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

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#### **The EU Remains Positive About Libyan Migration Cooperation Despite Horrific Human Rights Abuses (Forbes) By Fred Lindsay**

January 26, 2022

**A confidential EU report has revealed the European Union is keen to continue building up Libya's military capacity, so they may more effectively intercept migrants attempting to cross into Europe. While not surprising, this report provides a rare insight into how the EU is nurturing a partnership with what is effectively a failed state.**

The report, a copy of which was obtained by the Associated Press, was prepared by the head of the EU's Operation Irini, which was set up to enforce an arms embargo against Libya in 2020. It reveals how EU authorities are well aware of the 'excessive force' used against migrants by the Libyan Coast Guard when intercepting migrant boats (a rather euphemistic term in light of video documentation of the the Coast Guard literally shooting at migrant boats). It shows the clarity with which the EU is reconciling continued human rights abuses with the perceived political need to prevent people from reaching Europe's shores.

The EU claims such cooperation is necessary to ensure migrants don't perish in the Mediterranean. The EU has however largely ended its own Mediterranean search and rescue operations over the past few years, the point being that if an EU vessel rescues people, they are legally obliged to bring them to Europe, whereas Libyan vessels are allowed to drag them back. The stated reason for this discrepancy is again to prevent dangerous crossings from taking place at all, the logic being that the chance of being rescued and taken to Europe acts as an incentive for people to attempt riskier crossings. Such a concern for the well-being of migrants is somewhat dissonant, however, with the well-documented human rights abuses - including rape, torture, forced labor and the death of children - carried out against migrants at sea and in Libyan detention centers.

The EU has a long history of outsourcing migration control despite claims of human rights abuses. In 2019 funds for the so-

called 'Khartoum Process' were suspended amid growing unrest in Sudan. Officially known as the EU-Horn of Africa Migration Route Initiative, the Khartoum Process was described as a 'capacity-building' venture, wherein the EU sent money mainly to the Sudanese authorities, so they could build up their local infrastructure to deal with migrants passing through on their way further North. In practice, say observers, the Process was merely a way for the EU to pay another country to stop people trying to make it further. With little effective oversight into how the funds were disbursed into Sudan, it became hard for the EU to prove the money wasn't being diverted into the hands of the Bashir-linked paramilitary Rapid Support Forces, a group known for terrorising Sudanese and migrants alike.

Perhaps most well-known in this light is the EU-Turkey Statement and Action Plan, more commonly known as the 'EU-Turkey Migration Deal.' Brought in amid the 2015-2016 surge in migration known as the 'Migrant Crisis,' the deal saw the EU pay Turkish President Erdogan billions of euros to close Turkey's borders into Greece, and step up patrolling in the Aegean sea. Unlike the Khartoum Process, the funds in this programme typically were disbursed through local NGOs, so it's harder to say they went directly into Turkish coffers. Nonetheless, the EU has had to look the other way when faced with many alleged human rights abuses committed by Turkish authorities against Syrian refugees, as well as the various ways President Erdogan has attempted to weaponise migrants against the EU. Despite all this, the EU has made it clear they wish to continue the arrangement, with the political consequences of opening borders once more clearly outweighing concerns over the cost to human life and well-being.

**Deja vu as EU continues to return refugees to indefinite detention and torture (Irish Times)** By Sally Hayden  
January 29, 2022

**This week, there was a sense of deja vu in the European Parliament. It came on Thursday, during a broadcast of a hearing in the Subcommittee on Human Rights, where diplomats, politicians, a journalist and United Nations human rights officials spoke about the situation for refugees and migrants in Libya.**

The discussion was almost exactly the same as one that happened more than three years ago, at the end of 2018. At that time, too, EU officials reiterated that they cared about human rights. Then, too, they were talking about institution building and the possibility of elections uniting Libya and making it easier for the European Union to work with any new government to improve the situation there (a general election scheduled for 2018 was indefinitely postponed because of conflict; last December, they were once again indefinitely postponed, this time because of disagreements around who could contest and how it would be run).

Libya has been in turmoil since the 2011 revolution, when long-standing dictator Muammar Gaddafi was ousted and killed. The country is currently effectively split between two governments but militias hold a lot of sway.

Yet, the EU continues to pump money into stopping refugees from leaving there: equipping and training the Libyan coastguard, as well as using aerial assets to spot refugee boats so they can direct the Libyans to them. Since 2017, almost 90,000 men, women and children have been intercepted on the Mediterranean Sea, trying to reach safety in Europe, and forced back to indefinite detention in Libya, where they are victims of torture, abuse, extortion, food deprivation and sexual violence.

The UN says more than 12,000 refugees and migrants are currently locked in centres that Pope Francis has decried as "concentration camps". Legal evacuations, which were supposed to take refugees to safe countries, were initially slow because of a lack of other states offering spaces; they then went on hold completely due to the pandemic.

The only Irish contribution in Thursday's hearing came from Fine Gael MEP Deirdre Clune, who seemingly missed the point when she called what she heard "interesting" and said: "I think what we've heard is the approach from the EU is a very human rights point of view and if we focus on that maybe, and trying to support structural reform, institutional reform, [that is a] path forward."

In 2019, all of Fine Gael's MEPs – Mairead McGuinness, Maria Walsh, Frances Fitzgerald and Sean Kelly – voted against a resolution that would have called on the EU to assess allegations of serious fundamental rights violations by the Libyan coastguard and to suspend support if there were no clear guarantees that human rights were being complied with. The resolution only failed to pass by two votes.

Over the past few years, there have been multiple submissions to the International Criminal Court calling for European and Libyan officials, along with others culpable for abuses in Libya, to be investigated for crimes against humanity. In October, an independent fact-finding mission appointed by the UN Human Rights Council produced a report saying there is evidence of crimes against humanity and war crimes being committed against forcibly returned refugees and migrants.

“Migrants, asylum seekers and refugees are subjected to a litany of abuses at sea, in detention centres and at the hands of traffickers,” said human rights expert Chaloka Beyani, delivering the report in October. “Our investigations indicate that violations against migrants are committed on a widespread scale by state and non-state actors, with a high level of organisation and with the encouragement of the state – all of which is suggestive of crimes against humanity.”

This week, the Associated Press made public a classified EU military document about the Libyan coastguard’s activities between August and November last year, during which time nearly 6,000 people were intercepted. The Libyan coastguard was found to be “constantly active”, and the document indicated that EU support will continue well into the future. It spoke about plans to continue providing them with vessels into 2023, as well as “capacity building and training”. Despite this, it also spoke about the Libyan coastguard’s “excessive use of physical force . . . against migrants” and the coastguard using tactics “not in compliance with the training provided”.

In Libya, refugees stuck in a merciless cycle between traffickers, detention centres and forcible returns have tried to take a stand, with brutal results. A historic protest began last October after roughly 5,000 migrants and refugees were rounded up in Tripoli and locked up in detention centres, while at least seven were killed. Those who escaped made their way to an office of the UN High Commissioner for Refugees, but found the doors closed to them (staff cited “safety” concerns and the office was later shut down completely). Instead, the desperate refugees spent three months camped outside, calling for evacuation to safe countries.

This month, the protest came to a violent end when about 600 people were rounded up and incarcerated again, and at least one shot.

Yet the interceptions continue. By January 22nd, 604 new people had been intercepted at sea this year. “There are more visitors to a certain theme park in Romania on a certain day than there are to the EU in an entire year of arrivals from from Libya,” said Ben Lewis, a human rights officer from the Office of the UN High Commissioner for Human Rights in Thursday’s hearing. So why are the abuses continuing?

### **Libya/EU: Conditions remain ‘hellish’ as EU marks 5 years of cooperation agreements (Amnesty International)**

January 31, 2022

#### **Over 82 000 refugees and migrants returned to Libya since deals were struck**

Conditions for refugees and migrants in Libya ‘hellish’

The European Union must stop helping to return people to hellish conditions in Libya, Amnesty International said today as the bloc marks five years of formal cooperation to intercept refugees and migrants attempting to cross the Mediterranean. The number of people intercepted at sea and returned to Libya in the last five years is over 82 000.

Men, women and children returned to Libya face arbitrary detention, torture, cruel and inhuman detention conditions, rape and sexual violence, extortion, forced labour and unlawful killings. Instead of addressing this human rights crisis, the Libyan Government of National Unity (GNU) continues to facilitate further abuses and entrench impunity, as illustrated by its recent appointment of Mohamed al-Khoja as director of the Department for Combating Illegal Migration (DCIM). Al-Khoja was previously in effective control of the Tariq al-Sikka detention centre, where extensive abuses have been documented.

“It is high time to put an end to this callous approach, which shows a complete disregard for people’s lives and dignity. Instead, rescue efforts must ensure people are taken to a place of safety, which, as reiterated by the UN Secretary-General just days ago, cannot be Libya.” The EU started assisting the Libyan Coast Guard in 2016, and interceptions began the same year. Cooperation increased with the adoption of a Memorandum of Understanding between Italy and Libya on 2 February 2017 and the adoption of the Malta Declaration signed by EU leaders in Valletta just a day later.

The agreements provide the bedrock for continuing cooperation that outsources the patrolling of the central Mediterranean to Libyan coastguards by providing speedboats, a maritime coordination centre, and training. The agreements were followed by the establishment of a large sea area where the Libyan Coast Guard is responsible for coordinating search and rescue operations. These arrangements, overwhelmingly funded by the EU, have since enabled Libyan authorities to disembark people intercepted at sea in Libya, despite it being unlawful to return anyone to a place where they face serious abuse.

Migrants and refugees both in and outside of detention in Libya are systematically subjected to a litany of abuses by militias, armed groups and security forces with impunity. On 10 January 2022, militias and security forces fired live ammunition at refugees and migrants camped in front of the Community Day Centre of UNHCR in Tripoli, and arbitrarily arrested hundreds. They are held in overcrowded and unsanitary conditions in the Ain Zara detention centre in Tripoli, where guards subject them to further abuses and deny them adequate food and water. The migrants and refugees had been staging a sit-in outside the Community Day Centre building since October 2021 calling for protection in response to a previous raid by militias and

security forces that saw thousands rounded up and many others left homeless.

“Italy and the EU must stop aiding these appalling abuses and start ensuring that people at risk of drowning in the central Mediterranean are rescued promptly and treated humanely,” said Matteo de Bellis.

## Background

In 2021, Libyan coastguards — supported by Italy and the EU — captured 32,425 refugees and migrants at sea and returned them to Libya. This is by far the highest figure on record and three times the number recorded the previous year. During the year, 1,553 people died or disappeared at sea in the central Mediterranean.

In a report dated 17 January 2022, the Secretary-General of the United Nations said he felt “grave concern” at continuing human rights violations against refugees and migrants in Libya, including instances of sexual violence, trafficking and collective expulsions. The report confirms that “Libya is not a safe port of disembarkation for refugees and migrants” and reiterates a call to relevant Member States “to re-examine policies that support interception at sea and return of refugees and migrants to Libya”. The report also confirms that the Libyan Coast Guard has continued to operate in ways that put the lives and well-being of migrants and refugees attempting to cross the Mediterranean Sea at grave risk.

Despite acknowledging this, an internal report by the Commander of the EU naval operation Eunavfor Med Irini, leaked by the Associated Press on 25 January 2022, confirms plans to continue capacity-building programmes for Libyan coastguards.

Italy’s current deal with Libya expires in February 2023 but will renew automatically for another three years unless authorities cancel it before this November, as Amnesty International is calling on the Italian government to do.

### **Libya: Refugees and asylum seekers detained after closure of UNHCR centre in Tripoli (France24)**

By Pariesa Young

February 2, 2022

**Since a wave of arrests targeting migrants in October 2021, hundreds of people began camping outside a UN High Commissioner for Refugees (UNHCR) centre in Tripoli, Libya. This came to an end on January 10 when the centre closed, deemed inoperable by UNHCR due to the accumulation of refugees and asylum seekers outside its doors. That same day, Libyan police carried out an operation to expel the people camped out there, detaining hundreds of them in a detention centre, where they've remained for weeks.**

Mistrust has continued to grow between migrants and Libyan security forces since hundreds of them were violently evicted from their homes in October 2021 and some placed in detention centres. The situation worsened after the UNHCR centre closed on January 10, 2022. The police then intervened brutally, as our Observer, David Yambio, a South Sudanese migrant, tells us:

When the police and the vehicles arrived, it brought about tensions. People were afraid. They blocked access to the street in and out. They blocked passage for even Libyan citizens. There were no cars moving, only military vehicles.

Tensions rose and the [Libyan] armed guards were shooting in the air and firing at people, tearing apart tents. They started to kick people and hit them with their guns.

These people were attacked, they were rounded up, they were beaten. They were forcibly packed in these buses and then taken to different locations. Some were taken to detention centres.

At least 600 people were taken to the Ain Zara detention centre, south of Tripoli. Some of those detained had “stab wounds, beating marks, and [were] separated from children”, Doctors Without Borders told the Middle East Eye.

Most refugees are now detained in Ain Zara. They don’t have access to toilets. They are not given clean drinking water. They don’t have enough food to eat. They don’t have blankets and mattresses to sleep on. These are kinds of torture: human rights violations. We cannot describe it, it’s something unimaginable.

The press office of UNHCR contacted our editorial team to specify that “distribution of cash aid, food assistance, hygiene kits, and counselling was never interrupted despite suspension of activities at the CDC, and was undertaken in different distribution points in Tripoli, including to vulnerable persons gathering outside the CDC”.

### **Security Council sanctions: from blunt instrument to vital tool (UN News)**

February 7, 2022



**United Nations Security Council sanctions are no longer the “blunt instrument” they once were, having transformed since the 1990s into “a vital tool” that minimizes negative consequences for civilians, and States that are not directly being targeted.**

That was the main message the Under-Secretary-General for Political and Peacebuilding Affairs, Rosemary A. DiCarlo, conveyed on Monday to the Security Council during Monday’s debate on sanctions, focused on the unintended consequences that stem from them, especially in the humanitarian context.

According to Ms. DiCarlo, there are currently 14 Council sanctions regimes in place around the world.

These sanctions measures support conflict resolution in Libya, Mali, South Sudan and Yemen; deter unconstitutional changes of government in places like Guinea Bissau; and curb the illicit exploitation of natural resources that fund the activities of armed groups in the Central African Republic (CAR), the Democratic Republic of Congo and Somalia.

They also constrain the proliferation activities of the Democratic People’s Republic of Korea (DPRK) and the terrorist threat posed by the Islamist terrorist groups (ISIL), Al-Qaida and their affiliates.

According to the UN political affairs chief, however, sanctions “are not an end in themselves.”

“To be effective, sanctions should be part of a comprehensive political strategy, working in tandem with direct political dialogue, mediation, peacekeeping and special political missions”, she explained.

#### Targeted measures

In recent years, the Security Council has tried to avoid adverse consequences for civilian populations and third-party States, Ms. DiCarlo said.

In the case of arms embargoes, for instance, exemptions are routinely granted for the import of non-lethal equipment necessary for humanitarian relief.

In the case of travel bans, exemptions are provided for medical or religious reasons or to participate in peace processes; exemptions for assets freezes allow payment for food, utilities or medicines.

The Security Council has also created standing humanitarian exemptions in Somalia and Afghanistan, as well as case-by-case exemptions in Libya, Yemen and DPRK.

Sanctions are also “continually adjusted” in response to changes on the ground, the political chief said, highlighting how the Council terminated sanctions against Eritrea, and significantly narrowed down the terms of an arms embargo in the CAR.

As a result of these changes, only one Member State reported facing “special economic problems” arising from Council sanctions in the last decade.

#### Humanitarian goals

The last 10 years have also shown that sanctions can do more than limit the influx of arms and ammunition or the financing of armed groups. Almost all regimes now try to uphold international humanitarian standards.

In 2020, for example, humanitarian obligations helped release abducted women and children from military bases in South Sudan; in the DRC, it opened space to negotiate the release of children by armed groups.

#### ‘Unmistakeable signal’

Sanctions have also become more targeted, with more than 50 individuals and entities placed on lists.

That was the case with Sultan Zabin, the director of the Criminal Investigation Department (CID) in Sanaa, Yemen, sanctioned for torture and sexual violence in conflict; and Ahmed Ag Albachar, the self-proclaimed “president of the humanitarian commission” of the restive Kidal region in Mali, for obstructing the delivery of humanitarian assistance.

“The imposition of sanctions solely for such acts is a relatively recent and welcome step. Its use sends an unmistakable signal”, Ms. DiCarlo argued.

#### Concerns

For the Under-Secretary-General, the evolution from comprehensive to targeted sanctions marked a sea change, but there are still concerns.

The continued difficulty in reviving the banking process for making humanitarian transfers to the DPRK, since its collapse in 2017, is a prime example of the challenges that arise, she said.

“Financial actors and other service providers may impose additional conditions, increase their costs, or simply refuse to provide the requested goods and services, thereby inhibiting the delivery of humanitarian assistance”, Ms. DiCarlo said.

Women, children and other vulnerable groups are more likely to have their human rights impacted by unilateral sanctions.© UNICEF/Delil Souleiman Women, children and other vulnerable groups are more likely to have their human rights impacted by unilateral sanctions. Arguing that more can be done, she shared the example of resolution 2615, which was approved late last year to create a humanitarian exemption to help the people of Afghanistan.

“Similar standing exemptions in other sanctions regimes could go a long way to respond to the critical needs of civilian populations”, she concluded.

#### Daily work

Humanitarian affairs chief, Martin Griffiths, also highlighted the exemptions approved for Afghanistan, saying they allowed operations to continue.

The humanitarian chief explained that sanctions can be smart and targeted, but compliance is always a daily element in the work of the UN and its partners.

“They can impact our logistics, our finances, our ability to deliver. They can lead to humanitarian projects delaying or stalling. And some can threaten the well-being of whole swathes of civilian society”, he said.

According to Mr. Griffiths, who also acts as the UN’s Emergency Relief Coordinator, sanctions applied by Member States themselves often have a wider reach than the ones imposed by the Security CouncilConcerns

The humanitarian chief then shared some of his concerns, such as difficulties to engage with listed individuals or entities, who sometimes hold significant control over the lives of entire populations.

He also said that banks and other commercial operators, aiming to avoid any risk of penalty, can effectively deny services to humanitarian customers; commercial operators that trade food, fuel or other necessities can also decide to err on the side of caution, leading to shortages and price rises.

Finally, when ministries and departments are run by listed individuals, sanctions can limit the provision of social services and economic stability – a clear unintended consequence.

#### Proposals

To mitigate this, the Under-Secretary-General suggested some areas for action.

Mr. Griffiths asked the Council to build in comprehensive humanitarian carve-outs in every regime from the outset, rather than the current case-by-case authorization procedures that can be “cumbersome and inefficient.”

According to him, these carve-outs and exceptions should be “smoothly translated into national legislation”, to lessen the concerns of humanitarian donors, NGOs and private companies.

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## CENTRAL AFRICA

### Central African Republic

## **Rape stalks women in C. Africa's dirty war (France24)**

February 2, 2022

### **Maia looks down at her expanding belly, her eyes welling with tears.**

Four months ago, an armed man grabbed and raped the 15-year-old, attacking her as she was harvesting cassava roots.

In the remote northwest of the Central African Republic (CAR), sexual violence targeting women, adolescents and even younger girls is on the rise.

Brutal acts are committed by rebels, militiamen and security forces alike, according to the United Nations.

In Paoua, about 500 kilometres (300 miles) northwest of the capital Bangui, more than a dozen rape victims turn up every day at a clinic run by the Danish Refugee Council (DRC).

The distraught teenager struggles to put her feelings into words. "I was alone in the fields when an armed man wearing a turban grabbed me," she says in a near-whisper.

"I told him I was a virgin and begged him not to hurt me," Maia says, unable to utter the word "rape", even as she bears the unborn child of the man who assaulted her.

Like Maia, Marie was harvesting cassava to feed her family when two armed men appeared.

Her husband fled the scene, but she reacted too slowly.

"They tied my hands, tore my clothes and took turns raping me," says the 23-year-old, who was wearing a traditional gown in the purple, green and white colours of International Women's Day.

The rape victims interviewed by AFP all had similar stories.

Most said they had been assaulted in the fields by rebels of a powerful local militia known as the 3R, a name derived from the French words for Return, Reclamation and Rehabilitation.

'Easy target'

"In this area, it is mainly women who farm and take care of feeding the family," says Lola, an employee at the centre whose name has been changed for her safety, like Maia's and Marie's.

"Alone and helpless in the fields, they are an easy target for the rebels."

A civil war in the CAR that began in 2013, pitting myriad militias against a state on the verge of collapse, had lessened considerably in recent years.

But about a year ago, fighting resumed abruptly when rebels launched an offensive to overthrow President Faustin Archange Touadera.

At the time, armed groups controlled two-thirds of the CAR's territory.

But they ceded most of it when the army, backed by hundreds of Russian paramilitaries, mounted a massive counter-offensive against the rebels.

Today militia forces are confined to the countryside and have switched to guerrilla tactics -- and harassment and abuse of civilians are on the rise.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded 6,336 cases of gender-based violence between January and July 2021 across the deeply poor country.

The agency identified a quarter of such cases as sexual violence, an increase of 58 percent compared with the first half of 2020. Rebels and militiamen are more active in the Paoua region.

Recent reports by the United Nations or by UN-sponsored experts have accused both soldiers and their Russian mercenary allies of committing rapes.

At the Paoua hospital, signs prohibit the carrying of weapons.

A dozen women and girls wait outside a door freshly painted in pink to see Fabrice Clavaire Assana, a doctor who specialises in counseling and treating victims of gender-based violence.

"After a phase of listening and building confidence," Assana says, he carries out gynaecological examinations and provides emergency treatment when needed.

But his options are few.

The "morning-after" anti-pregnancy pill, hepatitis B vaccine and anti-HIV medicine work only if taken within 72 hours. "This is rarely the case," he says regretfully.

50km trek

After Marie was assaulted, she turned first to relatives.

"I was distraught and ashamed. I first went to my in-laws in my torn clothes, but they were unable to pay for my transport to Paoua," she says.

So Marie then walked 50 km to Paoua, "praying" not to tread on a landmine or run into rebels.

"I relive the scene day and night, I can't go back to the fields," sighs Marie, burying her face in her hands.

"My husband has fled -- now I'm alone with two children to feed, and I can't grow crops."

Neither Maia nor Marie has tried to seek justice for the men who raped them.

Such crimes almost always go unpunished in the absence of functioning courts.

### **UNICEF Central African Republic Humanitarian Situation Report - Reporting Period: 01 January to 31 December 2021 (ReliefWeb)**

February 7, 2022

**In 2021, humanitarian needs in the Central African Republic (CAR) increased again. The resurgence of armed violence and the downturn in the Central African economy have left most of the population in a vulnerable position. Access to people in need of humanitarian assistance remained generally difficult throughout the year, because of military operations, the scattering and disruption of major armed groups and the emergence in the Northwest of the threat of explosive devices making access more challenging, and killing and injuring people.**

Despite multiple challenges UNICEF's humanitarian response has been able to continue without interruption. Among other highlights:

more than 114,000 conflict affected children benefited from play and recreational activities through UNICEF supported Child Friendly Spaces (CFS) and 1,468 children formerly associated with armed forces and groups received reintegration services;

the Rapid Response Mechanism (RRM) exceeded its yearly targets and reached 227,638 newly crisis-affected people with essential household items and 178,664 with WASH;

127,173 children and mothers received free essential care;

about 30,000 children under 5 suffering from severe acute malnutrition (SAM) were treated;

about 114,000 people gained access to safe drinking water and - more than 150,000 children gained access to education.

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## Democratic Republic of the Congo

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

**DR Congo court sentences 51 to death over 2017 murder of UN experts (PressTV)** By [AUTHOR]  
January 30, 2022

### **A court in the Democratic Republic of Congo has sentenced 51 people to death over the killing of two United Nations experts.**

Michael Sharp from the US and Swedish Zaida Catalan were killed in 2017 in the volatile Kasai region while on mission for the UN.

The military court on Saturday convicted the defendants, who were almost all militia members, on multiple counts including terrorism, murder, participation in an insurrectional movement and war crime through mutilation.

Of the 54 suspects on trial, 22 fugitives were tried in absentia. Two defendants, including a journalist and a police officer, were acquitted.

The two UN experts were on a UN mission to investigate a conflict between government forces and an armed group in the central Kasai region in March 2017 when they were stopped on a road and executed summarily by the armed men in a nearby field.

Catalan was then decapitated.

The bodies of the two UN experts were found on March 28, 2017, days after they went missing. Congolese officials have blamed the incident on the Kamuina Nsapu militias, who were in conflict from 2016 to mid-2017 with the Congolese army forces in the region.

However, the DR Congo has been the scene of deadly violence for decades with armed militant groups oftentimes raiding villages and killing civilians.

DR Congo is a mineral-rich country that produces diamonds, gold, copper, cobalt, cassiterite (tin ore) and coltan, which is used in mobile phones, personal computers, automotive electronics, and cameras, as well as oil, coffee and timber.

Despite the abundance of natural wealth, the Congolese people live in poverty. In 2019, DR Congo ranked 178th in Gross domestic product (GDP) per capita.

**Militia kills at least 60 people at shelter in Congo (Associated Press)** By Jean-Yves Kamale  
February 2, 2022

### **Militiamen attacked a camp for people fleeing violence in Congo's eastern Ituri province overnight, killing at least 60 people staying at the shelter, local officials said Wednesday.**

Fighters with the group known as CODECO arrived at the Plaine Savo displaced persons site in Djugu and killed dozens of people using machetes and other weapons, said Ndalo Budz, who is the head of the camp.

"We currently have 60 people in the shelters for the displaced who were killed with machetes and other edged weapons," he said to local press.

Local administrative officials confirmed the account.

Four people have been brought to the hospital, according to Pilo Mulindo, the head of the chiefdom of Bahema N'adhere.

The CODECO militia and the Allied Democratic Forces are active in the eastern Congo region and killed dozens last year. The violence has caused the suspension of humanitarian agencies in this part of Congo.

Congo's army on Wednesday condemned the CODECO militiamen for attacking civilians displaced by war and denounced their action as crimes against humanity.

Army spokesman Jules Ngongo sought to assure people that the army would pursue and punish the perpetrators.

