitted, as appropriate, in accordance with the Rome Statute and with full independence and impartiality,” Bensouda’s office wrote. “As soon as we reach a decision on the appropriate next step, we will inform the sender and provide reasons for our decision.”

Bensouda could either decline to take action or unilaterally decide to open a preliminary investigation. A third option would be to file a pretrial motion asking the court’s judicial chamber to rule on jurisdiction, as Bensouda did in the case of Myanmar. The court would ask Syria to respond and Jordan to weigh in. Last year, Bangladesh welcomed an investigation into the deportation of the Rohingya into its territory; with regard to Syria, Jordan’s response could make all the difference, cautioned al-Bunni, the human rights lawyer.

“The party that has to request an investigation is the government of Jordan, because it’s the one that’s suffered the harm,” he said. The question of jurisdiction could put Jordan in a quandary, caught between a just cause of helping Syrians’ quest for accountability and the geopolitical implications of helping to facilitate the prosecution of the head of a neighboring state. Cadman, however, says that even though Jordan will be called upon to respond, the court’s decision will rest on the harm Syrian refugees have experienced, and not whether Jordan encourages an investigation. The Jordanian Embassy in Washington, D.C., did not return a request for comment.

THE LEGAL TEAMS built their filings around interviews with Syrian refugees in Jordan, in addition to the massive trove of documentation of crimes in Syria from the last eight years.

“I actually think the case is stronger as far as Syria is concerned than it was as far as the Rohingya were concerned,” said Toby Cadman, an attorney at the Guernica Group, which submitted an amicus brief in the Rohingya case. He noted that the scale of displacement in Syria is much larger: About 5 million Syrians have fled their country since 2011, compared to about 730,000 Rohingya refugees.

“That’s not to underestimate the significance of what happened to the Rohingya,” Cadman said. “I think just that the way the conflict has been documented in Syria, we actually know a lot more about what’s happened [there] than what’s happened in Myanmar.”

While the lawyers focused their filings on the crime of deportation, following the precedent set by the Rohingya decision, they also laid out other potential crimes that have occurred in Syria — the use of chemical weapons, indiscriminate bombings of civilian centers, and torture — as well as the risks that refugees would face upon being returned to Syria, such as conscription and detention.

“I interviewed Syrians who did not have a choice to stay in Syria, and had no choice in returning, and that usually means you’re speaking to people who have been detained, or people who are in fear of detention,” said Ibrahim Olabi, a Syrian lawyer who is completing his legal training at Guernica. “I interviewed people who had nothing to do with the uprising and were picked up and detained and tortured, again, in the worst possible means.”

One Syrian interviewed by Dixon’s team said she saw a child blown into pieces by a projectile, “which is a moment seared into her memory,” according to an excerpt from an Article 15 communication that Dixon shared with *The Intercept*.

She states that when bombing campaigns started in her town, everything intensified. When her cousin decided to flee with his

family, he was killed in a missile attack on a minibus and the bus was so burnt that her family could not identify his body. She described her grave fear for her life and the life of her family during the bombing campaigns which randomly targeted buildings around her and hit a school nearby. She decided to flee to Jordan when she heard that regime forces had “cleansed” another part of her town and were moving to her area. She said the regime forces were implementing a policy of cleansing and that she feared she and her family would be killed.

“It’s important to understand that in order to prove crimes against humanity, the prosecutor has to show that there is an attack on the civilian population,” said Dixon. “All of the other crimes that have occurred in Syria can be used by the prosecutor to prove that there has been an attack on the civilian population, of which these deportations are a part.”

That’s not to say that the ICC would necessarily be able to seek convictions in relation to those wider crimes, but the prosecutor would at least gather evidence of them. “That’s important because it gives those victims a voice and it gives the opportunity to a prosecutor to prove the wider pattern and policy of crimes,” Dixon said, “which would be very important for the record and can then be used, in this case, to file a case of deportation and the other crimes against humanity.”

THERE ARE LIMITATIONS to the ICC’s ability to prosecute cases and hold perpetrators accountable. One clear example is that of Sudanese President Omar al-Bashir, who has been wanted by the ICC for war crimes, crimes against humanity, and genocide in Darfur for a decade. Because the ICC does not have a police force, it needs cooperation from states who would be willing to execute an arrest. Al-Bashir, however, has traveled around the world, including to ICC member states, and remains a free man.

The legal maneuvering Syrians have done to try to bring their case before the ICC represents another limitation. Even when the evidence of potential crimes exists, investigations into crimes committed in states that have not ratified the Rome Statute are near impossible because of jurisdictional issues, and U.N. Security Council members are quick to use their veto power to block investigations into crimes potentially committed by their allies.

That’s what makes the various avenues Syrians are pursuing so significant. As of last March, more than two dozen cases had been filed in European courts regarding atrocities committed by the Syrian regime, rebel fighters, and the Islamic State and other fundamentalist militant groups. The family of Marie Colvin, an American journalist killed in 2012 while reporting from the city of Homs, sued the Syrian government in a U.S. district court; in January, the court found Syria responsible for killing Colvin.

Many of the cases in Europe were brought under a legal doctrine known as universal jurisdiction; application of the doctrine varies from country to country, but it essentially allows for courts to prosecute cases regardless of where the crime was committed or whether the accused party has any links to the prosecuting state.

The biggest success so far has been in Germany, where authorities last month arrested a former high-ranking Syrian intelligence officer and two others who are accused of crimes against humanity for torturing detainees in Syrian prisons. Other cases remain pending in France, Sweden, and Spain. (Cadman and al-Bunni have been involved with some of these cases.)

These attempts are possible in part due to an unprecedented level of documentation of crimes in Syria. The victims in some of the cases were identified from a trove of 28,000 photos of people killed in Syrian detention centers, smuggled out of the country by a military defector codenamed Caesar. The U.N. General Assembly, in December 2016, took the step of creating the International, Impartial, and Independent Mechanism to investigate crimes in Syria since 2011. The IIIM, as the body is known, does not have independent prosecutorial authority, but it exists to collect information that could later be provided to courts or tribunals with jurisdiction over the crimes. Last year, 28 Syrian nongovernmental organizations committed to collaborating with the IIIM on its work.

Groups like Guernica and the Syrian Legal Development Program, which Olabi founded as a law student in 2014, have trained Syrian lawyers and human rights activists on how to document atrocities in a way that would make the evidence admissible in court.

“What we’ve been doing, for example, is assisting [activists with] how to document in a legal way,” Olabi said of the Syrian Legal Development Program. “So we created witness interview questions for organizations, for example, that were documenting forced displacement, or helped an organization that’s working on chemical weapons, put it together in the legal framework, which then leads to all the different reports that we used in our Guernica submission.”

Syrians are making use of every tool at their disposal to hold perpetrators accountable under international law, yet many of them hope to see these crimes prosecuted in a post-conflict Syria some day.

“The prosecutions have to happen in Syria, absolutely,” said al-Bunni. “But we have to get there and prepare to have prosecutions in Syria, prepare for transitional justice in Syria; but to get there, we need to show that these people are criminals and no one should interact with them in any shape or form.”

As the Syrian regime cements its military victory, the prospect of a post-Assad state — or a period of transitional justice — is difficult to imagine. Until then, the mere process of pushing for accountability at every forum possible has a number of benefits, El-Sadany said.

“The fact that individuals who are once thought to never have been able to be held accountable are being held accountable or evidence is being collected, I think that is important in and of itself,” she said. “The process of participating in these cases, the process of documenting the evidence, the process of even speaking out loud about the violations that an individual or victim had to endure and who perpetrated those violations, that’s important from a documentation perspective; from a healing perspective for victims; for the memorialization and education perspective so that decades from now, the history of the Syrian revolution and the Syrian war isn’t rewritten.”

Update: March 16, 2019, 11:33 a.m. This piece has been updated with a response from Toby Cadman on the way in which Jordan’s input will factor into the ICC’s decision.

Justice remains elusive for victims of war crimes in Syria (BBC News) By Jeremy Bowen
March 17, 2019

The ruins of the Al-Quds hospital in Eastern Aleppo had that special smell you can find in places where disasters have happened.

It was a mixture of charred, wet wood, of rot and rubble and concrete dust. The corridors were cold.

It was January 2017 and outside winter was in charge of the wilderness of broken, empty buildings left by weeks of shelling and air strikes by the Syrian military and its Russian allies.

The armed opposition groups that had controlled Eastern Aleppo had been blasted until they capitulated.

It was a major victory for the regime, the biggest sign up to that point in the war that the Russian intervention at the end of 2015 had set President Bashar al-Assad on the road to victory.

Earlier in 2015, I had asked President Assad if Syrian forces had used barrel bombs, chemical weapons and other indiscriminate weapons against their own people.

He denied it, saying they targeted only "terrorists" and were fighting not to kill Syrians, but to save them.

Whenever I have spent time with Syrian forces during many visits throughout eight years of war, I have asked the fighting men what they think of the accusation that the Syrian army has killed more of its fellow citizens than any other group.

They always deny it, and express their horror at even the suggestion that it might happen.

Thousands of casualties were treated at Al-Quds hospital during the siege.

Medical debris was everywhere. Surgical instruments were ready to use on a table in the operating theatre - they had left in a hurry after shells hit the building. Big cracks zigzagged up the walls and across the ceilings.

The district around the hospital was badly damaged and piles of rubble blocked the streets.

Only a handful of people had hung on in an area where thousands once lived.

Hospitals and civilian buildings are protected under international humanitarian law so it was clear, immediately, that there were big questions to answer about whether war crimes had been perpetrated.

Video taken during the siege shows casualties - wounded, dying and dead children, as well as men of fighting age - being rushed into Al-Quds and the other medical facilities in Eastern Aleppo.

The scenes have been repeated many times across Syria since 2011.

Wars are less chaotic than they appear. Pain and death are inflicted on someone's orders.

And wars have laws - some are supposed to protect civilians. In Syria, they have mostly been ignored.

Hamza al-Khatib, one of the doctors at Al-Quds hospital, says he witnessed war crimes every day that killed and maimed civilians.

He escaped to Turkey and on to London after Eastern Aleppo fell.

Two years on he says he wants justice, to see the perpetrators in court.

"The Syrian regime and the Russians. No-one else has the air planes to make the sky rain cluster bombs, explosive barrels and chlorine gas. No-one else can do that."

The cost of Syria's war is immense. A country destroyed, perhaps half a million dead, and overwhelming evidence of war crimes by all sides, according to UN investigators.

The rebel side, a changing mass of alliances and coalitions of armed groups that at times have fought each other as much as the regime, have used indiscriminate weapons against civilians areas.

On what was the regime-held side in Aleppo I saw shells made from gas cylinders, as well as the casualties they caused.

But even at their strongest, rebels never had the firepower to inflict as many casualties as the regime.

The ruins are part of the evidence.

The regime started winning big after the Russians intervened in 2015 - taking the destruction to a new level, with enough firepower to pound the big rebel enclaves until they surrendered. Many civilians died.

I went right through East Aleppo just after it fell two years ago and it was hard to find a building that was not damaged or flattened. Many civilians died - and wanton destruction is a war crime too.

All the countries that have intervened in Syria's multi-layered war have questions to answer.

Raqqa was once the beating heart of the jihadist group, Islamic State.

The Americans, helped by the British, levelled it. Amnesty International, the human rights group, condemned them for not acknowledging how many civilians they had killed.

Rebels, now mainly jihadist extremists, continue their fight out of Idlib province, their last significant piece of territory. But President Assad's side has almost won the war.

Investigators from the UN as well as national governments have spent years collecting evidence of war crimes. But turning evidence into prosecutions is difficult.

Syria's wounds might have a chance to heal if war criminals face the law.

But the victor's justice tends to apply when the fighting stops - so it looks as if the regime and its allies, for now at least, will be safe.

Damascus Accuses US and Its Allies of War Crimes in Syria (Sputnik News) March 18, 2019

The Syrian Foreign Ministry responded to the statement issued by the US-led coalition partners that refused to take part in the reconstruction of Syria noting that these states are not invited to contribute to the reconstruction after those war crimes committed against the Syrian people.

"These countries that killed and destroyed have never been interested in the reconstruction [of Syria] and they are not invited to contribute to the reconstruction. These states should only pay compensations for the killing and destruction committed as a result of their heinous crimes and stop their blatant interference in internal affairs", the statement obtained by Sputnik read.

The ministry noted that counterterrorism methods of the US-led coalition constitute war crimes and violations of the international law.

The United States, France, Germany and the United Kingdom said in a joint statement on Friday that they will not consider providing reconstruction assistance to Syria until a credible political process is underway in the country.

The Syrian Foreign Ministry called this statement a historic evidence of "lie, hypocrisy, deception and falsification".

As the armed conflict in Syria seems to be nearing its end and Damascus has regained control over the vast territories that were previously controlled by terrorist groups and rebels, Syria has already launched the reconstruction process and started welcoming back refugees.

The US-led international coalition of more than 70 members has been engaged in counterterrorism operations in Syria since 2014 without the permission of Syrian authorities or the UN Security Council. The United States has, in particular, supported the Kurdish-led militia controlling the territories to the east of the Euphrates River.

US President Donald Trump announced last December that the US troops would leave Syria. However, no exact deadline for the withdrawal of US soldiers has been unveiled yet.

The Eighteenth Report Documenting Violations by International Coalition Forces in Syria: With the End of ISIS in Syria, International Coalition Forces Must Open Further Investigations and Compensate the Victims (Syrian Network for Human Rights) By Delil Souleiman

March 20, 2019

In its latest report, released today, the Syrian Network for Human Rights emphasizes the need for the International Coalition forces to launch further investigations and compensate the victims with the end of ISIS in Syria.

The 14-page report states that violations by International Coalition forces have become a widespread and frequent pattern in many cities and towns in Syria, which, according to the report, undermines the credibility of these forces, despite their declaration of a noble goal in helping to rid the Syrian people and the peoples of the world of terrorist organizations and the danger they pose. The delay by these forces, more than a year since defeating ISIS in several areas, in starting the reconstruction process, compensating victims, and establishing real local elections that lead to genuine stability in the north-east of Syria, has significantly adversely affected the coalition's stated goals and objectives.

The report points out that none of the states participating in the International Coalition in Syria, except for the United States of America, have published any reports and investigations into incidents of violations in which civilians were killed, calling on all the member states to issue periodic reports in the event that their forces perpetrate incidents that cause human or material loss, and to acknowledge their responsibilities in terms of human rights and legal liabilities, as well as to revise their methodology so as to avoid subsequent violations.

The report outlines the previous SNHR reports documenting the most notable attacks by International Coalition forces since the start of their intervention in September 2014 and the subsequent killings and forced displacement of civilians for which the coalition is responsible. The report also sheds light on the unlawful attacks carried out by International Coalition forces in Syria from September 23, 2018, to March 2019, in addition to analyzing the data concerning violations perpetrated by International Coalition forces from September 23, 2014, to March 2019.

The report notes that rather than reducing and mitigating the violations inflicted on civilians in their attacks over time, the International Coalition forces have actually increased the number of these violations since 2014. The report also includes an analysis of the attacks by International Coalition forces that we were able to document in our database, based on two variables: the toll of victims and the targeting of vital and civilian facilities. This systematic analysis concluded that the attacks by International Coalition forces began to assume a more chaotic and random character during the second year of the intervention by International Coalition forces, noting that the frequency of attacks and air strikes carried out by International Coalition forces increased dramatically during the third year (from September 2016 to September 2017), during which International Coalition forces appeared to be negligent in observing the principles of customary humanitarian law. During the fourth year, according to the report, following the end of the battle of Raqqa in October 2017, the frequency of attacks carried out by International Coalition forces decreased, with the extent of violations also being reduced accordingly. After that, the coalition's military operations were concentrated on Deir Ez-Zour governorate and the southern suburbs of Hasaka, with the period between September 2018 and March 2019 seeing a significant retreat by ISIS' elements in which only an area of a few square kilometers remains under their control.

The report documents the deaths of 3,035 civilians, including 924 children and 656 women (adult female) at the hands of international coalition forces since the start of their military intervention in Syria until March 2019. In addition, the report outlines a distribution of the death toll by year, as well as the distribution across governorates, with Raqqa seeing the highest number of deaths in this category, followed by Aleppo and Deir Ez-Zour governorates.

The report also documents 172 massacres perpetrated by International Coalition forces, and at least 172 attacks on vital civilian facilities, including 25 attacks on schools, 16 attacks on medical facilities, and four attacks on markets since the start of their military intervention in Syria until March 2019.

The report reveals that at least 560,000 inhabitants have been forcibly displaced by International Coalition forces' attacks, with most of the displaced forced to stay in camps established by the Kurdish-led Syrian Democratic Forces, where they are detained, their identity papers confiscated and they are prevented from leaving.

The report also includes a comparison between the record of the most notable human rights violations committed by International Coalition Forces during the terms of US Presidents Barack Obama and Donald Trump. The attacks carried out by International Coalition forces during the term of President Obama killed at least 976 civilians, including 194 children, and 294 women (adult female), which is nearly 32 percent of the total death toll of victims killed by International Coalition forces to date, as well as perpetrating 32 massacres and 61 attacks on civilian objects. During the term of President Trump, meanwhile, these killings have escalated in an alarming manner. The death toll of victims killed during this period to date has reached at least 2,059 civilians, including 730 children and 362 women, which is nearly 68 percent of the total death toll of victims killed by International Coalition forces. In addition, the Coalition attacks began to take on a more systematic and chaotic character under President Trump's administration, with SNHR documenting at least 140 massacres and at least 120 attacks on civilian objects, as well as documenting the use of incendiary munitions for the first time, with our team documenting at least five attacks carried out by International Coalition forces using incendiary munitions.

The report further notes that the International Coalition forces have acknowledged only 119 attacks which resulted in civilian deaths, including 31 attacks that resulted in massacres (categorized as any attack in which five or more victims were killed in the same place at the same time), a massive discrepancy of 141 massacres compared to the number documented by SNHR.

The report stresses that the incidents of indiscriminate and disproportionate bombardment carried out by International Coalition forces constitute explicit violations of international humanitarian law and serious violations of the rules of customary humanitarian law amounting to war crimes, including the targeting of civilians or civilian objects. In addition, these incidents of bombardment have resulted in collateral damages that involved civilian deaths, injuries, or significant damages to civilian objects. There are strong indicators that compel us to believe that the damage was massively excessive compared to any anticipated military advantage.

The report calls on the International Coalition command to support the team working on investigating and following up on these incidents with more manpower, to increase and dedicate more efforts and capabilities in this regard, to create a data map showing the areas worst affected by aerial attacks, and to make real progress towards starting to address the economic and moral ramifications resulting from those attacks.

The report stresses that the welcome military victory over ISIS should be built upon with further help for the Syrian people, calling on the International Coalition command to rid the remaining areas of the terrorist group's effects, to seriously work on establishing a democratic community leadership which involves the residents of those areas, to work seriously on providing means of a decent life for the forcibly displaced in displacement camps, and to hold everyone who was convicted, through investigations, of being implicated in attacks that resulted in massacres against civilians, and discharge them.

Also, the report calls on the International Coalition command to assist the Syrian community in eliminating terrorist groups akin to ISIS, such as the terrorist groups supported by the Islamic Republic of Iran which have already started establishing bases in Aleppo and Damascus suburbs.

Lastly, the report calls on the OHCHR to address the issue of the forcibly-displaced in the SDF-held areas and to issue a report on the violations they are subjected to while also touching upon the consequences of the bombardment by International Coalition forces on those areas.

British funding for Syrian war crimes investigators: International, Impartial and Independent Mechanism collects evidence of human rights violations (The National)

By Claire Corkery
March 21, 2019

The British government boosted its support on Thursday for United Nations-backed investigators that collect evidence of human rights violations committed during Syria's devastating eight-year civil war.

Julian Braithwaite, the UK's ambassador to the UN, signed an agreement with the head of the International, Impartial and Independent Mechanism (IIIM) pledging to fund and work with the organisation.

"The IIIM is key to the efforts to hold those responsible for the crimes committed in Syria to account," Mr Braithwaite wrote on Twitter.

Founded in 2016, the IIIM has a mandate to "to collect, consolidate, preserve and analyse evidence" of human rights violations in the war-torn country, a statement on its website reads.

Although IIIM cannot as a body bring criminal proceedings against suspected war criminals itself, it has been set up to co-operate with prosecutors in national, regional and international courts.

IIIM head Catherine Marchi-Uhel told Reuters earlier this month that her office had received 15 requests for assistance from

prosecution authorities in five countries.

It is estimated that between 370,000 and 400,000 people have been killed because of the conflict, which began in 2011, according to the Syrian Observatory for Human Rights and UN agencies. Exact figures are difficult to establish because the Syrian government have restricted access to many areas of the country.

The Britain-based Syrian Observatory estimates that 112,000 civilians have died, some of whom were caught up in air strikes, bombardment of their homes and chemical weapons attacks. The UN has publicly accused the Syrian government of using chemical weapons against its own people on multiple occasions.

However, attempts to hold the Syrian regime to account for its crimes have been challenging because Syria is not a signatory to the International Criminal Court (ICC).

While it is possible for the ICC to investigate international crimes in other countries if requested by a member of the UN Security Council, US efforts to bring Syria before the court in 2014 were vetoed by Bashar Al Assad's allies, Russia and China.

Earlier in March, victims of the Syrian government's brutality were offered a glimmer of hope as British lawyers used a previous ICC ruling regarding Rohingya refugees who had fled to Bangladesh to file the first cases against President Assad.

The court found in September that it had jurisdiction over the case even though Myanmar is not a signatory of the ICC because the crime happened in Bangladesh, which is a member.

The lawyers are representing 28 Syrian refugees who claim to have been forced to flee to Jordan by Assad's forces.

The legal teams have argued Jordan's status as an ICC signatory means the court has jurisdiction over the case.

Domestic Courts Step Up: Justice for Syria One Case at a Time (Just Security) By Beth Van Schaak
March 25, 2019

Further to Ryan Goodman's recent post on the United States' welcome support for the German request for the extradition of a high-level Syrian suspect, I have just finished a paper canvassing the domestic suits involving Syria proceeding in U.S. courts that tracks this and related cases involving events in Syria. The draft is available here.

Ideally, international criminal law cases would go forward in the domestic courts in the impacted country itself. This proximity to the events in question ensures greater societal visibility to maximize the expressive function of the law, tap into the potential of such proceedings to help instantiate the rule of law, and prevent a recurrence of violence. On a practical level, local proceedings also facilitate access to evidence and for victims. All that said, where courts in the affected country are foreclosed, as is the case in Syria, legal processes in the courts of other countries offer a second-best alternative.

The ability of domestic courts to adjudicate international crimes depends, of course, on having in place the requisite legal framework with respect to both jurisdiction and substantive law. Nations can apply their criminal laws to events that happen extraterritorially on a number of grounds. These include principles of nationality, passive-personality, the effects doctrine, and the protective principle. When it comes to international crimes, most important has been the principle of universal jurisdiction. Since the 1990s, this concept has evolved: blossoming at first, then withering slightly, and now experiencing new growth, nurtured in part by the imperative to prosecute the crimes committed during the Syrian war. Although this phenomenon once generated hyperbolic antagonism, the exercise of extraterritorial jurisdiction over international crimes is now a regular feature of international affairs, as domestic and regional legal systems reorder themselves to facilitate the investigation and prosecution of crimes with a transnational dimension. The ability and responsibility to prosecute international crimes thus exists across jurisdictions.

In the Syrian context, European and regional domestic courts have emerged as fertile grounds for justice given the failure of the ICC referral effort, the lack of multilateral support for a hybrid or ad hoc tribunal devoted to Syria, and the perceived legal impediments to building international justice institutions outside the Security Council. The Syrian Commission of Inquiry has expressly called upon states to utilize universal jurisdiction to "investigate and prosecute persons and groups implicated in egregious violations." Individual states have begun to oblige.

A number of domestic trials involving events and actors in Syria are already underway on the basis of diverse principles of jurisdiction and featuring a range of criminal charges and fact patterns. These cases fall into two general buckets. One set of cases involves foreign fighters who have returned home to face charges under anti-terrorism legislation or laws criminalizing their participation in foreign wars. States are highly motivated to prosecute such cases because they perceive these defendants as posing an acute national security threat, both from the perspective of bringing the violence home but also as potential

recruiters and radicalizers. In this regard, the Paris attacks of November 2015, among others, stand as a stark reminder of the risk posed by “weaponized” foreign recruits. In addition, by virtue of Security Council Resolution 2178, states are under U.N. Charter-based duties to comprehensively address the phenomenon of foreign terrorist fighters. Many states have accordingly enacted legislation enhancing their ability to prosecute terrorism, raising concerns among rights groups, advocates, and our own Fionnuala Ní Aoláin, the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, about the misuse of such laws.

A second subset of cases involves individuals who stand accused of committing international crimes *stricto sensu*. These latter prosecutions are enabled by the incorporation of international criminal law into domestic penal codes, a global legislative trend occasioned in part by the ratification of the Rome Statute (even though that treaty technically does not require domestic incorporation of ICC crimes). Although most domestic cases involving Syria feature some combination of these two sets of criminal charges, sometimes states are only able to resort to immigration remedies for lack of evidence or other legal impediments. Facilitating these cases is the proliferation of special prosecutorial units dedicated to investigating international crimes; global mutual legal assistance arrangements; the formation of joint investigative teams focused on the prosecution of transnational crimes; training programs dedicated to investigating international crimes; and Europe-wide institutions such as EUROPOL, the European Arrest Warrant (EAW), and the Eurojust Genocide Network. Domestic prosecutors have also benefited from institutional learning and assistance from non-governmental investigative efforts that render these cases less daunting.

