



War Crimes Prosecution
Watch



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

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AFRICA

NORTH AFRICA

Libya

Libya opens center for migrants in Tripoli (Africa News)

March 10, 2022

Libya has opened a center for migrants on the airport road in Tripoli. Prime minister Abdul Hamid al-Dbeibeh in his opening speech on Wednesday stressed that it was imperative to take care of immigrants and provide them with appropriate conditions.

A statement from the prime minister's office posted on Facebook, there are medical clinics, gyms, as well as departments with technological equipment needed for immigrants to communicate with their families at the center.

Irregular male immigrants from Egypt, Morocco, Algeria and Tunisia will be accommodated in the center according to Libyan Organization for Combating Irregular Migration.

The number of irregular migrants in Libya reached 700,000 at the end of last year

In recent years, the north African nation has become one of the important points of transition to Europe for irregular African migrants fleeing poverty and conflict.

According to the statement of the International Organization for Migration, about 1500 irregular migrants drowned in the Mediterranean in 2021.

NGOs and human rights activists, as well as United Nations officials, frequently point out that most of the suffering and deaths along the central Mediterranean route are preventable.

The United Nations' political chief warned Wednesday that Libya could again see two rival administrations and a return to instability, calling for elections as soon as possible to unify the oil-rich North African nation.

Undersecretary-General Rosemary DiCarlo told the U.N. Security Council she is encouraged by support for a U.N. initiative to convene a joint committee from Libya's rival House of Representatives and High State Council with a goal of reaching agreement by both bodies "on a constitutional basis that would lead to elections this year."

The crisis erupted after Libya failed to hold its first presidential elections on Dec. 24 under a U.N.-led reconciliation effort.

The country's east-based House of Representatives named a new prime minister, former interior minister Fathi Bashagha, to lead a new interim government in February. The lawmakers claimed the mandate of interim Prime Minister Abdul Hamid Dbeibah, who is based in the capital, Tripoli, expired when the election failed to take place.

But Dbeibah insists he will remain prime minister until elections are held, and the High State Council, which advises the interim government, called parliament's decision to name a new prime minister "incorrect" before holding elections.

DiCarlo said U.N. special adviser on Libya, Stephanie Williams, on March 3 asked the House of Representatives speaker and High State Council president to appoint six members to the joint committee and both responded favorably. She said the council nominated its representatives on Tuesday and the U.N. expects the House of Representatives to do the same in the coming days.

Separately, DiCarlo said, Williams has offered to mediate between Dbeibah and Bashagha "to overcome the current political impasse."

Libya plunged into chaos after a NATO-backed 2011 uprising toppled longtime dictator Moammar Gadhafi. For years, it has been split between rival administrations in the east and the west, each supported by an array of militias and foreign governments.

In April 2019, east-based military commander Khalifa Hifter and his forces, backed by Egypt and the United Arab Emirates, launched an offensive to capture Tripoli. Hifter's campaign collapsed after Turkey and Qatar stepped up their military support for the Tripoli government with hundreds of Turkish soldiers and thousands of Syrian mercenaries.

Mediated by Williams, then the acting U.N. envoy, an October 2020 cease-fire agreement led to the formation of a transitional government with Dbeibah as prime minister and scheduled elections for Dec. 24 which are now postponed.

DiCarlo warned that the continuing standoff over "executive legitimacy" could again lead to two parallel administrations, "instability and possibly unrest and deal a severe blow to the prospect of elections."

She said there have been "worrying developments" since March 1, when the House of Representatives held a vote of confidence on Bashagha's new government. The vote was marred by "procedural flaws and threats of violence against some members of the chamber and their families" according to reports received by the United Nations.

DiCarlo pointed to the continuing suspension of airline flights between cities in the east and Tripoli and "forces in western Libya supporting either side moving on March 9-10 towards the capital." She said Williams engaged both sides "and managed to reduce tensions."

But the U.N. political chief warned that "Libya is now facing a new phase of political polarization, which risks dividing its institutions once again and reversing the gains achieved over the past two years."

"We remain convinced that credible, transparent and inclusive elections based on a sound constitutional and legal framework are the only solution to the current stalemate," she said.

The United States and United Kingdom strongly supported Williams' efforts to promote dialogue among the feuding parties that leads to elections, but Russia did not.

U.S. deputy ambassador Jeffrey DeLaurentis said the United States strongly urges the House of Representatives and High State Council to participate in the U.N.-facilitated dialogue.