"We condemn this criminal, terrorist act to attack the displaced where there is an innocent civilian population who has no means of defense, it is worse than madness and cowardice and it is a crime against humanity. These perpetrators will be severely punished," he said.

The security situation remains worrying in several villages in the territory of Djugu, where civilians have been killed by CODECO rebels despite joint operations by the Ugandan army and Congo.

### **They Survived Guns and Machetes in Congo. They Want the World to Know. (The New York Times)**

By Finbarr O'Reilly

February 4, 2022

#### **The children and adults were bandaged and still in shock by the time I reached the Salama Clinic in Bunia, a big dusty town that is the capital of Ituri Province, in the northeastern corner of the Democratic Republic of Congo.**

About 36 hours before, they had been attacked as they slept in tents in a vast camp that houses about 20,000 displaced people. They had fled to that particular camp, called Plaine Savo, most within the last month, thinking they would be protected from an anti-government militia by United Nations peacekeepers and Congolese army camps based only about one mile away.

In a brazen move, the militia attacked anyway on Tuesday night, firing guns and swinging machetes.

"There were shouts to stay inside our tents so we didn't move at first," said Janine Lotsove, who had been sheltering in the camp with her seven children. "But then we heard the rebels tearing open other tents nearby and starting to cut people with machetes. Those who stayed in their tents were being massacred, so we started to run with our kids and they shot at us."

The assault was one of the biggest in almost a year in the country's eastern region, which is plagued by violence, corruption and ethnic tensions. Nearly 5.6 million Congolese have been displaced from their homes, according to a count in November by the United Nations refugee agency. More than a million others have fled the country, which has a population of about 90 million, seeking refuge in places like the United States and Europe.

A commander of the U.N. forces in the area told me they had arrived at the Plaine Savo camp as fast as possible on the rutted roads. But in 20 minutes, the militia had slaughtered about 60 people and wounded at least 50, aid officials said.

Twenty-one of the most severely injured were airlifted by helicopter to the Salama Clinic, which is supported by Doctors Without Borders — one of the few medical charities still working on the front lines as the region has become less and less secure. There are as many as 120 different militias terrorizing this part of Congo.

Before the attack, I had just spent the previous two weeks documenting survivors of war crimes from two decades ago for the International Criminal Court. I didn't want to be taking pictures of fresh attacks.

I have lived and worked in Congo off and on for the last 20 years, and for the last two years have run a collaborative project with a dozen Congolese photographers to illustrate the vibrancy of life here beyond the narrow scope of conflict. But from documenting war crimes past, I've learned the importance of gathering evidence of atrocities as they happen to try, as hard as it is, to hold perpetrators accountable.

The militia group everyone calls CODECO — the Cooperative for Development of Congo — was responsible for Tuesday's assault, according to the government. It was one of the worst recent attacks, but the violence has escalated since May when the government declared martial law in the region: More than 800 deaths were recorded in Ituri in the last six months of 2021, according to Kivu Security Tracker, a human rights project.

At the clinic, working with an interpreter, we moved through the small cinder block rooms and found that most of the wounded were children, many unidentified, separated from their families in the chaotic scramble to airlift them for treatment.

I counted three adults.

We asked them, “Do you want to tell your story about what happened? If so, I’m here to listen. If not, that’s ok.” But every adult wanted to speak and be photographed, and the adults gave consent for their children to be photographed. They wanted their stories heard.

Sitting side by side in silence on a bed, Rosinne Vive, about 7, had machete wounds on her head and neck, and Cecile Shukuru, 13, had gashes from machete blows on her shoulder.

Catherine, 11, Rosinne and Cecile’s cousin, drifted in and out of consciousness after coming out of surgery to repair a fistula caused by a bullet that had passed through her buttocks and genitals. Catherine and her mother, Ms. Lotsove, had both been shot while fleeing.

Several other children had wounds to their groins, including one girl under 10 who had been sexually assaulted during the attack.

“It looks as if they were targeting the girls and specifically trying to shoot them in the genital area,” said Dr. John Kakule Ngendo, the director of the clinic.

Ms. Lotsove, 33, said that all seven of her children managed to survive the attack. She was being treated for a bullet wound to her knee. But she said her brother and his two children had been killed with machetes.

The night of the attack, she said, “People were running in every direction. I hid in a nearby tent with my daughter and realized she had been shot too.” She said that they hid there until the U.N. forces arrived and drove the militia away.

Logo Lupka, 65, said he had been at the camp for only a week. He was shot through the hip. His six children survived, but his wife was killed after being struck by a bullet in the tent beside him. “They will bury her today,” he said. “Only God can help me now.”

Logo Lonu, a 31-year-old farmer, from the Hema ethnic group, had been sheltering at the camp with his wife and five children for three weeks after fleeing attacks on his home village.

The attackers in the CODECO militia were from a different ethnic group, the Lendu. The Lendu, who tend to be farmers, have a longstanding rivalry with Hema pastoralists, dating back to colonial rule — which exacerbated ethnic divisions.

When they first heard the shooting in the camp, “We thought this can’t be Lendu coming for us,” Mr. Lonu said. “We are in a displaced camp and there is an army camp and a MONUSCO base nearby,” he added, referring to the U.N. peacekeepers.

“I went out to see and someone was outside the door and shot at me. The bullet missed and I went back inside, but then he fired into the tent and I was hit in the leg. My 13-year-old boy was also hit in the arm.”

The militia fired into the tents. In the one beside him, Mr. Lonu said, nine people were killed. “I had no way to defend myself, not even a machete,” he said, “I thought I would just die.”

**Uganda Must Pay Congo \$325 Million in Reparations, ICJ Says (Bloomberg News)** By Michael J Kavanagh and Fred Ojambo  
February 9, 2022

**The International Court of Justice ordered Uganda to pay \$325 million in reparations for crimes committed during its invasion of Democratic Republic of Congo more than two decades ago. The decision resolves a legal dispute that began in 1999 when Congo filed suit against Uganda for its occupation of part of the Central African country.**

The reparations cover \$225 million for damage to people, \$40 million for damage to property and \$60 million for damage to natural resources, according to the court’s ruling read out by its president, Judge Joan Donoghue, in a broadcast from The Hague, where the court is based. It should be paid in five annual installments of \$65m beginning on Sept. 1 this year, and any late payments will accrue 6% interest, she said.

Uganda and neighboring Rwanda invaded Congo in 1998 after the two countries fell out with Congo’s then-president, Laurent Desire Kabila, who they’d previously supported in his rebellion against dictator Mobutu Sese Seko. The war eventually engulfed several other African nations, left millions dead and sparked conflicts in eastern Congo that persist today despite an official end to the hostilities in 2003.

Kabila was assassinated in 2001 and replaced by his son, Joseph, who led the country for 18 years.

In a 2005 decision, the ICJ ruled that Uganda committed violations of international law in Congo, including killing, torture, looting and plunder. It also said Congo's army violated the Vienna Convention on Diplomatic Relations by attacking the Ugandan embassy and mistreating its diplomats in the capital, Kinshasa, during the war. Since that ruling, the two governments could not come to an agreement on reparations and Congo requested the ICJ's intervention.

In April 2021, Congo asked the court to order Uganda to pay it nearly \$11.5 billion plus costs and interest, with \$982,797.73 deducted for the embassy attack. Uganda rejected all Congo's claims, which it said did not "prove the exact injury that was suffered as a result of specific actions of Uganda."

The ADF is responsible for more than 2,200 deaths in Congo since 2017, according to the Kivu Security Tracker, a joint project of Human Rights Watch and New York University's Congo Research Group.

The ICJ's 15 judges are elected by the United Nations General Assembly and Security Council, and its judgments are binding and can't be appealed, according to its website. Uganda's government will study the judgment before making a statement, Attorney General Kiryowa Kiwanuka said. Congolese government spokesman, Patrick Muyaya, did not immediately respond to a message requesting comment.

The case is Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

The decision comes at a sensitive time, after the two countries in November began military strikes in Congo to fight an Islamic State-linked group known as the Allied Democratic Forces that had claimed responsibility for bombings in Uganda. The operation evoked the memories of the past conflicts in the region, with citizens of both nations piling pressure on the governments to explain terms of the bilateral campaign.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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

**Nigeria says it has identified 96 sponsors of terror groups (The Guardian)** By Dennis Erezi  
February 3, 2022

**The Nigerian government on Thursday said it has uncovered 96 financiers of terrorist groups Boko Haram and the Islamic State of West Africa Province (ISWAP).**

Nigeria's information and culture minister Lai Mohammed made the disclosure at a press conference in Abuja.

"Nigerian Financial Intelligence Unit (NFIU), in 2020-2021, revealed 96 financiers of terrorism in Nigeria," Mohammed said.

Mohammed said the NFIU had intelligence exchanges on Boko Haram, ISWAP, banditry, kidnapping and others with 19 countries.



The minister disclosed that 424 associates and supporters of the financiers were also uncovered.

Mohammed said about 123 companies and 33 Bureau de change were linked to terrorists in addition to 26 suspected bandits/kidnappers and seven co-conspirators who have now been identified.

He disclosed that an “analysis has resulted in the arrest of 45 suspects who will soon face prosecution and seizure of assets.”

Meanwhile, authorities in the United Arab Emirates (UAE) in September named six Nigerians with ties to Boko Haram as terrorist financiers.

Nigerians on the UAE’s terrorism list were Abdurrahman Ado Musa, Salihu Yusuf Adamu, Bashir Ali Yusuf, Muhammed Ibrahim Isa, Ibrahim Ali Alhassan and Surajo Abubakar Muhammad.

The six persons have been previously tried and sentenced in UAE.

The UAE Cabinet issued Resolution No 83 of 2021, designating a total of 38 individuals and 15 entities on its approved list of persons and organisations supporting Boko Haram and other terrorist cause.

UAE news agency reported that the resolution underscored the country’s commitment to target and dismantle networks that finance terrorism and its related activities.

The resolution demands that regulatory authorities monitor and identify any individuals or entities affiliated with or associated with any financial, commercial or technical relationship and take the necessary measures according to the laws in force in the country in less than 24 hours.

In April 2019, an Abu Dhabi federal court of appeal sentenced both Surajo Abubakar Muhammad and Salihu Yusuf Adamu to life imprisonment followed by deportation.

Ibrahim Ali Alhassan, AbdurRahman Ado Musa, Bashir Ali Yusuf and Muhammad Ibrahim Isa, were each sentenced to 10 years in prison, and also followed by deportation.

The court found them guilty of setting up a Boko Haram cell in the UAE to raise funds and material assistance for the insurgents in Nigeria.

**Suspected Boko Haram terrorists kill 44, kidnap scores in Niger (Daily Post)** By Priscilla Dennis  
February 7, 2022

**At least 44 persons were said to have been killed by gunmen suspected to be Boko Haram in parts of Shiroro and Munya Local Government Areas of Niger State in renewed attacks on the areas.**

In an attack on Galadinma Kolgo, Erena, Chukuba, and Allawa in Shiroro LGA on Saturday, the gunmen allegedly killed 27 persons, mostly women and children and also kidnapped 31 persons.

Aside from that, it was gathered that the gunmen had invaded Guni, Zagzaga and Dazza communities in Munya where they killed 17 people, including a blind man in the early hours of Saturday.

DAILY POST further learnt that they abducted three women, scores of children and afterwards, set their homes and farmlands on fire.

It would be recalled that some communities in the state had been under attacks by terrorists in the last three weeks, resulting in several casualties and untold hardships on people of the affected areas.

When contacted on the incident, the President, Lakpma Youths Association, Jibril Allawa told DAILY POST that the gunmen kidnapped 28 persons in Gyramiya community in Allawa and are presently asking for N60m ransom before the victims can be set free.

According to him, “They carried away 28 people made up of three men and 25 women. Now, most of the affected communities in the two local government areas are now ghost towns as the villagers are currently taking refuge at the Internally Displaced Persons camp (IDPs) in Central Primary School, Gwada.”

Also confirming the attacks, the Co-Convener Concerned Shiroro Youths, Abubakar Sani Bello Kokki, stated that the terrorists invaded the communities in a large number on motorcycles with each carrying two or three passengers and operated for several hours.

Kokki condemned in strong terms the deliberate refusal of the government to bring an end to the increasing activities of gunmen in the areas, saying, "It is so painful the way and manner the villagers have been displaced from their homes and are now taking refuge in IDPs camps.

"The villagers can no longer harvest their farm produce, because the gunmen have warned them to stay away from their farms," Kokki added.

Efforts to get a reaction from the state police on the attacks failed as at the time of filing this report as the state's Police Public Relations Officer, PPRO, DSP Wasiu Abiodun, could not be reached.

It would be recalled that Abiodun had earlier at an event organised by the Nigeria Union of Journalists (NUJ) Niger State Council, on Monday, explained that police in the state and other security agencies are doing their best to curb insecurity.

**Nigeria: Again, Malami Speaks On Trial of Terrorism Financiers (All Africa)** By Ameh Ejekwonyilo  
February 8, 2022

**The Attorney-General of the Federation (AGF), Abubakar Malami, has again assured that that the trial of some identified terrorism financiers would soon commence.**

It has become Mr Malami's rhetoric to assure that the trial of the suspects would soon commence since the news of their arrest filtered out in April last year.

Mr Malami, who spoke during an interview with Channels Television's 'Politics Today' on Monday, assured again that those found to have committed the crime would soon be charged.

"It has been a work in progress. Prima facie case seems to have been established, but proof of evidence has to be developed and eventually prosecution will take place," Mr Malami explained after several of such promises to arraign the suspects failed in the past.

"So, there is nothing that is hidden as far as prosecution is concerned; it is traditionally a public prosecution," the AGF said against the backdrop of recent allegations of government compromise in bringing alleged sponsors of terrorism to justice.

Mr Malami, who doubles as the Minister of Justice, has also refused to disclose the identities of the suspects.

"In a couple of weeks, these people will be charged and arraigned in court. In a number of weeks, you will have something tangible and cogent by way of prosecution."

Apart from the case of the alleged terrorism financiers, there are also thousands of terrorism suspects awaiting trial in the various military detentions.

In January, Mr Malami assured that the trial of Boko Haram suspects would soon resume.

He gave the assurance while receiving the Nigerian Ambassador to the Kingdom of the Netherlands, Eniola Ajayi.

"Machineries are in motion to ensure the continuation of courts sitting in Kainji, New Bussa for prosecution of Boko Haram cases," the minister's spokesperson, Umar Gwandu, said in a statement.

The Human Rights Watch (HRW) recalled in its latest world report that the International Criminal Court (ICC) had determined in December 2020 that an ICC investigation of Nigeria is warranted for crimes committed in the Boko Haram-related conflict given inadequate domestic efforts to deliver justice for the crimes.

HRW also noted that ICC's decision to investigate Nigeria followed its finding of "reasonable basis to believe" Boko Haram, its breakaway factions, and Nigerian security forces had committed war crimes and crimes against humanity.

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**Mali**

## **Opening Statement and presentation of evidence by the Legal Representatives of Victims in the Al Hassan case: Practical information (International Criminal Court)**

February 1, 2022

**On Tuesday 8 February 2022 at 9:30 (Hague time), the Legal Representatives of Victims ("LRV") in the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud will make their opening statement before Trial Chamber X of the International Criminal Court (ICC). Counsel Seydou Doumbia, Mayombo Kassongo and Fidel Nsita Luvengika are representing 1946 victims in this case. Their statement will be made in open session and is expected to last one hour.**

Legal representation of the victims allows them to present their views and concerns to the ICC judges when their interests are affected. The LRV will make an opening statement and have been authorised to call two witnesses who will appear before the Judges from 8 to 11 February 2022.

The Prosecution has finalised the presentation of its evidence and the Defence will present its case later this year. Mr Al Hassan is accused of crimes against humanity and war crimes allegedly committed in Timbuktu (Mali). Trial Chamber X is composed of Judge Antoine Kesia-Mbe Mindua, Presiding Judge, Judge Tomoko Akane and Judge Kimberly Prost.

Background: Mr Al Hassan was transferred to the ICC on 31 March 2018 following a warrant of arrest issued by the Chamber on 27 March 2018 for war crimes and crimes against humanity. The confirmation of charges hearing took place from 8 to 17 July 2019. On 30 September 2019, Pre-Trial Chamber I issued a confidential decision confirming the charges of war crimes and crimes against humanity brought by the Prosecutor against Mr Al Hassan and committed him to trial. The redacted version of the decision was published on 13 November 2019. On 18 November 2019, Pre-Trial Chamber I rejected the Defence's request for leave to appeal the decision confirming the charges in the Al Hassan case. On 23 April 2020, Pre-Trial Chamber I issued a confidential decision partially granting the Prosecutor's request to modify the charges against Mr Al Hassan; the redacted version of this decision was made public on 11 May 2020. The trial opened on 14-15 July 2020, including with the opening statement of the Prosecutor. The Legal Representatives of Victims and the Defence were authorised to make their opening statements at the beginning of the presentation of their evidence.

### **War threat unites Islamists in trouble-torn Mali (The Peninsula)** By David Lewis

February 6, 2022

**A powerful southern offensive by Islamists in Mali last week, halted only by French air strikes, showed that a loose alliance of rebels from Al Qaeda's North African wing and local groups has been united by the threat of foreign intervention.**

When the coalition of Islamists swept across northern Mali last year, massacring army troops and carving up the vast desert zone, ties between Al Qaeda in the Islamic Maghreb (AQIM) and local groups Ansar Dine and MUJWA had looked opportunistic, and regional mediators believed they could prise them apart.

Some fighters imposed strict Islamic law and recruited foreigners and locals hungry for jihad, others framed the conflict around local Malian tribal politics and religion, while criminal networks smuggling drugs and contraband joined the fray, earning them the title "gangster jihadists".

With Mali's army crippled by political divisions and a series of defeats to rebels that led to a March coup, West African mediators tried to divide the rebels by offering talks to local Islamists while excluding foreigners, extremists and criminals.

UN backing in December for an African-led intervention due later this year changed the picture.

"People in the north don't have any choice now but to stand together," said Algabass Ag Intallah, a senior member of Ansar Dine, a group that only last month had committed to peace talks with Mali's government. "This is an aggression. We all have to defend ourselves."

"Al Qaeda helped us, but we are the ones who are leading," he added.

Residents in the north-eastern Malian town of Gao, MUJWA's stronghold, confirmed pick-up trucks carrying its turbaned fighters had also joined the rebel offensive.

The seizure by Islamists of the northern two-thirds of Mali, for decades one of West Africa's most stable democracies, sowed fears that its desert dunes and craggy mountain ranges could become a base for terrorist attacks on Europe.

Yet as Islamists severed limbs, silenced music and smashed traditional Sufi shrines in the ancient caravan town of Timbuktu

— acts reminiscent of Afghanistan under the Taliban — Malians and foreign powers wavered throughout 2012.

Much of the delay was due to confusion over the nature of the Islamist alliance, experts say.

Some governments advocated dialogue to tackle the long-standing political grievances of those living in Mali's under-developed north. Others, led by France, called for swift military action to stamp out a security threat, finally winning UN backing for an African-led operation.

These divisions evaporated last week with the united rebel advance on the central town of Konna, a gateway toward the southern capital Bamako, deemed so dangerous that Paris reversed pledges not to intervene directly. The African force, which had not been expected until September, is being hastily rolled out.

Even Algeria, which had previously hoped to unravel the coalition by enticing Ansar Dine into peace talks, dropped its opposition to military intervention, allowing French Rafale jets to fly via its airspace to pound the rebels.

"Ansar Dine, MUJWA and AQIM worked together and coordinated their push on Konna," said France's military chief Admiral Edouard Guillaud, whose jets and helicopter gunships have strafed rebel columns, training camps and fuel depots.

Behind Mali's reputation for stability, Al Qaeda's presence there has worried regional powers and Western nations for over a decade. The United States has led efforts to train national armies and improve security coordination within the region.

Until last year, AQIM had struggled to break from its Algerian roots and activities focused on the multi-million dollar business of taking hostages for ransom, including eight French citizens it still holds captive. Its numbers were limited to a few hundred mobile fighters in the remote desert.

However, last year's rebellion — launched by Tuareg separatists but quickly hijacked by Islamists — changed all that.

In Iyad Ag Ghali, a veteran of previous Malian Tuareg rebellions who had acted as a negotiator in hostage releases, AQIM found an ally to expand their local presence in return for arms and funding, diplomats said.

Ag Ghali, described in US diplomatic cables as an expert at "playing all sides", had sought to lead the Tuareg separatists. When he failed, he split from them to found Ansar Dine, with AQIM's backing. Previously known for his love of the high life, Ag Ghali has over the last decade become a convert to fundamental Islam. After routing Mali's army and sidelining MNLA Tuareg separatists, Ansar Dine occupied Ag Ghali's fiefdom around Kidal in the far north. Washington estimates the core of the combined Islamist force to be 800 to 1,200-strong. A military plan drawn up by West Africa's ECOWAS bloc estimated the rebel fighting ranks just over twice that size. MUJWA emerged in late 2011 as a splinter from AQIM, establishing itself by recruiting among Arab and black African communities in Mali and elsewhere in the region.

### **Ex-police chief at center of Malian war crimes trial accused of persecuting women (Courthouse News Service)** By Molly Quell

February 8, 2022

#### **Opening arguments kicked off Tuesday as the International Criminal Court opened its first trial focused predominantly on gender-based crimes.**

Facing 13 counts of crimes against humanity, Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud began trial Tuesday on charges that, as the head of the Islamic police force in the ancient city of Timbuktu, he forced women to wear headscarves, sold them into sexual slavery and tortured anyone who refused to comply.

Large parts of Mali fell to Islamic separatist groups following a 2012 coup. Before a French-led military forced them out in 2013, they enforced strict religious rules on the population.

"Women could no longer go about their normal activities for fear of being tortured," Seydou Doumbia, one of the two legal representatives of victims said in his opening statement.

There are 1,946 confirmed victims in the case, and their legal representatives intend to put 52 witnesses on the stand in the coming weeks in an effort to show how difficult life was during the 10-month occupation. Al Hassan, wearing a blue shirt and covering his head and most of his face with a beige veil known as a tagelmust, looked bored during Tuesday's proceedings.

Prosecutors claim that the 45-year-old Al Hassan was a senior member of Ansar Dine, an Islamic extremist group with links to al-Qaida.

When his trial opened in 2020 at the world's only permanent court for atrocity crimes, it took prosecutors 45 minutes to read out the extensive list of charges against him. The court announced in 2019 it would move forward with charges, following a

week of hearings into whether prosecutors had sufficient evidence to do so.

Al Hassan is the second person to be charged with crimes relating to the conflict in Mali and the first defendant before the court where gender-based violence undergirds the bulk of his charges.

Ahmad al-Faqi al-Mahdi was sentenced to nine years in prison in 2016 for destroying religious monuments in Mali. Former Congolese warlord Bosco Ntaganda was convicted of rape and sexual slavery in 2019, but most of his 18 charges focused on other war crimes, including murder, torture and the conscription of child soldiers. The ex-vice president of the Democratic Republic of Congo, Jean-Pierre Bemba, was also convicted of rape but his conviction was overturned on appeal. Malian authorities handed Al Hassan over to the ICC in 2018. The defense will present its case later this year. So far they have fought to exclude interviews their client gave to ICC investigators, saying they occurred while he was being tortured in Malian police custody.

The Hague-based court was established by the Rome Statute in 2002 to prosecute genocide and crimes against humanity that take place in a member state or are committed by a member state. It can also take up a case that is referred to it by the United Nations Security Council.

the International Criminal Court on Tuesday, in the first trial where gender-based crimes have played a prominent role.

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## Liberia

**Why is Liberian Government politicizing, Safety of Children? (Front Page Africa)** By Satta Sheriff  
February 2, 2022

**The President with the help of the Minister of Gender might want to twist the truth around the prevailing situation on Sexual and Gender Based Violence (SGBV) in Liberia just to paint the President as a “HeForShe Champion” or Feminist-in-chief” who “remains committed to the dignity of upholding human rights” but, it is clear that the President lied when he claimed that his government has significantly reduced rape since 2020 during his Annual Message to the National Legislature.**

President Weah and the Ministry of Gender should at least have some decency to acknowledged that not much progress has been made since the President declared Rape as National Emergency in 2020. Declaring Rape as national emergency, creating a SGBV taskforce, buying a DNA machine, and allocating 2million dollars were all good efforts initiated by the President until the government failed to follow up on safe homes, equip the various Women and children protection sections beyond Montserrado county, increase access to medical care for rape survivors, ensure the prosecution of perpetrators, expand the jurisdiction of criminal court E, monitor and evaluate, and regularly publish the SGBV report from across the 15 counties.

Over the last few weeks, we have lost not just one, but several girls and women to sexual and gender-based violence. Just last week before the President’s speech, we lost a 13-year-old to rape, a woman to gang rape and a 14-year-old died in Gbarpolu county after bleeding to death due to lack of accessible medical care.

At the Liberian embassy in Abuja, a 7-year-old was reportedly raped, while a peace crops instructor was accused of molesting our schoolgirls. Despite these alarming cases and many unmentioned, none of these victims and survivors have received Justice. Yet the Minister of Gender and the President still claims that “we saw a reduction in Sexual and Gender Based Violence cases.” Every day, right in our communities, we are seeing and reporting violence against children and women at a higher rate, yet the government is still refusing to acknowledge and take responsibility for their lack of due diligence.

We declared Rape as a national emergency to prevent these deaths, incidents and the constant abuse of children, and women. But it is a big shame that we have not seen much progress, the government continue to fail and live up to its promises. I know the Minister of Gender said on BBC Focus on Africa that “there’s no one country in the world were rape doesn’t exist” and have consistently claimed that “the number of rape cases in Liberia has reduced” it is important to note that Liberia needs to do better by taking genuine practical steps to prevent sexual and domestic violence. Yes, we have good laws, the president continues to make big speeches and empty promises, but when it comes to implementation, we are still lacking and continue to achieve the bare Minimum.

The government continues to politicize the safety of Liberian children and women in the name of scoring political points by making big, big promises and openly lying about the SGBV cases. This fight against rape goes beyond politics. And when government officials or police officers are accused of rape, they must be held accountable like a poor Liberian men/woman.