In addition to these criminal cases, and important in their own right, a handful of civil cases are also moving forward, particularly in the United States, including against the sovereign state of Syria. The latter cases offer victims the opportunity to shape justice without having to work through the national prosecutorial authorities or the criminal justice system.

A jurisprudential survey of Syrian cases proceeding in domestic courts yields a number of interesting observations and trends in prosecutorial practice.

First, the cases skew towards terrorism, as opposed to atrocity crimes, charges. Given the broad reach of material support for terrorism statutes, these crimes are easier to prove with available evidence and also respond to sovereign national security priorities.

Second, most of the existing indictments involve single incidents (rather than large operations or systemic abuses). To the extent that war crimes charges are forthcoming, they tend to involve relatively minor charges, often for lack of evidence of more serious crimes that are implied by the proof at hand. These include crimes such as desecrating a corpse, rather than the more serious charges associated with targeting civilians, custodial abuses, or the use of chemical weapons. States have also been creative about coupling these international law-based charges with ordinary penal charges and enhancements, such as unlawful weapons use. Together, the types of substantive charges being filed are more easily proven, often through the defendant’s own social media profile or phone records, than other war crimes or crimes against humanity. Third, none of the cases that have moved forward involve sexual violence charges, even though these crimes have been legion in Syria (especially in detention centers) and documentation centers have compiled large quantities of evidence.

Fourth, from the perspective of trends in the defendants involved, most indictments tend to focus on low-level perpetrators, rather than the architects of violence or those most responsible.

Fifth, and also troubling, is that the vast majority of cases that have moved forward have targeted members of opposition groups—including ISIL members—rather than Syrian government personnel. Senior figures, and regime actors, have simply not traveled to Europe or elsewhere that these cases are being pursued. As a result, investigations against Syrian government perpetrators have remained aspirational works in progress. That said, national authorities are increasingly organizing structural investigations on the conflict and its various armed groups, which allow them to move quickly against particular individuals as soon as they are within reach. And, as discussed in Ryan’s post, indictments have increasingly been issued against more senior regime figures who have been located; it remains to be seen whether extradition will be forthcoming.

Sixth, as is apparent from the available evidentiary records, many of these cases are benefiting from the sophisticated documentation work of non-governmental organizations that are sharing their holdings with national authorities. These groups are compiling dossiers on potential defendants, producing memoranda on key background inquiries (such as the chain of command), coding their holdings for ease of search, and authenticating digital and documentary evidence.

Seventh, in many European systems, Syrian lawyers and experts are intimately involved in conceptualizing, encouraging and proving these cases—attesting to the emergence of a new model of hybridity.

Eighth, and finally, the testimony of asylum-seekers and others who have sought refuge in the prosecuting state has also proven crucial, attesting to the importance of prosecutorial authorities building trust and genuine connections with Syrian diaspora communities. These migrants are crucial sources of evidence and often identify perpetrators among their ranks.

All told, while important, these domestic proceedings remain episodic and opportunistic. Given the investigatory and prosecutorial realities, the cases in the aggregate are not representative of the full scope of the international crimes being committed in Syria. Although these results are disappointing if the goal is comprehensive accountability, these cases are establishing important legal precedents, providing domestic authorities with valuable experience prosecuting international crimes, offering a measure of justice to victims, and punishing individuals accused of horrific acts. In addition to putting a dent in impunity and denying safe haven to perpetrators, cases in foreign courts promote stability by preventing victims and victim groups from taking justice into their own hands in their places of refuge. Even singular cases can be highly salient and can exert a multiplier effect, signaling that justice is possible and helping advocates overcome political resistance elsewhere.

Finally, the availability of this accountability outlet, notwithstanding its limitations, has also helped to galvanize and sustain civil society organizations during the seemingly endless conflict whose energies might wither without some evidence of tangible impact. When situated against the obstacles to exercising international jurisdiction, these results should be celebrated, since domestic courts have emerged as the only potential forum to administer justice to date—one case at a time.

UN Rapporteur: Western Sanctions on Syria Trigger Migration, Human Rights Abuses (Sputnik News) By Ksenia Shakalova

March 26, 2019

“The extension of EU and US sanctions against Syria has resulted in more frequent human rights violations and an increased influx of Syrian migrants to the European Union instead of both trends being eradicated, Idriss Jazairy told Sputnik

"But imposing sanctions makes deprivation of human rights even more acute. So it is like trying to extinguish fire with a fire hose not a water hose. That seems to be some lack of logic in Europe where people complain about the presence of the Syrian migrants and the imposition of sanctions push the Syrians to migrate [to] Europe," UN Special Rapporteur on the negative impact of the unilateral coercive measures Jazairy said.

The sanctions prevent the Syrian middle class from reviving business operations in their home country and instead force them to flee Syria, further increasing the influx of migrants to the European Union, the rapporteur noted.

In May, both the European Union and the United States extended their sanctions on war-affected Syria for another year, with the former justifying its decision by citing the "ongoing repression of the civilian population." The measures include an oil embargo, freeze of assets and certain export restrictions, among others."

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Yemen

Saudi Airstrike Said to Hit Yemeni Hospital as War Enters Year 5 (The New York Times) By Rick Gladstone

March 26, 2019

A hospital in Yemen supported by Save the Children was hit Tuesday by a deadly airstrike that charity officials blamed on the Saudi-led coalition, an attack carried out on the war's fourth anniversary.

At least seven people were killed, including four children, when a missile struck a gasoline station only yards from the entrance to the Kitaf hospital in rural northwest Yemen about 60 miles from the city of Saada, Save the Children officials said.

The attack damaged the waiting rooms and occurred at the busiest time of the morning for the hospital, said Jason Lee, Save the Children's deputy director in Yemen.

He said the organization had lodged a strong protest over the airstrike with the Saudi-led authorities, who had the coordinates of the hospital and should have known to avoid the area.

"This is a gross violation of humanitarian law," Mr. Lee said in a telephone interview from Sana, the Yemen capital.

In a statement, Carolyn Miles, the charity's president and chief executive, who recently visited Save the Children's health facilities in Yemen, said, "We are shocked and appalled by this outrageous attack."

There was no immediate comment from the Saudi-led coalition, which controls the airspace over Yemen. Despite repeated

Saudi pledges to honor prohibitions on attacking civilian targets, the conflict has been punctuated by airstrikes on hospitals, markets and public gatherings, including funerals and weddings.

One of the worst airstrikes came in August, when at least 29 children under the age of 15 were killed on a school bus. That attack contributed to what already was growing outrage over Yemen's civilian casualties, and it played a role in mobilizing congressional efforts to halt American military support for Saudi Arabia's war effort.

While the Houthi rebels, Saudi Arabia's adversaries in the war, have also been criticized for targeting civilians and recruiting child soldiers, humanitarian groups and the United Nations have attributed many of the civilian casualties to the Saudi-led coalition.

Data released earlier this month by the United Nations refugee agency indicated that more than 4,800 civilian deaths and injuries were reported in Yemen last year — an average of 93 civilian casualties per week. The agency said 30 percent were killed or injured inside their homes and a fifth of all casualties were inflicted on children.

Saudi Arabia led a military campaign it called Operation Decisive Storm that intervened in Yemen around March 26, 2015, with a bombing campaign to oust the Houthis, who had evicted the Saudi-backed government and occupied much of the country. The Saudis have accused Iran, their regional rival, of supporting the Houthis.

Despite Saudi predictions of a quick victory, the conflict has turned into what the United Nations has called the world's worst man-made humanitarian disaster.

Last month, the United Nations relief agency said "the severity of needs is deepening" in Yemen, where 24 million people, close to 80 percent of the population, need protection and assistance, and famine threatens hundreds of thousands.

"The escalation of the conflict since March 2015 has dramatically aggravated the protection crisis in which millions face risks to their safety and basic rights," the relief agency said in its 2019 Humanitarian Needs Overview.

Cholera, Lurking Symptom of Yemen's War, Appears to Make Roaring Comeback (The New York Times) By Rick Gladstone
March 27, 2019

Cholera, a potentially fatal disease that has come to symbolize the humanitarian crisis of the war in Yemen, has surged again in the country, health workers reported Wednesday, with some areas hit by as many as 2,000 suspected or confirmed cases per week.

Doctors without Borders, the medical charity, said in a statement that its teams had recently seen a "dramatic increase in cholera cases, demonstrating the urgent need for humanitarian assistance to improve water and sanitation in the war-torn country."

The World Health Organization said that from the beginning of 2019 through March 17, nearly 109,000 cases of severe acute watery diarrhea and suspected cholera had been reported, with nearly 200 deaths. About one-third of the reported cases afflicted children under age 5, the organization said.

Spread by poor hygiene and contaminated drinking water, cholera can cause fatal dehydration without treatment. It has long been considered endemic to Yemen, the Arab world's poorest country.

But cholera cases exploded after the war began in March 2015 between Yemen's Houthi rebels and a Saudi-led coalition, which led to a basic collapse in public health and sanitation systems.

Two years ago Yemen suffered the world's largest cholera outbreak, with more than 1 million cases. Although the disease was brought under control, medical organizations operating in the country have continued to see cases in almost every region.

Doctors without Borders said that its facilities had admitted more than 7,900 patients with suspected cholera in Amran, Hajjah, Ibb and Taiz governorates in western Yemen since Jan. 1.

Over the past three months, the charity said, "the number of suspected or confirmed cholera patients increased from 140 to 2,000 per week."

Hassan Boucenine, the head of the charity's Yemen mission, said the increase was particularly concerning because the rainy season, which could aggravate the problem, had not even started yet.

Dr. Ahmed Al Mandhari, the regional director of the World Health Organization, and Geert Cappelaere, the regional director

for Unicef, said in a joint statement that they had begun scaling up the response “to assist immediately the people affected and to prevent the disease from spreading further.”

But they also acknowledged that “we face several challenges, including the intensification of fighting, access restrictions and bureaucratic hurdles to bring lifesaving supplies and personnel to Yemen.”

The United Nations considers Yemen, where the war has just entered its fifth year, to be the world’s worst man-made humanitarian crisis. Relief officials have said 24 million people, close to 80 percent of Yemen’s population, need protection and assistance, hunger is rampant, and famine threatens hundreds of thousands.

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Special Tribunal for Lebanon

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

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Israel and Palestine

Israel opens criminal probe into 11 Palestinian deaths in Gaza border protests (The Times of Israel) March 13, 2019

A senior Israeli official said the army has opened criminal investigations into the deaths of 11 Palestinians killed by Israeli fire during protests along the Israel-Gaza border over the past year.

Israeli officials briefed journalists in Geneva on Wednesday to rebut allegations made in a UN Human Rights Council report last week that claims soldiers of the Israel Defense Forces unjustifiably fired on civilians and may have committed crimes against humanity in responding to violent protests along the Gaza border.

The Israeli official said full-fledged criminal investigations in such cases are opened if “reasonable grounds” of suspicion of criminal misconduct are found. Critics say such investigations rarely result in prosecution of soldiers.

The officials spoke on condition of anonymity because they were not authorized to speak publicly about the matter.

The statement came as Israeli officials on Wednesday delivered a detailed critique of the UN probe that accused IDF soldiers of possible war crimes in Gaza, saying investigators ignored key evidence, notably over the role of Hamas.

Last month, the UN’s Independent Commission of Inquiry on the protests in the Occupied Palestinian Territory said Israeli troops intentionally shot children, journalists, health workers and other civilians while responding to the protests at the Israel-Gaza border between March 30 and December 31 last year.

Israel immediately denounced the report as biased and rejected its findings.

But a senior Israeli delegation that traveled to Geneva days before the probe is set to be adopted by the UN Human Rights Council offered more criticism on Wednesday.

In a briefing with journalists, the delegation accused UN investigators of downplaying both the violence in the protests and the fact that Israel says the unrest, dubbed the “Great March of Return,” was orchestrated by Hamas, which provided logistical and financial support. The Islamist group that controls Gaza is considered a terrorist organization by Israel, the United States,

the European Union and others.

The UN commission claimed the protests were not instigated by Hamas and were generally peaceful in nature, arguing that Hamas was therefore under no obligation to intervene.

“For the commission, Hamas is completely absent from this report. They see no Hamas, they hear no Hamas,” said one Israeli official, who requested anonymity because he was not authorized to speak on the record.

The Israeli delegation provided evidence that it said proved Hamas’s involvement throughout the protests, including in coordinating serious acts of violence targeting Israeli troops, including shootings and explosive attacks.

“Hamas has complete control of these events,” the official said.

The commission also provided a list of victims it described as civilians, including Naji Abu Hojayer, identified as a 24-year-old mechanic shot in the abdomen by Israeli troops.

The Israeli delegation said that after checking the commission’s list it easily established that some of the victims, including Hojayer, were Hamas fighters.

“We thought that the report was definitely unprofessional,” the Israeli official said, adding that the UN team lacked military knowledge and did not “understand international humanitarian law.”

Intent

Among the most strident accusations by the UN team was that Israeli forces deliberately shot and killed people that were clearly identifiable as children, journalists, health workers or disabled.

The Israeli official denounced that finding, insisting that troops were only allowed to use live rounds against those who posed “a real and imminent threat.”

Civilians who were amid the unrest may have gotten hit if a sniper missed or by a bullet that passed through its target, the official said.

But, the official added, Israel probes every fatal act involving its forces.

It was then that the official noted Israel has opened 11 criminal investigations connected to the Gaza unrest.

“We have been trying to deal with these events in the best non-lethal way possible,” the official said.

Since last March, the Gaza border has seen large-scale weekly clashes on Fridays, smaller protests along the northern Gaza border on Tuesdays, as well as periodic flare-ups between the Israeli military and Palestinian terror organizations. Protesters have been gathering along the frontier in often-violent protests calling for Palestinian refugees and their descendants to be allowed to return to former homes now inside Israel.

Israel accuses the Gaza Strip’s Islamist rulers Hamas — who openly seek Israel’s destruction — of instigating the protests.

At least 255 Palestinians — including many members of terror groups — have been killed by Israeli fire in Gaza since March 30, the majority during border protests, but also by tank fire and airstrikes.

Two Israeli soldiers have been killed during the same period, including one during a secretive operation within the Strip.

Israel says its actions are necessary to defend the border and stop mass incursions into its territory.

It accuses the Hamas terror group, with which it has fought three wars since 2008, of seeking to use the protests as cover to carry out violence.

Israeli Army Strikes in Gaza After Rockets Target Tel Aviv in First Since 2014 War (Haaretz) By Yaniv Kubovich, Jack Khoury, Noa Landau, and Almog Ben Zikri
March 15, 2019

The Israeli army attacked Thursday overnight targets in Gaza Strip, hours after two rockets were fired at Tel Aviv from Gaza, a first since Israel's 2014 campaign in Gaza.

According to the Israeli military, the Iron Dome missile defense system was activated. It is assumed that the rockets landed in

open areas due to the fact that no damage or injuries were reported.

The last time rocket alerts were activated in Tel Aviv was two years ago, in what turned out to be a false alarm. The flare-up comes three weeks before Israel holds its general election.

The Israeli military said it was "attacking terror targets in Gaza," without providing further details. Palestinian media reported Israeli attacks near the Khan Yunis port, in southern Gaza.

According to security officials and witnesses Israeli drones, helicopters and F16 war jets hovered over the Gaza Strip. Witnesses also said that several powerful explosions were heard in the southern Gaza Strip and in Gaza City's southern suburbs, while security officials said that several military facilities were targeted and no injuries reported.

The air strikes hit six buildings used by Hamas's security forces, which which had been evacuated as a precaution. Gaza Health Ministry spokesman Ashraf al-Qedra also said in a tweet that the Israeli strikes did not cause any civilian casualties.

Meanwhile, rocket alarm sounded in Israeli communities near the Gaza border, but the Israel Defense Forces said the launch that triggered it failed and a rocket landed in Gaza.

Shortly thereafter, alarm sounded again in Israel's south. The Israeli army said two rockets were launched from Gaza, one of them intercepted by Iron Dome. with no injuries or damage reported.

Earlier, rocket sirens blared throughout Tel Aviv, with Israelis reported hearing that they heard blasts in the area.

Military spokesman Ronen Manelis told Channel 13 News that "we did not have advance knowledge of this fire today, and in fact it surprised us."

Prime Minister Benjamin Netanyahu, who also acts as defense minister, held an emergency security consultation in army headquarters in Tel Aviv. According to a political source, the meeting ended Thursday overnight with some "decisions made," without providing any further information.

An Egyptian security delegation departed Gaza at Israel's request following the rocket fire. Gaza media outlets reported that Hamas had begun evacuating military posts.

Several hours after the rocket fire, the Israeli army said it was conducted by Hamas, but the organization has denied any involvement with the escalation, as did Islamic Jihad.

A Palestinian source in Gaza told Haaretz that the rockets were fired from the northern part of the enclave, but that it was unclear which group initiated the fire. Hamas said it is looking into the shooting, vowing to "take measures against those responsible."

Representatives of the United Nations and Egypt are "currently in contact with all concerned parties, including Israel, to prevent the situation from spinning out of control," sources said.

'Terrorists must pay personal price'

Education Minister Naftali Bennett of Hayamin Hehadash said Hamas should bear responsibility for the rocket fire. "No matter who stands behind tonight's rockets, Hamas should be held accountable," he stated. He also called on Netanyahu to form a plan to assassinate Hamas chiefs. "I call on Netanyahu to order that the IDF present the cabinet a plan to defeat Hamas."

Former army chief and leader of Kahol Lavan party Benny Gantz called the fire "severe" and argued Israel must respond with "significant and harsh" means in order to "renew its deterrence." He said: "This adds to ... many incidents we've experienced in recent months. We must act decisively against this breach of Israel's sovereignty and security."

Kahol Lavan co-leader Yair Lapid tweeted the rocket attack was "An unacceptable act of aggression." He said "No government would accept attacks like this and Israel is no different. We will not tolerate any breach of our sovereignty and have the absolute right to respond with force and protect the people of Israel."

Former defense minister and Yisrael Beiteinu leader Avigdor Lieberman referred to Israel's cash transfers to the Hamas-controlled Gaza Strip, saying "Just this week the government approved the transfer of additional \$20 million to Hamas. Even another 'protection' payment doesn't bring quiet. On the contrary, it leads to further provocations ... Terrorist leaders must pay a personal price."

The Israel Police said it was not going to take special precautionary measures until it receives instructions to do so by the

government.

The Tel Aviv and Rishon LeZion municipalities both announced that they would open the cities' public shelters. Nonetheless, public events in Tel Aviv are proceeding as planned, including a basketball game of Maccabi Tel Aviv attended by more than 10,000 people.

The incident follows weeks of tensions, with the most recent exchange taking place Saturday night when a projectile was launched at Israel. In response, the Israeli army carried out several airstrikes in the Strip, targeting several Hamas posts.

UNHRC To Call For Israeli Arrests, Settlement Boycott (The Jerusalem Post) By Tovah Lazaroff
March 17, 2019

The United Nations Human Rights Council is expected to call for the arrest of IDF soldiers responsible for Gaza deaths at border and for a boycott of West Bank settlements, when it gathers in Geneva on Monday for the last week of its 40th session.

The day-long meeting of the 47-member council will involve the reading of seven reports on alleged Israeli human rights abuses and the tabling of five resolutions demanding action. No other country has that many reports or resolutions leveled against it.

The non-governmental group UN Watch plans to hold a rally against the proceedings outside the UN building in Geneva.

Among the most contentious of the reports is a 22-page document by a UNHRC Commission of Inquiry, which accuses Israel of war crimes in its protection of the Gaza border against Palestinian infiltrators and protesters.

With less than a day to go before the meeting, the full report has yet to be published. But its conclusions were already included in a broader resolution titled: "Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including east Jerusalem."

That resolution called for the passage of all the conclusions of the Gaza report.

This includes a call "that States parties to the Geneva Conventions and/or to the Rome Statute carry out their duty to exercise criminal jurisdiction and arrest persons alleged to have committed, or who ordered to have committed, the international crimes described in the present report, and either to try or to extradite them."

The Gaza report further called on UN member states to "consider imposing individual sanctions, such as a travel ban or an assets freeze, on those identified as responsible by the commission.

The accountability resolution, however, is broader than just the Gaza report. It's an annual resolution that last year called for an arms embargo against Israel in cases where those arms would be used to conduct violations of international humanitarian law. This year, that clause was dropped from the resolution.

The UNHRC had been expected to receive a database of companies doing business with Israeli entities and individuals located over the pre-1967 lines.

At the last moment, the High Commissioner for Human Rights Michelle Bachelet delayed its publication. The database, which Israel calls "the blacklist," had initially been scheduled to be released in 2017.

A resolution on "Israeli settlements in the occupied Palestinian territory" called for a boycott of Israeli businesses in east Jerusalem and the West Bank, as well as in the Golan Heights.

The settlement resolution also demands an Israeli withdrawal to the pre-1967 lines.

It demands that Israel stop expropriating Palestinian land and expresses "grave concern at declarations by Israeli officials calling for the annexation of Palestinian land, and reaffirms the prohibition of acquisition of territory resulting from the use of force."

The settlement resolution calls on Israel to protect Palestinians from settler violence in the West Bank including through the confiscation of arms.

It urged "all states and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including east Jerusalem."

The settlement resolution further called on member states to provide “individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities.”

This includes, the resolution stated, “financial transactions, investments, purchases, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlement.”

The seven reports and five resolution will be debated under Agenda Item 7. The UNHRC is mandated to debate alleged Israeli human rights abuses under this agenda item at every session. No other country is singled out in this way. All other human rights issues involving UN member states, are debated under Agenda Item 4.

The United States and Israel have repeatedly asked the UNHRC to abolish this agenda item. Their calls have gained sympathy with the European nations, which increasingly chose not to speak under Agenda Item 7 to indicate their opposition to it.

UN panel lists Israelis suspected of war crimes on Gaza border (The Times of Israel) By Raphael Ahren
March 18, 2018

The United Nations Human Rights Council’s fact-finding mission into last year’s protests at the Gaza border presented its full report on Monday, saying it had compiled a list of Israelis suspected of serious crimes that it will make available to the International Criminal Court and other bodies.

The database, which was not made public, contains information about “military and civilian structures in Israel” that are allegedly responsible for violations of international humanitarian law, as well as the institutions that fail to investigate them, according to the report.

At the beginning of the Human Rights Council’s 40th session, the so-called Commission of Inquiry on the protests in the Occupied Palestinian Territory presented a 250-page report that Israel may have committed “crimes against humanity” by using live ammunition against Palestinians protesters who participated in the so-called Great March of Return.

Intentionally killing civilians who are not “directly participating in hostilities” is a war crime, the report stressed. “The Commission found reasonable grounds to believe that individual members of the Israeli security forces, in the course of their response to the demonstrations, killed and gravely injured civilians who were neither directly participating in hostilities nor posing an imminent threat.”

Israel had at its disposal “less lethal alternatives,” the document went on, positing that the use of the live ammunition against protesters was disproportionate and unlawful.

According to the probe, Israeli security forces shot more than 6,000 Palestinians who participated in protests along the Gaza border between March and December 2018, killing 183 people, including 32 children.

Israel says the protests were organized by the Hamas terrorist organization and were aimed at breaching the border fence with the specific aim of killing Israelis.

According to the commission of inquiry, fewer than 30 of those killed were “members of Palestinian organized armed groups,” adding that Israeli troops’ use of live fire was only justified in very few cases in which they faced an immediate threat to life.

Hamas has acknowledged that dozens of those killed were its members.

The report accused Israel of having “consistently failed to meaningfully investigate and prosecute commanders and soldiers for crimes and violations committed against Palestinians.” While it acknowledged that the army has opened several internal army inquiries into the shootings of apparently uninvolved civilians, it doubted the government’s willingness to honestly scrutinize its policies and actions.

“Israel’s record for investigating deaths of Palestinians in Gaza and the West Bank is dismal,” the report asserted.

At the same time, the commission of inquiry also said it believes that Hamas “encouraged or defended demonstrators’ use of incendiary kites and balloons, causing fear and significant material damage in southern Israel,” and that the group failed to stop the use of these “indiscriminate devices.”

There are “reasonable grounds” to believe that Israeli troops tasked with fending off Gazan protesters “killed and gravely injured civilians who were neither directly participating in hostilities nor posing an imminent threat,” the report alleged.

“In the course of the investigation, the Commission found serious human rights violations that may constitute crimes against

humanity,” it said.

The panel said it was mandated to “identify those it deemed responsible for the violations” allegedly committed by Israel.

“It does so by placing the relevant information in a confidential file to be handed over to the United Nations High Commissioner for Human Rights,” the report stated.

The high commissioner, Michelle Bachelet of Chile, was authorized to make the database of alleged offenders accessible to the ICC and other “national authorities that are conducting credible investigations for the purposes of ensuring accountability for crimes and other serious violations committed in this context.”

“Inside this dossier are references to relevant military and civilian structures in Israel which bear primary responsibility for the conduct of the security forces and their use of lethal force on Palestinians attending the [protests],” the report stated.

“Responsibility also lies with those who fail to conduct investigations that meet international standards into the deaths and injuries in violation of [international law] as alleged in this report. As noted, individuals who committed the violations directly, or who aided or ordered them to be committed, are also responsible,” it said.

The ICC is currently conducting a preliminary examination into the “situation in Palestine.” Last year, the Hague-based court’s chief prosecutor, Fatou Bensouda, warned Israelis and Palestinians that she is carefully watching the events surrounding the Gaza border protests, and that she should would not hesitate to hold accountable anyone committing grave crimes.

Israel rejected the report outright, denouncing it two weeks ago, when the commission published a brief summary of it.

“The council is setting new records for hypocrisy and mendacity, out of an obsessive hatred of Israel, the only democracy in the Middle East,” Prime Minister Benjamin Netanyahu said at the time.

“It is Hamas which fires missiles at Israeli citizens, throws explosive devices and carries out terrorist activity during the violent demonstrations along the fence.”