"Free and fair elections are the sole path to stability and prosperity for the Libyan people, and we have an obligation to support the Libyan people's desire for elections," he told the council.

UK deputy ambassador James Kariuki also urged those on both sides to accept Williams' offer and "set aside narrow interests and engage seriously to address the underlying conditions that prevented elections from going ahead last December."

He said 2.8 million Libyans who registered to vote have made their aspirations clear and "all actors, internal and external, should refrain from any moves that could undermine stability or deepen divisions in Libya and threaten to undo the hard-won progress achieved over the last two years."

But Russia's deputy ambassador, Dmitry Polyansky, said, "We respect the wishes of Libyans to solve their domestic problems themselves."

"It is from this standpoint that we perceive the endorsement by the Libyan House of Representatives of a new composition of the government led by prime minister Bashagha," he told the council. "This is an important step towards overcoming the protracted crisis."

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CENTRAL AFRICA

Central African Republic

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

Situation in Central African Republic II: Maxime Jeffroy Eli Mokom Gawaka surrendered to the ICC for crimes against humanity and war crimes (International Criminal Court)

March 14, 2022

Today, 14 March 2022, Mr Maxime Jeffroy Eli Mokom Gawaka ("Mr Mokom"), was surrendered to the International Criminal Court ("ICC" or "the Court") by the authorities of the Republic of Chad on account of an ICC warrant of arrest issued under seal on 10 December 2018. Mr Mokom is suspected of war crimes and crimes against humanity allegedly committed in Bangui and other locations in the Central African Republic ("CAR") in 2013 and 2014.

When issuing the warrant of arrest, Pre-Trial Chamber II found that there were reasonable grounds to believe that an armed conflict not of an international character was ongoing on the territory of the CAR from at least September 2013 until at least December 2014 between the Seleka – a coalition of armed groups predominantly composed of Muslims opposed to former president François Bozizé – and the Anti-Balaka – a movement opposed to the Seleka and supportive of former president Bozizé. Moreover, the Chamber found reasonable grounds to believe that, from at least September 2013 until at least December 2014, an attack was conducted by the Anti-Balaka against the Muslim civilian population and those perceived as collectively responsible for, complicit with or supportive of the Seleka, pursuant to or in furtherance of an organisational policy to target primarily the Muslim population in Bangui and other prefectures.

The Chamber found reasonable grounds to believe that Mr Mokom, a national of the Central African Republic, born on 30 December 1978 in Bangui, was a National Coordinator of Operations of the Anti-Balaka and, in this capacity, he is suspected of being responsible for the following crimes:

crimes against humanity consisting in (attempted) murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, persecution, enforced disappearance and other inhumane acts; and

war crimes consisting in (attempted) murder, torture, cruel treatment, mutilation, intentionally directing an attack against the civilian population, intentionally directing an attack against personnel, installations, material, units or vehicles involved in a humanitarian assistance, intentionally directing an attack against buildings dedicated to religion, pillaging, enlistment of

children under the age of 15 years and their use to participate actively in hostilities, displacement of the civilian population and destroying or seizing the property of an adversary.

The alleged crimes were committed in various locations in the CAR, including Bangui, Bossangoa, the Lobaye Prefecture, Yaloké, Gaga, Bossemptélé, Boda, Carnot and Berberati, between at least 5 December 2013 and at least December 2014.

Mr Mokom is suspected of having committed these crimes jointly with others and/or through others in furtherance of a policy to target the Muslim population and others perceived to support the Seleka or to be "foreigners" in Bangui and in western CAR; or aided, abetted or otherwise assisted in the commission or attempted commission of these crimes.

The ICC Registrar, Mr Peter Lewis, thanked the authorities of the Republic of Chad and of the host State, The Netherlands, for their cooperation in the arrest and surrender of Mr Mokom to the Court.

The initial appearance of Mr Mokom before the Pre-Trial Chamber II, composed of Judge Rosario Salvatore Aitala, Judge Antoine Kesia-Mbe Mindua and Judge Tomoko Akane, will take place in due course.

Background: On 30 May 2014, the Government of the CAR referred the situation in the CAR since 1 August 2012 to the Court. The situation reportedly involved alleged crimes committed by both the Seleka and the Anti-Balaka. The violence allegedly led to thousands of deaths and left hundreds of thousands displaced. On 24 September 2014, the ICC Prosecutor opened an investigation in relation to this situation.

C. Africa launches peace talks without rebels or opposition (Eyewitness News)

March 21, 2022

The Central African Republic on Monday kicked off national reconciliation talks in a bid to bring peace to the troubled country -- but no rebel groups were invited and the opposition is boycotting the forum.