Why are we not making progress even though the president has openly committed his office to the fight against rape? There are just so many reasons: for example, we only have two “shelters for victims of sexual and gender-based violence, victims of trafficking in persons, and others in need of protection– in Lofa and Nimba Counties respectively.” (US State Department report, 2021) We lack rehabilitation or a national psychosocial counseling program for survivors of sexual abuse – it is one thing to prosecute a rapist, it is another to provide aftercare, support, and rehabilitation for the survivor. Rape leaves a lasting scar; I will never wish rape on any human being. No one deserve to be raped. Across prison compounds in Monrovia alone and other counties, alleged rape perpetrators are being released on medical bill; many of them never go back to jail or the court for trial. Some men have spent years in the prison system on pretrial due to our “overtaxed justice system that continues to prevent timely prosecutions, and delays justice for victims.” (US Human Rights Report, 2020) According to the US 2020 Human Rights report on Liberia, it has been observed that “victims’ families sometimes requested money from the perpetrators as a form of redress; perpetrators sometimes offered money to prevent matters from going to court. Authorities often dropped cases due to a lack of evidence. The Women and Children Protection Section (WACPS) of the police reported that courts dropped 51 percent of reported domestic violence cases due to lack of evidence. The ability to collect and preserve evidence of sexual and gender-based violence crimes was also lacking” across the country. In Bong County alone, eight pretrial detainees accused of rape and statutory rape were released without trial after spending a year in detention. Many SGBV service providers including the SGBV task force, and the Women and Children Protection Section still lack operational vehicles and are faced with budgetary and logistical constraints. For example, the WCPS in Gbarpolu only have one female staff and a motorbike to run the entire county women and children affairs.

In his speech, President Weah claim that as a Government, one of their priorities is to “reduce the incidence of sexual and gender-based violence by 30 percent by 2023, through the provision of appropriate support services and access to justice systems.” As much as the president statement sounds promising and remarkable, the fact still reminds that all the girls and women that we have lost to SGBV in the last couple of weeks to Rape died because the system failed them. Their deaths are a clear manifestation that Liberia lied about making the fight against Rape a national priority. The fight against sexual violence has never been a priority for the pro-poor government until we forced them in 2020. I agree with the President that since 2020, the government have been “able to raise awareness among communities about the referral systems, the government’s anti-Sexual and Gender Based Violence Call Center and can ensure its functionality.” And it is true that the Ministry of gender in recent time has planted billboards that are not environmentally sustainable with the aim of ending rape and protecting the rights of children and women, but I believe all these efforts are not enough. We have come too far to still be doing business as usual, this government must learn to implement all existing laws that prohibit sexual and domestic violence including the rape law, domestic violence law, children’s law and other international instruments signed by Liberia.

As Liberians, we must never be afraid to hold the government accountable even if it means calling out the lies and misrepresentation of our experiences as citizens. As a very young Liberian woman, I want to be sure that my government is capable enough to protect me from abuse not just in speeches, but in reality.

### **Rep. Richard Koon Calls on House to Repeal the Act Granting Amnesty to All ‘War, Economic Criminals’ In Liberia (Front Page Africa) By Gerald C. Koinyeneh**

February 4, 2022

#### **The Plenary of the House of Representatives has mandated its Committees on Judiciary and Ways, Mean & Finance to review and determine the fate of the current law which grant immunity to all those who took part in Liberia’s brutal civil war between 1989 and 2003.**

Plenary’s took the decision on Thursday based on a request by Rep. Richard Nagbe Koon (UP, District #11, Montserrado County).

The current law which is entitled, “An Act to Grant Immunity from Both Civil and Criminal Proceedings against All Persons within the Jurisdiction of the Republic of Liberia, From Acts And Or Crimes Committed during the Civil War from December 1989 To August 2003”, was enacted in August 2003.

Records show that the controversial law was crafted by some of the drivers of these crimes, approved on August 7, 2003 and published by the Ministry of Foreign Affairs, the next day on August 8, 2003. Perpetrators of Liberia’s civil war have used this law as a shield to prevent them from prosecution.

However, in his communication, Rep. Koon said the spirit and intent of the law which is to grant pardon to those that committed war crimes, crimes against humanity and all forms of mayhem have done more harm to the Liberian society.

He said: “During the 19 years that this law has been in existence, they have succeeded in preventing themselves from facing justice, after destroying lives and properties without remorse,” Rep. Koon stated in his communication. He continued: “I call on this Honorable House of Representatives of the 54th Legislature to repeal the act granting amnesty to all war and economic criminals. The spirit and intent of the act has been more harmful to the Liberian society.”

Rep. Koon called on his colleagues to emulate the Uruguayan House of Representatives that voted 50-40 to revoke a 25-year-old amnesty law which prevented investigations and human rights prosecutions of military junta officials during their regime between 1973 and 1975.

Meanwhile, the communication, was forwarded to the House’s Joint Committee on Judiciary and Ways, Means and Finance to review and report to it.

It has been almost two decades since the war, which claimed the lives of at least 250,000 people, displaced millions ended. But for many of the victims, justice is elusive.

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## EAST AFRICA

### Uganda

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

**ICJ Rules Uganda Must Pay \$325M For Invading DRC (Taarifa)** February 10, 2022

**Following years of legal proceedings, the International Court of Justice has rendered its judgment on the reparations due for the invasion of eastern Congo during the 1998-2003 war. Kinshasa claimed more than \$11 billion.**

Uganda will have to pay \$325 million in reparations to the DRC, for the invasion of eastern Congolese territory during the 1998-2003 war, ruled this Wednesday, February 9 the International Court of Justice.

In 2005, the ICJ ruled that Uganda should pay reparations for invading the DRC during the Second Congo War (1998-2003).

This conflict involved up to nine African countries, including Uganda and Rwanda, which supported rebel forces in the mineral-rich east of the country.

The two wars that successively devastated the Congo between 1996 and 2003 caused several hundred thousand deaths.

The UN court also ruled in 2005 that Uganda should be compensated for the attack on its embassy in Kinshasa in 1998 and the mistreatment suffered by its diplomats.

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### Kenya

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

**Kenyan terror suspect: I want to go home from Guantanamo (The Star)** By Charles Mghenyi

January 31, 2022

## **The only Kenyan held at the American military prison at Guantánamo Bay in Cuba wants to come home after his release.**

Mohammed Abdul Malik Bajabu has been held at the facility for 15 years over alleged links to terrorism. He has not faced formal charges and has not had a trial.

He is scheduled to be released following a successful review of his case and charges by the Periodic Review Board. But a country must agree to take him in.

On December 27 last year, the Periodic Review Board, which is composed of senior officials from the US Departments of Defence, Homeland Security, Justice and National Intelligence, concluded Malik could be safely transferred to another country. It called for security assurances.

The release was authorised in light of his "low level of training and lack of a leadership role in his pre-detention activities," the board said.

The PRB reviews whether continued detention of particular individuals at Guantanamo remains necessary to protect against a significant threat to the security of the United States.

The PRB said once a detainee is cleared for release, he cannot leave the prison until the US works out a diplomatic arrangement with another country willing to accept him.

Mwajuma Rajab, who is Malik's elder sister, said their brother wants to come home after 15 years.

Mostly of the time, she is referred to as his mother because she helped raise him.

"As a family, we talked to him on January 26 via Skype. He insisted he would want to come back home after his release," Mwajuma said.

However, she said the family expressed their reservations about his safety once he is back to Kenya.

Police have been implicated in forcible disappearances of terror suspects but they deny any extrajudicial actions.

"We informed him of the dangers he will be exposed to if he comes back. His safety is not guaranteed, but he said he only wants to come to Kenya, not any other nation," she said.

Malik, whose family lives in Likoni in Mombasa, was arrested by Kenyan authorities in February 2007 in connection with terrorism activities.

He was turned over to US custody a few weeks later and was being held as 'a law-of-war detainee' at the Guantanamo Bay maximum security facility.

He is allowed to talk to his family once every three months.

On Monday, Mwajuma told the Star that the national government has not said anything in regards to the pending release of their brother.

"We are worried. The government has been quiet about this whole issue, they should at least say something so that when he comes back home, we are sure of his security," she said.

Since his arrest in 2007, Malik has been separated from his wife and three children as well as his extended family.

He was the only Kenyan captive held at the US military base, which is used to detain suspected militants and terrorists captured by US forces.

On January 12, Malik's lawyer Mark Maher, who works for Reprieve US, a non-profit legal charity in Washington, DC, said, "The decision to release the suspect is wonderful news."

He said, "Abdul Malik has been unjustly detained for 15 years without charge or trial. He longs to be reunited with his family, and we hope the Biden administration will ensure his release happens quickly."

Another suspect due to be released from Guantanamo is a Somali national, Guled Hassan Duran, who has been held at the facility since 2006.



Since 2002, about 780 detainees have been held at the facility. Only 39 men remain.

Of the 39 detainees, 12 have been charged with war crimes in the military commissions system, 10 are awaiting trial and two have been convicted.

In addition, nine detainees are held in 'indefinite law-of-war detention' and are neither facing tribunal charges nor being recommended for release.

Eighteen are held in law-of-war detention, but have been recommended for transfer with security arrangements to another country.

Following US President Joe Biden's election, his administration has confirmed it intends to finally close the US' most infamous prison.

While no one has been released since Biden assumed office, five men have been cleared for transfer in a rigorous process by the PRB.

Malik and Duran have both had their PRB hearings and are now scheduled for release.

But who will take them?

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## **Rwanda (International Criminal Tribunal for Rwanda)**

### **Official Website of the ICTR**

**Rwanda: A force for good in Mozambique's "War on Terror"? (African Arguments)** By Jordan Smith  
February 8, 2022

**In July 2021, the Rwanda Defence Force (RDF) deployed 1,000 soldiers and police officers to northern Mozambique, where, since October 2017, the Mozambican government has been fighting ISIS-linked militants in its gas-rich Cabo Delgado province. To date, the conflict has led to at least 3,700 deaths and the internal displacement of 820,000 people.**

Earlier in the conflict, President Filipe Nyusi's administration spent an estimated \$154 million on private military companies such as Russia's Wagner Group to support the nation's struggling and poorly equipped military. But this assistance, equipment and training failed to improve the situation. Militants from ISIS-Mozambique continued to grow in strength, capturing towns like the key port city of Mocimboa de Praia and carrying out sporadic attacks along the Tanzanian border.

Alarmed neighbours in the Southern African Development Community (SADC) including South Africa and Tanzania became concerned by the potential for the insurgency to spread across the region and pressured Mozambique to accept its help. Nyusi initially declined and instead turned to Rwanda before later approving an SADC presence.

The RDF made swift progress in their first few weeks, helping Mozambican troops recapture several towns including Mocimboa de Praia, which had been under ISIS-Mozambique control for over a year. Fresh offensives put militant groups on the back foot, forcing them to disperse. The Rwandans also exported their concept of umuganda (community work) which it had successfully introduced in the Central African Republic where RDF troops have been active as part of the UN mission and under a bilateral agreement. Umuganda involves working with residents in recaptured areas to create a liveable environment through projects such as street cleaning and the rebuilding of infrastructure, which helps stabilise the security situation. Seven months on from Rwanda's intervention, which is now made up of around 2,000 troops, there are still violent attacks occurring in Cabo Delgado, but the overall situation has changed significantly. Schools in some areas are re-opening for the first time in years and the French oil and gas major TotalEnergies is preparing to return to its \$20 billion liquefied natural gas project.

What's in it for Rwanda?

Despite its military successes, some observers and opposition groups in Mozambique have raised concerns about Rwanda's intervention and the reasons behind it. President Nyusi insists Rwanda asked nothing in return for its deployment, and Kigali has said it was motivated to help by its commitment to the Responsibility to Protect (R2P) doctrine and the 2015 Kigali Principles on the Protection of Civilians. But not everyone buys this.

Some opposition parties and civil society groups have questioned whether Nyusi has the constitutional authority to invite in foreign troops without the consent of parliament in the first place. Meanwhile, others have criticised the lack of transparency around Mozambique's agreement with Rwanda as well as its deals with private military companies before them. "The concern with Rwanda's presence in Mozambique is the secrecy in which it has been dealt, not the intervention itself," says Aldemiro Bande, a journalist working at Mozambique's Public Integrity Centre (CIP). "Since the beginning, there was no transparency in the deployment of Rwandan troops. The government of Mozambique has failed to provide information to parliament and Mozambican taxpayers on the nature, objectives, financial and political costs of the mission".

These worries have been elevated by the suggestion that the RDF mission is indirectly supported by France or TotalEnergies, whose multi-billion-dollar LNG project was disrupted by the insecurity. Shortly before Rwanda agreed to send troops, French president Emmanuel Macron made a trip to Kigali in a bid to reset diplomatic ties. During the trip, Macron offered Rwanda a \$71 million loan to deal with the pandemic and other forms of support. Another area of concern relates to Rwanda's record on human rights and its treatment of political opponents. Both at home and in neighbouring Democratic Republic of Congo (DRC), the RDF has a record of systemic violations dating back to the 1990s. In dealing with political opponents, Rwandan security services have been accused of torture, enforced disappearances, arbitrary detention and holding unfair trials.

According to Bande, there have been allegations of abuses in Cabo Delgado by Mozambican soldiers, but not by Rwandan troops. "No case of human rights violations of Mozambican civilians involving Rwandan soldiers have been reported," he says. "In fact, Rwandan soldiers seem to be better prepared to deal with the civilian population than their Mozambican counterparts".

However, he raises concerns that Rwandan critics of Kagame based in Mozambique may now be in danger.

"There is a segment [of the opposition] that believes there are secret agreements between the Government of Mozambique and Rwanda which involve natural resources and the delivery by Maputo of the 'heads' of Kagame's political opponents residing in Mozambique," says Bande. The stabilisation of the conflict in Mozambique ought to be celebrated. After years of struggling to fight back, the Mozambique Armed Defence Forces (FADM) is finally getting the support it requires and managing to contain insurgency in Cabo Delgado.

At the same time, it should be recognised that the reason Maputo had to turn first to private military companies and then to Rwanda was that it was getting insufficient help from elsewhere. The US provided training missions in March and August 2021. Meanwhile, the European Union established a similar initiative in October and provided €40 million (\$45 million) for "non-lethal" equipment such as a field hospital and communications tech. These initiatives were no doubt welcomed by Mozambique yet did little to address the fact that FADM is woefully underequipped.

It is because of this that Nyusi decided to make an opaque deal with Rwanda who, for better or worse, will continue to play a fundamental role in the direction that the conflict takes.

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## **Somalia**

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## **Ethiopia**

**A top United Nations official has said that Ethiopia is in “a much better place” to resolve the conflict that erupted 15 months ago in Tigray. “There is much more conversation and dialogue and talk around the national dialogue itself and the way to peace”, Deputy Secretary-General Amina Mohammed told journalists as she flew out of the capital Addis Ababa on Wednesday after a five-day trip to the east African nation.**

#### Listening to people

During her visit, Mohammed met people living in the northern regions of Tigray, Amhara, Somali, and Afar, where she witnessed the tragedies of the conflict first-hand, but also learned of the efforts made by the government and people in Ethiopia to end the fighting. Mohammed noted how important it was “to hear from the leaders there, to hear from the people, and to hear really what their hopes are, and how they will engage with this pathway to peace.”

Ethiopia has seen 22 million people driven into humanitarian suffering.

#### The conflict

The civil war in Ethiopia began in November 2020, when forces loyal to the Tigray People's Liberation Front (TPLF) seized military bases in Tigray. Ethiopian Prime Minister Abiy Ahmed responded with a military counter-offensive that has spiralled beyond Tigray, as militias and separatist groups from neighbouring regions took up arms against Abiy's government.

Across the three conflict-affected regions of Tigray, Amhara, and Afar, more than nine million people now need humanitarian food assistance, the highest number so far, since the conflict began.

According to the Tigray Emergency Food Security Assessment, 83 per cent of people are food insecure. Families are exhausting all means to feed themselves, with three-quarters of the population using extreme coping strategies to survive.

Stressing UN Secretary-General Antonio Guterres' call for a cessation of hostilities and for a pathway to peace in Ethiopia, Mohammed noted how “the talks continue and there is certainly less hostility than there was a few months ago.”

**Women and children** The UN estimates 13 per cent of Tigrayan children under five, and half of all pregnant and breastfeeding women, are malnourished, leading to poor pregnancy outcomes, low-birth weight, stunting, and increased maternal death.

Stressing that “there is never a winner in conflict,” Mohammed said that in her visits, she found that the women and children were “the biggest losers of this conflict.” “The tragedy that has happened to women and children is one that I hope that the men of Ethiopia will lead the recovery,” she said. In a tweet on Wednesday, she wrote, “Women and girls are being hit hardest and must be on the frontline of recovery.” “The UN continues to be committed to supporting the people of Ethiopia, and to leaving no one behind.”

The UN deputy chief called for the immediate end to sexual and gender-based violence, among other atrocities, and cited the need for comprehensive physical and mental health support. She also urged the authorities to involve women meaningfully in all recovery and reconstruction efforts.

#### Solidarity with Ethiopian people

Wrapping up her visit, Mohammed told journalists that the last five days had been “a journey of solidarity with the Ethiopian people.” “You will find a way [to peace] and we will accompany the Ethiopian people to that peace.” “When we find peace, we can begin the journey back to economic recovery, and the restoration of dignity and livelihoods,” the Deputy Secretary-General said added.

#### Addressing Africa's issues

Last weekend, she represented the Secretary-General at the opening of the 35th session of the Assembly of the African Union (AU), where she spoke with African leaders on pressing issues, ranging from development and conflict to the many humanitarian crises besetting the continent.

Following the meeting, she said that “opportunities to address Africa's challenges are huge,” and stressed the importance of aligning the 2030 Agenda and the African Union's Agenda 2063.

# EUROPE

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

**Official Court Website [English translation]**

**Possibility of conflict looms in Bosnia as Serb leaders threaten secession (CBC News)** By John Last  
February 3, 2022

### **Serb leaders resolve to withdraw from Bosnian institutions within 6 months.**

Members of the police forces of the Republic of Srpska march during a parade marking the 30th anniversary of the Republic of Srpska in Banja Luka, northern Bosnia, on Jan. 9, 2022. (Radivoje Pavicic/The Associated Press)

While all eyes are on a potential Russian invasion of Ukraine, another conflict is brewing in eastern Europe.

Experts say Bosnia-Herzegovina is in the midst of its worst crisis in more than 25 years, after leaders of the country's Serb ethnic enclave have threatened to effectively secede from the country.

"The old problems and the old conflicts are resurfacing again," said Aida Cerkez, a veteran Bosnian journalist who covered the bloody 1992-1995 war for The Associated Press.

"All I see among people is fear, on all sides."

Under the leadership of Milorad Dodik, the Serb member of Bosnia's three-person presidency, politicians in the country's Serb ethnic enclave passed a series of resolutions in December that would see them break away from the multi-ethnic institutions created at the end of the last war.

In their place, it would re-establish a Serb army, court, intelligence service and customs system by June — and threaten the use of force against anyone who would stop them.

Aida Cerkez, a veteran Bosnian journalist who covered the bloody 1992-1995 war for The Associated Press, says the "old problems and the old conflicts are resurfacing again." (Morten Hvaal/Felix Features) "It is effectively secession in all but name," said Jasmin Mujanović, a Bosnian political scientist and author. "If Mr. Dodik goes down that road ... he will have to be stopped by force."

How did we get here? Bosnia-Herzegovina's political system is governed by an intricate power-sharing arrangement established in the wake of the war, which claimed more than 100,000 lives and saw Europe's only internationally recognized genocide since the Second World War.

The constitution divides control of territory and institutions like the presidency, judiciary and army among the country's three main ethnic groups — Serbs, Croats, and Bosniaks. But in recent years, Dodik and his allies in the Republika Srpska, the country's Serb-controlled enclave, have pushed aggressively for independence from Bosnia's multi-ethnic institutions.

The trigger for the current crisis was a law outlawing genocide denial imposed in July by Bosnia's outgoing high representative — an internationally appointed official empowered to enact and veto laws to preserve the 1995 peace agreement.

Genocide denial, Mujanović said, has become "really rampant in the country" in recent years. Serb politicians, including Dodik himself, frequently deny that the 1995 Srebrenica massacre, which saw more than 8,000 Bosniak Muslim men and boys killed by Serb paramilitaries, constituted a genocide.

Milorad Dodik, chairman of Bosnia-Herzegovina's tripartite presidency, addresses journalists after meeting with the Russian

foreign minister in Sarajevo on Dec. 14, 2020. (Elvis Barukcic/AFP/Getty Images) After the Republika Srpska awarded state honours in 2016 to three convicted war criminals who participated in the massacre, the high representative came under "tremendous pressure" from survivors to pass a law criminalizing genocide denial, Mujanović said.

In response, Dodik challenged the legitimacy of the high representative, suspended his party's participation in the Bosnian parliament and threatened the "dissolution" of the country.

While Dodik says he is resisting the high representative's law, experts like Majda Ruge, a senior policy fellow with the European Council on Foreign Relations, see this latest threat as a continuation of Dodik's "decade-long salami slicing tactics," aimed at "picking the Bosnian central government apart."

Members of the police forces of the Republic of Srpska march during the parade in Banja Luka, northern Bosnia, on Jan. 9, 2022. (Radivoje Pavicic/The Associated Press) Ruge said Dodik has long weakened the independent oversight of Bosnia's central state by threatening secession, then extracting concessions.

"The question, though, is, is [secession] what he's really after?"

Is conflict likely? Ruge said it's unlikely the Republika Srpska could actually afford to fund the army, courts and border it's threatening to create.

But there are reasons other analysts say this time violent conflict could be more likely.

When Dodik celebrated the Republika Srpska's banned national holiday with a military parade on Jan. 9, he was joined by representatives from Russia, China and Serbia, whom he calls strong supporters of his push for secession.

"There's real genuine alarm and fear," said Mujanović. "He clearly enjoys very strong backing."

A person holds a banner showing Dodik that reads 'Never Again' during a protest against the government in Banja Luka, in the Serb-dominated part of Bosnia, on Oct. 2, 2021. (Radivoje Pavicic/The Associated Press) Meanwhile, the coalition against Dodik's ethnonationalism has weakened. Experts say the past decade has seen the U.S. withdraw from the region. Canada's remaining mission, staffed by five soldiers, is focused solely on supporting Kosovo.

The baton passed to the European Union, once able to wave the carrot of EU membership and the stick of heavy sanctions. But today, it is divided against itself.

Membership talks have stalled, and existing member states Hungary and Croatia, also helmed by right-wing nationalists, block any effort at sanctions and funnel tens of millions of euros to Dodik's cause.

"The forces that want to destroy Bosnia-Herzegovina as a state, that want to destroy everything that has been achieved since 1996, are [now] receiving support within the EU," said Adnan Čerimagić, a senior analyst with the Berlin-based think-tank European Stability Initiative. "They see that their vision might be realized."

A Bosnian man passes by a poster of Russian President Vladimir Putin plastered on bus station at the entrance to the town of Srebrenica 150 kilometres northeast of Sarajevo on June 28, 2015. (Amel Emric/The Associated Press) "You have this narrative that is very, very painful for those in Bosnia, which recreates trauma," he said. "You have police forces that have been arming themselves for several years. You have Serbia that is investing in military buildup.

"All that shows that the situation is maturing toward a point where some kind of clashes ... could not be excluded."

How can conflict be prevented? Cerimagic and others say sanctions on Dodik and his allies are key to demonstrating there are consequences for talk of secession. So far, the United States has been the only country to impose them.

Global Affairs Canada told CBC in a statement that it is "concerned" by talk of secession and "continue[s] to monitor the situation," but would not say what would trigger sanctions.

But experts say it will take more than sanctions to prevent future conflict in the Balkans. Bosnia's constitution, an annex in the peace agreement, is in need of substantial constitutional reforms.

The existing constitution was "drafted to appease the warmongering forces in the country," said Gorana Mlinarević, a feminist activist and scholar in Sarajevo.

Turkish President Recep Tayyip Erdogan, left, reviews the honour guard with Zeljko Komsic, Croat member of the tripartite presidency of Bosnia, during a welcome ceremony in Sarajevo on Aug. 27, 2021. (Kemal Softic/The Associated Press) As such, it recognizes only the three main ethnic groups, and bars others — Jews, Roma and the children of mixed marriage, for

example — from political power. Ethnonationalists like Dodik are the main beneficiaries.

Forced into a rigid ethnic box, "citizens lose their belief in institutions and in politics," said Minel Abaz, a project officer with the Network for Building Peace, an NGO in Sarajevo.

"For me personally... I just want to be a citizen of Bosnia-Herzegovina," he said.

That is only becoming harder. Hate speech is becoming more visible and more frequent, Abaz said, even among "ordinary people," who he says are either "afraid or scared or simply out of it."

"Every spoken word ... has its effects on the ground," he said.

Still, Abaz said, "this is not ... the majority." While political leaders may stoke ethnic conflict on the front pages of newspapers and in newscasts, message boards and comment sections are often filled with Bosnians ridiculing their warmongering. Even some veterans of the last war are circulating a petition asking politicians to tone down their rhetoric.

Serbian President Slobodan Milosevic, left, Bosnia-Herzegovina President Alija Izetbegovic, centre, and Croatian President Franjo Tudjman sign the Dayton Agreement peace accord on Nov. 21, 1995. (Eric Miller/Reuters) Among residents, Mlineravic describes the dominant feeling as one of chronic "fatigue".

"Some people [are] saying that they are worried about the situation," she said. "But many more are saying if the war breaks this time around, I will leave Bosnia."

Many are not waiting for war to break out. Experts say moderates and young people are being driven from the country in large numbers by a lack of opportunities and widespread corruption, inflating the power of politicians like Dodik.

"People [would] rather choose to leave than think that there is something for them in this political system," said Nela Porobic, an activist and researcher in Sarajevo.

Many hope the current crisis will finally force reforms to the constitution that would disempower leaders like Dodik by giving moderate and mixed Bosnians a stake in politics.

A woman takes a photo of graffiti in support of Bosnian Serb war criminal Ratko Mladic written on a monument honouring Second World War partisan anti-Nazi fighters and Yugoslav-era national heroes at the Kalemegdan fortress in Belgrade, Serbia, on Nov. 29, 2021. (Darko Vojinovic/The Associated Press) For now, momentum appears to be moving in the opposite direction. With elections due to take place in the fall, Croatian politicians are now allying with Dodik to push to exclude the Bosniak majority from voting in elections for Serb and Croat seats.