Also on Monday, the Human Rights Council debated six additional other reports critical of Israel within the framework of the permanent agenda item, the only permanent agenda item dedicated to denouncing one country — Israel.

Protesting the council’s alleged obsession with the Jewish state, two dozen organizations from across Europe joined UN Watch’s “Rally for Equal Rights” outside the council’s building.

“Through its relentless bias and demonization of the Jewish nation, the UN is abandoning its own founding principles of universality and equality,” said UN Watch head Hillel Neuer. “It’s time for the UN to uphold the UN Charter promise of equal rights for all nations, large and small.”

Dore Gold, a former director-general of the Foreign Ministry, in his speech went through a long list of the UN-sponsored reports critical of Israeli policies vis-a-vis the Palestinians.

“Israel does not seek international forces to protect it. But it does expect one thing from the international community: the truth,” Gold said. “That is today what Israel asks for. But when it comes to the UN, the truth has been extremely difficult to obtain.”

Palestinians Report One Dead, One Critically Wounded by Israeli Army Gunfire in Bethlehem (Haaretz) By Jack Houry
March 20, 2019

One Palestinian was killed and another was critically wounded Wednesday by live Israeli gunfire in the West Bank city of Bethlehem, the Palestinian Health Ministry in Ramallah reported.

The two were shot while driving their car in the city's entrance and were evacuated to the Beit Jala Hospital, the report said. One of the men, Ahmed Jamal Manasra, 26, was pronounced dead shortly after arriving.

Earlier on Wednesday, Palestinian groups in the West Bank have called for a "day of rage" to be held on Friday after three Palestinians were killed by Israeli forces overnight Tuesday – two of them shot after throwing explosive devices at soldiers guarding a holy site in Nablus, and the third, suspected of carrying out a deadly shooting attack this week, shot north of Ramallah.

In an announcement on Wednesday, Fatah and other Palestinian factions called for a period of mourning to be declared

throughout the West Bank and for crowds to go to points of friction with Israeli soldiers and settlers. West Bank residents were urged to protest at the Beit El checkpoint on Wednesday, while a demonstration at Ramallah's Al-Manara is planned on Thursday.

Hamas politburo chief Ismail Haniyeh also said Wednesday that Gaza is preparing for hundreds of thousands to march on the one-year anniversary of the border protests on March 30.

Fourteen Palestinians were lightly wounded Wednesday morning from rubber-tipped bullets and tear gas inhalation during a protest near the Beit El checkpoint. Another demonstration is expected to take place Thursday in Ramallah.

General strikes were announced by residents of the West Bank city of Salfit, as well as student organizations, who joined the protests over the killing of Palestinians.

Calls for a "day of rage" are not irregular, and developments over the weekend depend on how much Palestinian security forces will allow protesters to approach friction points with the Israeli army.

23 to 9, UN rights council adopts report accusing Israel of war crimes in Gaza (The Times of Israel) March 22, 2019

The United Nations Human Rights Council voted Friday to adopt a report accusing Israel of crimes against humanity for its handling of violent protests on the border with Gaza Strip.

Twenty-three countries voted to in favor of the measure, with nine opposing it. Another 14 countries abstained, while one was absent.

The countries that voted against adopting the report were Australia, Austria, Brazil, Bulgaria, the Czech Republic, Fiji, Hungary, Togo and Ukraine.

The decision was condemned by the Foreign Ministry, which claimed that a "moral majority" did not vote in favor of the measure.

"Dictatorships and hypocrites vote in favor of the singling out, absurd pro Hamas pro terror report," ministry spokesman Emmanuel Nahshon wrote on Twitter.

"We will not cooperate with this mockery and will keep protecting Israel and Israelis," he added.

Aviva Raz Schechter, the Israeli ambassador to UN institutions in Geneva, said ahead of the vote that the report "was born in sin" and accused it of ignoring the role of the Gaza-ruling Hamas group in the clashes. An Islamist terror organization, Hamas seeks to destroy Israel.

"The commission's report will only serve to encourage Hamas's use of the civilian population as shields and as a tool in its efforts to attack Israel, and increase the danger to civilians on both sides," she told the Human Rights Council.

Raz Schechter also defended Israel's track record of investigating suspicions against Israeli soldiers.

The vote came after the so-called Commission of Inquiry on the Protests in the Occupied Palestinian Territory on Monday presented a 250-page report alleging that Israel may have committed "crimes against humanity" by using live ammunition against Palestinians protesters who participated in the so-called Great March of Return.

Intentionally killing civilians who are not "directly participating in hostilities" is a war crime, the report stressed. "The commission found reasonable grounds to believe that individual members of the Israeli security forces, in the course of their response to the demonstrations, killed and gravely injured civilians who were neither directly participating in hostilities nor posing an imminent threat."

Israel had at its disposal "less lethal alternatives," the document went on, positing that the use of the live ammunition against protesters was disproportionate and unlawful.

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The report accused Israel of having “consistently failed to meaningfully investigate and prosecute commanders and soldiers for crimes and violations committed against Palestinians.” While it acknowledged that the army has opened several internal army inquiries into the shootings of apparently uninvolved civilians, it doubted the government’s willingness to honestly scrutinize its policies and actions.

“Israel’s record for investigating deaths of Palestinians in Gaza and the West Bank is dismal,” the report asserted.

At the same time, the commission of inquiry also said it believes that Hamas “encouraged or defended demonstrators’ use of incendiary kites and balloons, causing fear and significant material damage in southern Israel,” and that the group failed to stop the use of these “indiscriminate devices.”

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Gulf Region

An examination of Saudi Arabia’s airstrike rules of engagement and its protection of civilians (ReliefWeb)

[March 19, 2019]

The War in Yemen: context For over four years, a conflict has been raging in Yemen. It is one that has its roots in the failure of a political transition supposed to bring stability to Yemen following an Arab Spring uprising, one that, in 2011, forced its long-time authoritarian president, Ali Abdullah Saleh, to hand over power to his deputy Abdrabbuh Mansour Hadi. President Hadi, however, struggled with a variety of problems, including attacks by al-Qaeda, a separatist movement in the south, the continuing loyalty of many military officers to Mr Saleh, as well as corruption, unemployment and food insecurity.

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By 2014, the situation had escalated between the government forces led by President Hadi on the one hand, and Houthi rebels and other armed groups on the other, mainly over disagreements relating to power-sharing arrangements and details of the new draft constitution. In September 2014, Houthi rebels and armed forces loyal to former President Saleh seized and consolidated control over the capital, Sana’a and other parts of the country.

In March 2015, Saudi Arabia formed a coalition with Bahrain, Egypt, Jordan, Kuwait, Morocco, Senegal, Sudan and the United Arab Emirates (UAE), seeking to begin military action at the request of President Hadi. The United States and the United Kingdom, among other states, continued to advise, arm and provide political support to members of the coalition. As part of its offensive, the coalition forces launched an extensive air campaign that, as of March 2019, continues to cause significant civilian casualties, damage to key infrastructure and poses a threat to stability across the Arabian Peninsula.

By the end of 2018, the war in Yemen had killed, injured and torn apart the lives of thousands of people, families and entire societies. In a press release in February 2019, the United Nations Office of the High Commissioner for Human Rights (OHCHR) made the level of human devastation clear: between 26th March, 2015 and 9th August, 2018, a total of 17,062 civilian casualties had been recorded – 6,592 dead and 10,470 injured. Most of these – 10,471 – were due to airstrikes carried out by the Saudi-led Coalition.[1] However, such estimates are thought to be far lower than the true figure. Even the estimate, reported in December 2018, from the Armed Conflict Location and Event Data Project (ACLED) of 60,223 killed in Yemen in the last two years, is still thought to underestimate the toll.[2]

Saudi airframes, munitions and technology

Such air-strike harm is not unexpected. With a 16% increase in military manpower over the 15 years from 2000, contrasted against a 350% increase in general military expenditure over the same period, Saudi Arabia has invested extensively in new military hardware – fast jets, air-to-surface missiles, targeting systems and laser-guided bombs.

Saudi Arabia's attempt to procure Joint Direct Attack Munitions upgrade equipment – smart bomb 'kits' – to turn older bombs into precision-guided weapons using Global Positioning System signals, however, has been seen by some as indicating deficiencies in the Royal Saudi Air Force's (RASAF) capability to launch 'precision' strikes, including Typhoon and Tornado pilots' relative inexperience of the operation of such weaponry on the whole.[3]

The Royal Saudi Air Force's primary set of airframes and preferred attack system over Yemen includes the Eurofighter Typhoon, Panavia Tornado F3 and F-15SAs (adapted from the US F-15E Strike Eagle) fast-jets, all armed with a combination of various Paveway precision-guided bombs, and Brimstone and Storm Shadow missiles (for equipping Typhoon and Tornado aircraft). This includes, amongst others, GBU-24 PAVEWAY III Laser Guided Bombs, MK-82 500lb and 2000lb General Purpose Bombs, AGM-84 Block II Harpoon and AGM 88B HARM Missiles (to be carried by the adapted F-15).[4]

Given the number of civilian casualties from such 'precision-guided' bombs and missiles, there has been growing international discontent that Western nations continue to supply the Saudi Air Force with such destructive weaponry. Nonetheless, the immense profits at stake with such arms dealing seems to have blinded some states.

In March 2016, for instance, the UK Foreign and Commonwealth Office confirmed that, as part of Operation Decisive Storm: "UK-built and licensed Typhoon and Tornado aircraft from the Royal Saudi Air Force have been deployed on combat missions in the Yemen campaign. UK-sourced weapons (including Paveway precision-guided bombs and small numbers of Dual Mode Brimstone and Storm Shadow missiles) have also been used. In addition, we have in the past supplied the UAE with PGM 500 precision-guided bombs (also known as the Hakim 2) that have also been used in the conflict." [5]

The Hakim bomb is notable for having caused several civilian fatalities in Yemen. In 23 September 2015, Amnesty International and Human Rights Watch examined weapon remnants at a strike zone in Sana'a Governorate and identified the munition used as PGM-500 'Hakim' air-launched cruise missile, supplied in the mid-1990s and manufactured by Marconi Dynamics (a UK firm).[6] The analysis compared debris and munition pieces photographed at the site with unexploded remnants of the same missile variety from a separate strike and found both were consistent with the deployment of an air-launched PGM-500: "Marconi markings are clearly visible on a component part recovered from the Sana'a strike site. Stocks of this missile are in service with the United Arab Emirates (UAE) Air Force, which has the capability to fire them from both Mirage 2000s [a French-built fast jet] and F-16F aircraft." [7]

US weapons, too, have been used extensively by the coalition in the campaign in Yemen. A bomb used by the Saudi-led coalition in a devastating attack on a school bus in Yemen on 9th August 2018 was sold as part of a US State Department-sanctioned arms deal with Saudi Arabia.[8] The news network CNN found that the weapon that left many children dead was a 500-pound laser-guided MK 82 bomb made by Lockheed Martin. Lockheed Martin and others' weaponry has been exported extensively to the Kingdom.

As a US Department of Defence statement announced: "Lockheed Martin Missiles and Fire Control and Raytheon Missile Systems have been awarded a combined not-to-exceed \$649.7 million modification contract for Paveway II production. The modification provides a five-year extension for Paveway II missile production with work completion expected for July 27, 2023. Foreign Military Sales (FMS) of the munition in 2015 included a \$1.29 billion sale of munitions to Saudi Arabia, which included 1,000 GBU-12 Paveway II laser guided bombs." [9]

In December 2016, the Obama administration blocked the sale of 16,000 Raytheon guided munitions kits to Saudi Arabia. Administration officials reported that the decision was "a direct reflection of the concerns that we have about Saudi strikes that have resulted in civilian casualties". [10]

President Trump has intimated that he would be in favour of overturning the ban. However, in a historic bi-partisan rebuke of the president and a marked shift in the long-standing U.S. alliance with Saudi Arabia, the Senate voted on 13th December

(2018), to try to force the Trump administration to end its military support for the Saudi-led war in Yemen. Although the measure has stalled in the House, the Senate's 56-41 vote had some significance – it marked the first time the Senate had invoked Congress' war powers to challenge U.S. military involvement internationally.[11]

Saudi Arabia has also admitted to using indiscriminate, UK-built BL755 cluster munitions, though it maintains that it ceased utilising such weapons by the end of 2016. In a statement made by Major-General Ahmed al-Asiri, then spokesman for the Saudi-led coalition in Yemen, it was confirmed that:

“The Coalition has conducted an inquiry into the use of cluster munitions in Yemen, including through dialogue with the British authorities and others. It has become apparent that there was limited use by the Coalition of the UK-manufactured BL-755 cluster munitions in Yemen. This munition was used against legitimate military targets to defend Saudi towns and villages against continuous attacks by Houthi militia, which resulted in Saudi civilian casualties. In deploying this munition, the Coalition fully observed the international humanitarian law principles of distinction and proportionality. Furthermore, the munition was not deployed in civilian population centers... the Government of the Kingdom of Saudi Arabia confirms that it decided to cease usage of the UK-manufactured BL-755 cluster munitions. Thereafter, the Saudi Government has informed the UK Government about this decision.”[12]

Argued by some as an example of Saudi Arabia's weddedness to traditional military strategies built around 'open' warfare, in addition to a morally questionable view of proportionality, Saudi Arabia's past use of cluster munitions might be paralleled with Russia's use of gravity bombs ('dumb bombs') in Syria – a symbol that military success frequently supersedes the need to avoid civilian casualties, particularly in densely populated areas.

Casualty figures

Such weapon systems, coupled with a relentless and uncompromising use of air strikes, have taken a staggering toll on lives in Yemen. According to United Nations press release in February 2019, four years of intense conflict has left at least 17,700 civilian casualties (deaths and injuries) according to figures verified by the UN.[13] However, as mentioned, the real figures are likely to be higher. Overall, the permanent sense of an external threat from Iran's proxy interventions drives Saudi Arabia's military direction. The intervention in Yemen is a clear example of this; and it is a conflict whose resolution proves elusive[14].

For all of Saudi Arabia's deployed might, the Yemeni conflict drags on. And such a stalemate has led to greater intervention: increasingly, Houthi rebels have begun targeting Saudi Arabia itself with missile systems, causing the Saudi military to expand further its air campaign, leading to an ever-increasing loss of civilian life. Of more than 60,000 fatalities recorded by ACLED, 28,182 were recorded in the first 11 months of 2018.[15] This marked a 68% increase compared to the previous year.

Action on Armed Violence's (AOAV) own data for 2018 highlights the ongoing and tragic loss of life in Yemen. Last year, AOAV recorded 1,807 civilian casualties resulting from the use of explosive weapons, 1,523 of which were caused by air-launched weapons. AOAV figures also point to a stark fact: the Saudi-led coalition was responsible for 1,512 of these casualties.

Information documented by the Group of Regional and International Eminent Experts on Yemen strongly suggests that all parties to the conflict in Yemen have perpetrated, and continue to perpetrate, violations and crimes under international law. The findings were detailed in a 41-page report published in August 2018, which was mandated by the United Nations Human Rights Council to carry out an examination of the human rights situation in the country.

The Group of Experts' report, which covered the period from September 2014 to June 2018, assessed the main patterns of violations and abuses of international law committed by parties involved in the conflict. Among their conclusions, the experts stated that members of the Saudi-led coalition committed acts that could be characterised as international crimes.

The report noted that coalition air strikes caused the most direct civilian casualties. The airstrikes hit residential areas – markets, detention facilities, civilian boats and even medical facilities, funerals and weddings. Based on the incidents they scrutinised, the Experts said that they had “reasonable grounds to believe that individuals in the Government of Yemen and the coalition may have conducted attacks in violation of the principles of distinction, proportionality and precaution that may amount to war crimes.”[16]

Attack locations

In a letter from Sarah Leah Whitson – Executive Director, Middle East and North Africa Division, Human Rights Watch – to Lt. Gen. Mansour Ahmed al-Mansour, dated 13th January, 2017, the nature of the command structure, decision-making processes and strike protocols within the Coalition were queried.

Some key questions asked included: do all airstrikes in Yemen require coalition command permission before being carried out?; what is the status of the review of the coalition's rules of engagement?; what steps [are] taken to ensure the necessary warnings are provided to protected sites the coalition believes are being used to commit acts harmful to the enemy before

attacking?; does this include setting a reasonable time period for the facility to end any potential misuse?[17] It is unclear whether the questions were given a response.

The Saudi-led coalition's increasingly desperate efforts to displace the rebels from major strategic centres have escalated the war and forced Coalition forces to loosen targeting procedures and put at risk markets, hospitals and social gatherings (including religious services). As discussed, even weddings have been targeted with little or no regard for established international humanitarian law. The result is a mounting number of civilian deaths, deaths that are either denied or represent the 'unfortunate collateral damage' during a legitimate attack on a legitimate military target. Most of these attacks have occurred over urban locations.

Action on Armed Violence's 2018 data records 1,497 civilian casualties being caused by the use of explosive weapons in populated areas. This contrasts with 310 civilians being killed or injured in areas not reported as populated. Markets and residential areas saw most civilian fatalities and injuries: 473 and 452 respectively. During the period in question, the port-city and region of Hudaydah suffered the most in terms civilian casualties: 731 civilians were either killed or injured there.

Despite the special protection afforded to medical facilities and educational, cultural and religious sites under international humanitarian law, many such facilities and sites have been damaged or destroyed by coalition air strikes throughout the conflict. The Group of Experts reviewed information concerning over 30 such incidents. It received credible information that a 'no-strike list' of protected buildings and infrastructure was not being shared properly within the command chain inside the coalition. The No Strike List (NSL) is an index of permanently deconflicted humanitarian sites in Yemen managed by OCHA and acknowledged by Evacuation and Humanitarian Operation Cell.[18]

The Group of Experts commented that, "several airstrikes damaged facilities operated by Médecins sans frontières, including a clinic in the Houban district of the Ta'izz Governorate, hit on 2 December 2015; an ambulance in the Sa'dah Governorate, struck on 21 January 2016; and a hospital in the Abs district of the Hajjah Governorate, hit on 15 August 2016. All the locations of the Médecins sans frontières facilities had been shared with the coalition and the ambulance was clearly marked. On 11 June 2018, Médecins sans frontières reported that an air strike had hit a new cholera treatment centre in the Abs district of Hajjah Governorate. It indicated that the coordinates of the facility had been shared with the coalition on 12 separate occasions." [19]

The specific cases investigated by the Group of Experts also raise concerns about the targeting process utilised by the Saudi-led coalition.

Residential areas have repeatedly been hit by air strikes, often resulting in significant destruction and civilian casualties. In 60 cases, the Group of Experts reviewed air strikes that hit residential areas, killing more than 500 civilians, including 84 women and 233 children. The Group investigated the 25 August 2017 air strikes that hit a residential building in the Faj 'Attan area of the city of Sana'a, killing at least 15 civilians and injuring another 25, including 7 women and 11 children. It also investigated the 20 December 2017 incident in the Bab Najran area of the Sa'dah Governorate in which three coalition air strikes hit a family home, killing at least 12 civilians, including at least 3 women and 3 children.

Additionally, "in 29 incidents, the Group of Experts reviewed air strikes hitting public spaces, including attacks on targets in densely populated areas that killed more than 300 civilians. The Group also investigated two incidents where air strikes hit hotels. The 23 August 2017 air strike in the Bayt Athri area of the Arhab district, Sana'a Governorate, and the 1 November 2017 air strikes that hit a hotel in Al Layl market in Sa'dah Governorate combined killed more than 50 male civilians and injured another 50" [20]. With so many civilian-related targets being struck by the Saudi-led coalition, questions must be raised as to the targeting procedures and tactical decision-making within the coalition command structure.

Official strike policy

Saudi Arabia has signed and ratified multiple instruments and conventions to the protection of civilians in situations of conflict. On 21 August 1987, it ratified the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. This was followed by the ratification of Protocol II on 28 August 2001. It has also ratified the 1989 Convention on the Rights of the Child (January 1996).[21] However, regardless of its commitments to these established conventions, Saudi Arabia's adherence to these has been frequently called into question.

Despite evidence that international humanitarian law has been frequently ignored by Saudi Arabia and its allies, efforts to enhance accountability have been largely unapparent or superficial. In 2016, the Coalition made available the results of the alliance's recently formed investigative body, the Joint Incidents Assessment Team (JIAT).

The coalition established the Joint Incidents Assessment Team to investigate allegations of unlawful coalition attacks. To many observers, however, the Team continues to lack independence, its public findings contain insufficient details and there is

no mechanism to ensure implementation of its recommendations.

JMAT originally consisted of 14 individuals from Coalition members. It has a stated responsibility to investigate alleged breaches of international humanitarian law (IHL) and incidents where civilians are alleged to have been killed as a result of airstrikes and other forms of attack. However, it has come under intense scrutiny for being a largely artificial entity, one that is both ill-equipped to investigate instances of large-scale civilian deaths and is also largely unaccountable.[22] In September 2017, for instance, U.N. human rights chief Zeid Ra'ad al Hussein commented that: 'the minimal efforts made towards accountability over the past year are insufficient to respond to the gravity of the continuing and daily violations involved in this conflict. The devastation of Yemen and the horrific suffering of its people will have immense and enduring repercussions across the region.'[23]

Representatives of the Coalition forces frequently counter such criticisms. In August 2016, for example, the Joint Incident Assessment Team published a report assessing eight claims of significant civilian death and injury as a result of Coalition airstrikes, including attacks on residential areas, medical facilities, markets, a wedding and World Food Programme (WFP) vehicles. Lieutenant-General Mansur al-Mansur, JMAT's then spokesperson said that they "found shortcomings in two cases, while the rest were in line with international humanitarian law". In reference to one case, Mansur al-Mansur said that a hospital in Saada governorate was bombed, but argued that 'the building was a medical facility which was being used by Houthi-armed militias as a military shelter. This was in clear violation of the rules of international humanitarian law, however, no casualties resulted from the bombing.'[24]

Adherence to International Humanitarian Law

In November 2018 Saudi Arabia conveyed its assessment report to the UN Human Rights Council as part of the third round of the Universal Periodic Review. Within the report, the country commented that coalition military operations in Yemen were fully compliant with international humanitarian law: "The Coalition to Support Legitimacy in Yemen has put in place strict rules of engagement consistent with the provisions and rules of international humanitarian law, including a number of mechanisms and procedures to prevent targeting errors. The Coalition investigates all allegations of the targeting of civilians, civilian facilities and humanitarian organizations and announces the results of these investigations at press conferences."[25]

In contrast, the Summary of Stakeholders' submissions on Saudi Arabia (General Assembly document A/HRC/WG.6/31/SAU/3) sent to the Office of the United Nations High Commissioner for Human Rights in 2018, and as part of the same process, had concerns "about Saudi Arabia's compliance with the principles of distinction, proportionality, and precautions in attack enshrined in international humanitarian law."[26]

In reality, the Saudi-led Coalition does not outline its rules of engagement, or how these abide by international humanitarian law, beyond general, blanket statements. Rather, it responds to criticisms levelled at it in the aftermath of an airstrike that has gone awry (or not), and killed or injured civilians.

Its response to accusations of 'collateral damage' follows four well-established avenues: it denies having carried out an attack on a specific target at a certain date; it admits having carried out an attack, but possesses little or no evidence suggesting that civilians were killed; it admits having carried out an attack, but maintains that it operated within established rules of war as defined through custom or codified in international convention; or, rarely, it admits having killed or injured civilians.

When the Saudi military's rules of engagement are brought into question, it is frequently after pressure from international media or human rights groups or, occasionally, by government parties involved directly or indirectly in the conflict. In a statement of 2 September 2018, and pertaining to the disastrous Saudi-led coalition air attack on a bus in Sa'ada Governorate, the US Department of State iterated that: 'The United States regards the Saudi-led Coalition's announcement that it will review their rules of engagement, hold those at fault accountable, and compensate victims following the Joint Incident Assessment Team's finding that last month's Sa'ada air strikes lacked justification as an important first step toward full transparency and accountability. We continue to call on all sides to abide by the Law of Armed Conflict, to mitigate harm to civilians and civilian infrastructure, and thoroughly investigate and ensure accountability for any violations. It is imperative that all parties work toward a comprehensive political solution to avoid further harm to the Yemeni people.'[27]

The announcement in question was issued by Lieutenant-General Mansur al-Mansur on 1 September on behalf of the Joint Incident Assessment Team. Al Mansur stated that the airstrikes had been based on intelligence indicating the bus was carrying Houthi leaders, was a legitimate military target, but delays in executing the strike and receiving a no-strike order should be further investigated: "There was a clear delay in preparing the fighter jet at the appropriate time and place, thus losing (the opportunity) to target this bus as a military target in an open area in order to avoid such collateral damage. The team believes that the Coalition forces should immediately review the application of their rules of engagement to ensure compliance. The Joint Forces Command of the Coalition expresses regret over the mistakes, extends its sympathies, condolences and solidarity to the families of the victims".