President Faustin Archange Touadera promised in late 2020, following his controversial re-election, to hold the so-called Republican Dialogue for reconciliation.

The political opposition had demanded such talks, but it was a major surprise when last week Touadera announced they would start on Monday and last just a week. The agenda looked very vague and lacked concrete aims.

Several hundred people were in attendance at the opening in the national assembly -- representatives of the ruling party, civil society and invited guests.

"We are all mobilised around ideas for peace ... There is no taboo subject," said the president, guarded by two masked Russians.

"We are here to lance the boil ... to wash dirty family linen in public," Toudadera added.

OPPOSITION BOYCOTT

On Sunday, virtually the whole opposition announced a boycott of the forum because the rebels were not invited.

Opposition parties also complained the agenda made no mention of the "question of the post-election crisis".

This is a reference to the disputed vote, when less than a third of the electorate were able to cast their ballot as most of the country is in the hands of armed groups.

The agenda offers little real detail on the dialogue process, promising a "roadmap" to better integrate the opposition and civil society.

Regional experts and diplomats said that without rebels or opposition there is little chance of improving security.

The forum, they said, looks increasingly like an attempt to pacify the international community, which has put the Central Africa, one of the world's poorest nations, on a drip feed.

Half of the population endures acute food insecurity, according to the United Nations, which has been present in the country since 2014 in one of its costliest ever peacekeeping missions.

In the run-up to the December 2020 polls, the capital was threatened by a coalition of armed groups.

Touadera called on the Kremlin and hundreds of Russian paramilitaries arrived to join hundreds of others already present since 2018, and rescue a destitute army.

Described by Moscow as unarmed instructors but by the UN as mercenaries, they easily drove the armed groups out of the cities they occupied.

The rebels have since changed tactics, from occupation to guerrilla warfare.

But the army and Russian allies do not have the means to occupy the land and restore state authority for long -- unless there is a stable peace.

The stated aim of the dialogue is to "restore peace and security".

It was not until last Thursday that the organisers released the agenda -- a list of five "themes" that include "Peace and Security" and "Political Governance, Democratic and Institutional Strengthening".

The opposition says it wants peace.

"We are looking for sincerity. We want a political agreement that will make it possible to find peace," said Aurelien Simplicie Zing of the main opposition coalition, COD-2020.

Central African Republic alleged rebel appears at ICC (AP News) By Mike Corder

March 22, 2022

An alleged coordinator of a predominantly Christian rebel group in the Central African Republic appeared Tuesday at the International Criminal Court for the first time since he was arrested in Chad and turned over to the court to face charges of war crimes and crimes against humanity.

Maxime Jeoffroy Eli Mokom Gawaka, a former government minister, is accused by prosecutors at the global court of coordinating operations of the anti-Balaka, a mainly Christian group, which fought against the predominantly Muslim Seleka rebel group that left thousands dead and displaced hundreds of thousands in 2013 and 2014 in Central African Republic.

He is the fourth suspect from the long-running conflict in the mineral-rich but impoverished nation to appear before judges at the global court.

Mokom faces charges, which must still be confirmed by judges, including murder, extermination, deportation, torture, persecution, enforced disappearance and other inhumane acts.

He was not required to enter pleas on Tuesday, and presiding judge Rosario Salvatore Aitala scheduled a hearing to evaluate evidence supporting the charges for Jan. 31 next year.

Mokom, 43, was sent to the court from Chad after being detained on an arrest warrant that was issued under seal in December 2018.

His lawyer, Nick Kaufman, told judges that Mokom was grabbed on a road near the border with Central African Republic on Feb. 27, "bundled with brute force into the back seat of a security vehicle and driven 13 hours in the blistering heat sandwiched between two security officials" to the capital of Chad. There, he was "thrown into a filthy, mosquito-infested cell in the dungeons of the National Security Agency." He was transferred to The Hague last week.

Intercommunal fighting has plagued Central African Republic since 2013, when Seleka rebels seized power and forced then-President Francois Bozize from office. Anti-Balaka militias later fought back, also targeting civilians and sending most of the Muslim residents of the capital, Bangui, fleeing in fear.

A peace deal between the government and 14 rebel groups was signed in February 2019, but violence erupted after the constitutional court rejected Bozize's candidacy to run for president in 2020.

Two other alleged anti-Balaka commanders, Alfred Yekatom and Patrice-Edouard Ngaïssona, are already on trial at the ICC. An alleged Seleka commander, Mahamat Said Abdel Kani, was handed to the court last year. His trial is scheduled to open in September.