With Dodik's allies paralyzing the institutions needed for reform, experts say it may take international intervention to bring them all to the table.

Former army commander, 12 others detained in Bosnia over war crimes Radovan Karadzic sentenced to 40 years in prison for Bosnian war crimes "The cost of not doing so is very very high," said Mujanović, the political scientist. "As long as Bosnia kind of remains on this perennial backburner ... we're going to veer from one significant crisis to the next.

"Sooner or later, and I fear it's very much sooner, the dam will just necessarily break."

**INDICTMENT ISSUED FOR WAR CRIME COMMITTED IN NEVESINJE AREA (The Prosecutor's Office of Bosnia and Herzegovina)** February 4, 2022

**Damir Miskin, born in 1968 in Mostar.**

This accused person is charged with the war crime of rape and sexual abuse of a Bosniak victim in the Nevesinje area.

According to the allegations in the Indictment, in his capacity of a member of the Nevesinje Brigade of the Republika Srpska Army, the accused acted contrary to the provisions of the Geneva Conventions relative to the Protection of Civilian Persons in Time of War.

The accused is charged with forcing a woman to have sexual intercourse during the war in Bosnia and Herzegovina and the armed conflict, which is in violation of the provisions of the Geneva Convention prohibiting outrages upon personal dignity, in particular humiliating and degrading treatment. Thus, the accused committed the criminal offense of War Crimes against Civilians.

The Indictment was forwarded to the Court of Bosnia and Herzegovina for confirmation, and the Court of Bosnia and

Herzegovina confirmed it.

## **Bosnia to Try Ex-Policemen for Crime Against Humanity in Prijedor (Balkan Transitional Justice)**

By Lamija Grebo

February 8, 2022

### **The state court confirmed an indictment charging former Bosnian Serb policemen Dane Bajic and Mijodrag Knezevic with involvement in illegal detentions, torture and murder in the Prijedor area in 1992.**

The state court in Sarajevo on Tuesday confirmed a revised indictment charging Dane Bajic and Mijodrag Knezevic with committing a crime against humanity committed in the municipality of Prijedor in 1992.

The indictment claims that they deliberately and significantly contributed to a joint criminal enterprise by the civilian and military authorities in the Prijedor municipality with the intent to persecute Bosniaks and Croats.

Bajic and Knezevic participated in unlawfully detaining more than 120 non-Serb civilians who were fleeing persecution and held in the hamlet of Prastalo near the village of Miska Glava, according to the prosecution.

The captives were then detained and tortured at a community centre in Miska Glava, and then at the Rudar football club stadium in Ljubija, it is claimed.

“Around 15 civilian Bosniak minors were held at the stadium, where they were tortured, and then they were transported from the Rudar Ljubija football club premises to the Trnopolje detention camp, while the remaining at least 100 civilians were taken from the Rudar football club stadium to the Kipe-Redak locality, where they were killed,” the indictment alleges.

It further alleges that following the executions, the victims’ bodies were hidden in mass graves known as Redak I and Redak II with the aim of concealing the crime.

The bodies some of the civilians, who were killed in the hamlet of Panici after having been taken from the community centre in Miska Glava, were only found in 2016.

Bajic is alleged to have committed the crimes while he was commander of the civilian police at the Public Security Station in Ljubija and a member of the Crisis Committee in the town. It is claimed that he was “a member of the group for the execution of the joint criminal enterprise”, and planned, organised, ordered, incited and aided the persecution of the Bosniak civilians.

Knezevic, alias Zemunac, Ljubo Zemunac or Vojvoda, is accused of participating in persecution through torture, illegal detentions and murders as a member of the Bosnian Serb military police forces.

According to the prosecution, the indictees are in Serbia.

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

**Official Website of the ICTY**

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

## **Is Bosnia backsliding into renewed conflict? (The New Arab)** By Stasa Salacanian

February 3, 2022

### **Despite a US-brokered peace agreement signed in Dayton, Ohio which ended the Bosnian war in 1995, ethnic tensions and sectarian politics have remained in the Balkan state.**

The Dayton agreement ended the bloodiest conflict on European soil since World War II, with more than 100,000 people killed and over two million displaced between 1992-1995. It also established a Bosnian state composed of two self-governing regions: the Muslim-Croat-controlled Federation of Bosnia and Herzegovina, and a Serbian entity called Republika Srpska.

For some, the Dayton agreement, reached after US intervention, demonstrated the limits of a disunited European approach towards the crisis, with the peace agreement far from optimal.

“Perhaps there should have been a Dayton 2.0 accord to better reflect the changing reality,” Dr Nina Markovic Khaze, a political scientist at the Department of Security Studies and Criminology at Australia-based Macquarie University, told The New Arab.

“Instead, animosities between and within constituent ethnic groups have certainly intensified, and during the Covid-19 pandemic, this unfortunate situation has only escalated.”

Political disputes are heating up

The crisis escalated last summer when Valentin Inzko, outgoing High Representative for Bosnia-Herzegovina, a body which oversees the implementation of the Dayton Agreement, amended the criminal code to ban the denial of genocide and the glorification of war criminals.

The decision was closely related to the Srebrenica massacre of 8,000 Muslim men and boys in the summer of 1995 committed by Bosnian Serb forces under the command of General Ratko Mladić.

The massacre has been defined as genocide by the International Criminal Tribunal for the former Yugoslavia in The Hague, but this definition has often been rejected by many right-wing Serb politicians from Bosnia as well as from Serbia.

Bosnian Serbs responded furiously by withdrawing from Bosnian federal institutions, while Bosnian Serb leader, Milorad Dodik, a member of the country's Presidential Council, denounced the proposed amendments and threatened to take drastic measures in the army, judiciary, and tax systems if the Dayton Agreement did not return in its entirety.

Is Bosnia backsliding into renewed conflict?

Tensions have further spiraled since October, when Dodik threatened to force the Bosnian army to withdraw from the Serbian entity. Finally, on 10 December, the parliament of the Republika Srpska adopted a Declaration on Constitutional Principles that stated that the legislation imposed by the high representative in Bosnia and Herzegovina should be considered unconstitutional.

In addition, the legislator also adopted conclusions withdrawing formerly given consent to delegate some of the Republika Srpska's authority to the state of Bosnia and Herzegovina.

The new high representative for Bosnia and Herzegovina, Christian Schmidt, expressed his deepest concerns after these Bosnian Serb moves and warned that the country is in imminent danger of breaking apart, adding that there is a “very real” prospect of a return to conflict.

Dodik is just the tip of the iceberg

Dodik's radical moves have caused a great deal of anger and concern among Western diplomatic circles and on 5 January the US Department of the Treasury's Office of Foreign Assets Control (OFAC), imposed sanctions on the Bosnian Serb leader, accusing him of corruption and threatening the stability and territorial integrity of Bosnia.

The Treasury previously designated Dodik in 2017 for having actively obstructed or posed a significant risk of actively obstructing the Dayton Accords, with little or no effect.

Moreover, when warned about the possibility of facing sanctions from Gabriel Escobar, the newly-appointed deputy assistant secretary at the US State Department's Bureau of European and Eurasian affairs, Dodik simply snapped that he does not “give



a f\*\*k about sanctions,” showing not only how radical he has become but also how the West has completely lost its influence in the region.

However, it would be misleading to attribute the ongoing crisis exclusively to Dodik.

While the Bosnian Serb leader is hardly a moderate politician in favour of reconciliation, Bosnian joint state institutions were effectively dysfunctional long before Bosnian Serbs decided to abandon them last July, in part due to policies pursued by Bosniak Muslim and Bosnian Croat leaders as well.

Speaking to *The New Arab*, Jovo Bakić, Associate Professor at the Department of Sociology at the University of Belgrade, said that back in 1997 Dodik was the favourite politician among Western diplomatic circles, while Bosnian Serbs had been quite sceptical about him. While Dodik has been an utterly corrupt politician, Bakić said that US and EU politicians overlooked it for years.

For many, this is hardly surprising. The US and the EU, as well as Russia, have for the last three decades supported (and still support) corrupt, authoritarian, and compromised leaders in the region who supposedly provide “stability”.

"The US and the EU, as well as Russia, have for the last three decades supported (and still support) corrupt, authoritarian, and compromised leaders in the region who supposedly provide 'stability'"

They include Serbia's Aleksandar Vučić, Montenegro's Milo Djukanović, Bosnian nationalist leaders, as well as notorious Serb leader Slobodan Milošević, who was considered a figure for peace and stability until standing trial for genocide in 2002, and Croatia's former president Franjo Tudjman.

In Bakić's view, Bosnian Serbs could survive the political death of Dodik, as he is unimportant for Serbian nationalism in the long term. “Dodik has manipulated Serbian nationalism, but Serbian nationalism is older than Dodik,” he told TNA.

And even if the West tries to intervene in Bosnia using more radical means, including the military, in order to “discipline” Dodik and Bosnian Serbs, Bakić is unconvinced that it would solve the problem.

#### Bosnia's internal divisions and dysfunctional design

While Bosnia has been a highly dysfunctional and divided state, it would be wrong to assume that simply dissolving both current entities and introducing another model of internal regionalisation at some future conference (a “Dayton 2.0”) would automatically solve accumulated problems, or that Dayton demarcation lines within Bosnia would not be contested if it were not for politicians like Dodik.

It is largely Bosnian Muslims who feel a commitment to Bosnia and Herzegovina, with many of their leaders sympathising with the idea of a more unitary state that would abandon ethnic or national principles in the election of political representatives - a solution viewed as oppression by other ethnicities.

Yugoslavia could not survive as a national state, and Bosnia has faced a similar problem as it consists of three nations. In this complicated puzzle, Bosnian Croats were simply incorporated into the Bosniak-Croat entity named the Federation of Bosnia and Herzegovina, causing dissatisfaction among this ethnic group as many of them see Croatia rather than Bosnia as their homeland.

But while ethnic and religious divisions have determined the Bosnian reality over the last three decades, the country also has a long tradition of multicultural and multi-confessional tolerance and coexistence.

The brightest example of the struggle to preserve this unique mixture is the joint fight of all constitutive nations of Yugoslavia (including Bosnia) against Nazi German forces and their local collaborationist allies within the all-Yugoslavian anti-fascist resistance movement led by Josip Broz Tito and the Communist Party of Yugoslavia.

Yugoslav partisans were able to overcome ethnic differences and fratricidal war among Bosnian and Yugoslav peoples and made great efforts to implement national reconciliation after World War II, with Bosnia and Herzegovina becoming the bastion of Yugoslavism and “brotherhood and unity” - a concept promoted by Socialist Yugoslavia.

Nevertheless, the voices of the broader community, including civil society, are often completely missing in the contemporary debate about the future of Bosnia.

While many foreign analysts and diplomats have promoted the idea of a new peace conference (Dayton 2.0), that would aim to diminish ethnic and territorial concepts and promote multinational ideas, Markovic Khaze thinks that the process of reaching such an agreement would need to be transparent, inclusive, and supported by all regional, international, and local players to succeed.

A victim of the unfinished disintegration of Yugoslavia?

The ongoing political crisis in Bosnia reflects, in some ways, that the bloody disintegration of the former Yugoslav federation is still an unfinished process, as numerous unsolved border issues suggest.

Bosnia cannot be isolated from other hot spots in the region and many observers usually link the future of the country with the future of Kosovo. Serbian leaders, regardless of their political affiliation, have explicitly said that if parts of the international community support Kosovan independence, and increase the pressure on Serbia to recognise Kosovo, Serbia would then reopen the issue of Bosnia and Herzegovina and Republika Srpska.

Moreover, since there have been ever louder voices about “border corrections” between Serbia and Kosovo, some observers believe that similar proposals can be applied to Bosnia as well. While some analysts see this approach as a pragmatic solution, others condemn it as politically immoral as it would legitimise ethnic cleansing and reward extremist nationalists.

There have also been calls for Kosovo to hold a referendum on joining Albania. “If Kosovo were to eventually join a unitary state with Albania, this will inevitably intensify efforts to hold a similar referendum in Republika Srpska on joining with Serbia in a unitary state. However, this is unlikely to succeed within any current framework of operations and governance for BiH,” Khaze said.

The Arbitration Commission of the Conference on Yugoslavia (commonly known as the Badinter Arbitration Committee), applied the principle of *uti possidetis juris* and concluded that the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY) had been completed.

According to this principle, the boundaries between Croatia and Serbia, Bosnia and Herzegovina and Serbia, and possibly other adjacent independent states, may not be altered except where otherwise agreed, with the former boundaries becoming frontiers protected by international law.

However, Bakić and other analysts observe that the US and major powers in the EU have decided that they will not necessarily attach themselves to this principle, as was evident in the case of Kosovo, which declared independence from Serbia in 2008.

In this way, some analysts view the West as promoting multinationalism in one case and a national, or territorial, approach in others, with the independence of Kosovo opening a ‘pandora’s box’ of future secessionist claims and linking the future of Bosnia with the case of Kosovo.

Bleak future

Over the past decade, the western Balkans, including Bosnia, have been off the radar of the international community, especially of the EU and the US, which has only emboldened autocratic tendencies and nationalist rhetoric.

As a result, many in the region have lost confidence in the EU, which has sacrificed much of its credibility and reputation on stalled promises of accession. Moreover, the EU has made it clear that there will be no expansion until at least 2025 and possibly beyond too.

While an accelerated path towards full EU membership could ease (but not solve) accumulated problems and ethnic tensions in the region in a way that disputed interstate borders would become irrelevant, with a presumption that full membership would also offer greater economic prosperity and stability, it is more likely that Bosnia, as well as the whole region, will continue to stagnate at the periphery of Europe and the global capitalist system, living in a state of permanent instability.

“Permanent crisis hotspots are being created in those parts of the world where neither side can achieve supremacy and dominance,” Dr Nevenka Tromp Nevenka, a lecturer in East European Studies at the University of Amsterdam, said in an interview last year.

“These trends include - but also precede - the situation in the post-Yugoslav area where the West does not really know what to do with Kosovo and BiH as majority Muslim states.”

In Marković Khaze’s view, while the federation can continue to exist in its current form in the short term, issues such as a massive brain drain, poverty, underdevelopment, and a lack of investment are structural issues that inevitably impact the functioning of the whole country.

While frozen conflict is clearly not the best solution either for Bosnia or Kosovo, other radical solutions could do even more harm. In Bakić’s view, the EU is not a reachable destination for Bosnia, Serbia, or Kosovo, with Bosnians of all stripes better served by depending on each other rather than Serbia or Croatia or any other foreign power.

But, unfortunately, whether realistic or unrealistic, there seem to be no immediate solutions. In short, get ready for another Balkan storm.

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## Turkey

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### Kosovo Specialist Chambers

**Kosovo Special Court Extends Ex-President Thaci's Detention (Balkan Transitional Justice)** By

Xhorxhina Bami

January 28, 2022

**The Kosovo Specialist Chambers in The Hague extended the detention of former President Hashim Thaci, who is facing war crimes charges, citing concerns that he might abscond or interfere with witnesses.**

The pre-trial judge at the Kosovo Specialist Chambers, Nicolas Guillou, extended detention for Hashim Thaci ahead of his trial for war crimes and crimes against humanity allegedly committed during the 1998-99 conflict in Kosovo.

Judge Guillou turned down a defence request for the release of Thaci, who was one of the wartime leaders of the guerrilla Kosovo Liberation Army, KLA.

"The pre-trial judge concludes that the risks that Mr. Thaci will abscond, obstruct the progress of SC [Specialist Chambers] proceedings, or commit further crimes against those perceived as being opposed to the KLA, including witnesses who have provided or could provide evidence in the case and/or are due to appear before the SC, continue to exist," Guillou said.

Thaci's defence had argued that Kosovo's police force had guaranteed "its readiness to implement a series of additional measures to ensure the effective implementation, supervision and enforcement of any other measures ordered by the pre-trial judge" to keep check on Thaci.

But the prosecution insisted that "no conditions of release in Kosovo can mitigate the particular risks at issue".

Thaci's defence had also suggested that Thaci be placed in a third country, unknown to the public, which had said it would follow the judge's orders.

However, judge Guillou concluded that "risk of flight; risks of obstruction and committing further crimes" cannot be ignored, and that "no other conditions that might be implemented could sufficiently address the risks posed by Mr. Thaci".

The decision to extend custody for Thaci was made on December 14 but only made public this week.

Thaci and three co-defendants are accused of a series of war crimes and crimes against humanity including illegal detentions, torture, murder, enforced disappearances and persecution from at least March 1998 to September 1999.

The indictment alleges that they were part of a "joint criminal enterprise" that aimed to take control over Kosovo "by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents".

Most of the crimes in the indictment were allegedly committed at KLA detention centres in Kosovo and Albania.

All four men have pleaded not guilty.

The Specialist Chambers are part of Kosovo's judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo's Western allies, who feared that Kosovo's justice system was not robust enough to try KLA cases and protect witnesses from interference.

But the so-called 'special court' is widely resented by Kosovo Albanians who see it as an insult to the KLA's war for liberation

from Serbian rule.

## **Kosovo War Crime Victims Failing to Get Compensation, Official Warns (Balkan Transitional Justice)** By Serbeze Haxhiaj

February 7, 2022

**Nesrin Lushta, head of Kosovo's Committee for Crime Victims Compensation, who is also a Supreme Court judge, said that not a single victim of war crimes in the country has received any compensation for their suffering.**

Six years after Kosovo established a Committee for Crime Victims Compensation, thousands of victims of crime have received assistance, but not a single victim of war crimes.

This is despite the fact that more than two decades after the 1998-99 Kosovo war, the country's courts have tried dozens of people for war crimes. However, no restitution has been awarded to victims in verdicts in cases against former members of Serbian forces or in cases against former Kosovo Liberation Army guerrillas.

This is because, according to the law, courts should instruct victims in war crime trials to claim compensation in civil proceedings. But this is complicated, officials say.

Compensation from the state can be requested if the victim is unable to get restitution from the convicted defendant or from other sources.

But Nesrin Lushta, head of the Committee for Crime Victims Compensation, which is part of the Ministry of Justice and enables victims of violent crimes to apply for compensation payments, cautioned that the situation for victims in war crime cases "is challenging in many aspects".

"It is a bit difficult to deal properly with this category of victims [of war crimes] because the law came into force in 2015 and we cannot compensate victims retroactively," Lushta told BIRN in an interview.

"But even in the cases after this time [2015], we haven't had any request for compensation from victims in war crimes trials," she added.

At the Kosovo Specialist Chambers in The Hague, which was set up to try former Kosovo Liberation Army guerrillas for war crimes, it is also unclear how difficult it will be for victims to get compensation.

Although based in the Netherlands and staffed by internationals, the Kosovo Specialist Chambers are part of Kosovo's justice system. However, Kosovo's Law on the Kosovo Specialist Chambers does not set specific criteria to decide in which circumstances compensation can be awarded. This was highlighted by a ruling last year in the case against Kosovo Liberation Army ex-guerrilla Salih Mustafa.

After the ruling, the Victims Participation's Office at the Specialist Chambers asked three international experts to assess the situation. The experts' reports published in late December 2021 cautioned that victims will face "serious problems" in securing compensation.

Lushta, who is also a judge at Kosovo's Supreme Court, said that victims in war crimes cases can be compensated by the committee that she leads.

"We compensate victims of murders, trafficking, crimes against sexual integrity and domestic violence. But according to the law we can compensate victims of other types of violence. This gives us space for compensation of those [war crimes] victims," she explained.

"If the crime is murder, whether it is or is not a war crime case, we have no legal impediment to compensating victims. While there is no other mechanism that deals with the compensation of victims, I do not see any problem for this category of victims to be compensated by us," she added.

However, victims who have their identities concealed to protect them during criminal proceedings cannot do the same in civil proceedings.

They have to disclose their names to pursue a civil lawsuit, and also if they seek compensation from the Committee for Crime Victims Compensation. This could put their lives at serious risk of violent retribution.

"In this situation, a legal clarification is also needed because if the victims are anonymous, we can't compensate them, because their identity is also hidden in the court rulings. That means we can't identify if they are the same people or not," said Lushta.

‘Cases drag on for years’

Another problem for victims who want to claim compensation in civil disputes is the fact that they have to wait for years for a final ruling.

“It is true that cases in civil procedure drag on for years and in many cases, victims withdraw from procedures and address their concerns to us, even though the compensation they receive from us is small, not more than 3,000 to 4,000 euros,” Lushta said.

Experts who have monitored war crimes trials in Kosovo, like Leutrim Gashi, a senior researcher for the Pristina-based Kosovo Institute for Justice, say the country’s current legal framework is failing victims.

“Judges always advise victims to claim compensation in civil proceedings, a process which lasts for years,” said Gashi.

“During monitoring we have seen that in almost 90 per cent of cases, judges have not informed the victims of the possibility for them to claim compensation from the Committee for Compensation of Crime Victims and get compensation from the state,” he added.

Mustafe Prenku, the head of the Organisation of Invalids and Civilian War Victims, argued that the state has the duty to award compensation when victims are unable to get restitution from convicted defendants.

Prenku added that under international law, the state has obligations to provide remedies to victims of crimes.

“War crimes trials, sentencing the perpetrator and awarding a compensation claim represent a form of satisfaction, sending a message to the victims that the crimes have not been forgotten,” he said.

Although no victims in war crimes cases tried in courts in Kosovo have been compensated, a total of 180,100 euros has been paid out in compensation to defendants who have been acquitted, the Kosovo Judicial Council confirmed.

Financial support for Hague indictees

Shortly after the Law on the Specialist Chambers was adopted by Kosovo Assembly in 2015, enabling the establishment of the Hague-based court, a law was also adopted to ensure legal and financial support for indictees.

This law includes unlimited payments from state budget to pay for the protection of those charged by the prosecution at the Specialist Chambers, and also a support scheme to pay for visits from their family members – but no money for victims.

The international experts who analysed the compensation situation for the Specialist Chambers raised concerns that Kosovo’s domestic courts are subject to political influence and are not fully independent.

But Lushta denied that her committee could be pressurised by politicians over war crimes victims’ compensation claims.

“We have the capacities and that independence and we can address this category of victims too, no matter what their ethnic background is. But if we get into a situation in which we have a big influx [of applicants], we will have to ask for a budget,” she said.

“If the state wants to compensate victims of war crime cases, no matter if they are from the Specialist Chambers or not, in a more dignified way, then the government has to allocate a budget for them,” she added.

However, she noted that the issue of war crimes victims in cases at the Specialist Chambers is “sensitive”. Most of them are ethnic Albanians who claim that they suffered at the hands of Kosovo Liberation Army fighters, who are seen as heroes in Kosovo. The Specialist Chambers are also disliked by Kosovo Albanians, who see the Hague-based court as an attempt to tarnish the KLA’s struggle for liberation.

For this reason, even though Lushta believes that her Committee could deal with compensation claims in such cases, she suggested that “the Specialist Chambers should find a solution on their own”.

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**Azerbaijan**

## MIDDLE-EAST

### Iraq

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

#### **Western powers accused of complicity as Turkish air strike kill two in Kurdish refugee camp (Morning Star)** By Steve Sweeney

February 2, 2022

#### **Kurdish officials accused Western powers of complicity in Turkish air strikes that killed two people and injured many more at the UN-administered Makhmour Refugee Camp in northern Iraq today.**

It was heavily bombarded on Tuesday night as missiles also targeted areas in Shengal, where thousands were massacred at the hands of Isis in the 2014 Yazidi Genocide.

The town of Derik in north-east Syria was also struck just hours after 12 Syrian Democratic Forces (SDF) fighters who were killed in the recent thwarted Isis prison break in Hasaka province were buried.

“Iraqi air space is controlled by the coalition,” camp officials told the Morning Star. “Turkey cannot make air strikes without their permission.”

“Twelve thousand people live here and we are under the guarantee of the UN. We call on everyone to take care of us.”

Turkey frequently bombs Makhmour camp with President Recep Tayyip Erdogan branding it “an incubator of terrorism,” accusing it of housing fighters from the Kurdistan Workers Party (PKK).

The UN rarely speaks out after such incidents and is accused of collusion with Turkey and Nato.

A 2006 Wikileaks cable appears to support these assertions, with then UN High Commissioner for Refugees (UNHCR) representative Gesche Karrenbrock working with both US and Turkish officials to shut it down.

The Morning Star contacted the UNHCR today which said it was trying to verify the facts on the ground.

It has issued no public statement on the missile strike.

The latest attacks were branded “revenge for Hasaka” with Turkey known to support jihadist groups in Syria to fight against Kurds as part of a genocide operation.

During last week’s attempted prison break, Ankara launched air strikes at an SDF convoy preventing it from providing reinforcements in the battle against Isis, effectively providing the jihadists with air cover.

Tuesday night’s attacks, which Turkey said hit 80 targets, were condemned by Baghdad as “a violation of Iraqi air space” and of the country’s sovereignty.

Turkish Defence Minister Hulusi Akar said that the operation targeted PKK bases and training camps.

The “terrorists felt the breath of the Turkish armed forces on their necks,” he said today.

Resistance forces inside Iraq promised to “teach Turkish forces a tough lesson.”

Qais al-Khazali, a leading figure in the Iranian-backed Popular Mobilisation Forces said that the expansion of military bases had exacerbated tensions and vowed to drive Turkey out of the country.

“We affirm that the barbaric Turkish moves will not go unanswered and will be dealt with when the time is right,” he said.

“We will force them to withdraw from Iraqi soil as we did with respect to American occupation troops.”

Western countries continue to arm Turkey despite allegations of war crimes.

Britain has sold £77 million in arms to Turkey since Boris Johnson came to power in 2019.

This includes parts for armed helicopters, military combat vehicles and parts for surface to air missiles.

The Morning Star has previously reported on a secretive six-year history of British supplies to Turkish “killer drones.”

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## Syria

### **US-backed YPG commits war crimes against civilians, opposition says (Daily Sabah)**

February 3, 2022

**Terrorists belonging to the PKK’s Syrian offshoot YPG have committed war crimes against civilians in al-Bab, the National Coalition for Syrian Revolutionary and Opposition Forces said Wednesday.**

According to a statement made by the coalition, YPG/PKK terrorists carried out a rocket attack against civilians in the al-Bab district, an act that amounts to a war crime.