At the same time, the UK Foreign and Commonwealth Office stated that it welcomed “the speed of the investigation into the incident of 9 August, and the Coalition’s announcement of regret and action to address the recommendations of that investigation.”[28] This despite the fact that it had taken the Joint Incident Assessment Team 3 weeks and 2 days to merely comment on the attack. The Joint Forces Command (of the Coalition to Restore Legitimacy in Yemen) released further comments related specifically to the Coalitions rules of engagement and airstrike protocols: “The Joint Forces Command of the Coalition to Restore Legitimacy in Yemen has viewed Saturday the findings of the Joint Incidents Assessment Team (JIAT) regarding allegations surrounding one of the operations carried out by the Coalition Forces on (Aug. 9, 2018) in Saadah Governorate, as well as the conclusions of (JIAT) that indicate mistakes in compliance to the Rules of Engagement and what was mentioned in this regard...The Joint Forces Command will, as soon as the official findings are received, undertake legal proceedings to hold the ones who committed mistakes accountable according to the rules and regulations related to such cases, and continue to revise and enhance its Rules of Engagement, according to operational lessons learned, in a manner that guarantees non-recurrence of such incidents.”[29]

As Human Rights Watch have demonstrated, the attack on the bus in Sa’ada Governate was not isolated, nor was the response to it by JIAT and Joint Forces Command about learning from its mistakes, new: “Established in 2016 after evidence mounted of coalition violations of the laws of war, JIAT has failed even in its limited mandate to assess ‘claims and accidents’ during Coalition military operations. It has provided deeply flawed laws-of-war analyses and reached dubious conclusions... for more than two years, the coalition has claimed that JIAT was credibly investigating allegedly unlawful airstrikes, but the investigators were doing little more than covering up war crimes.”[30]

Interestingly, not only did Major-General Ahmed al-Asiri come under fire from international organisations after a declaration in May 2015 that Houthi-held cities Saadah and Marran were legitimate military targets, putting civilians at risk, but al-Asiri later became Saudi Arabia’s Deputy Intelligence Chief, losing his job on 19 November 2018, after Turkish investigations into the death of journalist Jamal Khashoggi in the Saudi embassy in Ankara earlier in the month.[31] Saudi Arabia’s adherence to international law continues to be questioned by civil society and international governments alike; it’s adherence to international law within the Yemen conflict theatre remains in question.

Conclusion

JIAT’s public conclusions raise questions regarding the thoroughness of its investigations and actual adherence to international humanitarian law. A large majority of attacks investigated by JIAT found the coalition acted lawfully, did not carry out the reported attack, or made an unintentional mistake. However, as of July 2018, Human Rights Watch found that JIAT recommended the Coalition scrutinise airstrike impacts in only two out of 75 reported incidents.[32]

At the heart of the continuing tragedy in Yemen is that the Saudi Coalition’s overall strategy involves denying Houthi rebel forces access to key infrastructure – in essence, it is seeking to degrade, peripheralize and ultimately force its opponent to fragment to the point that it can no longer operate as a cohesive force. The trouble is, after three years of conflict, this strategy is failing. Houthi rebels hold the most populated and industrialised areas. They continue to hold much of the west of the country, including Yemen’s largest city and capital, Sana’a.[33]

A further challenge is ascertaining accurate numbers regarding civilian casualties and measuring the scale of physical destruction – little information about casualties in Yemen reaches the outside world because Saudi and the UAE make access difficult for foreign journalists and other observers[34]. International agencies are left at the mercy of ‘official’ Saudi figures, figures provided by other parties to conflict within Yemen, and those figures extrapolated by civil society and research organisations. With Western powers continuing to export weaponry to the Kingdom, and with a failure on the part of the international community to back-up condemnation with purpose, civilians will continue to be killed and injured in what has become a scar on the conscience of the world.

Senate votes to end support for Saudi war in Yemen (AP News) By Susannah George
[March 13, 2019]

The Senate voted Wednesday to end U.S. support for the Saudi Arabian-led coalition’s war in Yemen, bringing Congress one step closer to a unprecedented rebuke of President Donald Trump’s foreign policy.

Lawmakers have never before invoked the decades-old War Powers Resolution to stop a foreign conflict, but they are poised to do just that in the bid to cut off U.S. support for a war that has triggered a humanitarian catastrophe.

The vote puts Congress on a collision course with Trump, who has already threatened to veto the resolution, which the White House says raises “serious constitutional concerns.”

The measure was co-sponsored by Sen. Bernie Sanders, I-Vt., and Sen. Mike Lee, R- Utah. Next, it will move to the

Democratic-controlled House, where it is expected to pass.

The resolution passed by a vote of 54 to 46, with seven Republicans breaking with Trump to back the resolution: Sens. Susan Collins of Maine, Steve Daines of Montana, Mike Lee of Utah, Jerry Moran of Kansas, Lisa Murkowski of Alaska, Rand Paul of Kentucky and Todd Young of Indiana.

“The bottom line is that the United States should not be supporting a catastrophic war led by a despotic regime with an irresponsible foreign policy,” Sanders said on Wednesday from the Senate floor. He said a vote in favor of the measure would “begin the process of reclaiming our constitutional authority by ending United States involvement in a war that has not been authorized by Congress and is unconstitutional.”

In its statement threatening a veto, the White House argued the premise of the resolution is flawed and that it would undermine the fight against extremism. U.S. support for the Saudis does not constitute engaging in “hostilities,” the statement said, and the Yemen resolution “seeks to override the president’s determination as commander in chief.”

“By defining ‘hostilities’ to include defense cooperation such as aerial refueling,” the White House statement said, the Yemen resolution could also “establish bad precedent for future legislation.”

Trump’s support for Saudi Arabia has been a point of tension with Congress since the killing of U.S.-based journalist Jamal Khashoggi last year. Lawmakers from both parties have criticized Trump for not condemning Saudi Arabia strongly enough for the killing.

Sen. Majority Leader Mitch McConnell, R-Ky., addressed those tensions when he urged his colleagues to oppose the measure.

“We should not use this specific vote on a specific policy decision as some proxy for all the Senate’s broad feelings about foreign affairs. Concerns about Saudi human rights issues should be directly addressed with the administration and with Saudi officials,” McConnell said from the Senate floor.

McConnell argued the Yemen resolution “will not enhance America’s diplomatic leverage” and will make it more difficult for the U.S. to help end the conflict in Yemen and minimize civilian casualties.

Sen. James Risch, R-Idaho, who chairs the Foreign Relations Committee, argued that U.S. support for the Saudi-led coalition helps facilitate peace talks and withdrawing from the conflict would delay an eventual political settlement.

“We need to stay engaged (in Yemen) with the limited engagement we’ve had,” Risch said.

A similar resolution to end support for the Yemen war passed the Senate in December, but it was not taken up by the then Republican-controlled House.

Approaching its fifth year, the war in Yemen has killed thousands and left millions on the brink of starvation, creating what the United Nations called the world’s worst humanitarian crisis.

Sen. Chris Murphy, D-Conn., said before the vote that the resolution “will be seen as a message to the Saudis that they need to clean up their act.”

“We are made weaker in the eyes of the world when we willingly participate in war crimes, when we allow our partners to engage in the slaughter of innocents,” Murphy said.

Yemen war: Seven killed in air strike near Kitaf hospital (BBC)

[March 27, 2019]

A charity has condemned an air strike near a hospital in rebel-held north-western Yemen that killed at least seven people, four of them children.

A missile hit a petrol station 50m (164ft) from the entrance of the Kitaf rural hospital on Tuesday morning, according to Save the Children.

The blast also injured eight people.

It was not clear who was behind the attack, but a Saudi-led coalition is carrying out air strikes in support of the government in Yemen’s civil war.

The coalition insists it never deliberately targets civilians, but human rights groups have accused it of bombing markets, schools, hospitals and residential areas.

Tuesday was the fourth anniversary of the escalation of the civil war, which has killed thousands and pushed millions to the brink of starvation.

What happened in Kitaf?

Save the Children said the petrol station in the area, which is 100km (60 miles) from the city of Saada, was struck by a missile at about 09:30 (06:30 GMT) on Tuesday, as many people were arriving at the nearby hospital.

Among those killed by the blast were a health worker and their two children, and a security guard, according to the charity. Two other adults are unaccounted for.

Helle Thorning-Schmidt, the chief executive of Save the Children International, said she was "shocked and appalled by this outrageous attack" on a medical facility that the charity supported and demanded an urgent investigation.

"Innocent children and health workers have lost their lives in what appears to be an indiscriminate attack on a hospital in a densely populated civilian area. Attacks like these are a breach of international law," she added.

Ms Thorning-Schmidt did not attribute blame for the attack, but residents and the rebel Houthi movement accused the Saudi-led coalition of carrying out the strike.

The rebel-run health ministry condemned the "coalition's continued disregard for Yemeni lives" and said it had committed four war crimes in targeting the hospital.

There was no immediate comment from coalition officials.

Save the Children reported on Monday that at least 226 Yemeni children had been killed and 217 more injured in air raids carried out by the Saudi-led coalition in the past year.

Why is there a war in Yemen?

Yemen has been devastated by a conflict that escalated in March 2015, when the Houthis seized control of much of the west of the country and forced President Abdrabbuh Mansour Hadi to flee abroad.

Alarmed by the rise of a group they saw as an Iranian proxy, the UAE, Saudi Arabia and seven other Arab states intervened in an attempt to restore the government.

The UN says at least 7,025 civilians have been killed and 11,140 injured in the fighting. Thousands more civilians have died from preventable causes, including malnutrition, disease and poor health.

About 80% of the population - 24 million people - need humanitarian assistance and protection.

About 20 million need help securing food, including almost 10 million who the UN says are just a step away from famine. Almost 240,000 of those people are facing "catastrophic levels of hunger".

Yemen has also struggled to deal with the largest cholera outbreak ever recorded, which has resulted in 1.49 million suspected cases and 2,960 related deaths.

ASIA

Afghanistan

US bars entry to ICC members probing 'war crimes' in Afghanistan (Al Jazeera)
March 15, 2019

The United States will revoke or deny visas to International Criminal Court (ICC)

personnel seeking to investigate possible war crimes by US forces or allies in Afghanistan, Secretary of State Mike Pompeo has said.

"The ICC is attacking America's rule of law," Pompeo told reporters in Washington on Friday.

"I'm announcing a policy of US visa restrictions on those individuals directly responsible for any ICC investigation of US personnel.

"We are determined to protect the American and allied military and civilian personnel from living in fear of unjust prosecution for actions taken to defend our great nation."

US officials have long regarded the Netherlands-based ICC with hostility, arguing that American courts are capable of handling any allegations against US forces, and Pompeo framed the action against the ICC as necessary to prevent the international tribunal from infringing on US sovereignty.

"These visa restrictions may also be used to deter ICC efforts to pursue allied personnel, including Israelis, without allies' consent," he added.

READ MORE Hamid Karzai: Taliban and the Afghan government should talk Pompeo said the policy was already being implemented but would not elaborate, citing visa privacy laws.

"These visa restrictions will not be the end of our efforts," he said. "We're prepared to take additional steps, including economic sanctions, if the ICC does not change its course."

Pompeo's announcement was the first concrete action the US has taken against the ICC since the White House threatened reprisals against the body last year.

'Undeterred' The Hague-based court, the first global tribunal for war crimes, issued a statement saying it would continue to operate "undeterred" by the US action.

"The court is an independent and impartial judicial institution crucial for ensuring accountability for the gravest crimes under international law," the statement said.

"The ICC, as a court of law, will continue to do its independent work, undeterred, in accordance with its mandate and the overarching principle of the rule of law."

The US has never joined the ICC, where a prosecutor, Fatou Bensouda, asked judges in November 2017 to initiate an investigation into alleged war crimes and crimes against humanity committed by Afghan national security forces, Taliban and Haqqani network fighters, as well as US forces and intelligence officials in Afghanistan since May 2003.

READ MORE Afghanistan's persecuted Hazaras have little hope in peace talks The prosecution's request said there is information that members of the US military and intelligence agencies "committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence against conflict-related detainees in Afghanistan and other locations, principally in the 2003-2004 period".

Judges are reviewing all material submitted by the prosecutor, and must decide whether to authorise an investigation.

The Palestinians have also asked the court to bring cases against Israel.

Al Jazeera's Patty Culhane, reporting from Washington, said ICC investigators were also seeking to probe the US military's conduct "not just in Afghanistan, but also in black sites that we now know was spread across the globe, where [people] were held in secret detention for months, and where some say detainees were tortured".

'Misguided and dangerous' Supporters of the court slammed Pompeo's announcement on Friday.

Human Rights Watch called it "a thuggish attempt to penalise investigators" at the ICC.

"The Trump administration is trying an end run around accountability," it said.

"Taking action against those who work for the ICC sends a clear message to torturers and murderers alike: Their crimes may continue unchecked."

Amnesty International described the move as "the latest attack on international justice and international institutions by an administration hellbent on rolling back human rights protections".

The American Civil Liberties Union, which represents three people before the ICC who say they were tortured in Afghanistan, called the decision "misguided and dangerous" and "an unprecedented attempt to skirt international accountability for well-documented war crimes that haunt our clients to this day".

James Goldston, executive director of the Open Society Justice Initiative, said Pompeo's remarks reflected the administration's view that international law matters "only when it is aligned with US national interests".

With 123 member states, including the entire European Union, the ICC was established in 2002 to prosecute war crimes, genocide or crimes against humanity when a country is unable or unwilling to prosecute perpetrators.

Other major powers, including Russia and China, are not members.

War Crimes: 10 Children Killed by US Airstrike in Afghanistan (Global Research) By Asharq Al-Awsat
March 25, 2019

Ten children, part of the same extended family, were killed by a US airstrike in Afghanistan, along with three adult civilians, the United Nations said on Monday.

The airstrike early on Saturday was part of a battle between the Taliban and combined Afghan and US forces that lasted about 30 hours in Kunduz, a northern province where the Taliban is strong, Reuters reported.

The children and their family had been displaced by fighting elsewhere in the country, the UN Assistance Mission in Afghanistan (UNAMA) said in releasing its preliminary findings about the incident.

UNAMA said in a statement that it is verifying that all 13 civilian casualties occurred around the time of the airstrike.

Three other civilians were injured.

The incident happened in the Telawka neighbourhood near Kunduz city, Reuters said.

Sgt. Debra Richardson, spokeswoman for the NATO-led Resolute Support mission in Afghanistan, confirmed on Sunday that US forces carried out the airstrike. She said the mission aims to prevent civilian casualties, while the Taliban intentionally hides among civilians.

A record number of Afghan civilians were killed last year as aerial attacks and suicide bombings increased, the United Nations said in a February report. Child casualties from airstrikes have increased every year since 2014.

Fighting has accelerated during a period of recurring talks between US and Taliban officials aimed at ending Afghanistan's 17-year war.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

War crimes evidence found against 9 Jamaat men (Dhaka Tribune) By Mizanur Rahman

March 25, 2019

The investigation report has been submitted to the ICT prosecution team.

The investigation agency of the International Crimes Tribunal (ICT) has prepared a report with evidence against nine alleged war criminals of Gaibandha, all of whom were in Jamaat-e-Islami during the 1971 Liberation War.

The agency's Chief Coordinator Abdul Hannan Khan and Co-Coordinator Sanaul Hoque disclosed the information at a press briefing held at their office in Dhaka's Dhanmondi on Monday.

All of the accused are from Gaibandha's Gobindaganj upazila, and have been charged with: murder, mass killing, confinement, abduction, torture, and rape.

Six of them — Md Mofazzal Hoque Prodhan, 82; Md Abdul Karim, 63; Md Sekender Ali, 66; Md Esmael Hossain, 70; Md Akram Prodhan, 68; and Md Hafizar Rahman, 68 — are currently behind bars.

Three others — Mohammed Shorf Uddin Khan, 68; Md Samsul Islam Khan, 68; and Md Abdul Mannan, 64 — are still on the run.

According to the investigating agency' report, all of the accused were members of the pro-Pakistan razakar militia force in 1971.

Investigation Officer Mohammed Aminur Rashid looked into the charges against the accused since January 30, 2018.

Evidence, records, and documents have been attached to the three-volume investigation report of 181 pages, which was submitted to the ICT prosecution team later on Monday.

Talking about the challenges they faced in the past nine years, Sanaul Hoque said that one of the major hindrances was that a major political party had tried very hard both here and international arena to stop the war crimes trials.

Regarding the case proceedings, he said that civil case trials could run for a long time. "But war crimes trials have some limitations. For example, how do we proceed if the witness dies during the trial?"

"It's been three years since the Appellate Division held hearings of any of the war crimes cases. We cannot ask for the reason from the Supreme Court. On the other hand, one ICT alone cannot do all the work[sic] to meet our expectations," Sanaul added.

After the press briefing, the ICT investigation team also celebrated the ninth anniversary of its formation.

Appeals in Bangladesh war crime cases not heard for 3 years (New Age Bangladesh) By Tapos Kanti Das and M Moneruzzaman
March 26, 2019

No appeal challenging verdicts in war crimes cases were heard by the Appellate Division in last three years.

Campaigner for holding war crimes trials as well as prosecution and investigation agency officials expressed their disappointment over the delay in disposing of the cases.

They said that the hope of war crimes survivors and the families of the victims of getting justice remained unfulfilled due to the delay.

They also expressed fears that the aged convicts might die before completion of the legal process.

They demanded hearing the appeals without further delay.

According to officials at the chief prosecutor's office, appeals of 28 convicts are pending in the Appellate Division.

A government appeal seeking increasing absconding former Jatiya Party MP Abdul Jabbar's life term to death penalty is also pending.

Jabbar was tried in absentia as he is absconding.

In Early March 2016, the Appellate Division disposed of the last appeal by upholding death for Jamaat leader Mir Quasem Ali.

So Far, the Appellate Division disposed of 10 appeals, including rejection of convicted Jamaat leader Abdul Quader Molla's appeal seeking acquittal and in the other filed by the government his life term was increased to death.

The Appellate Division reduced Jamaat leader Delwar Hossain Sayeedi's death sentence to life term.

Appeals of Jamaat leaders Mohammad Kamaruzzaman, Motiur Rahman Nizami, Ali Ahsan Mojaheed and Mir Quasem Ali and Salauddin Quader Chowdhury, son of former Convention Muslim League leader Fazlul Quader Chowdhury were disposed of by upholding their death sentences.

To fulfil its polls pledge made in 2008, the Awami League led government constituted an International Crimes Tribunal on March 25, 2010 to try the accused of 1971 war crimes.

As the number of the accused increased, on March 22, 2012, the government constituted the second ICT for speedy disposal of the war crimes cases.

So far, the two ICTs disposed of 35 war crimes cases and convicted 80 war criminals.

Some of the pending appeals were put on the cause list a number of times in past three years but none of them were heard, officials at the attorney general's office told New Age.

Many lawyers said that the appeals lost importance after execution of top war offenders.

But, attorney general Mahbubey Alam told New Age that the pendency of the appeals occurred due to piling up of a very large number of other pending appeals.

'Obviously, non-disposal of the appeals worry the nation,' he admitted.

'Definitely, all the pending appeals should be disposed of, and of course I will bring the matter to the notice of the Chief Justice,' he said.

Senior Jamaat leaders Abdus Subhan and ATM Azharul Islam, former Jamaat MP Shakhawat Hossain, former state minister in military dictator Ershad government Syed Mohammad Qaisar and expelled Awami League leader Mobarak Hossain are among the war crimes convicts whose appeals are pending.

War crimes convict from Chapainawabganj Mahidur Rahman died in Rajshahi Jail in May 2018 during pendency of his appeal.

War crimes convict Md Abdul Quddus of Noakhali died one month after the Appellate Division granted him bail in early August 2018 during pendency of his appeal.

'The delay is not at all acceptable as the war crimes trials deserve the highest priority,' said Ekatturer Ghatok Dalal Nirmul Committee president Shahriyar Kabir.

In Cambodia, Rwanda and Yugoslavia appeals in war crimes cases were speedily disposed of by International Crimes Courts' dedicated appellate benches, he said.

He said that Bangladesh could constitute a dedicated bench for speedy disposal of the pending appeals.

'We started the whole trial process quite late. We had to fight against the time so that the perpetrators did not enjoy biological immunity. Even though we have been able to shorten the trial process at the tribunal, I find it very unfortunate that a series of appeals are pending before the Appellate Division of the Supreme Court,' prosecutor Tureen Afroz said.

She said that the appeal cases should be disposed of as quickly as possible for meeting the ends of justice.

'We do not expect any delay in disposing of the appeals challenging the war crimes case verdict,' senior war crimes investigator M Sanaul Huq said.

He demanded creation of an exclusive bench to hear and dispose of the appeals.

War crimes investigators want special bench to hear appeals (bdnews24.com) By Staff Correspondent
March 26, 2019

Top officials of the International Crimes Tribunal's investigation agency are frustrated with the sluggishness in disposal of appeals at the Supreme Court.

They have proposed formation of a special bench with three Appellate Division judges to hear the appeals in war crimes cases to overcome the situation as no appeals have been disposed of in around three years.

The agency's Chief Coordinator Abdul Hannan Khan and Senior Coordinator Sanaul Haque briefed the media about the tribunal's achievements and shortcomings on Monday on its 10th anniversary.

The Awami League government formed the tribunal when it returned to power in 2009. Any aggrieved side can move the top court after the tribunal delivers its verdicts.

Until now, BNP leaders Salauddin Quader Chowdhury, and Jamaat-e-Islami leaders Motiur Rahman Nizami, Ali Ahsan Mohammad Mujahid, Abdul Quader Molla, Md Kamaruzzaman and Mir Quasem Ali have been hanged after their appeals against death sentences issued by the tribunal had been dismissed.

Another Jamaat leader, Delwar Hossain Sayedee, is serving a jail term until death for the crimes against humanity he committed during the 1971 Liberation War.

Hannan said the victims of war crimes and justice seekers were unhappy that the cases were pending in the Appellate Division for a long time. "We also feel uneasy," he said.

The investigator said formation of separate appellate bench for disposal of these cases like other international tribunals can resolve the problem.

"Now the matter depends on the government," he said and advised the policymakers to form a three-member appellate bench for war crimes appeals.

Sanaul said no case was disposed of in around past three years.

"Maybe the Appellate Division is overburdened with cases. We just can't ask them to gear up," he said.

"These are not our failures, but shortcomings," he added.

In nine years, the tribunal has convicted 87 war criminals in 35 cases while 28 are pending at the tribunal and 23 at the Supreme Court.

Some 34 convicted war criminals are on the run, according to Sanaul.

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War Crimes Investigation in Burma

Rakhine Ethnic Army Reports Myanmar Military's Use of Airstrikes in Offensive (Radio Free Asia) Reported by Zarni Htun and Min Thein
March 14, 2019

Myanmar government troops conducted an offensive with heavy artillery and airstrikes against the Arakan Army (AA) near a village in war-torn Rakhine state's Ponnagyun township Wednesday afternoon, in an escalation of a conflict that flared up late last year, the rebel group's spokesman said.

"Jet fighters bombed [us] throughout the night after 9 p.m.," said AA spokesman Khine Thukha about the attack near Buddhaw village. "There were total of 10 bombings."

"Intense fighting occurred this morning in the same area where the fighting took place yesterday," he said, adding that the hostilities left casualties on both sides, though details were unavailable.

Colonel Win Zaw Oo, spokesman of the Myanmar military's Western Command which is responsible for Rakhine state, was not available for comment.

The latest clash forced about 300 Buddhaw villagers to flee, while residents from at least six villages along the Yangon-Sittwe Highway that runs through Ponnagyun sought refuge at homes of their relatives, said village administrator Maung Kyaw Hlaing.

“Fighter planes were attacking throughout the entire night,” he said. “All the villagers, including children, had to flee and are now staying at the Yoetayoke Monastery. Nobody’s left in the village.”

Hla Maung Thein, a resident of Auk Myat Lay village, about three miles from Buddhaw, said people in his community heard the sound of airplanes and gunfire in the distance, but not everyone fled.

“If we had left, no one would have been in the village,” he said. “Someone had to guard the village.”

Hla Maung, a resident of Aung Mingalar village, said those who sought shelter in Yoetayouk Monastery need food supplies.

“A lot of people in Yoetayouk Monastery, but we don’t have the lists with their [names] and numbers,” he said. “We have to purchase some food, and some is being provided. Food is mainly needed because there is a food shortage.”

Hostilities intensify

An escalation in hostilities between Myanmar forces and the AA, a Buddhist Rakhine army fighting for autonomy in Rakhine state, since late 2018 has left an undetermined number of people dead and displaced more than 12,000, according to estimates by local and official sources in Rakhine state.

A deadly AA assault on police outposts in northern Rakhine in January that killed 13 officers and wounded nine others compelled the Myanmar government to order thousands of its troops into the region to “crush” the Arakan fighters.

Another such attack by the AA on a police outpost Ponnagyun’s Yoetayoke on March 9 village left nine officers dead and injured two others.

Earlier this week, government spokesman Zaw Htay Zaw Htay told reporters that the Rakhine crisis is a growing concern in terms of security, development, and the nation’s transition to democracy.

He also said the AA is welcome to sign the government’s nationwide cease-fire agreement (NCA), an accord with the Myanmar military signed by 10 other ethnic armies, even though the government has so far excluded the Arakan force from the peace process.

Khine Thukha noted that despite the government’s offer, the Myanmar Army continues to launch offensives which Arakan soldiers must defend through counterattacks.

Also on Thursday, the relatives of Hla Maung Win, an ill 23-year-old farm worker from Kyaung Daung village in Rakhine’s Minbya township believed to be abducted Tuesday by government soldiers while en route to the hospital in Mrauk-U township, said the man had died.

Maung Win died of malaria and was buried at a cemetery in Mrauk-U, according to the family’s wishes, they said.

When he fell unconscious on Tuesday, six volunteers from a local funeral service organization and three drivers transported him to Mrauk-U Hospital, but on the way, Myanmar troops abducted them, according to their relatives and other villagers.

RFA has not been able to independently confirm that government forces are responsible for the disappearances.

The reason for the abductions remain unclear, and Colonel Win Zaw Oo of the Myanmar military’s Western Command was unavailable for comment.

Kyaw Hla Thein, the dead man’s father, said that Hla Maung Win would not have died had he been able to reach a clinic or hospital.

“He would have gotten better if he had had proper treatment, but he didn’t get the chance,” Kyaw Hla Thein said. “What had happened is because of the arrest. The army is to be blamed.”

The man’s mother, Wai Mar Sein, said, “Losing a son makes me feel so much pain.”