“The treacherous attack in the al-Bab district aims to destroy stability and create an additional migrant wave,” the coalition said, adding that they expect the global community to adopt a stance against the YPG/PKK terrorists.

Nine civilians were killed and 30 others were injured after YPG/PKK terrorists carried out an attack in the al-Bab district.

The rockets hit locations crowded with civilians, including busy streets and near a hospital.

Once ruled by Daesh terrorists, al-Bab was liberated in Operation Euphrates Shield, which was carried out by the Turkish Armed Forces (TSK) and the Syrian National Army (SNA).

Turkey launched Operation Euphrates Shield on Aug. 24, 2016, to eliminate the threat posed by Daesh and the YPG/PKK terrorists on Turkey's southern borders.

Following its liberation, most of al-Bab's residents have returned to the town.

Euphrates Shield is one of the three successful counterterrorism operations that Turkey has launched since 2016 across its border in northern Syria to prevent the formation of a terror corridor and enable the peaceful settlement of residents. The other two are Olive Branch carried out in 2018 and Peace Spring in 2019.

### **Islamic State leader killed during raid by US special forces in Syria (The Guardian)** By Martin Chulov

and Julian Borger

February 4, 2022

**Abu Ibrahim al-Hashimi al-Qurayshi, the leader of Islamic State and one of the world’s most wanted men, has been killed during an overnight raid by US special forces in north-west Syria.**

The pre-dawn attack on a house in the village of Atme, just south of the Turkish border, led to up to 13 casualties, among them women and children. It also resulted in the destruction of a US helicopter, which had been used to carry special forces troops

from Erbil in Iraq.

“Thanks to the bravery of our troops, this horrible terrorist leader is no more,” Joe Biden said in a television address from the White House. “Our forces carried out the operation with their signature preparation and precision.”

Thursday’s raid was the most significant by the US since Qurayshi’s predecessor Abu Bakr al-Baghdadi was killed in October 2019 in a village 9 miles (14.5km) south of Atme.

Biden said the civilian casualties were caused when Qurayshi detonated a suicide vest and other explosives on the third floor of the building where he had taken refuge.

“Our team is still compiling the report, but we do know that as our troops approached to capture the terrorist, in a final act of desperate cowardice, with no regard to the lives of his own family or others in the building, he chose to blow himself up, not just the vest but to blow up that third floor rather than face justice for the crimes he has committed, taking several members of his family with him,” Biden said.

A senior administration official said: “This is an operation that has been long in planning and from a tactical perspective, went precisely as expected.”

However, there was a significant discrepancy between the initial Pentagon report that eight children had been safely evacuated and two children were killed by the blast triggered by Qurayshi, and the accounts of first responders on the scene who say they found six children and four women dead.

“Some of the corpses in the area do not look like they died in an explosion. They look like they were hit by extremely heavy calibre gunfire,” Charles Lister, director of the Syria programme at the Middle East Institute in Washington, said. “And we do know, because I saw it in a video last night as it was happening, that at least one of the helicopters in the area fired its heavy machine guns at the building for over a minute straight.”

Pentagon spokesman John Kirby said that there were “strong, strong indications” that civilian deaths – those of Qurayshi’s wife and their two children – were caused by the IS leader. But he said that the US would review the operation to determine whether American action resulted in any civilian deaths.

Biden gave the final green light for the operation on Tuesday, but according to US officials, it had been planned for months. After the first intelligence tip gave a lead on Qurayshi’s whereabouts late last year, the president approved a capture or kill operation. The intelligence agencies reached certainty Qurayshi was at the site in early December and senior officers brought a tabletop model to the White House to explain the complexity of the operation.

“Knowing that this terrorist had chosen to surround himself with families, including children we made a choice to use a special forces raid at a much greater risk to our own people rather than targeting him with an airstrike,” Biden said. “We made this choice to minimise civilian casualties.”

US officials said the planners looked at the structural integrity of the building and decided that it would not collapse if Qurayshi blew himself up, though they had not anticipated he would rig the entire floor to explode.

US officials said that the US raiding squad came under fire from al-Qaida-affiliated militants as they were leaving and returned fire, killing two. Lister also questioned that account, saying the two men hit were members of Tahrir al-Sham (HTS), the dominant group in the area. He said one was killed and the other is in hospital.

“They are anti-Isis, anti-al-Qaeda, and Turkish linked,” he said. “As I understand it, when approaching the scene, they were deemed to be likely having a hostile intent and they were taken out.”

Biden watched the operation unfold through a video link from the White House. Officials said there were moments of tension, when one of the helicopters malfunctioned and had to be landed and then destroyed, and then when the special forces team called for family members to come out of the building, knowing there were children inside. One official described a wave of relief when children and other civilians were able to flee the first floor of the building

“Obviously that was a key point of concern and why this operation was complex,” the official said.

The president laid out some of the crimes Qurayshi was accused of, including the genocide of the Yazidis in northern Iraq and last month’s spectacular assault on a prison holding IS inmates in the east of Syria.

Medics who attended the aftermath said they found only three bodies. Others are believed to have been taken by townspeople. Photographs taken from inside the home appeared to show the impact of a suicide blast.



Separate photographs showed the third floor of the three-storey house partially collapsed. There appeared to be little damage to surrounding homes.

The house's landlord told local media that a man carrying a Syrian identification had rented the home from him 11 months ago and had arrived with a wife, three young children and a sister

Other locals said they had no idea one of the world's most wanted terrorists lived among them. "We only ever saw his wife buying vegetables," said Omar Halabi, 36. "I think I saw him once. He was quiet and humble."

Residents of Atme were woken at about 3am by the sound of helicopters landing nearby. A man speaking Arabic with an Iraqi accent through a loudspeaker told the occupants of the house that they had 15 minutes to surrender.

After that time had elapsed, gunfire and explosions ripped through the night.

US troops remained on the ground for nearly two and a half hours, an inordinate amount of time for a special forces operation behind enemy lines. The helicopter that had broken down was destroyed by a circling US fighter jet, in scenes reminiscent of the 2011 raid on Osama bin Laden's hideout in Abbottabad, Pakistan, in which a stealth helicopter was lost.

Qurayshi had been the lowest profile leader of IS or its forerunners, making no public appearances or giving speeches of note. An Iraqi, born in the northern town of Tel Afar, he was a veteran of the post-Saddam Hussein Sunni-led insurgency who had risen through the ranks of the terror group to a place in Baghdadi's inner sanctum.

He is the fourth senior Isis leader to have been tracked down, captured or killed in Idlib province in the past two years.

Syrian government forces and their main military backer, Russia, have carried out repeated attacks against jihadist and rebel groups in Idlib. However a ceasefire deal brokered almost two years ago by Moscow and Ankara, the two main foreign powers in the area, is still officially in place.

Syria's president, Bashar al-Assad, has long insisted that his goal was to recapture the whole of Syria, including Idlib province, but the contours of the jihadist-run enclave have remained largely unchanged since early 2020.

The prevalence of the the IS leadership in the area raises the likelihood that the heartland of the group – western Iraq – is no longer the centre of its operations, and that a new generation of leaders is opting for sanctuary on the battlefields of Syria.

**Syrian opposition conference in Doha calls for reforms (The New Arab)** By William Christou  
February 7, 2022

**A Syrian opposition conference held in Doha this weekend concluded by reaffirming the opposition's refusal of "normalisation" with Bashar al-Assad's regime, and calling for a set of reforms to be implemented.**

The two-day conference entitled "Whither Syria?" invited a host of Syrian opposition figures from various political bodies, including the Syrian Opposition Coalition (SOC). The introductory speech was given by Riad Hijab, a former Prime Minister of Syria who became a prominent opposition figure during the course of the Syrian revolution.

The conference issued a 17-point statement calling for specific reforms ranging from the empowerment of youth and women to the documenting of war crimes committed in Syria.

Notably, the statement also highlighted the need to "reform the revolutionary and opposition forces and enhance their performance in a way that enables them to achieve the right and legitimate demands of the Syrian people".

Observers have speculated that the Doha conference might lead to the launch of a new Syrian opposition course of action, citing the stalled efforts of the SOC in pushing forward UN Security Council Resolution 2254.

The UNSC Resolution provides a wide framework for ensuring a political transition in Syria and ending the more than decade-long long civil war.

According to Malik Al-Abdeh and Lars Hauch, who wrote a brief on the Doha conference, the conference might offer an opportunity to offer an "internal renewal and political strategy given" for the Syrian opposition given the "deadlock of UN-led peace negotiations".

Whether the conference will be a one-off or lead to a new strategy for the opposition is yet to be seen.

Doha, alongside Ankara, has hosted a number of Syrian opposition figures over the last decade, including high-ranking

members of the SOC.

On Monday, the president of the SOC, Salem al-Maslat, met with the US Assistant Secretary of State of Near Eastern Affairs Ethan Goldrich, in Doha.

Among other items discussed, the two reaffirmed support for the political track under UNSCR 2254, while Al-Maslat warned "against any disruptive proposals that divert the political process from its track".

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## Yemen

### **Saudi Attacks Water Facilities In Yemen (Ooska News)**

January 29, 2022

#### **Three airstrikes on Sa'ada City reservoirs on January 11 have been condemned by Yemeni officials as war crimes.**

Deputy Minister of Water and Environment, Hanin al-Darib told news networks that the Talmous water station and its reservoirs were targeted by Saudi Arabia. The water station is the sole supplier of water to Sa'ada City and its suburbs including a large population of displaced people. In total, an estimated 200,000 are affected by the attacks that have cut off supply.

Yemeni officials have labelled the attacks war crimes and Al-Darib emphasized that the attacks came during a severe fuel shortage in the country, further aggravating the situation in Sa'ada City. The Talmous drinking water project was a civilian facility and international organizations have been urged to fulfill their responsibilities towards the women and children in Sa'ada.

The United Nations and human rights groups have been urged to condemn the Saudi attack on water fields and resources that provide the residents of Sa'ada city with safe drinking water.

In this context, the Geneva List of Principles on the Protection of Water Infrastructure (the Geneva List) could be applied.

The Geneva List is a reference document prepared by the Geneva Water Hub for the use of parties to armed conflicts, international organizations, and other practitioners working in the contexts of armed conflicts, including in pre- and post-conflict situations. It is the first text that systematizes the main rules applicable to the protection of water infrastructure during armed conflicts, specifically in the conduct of hostilities, as well as in pre-conflict and post-conflict situations and sets forth good practices.

The current conflict, launched by Saudi Arabia and some of its regional allies in 2015, has failed to reach its goals of reinstating former Yemeni president Abd Rabbuh Mansour Hadi, but has killed hundreds of thousands of Yemeni people in the meantime. Incoming fuel shipments have been blocked, looting of resources continues.

The UN, labelling the situation the worst humanitarian disaster in the world, asserts that 24 million Yemenis are in dire need of humanitarian aid, 10 million suffering from extreme levels of hunger. The war has destroyed Yemen's infrastructure, including hospitals, factories, and water services.

### **Global campaign to free 4 Yemen journalists detained by Houthis (Middle East Monitor)**

February 8, 2022

#### **The International Federation of Journalists (IFJ) and the Yemeni Journalists' Syndicate (YJS) have launched an international campaign to pressure the Houthis to free four journalists detained by the group in Yemen and who face the death penalty.**

In June 2015, Abdul-Khaleq Omran, Akram Al-Walidi, Harith Hamid and Tawfiq Al-Mansoori were arrested by the Houthis along with five other journalists in the capital Sanaa. In April 2020, a Houthi court sentenced the four journalists to death on charges of "treason and spying for foreign states". "Their arrest was motivated by their reporting on human rights violations committed by Houthi forces," IFJ and YJS said in a joint statement yesterday. The two organisations announced that they

were "launching an emergency call... to put pressure on the Houthi authorities to release our colleagues and save their lives", warning that the four journalists had suffered "physical and psychological torture" as well as the "denial of the right to be visited and the right to have access to medical care." The IFJ and YJS said their campaign aims to send a message to the UN and US envoys to Yemen, to put this issue on their agenda as an urgent matter, and to call on governmental bodies and international institutions concerned with freedom of expression and the defence of human rights to make this issue a top priority. The rights groups also called for the Yemeni Journalists Syndicate to participate in the upcoming session of the Human Rights Council to raise the issue of journalists sentenced to death in Yemen and the plight of media professionals in general.

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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**

**Jerusalem: Israel forces Palestinians to self-demolish own homes (Al-Jazeera)** By Zena Al Tahhan  
January 31, 2022

**Israeli authorities have forced two Palestinian families in the occupied East Jerusalem neighbourhood of Jabal al-Mukabber to demolish their own homes, rendering 13 people, including five children, homeless.**

The Shqeirat family – to whom the homes belong – told Al Jazeera that the Israeli District Court in Jerusalem issued a final decision on Sunday ordering their homes to be demolished within a day's time.

Israeli authorities cited a lack of building permits as the reason, but the Israeli-controlled Jerusalem Municipality denies at least 93 percent of all Palestinian building permit requests in the city.

The two homeowners, brothers Mahmoud and Daoud Shqeirat, and their families began clearing out their homes east of the occupied Old City late on Sunday night ahead of the self-demolition, which began at 10am (08:00 GMT) on Monday.

"The border police came to the homes immediately after the court decision on Sunday morning and told the families that if they don't self-demolish, they [police] would bring their machinery and carry out the demolition themselves and that the family would have to bear the cost," Arafat Shqeirat, one of their cousins and next-door neighbour, told Al Jazeera from Jabal al-Mukabber, also known as al-Sawahrah al-Gharbiya.

Like many other Palestinian families in Jerusalem, the Shqeirats opted to tear down their own homes rather than have the Jerusalem Municipality do it on their behalf in order to avoid the high cost of the demolition, which can go up to tens of thousands of shekels.

"The municipality inspector told me yesterday: 'You will even have to pay for the bottle of water that I give to the officer carrying out the demolition,'" 45-year-old Arafat continued.

"We disassembled everything in the house last night – the windows, the doors, the kitchen. They told us they would come by today and check that we are going ahead with the demolition," he added.

The two homes were built in 2012 and measure 80 square metres each. Mahmoud, 38, is a father of four children, including an eight-month-old baby, while his brother, Daoud, is a father of five.

The families first received the demolition orders three years ago but attempted to battle it in Israeli courts, to no avail. They have paid more than 50,000 shekels (\$15,680) in fines to the Jerusalem Municipality since they first built their homes for lacking a permit.

“We are now in the process of searching for homes for rent for the families – yesterday we put their belongings in one of their brother’s homes,” said Arafat, adding that the International Committee of the Red Cross (ICRC) would be providing them with a tent to stay in for a few days before they are able to find homes.

“We’re searching – the rents in Jerusalem are very high.”

Routine home demolitions Israeli forces routinely carry out demolitions of Palestinian homes in occupied East Jerusalem under different legal pretexts, with one of the main ones being “building without a permit.” At least one-third of all Palestinian homes in Jerusalem lack a building permit, placing some 100,000 Palestinians at risk of forced displacement.

At least 218 more Palestinian households, home to 970 people including 424 children, are facing forced evictions due to ongoing legal cases filed against them by Israeli settler groups in coordination with the government. Some 350,000 Palestinians currently live in Jerusalem, with 220,000 illegal Israeli settlers living in their midst.

Forcible displacement and transfer of a militarily-occupied population is a violation of international law and a war crime.

Last week, 15 Palestinians from the Karameh family were made homeless when Israeli forces demolished their home in the nearby neighbourhood of al-Tur. The demolition in al-Tur came days after authorities demolished an 18-member home in the flashpoint neighbourhood of Sheikh Jarrah during an overnight raid.

“Israel’s policy is known – they want to forcibly displace people and push them out of Jerusalem,” homeowner Mahmoud Shqeirah told Al Jazeera.

Local NGOs and rights groups have long pointed to a range of Israeli practices and policies in Jerusalem aimed at altering the demographic ratio in favour of Jews, a goal laid out as “maintaining a solid Jewish majority in the city” in the municipality’s 2000 masterplan.

Unlawful settlement expansion, Palestinian home demolitions, and restrictions on Palestinian urban development are some of the main ways being used to realise this goal, according to rights groups.

“Jerusalem has been the core target of Israel’s demographic engineering design aimed at entrenching its colonial domination over the Palestinian people as a whole,” Ramallah-based Al-Haq rights group said in a September 2021 report.

“House demolitions have been central tools to facilitate Israel’s land appropriation and dispossession,” Al-Haq continued, highlighting that “the self-execution aspect raises home demolitions to another level of Israeli oppression imposed on Palestinians.”

An individual who refuses to self-demolish their own home faces an additional \$2,500 in fines and up to 18 months in Israeli detention, according to Al-Haq.

Israel militarily occupied the eastern half of the city in 1967. Only 13 percent is zoned for Palestinian development and residential construction, most of which is already built up. Some 57 percent of all land in occupied East Jerusalem has been expropriated by Israeli authorities, including from private Palestinian owners, for both the building of illegal settlements and zoning of land as “green areas and public infrastructure”. The remaining 30 percent comprises “unplanned areas” where construction is also banned.

“This is an occupation – it has no mercy, no religion. They don’t care about elderly or young people – if they did they wouldn’t be demolishing your home in the middle of winter. But no, they come at a time when people need to be indoors,” said Arafat.

“This is about the Judaization of Jerusalem – they want to pressure Palestinians to leave the city.”

**Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity (Amnesty International)**

February 1, 2022

**Israeli authorities must be held accountable for committing the crime of apartheid**

**against Palestinians, Amnesty International said today in a damning new report. The investigation details how Israel enforces a system of oppression and domination against the Palestinian people wherever it has control over their rights. This includes Palestinians living in Israel and the Occupied Palestinian Territories (OPT), as well as displaced refugees in other countries.**

The comprehensive report, Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity, sets out how massive seizures of Palestinian land and property, unlawful killings, forcible transfer, drastic movement restrictions, and the denial of nationality and citizenship to Palestinians are all components of a system which amounts to apartheid under international law. This system is maintained by violations which Amnesty International found to constitute apartheid as a crime against humanity, as defined in the Rome Statute and Apartheid Convention.

Amnesty International is calling on the International Criminal Court (ICC) to consider the crime of apartheid in its current investigation in the OPT and calls on all states to exercise universal jurisdiction to bring perpetrators of apartheid crimes to justice.

“There is no possible justification for a system built around the institutionalized and prolonged racist oppression of millions of people. Apartheid has no place in our world, and states which choose to make allowances for Israel will find themselves on the wrong side of history. Governments who continue to supply Israel with arms and shield it from accountability at the UN are supporting a system of apartheid, undermining the international legal order, and exacerbating the suffering of the Palestinian people. The international community must face up to the reality of Israel's apartheid, and pursue the many avenues to justice which remain shamefully unexplored.”

Amnesty International's findings build on a growing body of work by Palestinian, Israeli and international NGOs, who have increasingly applied the apartheid framework to the situation in Israel and/or the OPT.

#### Identifying apartheid

A system of apartheid is an institutionalized regime of oppression and domination by one racial group over another. It is a serious human rights violation which is prohibited in public international law. Amnesty International's extensive research and legal analysis, carried out in consultation with external experts, demonstrates that Israel enforces such a system against Palestinians through laws, policies and practices which ensure their prolonged and cruel discriminatory treatment.

In international criminal law, specific unlawful acts which are committed within a system of oppression and domination, with the intention of maintaining it, constitute the crime against humanity of apartheid. These acts are set out in the Apartheid Convention and the Rome Statute, and include unlawful killing, torture, forcible transfer, and the denial of basic rights and freedoms.

Amnesty International documented acts proscribed in the Apartheid Convention and Rome Statute in all the areas Israel controls, although they occur more frequently and violently in the OPT than in Israel. Israeli authorities enact multiple measures to deliberately deny Palestinians their basic rights and freedoms, including draconian movement restrictions in the OPT, chronic discriminatory underinvestment in Palestinian communities in Israel, and the denial of refugees' right to return. The report also documents forcible transfer, administrative detention, torture, and unlawful killings, in both Israel and the OPT.

Amnesty International found that these acts form part of a systematic and widespread attack directed against the Palestinian population, and are committed with the intent to maintain the system of oppression and domination. They therefore constitute the crime against humanity of apartheid.

The unlawful killing of Palestinian protesters is perhaps the clearest illustration of how Israeli authorities use proscribed acts to maintain the status quo. In 2018, Palestinians in Gaza began to hold weekly protests along the border with Israel, calling for the right of return for refugees and an end to the blockade. Before protests even began, senior Israeli officials warned that Palestinians approaching the wall would be shot. By the end of 2019, Israeli forces had killed 214 civilians, including 46 children.

In light of the systematic unlawful killings of Palestinians documented in its report, Amnesty International is also calling for the UN Security Council to impose a comprehensive arms embargo on Israel. This should cover all weapons and munitions as well as law enforcement equipment, given the thousands of Palestinian civilians who have been unlawfully killed by Israeli forces. The Security Council should also impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid.

Palestinians treated as a demographic threat

Since its establishment in 1948, Israel has pursued a policy of establishing and then maintaining a Jewish demographic majority, and maximizing control over land and resources to benefit Jewish Israelis. In 1967, Israel extended this policy to the West Bank and Gaza Strip. Today, all territories controlled by Israel continue to be administered with the purpose of benefiting Jewish Israelis to the detriment of Palestinians, while Palestinian refugees continue to be excluded.

Amnesty International recognizes that Jews, like Palestinians, claim a right to self-determination, and does not challenge Israel's desire to be a home for Jews. Similarly, it does not consider that Israel labelling itself a "Jewish state" in itself indicates an intention to oppress and dominate.

However, Amnesty International's report shows that successive Israeli governments have considered Palestinians a demographic threat, and imposed measures to control and decrease their presence and access to land in Israel and the OPT. These demographic aims are well illustrated by official plans to "Judaize" areas of Israel and the West Bank, including East Jerusalem, which continue to put thousands of Palestinians at risk of forcible transfer.

### Oppression without borders

The 1947-49 and 1967 wars, Israel's ongoing military rule of the OPT, and the creation of separate legal and administrative regimes within the territory, have separated Palestinian communities and segregated them from Jewish Israelis. Palestinians have been fragmented geographically and politically, and experience different levels of discrimination depending on their status and where they live.

Palestinian citizens in Israel currently enjoy greater rights and freedoms than their counterparts in the OPT, while the experience of Palestinians in Gaza is very different to that of those living in the West Bank. Nonetheless, Amnesty International's research shows that all Palestinians are subject to the same overarching system. Israel's treatment of Palestinians across all areas is pursuant to the same objective: to privilege Jewish Israelis in distribution of land and resources, and to minimize the Palestinian presence and access to land.

Amnesty International demonstrates that Israeli authorities treat Palestinians as an inferior racial group who are defined by their non-Jewish, Arab status. This racial discrimination is cemented in laws which affect Palestinians across Israel and the OPT.

For example, Palestinian citizens of Israel are denied a nationality, establishing a legal differentiation from Jewish Israelis. In the West Bank and Gaza, where Israel has controlled the population registry since 1967, Palestinians have no citizenship and most are considered stateless, requiring ID cards from the Israeli military to live and work in the territories.

Palestinian refugees and their descendants, who were displaced in the 1947-49 and 1967 conflicts, continue to be denied the right to return to their former places of residence. Israel's exclusion of refugees is a flagrant violation of international law which has left millions in a perpetual limbo of forced displacement.

Palestinians in annexed East Jerusalem are granted permanent residence instead of citizenship – though this status is permanent in name only. Since 1967, more than 14,000 Palestinians have had their residency revoked at the discretion of the Ministry of the Interior, resulting in their forcible transfer outside the city.

### Lesser citizens

Palestinian citizens of Israel, who comprise about 19% of the population, face many forms of institutionalized discrimination. In 2018, discrimination against Palestinians was crystallized in a constitutional law which, for the first time, enshrined Israel exclusively as the "nation state of the Jewish people". The law also promotes the building of Jewish settlements and downgrades Arabic's status as an official language.

The report documents how Palestinians are effectively blocked from leasing on 80% of Israel's state land, as a result of racist land seizures and a web of discriminatory laws on land allocation, planning and zoning.

The situation in the Negev/Naqab region of southern Israel is a prime example of how Israel's planning and building policies intentionally exclude Palestinians. Since 1948 Israeli authorities have adopted various policies to "Judaize" the Negev/Naqab, including designating large areas as nature reserves or military firing zones, and setting targets for increasing the Jewish population. This has had devastating consequences for the tens of thousands of Palestinian Bedouins who live in the region.

Thirty-five Bedouin villages, home to about 68,000 people, are currently "unrecognized" by Israel, which means they are cut off from the national electricity and water supply and targeted for repeated demolitions. As the villages have no official status, their residents also face restrictions on political participation and are excluded from the healthcare and education systems. These conditions have coerced many into leaving their homes and villages, in what amounts to forcible transfer.

Decades of deliberately unequal treatment of Palestinian citizens of Israel have left them consistently economically disadvantaged in comparison to Jewish Israelis. This is exacerbated by blatantly discriminatory allocation of state resources: a recent example is the government's Covid-19 recovery package, of which just 1.7% was given to Palestinian local authorities.

### Dispossession

The dispossession and displacement of Palestinians from their homes is a crucial pillar of Israel's apartheid system. Since its establishment the Israeli state has enforced massive and cruel land seizures against Palestinians, and continues to implement myriad laws and policies to force Palestinians into small enclaves. Since 1948, Israel has demolished hundreds of thousands of Palestinian homes and other properties across all areas under its jurisdiction and effective control.

As in the Negev/Naqab, Palestinians in East Jerusalem and Area C of the OPT live under full Israeli control. The authorities deny building permits to Palestinians in these areas, forcing them to build illegal structures which are demolished again and again.

In the OPT, the continued expansion of illegal Israeli settlements exacerbates the situation. The construction of these settlements in the OPT has been a government policy since 1967. Settlements today cover 10% of the land in the West Bank, and some 38% of Palestinian land in East Jerusalem was expropriated between 1967 and 2017.

Palestinian neighbourhoods in East Jerusalem are frequently targeted by settler organizations which, with the full backing of the Israeli government, work to displace Palestinian families and hand their homes to settlers. One such neighbourhood, Sheikh Jarrah, has been the site of frequent protests since May 2021 as families battle to keep their homes under the threat of a settler lawsuit.

### Draconian movement restrictions

Since the mid-1990s Israeli authorities have imposed increasingly stringent movement restrictions on Palestinians in the OPT. A web of military checkpoints, roadblocks, fences and other structures controls the movement of Palestinians within the OPT, and restricts their travel into Israel or abroad.

A 700km fence, which Israel is still extending, has isolated Palestinian communities inside "military zones", and they must obtain multiple special permits any time they enter or leave their homes. In Gaza, more than 2 million Palestinians live under an Israeli blockade which has created a humanitarian crisis. It is near-impossible for Gazans to travel abroad or into the rest of the OPT, and they are effectively segregated from the rest of the world.

"The permit system in the OPT is emblematic of Israel's brazen discrimination against Palestinians. While Palestinians are locked in a blockade, stuck for hours at checkpoints, or waiting for yet another permit to come through, Israeli citizens and settlers can move around as they please."

Amnesty International examined each of the security justifications which Israel cites as the basis for its treatment of Palestinians. The report shows that, while some of Israel's policies may have been designed to fulfil legitimate security objectives, they have been implemented in a grossly disproportionate and discriminatory way which fails to comply with international law. Other policies have absolutely no reasonable basis in security, and are clearly shaped by the intent to oppress and dominate.

### The way forward

Amnesty International provides numerous specific recommendations for how the Israeli authorities can dismantle the apartheid system and the discrimination, segregation and oppression which sustain it.

The organization is calling for an end to the brutal practice of home demolitions and forced evictions as a first step. Israel must grant equal rights to all Palestinians in Israel and the OPT, in line with principles of international human rights and humanitarian law. It must recognize the right of Palestinian refugees and their descendants to return to homes where they or their families once lived, and provide victims of human rights violations and crimes against humanity with full reparations.

The scale and seriousness of the violations documented in Amnesty International's report call for a drastic change in the international community's approach to the human rights crisis in Israel and the OPT.

All states may exercise universal jurisdiction over persons reasonably suspected of committing the crime of apartheid under international law, and states that are party to the Apartheid Convention have an obligation to do so.

"Israel must dismantle the apartheid system and start treating Palestinians as human beings with equal rights and dignity. Until it does, peace and security will remain a distant prospect for Israelis and Palestinians alike."

## **Israeli soldiers open fire at car in Nablus killing Palestinians (Al-Jazeera)**

February 8, 2022

### **Palestinian Authority condemns the assassination of three Palestinians in occupied West Bank, calling it a 'heinous crime'.**

Israeli forces have killed three Palestinians in Nablus in the occupied West Bank, the Palestinian Ministry of Health said, drawing condemnation from the Palestinian Authority (PA).

“Three citizens were martyred as a result of direct shooting by Israeli forces in the city of Nablus,” the ministry said in a statement on Tuesday. It identified the victims as Ashraf Mubaslat, Adham Mabrouka and Mohammad Dakhil, according to the Palestinian Wafa news agency.

“An eyewitness we spoke to said the [Israeli] army ... fired at the car that the three Palestinians were using. She said that for more than a minute, she kept hearing gunshots being fired,” Al Jazeera’s Rania Zabaneh, reporting from Nablus, said.

“When we got to the location, the car was being towed away, it was totally riddled with bullets. At the hospital where the bodies were taken the doctors said they had a hard time recognising the victims because of the gunshots.

“The Israeli defence minister commended the army for doing this operation,” she said.

Witnesses told Anadolu Agency that the incident involved a member of Israel’s special forces in a civilian vehicle storming the city’s al-Makhfieh neighbourhood, and opening fire at the car.

The PA’s Ministry of Foreign Affairs has called for an international investigation into the killings while the PA cabinet described it as a “heinous crime”.

The foreign ministry held the Israeli government and Prime Minister Neftali Bennett “fully and directly responsible for this crime”.

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B’Tselem, an Israeli rights group, said it had recorded 77 Palestinian deaths at the hands of Israeli forces in the West Bank last year. More than half of those killed were not implicated in any attacks, it added.

Settler attacks Late last year, Israeli troops killed a Palestinian man during a raid in the Ras al-Ain area in Nablus.

In December 2021, Israeli troops had killed a Palestinian man in the village of Beita, West Bank, during a protest against illegal settlements. Israeli forces killed a Palestinian minor after an alleged car-ramming at a military checkpoint in the northern West Bank.

During the same period, an ultraorthodox Jew was injured after being allegedly stabbed by a Palestinian attacker outside the walls of Jerusalem’s Old City.

A week earlier, a Hamas member allegedly opened fire in the Old City, killing an Israeli man. Both suspects were killed by Israeli forces.

Meanwhile, earlier this month, Amnesty International said in a new report that Israel was carrying out “the crime of apartheid against Palestinians” and must be held accountable for treating them as “an inferior racial group”.

Palestinians have also been hit by a rise in violent attacks by Israeli settlers in the West Bank and East Jerusalem.

Israel captured East Jerusalem and the West Bank in the 1967 Middle East war. The territories are now home to more than 700,000 Jewish settlers living in 164 settlements and 116 outposts, which Palestinians seek as parts of their future independent state.



Under international law, all Jewish settlements in the occupied territories are considered illegal.

Palestinians, along with most of the international community, consider settlements to be a major obstacle to peace.

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## Gulf Region

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## ASIA

## Afghanistan

**Serving Australian SAS soldier tells court Ben Roberts-Smith ordered shooting of unarmed Afghan man in 2012 (The Guardian)** By Ben Doherty

February 4, 2022

**An elite Australian soldier has told a court he heard Ben Roberts-Smith order the shooting of an unarmed Afghan man he was interrogating during a mission in Afghanistan in 2012.**

Much of the testimony presented in the decorated war veteran's defamation trial this week had centred on two alleged shootings committed during a raid on a compound in the village of Kakarak in April 2009.

But late on Friday, the federal court heard a former comrade of Roberts-Smith give evidence about another alleged shooting, in 2012.

The elite soldier told the court Roberts-Smith commanded a military interpreter to order an Afghan national army soldier kill an unarmed captive.

Roberts-Smith is suing the Age, the Sydney Morning Herald and the Canberra Times for defamation over a series of reports he alleges are defamatory and portray him as committing war crimes, including murder. The newspapers are pleading a defence of truth. Roberts-Smith denies all wrongdoing.

On Friday, the court heard evidence from a still-serving SAS soldier, anonymised in evidence as Person 14, who served eight tours of Afghanistan in the SAS as well as three in Iraq and three in East Timor.

He told the court he was assigned to Roberts-Smith's patrol on 12 October 2012, during a mission in Khas Uruzgan. The Australian soldiers conducted the mission alongside members of the Afghan national army.

As the mission was being concluded, and the helicopters to extract the Australian soldiers were en route from their Tarin Kowt base, Roberts-Smith was interrogating an Afghan male detained inside a compound, according to evidence from Person 14.

The male, who was not armed, was referred to as a "PUC", an acronym for person under control. Evidence before the court

said the man “was not exhibiting any signs of being a threat or violent”.

As Roberts-Smith conducted the interrogation, Person 14 said he was standing to the side of the compound when he noticed a discolouration on one of the mud walls: “It had been recently plastered with mud.”

“I thought, ‘oh, there’s a cache’.”

Person 14 kicked the discoloured area and a cache of weapons fell out, including rifles, ammunition, binoculars, and rocket-propelled grenades.

As Person 14 walked back towards the interrogation, Roberts-Smith turned towards the Australian forces’ interpreter.

Person 14 was standing behind the interpreter. Roberts-Smith pointed at the senior member of the Afghan national army who was on the raid with the Australians and then gestured towards the PUC.

Roberts-Smith said: “Tell him to shoot him or I will,” Person 14 told the court.

The interpreter initially refused to interpret the message, so Roberts-Smith repeated it: “Tell him to shoot him or I will.”

The interpreter passed on the message to the Afghan soldiers, and after some discussion between the interpreter and the Afghan soldiers, a member of the Afghan forces stepped forward towards the PUC.

“One of his soldiers ... stepped out of the group of soldiers, trained his suppressed M4 [rifle] on the Afghan man and unloaded five to eight rounds into his centre of ... mass ... his torso,” Person 14 told the court.

Person 14 said as the unarmed Afghan fell, the soldier fired two more bullets into the man’s neck and head.

“I was perplexed but didn’t say anything. We were close to extraction,” Person 14 told the court.

In earlier evidence this week, another still-serving member of the SAS, anonymised as Person 41, told the court he had seen Roberts-Smith order a subordinate soldier to execute a captive, unarmed elderly man during a 2009 raid on the Whiskey 108 compound.

Person 41 said he also saw Roberts-Smith “frog-march” a man with a prosthetic leg outside the same compound before throwing him to the ground and machine-gunning him to death.

Person 14 gave evidence that he saw an Australian soldier shoot the man with the prosthetic leg with a machine gun in a similar fashion. He said he did not recognise Roberts-Smith at the time, in fading light, but later saw Roberts-Smith holding the uncommon weapon, a Minimi machine gun, used to kill the man, and recognised his distinctive camouflage face paint from the scene.

Under cross-examination, Person 14 said he had doubts about the awarding of the Victoria Cross to Roberts-Smith, but added he had a “good” working relationship with the decorated veteran.

The trial before Justice Anthony Besanko continues.

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## **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Official Website of the Extraordinary Chambers [English]**

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

**Cambodia Tribunal Monitor**

**Japan provides \$220,000 in financial assistance to ECCC (Khmer Times)**

February 7, 2022

**The Government of Japan on February 4 disbursed an amount of \$220,000 as its contribution to the United Nations component of the Extraordinary Chambers in the Courts of Cambodia (ECCC)'s budget.**

According to a press release of the Embassy of Japan in Cambodia AKP received this morning, the contribution is aimed to support the judicial process of the Khmer Rouge Tribunal.

"The Government of Japan attaches importance to the Khmer Rouge Tribunal from three points of view. Firstly, the Khmer Rouge trials are the completing stage of the Cambodian peace process in order to prevent the recurrence of atrocities committed during the Khmer Rouge period. Secondly, the Tribunal will help deliver justice to the victims of the Khmer Rouge and, therefore, contribute to national reconciliation. Thirdly, the Tribunal will contribute to strengthening the rule of law in Cambodia as well as in the international community," it underlined.

The Government of Japan has been assisting the ECCC since its inception and, as of today, the financial assistance from Japan amounts to \$88.7 million including the aforementioned disbursement, approximately 27 percent of the total funds contributed by donors to the national and UN components of the ECCC, the same source pointed out.

Moreover Japan, it added, along with France, has actively followed the proceedings of the ECCC as co-chair of the Friends of the ECCC. AKP-C.Nika

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## **Bangladesh International Crimes Tribunal**

### **Adopt resolution on '71 genocide (The Daily Star)**

February 7, 2022

#### **Genocide Watch, a US-based organisation, has formally recognised the crimes committed by the Pakistani military forces against the people of Bangladesh in 1971 as genocide, crimes against humanity and war crimes.**

It called upon the UN General Assembly to adopt a resolution recognising the 1971 Genocide in Bangladesh, and the UN member states, especially the US, UK and Pakistan, to recognise it too.

Genocide Watch also urged the UN members to take necessary measures to charge surviving leaders of this genocide in national courts with universal jurisdiction. It also requested proper reparations for these crimes from Pakistan to Bangladesh.

Genocide Watch is the founder and coordinator of the Alliance Against Genocide, an international coalition of over 65 organisations from around the world focusing completely on preventing genocide.

In a statement signed by Genocide Watch Founder and President Gregory H Stanton last Thursday, it said between March 25, 1971, and December 16, 1971, the Pakistani military forces persecuted, tortured, and murdered representatives of Bangalee culture and identity, including poets, musicians, professors, journalists, physicians, scientists, writers and film makers.

Attacks by Pakistani military forces and their allies forced approximately 10 million people to flee to neighbouring India. Pakistan designed the policies and conducted "clearance operations" to change the demographic composition of East Pakistan. From 300,000 to 3 million people faced extermination by mass murder, the statement said.

It said strong evidence supports the conclusion that the crimes committed against the people of East Pakistan during the war were widespread and systematic and carried out by the Pakistan Army, other militia forces (Razakars, Al Badr, Al Shams), and pan-Islamic political forces, including Jamaat-e-Islam, Nezam-e-Islam and the Muslim League.

"These crimes included all the processes of genocide," said Genocide Watch.

Asked about the significance of this recognition, Liberation War Museum Trustee and genocide researcher Mofidul Hoque said the genocide scholars are eventually realising what happened in Bangladesh in 1971.

"However, globally Bangladesh's genocide is still not in the discourse. We need to address the issues of justice, how we can do it. We need to work more for this to happen. The Bangladesh government also needs to work on it ...," he said.

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## War Crimes Investigation in Myanmar

### **Over 1,000 people likely killed in war crimes and crimes against humanity since Myanmar coup (The Journal)**

January 31, 2022

#### **More than one thousand people may have been killed in crimes against humanity and war crimes since Myanmar's military coup one year ago, according to investigators.**

The United Nations' Independent Investigative Mechanism for Myanmar (IIMM), responsible for collecting evidence of the most serious international crimes, said it was working to substantiate who may be responsible for any crimes committed.

"Tragically, reports received over the last year suggest that well over a thousand individuals have been killed in circumstances that may qualify as crimes against humanity or war crimes," IIMM head Nicholas Koumjian said in a statement.

Myanmar's military seized power on 1 February last year, ousting the civilian government and arresting its de facto leader, Aung San Suu Kyi.

The junta has waged a bloody crackdown on dissent.

The UN Human Rights Office says that since the coup, at least 1,500 people have been killed by the military in a brutal effort to crush dissent, while thousands more would have been killed in the wider armed conflict and violence.

"The security forces have detained thousands of civilians in circumstances that include credible allegations of arbitrary detention, torture, sexual violence and even killings while in detention," Koumjian said.

"The Mechanism is working diligently to substantiate and document the facts underlying these reports to establish whether these crimes were committed and if so, who is criminally responsible, and to prepare files that could facilitate prosecutions."

He said that with thousands of people and organisations sharing evidence, investigators had already gathered lots of relevant material and the file was growing almost daily.

The team "will make every effort to build cases so that their brave contributions to justice in Myanmar are not made in vain", Koumjian said.

The US prosecutor said strong case files could facilitate prosecutions in national and international courts.

"Those who are considering committing crimes should be aware that serious international crimes have no statute of limitations," Koumjian warned.

"International justice has a very long memory and one day the perpetrators of the most serious international crimes in Myanmar will be held to account."

The IIMM was established by the UN Human Rights Council in September 2018 to collect evidence of the most serious international crimes and violations of international law and prepare files for criminal prosecution committed since 2011.

Located in Geneva, it started work in August 2019 and reports annually to the Human Rights Council and the UN General Assembly.

**Myanmar Shadow Government Says Junta Should Not Take Stand in Genocide Trial (Radio Free Asia)** By Joshua Lipes

February 3, 2022

**A decision by Myanmar's shadow government to withdraw preliminary objections to charges of genocide against ethnic Rohingyas at the International Court of Justice (ICJ) was made to ensure the case is not fought by a party that does not represent the will of the people, its foreign minister said Thursday.**

The National Unity Government (NUG) said in a Feb. 1 statement that it would withdraw all preliminary objections in the ICJ case over Myanmar's military operations against the Rohingya in 2016 and 2017, a scorched-earth campaign that forced 730,000 Rohingya to flee Rakhine state, mostly to neighboring Bangladesh.

The NUG asked that it and not the ruling military junta that took over Myanmar in the Feb. 1, 2021, coup represent the country before the court.

On Thursday, NUG Foreign Affairs Minister Zin Mar Aung told RFA's Myanmar Service that the junta should not represent the people of Myanmar at the court because it came to power through illegitimate means.

"No country in the world, and not even the U.N., acknowledges the military coup [as a proper way to transfer power]," he said. "That's why [the junta] should not be given the chance to represent Myanmar. We sent the letter to ICJ based on these reasons."

In 2019, then-leader Aung San Suu Kyi staunchly defended the Myanmar military against genocide and crimes against humanity charges in 2019 brought by the West African nation of Gambia to the ICJ in The Hague.

Aung San Suu Kyi and her spokesman said at the time that a Myanmar government investigation found war crimes and serious human rights violations had occurred during counter-terrorism operations in Rakhine, but there was no "genocidal intent."

The Gambia case charges that Myanmar violated the 1948 Genocide Convention during the alleged expulsion of Rohingya. The hearing on the objections was scheduled to begin Feb. 21.

In 2019, Zin Mar Aung claimed that the military leaders responsible for atrocities in Rakhine had been prosecuted under Myanmar's law. But on Thursday he said that domestic rule of law has eroded under the junta and it was no longer possible to expect justice would be served.

NUG acting President Duwa Lashi La has also said that giving the junta the right to represent Myanmar at the ICJ would "encourage the kinds of crimes it has committed" and is not in line with a resolution adopted by the U.N. General Assembly in December 2021 that rejected the credentials of the junta.

#### Seeking recognition

When asked Thursday about the NUG's withdrawal of its earlier arguments, junta Deputy Information Minister Maj. Gen. Zaw Min Tun said he had no comment.

"This is their opinion. We have no criticism or comment on it," he said.

"We are going to attend and give the arguments at the ICJ trial as a responsible government. We will be represented by a minister and attorney general. We cannot reveal what our strategy is or how we will argue the case, but we have hired attorneys who are experts on the issue."

Zaw Min Tun said the junta plans to send a team led by Foreign Affairs Minister Wunna Maung Lwin to the trial. He refused to say which law firm it had hired.

Nickey Diamond, a Myanmar human rights activist based in Germany, told RFA that the junta is likely using the ICJ trial as part of a bid to gain international recognition.

"The military is grasping at straws. ... No one will recognize them," he said. "Neither the international community nor the people of Myanmar believe their arguments." Diamond suggested that the junta might give testimony that incriminates itself during the trial and said he will be watching the proceedings carefully.

#### Worsening conditions

Meanwhile, the situation for Rohingyas in Myanmar has only become worse, despite a temporary order issued by the ICJ in January 2020 to halt violence against the ethnic group, Rohingya activist Ro Nay San Lwin told RFA Thursday.

“There is no government in Myanmar. It is ruled by the military, and they are more brutal, so the people are living in fear,” he said.

“All in all, the genocide against the Rohingya people is not over yet. I conclude that it is still ongoing because the situation has not changed for them. It has become crueler. They are even arresting the Rohingya who had fled for their lives from Rakhine state and are putting them in prison.”

On Wednesday, Rohingya activist groups in Bangladesh welcomed the NUG withdrawal, saying it would help to bring a favorable verdict and potentially end decades of persecution of the Rohingya in Myanmar.

But others have made clear that they want to see the military punished for the brutalities it inflicted on their community.

“The military intentionally committed these atrocities in 2017 in all Muslim villages — they burned the villages and killed the children and elderly who could not flee,” said one Rohingya from Rakhine’s Buthidaung township, who spoke to RFA on condition of anonymity.

“They gave the excuse that they were conducting a clearance operation, but they were not. It was just a tactic to eliminate us. I want to see the military leaders getting proper punishment under international law for the crimes they committed.”

Letter to court president

The NUG’s call on the ICJ to dismiss the junta as Myanmar’s representative was echoed Thursday in a joint letter to the court’s president by Legal Action Worldwide, Fortify Rights and the Myanmar Accountability Project.

The three groups argued that to allow the regime to represent the country “would risk legitimizing the junta’s unlawful seizure of power.” They warned that recognition of the junta by the court would be “inconsistent with the approach taken by other U.N. institutions.”

The ICJ should instead recognize the agent appointed by the NUG, citing concerns by Rohingyas in Bangladesh that if the court grants legitimacy to the junta, they would “never be able to return to Myanmar.”

If it regains power from the military, the NUG in June 2021 pledged to grant citizenship to the Myanmar’s ethnic Rohingya. But it said “more discussion” would be needed to determine whether the Rohingya community will be recognized as a national ethnic group.

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## AMERICAS

### North & Central America

**US says it fired missiles during latest Houthi attack on UAE (AlJazeera) February 1, 2022**

**The United States military launched interceptor missiles in response to an attack by Yemen’s Houthi rebels that targeted the United Arab Emirates, officials have said.**

The UAE said on Monday it had intercepted and destroyed a ballistic missile fired from Yemen as the Gulf state hosted Israeli President Isaac Herzog. It was the third such attack in the last two weeks, following incidents on January 24 and January 17, when three people were killed in an attack on a fuel depot.

While the UAE’s military has not acknowledged the US involvement in thwarting the latest missile attack, Jen Psaki, the White House press secretary, said late on Monday the US military had used “Patriot interceptors to ... [support] efforts by the armed

forces of the UAE”.

She added, “I would say we are working quite closely with them.”

The Pentagon also said US forces in the UAE activated Patriot missile defences but that it was the UAE’s surface-to-air interceptors that actually struck down the incoming missile. It left open the possibility of additional defensive military assistance.

The interventions mark a widening US involvement in Yemen’s seven-year war between the Houthis and a Saudi Arabia-led military coalition, which includes the UAE. While the US suspended its offensive support to the coalition fighting in support of Yemen’s exiled government, the UAE hosts some 2,000 US soldiers and serves as a crucial base of operations for the deployment of armed drones and F-35 stealth fighters.

Asked if the US support would include targets outside of the US airbase in al-Dhafra, Pentagon Press Secretary John Kirby did not rule out further intervention.

“If we can help defend our Emirati partners, we’re going to do that,” Kirby said.

US President Joe Biden also mentioned the attack on the UAE at the White House during a visit by Qatar’s Emir Sheikh Tamim bin Hamad Al Thani, saying, “America will have the backs of our friends in the region.”

Following the recent escalation in Houthi attacks against the UAE, the Saudi-led coalition retaliated by conducting air raids, including in the capital, Sanaa, that have inflicted dozens of civilian casualties and destroyed infrastructure and services.

Amnesty International has said the laser-guided bomb used by the Saudi-led coalition to hit a detention centre in Saada, northwestern Yemen, that killed 91 people had been manufactured by US defence company Raytheon.

This “is the latest piece in a wider web of evidence of the use of US-manufactured weapons in incidents that could amount to war crimes”, the watchdog said.

Meanwhile, a United Nations report said this week nearly 2,000 children recruited by the Houthis have died on the battlefield during the country’s war.

The war in Yemen has become the world’s worst humanitarian crisis, according to the UN. About 2.3 million Yemeni children below the age of five currently suffer from acute malnutrition, with 400,000 expected to suffer from life-threatening severe malnutrition in the coming months, UNICEF says.

**The U.S. Is Wrong on Yemen. Again. (Foreign Policy)** By Kate Kizer

February 3, 2022

**Last week, Brett McGurk, the White House coordinator for the Middle East, boiled down the millions suffering in Yemen into a false binary in which Washington has done everything it can for peace. He claimed that the Houthi rebels in Yemen are to blame for the continuation of this seven-year conflict that has become the largest humanitarian crisis in the world. With the Houthis launching ballistic missiles at the United Arab Emirates, and a litany of their own war crimes, it’d be easy to fall for this simplistic analysis of the conflict. Yet, in suggesting that reaching a ceasefire and ending the war is simply up to the Houthis, rather than the Saudi-backed government, McGurk reveals his misunderstanding of the conflict.**

For four years, U.S. officials in both Republican and Democratic administrations told me in my work as a human rights advocate that “Saudi Arabia is ready to end the war,” and that it’s just a matter of “finding a face-saving way to exit.” What they mean is, “Is there a way for Saudi Arabia to credibly claim it won the war?” Ignoring the obvious answer of no—Saudi Arabia started a war everyone knew was a mistake—the U.S. government has instead engaged in the business of helping to starve millions of people to assuage crown prince Mohammed bin Salman.

This fealty to the “optics” of Saudi Arabia’s exit from Yemen has taken on various forms over the years. Under the previous administration, that meant silence or statements of support from the executive branch, amounting to a blank check of support for whatever regional plans the Saudi crown prince, the Emirati crown prince, and Jared Kushner cooked up. The Biden administration, McGurk included, seems to have decided that Riyadh is stuck in a war it has little power to end. As usual, U.S. officials are settling for the easy answer in Yemen, not the truthful one.

The civil war in Yemen has always been a local conflict, rooted in various outstanding governance failures, lack of

accountability amongst elites, and the corruption inherent in Yemen's elite patronage-power system, solidified over 33 years of singular authoritarian rule. The longer the conflict has gone on, however, it has become more internationalized, with the Houthis receiving outside military support from Iran following the Gulf coalition's intervention. Meanwhile, Saudi Arabia and the UAE are also pursuing their own agendas in Yemen, funding proxy militias and colonizing parts of the east and south in pursuit of oil pipelines and power projection.

With the international community doing more to fuel rather than resolve the conflict, primarily through endless restocks of coalition armaments, Yemen has fragmented. Various power centers, nearly all abusive to civilians living under their control, now rule different parts of the country, though one commonality remains their reliance on guns, repression, and a booming war economy for their maintenance of power. The peace process led by the United States and United Nations has remained where it has for years: pursuing a top-down ceasefire between the men with guns—a strategy that has already failed multiple times—instead of engaging Yemen's vibrant civil society which is interested in peace. McGurk's comments since last year claim another reality that the United States and United Nations have engaged in meaningful diplomacy and put forth "new" initiatives, that the Houthis are the problem and, at this point, that the United States merely supports Saudi Arabia's self-defense. Those "new" initiatives proved to be recycled nonstarters promulgated by the Saudi and Emirati governments during the Trump administration. The Biden administration reversed the Houthi foreign terrorist organization designation levied by the Trump administration, but it also chose to ignore Houthi demands for a unilateral end to the coalition's blockade as outlandish rather than, as the World Food Programme president stated, necessary to avoid a famine of biblical proportions.

The fact that McGurk cites buying weapons from China as a red line for the U.S. alliances with these abusive monarchies, not the tens of thousands of Yemeni civilians harmed by coalition airstrikes, shows McGurk in his role as Middle East czar is reading from the regional policymaking playbook of the last 20 years. He makes perfectly clear there is zero accountability in the U.S. alliance for either Saudi Arabia or the UAE, let alone for the war crimes committed by all parties to the conflict. Impunity reigned in the United States' failure to support its European allies' resolution to extend the mandate of the impartial United Nations war crimes experts for future accountability of all parties to the conflict, including the Houthis, over whom the international community has scarce other leverage.