‘Totally unacceptable’

A staffer at the Mrauk-U Hospital reported said that police officers brought Kyaw Hla Thein’s body there on Wednesday night, and that the dead man was wearing a police uniform that officers returned to collect Thursday morning.

RFA could not independently verify the claim.

“It’s totally unacceptable, said Kyaung Daung village administrator Thein Shwe Maung. “The patient should have been sent to

the hospital right away.”

“If they [the police] were suspicious, they could have [interrogated] him at the hospital,” he said. “But if they had taken him to an army compound, then we regard that as a clear violation of human rights.”

Myoma Police Station in Mrauk-U told Thein Shwe Maung that the missing volunteers and drivers are in police custody, he said.

When the village administrator had contacted the same police station a day earlier, however, officers said the missing persons were not in their custody.

RFA called the police station, but no one there would take the call.

Hla Maung Win’s family said their deceased relatives and the other detainees were not involved in politics or had links to the Arakan Army.

“We as parents are angry at the arrest of innocent people,” said Maung Kyaw Thar, father of detainee Zaw Naing Htay. “I am pained that I haven’t seen my son yet.”

Myanmar Government Invites Ethnic Armed Groups to Peace Talks (Radio Free Asia) Reported by Kyaw Lwin Oo, Min Thein Aung, and Khet Mar
March 15, 2019

The Myanmar government's National Reconciliation and Peace Center (NRPC) has invited eight ethnic groups that have not signed a nationwide cease-fire accord to attend collective peace discussions for the first time, officials whose organizations received invitations said Friday.

The political wings of ethnic armed groups that received invitation letters to the talks scheduled for March 21 include the United Wa State Party (UWSP), Kachin Independence Organization (KIO), Mongla’s Eastern Shan State Peace and Solidarity Committee (PSC), Shan State Progressive Party (SSPP), Kokang’s Myanmar National Truth and Justice Party (MNTJP), Palaung State Liberation Front (PSLF), United League of Arakan (ULA), and Karenni National Progressive Party (KNPP).

Myanmar’s military negotiation team will meet separately with each of the groups on March 22, they said.

The letters, dated March 13 and signed by Zaw Htay, director general of President Win Myint’s office, requested that each organization send a team with a leader and a member from their respective ethnic armed groups to meet with government negotiators.

Colonel Naw Bu, spokesman of the Kachin Independence Army (KIA), the armed branch of the KIO and the leading group in the Northern Alliance coalition of four ethnic armies that operate in northern Myanmar, said he could not yet confirm the Kachins’ participation in the talks because the members of the alliance had to first discuss the invitation among themselves.

Khine Thukha, spokesman for the Arakan Army (AA), the armed wing of the ULA which is fighting the Myanmar Army in Rakhine state, said he could not confirm the attendance of AA delegates at the talks because the group’s leaders were still discussing the invitation.

The KNPP said it would participate in the negotiations and would discuss topics based on proposals from the government side.

The invitations also said that Myanmar’s military would discuss the temporary unilateral cease-fire that it declared in December 2018 in five of its command regions to try to kick-start the stalled peace process, when officers met with delegates from the ethnic organizations.

The truce runs through April, but excludes the Western Regional Military Command where government soldiers are battling the AA.

The Myanmar military is also engaged in ongoing conflicts with the KIA and the Shan State Army-North, the armed wing of the SSPP, in northern Shan state.

‘More talks coming out of this’

The ruling National League for Democracy (NLD) government has held periodic peace conferences in a bid to get the remaining ethnic armies to sign the nationwide cease-fire agreement (NCA), which 10 ethnic military groups have already inked.

The civilian-led government under State Counselor Aung San Suu Kyi has made the NCA a prerequisite for ethnic armies to participate in periodic peace negotiations, known as the 21st-Century Panglong Conference and the Union Peace Conference, to try to end decades of armed conflict that have stymied the country's transition to a democratic federal union.

About a dozen ethnic armies have yet to sign the NCA.

The NRPC, chaired by Aung San Suu Kyi, decided to schedule the talks after members of the official Myanmar Peace Commission (MPC) held informal discussions with the KIO, PSLF, MNTJP, and ULA in February in Kunming, capital of southwestern China's Yunnan province. Government peace negotiators also met with the KNPP in northern Thailand in March.

The Myanmar military met with the SSPP in February and with the RCSS in March for separate talks.

Hla Maung Shwe, an advisor to the MPC, said the upcoming session will serve as the government's orientation to the peace process for the NCA non-signatories.

"We have traveled to Kunming and explained the process to seven non-signatory groups from the north," he said. "We mostly explained the processes for the peace talks after the signing of the NCA."

"We are planning to meet the KNPP in a few days, so the government has now invited all [NCA] non-signatory groups to clarify the situation," Hla Maung Shwe said.

RFA could not reach Myanmar military spokesman Brigadier General Zaw Min Tun for comment.

One Myanmar political analyst said he welcomes the peace talks as a rekindling of negotiations that were put on hold after the third round of Union Peace Conference in July 2018. But he cautioned people not to expect too much from next week's discussions.

"It is good to see peace talks at a time of endless armed confrontations and miscommunications, but we shouldn't be expecting too much out of these talks," said political analyst Maung Maung Soe. "I expect, at most, there will be more talks coming out of this later."

International rights groups were far from sanguine about the new round of talks, noting that Myanmar's military still has not committed to ending violence in the country.

"Over the last several years, it's been very disappointing to see how the peace process has essentially failed," said Matthew Smith, chief executive officer of Southeast Asia-based Fortify Rights.

"One of the things we're most concerned about in the failure of the peace process is the fact that the military has continued to commit human rights violations against civilians while talking about trying to establish peace, and these two things obviously are inconsistent with each other," he said.

Smith also called for more genuine dialogue among stakeholders for the peace process to have a chance to succeed.

"When the fighting continues, when the attacks continue, when human rights violations continue, that leads people that are involved in the process to think that it's disingenuous, and that harms the overall process," he said.

Phil Robertson, deputy Asia director of New York-based Human Rights Watch, also blamed the Myanmar military for the country's foundering peace efforts.

"It appears that the Tatmadaw [Myanmar military] is not ready to offer any meaningful concessions for the ethnic groups, nor is it prepared to allow for any degree of autonomy for ethnic organizations to operate their own affairs," he said. "I don't know why the Burmese government continues to follow the lead of the Burmese military, when it's clear that the military often does not want peace."

The military's positions in terms of the NCA — the failure to deal with basic political issues during peace talks, its unwillingness to restrain its soldiers, its unwillingness to end attacks against civilians, and the way it operates in ethnic minority regions — are the reasons why the peace negotiations have gone nowhere, he said.

Robertson also said the government's working in lockstep with the powerful armed forces has meant that the military's positions have influenced the administration in a way that has been unhelpful.

"Unless the government is prepared to deal with the rights-abusing behavior of the Tatmadaw, it's going to be very, very

difficult to see any sort of peace,” he said.

Two injured in Rakhine skirmish

In violence-ridden Rakhine state, meanwhile, a clash between the Myanmar Army and the AA in Mrauk-U township on Thursday injured two villagers, one of whom was seriously wounded and had to be taken to a hospital in the state capital Sittwe for urgent treatment, said local volunteers who helped the men.

The two men — one from Bu Ywat Ma Hnyo village and the other from Mrauk-U town’s Aung Tat ward — were injured during a skirmish near Waitharli village situated along the Yangon-Sittwe Highway, they said.

“Twenty-five year-old Maung Soe Win is in critical condition because he was hit above his pubic bone and had to be taken to Sittwe Hospital to have surgery,” said Mrauk-U resident Than Tun.

AA spokesman Khine Thukha confirmed that Arakan fighters attacked a government army column near Waitharli village.

Government troops responded by shooting in the direction of Bu Ywat Ma Hnyo village near the ambush site, wounding the two villagers and damaging some houses, area residents said.

RFA could not reach a Myanmar military spokesman for comment.

The Myanmar military has been engaged in deadly clashes with the AA in several Rakhine townships, including Mrauk-U, since hostilities between the two sides reignited in late 2018.

The fighting has left an undetermined number of people dead and displaced more than 12,000, according to estimates by local and official sources in Rakhine state.

Myanmar military court to probe Rohingya atrocity allegations (Reuters) March 18, 2019

Myanmar’s army said on Monday it had set up a military court to investigate its conduct during a crackdown on the Rohingya Muslim minority in 2017 that forced more than 730,000 to flee to neighboring Bangladesh.

The court comprising a major-general and two colonels will investigate events in western Myanmar’s Rakhine state in August 2017, the military said in a statement posted on the website of Senior General Min Aung Hlaing, the army commander-in-chief.

“The information is released that the investigation court was formed with the following persons to further scrutinize and confirm the respective incidents,” the military said.

The court will respond to allegations made by the United Nations and rights groups Amnesty International and Human Rights Watch accusing security forces of mass killings, rape and arson.

Myanmar forces launched their offensive in Rakhine State in response to a series of attacks by Rohingya insurgents on security posts near the Bangladesh border.

A U.N. fact-finding mission last year said the military campaign was orchestrated with “genocidal intent” and recommended charging Min Aung Hlaing and five other generals with the “gravest crimes under international law”.

Myanmar has denied the accusations of murder, rape and other abuses by its forces though Min Aung Hlaing said last month “a number of security men may have been involved”.

A previous military investigation in 2017 exonerated the security forces of any crimes.

The new court is “another bad faith maneuver” to fend off international pressure, said Nicholas Bequelin, Southeast Asia and Pacific Director of Amnesty International.

“The military stands accused of the gravest crimes under international law and has shown no sign of reform,” he said.

“The idea that the Tatmadaw could investigate itself and ensure justice and accountability is both dangerous and delusional,” Bequelin added, referring to the army.

The military information unit did not immediately respond to a Reuters request for comment.

Myanmar is facing growing international calls for accountability over the Rakhine campaign.

The International Criminal Court has opened a preliminary examination into the violence, while a commission of enquiry formed by Myanmar and including Filipino diplomat Rosario Manalo and Kenzo Oshima, Japan's former ambassador to the U.N., is due to publish its findings this year.

The creation of the military court was based on assessments and suggestions from the military-appointed Judge Advocate-General, as well the allegations contained in human rights reports, according to the army statement.

Seven Villagers Killed by Heavy Artillery in Myanmar's Rakhine State (Radio Free Asia) March 22, 2019

Villagers told RFA's Myanmar Service that the government's attack occurred at about 10 p.m. local time. The village had been vacated by the time inspectors arrived on the scene after the incident.

"They fled to a nearby village in Buthidaung township," said Tun Aung Thien, a Rakhine state parliament member from the township.

Among the dead were six ethnic Rakhines and one Rohingya Muslim – the first Rohingya casualty in fighting that has claimed 24 civilians and 22 police since hostilities flared up late last year. Seven civilians are missing and more than 20,000 people have been displaced.

"They launched the attack into the village around 8 p.m. or 9 p.m.," said a resident of Si Taung Gyi.

"We all would have died if we stayed, so we fled," said the villager.

Reports from villagers indicate that the shells that killed the seven were fired by government troops.

Reuters has obtained photographs taken by a Rakhine lawmaker that show the bloody bodies of what appears to be four of the seven victims, including a young boy and a middle-aged woman lying in what they described as a dusty pit.

Maung Thar Phyu, a civil society activist, told Reuters that they were civilians hiding in a bomb shelter.

Brigadier-General Zaw Min Tun of the Myanmar military's information committee told RFA, "The fighting occurred at night time. The other side took a position at the far end of the village and fired at us, so we retaliated."

"It is very difficult to determine who is responsible for the death of civilians when both sides were firing, and we can't tell if these victims were killed by the AA or the government," he said.

"AA members were shooting from across the village, and the military was shooting back," he said.

According to some lawmakers from the region, there has been fighting in Buthidaung township for the past nine days, and it spread to Rathedaung township today.

But AA spokesman Khine Thukha denied that any fighting took place between Arakan and government troops in Buthidaung.

"There were no clashes. They are making it up since they want to punish the local villagers," he said.

"They are lying to the world to cover up the war crimes they are committing. This is a very horrible war crime. The truth is there was no fighting in that area," he said.

The AA and local villagers have dismissed army claims of recent battles with the Rakhine rebel group, asserting that government soldiers have fired indiscriminately at civilians.

The AA had been in discussions with the government to end the fighting between them, but came away from those talks on Thursday with no agreement other than to hold further discussions.

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North & Central America

War crime investigators will be barred from entering US (Middle East Monitor) March 16, 2019

War crimes investigators working for the International Criminal Court (ICC) will be barred from entering America if they probe the actions of the country's soldiers in Afghanistan and other locations, US Secretary of State Mike Pompeo has said.

The Trump administration also said restrictions may also be placed on investigators examining alleged war crimes involving Israel.

Suggesting they would not be granted visas, Pompeo said: "We are determined to protect the American and allied military and civilian personnel from living in fear of unjust prosecution for actions taken to defend our great nation."

A spokesperson for the ICC said that it was an independent and impartial institution and would continue its work "undeterred" by Washington's actions.

A prosecutor currently has a pending request to investigate actions of US troops in Afghanistan.

The visa restrictions will apply to any ICC employee who takes or has taken action "to request or further such an investigation" into allegations against US forces and their allies in Afghanistan that include forced disappearances and torture, Mr Pompeo said.

The new policy is designed to deter the investigators, he added.

"These visa restrictions may also be used to deter ICC efforts to pursue allied personnel, including Israelis, without allies' consent," he said. "If you are responsible for the proposed ICC investigation of US personnel in connection with the situation in Afghanistan, you should not assume that you still have or will get a visa or will be permitted to enter the United States."

"We are prepared to take additional steps, including economic sanctions, if the ICC does not change its course," Mr Pompeo said, adding: "The first and highest obligation of our government is to protect its citizens and this administration will carry out that duty. The ICC, as a court of law, will continue to do its independent work, undeterred, in accordance with its mandate and the overarching principle of the rule of law."

Mr Pompeo's announcement was criticised by Human Rights Watch, which called it "a thuggish attempt to penalize investigators" at the ICC.

"The Trump administration is trying an end run around accountability," the organisation said. "Taking action against those who work for the ICC sends a clear message to torturers and murderers alike: Their crimes may continue unchecked."

U.S. Airstrikes In Somalia May Amount To War Crimes, Says Rights Group (NPR) By Eyder Peralta
March 20, 2019

The United States may have committed war crimes as it bombed al-Shabab militants in Somalia, a new report Amnesty International alleges.

Researchers for the human rights group investigated five U.S. airstrikes and found that they had resulted in 14 civilian deaths. The U.S. has "indiscriminately killed some of these civilians," Abdullahi Hassan, a Nairobi-based researcher for Amnesty, said in an interview.

Hassan says researchers first pinpointed where the strikes had taken place and then tried to find family members, witnesses and medical professionals who had information about who had been killed.

They found that the airstrikes killed farmers, women and an eight-year-old girl, whom the group assessed had no ties to al-Shabab.

"Due to the nature of the attacks, the U.S. government is violating international humanitarian law and these violations may amount to war crimes," Hassan said.

While the United States has been bombing Somalia for more than a decade, the Trump administration has accelerated the attacks.

Since he took office, the number of strikes have roughly tripled, according to figures released by United States Africa Command (AFRICOM).

But in a statement responding to the Amnesty International report, AFRICOM says that even though it has conducted more than 100 strikes since June of 2017, it has never killed or injured a single civilian.

"AFRICOM airstrikes are primarily conducted in secluded, low-populated areas," the statement read. "AFRICOM complies with the law of armed conflict and takes all feasible precautions to minimize civilian casualties and other collateral damage. We have processes in place to ensure the safety and protection of the local population remains a top priority."

Over the past year, NPR has requested multiple interviews with AFRICOM to seek clarification on U.S. military action in Somalia. The command has always declined, instead issuing written responses. NPR asked AFRICOM for more details on how they conduct post-strike analysis to determine who is killed in airstrikes. AFRICOM did not respond to questions.

Hassan says that is part of the problem — that the United States is acting with impunity in Somalia. The U.S. acknowledges the airstrikes but won't conduct an on-the-ground investigation of who was killed, he says.

"How will they know? They are just saying they have killed zero civilians but this credible evidence tells them they have to go now back to the drawing board and investigate these credible allegations of civilian casualties," he said.

Amnesty is not the first to raise questions about American airstrikes in Somalia. Last Month, The Nation released an investigative piece that spoke to dozens of Somalis who had been displaced to refugee camps by the airstrikes. The investigation found that AFRICOM didn't make every airstrike public and that their claims of "zero civilian casualties is almost certainly incorrect."

The United States began expanding its use of drone strikes since the terrorist attacks of Sept. 11. One of the big issues raised by human rights groups, academics and some politicians, is the lack of transparency.

The United States, for example, has refused to make public basic details of its so-called "targeted killing" program, including when someone could be considered a terrorist or even the kind of aircraft being used.

In March of last year, human rights groups, including the American Civil Rights Union and Human Rights Watch, penned an open letter lamenting the lack of transparency in U.S. operations in Somalia and Yemen.

"Transparency around the use of lethal force is critical to allowing independent scrutiny of the lawfulness of operations and to providing accountability and redress for victims of violations of international law," the groups wrote. "Transparency also helps governments identify and address civilian harm. It enables the public to be informed about some of the most important policy choices the government makes in its name — ones that involve life and death decisions."

Guatemala amnesty would free war criminals, soldiers who held women as sex slaves (Reuters) By Sofia Menchu and Frank Jack Daniel
March 27, 2019

Starting in 1982, during one of the darkest moments of Guatemala's civil war, at least 11 Mayan Q'eqchi indigenous women were kidnapped, enslaved and raped over a period of six years at an army camp in the jungle.

Now an alliance of lawmakers who back Guatemala's President Jimmy Morales is drumming up support for an amnesty bill that would allow the men sentenced for the atrocity to walk free. Dozens of other army veterans convicted of crimes against humanity would also benefit.

The legislation is part of a growing pushback by conservatives against justice initiatives in the Central American nation, where a brutal U.S.-backed counterinsurgency campaign resulted in tens of thousands of civilian deaths.

"We were raped by men who we didn't even know, and we don't want any woman in our country to ever suffer something like that again," said Demecia Yat, 60, one of the survivors of the enslavement at the Sepur Zarco military outpost on a plantation in northeastern Guatemala.

In 2016, two soldiers were sentenced in the case to a combined 360 years in prison for crimes against humanity, including sexual slavery and murder. They were convicted under a National Reconciliation Law signed as part of a 1996 peace deal that helped end a 36-year war between Marxist guerrillas and the government.

Almost a quarter of a million people, mostly indigenous Mayans, were killed during the conflict. Around 45,000 of the victims are thought to have been disappeared — a term widely used in Latin America for people believed to have been kidnapped and murdered but whose bodies have never been found.

Yat's husband, and those of several other of the enslaved women, who are known as the Sepur Zarco grandmothers, were among those taken by the army and never returned. Others were killed.

"The amnesty proposal is a get-out-of-jail-free card for convicted war criminals and the dozen plus former military officials awaiting trial for war crimes," said Jo-Marie Burt, a professor at George Mason University who monitors war crimes trials in Guatemala, including the Sepur Zarco case.

"This is a blatant attempt by some members of Congress to legislate impunity."

While the Reconciliation Law currently grants amnesty for most crimes committed during the war, massacres, kidnapping and crimes against humanity are punishable.

A U.N.-sponsored truth commission found more than 80 percent of atrocities were carried out by the army. Since the peace deal, survivors backed by national and international rights groups have built cases that have led to prison time for more than 65 former soldiers and ex-members of army-backed paramilitary groups.

The amnesty law is part of the backlash from politicians close to the military and powerful veterans groups, who argue that the reconciliation law and what they see as a biased justice system has disproportionately punished the armed forces.

Lawmakers supporting the amnesty, which could free all convicted former soldiers within 24 hours of being signed into law by Morales, are led by ultraconservative congressman Fernando Linares, a veteran lawyer who has defended convicted drug traffickers and soldiers.

"The right is empowered now," Linares said.

If successful, the bill would mark a major victory for Guatemala's hardline conservatives, who see the struggle to keep generals out of prison as an extension of the civil war.

Even though the Inter-American Court of Human Rights ruled it should be archived, the amnesty bill remains on Congress' legislative agenda and could be voted on at any time, Linares said.

Also working its way through Congress is a bill aimed at curbing funding for rights groups. And Morales, who has found something of a friend in U.S. President Donald Trump for cooperation on security and illegal migration, has declined to renew the mandate in Guatemala of a U.N.-backed body charged with investigating and prosecuting serious crimes.

Morales has declined to comment about the amnesty, saying it is up to Congress to decide its fate. His office did not immediately respond to a request for comment for this story.

Some supporters of the amnesty bill maintain it would help to heal the wounds of the civil war.

"If there is not a true pardon by both sides, there will never be harmony," said Cesar Calderon, who represented former military dictator Efraín Ríos Montt in a 2013 trial that led to his conviction for genocide. The sentence was later overturned. Rios Montt, in power from 1982-83, died before the appeals concluded.

The amnesty bill has drawn stiff resistance from Guatemalan media, survivors and opposition lawmakers, however, and its passage is not certain.

"If they approve this law, the space that we women have won to get justice will be lost," said Yat, speaking through an interpreter in her native Q'eqchi language.

The horror in Sepur Zarco, the first case of conflict-related sexual violence tried in Guatemala, started at the height of army repression of civilian populations suspected of supporting the rebels.

Since the end of the war, the Guatemalan Forensic Anthropology Foundation has unearthed thousands of bodies, many showing signs of torture, in mass graves scattered mainly across the Mayan highlands.

Increasingly, trials of soldiers have been successful, including one last year that led to a 5,160-year sentence for a Kaibil special forces soldier convicted of a massacre in the village Dos Erres that left more than 200 people dead.

A judge in May last year sentenced General Manuel Benedicto Lucas Garcia, brother of late Guatemalan President Fernando Romeo Lucas Garcia and a former head of the army's general staff, to 58 years for his involvement in rape and forced disappearance.

Lucas Garcia was convicted along with other high-ranking officials for the 1981 torture and rape of left-wing student activist Emma Molina Theissen. In retaliation for her escape from a military base after nine days of detention, soldiers kidnapped her 14-year-old brother Marco Antonio.

He was never seen again.

Ana Lucrecia Molina Theissen, the victims' sister, fears the amnesty bill would undo a decades-long crusade for justice for her siblings.

"The reform not only favors a powerful, insensitive, inhumane group capable of executing the most atrocious crimes," Molina Theissen said. "It also sends us back to the darkest era of state terrorism."

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South America

Campaigning politician found murdered in western Colombia, raising alarm for upcoming elections (Colombia Reports) By Emily Hart

March 7, 2019

A deputy of the Choco province assembly was found murdered in western Colombia on Wednesday, raising the alarm for security around October's elections.

Two of the three campaign assistants who went travelling with Deputy Alizon Mosquera when he went missing on Saturday have also been found dead in the San Juan river in the south of Choco; the third remains missing. A full investigation has been launched by the local authorities, and the search for a possible fourth body continues.

Though Assembly president Daniel Trujillo told newspaper El Tiempo Mosquera "had not received threats before," Mosquera's cousin told press he had requested protection from the National Protection Unit due to the dangers of his work in Choco.

Over the last three months, 107 political and social leaders have reported violence against them: 34 have been murdered nationwide, according to the MOE, Colombia's election observers.

The body of Mosquera was found with hands and feet tied, exhibiting evidence of torture. Mosquera had just started his political campaign for re-election to the Choco Assembly for the centrist party U Party.

Authorities have said they do not know why he was murdered, or by whom.

What is known is that Mosquera left his home on Sunday to continue his electoral campaign with Estivenson Mosquera, a friend, and picked up two colleagues, Alexander Mosquera and Andres Calvo, on their way south.

The van they were travelling in was found abandoned and dented at the front. The bodies of Estivenson and Alexander Mosquera were found earlier this week, one of which had been tied and tortured, having two bullet wounds. Calvo remained missing at the time of publication.

Mosquera was 32 years old and had four children. He was studying psychology at university, while working for the Social Party of National Unity (la U) – a liberal centrist party – for whom he had worked for four years.

Choco, on the Pacific Coast, is among Colombia's poorest regions, where there are illegal mines and drug trafficking routes, some of which are violently disputed, others of which are controlled by either the ELN guerrilla group or paramilitary group AGC.

Colombia's War of Neoliberal Economics (NACLA) By Chelsey Dyer

March 7, 2019

Colombia today has the highest number of recorded assassinations of human rights defenders in the world. In the first 15 days of January 2019 alone, nine social leaders were murdered. These alarming statistics make it clear that peace has not come to Colombia, despite the signing of its historic peace accords with the Revolutionary

Armed Forces of Colombia (FARC) in 2016. It is also clear why: the peace accords did not alter the country's neoliberal economic model, which was a key driver of the conditions that led to the 50-year conflict.

Colombia today has the highest number of recorded assassinations of human rights defenders in the world. In the first 15 days of January 2019 alone, nine social leaders were murdered. These alarming statistics make it clear that peace has not come to Colombia, despite the signing of its historic peace accords with the Revolutionary Armed Forces of Colombia (FARC) in 2016. It is also clear why: the peace accords did not alter the country's neoliberal economic model, which was a key driver of the conditions that led to the 50-year conflict.

As many Colombian activists predicted, the same neoliberal economic conditions that created insecurity before the accords were signed continue to exist today and contribute to violence, displacement, and economic insecurity, particularly for Afro-Colombians, Indigenous peoples, and campesino communities. While neoliberalism is national policy in Colombia, it is also one upheld by Colombia's foreign allies, including the United States. And, unlike the story President Duque may tell, U.S. policies have not contributed to liberation in Colombia or the rest of Latin America. Instead, they have exacerbated economic insecurity and violence.