The impunity driving Biden's policy has been evident in the apparent decision to continue Trump's policy of violating U.S. international commitments to missile technology nonproliferation to sell the Emirati government deadly drone hardware. It was evident in the U.S. government's failure to hold the crown prince of Saudi Arabia accountable for, according to U.S. intelligence, approving the assassination of a Washington Post columnist, well-known activist, and Saudi pro-democracy advocate. And it was evident in the State Department's failure to condemn the Saudi government's clear violation of the Geneva Convention by bombing a detention center in north Yemen that killed nearly 100 people last month.

After more than six years of aiding and abetting war crimes, the appointment of a designated diplomat for Yemen was never going to be enough to show that America was serious about pursuing a different course. The Houthi offensive on the Yemeni governorate of Marib—which is in part the result of years of the international community endorsing an unachievable military solution—has kept the international community focused on the battlefield, not on a new approach that seeks to take away momentum from the men with guns.

Meanwhile, business as usual continues, with notifications of millions in new weapons transfers, and all condemnation reserved for the Houthis, with only "deep concern" expressed for Saudi Arabia's civilian killing. The devastating cycle of tit-for-tat attacks between the Saudis, the Emirates, and the Houthis will not end via diplomatic doublespeak. Since they began in 2016, these attacks outside Yemen's borders have occurred, time and again, in response to coalition-inflicted civilian harm or supposed aggressive attacks on Yemen. Saudi and Emirati airstrikes in response merely provide more justification and propaganda fodder for more Houthi escalation and local support.

As Yemen scholar Alexandra Stark wrote recently, "Houthi strikes on Abu Dhabi ... ought to be seen as an escalation in the fighting, and as a warning from the Houthis that they will target the UAE directly in response to its increased involvement in the fighting" rather than an attack out of the blue. Refraining from further involvement is the best way for the coalition and international community to deescalate this immediate challenge.

The harsh reality is this: Yemen has always been a means to an end for the U.S. government. Only when al Qaeda in the Arabian Peninsula, or a proclaimed "Saudi-Iranian proxy war" arose have policymakers in Washington pay attention. The people now staffing the U.S. government claimed over the last four years that they had learned their lesson in Yemen and, given the chance, they would correct their 2015 mistake that created a man-made famine and entrenched a vicious war with no public debate.

There is no face-saving solution for Saudi Arabia except accepting it has lost in Yemen and unilaterally ending its intervention in favor of talks, as it did in 2010 to secure its southern border. Just like then, the uncomfortable reality is that years of unwillingness to meaningfully negotiate at the conference table instead of on the battlefield has pushed the war to its inevitable conclusion with fewer and fewer viable policy options as time has worn on. Until leadership in Riyadh and Abu



Dhabi—and their benefactors in Washington and London—actually stop pursuing a military solution to this conflict, the Houthis will continue doing the one thing they are skilled at: waging war with millions of people paying the price.

**Analyst: Biden trying to cover up US war crimes in Syria (PressTV) February 6, 2022**

**International lawyer and political analyst Barry Grossman has said that US President Joe Biden's comments justifying the latest US military operation in Syria are cartoon-like, without meaning and entirely sidestep the real issues involving the legality of US military operations in Syria and how those operations, according to the President, protect Americans.**

On Thursday, Biden said that an American military raid in Syria on Wednesday night killed the leader of the Daesh terrorist group, Abu Ibrahim al-Hashimi al-Qurayshi, and boasted that no Americans died in the operation. Local residents reported a number of Syrian women and children died in the strike.

“Last night at my direction, US military forces in northwest Syria successfully undertook a counterterrorism operation to protect the American people and our Allies, and make the world a safer place,” Biden said in a statement on Thursday.

“Thanks to the skill and bravery of our Armed Forces, we have taken off the battlefield Abu Ibrahim al-Hashimi al-Qurayshi—the leader of ISIS (Daesh). All Americans have returned safely from the operation,” Biden added.

The Pentagon disclosed the raid by US special operations forces on Wednesday night, calling it “successful” because there were no American casualties.

“As has become so typical of US efforts to cover up their war crimes by presenting them as accomplishments to be celebrated, President Biden’s press conference pushes all the wrong buttons,” said Grossman.

“He states the raid was carried out by US military forces based in Northwest Syria, to “protect the American people and [American] allies” but does not explain the legal basis for having hostile US military forces in Syria while the US has made no secret of its commitment to engineering “regime change” in Syria and to supporting Israel’s self-serving and illegal policy of waging war on Syria,” he stated.

“Similarly, he makes no effort whatsoever to explain just how US bombing raids in Syria carried out in violation of international law serve to ‘protect the American people’ as he so absurdly claims,” he added.

“Instead, we are given a cartoon-styled load of third-rate propaganda by a President whose mental capacity is widely questioned and whose official approval rating is now just barely above 40%,” he stated.

“The simple fact is that the continuing US military and intelligence footprint in both Syria and Iraq is a violation of both those nation’s sovereignty and, at once, part of an ongoing commitment to using tactics to advance the US regional strategy of sowing chaos using tactics which on any informed view are war crimes,” he said.

“Quite apart from that, there remains a very real questions over the extent to which the US sees the forces comprising Daesh as an enemy as opposed to US proxies in the war on Syria, Yemen and Iran,” he noted.

“All in all, if I was still a university lecturer as I was more than 30 years ago, I would give President Biden a colossal ‘fail’ for having the cheeks to sell this drivel to the American people and the world at large,” he concluded.

**News: House Foreign Affairs Committee passes bipartisan bill requiring US gov’t to ‘take additional measures to end brutal civil war in Ethiopia’ (Addis Standard) February 9, 2022**

**The House Foreign Affairs Committee has on February 09 passed a bipartisan bill introduced by Representatives Tom Malinowski (D-NJ) and Young Kim (R-CA) that requires the administration to take additional measures to seek an end to the brutal civil war in Ethiopia.**

The Ethiopia Stabilization, Peace, and Democracy Act, co-sponsored by Committee Chairman Gregory Meeks and Ranking Member Michael McCaul, authorizes sanctions against those who are perpetuating the conflict and suspends security and financial assistance to the Ethiopian government until humanitarian and human rights conditions are met. The war in Ethiopia has dragged on now for 15 months with devastating consequences for civilians. The United Nations has documented war crimes, crimes against humanity, and possible genocide. Find the text of the bill here.

Specifically the bill would:

• Require the State Department to develop a plan for supporting democracy and human rights in Ethiopia, including plans to combat hate speech online, support accountability measures for atrocities and efforts to buttress a national dialogue; • Authorize the President to impose sanctions on individuals who undermine negotiations to end the conflict, commit human rights abuses, exacerbate corruption, or provide weapons to any hostile party; • Suspend all security assistance to the governments of Ethiopia until it ceases offensive operations, takes steps towards a national dialogue, improves protection of human rights, allows unfettered humanitarian access to conflict areas, and investigates allegations of war crimes; • Require the administration to oppose loans or other financial assistance from international agencies like the World Bank and International Monetary Fund to the governments of Ethiopia and Eritrea unless for humanitarian purposes until they take steps to end the war and restore respect for human rights; and • Require a determination from the State Department concerning allegations of crimes against humanity, war crimes and genocide in Ethiopia. • “The war in Ethiopia has created one of the worst humanitarian crises in the world, and all the combatants, along with their foreign backers, are responsible for horrific abuses of basic human rights,” said Representative Malinowski (NJ-07). “Today, Congress is coming together to say that the conflict must end, and to hold accountable all those responsible for perpetuating it.”

“The brutal conflict in Ethiopia has continued to fuel a destructive cycle of violence that has killed and displaced thousands, with millions more facing starvation and other dire humanitarian crises,” said Representative Young Kim (CA-39). “I’m proud to help lead the Ethiopia Stabilization, Peace and Democracy Act to authorize targeted sanctions against those expanding the conflict and ensure transparent delivery of humanitarian aid. I thank Rep. Malinowski for joining me in this effort and our Foreign Affairs Committee colleagues for their support.” Dispatch

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## South America

**Netherlands continues detention of citizen in Suriname war crimes case (Jurist)** By Panagiotis Lampropoulos  
February 8, 2022

**A Netherlands court Monday set aside amnesty and decided to continue the pre-trial detention of a Dutch ex-army member suspected of war crimes, including the murder of civilians during Suriname’s internal war. The 55-year-old Suriname-born Dutchman was arrested in Amsterdam in October 2021 on the basis of an investigation that indicated he murdered several Surinamese people in 1987 in the vicinities of Brownsveg.**

The Surinamese Interior War was a civil war in the South American nation between 1986 and 1992. During the war, the Surinamese National Army fought the Jungle Commando, killing hundreds of civilians and displacing thousands.

The suspect is accused of violating Article 8 of the Criminal Law in Wartime Act for the killing of people not partaking or no longer partaking in combat. The Netherlands’ Public Prosecution Service believes he was a member of the Infantry of the National Army of Suriname during the war and told others that he killed several people in June 1987.

Initially, the suspect’s lawyer invoked amnesty under Surinamese law, which the court rejected on the basis that in exceptional cases, Dutch courts can stand in the way of foreign amnesty. The court determined that this case fell under the exception, due to the severity of the crimes the man allegedly committed.

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## Venezuela

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## TOPICS

### Truth and Reconciliation Commission

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### Terrorism

**Concerned over civilian deaths, UN spokesperson welcomes ‘any successes’ against ISIL terror group (UN News) February 3, 2022**

**“The UN system, as a whole, has been very united in efforts to act against Da’esh, so any successes against them are to be welcomed”, the Deputy Spokesperson for the Secretary-General, Farhan Haq, told journalists in New York, responding to questions at the regular Noon Briefing.**

Mr. Haq remembered that ISIL, also known by the Arabic term Da’esh, “has committed heinous crimes and brought tragedy to thousands of men, women and children.”

“We want to take this moment to remember the victims and families of victims of terrorism, everywhere in the world”, he said.

#### Investigation

According to news reports, at least 13 civilians, including women and children, died during the US Special Forces operation in the Syrian border town of Atmeh.

Regarding civilian’s casualties, Mr. Haq said the UN continues to call on all the parties to take all the necessary measures to protect civilians and civilian infrastructure, in line with their obligations under international humanitarian law.

“In the case of trying to determine responsibility for the casualties in the attack, it would be important to have an investigation”, he added.

#### Attack

The US raid targeted Abu Ibrahim al-Hashimi al-Qurayshi, who took over as head of the group in late 2019, just days after leader Abu Bakr al-Baghdadi died during a similar US operation.

In a televised statement, US President, Joe Biden, said al-Qurayshi had died as al-Baghdadi did, by exploding a bomb that killed himself and members of his family, including women and children, as US forces approached.

The operation came as ISIL had been on the offensive. Late last month, the group tried to seize a prison in northeast Syria holding at least 3,000 detainees affiliated to the group. President Biden said that al-Qurayshi had been the architect of the siege, which was repulsed by US-led coalition forces.

#### Child casualties

According to the UN Children's Fund (UNICEF), at least six children were killed and one girl was badly injured due to heavy violence.

Since the year began, violence has heavily escalated in and around Idlib in Syria's northwest, where 1.2 million children need assistance. Many families in the area are internally displaced, having fled violence in other parts of Syria over the years.

Last year, nearly 70 per cent of grave violations recorded against children in Syria occurred in the northwest.

The acting UNICEF Regional Director for the Middle East and North Africa, Bertrand Bainvel, notes that this recent increase in violence comes amid freezing weather conditions and record sub-zero temperatures in Syria and the region.

"At least five Syrian children died in the north of Syria due to harsh winter conditions in the past two weeks alone", he informed.

Idlib province in northwestern Syria is the last rebel-held stronghold in the war-torn country, much of it under the control of former al-Qaeda-affiliate Hay'et Tahrir al-Sham.

**The leader of ISIS died this week. But the terror group remains a formidable force, UN finds (CNN)** By Tim Lister  
February 4, 2022

**Just two days after the leader of ISIS killed himself during a US raid in northern Syria, a United Nations report says the terror group is far from vanquished. In fact, it remains a potent force in Iraq and Syria, with a growing presence in Afghanistan and West Africa, according to the UN analysis.**

The report -- compiled by UN experts on ISIS and al Qaeda and covering the last six months of 2021 -- says ISIS may still have up to \$50 million in its coffers. It was completed before the death of Abu Ibrahim al-Hashimi al-Qurayshi on Wednesday.

Even before his demise, according to the UN experts, ISIS had lost several important members of its senior echelon. And yet the group remains a continuing threat. Instability in both Iraq and Syria "indicate that an eventual ISIL resurgence in the core region cannot be ruled out," the report concludes, referring to the group by its alternate acronym.

In a wide-ranging document, the UN monitors also say there's no evidence the Taliban is trying to limit the activities of foreign terrorists in Afghanistan. "On the contrary, terrorist groups enjoy greater freedom there than at any time in recent history," they add.

In its assessment of the situation in Iraq and Syria, the report says ISIS "is estimated to retain between 6,000 and 10,000 fighters across both countries, where it is forming cells and training operatives to launch attacks," often using desert hideouts.

It states that the group "has evolved into a primarily rural insurgency, withstanding sustained counter-terror pressure" from forces in Iraq and Syria, which include US forces deployed in northern Syria as well as the Kurdish Syrian Democratic Forces.

The UN analysis says that in Iraq, ISIS continued in the second half of 2021 "to launch attacks at a steady rate, including hit-and-run operations, ambushes and roadside bombs," especially in a swathe of territory north of Baghdad. "Cells in Iraq also focus on economic warfare, targeting infrastructure, in particular power lines," it adds.

The UN monitors assess that ISIS is also rebuilding in the far west of Iraq, including "strongholds and tunnels with many sleeper cells and hundreds of fighters in the Anbar desert." The report depicts a leadership living under deep cover. It says one government noted that Qurayshi -- while thought to be somewhere in Syria -- "takes extreme measures to ensure his security, allowing no electronics to be carried in his vicinity." He was thought to be moving regularly between Syria and Iraq.

Despite all his precautions, he was found in Idlib province, and now ISIS has a succession problem, for the second time in two years. Abu Bakr al-Baghdadi was killed -- also in Idlib -- in October 2019.

Edmund Fitton-Brown, the monitoring team's co-ordinator, told CNN that Qurayshi's death was a "significant setback" to the group "coming as it does hard on the heels of the detention of his deputy and ISIS finance chief, Sami Jasim al al-Jaburi, which was announced by the Iraqi authorities last October."

Fitton-Brown says ISIS' top leadership "has suffered significant attrition in recent years and it's not clear they can replace either man with leaders of similar caliber or experience."

The UN report says the views of governments differ on the impact of this attrition. "Some member states assess that the group

is significantly undermined by these losses, while others assess that the threat of a resurgence by the ISIL core remains."

The complex ISIS attack aimed at freeing prisoners in Hasakah in northern Syria last month may hint at that resurgence. Fitton-Brown says it was a significant development and some important prisoners were freed. Others were killed or recaptured, but, he adds, "they will consider the disruption and propaganda to have been worth that price, but it's too early to say what it tells us about, or what impact it will have on -- the group's capabilities."

The UN report says that ISIS' war chest is significantly less than when its self-declared caliphate ruled large parts of Syria and Iraq. However, it's far from penurious. "Funds assessed as being available to ISIL in the core of the conflict zone are holding steady at between \$25 million and \$50 million, with much of it assessed to remain in Iraq," the report states. However, governments believe the group is now consistently spending more than it takes in.

Some of that cash is being funneled to Afghanistan, where the UN experts believe that the ISIS affiliate (ISIS-K) is recruiting and expanding. In recent months, the group has released regular videos of its attacks on Taliban officials and fighters, in both eastern Afghanistan and the capital.

ISIS-K carried out the devastating suicide attack at Kabul airport in August, in which more than 170 people were killed, and several subsequent assaults.

The report says ISIS-K "has demonstrated a continuing ability to mount sophisticated attacks, adding to the complexity of the security situation in Afghanistan."

UN member states assess that the strength of ISIS-K has now risen from earlier estimates of 2,200 to approaching 4,000, following the release of several thousand prisoners. One member state assessed that up to half of ISIS-K is composed of foreign terrorist fighters.

The UN team says that after six months of Taliban rule, "Afghanistan has the potential to become a safe haven for Al-Qaida and a number of terror groups with ties to the Central Asia region and beyond." It notes that some of al Qaeda's "closest sympathizers within the Taliban now occupy senior positions in the new de facto Afghan administration," and confirms the return to Afghanistan of a former senior aide to the deceased al Qaeda leader Osama bin Laden.

Central Asian terror groups such as Islamic Jihad Group and the Islamic Movement of Uzbekistan "are now experiencing greater freedom of movement in the country," the report says.

"Central Asian embassies based in Afghanistan have observed with concern that several leaders of those groups have travelled freely to Kabul."

In their section on jihadi activity in Africa, the UN monitors note that "Al-Qaida and ISIL affiliates in West Africa appear to have made decisive progress by exploiting local grievances, overwhelming stretched security forces and navigating complex interrelationships between armed groups."

The strength of the al Qaeda affiliate in Mali is such that "the capital city itself is under threat, with a security bubble now limited to a 40-kilometre circle around Bamako," according to several governments.

Looking further ahead, the report raises the specter of a new generation of terrorists emerging from the refugee camps of northern Syria. One of those camps, al-Hawl, contains some 60,000 people, and the UN report assesses it is under "ISIS' social control."

"Remaining stranded in harsh conditions, surrounded by radicalizing influences, may cause younger residents, especially, to become hardened and trained extremists," says the UN report.

"A generation of children, many raised in incubators of violent extremism, are at particular risk," the UN experts conclude.

**Kenya Is On Edge Again - Here's What You Should Know About Terror Alerts (AllAfrica)** By Oscar Gakuo Mwangi  
February 8, 2022

**Kenya remains in a state of heightened alert following travel warnings by French, US and European Union officials of imminent terrorist attacks. Kenya has suffered deadly terror attacks claimed by the Somali Islamist group Al-Shabaab. As a result it has beefed up security. Oscar Gakuo Mwangi has studied Kenya's counter-terrorism policies and strategies. We asked him to unpack the intelligence behind terror alerts.**

How is intelligence on impending terrorist attacks gathered?

Cooperation between governments and security agencies is a crucial element in combating terrorism. This is more so for transnational terrorism. Effective inter-agency cooperation depends on the timely and accurate sharing of intelligence through established channels.

Kenya cooperates with various Western countries to arrive at the conclusion that a terror attack is imminent. For instance Kenya and the UK have a mutual agreement to counter Al-Shabaab's threat. The two countries share information and identify new ways to disrupt the group's operations in East Africa and beyond.

The UK and Kenya gather information in a number of ways. These include covert human intelligence sources, directed surveillance, intercepting communications, data obtained from communications service providers, bulk personal data, intrusive surveillance and equipment interference.

The National Counter Terrorism Centre also provides online channels where the public can, anonymously, report terrorism-related activities.

Kenya's government also cooperates with the US. For instance the General Service Unit counterterrorism response team is funded by the US.

In addition, information on imminent attacks is also provided by terrorist groups themselves. As part of its publicity, Al-Shabaab provides information on imminent attacks through its media outlet, Al-Kaitab Media Foundation.

Individual states are responsible for providing travel advisories to their citizens based on the information shared.

How reliable is the intelligence prompting alerts?

Sound intelligence research and analysis identifies trends and specific terrorist groups' strategies and tactics.

For the most part this means that sufficiently reliable data on imminent attacks is produced.

However, it's not a perfect science. Intelligence sources sometimes offer opinions rather than hard evidence. Hence the analysis can at times be subjective rather than objective.

The reliability of the intelligence is determined by how correct or true the information is. The UK's MI5, for example, records credible intelligence correctly by recording its origin and validity. Assessments of valid threats are regularly adjusted in view of new intelligence.

But terrorist groups behave in unpredictable ways. Some terrorist attacks are commemorative, that is to celebrate prior successful attacks. Attacks can be symbolic, intended to advance ideological aims and objectives. They can also be carried out in response to the target state's counter-terrorism interventions.

Diplomatic advisories or alerts are adjusted frequently as they are based on security information that is constantly changing.

In the case of Kenya, terror threat warnings have been vindicated time and again. Between January 2019 and December 2021, the US government published nine travel advisories and alerts warning of terrorist attacks around the Kenya-Somalia border and the country's coastal areas. During this period, five attacks and two foiled attacks were reported in these areas.

On January 5, 2022, the US embassy in Nairobi issued a travel advisory to US citizens warning them not to travel to some coastal areas because of terrorism. Kenya has since witnessed attacks conducted by Al-Shabaab in the coastal county of Lamu.

Why are alerts usually general, rather than specific?

It is often difficult to predict an imminent terrorist attack in a place or time. Terrorism, as a special form of political violence, is a complex and dynamic phenomenon. Its strategies and tactics rapidly keep mutating to adapt to changing local-level, national, regional and international circumstances.

The tactics have been described as asymmetric warfare - they are both ideological and military. The unconventional tactics aim at winning over marginalised local-level communities. Asymmetric warfare is therefore long-term and more sustainable than conventional warfare.

The unpredictability of this type of warfare based on ideological motives is a key defining feature of terrorism as a special form of political violence. Hence forecasting terrorism is problematic.

The more complex a terrorist group is in terms of organisation and ideology, the more difficult it is to predict its strategies and

tactics.

What steps should the public and security forces take?

The public, once aware of the threats, are supposed to take precautions. These include avoiding crowded public spaces and avoiding specific areas where prior attacks have occurred.

The public should perceive these alerts and react to them in a positive rather than negative way. The primary responsibility of securing oneself begins with the individual.

It is also the responsibility of the state to provide basic security. The government should take additional security measures. Measures include additional installation of surveillance cameras, scanners, security barriers, and enhancing visible policing.

But a robust security response risks unintended consequences. For example, certain areas can become viewed as hotspots of terrorism. Communities in these areas can be unfairly profiled as 'suspects'. This has a tendency of increasing suspicion and distrust, including intolerance between communities.

Security actors should also avoid employing repressive counter-terrorism operations that target specific individuals and communities who live in volatile areas. Such operations only serve to entrench perceptions about human rights violations committed by the state.

The state and its security agencies should react to alerts using alternative methods. These include preventing and countering violent extremism and employing soft approaches. These are often ideological, communicative and social. They are based on trust not fear.

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## Piracy

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## Gender-Based Violence

**Rape stalks women in C. Africa's dirty war (France24)** February 2, 2022

**Maia looks down at her expanding belly, her eyes welling with tears.**

Four months ago, an armed man grabbed and raped the 15-year-old, attacking her as she was harvesting cassava roots.

In the remote northwest of the Central African Republic (CAR), sexual violence targeting women, adolescents and even younger girls is on the rise.

Brutal acts are committed by rebels, militiamen and security forces alike, according to the United Nations.

In Paoua, about 500 kilometres (300 miles) northwest of the capital Bangui, more than a dozen rape victims turn up every day at a clinic run by the Danish Refugee Council (DRC).

The distraught teenager struggles to put her feelings into words. "I was alone in the fields when an armed man wearing a turban grabbed me," she says in a near-whisper.

"I told him I was a virgin and begged him not to hurt me," Maia says, unable to utter the word "rape", even as she bears the unborn child of the man who assaulted her.

Like Maia, Marie was harvesting cassava to feed her family when two armed men appeared.

Her husband fled the scene, but she reacted too slowly.

"They tied my hands, tore my clothes and took turns raping me," says the 23-year-old, who was wearing a traditional gown in the purple, green and white colours of International Women's Day.

The rape victims interviewed by AFP all had similar stories.

Most said they had been assaulted in the fields by rebels of a powerful local militia known as the 3R, a name derived from the French words for Return, Reclamation and Rehabilitation.

'Easy target'

"In this area, it is mainly women who farm and take care of feeding the family," says Lola, an employee at the centre whose name has been changed for her safety, like Maia's and Marie's.

"Alone and helpless in the fields, they are an easy target for the rebels."

A civil war in the CAR that began in 2013, pitting myriad militias against a state on the verge of collapse, had lessened considerably in recent years.

But about a year ago, fighting resumed abruptly when rebels launched an offensive to overthrow President Faustin Archange Touadera.

At the time, armed groups controlled two-thirds of the CAR's territory.

'Alone and helpless in the fields, they are an easy target for the rebels,' says an employee at the Danish rape clinic

But they ceded most of it when the army, backed by hundreds of Russian paramilitaries, mounted a massive counter-offensive against the rebels.

Today militia forces are confined to the countryside and have switched to guerrilla tactics -- and harassment and abuse of civilians are on the rise.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded 6,336 cases of gender-based violence between January and July 2021 across the deeply poor country.

The agency identified a quarter of such cases as sexual violence, an increase of 58 percent compared with the first half of 2020. Rebels and militiamen are more active in the Paoua region.

Recent reports by the United Nations or by UN-sponsored experts have accused both soldiers and their Russian mercenary allies of committing rapes.

At the Paoua hospital, signs prohibit the carrying of weapons.

A dozen women and girls wait outside a door freshly painted in pink to see Fabrice Clavaire Assana, a doctor who specialises in counseling and treating victims of gender-based violence.

"After a phase of listening and building confidence," Assana says, he carries out gynaecological examinations and provides emergency treatment when needed.

But his options are few.

The "morning-after" anti-pregnancy pill, hepatitis B vaccine and anti-HIV medicine work only if taken within 72 hours. "This is rarely the case," he says regretfully.

50km trek

After Marie was assaulted, she turned first to relatives.

"I was distraught and ashamed. I first went to my in-laws in my torn clothes, but they were unable to pay for my transport to Paoua," she says.

So Marie then walked 50 km to Paoua, "praying" not to tread on a landmine or run into rebels.

"I relive the scene day and night, I can't go back to the fields," sighs Marie, burying her face in her hands.



"My husband has fled -- now I'm alone with two children to feed, and I can't grow crops."

Neither Maia nor Marie has tried to seek justice for the men who raped them.

Such crimes almost always go unpunished in the absence of functioning courts.