In the 1990s, Colombia began to embrace neoliberal economics, and the government made its land available to more multi-national businesses. At the same time, after decades of Indigenous and Afro-Colombian organizing, the government enacted a new constitution in 1991 and Law 70, which recognized Indigenous and Afro-Colombian communities as distinct ethnic groups with the right to land titles. However, these initiatives were contradictory, because these communities' ancestral territory is frequently located on the same resource rich land that multi-national businesses wish to possess. This dynamic continues to play out today—as communities vie for land titles to maintain control over their territory, they face pressure from armed actors and big businesses who seek to use the land to implement extractivist projects, construct industry, or run drugs. Oftentimes, these actors use violence, threats, or assassinations in order to frighten and silence their opposition, such as community leaders at the forefront of campaigns to prevent displacement.

Today's rise in activist killings cannot be disentangled from the original imposition of neoliberal economics and the shock doctrine tactics of Plan Colombia—a multi-billion dollar U.S. aid package framed first through the veneer of the war on drugs, and then as a war on terror against the FARC. The fragmentation of social movements and classes wrought by paramilitary, guerrilla, and state violence in the 1990s strengthened by U.S. military training and funding allowed neoliberal doctrine to enter into Colombia largely uncontested. As this system continues to operate, social leaders in Colombia are being systematically killed and displacements continue, with at least 1,300 people already displaced this year.

431 social leaders were murdered between January 2016 and December 2018. A recent report released by the Colombian Commission of Jurists demonstrated that these murders are systematic, frequently target members of Communal Action Boards (JAC) or those who are protecting their territory, and are linked to a drive to silence community activism. The killing of Maritza Quiroz Leiva on January 6 exemplifies this pattern. She was leader of the Victims Committee in Santa Marta and an active advocate against forced displacement, who was gunned down in her home. Years previously, her husband was killed after they recovered land from which they had been forcibly displaced. Quiroz Leiva was the sixth social leader killed this year.

Many argue that incidents of violence in Colombia like the killing of Marista Quiroz Leiva are a result of the vacuum of power left by the FARC and the subsequent rivalries between different armed groups that are now vying for power and control in these areas. While this is certainly true to some extent, it is only part of the picture. This theory fails to address the capitalist motivations that underlie these groups' quest for territorial control and those who are victimized by it.

As geographer Ulrich Oslender has written, "the state and paramilitary forces act at the service of national and transnational capital." Oslender, who focuses on mass displacement, argues that such violence is not the result of capitalism, but rather a tactic of those in power in the global capitalist system. In fomenting violence and creating economic and physical insecurity for local residents, businesses can more easily usurp territory. Similarly, activist killings are not a result of capitalism, but a tactic of it. Repression and assassinations are part of a strategy of sowing fear to silence social leaders, unravel the social fabric, and thus eliminate or strain social movements that counter the reigning economic model. This is not simply an economic model—it is a form of neocolonialism that sows social unrest in order to generate profit.

The media generally characterizes violence in Colombia as fragmented instances—a community was displaced, a protest erupted, an activist was murdered. These individually highlighted events create an international image of internal insecurity caused by a government's own ineptitude or the violence of illegal armed actors, eliding the historical and current role of neocolonialism and foreign economic intervention. In reality, these instances are all interconnected into an overarching framework of power—that Afro-descendant and Indigenous activists have been fighting against for centuries. In fact, looking at different instances of U.S. influence in Colombia tracks a clear pattern of neocolonial control and its connection to the assassinations of activists.

In May 2017, Buenaventura residents held a 22-day civic strike to protest ongoing investment in its port instead of investing in

local residents. In an impressive show of organizational capacity, Afro-Colombian and Indigenous communities and organizations united to shut down the city, blocking the port and flooding the streets. Residents demanded resources to invest in building a local hospital, more economic opportunities, and potable water. The strike, however, faced brutal repression. Colombian Mobile Anti-riot forces (ESMAD) used U.S.-made tear gas and rubber bullets indiscriminately on the population to break up protests. U.S. weapons were used to suppress and control a manifestation that threatened the reigning socio-economic ideology.

Activist repression is another tool used to try and silence counter-narratives and strain social movements. When the reigning political class fails to silence dissent through repression, their tactics can intensify into assassinations threats and attempts. In fact, a year after the strike, Temístocles Machado, a well-known leader of the civic strike, was assassinated. Others who were involved also continue to face ongoing threats. Both psychological and physical violence has followed organizers in Buenaventura. Community leaders did, however, eventually come to an agreement to create an autonomous fund to invest back into the city to improve infrastructure, healthcare, and education, and today continue to meet with government officials to ensure that the accord is properly implemented.

In spite of small steps forward, U.S. policy is still exerting influence on Colombia. Under U.S. pressure, President Duque is advancing a return to aerial fumigation—despite its violation of the 2016 Peace Accords, ongoing denunciations from civil society, and well-documented health risks. This is also connected to a strategy of repression aimed at maintaining and expanding economic control, because the dangerous spraying of chemicals displaces residents who live on resource-rich land, allowing illegal and legal businesses to move in. Colombia already has the highest internally displaced population in the world and research has demonstrated that aerial fumigation causes significant displacement. If the U.S. and Colombian governments were interested in decreasing coca crop farming they would invest more in substitution models, address the socioeconomic causes that necessitate people to grow coca, and protect activists as their work is striving to build sustainable socioeconomic futures. Instead, we see advocates for crop substitution among those who are being assassinated—activists such as Dilio Corpus Guetio, a campesino leader in Cauca who was on a local committee that verified the substitution of illicit crops. He was murdered January 29, 2019, shot while riding his motorcycle to work.

Though official reports may not detail the reasons for their assassinations, to other activists and social leaders it is clear that Corpus Guetio was killed because of his work, which threatened to disrupt illicit and licit resource and drug economies in the area. We see this pattern of intimidation, threats, and assassination across Latin America against activists working to protect the environment, land, and basic human rights—and we continue to see this in Colombia during a time in which “peace” has supposedly arrived.

More than 140 children may have had their hearts removed in ancient sacrifice in Peru (Los Angeles Times) By Deborah Netburn
March 6, 2019

Anthropologists have found evidence of a mass ritual killing that involved the deaths of more than 140 children, three adults, and at least 200 young llamas on the northern coast of Peru.

The archaeological site, known as Huanchaquito-Las Llamas, represents one of the largest known cases of mass child sacrifice ever seen in the Americas.

Gabriel Prieto, a professor of archaeology from the National University of Trujillo who started excavating Huanchaquito-Las Llamas in 2011, said the discovery shocked him and his colleagues.

“In Peru we are familiar with human bones, but in this particular case there were so many skeletons and they were all children,” he said. “It was astonishing.”

The sacrificial victims ranged in age from 6 to 14, and appear to have been killed in a well-planned and choreographed event on a single, horrific day. Their mummified bones were found carefully arranged with their heads facing the ocean and their feet facing the mountains. Many of their remains were found with the bones of one or two young llamas lying on top of them.

The children, both boys and girls, all appear to have been killed in the same way — with a single horizontal slice across the sternum.

As if all this wasn't gruesome enough, researchers say that many of the children's rib cages appear to have been pried apart. This suggests that their hearts were removed shortly after they died.

“We can't prove it, but certainly in the Mayan world they described the importance of taking out a heart that was still beating,” said John Verano, an anthropologist at Tulane University in New Orleans and one of the leaders of the research, published Wednesday in PLOS One.

According to radiocarbon dating of the excavated skeletons, the sacrificial event took place around 1450, when the complex and hierarchical Chimú empire ruled the region. The empire flourished from the 11th to the 15th century. At its height it stretched along more than 600 miles of coastline, from the present-day border of Peru and Ecuador south to the modern city of Lima.

The Chimú oversaw an agricultural society that relied on a sophisticated network of hydraulic canals to irrigate fields. The capital city Chan Chan, located a few miles from where the city of Trujillo now sits, included palaces and gardens, plazas and temples. It was one of the largest urban settlements in the Americas.

The Huanchaquito-Las Llamas site is about two miles north of Chan Chan, less than a quarter-mile from the ocean. It was discovered in 2011 when residents noticed human and llama bones in eroding sand dunes along newly constructed roads in the area.

Prieto lobbied Peru's Ministry of Culture to conduct an emergency excavation before any more archaeological material was lost, and his request was swiftly granted. Later, he and Verano were able to secure additional funding, including from the National Geographic Society, to go back to the site in 2014 and 2016.

In that first excavation season, Prieto and his team unearthed 43 children and 74 llamas. Almost immediately he knew it was not just a regular burial ground.

The children had been arranged lying on their sides rather than in a seated position, the more traditional burial posture in the Chimú culture. Not one of them was wearing a necklace of shell beads, and there were no ceramic offerings buried along with them. Some of the older children's faces had been stained red with a face paint made from cinnabar and were buried wearing ceremonial headdresses.

"It was not typical of any burials we know," Verano said.

And then there was that sure-handed cut across the sternum on body after body, including on many of the llamas.

Anthropologists have known for decades that the Chimú occasionally engaged in mass killings. In the 1970s, archaeologists working in Chan Chan found the remains of hundreds of young women who were sacrificed to attend to the king after his death. Researchers have also found the bones of 200 victims — including children, adults and the elderly — who were executed by Chimú warriors sometime around 1300.

But the discovery of a massive ritual sacrifice of children was something new.

Melissa Murphy, an anthropologist at the University of Wyoming who was not involved in the new work, said that while other researchers had found evidence of child sacrifice and mass killings in the region, the sheer size of this event and the fatal wounds set it apart.

"This finding is unique for its scale, for the different technique, and for the Chimú," she said.

Anthropologists don't know much about the Chimú belief system. There is no written record of their religion, and because most of their art is symbolic rather than representational, it provides only a few hints about their religious practices. There are a few tapestries that depict mass killings, but these appear to show prisoners of war, not children.

Still, the authors of the PLOS One report say that a clue to what might have precipitated the bloody event at Huanchaquito-Las Llamas lies in the site itself.

The researchers note that the children and llamas were buried in a thick layer of mud that lay on top of the sand. This suggests that the sacrifice occurred after heavy rains caused flooding and mudslides in the area. Perhaps this epic sacrifice was designed to stop the rains.

The northern coast of Peru is generally dry and arid, but occasionally El Niño conditions bring heavy rains and flooding to the area. This shift could have caused catastrophic damage to the Chimú food supply.

"We think that a massive rain was destroying the economy and the political structure of the Chimú and the sacrifice was their reaction," Prieto said. "We'll never know the true meaning of this sacrifice, but our interpretation was they felt like they were contributing something to solve the problem by giving up their most valuable resource — the life of their children."

Haagen Klaus, an anthropologist at George Mason University in Fairfax, Va., who was not involved in the work, said he had little doubt that the sacrifice was a response to the rains.

"When it rains in the north coast of Peru it is almost like the world is upside down," he said. "Flooding would cause the displacement of people and the disruption of economic systems."

His own research into ritual sacrifice suggests that it is often performed as a way to negotiate with entities that are believed to control natural events.

“In these societies it was the ancestors who controlled water, and in this part of the world water is life,” he said. “An offering that will appease the ancestors may have been seen as necessary to bring the world back into balance.”

The researchers have determined that the children were all in good health at the time of their death, and that they likely came from a range of geographic and ethnic communities in the Chimú empire.

By looking to other ancient cultures that practiced child sacrifice, like the Aztecs, Prieto concludes that the children were likely treated especially well in the months leading up to their deaths.

“We know that in Mexico children were prepared for at least six months, given special meals and foods, as well as rehearsals as to how they should behave at the event,” he said.

Prieto thinks the three adults found on the site may have been tasked with taking care of the children ahead of the sacrifice.

The adults included two women and one man. Unlike the kids, their sternums had not been sliced, and their ribs had not been spread. One of the women appears to have died due to blunt force trauma to the back of her head. The other woman suffered a blow to the front of her head, but it is not clear that it killed her. The authors say that the man’s ribs were broken, but that it is possible it happened after his death.

“I believe these two women and the man were part of a group that was babysitting the kids, and were buried with them at some point,” Prieto said. “We didn’t say that in the paper, but my feeling is that they were so closely related to the children that the organizers of the ceremony decided — if they go, you go too.”

Verano said there is still more work to be done at the site. He, Prieto and their collaborators plan to do further analysis on the skeletons, hoping to reveal more about who these children were — what geographic regions they came from, what they ate, and what ethnic communities they represented.

At the same time, Prieto has started excavating another site at nearby Pampa La Cruz, where he has already found 132 kids and 250 llamas. It’s a grisly find that leads to an even more grisly conclusion about the mass ritual killing of children at Huanchaquito-Las Llamas.

This happened more than once.

Colombia’s war crimes tribunal opens investigation into child recruitment (Colombia Reports) By Adriaan

Alsema

March 6, 2019

Colombia’s war crimes tribunal on Tuesday opened an investigation into what it believed is the recruitment of more than 6,000 children for which only 10 people have been convicted.

Case file number 007 seeks to clarify the mass recruitment of child soldiers by the demobilized guerrilla group FARC and the unduly use of children in intelligence work for the military.

The court seeks “to investigate this crime against humanity. Not just will the cases of boys and girls who have been obligated to bear arms, but also those who have carried out any kind of duty for any legal or illegal armed group, be it as cooks, carriers, messengers or for spying and sabotage activities.”

The Special Jurisdiction for Peace (JEP) received the criminal case files of some 4,219 prosecution investigations, plus extensive reports by the National Center for Historical Memory and the National Indigenous Organization of Colombia.

The reports cover alleged child recruitment cases from 1971 to 2016, the year that the FARC and former President Juan Manuel Santos agreed to sign peace after more than half a century of armed conflict.

The intensity of this particular war crime peaked between 1998 and 2014, the year in which the guerrillas and the government reached their initial deal on transitional justice, according to the previous investigations.

The recruitment and use of minors was particularly common in the areas where the FARC long imposed guerrilla rule rather than the rule of law.

The demobilized guerrillas are suspected of committing war crimes in 60% of the cases surrendered to the JEP.

The guerrillas have admitted to recruiting children older than 15 since 1982, but have long denied having recruited children younger than that, contrary to evidence that indicate almost half of the recruited children entered guerrilla ranks before they were 15. Humanitarian law bans all recruitment of minors under 18.

Unless individual guerrilla commanders and child recruiters come forward about the allegedly widespread practice, they risk losing the benefits that came with their demobilization, including being shielded from prison sentences and extradition.

But according to children's rights NGO Coalico, the FARC are not the only ones to blame.

While the recruitment of minors of the FARC stopped after they agreed to sign peace, the war crime still occurs as other illegal armed groups like the ELN continue to actively recruit minors.

Colombia conflict: 'If I keep quiet, I become an accomplice' (BBC News) By Victoria Stunt
March 3, 2019

Yolanda Perea Mosquera is standing on a podium before a crowd in central Bogotá talking passionately into a microphone.

"Colombia is ours," she says. "Peace is ours, and it depends on all of us."

She is speaking in a convention centre packed with 1,400 victims of the armed conflict.

The conflict with Farc guerrillas saw more than 200,000 people killed, and wracked Colombia for more than 50 years until the signing of a peace deal in November 2016. However another left-wing guerrilla group ELN, as well as dissident Farc rebels, criminal gangs and state security forces, are still at arms.

There are more than eight million victims of the conflict in total, and those gathered at the convention centre are survivors of crimes such as kidnapping, torture, forced displacement and sexual assault.

Ms Perea is a survivor of the armed conflict herself. She was sexually assaulted by a Farc guerrilla when she was 11 years old. The attack happened in 1997 while she was at home sleeping in Río Sucio, a remote town in the northern Chocó region.

Her mother confronted the Farc over her daughter's assault, only for a group of guerrillas to return later and murder her.

Ms Perea had become pregnant as a result of the attack. She miscarried when a group of Farc fighters beat her up.

"You get to the point of being an innocent child, but without a house, without a mother, without a baby - even though I wasn't ready to be a mum," she says.

"Violence forces one to grow up abruptly, simply because someone felt like causing harm."

Today, at the age of 35, Ms Perea lives in Medellín and has emerged as a spokeswoman for survivors of sexual violence across Colombia. She shares her story to help other victims understand what happened to them was wrong. Then she helps them to report the assaults.

"In some regions the violence is so constant, that for many women it's perceived as normal," she says. "They have a right to be heard and it's our right to be able to share and get off our chests what's happened to us."

In Colombia, more than 90% of sexual violence cases currently go unpunished. But victims of sexual abuse carried out as part of the armed conflict can now turn to a special tribunal created under the peace agreement with the Farc rebels.

The Special Jurisdiction for Peace (JEP) is a transitional court system which will be in place for 10 years and which was set up to try all participants in the conflict, be they Farc rebels or state actors.

Those who admit to their crimes up front will avoid jail time but will be required to contribute in other ways to reconciliation, such as participating in programmes to remove landmines, build key infrastructure or construct monuments.

According to JEP magistrate Alexandra Sandoval, there will be no individual reparations but the programmes "will help transform society, and they will have a symbolic effect for the victims".

The tribunal frames itself as a place for victims to have their stories heard. Last August, Ms Perea and representatives from two other victims' organisations brought 2,000 accounts of sexual violence to the attention of the tribunal.

The court does not hear individual cases, instead focussing on systematic cases to determine who was in command.

This means not every victim will have his or her day in court, but Ms Perea nevertheless sees it as a chance: "It's to say: Here it is. This is my truth. Find the other stories that are missing to recognise what I've suffered and that it wasn't my fault. That's what we're looking for."

But the JEP has been in a limbo of sorts this year, as President Iván Duque has held off signing the law that would guarantee the JEP can act independently.

The International Criminal Court has warned Mr Duque against further delays, and human rights organisations have sent the president a letter urging him to sign.

If he refuses, the bill will go back to congress.

Ms Perea hopes the tribunal will start its work soon and that she will get a chance to confront those responsible for the attack on her, as well as for the crimes committed in her home town of Río Sucio.

There are questions she wants to ask of them. "Why my mother? Why me? That's what I want to know," she says.

She is supposed to be notified if she will get a chance to speak at the tribunal. "Nothing has happened yet, but I'm waiting and I haven't lost hope."

For Ms Perea, it is evident that Colombian society is years away from being healed. She travels with a bodyguard provided by the government after she received death threats from armed groups and paramilitaries for speaking out.

Her fears are justified. According to the country's ombudsman's office, 431 social leaders were killed between January 2016 and December 2018.

But she is determined to go on despite the risks. "If I keep quiet, I become an accomplice," she says.

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Venezuela

U.S. Says Russia 'Will Pay a Price' for Helping Venezuela, Where Missiles are Getting Ready to Fire
(Newsweek) By Tom O'Connor
[March 29, 2019]

he U.S. has warned that Russia would be punished for supporting Venezuela as Washington and Moscow face off over the socialist-led Latin American country's political and economic crisis.

U.S. special envoy to Venezuela Elliot Abrams has condemned Russia's recent deployment of aircraft and up to 100 military personnel to Venezuela, where Moscow has backed President Nicolás Maduro against Washington-sponsored National Assembly leader and self-declared acting head of state Juan Guaidó. The feud—which came amid an economic collapse blamed on internal mismanagement and U.S. sanctions—has fueled the latest flare-up in already-failing ties between the world's top two military powers.

"We have a very nice options paper of the various things that can be done in U.S.-Russia relations," Abrams told BBC News. "There are a lot of things we can do in economic terms, in terms of sanctions. There is a lot of things that are on the list. So, the Russians will pay a price for this."

Abrams later told a press briefing that "it would be a mistake for Russia to think they have a free hand" in Venezuela. He also confirmed U.S. suspicions that Moscow was "helping the regime with the S-300 ground-to-air missile system that "apparently got screwed up" amid ongoing electricity outages exacerbated by fuel shortages due to U.S. economic restrictions.

The Venezuelan army's Russian-made missile carrier is seen during a military ceremony to commemorate the anniversary of President Hugo Chavez's death, in Caracas, Venezuela, on March 5, 2014. Chavez bought the S-300 missile defense system, and Russian military personnel have reportedly arrived to prepare it for potential combat.

The S-300 is a Soviet-era defense system designed to intercept enemy missiles and warplanes and was purchased by Venezuela in 2009. (At that time, the country was led by Maduro's predecessor Hugo Chávez, who was also targeted by regime change efforts linked to Abrams and other U.S. officials.) On Sunday, Israeli satellite imagery firm ImageSat International shared photographs that appeared to show that "Venezuela has put the S300 into operational readiness" after a month of drills and preparations that accompanied failed international talks.

"ISI continuous satellite surveillance between February and March 2019 shows a parallel between the beginning of the crisis in Venezuela and the heightened alert in the military's S-300 unit," an intelligence assessment published Monday read. "While the negotiations are in progress, there is a chance that its failure will develop into a military confrontation. This risk is probably the reason for the intense activity of various air defense units in the Venezuelan army over the last two months."

Moscow has not specified the nature of its recent deployment to Venezuela, which followed a previous delegation that conducted joint drills with Venezuela over the Caribbean in December, a month before Guaidó's challenge. Russian Foreign Ministry spokesperson Maria Zakharova simply said Thursday that "Russian specialists arrived in Venezuela in accordance with the provisions of the bilateral agreement on military-technical cooperation." She also shot back at President Donald Trump's warning that "Russia has to get out" of Venezuela and that "all options are open" in ensuring it does. Zakharova noted the U.S.'s own history of intervention abroad, which included decades of state-sanctioned campaigns against leftist forces across Latin America and, more recently, the war on terror waged across the Middle East, other parts of Asia and Africa.

A Russian Antonov AN-12 plane takes off from Simon Bolivar International Airport in La Guaira, Vargas state, Venezuela, on March 28. Russia said Thursday its troops will stay in Venezuela "for as long as needed" and urged the United States not to worry about Moscow's ties with a traditional ally. "We have been waiting for a month for Donald Trump's promise to withdraw his specialists from Syria to be fulfilled," Zakharova told reporters. "When will you recall your specialists? No one can say, not even Donald Trump himself. What about Afghanistan, Iraq, where they are being alternately pulled in and out? Everything is legal with us; but over there, we are not so sure." Russia was also involved in Syria, but in support of President Bashar al-Assad, whom the U.S. has accused of war crimes and attempted to overthrow by backing insurgents after a 2011 rebel and jihadi uprising. Moscow deployed modernized S-300 batteries to Syria after a Russian surveillance plane was accidentally shot down by friendly Syrian fire responding to a hostile Israeli air raid, but the weapon has not seen use in subsequent Israeli attacks. Further complicating U.S. plans in both Venezuela and Syria, China and Iran were among those who have joined Russia in supporting these governments. A Chinese Yangtze River Airlines plane arrived Friday in Caracas to deliver medicine and medical supplies to Maduro's government, who has refused aid packages by the U.S. and regional foes on the grounds that he suspected them to be part of the conspiracy to overthrow him.

2 Russian Military Planes Land in Venezuela, Exacerbating Political Tension (The New York Times) By
Antatoly Kurmanaev
[March 25, 2019]

A visit to Venezuela by two military airplanes from Russia, which landed in broad daylight at the international airport in Caracas, has set off alarms that the Kremlin might be acting more brazenly to protect President Nicolás Maduro from the uprising against him.

Russian and Venezuelan officials have not disputed the arrival of the airplanes, which were first seen at the airport on Saturday. Such flights ordinarily would be sent to a protected military air base beyond the sight of the public.

The planes brought supplies and technical advisers to Caracas, Venezuela's capital, according to a Russian state news agency and a Russian diplomat. The visit was related to military cooperation contracts signed years ago between Russia and Venezuela, said the news agency, Ria Novosti, suggesting it was routine.

A Russian diplomat in Caracas, who spoke on condition of anonymity because the diplomat was not authorized to speak to the media, confirmed the Ria Novosti account and said there was nothing unusual.

But opposition members said the visibility of the military planes was unusual and had been meant to send a message. The timing showed that both Russian and Venezuelan officials wanted to convert a routine technical stop into a show of strength, said Rocio San Miguel, a Venezuelan security analyst.

"They want to make it as visible as possible," said Ms. San Miguel. "This is a sort of bluff in a strategically important moment for Maduro."

Russia has emerged as Mr. Maduro's main backer since opposition leader Juan Guaidó proclaimed himself interim president in late January with support of the United States and about 50 other states.

Russia has maintenance contracts for weapons sold to Venezuela under late President Hugo Chávez, including air defense

systems, fighter jets and tanks, that are worth billions of dollars.

Flight tracking websites showed an Ilyushin IL-62 jet and an Antonov AN-124 cargo plane flew from Moscow's military airport to Caracas's international airport via Syria. The cargo plane flew back to Syria on Monday, according to flight tracking website bosporusobserver.com.

The arrival of the advisers came as Venezuela activated Russian-made S300 air defense systems last week, according to satellite imagery analysis firm ImageSat Intl. Russia has also recently deployed the S300 in Syria. Members of Venezuela's opposition have accused Mr. Maduro of escalating the country's deepening political crisis. They have pointed to widespread irregularities during the last election, consider Mr. Maduro's government illegitimate and have asked him to step down and to allow them to call new elections.

President Trump has repeatedly said that all options are on the table to remove Mr. Maduro, not ruling out military intervention.

State Secretary Michael Pompeo told his Russian counterpart in a phone call Monday that the United States will "not stand idly by as Russia exacerbates tensions in Venezuela." Last week, Venezuelan secret police detained Mr. Guaidó's chief of staff on terrorism charges, a move that the Trump administration said would be punished.

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TOPICS

Truth and Reconciliation Commission

TRC commissioners demand justice (Mail & Guardian) By Ra'eesa Pather

March 15, 2019

Twenty-three years ago, Hawa Timol sat inside the Johannesburg Methodist Church, where words tumbled quickly out of her mouth as she strained to keep her composure. Gentle sunlight streamed through the stained-glass windows to illuminate the room where the woman shivered in front of a Truth and Reconciliation Commission (TRC) panel, recounting the day she was told that her son, Ahmed, had been murdered.

Fazel Randera, one of the TRC commissioners, watched as Timol broke down. Offering words of comfort, he told her: "Auntie Hawa, sabar karo [have patience]."

It was Randera who had visited the bereft mother at her home in Roodepoort, Johannesburg, and convinced her to testify in front of the truth commission.

"I will not forget what happened, I need to know," she told the commissioners that day, in April 1996.

The Timol matriarch has since died, but Randera has not forgotten the case all these years later.

He is one of six truth commissioners who have applied to enter the court battle over whether João 'Jan' Rodrigues, the former Security Branch clerk charged with Timol's murder, should be prosecuted.

Rodrigues has asked the court for a permanent stay of prosecution, which the truth commissioners are opposed to.

A full Bench of the high court in Pretoria is due to hear the case on March 28.

Timol was a South African Communist Party member who was tortured and killed by security police in John Vorster Square, now Johannesburg Central police station, in October 1971.

The police alleged that he took his own life, but his family found it to be an unbelievable claim partly because of his Muslim faith. An inquest in 2017 found that he had been murdered.

Rodrigues has admitted to being the last known person to have seen Timol alive, before his body was thrown from the 10th floor of the police building or rolled from the roof after four days of torture in police custody.

The other police officers involved have since died.

The former commissioners — including Archbishop Emeritus Desmond Tutu, who was the TRC's chairperson, human rights lawyer Yasmin Sooka and senior advocate Dumisa Ntsebeza — are asking the court to allow them to come into the case as amici curiae (friends of the court).

Sooka, who was also at Hawa's hearing, said in her affidavit that the commissioners had expected the National Prosecuting Authority (NPA) to pursue justice after the truth commission, they had been disappointed by the lack of prosecutions.

“At the conclusion of the TRC, we former TRC commissioners were thus unanimous in our belief that, while our job was complete, the next stage belonged to the NPA. We expected that prosecutions would follow for those that had not come forward and applied for amnesty, or were refused amnesty,” Sooka said.

The commissioners' application comes after they wrote a letter to President Cyril Ramaphosa demanding that a commission of inquiry be established to investigate why prosecutions have been delayed. They also said Ramaphosa should use his State of the Nation address to apologise on behalf of the government to victims of apartheid. Ramaphosa has not given a response.

In February, the NPA filed its papers in which it opposed Rodrigues's application. The prosecuting authority also delivered an explosive admission: for the first time, it admitted that there had been political meddling in truth commission-related cases, which led to a moratorium on all investigations in 2003.

The admissions were in an affidavit filed by the Priority Crimes Litigation Unit (PCLU) head, Torie Pretorius, and Chris Macadam, the senior deputy director of public prosecutions in the unit, which is responsible for the truth commission cases.

Sooka said she had been told in 2003 that the NPA was continuing to investigate truth commission cases. But court papers by NPA officials, including Macadam, contradicted what she had been told.

“It was equally shocking to read Chris Macadam's affidavit in this matter, which was deposed to on 1 November 2018 and only filed by the first respondent [the NPA] on 4 February 2019, because Mr Macadam informed me on numerous occasions in 2003 that the NPA was dealing with these cases,” Sooka said.

But Macadam's affidavit goes further than admitting that the NPA acted on political instructions. He attached a document that alleges that information from inside the prosecuting authority was leaked to a senior apartheid police commissioner, Johan van der Merwe.

Macadam attached a 2006 internal memorandum to his affidavit, which alleged that Van der Merwe had been involved in a plot to threaten prosecution against Thabo Mbeki, who was president at the time.

Van der Merwe helped to establish the Foundation for Equality Before the Law, which seeks to defend the apartheid police guard from prosecution. Members believe that, if security police are to be prosecuted, then the ANC and other liberation movement members should also be prosecuted for their alleged roles in civilian deaths.

Anton Ackermann, the former PCLU boss, had written the memorandum to Silas Ramaite, the NPA truth commission task-team convener, raising concerns about the reappointment of Karel Johannes “Suiker” Britz to investigate dockets.

Britz was an apartheid-era policeman who Ackermann believed kept ties with his former colleagues, including Van der Merwe.

“In particular, Britz tried to persuade me and my deputy on numerous occasions that there was a provable case of terrorism against President Mbeki arising from the landmine campaign. This was raised in the context that, were Security Branch members to be prosecuted, the president would also have to be charged,” Ackermann wrote.

He added that Van der Merwe seemed to have access to confidential documents.

Ackermann wrote that the situation led to questions being raised at senior levels of government about whether the NPA was planning to prosecute Mbeki, forcing then NPA boss Bulelani Ngcuka to sack Britz. As a result of Van der Merwe's alleged access to information in the NPA and the unfounded allegations against Mbeki, Ackermann said Britz's reappointment as an investigator in the prosecuting authority after these events would raise concerns. He added that it may also cause “potential leaking” of more sensitive information to Van der Merwe.

Britz took his life in November last year, according to reports at the time. Van der Merwe remains one of the prominent members of the Foundation for Equality.

The truth commissioners have asked the court to be allowed to make written and verbal arguments. The Southern African Litigation Centre and the Pan African Bar Association of South Africa have also filed papers to join as amici curiae because the case could set a precedent for victims of apartheid and lawyers who work on these cases.

Sooka said the commissioners believe that now that the NPA has admitted to political interference in its ranks, it's time for prosecutions to go ahead.

“The present proceedings demonstrate that — in the face of dogged and determined pressure from victims, families and civil society — the NPA may at long last have acknowledged the need to comply with its constitutional and statutory obligations to prosecute the politically motivated crimes of the apartheid era,” she said.

CIEDP's interim report within two weeks (The Himalayan Times) March 17, 2019

The Commission of Investigation on Enforced Disappeared Persons will be submitting an interim report to the government on progress made so far, within two weeks.

Through an amendment to the Transitional Justice Act, the government has extended the tenure of members of the two commissions — the other being the Truth and Reconciliation Commission — till April 13, and the tenure of the commissions by one year, with provision for one-year extension.

CIEDP Spokesperson Bishnu Pathak said the interim report would be divided into four sections—truth, justice, reparation and institutional reforms.

The ‘truth’ section will include complaints lodged with the commission, victims’ testimonies, and progress in investigation.

The ‘justice’ section will include procedures related to recording of statements from alleged perpetrators. The CIEDP formulated the procedures after recording the statements of victims.

This section will also include a report recommending action against perpetrators. This includes nature of action to be taken based on the type of rights violation.

The third section, ‘reparation’, will include procedure on the types of reparation such as social, cultural, personal and financial, among others. This section will also include matters such as distribution of identity cards to conflict victims.

Finally, the ‘institutional reforms’ section will include recommendations in terms of policy-level, ideological and procedural reforms to be implemented in the CIEDP to make it more effective.

Pathak said they would hand over the report to Prime Minister KP Sharma Oli if they could meet him. If not, they would forward copies of the report to Oli, Nepal Communist Party Co-chair Pushpa Kamal Dahal, and Nepali Congress President Sher Bahadur Deuba.

The CIEDP has completed first-phase of investigation — collecting evidence and testimonies from victims and filling reparation and ante-mortem data forms — into 85 per cent of the complaints.

The transitional justice mechanism formed to investigate conflict-era cases of enforced disappearances had received more than 3,000 complaints. Of them, it recommended just over 2,500 complaints for detailed investigation. It has so far completed first-phase of detailed investigation into 2,149 complaints coming in from 64 districts.

On the other hand, the Truth and Reconciliation Commission is unlikely to submit its report given its failure to hold a meeting following the resignation of its Chairman Surya Kiran Gurung and member Lila Udasi Khanal. TRC member Manchala Jha said the chairman and a senior member had resigned and the TRC had not been able to meet. The TRC has collected more than 60,000 complaints of rights violation.

The TRC and CIEDP were formed in 2015, but have failed to make substantial progress, thanks to lack of necessary legislation, human and financial resources crunch and internal weaknesses.

The two commissions have been saying they can function well only if there is Transitional Justice Act amendment in line with Supreme Court orders, adequate budget and human resources.

Parties undecided on appointment of officials at transitional justice bodies (The Kathmandu Post) March 19, 2019

Delays in the formation of a recommendation committee by the government will see two transitional justice bodies vacant following last month's amendment to the Enforced Disappearances Inquiry, Truth and Reconciliation Commission Act-2014, that will conclude the terms of existing officials beginning April 14.

But 25 days to deadline, the fate of the Commission of Investigation on Enforced Disappeared Persons, and the Truth and Reconciliation Commission established to investigate war-era crimes and human rights violations remain undecided as neither the government nor political parties have reached any conclusion.

Meanwhile, the chairman and a member of the Truth and Reconciliation Commission, one of the two transitional justice bodies, have already resigned from their positions.

A legal expert closely involved in the process said the parties are undecided whether to appoint members and chairpersons first or amend the Act as per the Supreme Court verdict and collect feedbacks from the victims before starting the selecting process.

The expert told the Post, on the condition of anonymity, that 21 issues have been listed for discussion with the victims and other stakeholders and that top leadership from the ruling Nepal Communist Party and the main opposition Nepali Congress have held discussions on different issues of transitional justice at least five times.

"Currently, the leaders from the ruling and opposition parties are giving final shape to the issues for the discussion," the expert told the Post.

Conflict victims, however, see the delays as a reluctance of both the government and the parties to conclude the transitional justice process, and fear that would further delay the investigation of war crimes and human rights violations.

"The Ministry of Law and Justice consulted us twice a month ago, but has not taken any feedback thereafter. Both the government and the political parties are not serious on concluding the transitional justice process," Suman Adhikari, former chair of the Conflict Victims Common Platform, told the Post.

People, who have close understanding of the process, say it could take at least a couple of months for the selection process to complete and that the commissions would remain without leadership at least for a month even if a recommendation committee is formed within a few days.

The government is required to form a five-member committee under former chief justice of the Supreme Court, National Human Rights Commission chair or a member recommend by the chair and three more members who are experts in the field of legal, constitutional and human rights.

Officials privy to the latest developments say the government is doing its homework and is serious about forming the recommendation committee at the earliest.

"The commissions might remain without the chairperson and members for some time but that should not last long," Ramesh Dhakal, secretary at the Prime Minister's Office and Truth and Reconciliation Commission, told the Post.

The Truth and Reconciliation Commission has received around 63,000 complaints but it has only completed preliminary investigation into 4,000 cases. Similarly, the Commission on Investigation of Enforced Disappeared Persons has conducted primary investigation into 2,200 cases out of 3,000 complaints registered with it.

Tunisia 'truth' commission says many rights abuse cases yet to reach court (Thomson Reuters Foundation News) By Tarek Amara
March 26, 2019

TUNIS, March 26 (Reuters) - A commission seeking justice for families of people who suffered torture and other rights abuses during decades of authoritarian rule in Tunisia complained on Tuesday of official obstruction and said a large number of cases had yet to reach court.

The Truth and Dignity Commission (IVD) was set up in 2014, three years after the toppling of autocrat Zine El Abidine Ben Ali in the Arab Spring revolt, to investigate abuses dating back to 1955, a year before Tunisia won its independence from France.

The commission, inspired by South Africa's post-apartheid Truth and Reconciliation Commission set up under President

Nelson Mandela, aimed to help Tunisians come to terms with their past but progress has been modest.

In its final report before being wound down, the commission said it had so far paid out only 3.3 million dinars (\$1.10 million) in compensation to families of people who had suffered rights violations such as arbitrary arrest and torture, though more money is expected to be paid out in coming months.

Many of the 62,000 cases of rights abuses the commission uncovered during its five years of work have still to come before the courts, the report said, without giving a figure.

But it managed to raise some \$250 million through deals with businesspeople it investigated, often in return for suspending judicial proceedings against them, the IVD said. These funds are also expected to go towards supporting victims' families.

The commission held 14 public and thousands of closed-door hearings for people who suffered during the rule of Ben Ali and his predecessor Habib Bourguiba, Tunisia's first president, but said authorities had often refused to deal with the panel.

"STATE WITHIN A STATE"

Tunisia's President Beji Caid Essebsi, who served under Ben Ali as parliamentary speaker, accused the IVD of acting like a "state within a state" and of increasing divisions instead of forging reconciliation. The IVD rejected such criticism.

"Presidential security prevented the commission from accessing the archives of the presidency," the IVD said in the report, which also accused Prime Minister Youssef Chahed of refusing to cooperate.

The presidency and the government could not be immediately reached for comment on Tuesday on the IVD report.

Despite the frustrations highlighted in the report, Tunisia remains the only Arab country to have transitioned smoothly to democracy since 2011, avoiding the wars that engulfed Libya and Syria or the authoritarian rule seen in Egypt.

The North African country has won praise for a democratic transition since 2011, holding free elections and guaranteeing fundamental rights in a new constitution in contrast to turmoil and return of authoritarian rule in the region.

The IVD said the rights violations it investigated had included rape, torture and financial crimes. Labour union members, Islamists and leftists were among the victims.

Those accused of carrying out the rights abuses include police officers, judges and relatives of Ben Ali.

Tunisian president accused of complicity in torture, Beji Caid Essebsi committed crimes while serving under Habib Bourguiba, commission alleges (The Guardian) By Ruth Michaelson

March 26, 2019

An independent commission set up to investigate crimes by the Tunisian state has accused President Beji Caid Essebsi of complicity in torture and his predecessor Zine al-Abidine Ben Ali of corruption.

A report by the Instance Verité et Dignité (IVD), or Truth and Dignity Commission, details the 92-year-old Essebsi's alleged responsibility for crimes committed while serving as a minister in the regime of Habib Bourguiba.

It also alleges extensive corruption by the former president Ben Ali, his extended family and wider network, including the misuse of public funds, and human rights violations including enforced disappearances and torture committed under his rule.

Tunisian authorities have frequently attempted to impede the work of the Truth and Dignity Commission since its creation in 2013. It is tasked with exposing decades of crimes committed between the last year of French rule in 1955 and the 2011 uprising that overthrew Ben Ali.

The body, modelled on South Africa's Truth and Reconciliation Commission, was designed to provide evidence to break with the country's past and help build a brighter future following the 2011 uprising, which ended decades of autocratic rule.

The IVD revealed in December that it had uncovered 62,720 cases of abuse, and has since referred at least 173 cases to a network of specialised courts intended to trial perpetrators, including former officials.

The commission alleges that Essebsi oversaw mass arrests and show trials against Bourguiba's political opponents following an attempted military coup in 1962, where Essebsi's brother Salah El-Din Caid Essebsi was appointed the government's defence lawyer in military trials that sentenced people to death or life imprisonment.

Essebsi is one of many ministers to criticise the commission's work, stating last year that he is "against settling scores of the past". His office did not respond to a request for comment on the report's findings when contacted by the Guardian.

The report states that those "acting on behalf of or under the protection of state agencies" bear responsibility for crimes committed on their watch, a nod to Essebsi's tenure as minister of the interior when torture was rampant, and details the killing of peaceful protesters during the uprising that toppled Ben Ali.

The exiled former president, now living in Saudi Arabia, was previously sentenced in absentia to 20 years in prison for the protesters' deaths. He and several members of his family have been sentenced for corruption in multiple cases since the 2011 uprising, most recently in 2017 when they were handed an additional 10-year sentence for misusing a state-owned nature park.

The report also includes findings from interviews with 1,782 Tunisian resistance fighters of crimes committed by occupying French forces before the end of French rule in 1956, and demands that France remove a military cemetery in Gammarth and replace it with a memorial.

But the commission's efforts to detail past crimes and bring those who committed them to justice have often been impeded by the government, including through a law originally proposed by Essebsi to allow officials previously accused of corruption to strike opaque deals with the authorities in exchange for immunity, and return to work.

The report lists government efforts to prevent the IVD accessing national archives to find evidence of past crimes, as well as pressure from a union of security service workers who rejected efforts by the commission to refer members to trial.

It also outlines a proposed overhaul of the Ministry of the Interior and demands extensive reforms to bring transparency and prevent the security services committing further crimes. Amnesty International and other human rights groups have frequently criticised the Tunisian government's unwillingness to reform its powerful security services since the 2011 revolution.

"Tunisia's authorities must demonstrate a clear political will to tackle impunity by protecting and enabling the specialized chambers dealing with transitional justice to carry out their work," said Fida Hammami of Amnesty International in Tunis. "The government must ensure that security sector members cooperate with transitional justice trials and that judges, victims and witnesses are protected from any act of intimidation or reprisal."

Tunisia will hold parliamentary and presidential elections later this year. Earlier this month, Essebsi called for changes to the country's constitution to grant further powers to the president.

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Terrorism

UNHRC Votes 23-8 for Arms Embargo and War Crimes Suit Against Israel (Jerusalem Post) By Tovah Lazaroff
March 24, 2019

The United Nations Human Rights Council voted 23-8 for an arms embargo against Israel and the prosecution of Israelis for war crimes over IDF actions along the Gaza border last year.

It was one of five anti-Israel resolutions which the UNHRC approved on Friday in Geneva as it wrapped up its 40th session.

Australia was the only country who voted against all five of the texts. Neither Israel or the United States are members of the council.

Australia, Austria, Brazil, Bulgaria, the Czech Republic, Fiji, Hungary, and the Ukraine all opposed the war crimes resolution on Gaza, which has been dubbed the "accountability" resolution.

There were also 15 countries that abstained from the accountability resolution: Argentina, the Bahamas, Croatia, Congo, Denmark, Iceland, India, Italy, Japan, Nepal, Rwanda, Slovakia, Togo, the United Kingdom and Uruguay.

Spain was the only European country out of the 47-member UNHRC, which voted in favor of the "accountability" resolution.

Togo meant to vote against the resolution but had abstained in error, according to Israel's Foreign Ministry.

“Israel notes with satisfaction that 9 countries voted against the biased resolution and that a moral majority of countries did not endorse the resolution. In effect, this is a vote of no confidence to the report,” the Foreign Ministry said.

“Israel will continue to exercise its right of self defense and will protect its citizens against terror and aggression.

Israel will not cooperate with the Council on the issue,” the Foreign Ministry added.

The “accountability” resolution calls for the approval of a 252-page report on IDF violence against the Hamas led weekly protests along the Gaza border, called the Great March of Return.

The report looked at the 189 Palestinian deaths and more than 6,000 injuries that occurred during the first nine months of the protest, which is still ongoing.

Israel has charged that these are violent riots and border infiltration attempts. Palestinian participants have launched hundreds of incendiary devices against southern Israel that has destroyed thousands of dunams of fields and forests. They report, in contrast, claims Palestinian participants were largely unarmed and were intentionally shot by the IDF.

Israel’s Ambassador to the UN Aviva Raz Shechter said the report ignored the threat the protests posed to the 70,000 Israelis who live near the Gaza border.

The biased nature of the report was most clearly evident its failure to ask Hamas “to stop sending women, children and others to sabotage the border” and to insisted that it stop using them as “shields for armed attacks,” Raz Shechter said.

The report did not ask Hamas “to stop sending militants to the border disguised as civilians” or to stop “sending explosive balloons into Israel,” she said. Nor did the report address the issue of halting explosive devices or stopping the Hamas supply of grenades and other explosives to protesters so they could attack IDF forces, she said.

PLO Ambassador Ibrahim Khraishi said the report showed “there has been deliberate killing and targeting of 189 civilians protected by the law, including 35 children and two journalists.”

He recalled that in a prior UNHRC debate the Israeli ambassador had spoken of an Israeli girl, who she said had been killed for being Jewish.

“We are against the targeting of civilians as a principle, be they Israelis or others. She [the Israeli Ambassador] did not refer to the killing of 35 [Palestinian] children. Does this mean that the killing of children for not being Jewish is acceptable?,” he asked.

What is at stake here is the question of whether civilians can be targeted, Khraishi said, If it is acceptable to target civilians within the context of the Gaza demonstrations, than no one’s home is safe. “Each of your homes will be targeted,” he said to the member states.

“The targeting of civilians is a serious matter that should not be condoned,” he said.

Khraishi blamed world-wide terrorism and extremism on Israeli impunity for its crimes. “This is the main reason behind all the chaos, the extremism, the killing all over the world from New Zealand to Norway to other world countries,” he said.

Extremism on the right is jeopardizing the safety of all countries, he said.

Australia Ambassador Sally Mansfield said the problem with the accountability resolution was that it failed to call for accountability for both Hamas and Israel.

“It is unacceptable that Hamas is not mentioned at all in this resolution,” she said.

Czech Republic Jan Kara said the resolution was “profoundly” unbalanced. “The Czech Republic does not share the assumption that the protests in Gaza that started in March of last year have been only civilian in nature. The resolution does not adequately reflect the responsibility of Hamas, let alone its accountability,” he said.

The report and its accompanying “accountability” resolution had initially been debated under Agenda Item 7, along with four other anti-Israel resolutions on Monday.

Israel has pushed for the elimination of Agenda Item 7, which holds that alleged Israeli human rights abuses must be debated under this line item at every UNHRC session. No other country is singled out in this way.

All other censure of countries for human rights abuses occurs largely under Agenda Item 4. Israel is the only other country

with more than one resolution tabled against it.

The United Kingdom and Denmark said on Thursday said that in protest over such bias, they would oppose all resolution tabled under Agenda Item 7.

At the last moment, in a minor nod to the growing European unease with Agenda Item 7, the “accountability” resolution was moved to Item 2.

This allowed Denmark and the United Kingdom to abstain rather than oppose the resolution.

Denmark, the United Kingdom and Australia all voted against the four anti-Israel resolutions under Agenda Item 7.

The votes on the other three resolutions was as follows. The resolution on the right of the Palestinian people to self-determination passed 41-3, with two abstentions.

The vote on the alleged Israeli human rights abuses in the Palestinian territories passed 39-3, with five abstentions.

The vote on Israeli settlements passed 32-5, with ten abstentions.

Edmonton judge rules Omar Khadr's war crimes sentence has expired (National Post) By Bob Weber
March 25, 2019

An Alberta judge has ruled that a war crimes sentence for former Guantanamo Bay prisoner Omar Khadr has expired.

An eight-year sentence imposed in 2010 would have ended last October had Khadr remained in custody.

But the clock stopped ticking when a judge freed him on bail in 2015 pending Khadr’s appeal of his military conviction in the United States.

Chief Justice Mary Moreau says the Youth Criminal Justice Act gives judges flexibility to consider bail conditions as part of a sentence.

She told an Edmonton court Monday that, with that in mind, she ruled Khadr has served his time.

The Supreme Court of Canada had already said the punishment handed Khadr for alleged acts committed in Afghanistan when he was 15 years old was to be a youth sentence.

Khadr’s lawyer Nathan Whitling had argued earlier this year that Khadr had served more than seven years in custody and on bail.

The Crown had argued Khadr should serve the remainder of his sentence in the community.

Whitling said the appeal of the sentence in the U.S. hadn’t moved forward at all and it would be unfair to use that against his client.

Omar Khadr tries new way to get out from under ‘indefinite’ sentence and bail

‘I didn’t expect it to take this long’: Omar Khadr in court seeking to ease bail conditions

Whitling also argued that the military commission that sentenced Khadr has been widely discredited by legal experts.

Khadr spent years in U.S. detention at Guantanamo Bay after he was captured and accused of tossing a grenade that killed special forces soldier Christopher Speer at a militant compound in Afghanistan in 2001.

Since his release on bail, Khadr has lived in Edmonton and Red Deer, Alta., without incident. The court had eased some of his initial bail conditions, but several remained in place.

Khadr could not have access to a Canadian passport and was banned from unsupervised communication with his sister, who lives in the former Soviet republic of Georgia. He also had to notify his bail supervisor before leaving Alberta.

Moreau said all the conditions are lifted.

Khadr’s case has ignited divisive debate among Canadians over terrorism, human rights and the rule of law since it was revealed in 2017 that the federal government settled a lawsuit filed by him for a reported \$10.5 million.

The payout followed a 2010 ruling by Canada's Supreme Court that Khadr's charter rights were violated at Guantanamo and that Canadian officials contributed to that violation.

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Piracy

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Gender-Based Violence

Mothers in South Sudan are teaching their daughters how to survive sexual violence (The East Africa Monitor) By Aaron Brooks
March 26, 2019

Sexual violence has become so common in South Sudan that mothers in the country are teaching their daughters how to survive being raped, according to Yasmin Sooka, chair of the UN Commission on Human Rights.

Speaking to the Human Rights Council in Geneva earlier this month, Ms Sooka spoke of the horrific violations taking place against women and girls in South Sudan as a culture of sexual violence continues long after a peace deal signed last year brought an end to military conflict.

"The risk of rape is so high in going out of the Protection of Civilians sites to forage for food and collect wood that they have had to teach their daughters how to respond to their rapists... to minimize the violence," Yasmin Sooka told the Human Rights Council in early March.

Throughout South Sudan's civil conflict, civilians have been routinely targeted by armed groups and the UN has previously described the level of sexual violence as "endemic".

Ms Sooka told the Commission that women have been the worst affected by South Sudan's conflict, pointing to investigations revealing large numbers of women who have been raped at the hands of both government forces and opposition troops – sometimes multiple times.

She said the Commission has documented countless cases of "brutal rapes including multiple gang rapes, sexual slavery, abductions, forced marriage, forced pregnancy, forced abortion, and mutilation of sexual organs, as well as killing."

"No one is safe – not young boys, the elderly or the disabled, as the belligerents break every societal norm that has long held the people of South Sudan together."

Accounts of sexual violence in South Sudan are nothing new; rights groups have been warning about the extent of attacks against women for years. In 2017, Amnesty International reported that "thousands of South Sudanese women and girls, and some men" had been raped in "ethnically-charged" attacks.