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## **Commentary and Perspectives**

**Fighting Impunity for Crimes in Syria: Victory in Germany, Setback in France (Human Rights Watch)** By Bénédicte Jeannerod and Aisling Reidy  
January 27, 2022

**The conviction in Germany on January 13 of a former Syrian intelligence official for crimes against humanity marks a major breakthrough in the fight for justice for atrocities in Syria. In sharp contrast, a French court's decision in November raises fears that France could harbor perpetrators of similar crimes in Syria and elsewhere.**

The court in Koblenz, Germany, found the official, Anwar R., guilty of overseeing the torture of thousands of detainees, dozens of murders, as well as rapes and sexual assaults, in a detention center in Damascus, Syria. It sentenced him to life in prison for his crimes. The Koblenz trial was the first in the world to address large-scale state-sponsored torture in Syria. It was able to do so thanks to Germany's acceptance of the legal principle of universal jurisdiction, which allows national judicial authorities to prosecute the most serious crimes under international law even if they were not committed within the country's territory, or by or against one of its citizens. On January 19, a second trial for crimes against humanity committed in Syria started in Germany, at a court in Frankfurt, under the same legal principle. Universal jurisdiction is an extremely important tool where other avenues to justice are closed. In the case of Syria, it is the only current recourse for victims of atrocities. Syria is not a member of the International Criminal Court (ICC), and both Russia and China have blocked the UN Security Council from giving the ICC a mandate to investigate serious crimes there. Syrian survivors and their allies in France may therefore rightly have a bitter-sweet feeling as they welcome the Koblenz verdict and hear of the opening of a second trial in Germany. In the November decision, France's Court of Cassation, the highest court in the French judiciary, annulled the indictment of an alleged former Syrian agent who had sought asylum in France and who was accused of complicity in crimes against humanity. In a perverse application of the "dual criminality rule," France's highest court held that the prosecution could not proceed under French law because Syrian law does not explicitly criminalize crimes against humanity. The "dual criminality rule" refers to the legal norm that the act for which a person is being prosecuted or extradited is a crime in both the host country and where the act took place. The rule prevents arbitrary prosecutions for behavior that was legal in the country where and when it was committed. It is a due process guarantee that reflects the requirements of legal certainty and foreseeability. However, it is not intended to shield behavior that is criminal under international law. In asking whether the dual criminality rule has been satisfied when prosecuting an individual accused of crimes against humanity in Syria, for example, a court should not only consider Syria's domestic law, but also ask if the offending behavior would constitute a crime against humanity under international law at the time when it was committed. If the answer is yes, due process is protected. The European Court of Human Rights confirmed this approach. The French court's November ruling shifts the burden to France to bring its law in line with these human rights norms. This is not the only restrictive condition French law imposes on applying universal jurisdiction. For example, France's law also requires that the defendant be officially resident in France for a prosecution of serious crimes to proceed. Human rights groups have long urged successive French governments to amend these flaws in the relevant legislation, but no action has yet been taken. The Court of Cassation's recent decision underlines the urgency for the government and the parliament to address these legal restrictions so that France does not become a safe haven for people responsible for the world's worst crimes. With other avenues for justice currently blocked, criminal investigations in Europe offer a beacon of hope for victims of crimes in Syria and elsewhere who have nowhere else to turn. French authorities should ensure that their laws do not deprive survivors of the chance for their day in court.

**Justice is the only answer to Myanmar's bloody military reign (Aljazeera)** By Tun Khin  
February 1, 2022

**Exactly one year ago, on February 1, the Myanmar military launched a coup and opened another bloody chapter in my country's history. Since then, the junta has driven the state to the brink of collapse and committed widespread atrocities. There**

**is now only one way to break this cycle of abuse: pursuing mechanisms of international justice that can hold those responsible to account.**

Over the past 12 months, there has been a steady stream of horrific news from Myanmar, as more than 1,500 people have been killed in protest crackdowns and massacres. In one recent incident, on Christmas Eve, the army massacred some 35 people – including women and children and two charity workers – in Kayah State. Thousands of others have been arrested while the junta has made routine use of torture against those protesting against its rule.

At the same time, the economy has suffered a severe decline, while healthcare and education services have ground to a halt. While Senior General Min Aung Hlaing, the junta chief, has delusions about bringing in new electric trains to expand national public transport, the rest of the country is suffering through daily, crippling blackouts.

In Rakhine State, the Rohingya minority continues to face an ongoing genocide and live in what amounts to an open-air prison. The junta has arrested Rohingya trying to flee to Bangladesh and imposed even tighter restrictions on freedom of movement. Many are also caught in the crossfire in the simmering conflict between the military and the Arakan Army armed group.

If there is a silver lining from the coup, no matter how small, it is the renewed sense of interethnic solidarity. As a Rohingya, I often used to face abuse when I posted on social media about the army's crimes in the past. Now, however, I receive support, understanding, and even apologies from those who used to spew hatred against Rohingya. People have realised that the military is our common enemy.

The Tatmadaw, as the military is known in the country, has terrorised the people of Myanmar for decades, committing genocide, crimes against humanity and war crimes. They have done so with absolute impunity, knowing their crimes would have no consequences. That is why we need the international community to step in and provide justice. Thankfully, real progress has been made in this direction in recent years.

In 2019, the International Criminal Court (ICC) announced that it was opening an investigation into crimes against humanity the Tatmadaw committed against the Rohingya. Around the same time, The Gambia brought a genocide case against Myanmar at the International Court of Justice (ICJ). Both processes are ongoing, giving hope to the military's many victims.

Last year, the judiciary in Argentina also agreed to take up a landmark genocide case against Myanmar's military leadership. The case, which my own organisation BROUK first petitioned for, rests on the legal principle of universal jurisdiction, according to which some crimes are so horrific that they can be tried anywhere in the world, regardless of where they took place. The process has only just started, but we hope that ultimately, Min Aung Hlaing and his cronies will answer for their crimes in a court of law.

It is also encouraging that many of Myanmar's civilian leaders, who earlier rejected any efforts to bring military criminals to justice, now see the need to hold the Tatmadaw to account. The National Unity Government, established in the wake of the coup, has said it will cooperate with international justice mechanisms. Myanmar stands united in wanting to see its tormentors in military fatigues behind bars.

There is also no question that the Tatmadaw leadership is getting increasingly nervous as the net closes in around them. In December, an order was leaked to the media in which the military leadership warned any of its staff against responding to letters from international justice bodies or the Argentinian Federal Court.

But while justice increasingly looks within reach, there is much more the international community can and must do. The United Nations Security Council has remained deadlocked for years, as China continues to veto motions on Myanmar. Its members must stop putting politics above people's lives and approve a full referral of the situation in Myanmar to the ICC.

At the same time, other states should follow the example of Canada and the Netherlands, both of which have pledged support to The Gambia's case at the ICJ. Finally, countries should also follow our example in Argentina and look to open universal jurisdiction cases on their own, something also encouraged by the UN's own human rights experts. The recent conviction in Germany of a Syrian officer for crimes against humanity shows that this is a process that can bring justice.

One year ago, the Tatmadaw plunged Myanmar into crisis by seizing power in a coup, continuing its decades-long terror against its people. The world must now show the Tatmadaw that it stands united against its crimes, and that there is nowhere to hide for those responsible. The people of Myanmar have suffered for too long and deserve no less than justice.

**Draconian Law Punishes Gay Sex in Venezuelan Military (Human Rights Watch)** By Cristian González Cabrera  
February 3, 2022

**It is widely known that the Venezuelan military carries huge political weight in the**

**country, that high level officers hold key government positions, and that egregious military abuses, including extrajudicial killings, torture, and arbitrary detentions, remain in impunity. Yet one perverse aspect of the military's open disregard for human rights has not received the attention it deserves.**

A draconian provision in Venezuela's Military Code of Justice punishes consensual same-sex conduct by service personnel with up to three years in prison and dismissal. The provision, which is under a chapter in the code called "on cowardice and other crimes against military decorum," penalizes committing "sexual acts against nature." It does not prohibit consensual heterosexual sex.

It is unclear how many convictions have taken place under this law. At least one reportedly occurred in 2013. But the law has wider consequences. There are reports that the possibility of dismissal under the law is being used by supervisors and others to harass gay and lesbian service members.

Giovanni Piermattei, president of Egalitarian Venezuela, a civil society organization working on LGBT rights in Venezuela, told Human Rights Watch that his organization has received repeated complaints about this form of homophobic harassment, as recently as in January. Following a challenge by Egalitarian Venezuela, the Supreme Court of Justice has announced that it will review the constitutionality of the provision.

This provision makes Venezuela one of the few remaining countries in Latin America to criminalize same-sex conduct. Anglophone countries in the Caribbean like Jamaica, Guyana, and Dominica still have such laws on the books, a relic of British imperialism. All told, same-sex conduct remains criminalized in 69 countries, including in places like Iran, Myanmar, and Sudan.

Bans on same-sex conduct, including in the armed forces, violate international human rights law, including the rights to privacy, against arbitrary detention, and to non-discrimination and equality. National, regional, and international bodies have roundly rejected claims that factors such as military discipline can be used as justification for bans on same-sex relations in the military.

Egalitarian Venezuela's challenge to the law could provide some hope for service personnel suffering from the abuses and stigma arising from this discriminatory legislation. Indeed, the court has previously expanded the rights of LGBT people in the country, with a 2016 ruling upholding joint parentage for same-sex couples. Yet, Venezuela does not have an independent judiciary.

The court has failed to act as a check on executive power ever since former President Hugo Chávez and his supporters in the National Assembly took political control of the institution in 2004. Justices on the court have declined to consider challenges to Venezuelan authorities' flagrant assaults on the rule of law and the separation of powers.

When the National Assembly – packed with government supporters after a widely disputed election in December 2020 – revised the Military Code of Justice in 2021, it missed an opportunity to repeal the provision criminalizing same-sex conduct. The National Assembly responds to Nicolas Maduro, who is also the head of the Venezuelan military.

LGBT rights are one of the many human rights deficits under the Maduro government. Venezuela has no comprehensive civil legislation protecting people from discrimination on the grounds of sexual orientation and gender identity, though it provides limited protection in certain areas. For example, the Labor Code prohibits discrimination on the basis of sexual orientation, while a housing law prohibits discrimination on the basis of sexual orientation and gender identity in this sector. But while the law criminalizing same-sex conduct in the military remains in force, it will continue to signal state sanction for discrimination and prejudice.

The authorities answering to Maduro appear to have granted concessions only in the face of intense international pressure. It is essential for key international actors from across the political spectrum who have championed LGBT rights at home to raise their voices to support the efforts of Venezuelan human rights defenders who are defying discrimination in their country's powerful military.

**Israel's apartheid and the myth of the democratic Jewish state (Aljazeera)** By Marwan Bishara  
February 8, 2022

**Last week, the London-based Amnesty International joined the New York-based Human Rights Watch and the Jerusalem-based B'Tselem in calling Israel's abusive and cruel system of domination over the Palestinians an apartheid, which amounts to a crime against humanity.**

Predictably, Israel and its supporters condemned the "libellous" and "anti-Semitic" report, and rejected its detailed and well-

documented findings as biased distortions. And like the two reports by B'Tselem and Human Rights Watch, it seems none of the critics bothered to read the 280 pages Amnesty produced, let alone argue against the airtight case in them.

This trifecta of Israeli, American, and British documentation will prove an extremely important breakthrough for Palestinian human rights in terms of its timing, precedence, scope, legality, globality, boldness and ramifications.

Indeed, the timing could not have been more critical. These human rights organisations have exposed the apartheid state of Israel as more Arab regimes have embraced it, as Western governments have appeased it, and as the unabashed Palestinian leadership has submitted to it, shamelessly scheming against fellow Palestinians and bartering their rights for Israeli travel permissions for its cronies.

This is, of course, not the first time apartheid has been invoked internationally. A number of Israeli, British, American, and other foreign leaders have warned Israel against undermining the two-state solution by imposing dual legal regimes that “arguably” constitutes apartheid in the Palestinian territories occupied in 1967.

But Amnesty, Human Rights Watch and B'Tselem have widened the scope beyond the West Bank and Gaza Strip, and for the first time, made the case against an Israeli apartheid regime imposed on all Palestinians from the Jordan River to the Mediterranean Sea.

Instead of looking at the Palestinians as separate communities experiencing different sets of circumstances, as the US Department of State's Country Report on Human Rights Practices does to muddy the waters, the three organisations document the totality of the Israeli policies and their implications for all Palestinians.

In other words, the problem goes well beyond the occupation of 1967 to the Israeli dispossession of the Palestinians in 1948. And so, I believe, must the solution.

The Israeli organisation, B'Tselem, has emerged as the torchbearer that inspired and encouraged its American and British counterparts to follow suit. The title of its report will prove a game-changer in the way the world sees Israeli Zionism: “A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid”.

No wonder the Israeli government is so furious. Israelis are generally unperturbed by the charge of settler-colonialism and even delight at the comparison with, say, America or Australia, but they abhor the charge of apartheid.

In the spirit of the Bennett government's habitual venom, Foreign Minister Yair Lapid has claimed Amnesty is not a human rights organisation, but a radical entity that relies on “terrorist” groups for information, and said that “if Israel were not a Jewish state, no one in Amnesty would dare argue against it.”

Alas, the opposite is true.

It is terribly risky, and therefore terribly brave, for B'Tselem, Amnesty and Human Rights Watch to speak so boldly and factually against Israel's institutionalised Jewish supremacy at a time when Israel shows no restraint in the cynical and pervasive use of anti-Semitism claims to condemn, intimidate and even ruin its Western critics.

Needless to say, the reports do not rely on “terrorist” groups, but on the internationally recognised and credible Palestinian human rights organisations, which this cynical Israeli government labelled “terrorist” to the dismay of the international human rights community. Indeed, these groups were the first to expose Israeli apartheid in historic Palestine.

In reaction to the official Israeli and American condemnations of the reports, some have claimed that perhaps using “controversial labels”, such as apartheid, hinders rather than helps the Palestinian cause.

But Amnesty has not applied a political label like, say, “the great Satan”, which Tehran used to refer to America or “axis of evil” which Washington used to refer to Iran.

It has also avoided the pitfalls of drawing analogies, refraining from resting its case on comparing Israel's apartheid to the one in South Africa.

Instead, it has diligently used the word “apartheid” as an international legal term that dates back to 1965 and is enshrined in the International Convention on the Elimination of Racial Discrimination, which the US and Israel have signed along with more than 170 other states.

For Amnesty, apartheid is not a political label; it is the legal conclusion of its own exhaustive analysis of the evidence against Israel's institutionalised system of oppression and domination over the Palestinians, which has deprived them of their economic and social rights for decades.

As Paul O'Brien, the director of Amnesty USA has argued, his organisation agrees with the Biden administration that "Israelis and Palestinians should enjoy equal measures of freedom, security, prosperity and democracy" and asserts, "To get there, the system of oppression that exists now must be dismantled. How to get there without calling it what it is. Apartheid."

Alas, US and Western governments have thus far lacked the political foresight and moral courage to call a spade a spade, let alone to act against Israeli apartheid in historic Palestine, as they did against apartheid in South Africa.

It took almost four decades for the US Congress to enact the Comprehensive Anti-Apartheid Act in 1986, and even then, President Ronald Reagan procrastinated in its implementation after his veto was overridden. However, once fully projected, US and wider Western pressure was decisive in dismantling apartheid in South Africa in the early 1990s.

Alas, Israel's South Africa moment may still be far off, as it solidifies its apartheid instead of dismantling it. But to paraphrase an infamous Israeli leader, pessimism is a luxury the Palestinians cannot afford.

On the brighter side, Israel's arrogance is eroding Western sympathy and alienating traditional allies, including many members of the influential American Jewish community, as its persistent colonisation and penetration of Palestinian lands render the Western-favoured two-state solution obsolete.

With an almost equal number of Palestinians and Israelis living side-by-side, Israeli society will eventually have to address the question of decolonisation and equality in this distorted one-state reality and the West will have to take a stand to end Israel's impunity.

Last spring's "Unity Intifada", the uprising of young Palestinians from both sides of the Green Line, who overcame geographic and political fragmentation to expose the fallacy of the "Jewish democratic state" and demand an end to Israeli Jewish supremacy, is a preview of things to come.

As the battle over Western public opinion rages on, international human rights organisations may well help shift the balance in favour of justice in Palestine. Israel may be a formidable military and economic power, but it is losing international legitimacy and doing so fast.

**Burundi's Vicious Crackdown Never Ended (Human Rights Watch)** By Mausi Segun  
February 8, 2022

**In June 2020, when Évariste Ndayishimiye was sworn in as Burundi's president after the unexpected death of his brutal, autocratic predecessor, Pierre Nkurunziza, he pledged to "uphold unity among Burundians" and deliver "peace and justice for all." Yet for the last year and a half, his government has largely carried on as Nkurunziza's did. It has intimidated and silenced its critics, detained and tortured its opponents, and as a growing body of evidence gathered by international and Burundian rights groups attests, killed and disappeared many of those it suspects of working with the political opposition or with rebel groups.**

According to local human rights organizations, hundreds of people have been killed since Ndayishimiye took office, some by Burundian security forces or members of the ruling party's notorious youth league and some by unknown assailants. Human Rights Watch, where I work, has received credible reports of scores of killings and gathered hours of bloodcurdling testimony from survivors of torture and loved ones of those who have been killed or disappeared. In the country's northwestern Cibitoke Province, which borders the Democratic Republic of the Congo, residents described a vicious crackdown against people suspected of opposing the Burundian government or aiding an armed opposition group that has attacked Burundian security forces. Dead bodies, most unidentified and many mutilated, have turned up at an alarming rate over the last 18 months in or around the Rusizi River, which runs between the two countries. In most cases, local authorities bury them without investigation.

And yet the United States and the European Union are welcoming Burundi in from the cold. In November, U.S. President Joe Biden lifted all the sanctions that the Obama administration had imposed on Burundi, citing "the transfer of power following elections in 2020, significantly decreased violence, and President Évariste Ndayishimiye's pursuit of reforms across multiple sectors." In October, the EU indicated that even as it renewed targeted sanctions against some senior Burundian officials it would also resume direct budgetary support to Burundi's government.

These overtures toward a government that continues to torture and kill its own people risk emboldening Burundi's leaders to crack down even harder on their opponents. Instead of hoping that the Burundian government will change its ways, the United States and the European Union should publicly push the country's leaders to take concrete and measurable steps to improve their dire human rights record.

## False Promises

Burundi descended into chaos and violence in April 2015, after Nkurunziza announced a controversial bid for a third term in office, sparking months of protests and a failed coup attempt. Government security forces and members of the ruling party's youth league, known as the Imbonerakure—meaning “those who see far” in the Kirundi language—arrested or shot protesters and critics. By mid-2015, hundreds of people had been killed, and almost all of Burundi's opposition leaders, independent journalists, and civil society activists had fled the country. Some 400,000 people sought refuge in neighboring countries.

In 2018, Nkurunziza unexpectedly announced that he would not seek reelection in 2020. Ndayishimiye, a former army general who was secretary-general of the ruling party at the height of the crisis, became the party's candidate for president, winning in an election marred by violence and allegations of rigging. In June 2020, two months before he was set to step down, Nkurunziza died suddenly under mysterious circumstances. Ndayishimiye was sworn in early during a hastily arranged ceremony. Although he had overseen the party while it committed grave human rights abuses, Ndayishimiye promised to promote political tolerance, make the justice system more impartial and fair, and hold accountable those responsible for past crimes.

Ndayishimiye did release some human rights advocates and journalists from jail and lift some restrictions on the media and civil society, but his government continues to use repressive tactics against its opponents. Tony Germain Nkina, a lawyer and former human rights defender, was convicted on baseless charges of collaborating with rebels that were confirmed on appeal in September 2021. The government has also used arrest warrants, convictions in absentia, and life sentences against human rights defenders in exile to silence the country's once-thriving human rights movement.

“Our province has become a graveyard.”

Then there are the killings. Carried out by security forces, Imbonerakure members, and other unknown perpetrators, they have sowed terror among the population. “Our province has become a graveyard,” one resident of Cibitoke told my colleagues and me last August. Another man said he witnessed four men in military attire beat to death Emmanuel Baransegeta, a 53-year-old fisherman, as he returned from work on the Rusizi River the evening of July 8, 2021. Two days later on the banks of the river, residents found the body of a man who looked as if he had been beaten. They said they believed he was Baransegeta, but the local authorities buried him without investigating the circumstances of his death or even trying to confirm his identity.

For many, these killings evoke memories of Burundi's violent past. The banks of the Rusizi have historically been dumping grounds for bodies of people killed in political or ethnic strife. During Burundi's brutal civil war, which raged from 1993 to 2009, an estimated 300,000 people were killed in fighting that broke down largely along ethnic lines. Both the Tutsi-dominated military and the armed Hutu opposition forces committed serious war crimes, including killings and rapes of civilians.

Nkurunziza's first term, from 2005 to 2010, offered hope for a break with that history. A Hutu rebel leader during the war, he took office under a new constitution that guaranteed power-sharing between Hutus and Tutsis and among political parties. Despite continued bouts of violence, the country achieved a degree of stability and made some progress toward peace, reconciliation, and economic development. It developed a burgeoning civil society and independent media landscape. But this fragile progress suffered serious setbacks during and after the 2010 elections as political tensions rose and security forces and armed opposition groups committed scores of killings. In Cibitoke, residents once again found mutilated bodies of opposition supporters near the river. Now, they are encountering them with appalling frequency.

## Dangerous Gamble

In September 2021, the UN Commission of Inquiry on Burundi, which has documented grave human rights violations in the country every year since its creation in 2016, presented its last report to the UN Human Rights Council. The commission concluded that under Burundi's new government, “no structural reform has been undertaken to durably improve the situation.” It expressed alarm about continuing human rights violations and the progressive erosion of the rule of law. Yet the Human Rights Council, in a resolution led by the EU and supported by the United States, ended the commission's mandate in favor of a special rapporteur with fewer resources to investigate human rights violations. The resolution claimed that progress “has been made in the field of human rights, good governance and the rule of law,” citing the limited, largely symbolic gestures by the Burundian government. Unsurprisingly, in December, Burundi's foreign minister said it would “never” work with the special rapporteur.

Ending the commission's mandate and lifting international sanctions and other punitive measures in the absence of real progress on human rights or democratic reforms is a dangerous gamble. The United States and the EU may hope that doing so will encourage reform, but it will more likely embolden human rights abusers who already operate with near-total impunity. To many victims of abuses, the willingness of Washington and Brussels to trust the same officials who have overseen the killing, disappearance, and brutal torture of thousands of people since 2015 is inexplicable—as is their silence in the face of

persistent human rights violations under Ndayishimiye.

The United States and the EU should publicly press the Burundian government to release all political prisoners, including Nkina, and overturn unfair convictions and drop arrest warrants against human rights activists and journalists in exile. The government can prove it is serious about reform by allowing the UN special rapporteur to access the country and by conducting credible investigations into killings, disappearances, and instances of torture. Any members of the security forces or Imbonerakure who are found to be responsible for these abuses should be immediately arrested and prosecuted.

“Please, I am asking you to tell as many people as you can about what is going on here. The international community must know about these killings,” an official in Burundi’s National Defense Force told us. He spoke on the condition of anonymity, defying his superiors in order to call attention to the dead bodies he was regularly finding along the Rusizi. But the problem is not that the United States and the EU don’t know what is going in Burundi. The problem is they are choosing to ignore it.

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## WORTH READING

### **Re-Conceptualising Cross-Disciplinary Expertise in International Criminal Investigations: An STS Perspective**

**Karen McGregor Richmond**

**February 4, 2022**

**Contemporary societies have become reliant upon the guidance of scientific, and technological, experts, whose inputs are utilized - to a hitherto unparalleled degree - by a proliferating array of complex and specialised systems. Paradoxically, this contemporary reliance upon expert knowledge and the necessity for epistemic deference has given rise to a countervailing current of populist skepticism, which threatens to erode the very foundations of rational discourse, generating developmental obstacles across the panoply of natural, and social scientific domains, and creating tensions within discrete sites of technological application and epistemological uncertainty.**

The field of international criminal justice has come to be regarded as a particular site of contestation, the investigation and prosecution of criminal acts - at the international level - being dependent upon the collection, processing, and categorisation of a diverse array of material evidence, drawn from multiple sources: forensic samples, documentary material, ‘open source’ data and witness statements, inter alia, are recovered and evaluated by a heterogeneous body of institutional actors, drawn from diverse fields and backgrounds, possessed of varying levels of expertise, and increasingly founding upon disruptive new technologies, which themselves emerge across multiple disciplinary boundaries, thereby confounding pre-existing institutional norms and expectations.

Clearly, the articulation of a coherent theoretical foundation for interdisciplinary expertise would serve all disciplines. However, that need is particularly acute within a criminal justice sector facing ethical and epistemological challenges generated by the emergence and confluence of machine learning technologies, biomedical research, and the proliferating use of telecommunications data. Given that citizen participation in open source investigations has grown steadily (at least insofar as the involvement of non-expert NGOs and allied institutional agents facilitates distributed data collection), it is vital that the international criminal justice field is able to offer a systematic and theoretically robust answer to what constitutes a direct challenge to the epistemic privilege of scientific and technological experts, trust in whose practices is being further eroded by the politicization of knowledge production and dissemination.

If the international legal system is to maintain a robust and rational approach to the ethical, legal, and social challenges engendered by machine learning, bio-medical research, and sundry emergent technologies, then its responses must be founded upon a coherent theoretical account of trans-disciplinary scientific and technological expertise: an understanding whose broader application will enable citizens and policy-makers alike to answer questions related to the proper function of expertise, its efficient mobilisation, and its limits.

This necessary foundational research may thereby serve as a theoretical base, which subsequent elaboration may aid institutional agents in negotiating disagreements between experts, serving not merely to justify the decision-making process to the public, but to facilitate their involvement in a dialectic process of policy development. The primary objective of this paper is therefore to chart the basic characteristics of a normatively coherent theoretical account of transdisciplinary expertise, as practiced in the international criminal justice sector, for subsequent development, articulation, and dissemination. An account which may demonstrate the potential for STS scholarship to address this area of collective concern, ultimately resolving the ontological and epistemological tensions which have been generated by the mobilization of trans-disciplinary scientific and technological innovations, deployed across disciplinary boundaries.

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