The ethnic nature of these attacks shouldn't be ignored, either. As Yasmin Sooka told the UN Human Rights Council earlier this month:

"These are not random incidents of sexual violence but a systematic widespread pattern and characteristic of the conflict in South Sudan, where rape and sexual violence are used as a tactic of warfare against women and girls by all of the warring parties to sow terror and fear amongst the civilian population."

These aren't opportunistic acts carried out in the lawless environment of war; they're ethnically-motivated attacks that were used as a tactic of war and continue to terrorise local communities, despite the signing of last year's peace deal.

The UN has warned the ongoing "widespread" human rights violations taking place in South Sudan may amount to war crimes. While the organisation acknowledges the progress made over the past year with regards to implementing the country's peace deal, it condemns the impunity human rights violators continue to enjoy in the country.

“We do acknowledge the efforts of the Government to hold some perpetrators accountable for gross violations of human rights and serious violations of international humanitarian law,” UN Commissioner Andrew Clapham said in Geneva in February.

“However, we also have to note that pervasive impunity remains the norm.”

The UN is urging South Sudan’s government to investigate cases of human rights violations and hold perpetrators accountable for their crimes. However, the government continues to shrug off revelations of human rights violations. Responding to Yasmin Sooka’s comments earlier this month, South Sudan’s justice minister, Paulino Wanawilla Unango, said the government was surprised by her comments, denying any knowledge of the issue.

“I was a little bit surprised,” he told the UN Human Rights Council “the chairperson went on again to state dramatically a serious situation of rape and gang rape, attacks and other things continuing.”

“We don’t know about the issue of raping and gang-raping.”

Instead of acknowledging and dealing with the pervasive issue of sexual violence in South Sudan, the government is asking for funds from the international community to implement its peace deal – a peace deal that clearly doesn’t involve holding human rights violators to account.

Speaking on International Women’s Day, Diplomat at the UK Mission to the UN leading on African issues, Jessica Philips, reiterated the South Sudanese government’s failure to address the ongoing persistence of sexual violence and other human rights violations.

“We cannot accept these brutal acts committed against mothers, sisters and daughters and we cannot allow impunity to persist,” she told the UN Security Council.

“Despite calls for the Government of South Sudan to take action to identify those responsible and hold them to account, this has not happened. Instead, in some instances, the organisations that provide support to the victims have come under attack by the Government,” she added.

“We call on the Government to uphold its responsibilities to protect civilians, and to thoroughly investigate all instances of sexual violence and bring those responsible for these crimes to justice.”

A dark legacy: The scars of sexual violence from the Kosovo War (Politico) By Valerie Plesch
March 26, 2019

Thousands of women were raped in Kosovo as Serb and ethnic Albanian forces fought for control of the territory two decades ago. Serb leader Slobodan Milošević’s forces used rape as a tool of war — their goal was to destroy Albanians’ honor and identity, according to researchers and activists. It’s a strategy that worked. Even though Kosovo eventually declared independence from Serbia, the war is not over for these survivors who still suffer in silence.

Shame and stigma in Kosovo’s conservative society prevent survivors of sexual violence from speaking out about the assaults. They often rely on doctors and counselors from the few NGOs in Kosovo who work in this area to tell their stories, in an attempt to heal and move forward with their lives. Some, after confiding in their spouses, have agreed to keep quiet; others feel they can’t share their stories even with loved ones.

Sunday, March 24 marked the 20th anniversary of the start of NATO’s 78-day bombing campaign to remove Milošević’s forces from Kosovo. Most of the war crimes — including rapes — happened between March and June 1999, as Serbian forces retaliated against the ethnic Albanian population in Kosovo. Men were also subject to sexual violence.

To date, no individual perpetrator has been jailed for rape committed during the war.

A 36-year-old wartime rape survivor in the woods near the home where she grew up in the Drenica region in central Kosovo. This survivor was 16 when she was raped by eight Serb policemen in the basement of a relative’s home in April 1999. After the end of the war, when she was 17, she married a much older man that her parents found for her, in hopes that marriage would ease her suffering. It didn’t.

She was anxiously waiting for news about the status of her application for a new government pension offered to survivors of sexual violence from the war. The new government pension of €230 a month for the rest of their lives (which is about average for a woman’s salary in the country), has been well received by survivors living in deep poverty and isolation.

To qualify, they must provide details of their assaults during a lengthy application process that requires evidence of rape,

including medical records, therapy notes, and witness testimonies. It is a grueling and agonizing process for the survivors that they must face if they want to be legally recognized as a civilian victim of the war. And even then, not all applications are approved by the government's verification commission. As of January, 119 out of 911 applications had been rejected and 190 had been approved. Only those who were raped between February 27, 1998 and June 20, 1999 are eligible to apply for the pension.

In February, this survivor received news that she'd made it through the application process, almost a year after submitting her application. "It's almost like a dream for me. If it is, I don't want to wake up. I've never felt better. Even though I can never forget what I [went through] at that time," she says, "this is still good news. It will help, especially my children."

Sanije Salihu holds a photo of her daughter, Vjollca, who was raped and tortured during the war. Vjollca disappeared one night in 1998 in her hometown of Gjakova in western Kosovo and it took weeks for her mother to find out that her daughter had been taken to a hospital in the Serbian capital Belgrade. Sanije brought her paralyzed daughter back to Kosovo and cared for her until Vjollca died of her injuries, including a damaged spinal cord, in 2006. Below, Sanije holds a photograph of her daughter before the war.

Two sisters who were raped at the same time during the war hold hands. They did not seek counseling from any NGOs and haven't told anyone about the rape besides their husbands. Feelings of shame and stigma prevent many survivors from speaking out about their assaults, in fear that their reputations would be destroyed. In some cases, wives and daughters have been kicked out of their homes after their families discovered they'd been raped.

A survivor holds her teenage daughter's hand. This survivor decided to share her story with her daughter a few years ago, as she could no longer bear the pain of keeping her rape a secret.

Luli (not his real name) is a male rape survivor who has received treatment and counseling from the Kosova Rehabilitation Centre for Torture Victims in Pristina, where he was photographed. This NGO is one of four in Kosovo that helps survivors of sexual violence. He was raped by Serb policemen when he was 21. After the rape, when he returned home bloodied and battered, he told his father what happened. His father's response: "We cannot tell anyone because the family's honor would be lost and we would have to leave this place."

Luli eventually married and after a few years with his wife, he decided to share his story with her. She left him the next day. He has since remarried and still has not disclosed his past to his second wife. Luli also applied to the new government pension for survivors, though he did so in secret.

Vasfije Krasniqi Goodman is the first survivor of sexual violence from the Kosovo war to share her story on television without hiding her identity. Last October, she told an audience in Pristina what happened to her almost 20 years ago when she was abducted and raped by a Serb police officer when she was only 16.

Her talk was televised nationally on Kosovo's public service broadcaster. Goodman now lives in Texas with her family and returned to her homeland to share her story. She continues to tell her story around the world as part of "Be My Voice," a campaign launched last June on the International Day for the Elimination of Violence Against Women by the the Kosova Rehabilitation Centre for Torture Victims. The aim of the campaign is to raise awareness on fighting prejudice and reducing stigma for survivors of sexual violence from the war. Goodman often shares a platform with other survivors of sexual violence from different conflicts around the world.

A survivor stands by the window in her home in a village in western Kosovo, near the border with Albania.

Kosovo's first female president, Atifete Jahjaga, holds hands with a wartime rape survivor during a visit to the office of the NGO Medica Gjakova in Pristina. Jahjaga's term, which ended in 2016, was critical in advancing the recognition of survivors of sexual violence as civilian war victims, demanding more support for them from both the government and society. Today, she continues to support the survivors by sharing their stories around the world.

Survivors participate in a group therapy session with counselors from Medica Gjakova. In many cases, survivors must travel from their remote villages in secret to receive therapy and meet with fellow survivors.

'I Am Doing This for Every Place Where Rape Is a Weapon of War.' Meet the Woman Documenting Sexual Violence Against Myanmar's Rohingya (Time) By Laignee Barron

March 27, 2019

When Rohingya refugees began fleeing into Bangladesh in 2016 and 2017, lawyer and activist Razia Sultana found herself on the frontline of a sexual violence epidemic.

The Myanmar military, in its scorched-earth campaign against the Muslim minority, laid waste to entire villages, carried out massacres and lined up women to be raped, according to U.N. investigators, who have called for the alleged crimes to be prosecuted as genocide. As the exodus swelled to more than 770,000, Razia Sultana got to work documenting the violence.

Born in Maungdaw, Myanmar, Razia Sultana grew up in Bangladesh where she has worked for the Rohingya community as an educator, campaigner and interpreter. After interviewing hundreds of rape survivors, she established the Rohingya Women's Welfare Society to provide counseling and respond to issues of domestic violence, child marriage and women's health. Last year, she testified before the U.N. Security Council, and on March 7, the State Department honored her with a prestigious International Women of Courage Award.

She spoke with TIME by phone shortly after receiving the award in Washington, D.C.

Caution: The below interview contains graphic material that may be distressing to some readers.

How did you start documenting sexual violence against Rohingya women and girls?

After the 2016-2017 refugee influx it was just crazy. I had to help the women. They were sharing with me their experiences of being raped, being mutilated and watching their loved ones be killed or beaten because they were not very comfortable speaking with the men.

What prompted you to start writing reports about it?

In 2014, my friend gave me a report about the Burmese army's use of violence as a sexual weapon called "License to Rape." Then in 2016, when the Rohingya refugees came fleeing into Bangladesh, it was a surprise for me to hear the extent of the violence experienced. I was helping translate some interviews for [Rohingya media organization] Kaladan Press and after a few of these interviews it became clear to me that most of the women had faced sexual violence, abuses, harassment and rape. I told my editor, "We need to do a report like 'License to Rape.'" And he said, "Ok, can you do it?"

Do the women want this sexual violence documented?

Some women are very angry and say, "Why are we hiding this?" Some are brave. Some have chosen to keep quiet.

It has been difficult for me also. After some of the interviews I have had nightmares. Sometimes I just cry and cry and I don't even know why. Sometimes I need to get out of Cox's Bazar because I feel so sad. I went to my doctor and he asked me, "What is it that you want to do?" And I told him that I want to help my people. And he said, "Ok, you must be strong then."

Within the Rohingya community, how openly is this issue discussed?

There is a lot of shame. The women are concerned about their family's reputation. They have a fear of going to the doctor. They are afraid of even being seen going to a doctor.

In 2016, one of the women I was taken to speak with was an unmarried young girl. She couldn't even move, she was bleeding everywhere. I asked my source how could you bring me here and not just take her to the doctor?

How supportive are the families?

Some husbands and families are good, but some families don't accept their wives or unmarried daughters who have been raped. You can say it's 50-50. So many women are not expressing their situation even after they find out they are pregnant. We have found 5 or 6 babies in the dustbin.

How did you determine that the sexual violence was systemic, or as your report says, that "rape by command" was happening?

It's an old tactic of the Myanmar Army in ethnic areas. First they target the women and then the people will leave. Rape as a war tactic is meant to create fear. People see the military taking their girls, so they think we don't need our houses, we need to save our girls and our family's reputation. So they leave their houses. They leave their land. They leave their country.

The violence is clearly not about individual sexual desire. This is a group effort. They are lining up women young and old and raping them. In 2016, while compiling my report "Witness to Horror," I met a 14-year-old girl who was raped by more than 30 soldiers. The army is cutting women's breasts off, gouging out their eyes. This is not just rape. This is a weapon to punish the community.

Rape tends to be one of the most under-reported war crimes. What do you hope to change by bringing attention to its use against Rohingya?

I am doing this for every place in the world where rape is a weapon of war, not just Myanmar, but also Sri Lanka, Bosnia, Ghana and others. We want justice. There must be an international law. Armies must be held accountable. How in the 21st Century are women still facing this level of violence without any [recourse] to accountability?

The Rohingya, Burma's Forgotten Muslims by James Nachtwey

Aung San Suu Kyi shocked many in the West by continuing to stand with the military rather than condemning the atrocities. What do you make of this?

This is very complicated for me because we struggled for her, so why is she quiet about our suffering? She is also responsible for what has happened. Sure, she has no power. She is a puppet of the army government. But still, she is the democratic leader, so it is her responsibility to know what is happening inside her country. The army is killing innocent people and she says she knows nothing? Maybe she is afraid to raise her voice because she was imprisoned and now that she got her emancipation she doesn't want to lose power.

What is life like for Rohingya women who fled to Bangladesh and are now living in the world's largest refugee camp?

It's a jail. The women can't move around, they can't get much access to health care, or to education. It's not a life. They cannot even go outside their tents, which are not even real tents, they are temporary shelters. Rohingya society is very conservative, so when there is no fence, no privacy, the women just stay inside, cooking, dreaming of their previous life.

At night, the women face security problems going to the toilet. They can't go alone. There is a lot of harassment, which is just more mental torture for them.

They have nothing to do in the camps. One day is like one year. Inside the camps, they have no future and are living like animals.

The youth especially, are depressed, with no jobs, no education. So they are vulnerable to traffickers, who promise jobs, marriage, anything.

What could the international community, countries like the U.S. be doing?

We need the International Criminal Court to investigate and put pressure on the Myanmar government and military to stop the atrocities. Myanmar does not have the right to make an entire community stateless. And secondly, the Rohingya are not just Bangladesh's burden. The whole international community needs to step up to this problem.

America has still not accepted that what is happening to the Rohingya is genocide and that the sexual violence against women is part of that genocide. Strong economic sanctions could maybe change some things because all the big Myanmar companies are owned by the military. America could do this, and could revoke the rights of the military and the military's children to go to the U.S.

What's next for you?

We need to rebuild our political agenda and our political voice. The U.N. and Bangladesh are always proposing solutions for the Rohingya. But the Rohingya issues need to be solved by Rohingya. The community knows what's best. We need to organize the political representation, and establish a clear diplomatic position. Previously, I did not want to be a politician, but now I see it as necessary. We have many capable leaders who can express our agenda. I can help. I can be part of that political group.

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Commentary and Perspectives

US bars entry to ICC members probing 'war crimes' in Afghanistan (Al Jazeera). By Al Jazeera
March 15, 2019

"The ICC is attacking America's rule of law," Pompeo told reporters in Washington on Friday.

"I'm announcing a policy of US visa restrictions on those individuals directly responsible for any ICC investigation of US personnel.

"We are determined to protect the American and allied military and civilian personnel from living in fear of unjust prosecution for actions taken to defend our great nation."

US officials have long regarded the Netherlands-based ICC with hostility, arguing that American courts are capable of handling any allegations against US forces, and Pompeo framed the action against the ICC as necessary to prevent the international tribunal from infringing on US sovereignty.

"These visa restrictions may also be used to deter ICC efforts to pursue allied personnel, including Israelis, without allies' consent," he added.

Pompeo said the policy was already being implemented but would not elaborate, citing visa privacy laws.

"These visa restrictions will not be the end of our efforts," he said. "We're prepared to take additional steps, including economic sanctions, if the ICC does not change its course."

Pompeo's announcement was the first concrete action the US has taken against the ICC since the White House threatened reprisals against the body last year.

The Hague-based court, the first global tribunal for war crimes, issued a statement saying it would continue to operate "undeterred" by the US action.

"The court is an independent and impartial judicial institution crucial for ensuring accountability for the gravest crimes under international law," the statement said.

"The ICC, as a court of law, will continue to do its independent work, undeterred, in accordance with its mandate and the overarching principle of the rule of law."

The US has never joined the ICC, where a prosecutor, Fatou Bensouda, asked judges in November 2017 to initiate an investigation into alleged war crimes and crimes against humanity committed by Afghan national security forces, Taliban and Haqqani network fighters, as well as US forces and intelligence officials in Afghanistan since May 2003.

The prosecution's request said there is information that members of the US military and intelligence agencies "committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence against conflict-related detainees in Afghanistan and other locations, principally in the 2003-2004 period".

Judges are reviewing all material submitted by the prosecutor, and must decide whether to authorise an investigation.

The Palestinians have also asked the court to bring cases against Israel.

Al Jazeera's Patty Culhane, reporting from Washington, said ICC investigators were also seeking to probe the US military's conduct "not just in Afghanistan, but also in black sites that we now know was spread across the globe, where [people] were held in secret detention for months, and where some say detainees were tortured".

Supporters of the court slammed Pompeo's announcement on Friday.

Human Rights Watch called it "a thuggish attempt to penalise investigators" at the ICC.

"The Trump administration is trying an end run around accountability," it said.

"Taking action against those who work for the ICC sends a clear message to torturers and murderers alike: Their crimes may continue unchecked."

Amnesty International described the move as "the latest attack on international justice and international institutions by an administration hellbent on rolling back human rights protections".

The American Civil Liberties Union, which represents three people before the ICC who say they were tortured in Afghanistan, called the decision "misguided and dangerous" and "an unprecedented attempt to skirt international accountability for well-documented war crimes that haunt our clients to this day".

James Goldston, executive director of the Open Society Justice Initiative, said Pompeo's remarks reflected the administration's view that international law matters "only when it is aligned with US national interests".

With 123 member states, including the entire European Union, the ICC was established in 2002 to prosecute war crimes, genocide or crimes against humanity when a country is unable or unwilling to prosecute perpetrators.

Other major powers, including Russia and China, are not members.

Israel says U.N. Gaza war crimes report biased against it (Reuters) By Jeffrey Heller

March 21, 2019

Israel said on Thursday a U.N. report critical of its use of lethal force during Palestinian protests on the Gaza border was biased and should have included a demand that the enclave's dominant Hamas group take action to stop anti-Israeli violence.

A U.N. Commission of Inquiry on the demonstrations, which began nearly a year ago, said this week that Israel should investigate the shootings of more than 6,000 people, far beyond the criminal inquiries it has announced into 11 killings.

Issuing an official response to the commission's report, Israel said it had "serious concerns about the factual and legal analysis conducted by the commission, its methodologies and the clear evidence of political bias against Israel".

Gaza health authorities say some 200 people have been killed and thousands injured by Israeli fire since Palestinians launched the protests. One Israeli soldier was shot dead by a Palestinian sniper along the frontier.

Protesters have been demanding the lifting of an Israeli blockade of the territory and a right to return to land from which their ancestors fled or were expelled. Israel has said it has no choice but to use deadly force to defend the frontier.

Addressing the U.N. Human Rights Council in Geneva on Monday, the inquiry commission's chairman, Santiago Canton, called on Israel, which boycotted the day-long debate, to review immediately its military's rules of engagement.

Israel's response, published on its Foreign Ministry's website, said the commission's "bias is most evident in (its) absolute failure ... to make recommendations concerning Hamas".

The militant group, Israel said, sends women, children and others to sabotage the Israeli security fence along the frontier and to act as shields for armed attacks. Balloons and kites have been flown across the border into Israel to start fires.

"If the commission seriously wished to provide an objective report that would contribute towards human rights and the safety of individuals, (it) would have seen fit to demand Hamas take action in the context of these events," Israel said.

Asked about the Israeli allegations, Sami Abu Zuhri, a Hamas official in Gaza, said "most of those killed were hit hundreds of meters from the fence - evidence that Israeli soldiers had deliberately targeted them".

A summary accompanying the 252-page report said protest organizers "encouraged or defended demonstrators' indiscriminate use of incendiary kites and balloons", and Gaza's de facto authorities did not stop such acts.

The Human Rights Council, a 47-member forum, is due to vote on Friday on four resolutions related to the occupied Palestinian territories.

European states are divided on the resolutions, including a text related to the Gaza inquiry, with some expected to vote against and others abstaining, diplomats said.

The United States, Israel's closest ally, quit the Geneva forum last year over what it says is bias against Israel.

Gaza is home to 2 million Palestinians, mainly stateless descendants of people who fled or were driven from Israel on its founding in 1948. Israel captured Gaza in a 1967 war but pulled out troops and settlements in 2005. Hamas took control in 2007.

Since then, Israel has fought three wars against the Islamist group and, along with Egypt, imposed a blockade of the territory that the World Bank says has collapsed its economy.

Islamic State 'caliphate' defeated, yet threat persists. (Reuters) By Rodi Said

March 23, 2019

U.S.-backed forces proclaimed the capture of Islamic State's last territory in Syria on Saturday, eliminating its rule over a self-proclaimed "caliphate", but the jihadists remain a threat from sleeper cells around the world.

Originally an offshoot of al Qaeda, IS took large swathes of Iraq and Syria from 2014, imposing a reign of terror with public beheadings and attacks by supporters abroad - but it was eventually beaten back to the village of Baghouz.

“We announce today the destruction of the so-called Islamic State organization and the end of its ground control in its last pocket in Baghouz,” Syrian Democratic Forces (SDF) general commander Mazloum Abdi told a victory ceremony.

SDF fighters, who besieged Baghouz for weeks while planes pounded from above, paraded in memory of 11,000 comrades killed in years of fighting against IS.

A band played the American national anthem.

Despite the euphoria, some shooting and mortar fire continued on Saturday morning, according to a Reuters journalist at Baghouz. And Abdi warned the campaign against the militant’s more hidden threats must continue.

Some IS fighters still hold out in Syria’s remote central desert, and in Iraqi cities they have slipped into the shadows, staging shootings or kidnappings.

The United States believes the group’s leader, Abu Bakr al-Baghdadi, is in Iraq. He stood at the pulpit of the medieval mosque in Mosul in 2014 to declare himself caliph, sovereign over all Muslims.

Further afield, jihadists in Afghanistan, Nigeria and elsewhere show no sign of recanting allegiance, and intelligence services say IS devotees in the West might plot new attacks.

Still, the fall of Baghouz is a big milestone in a fight waged against the group for more than four years by numerous local and global forces, some of them sworn enemies.

France and Britain, which also back the SDF, welcomed the developments, though U.S. officials acknowledged work remained.

In a separate statement Saturday, President Donald Trump said the region had been “liberated,” but added the United States will remain vigilant.

“While this is a critical milestone in the fight against ISIS, we understand our work is far from complete,” acting U.S. Defense Secretary Patrick Shanahan said in a statement.

The capture of Baghouz marked a big moment in Syria’s eight-year war, wiping out one of the main contestants’ territory, with the rest split between President Bashar al-Assad, Turkey-backed rebels and the Kurdish-led SDF.

Assad and Iranian allies have sworn to recapture all Syria, while Turkey has threatened to drive out the SDF, which it sees as a terrorist group. The continued presence of U.S. troops in northeast Syria might avert this.

In his speech, Abdi urged Assad to recognize autonomous administration in areas controlled by the SDF and Turkey to quit areas of northern Syria it has taken over.

Islamic State originated as an al Qaeda faction in Iraq, but took advantage of Syria’s civil war to seize land there and split from the global jihadist organization.

In 2014, it grabbed Iraq’s Mosul, erased the border with Syria and called on supporters worldwide to join a jihadist utopia, complete with currency, flag and passports.

Oil production, extortion and stolen antiquities financed its agenda, which included slaughtering some minorities, slave auctions of captured women, grotesque punishments for minor crimes, and the choreographed killing of hostages.

Those excesses drew an array of forces against it, driving it from Mosul and the Syrian city Raqqa during a year of heavy defeats in 2017 and driving it down the Euphrates to Baghouz.

Over the past two months, some 60,000 people poured out, fleeing SDF bombardment and a shortage of food so severe that some were reduced to cooking grass.

Intense air strikes leveled entire districts and, according to rights groups, killed many civilians.

Civilians made up more than half the people leaving Baghouz, the SDF said, including women from the Iraqi Yazidi sect whom the jihadists sexually enslaved.

Thousands of the group’s unbending supporters, including many foreign women who married jihadists, also abandoned the enclave. At displacement camps the SDF had to keep them away from other, often traumatized, residents.

Their fate has befuddled foreign governments, who see them as a security threat and are loath to accede to SDF entreaties to

repatriate them.

As the fighting progressed, convoys of trucks from Baghouz started to include hundreds, and then thousands, of surrendering jihadist fighters, many hobbling from their wounds.

The SDF said it captured hundreds more in recent weeks who tried to slip through its cordon and escape into Iraq or across the Euphrates and into the Syrian desert.

At the end, they were holed up in a tiny enclave from which they released a video showing fighters still shooting with smoke billowing above - an attempt to portray their last stand as heroic and a call to arms for future jihadists.

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WORTH READING

p align="left"> **Trafficking: A Development Approach**

Prabha Kotiswaran

Faculty of Laws University College London Law Research Paper No. 4/2019

March 15, 2019

Almost twenty years since the adoption of the Palermo Protocol on Trafficking, anti-trafficking law and discourse continue to be in a state of tremendous flux and dynamic evolution. While the efficacy of using criminal law to tackle an irreducibly socioeconomic problem of labour exploitation was always suspect, scholars and activists alike sought to remedy the excesses of a criminal justice approach by articulating a human rights approach to trafficking. Arguing that this did not go far enough, labour law scholars called for a labour approach to trafficking in order to forefront the role that a redistributive mechanism like labour law could perform in supporting the agency of workers to counter vulnerability to trafficking. Since then, trafficking has evolved into a development issue with the articulation of Sustainable Development Goal 8.7 around which international organisations have mobilised considerable resources. Influential actors believe that bringing development to countries of the Global South will help them eliminate 'modern slavery'. My paper instead builds on the critique of the developmental project to elaborate on the key elements of a development approach to trafficking, one which is rooted in the realities of the developing world and which recognizes the fundamentally different configurations of the state, market, civil society and legal system in the Global South. Using the example of India, I argue that conventional regulatory responses to 'trafficking' and 'modern slavery' must be fundamentally rethought and that an uncritical reliance on a criminal law approach to trafficking must be replaced by efforts to implement domestic labour and social welfare laws which are themselves the result of long-term struggles for decent work and against extreme exploitation.

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