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Sudan & South Sudan

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

Abuses by South Sudan govt amounts to 'war crimes': UN (Al Jazeera)

March 18, 2022

Members of South Sudan's government committed human rights violations "amounting to war crimes" in the country's southwest, the UN has said, including for abuses against children.

The world's newest nation has suffered from chronic instability since independence in 2011, with the UN warning last month that it risked a return to war as interethnic violence and political infighting threaten an already fragile peace process.

The UN Commission on Human Rights (OHCHR) in South Sudan released a new report on Friday, saying it had "reasonable grounds to believe that members of the Government of South Sudan have engaged in acts ... amounting to war crimes" in the southwestern districts of Central Equatoria and Western Equatoria.

"It [the commission] has drawn up a list of 142 individuals who warrant investigation for a range of crimes under national and international law," Chair of the Commission on Human Rights in South Sudan Yasmin Sooka told the UN Human Rights Council in Geneva in a statement.

The report described grave rights abuses, ranging from mass rapes and sexual slavery of women to the deliberate killing of dozens of children, including at least one infant who was beaten to death by soldiers in front of his mother.

"The notion that the localised violence is not linked to the State or to national-level conflicts, as suggested by the Government and South Sudanese military elites, is a fallacy," Sooka said.

"These localised killings, massacres, torture, abductions, detentions, looting, burning of villages, and forced displacement, as well as the rape, and sexual violence, are a reflection of the intense political contestation for power ... at a national level."

At least 440 civilians were killed in brutal fighting between rival armed groups in the country's southwest between June and September last year, a joint report by the United Nations Mission in South Sudan (UNMISS) and the OHCHR said earlier this month.

That report blamed forces loyal to President Salva Kiir and rival troops under Vice President Riek Machar, as well as "their respective affiliated militias", for the violence.

Continuing instability

Oil-rich South Sudan gained independence from Sudan in June 2011, but has been engulfed in ethnic violence since December 2013, when forces loyal to Kiir began battling those loyal to his deputy, Machar.

The brutal civil war that ensued killed nearly 400,000 people and displaced millions. Numerous attempts at peace failed, including a deal that saw Machar return as vice president in 2016, only to flee months later amid renewed fighting.

A second peace deal signed in 2018 has largely held, with warring parties forming a coalition government in 2020, and Kiir and Machar trying – for the third time – to run the country as president and vice president.

UN South Sudan Rights Chair Concerned About Possible Atrocity Crimes (Jurist) By Pooja Mehta

March 19, 2022

Yasmin Sooka, Chair of the Commission on Human Rights in South Sudan, Friday presented the Sixth Report of the United Nations Commission on Human Rights in South Sudan before the Human Rights Council.

South Sudan gained independence in 2011 and in 2013 descended into a civil war that lasted five years. In 2018, rival leaders came together for the first time and, in September of that year, signed a peace agreement between the government and the opposition leaders. The agreement aimed to create a transitional government to be led by President Salva Kiir with Riek

Machar as the First Vice President and four additional Vice Presidents.

In her statement to the Human Rights Council, Sooka emphasised that, while important provisions of the revitalised peace agreement have not yet been implemented, organizing planned elections could worsen the situation in the country. The conflict in South Sudan has already created the largest refugee crisis in the African region. The dire conditions were worsened by the heavy rainfall, floods and renewed violence in 2021.

According to Sooka, international aid to South Sudan has also been poached by the predatory political elites without consideration of the welfare of citizens. In Tambura, political conflict has led to ethnic conflict which has resulted in numerous shootings, rapes and displacing over 100,000 people.

Additionally, sexual violence against women and girls in the region is widespread. In response to this violence and the impunity of the perpetrators, the Commission made concerted efforts to encourage work on transitional justice.

The Sixth Report highlighted the tasks which must immediately be undertaken by the members of the government for the country to work towards developing a permanent constitution and conducting elections. In her statement, Sooka highlighted that nearly 14 of the UN risk factors for atrocity crimes are already present in South Sudan. Thus, there is an urgent need for action.

South Sudan atrocities: UN to probe 142 individuals (The Kenya Star) By [AUTHOR]

March 21, 2022

UN experts have drawn up a list of 142 people to be investigated over gross human rights abuses in South Sudan.

Their alleged crimes included massacres, torture, abductions, detentions, looting, burning of villages and forced displacement - as well as rape and sexual violence, the UN Commission on Human Rights in South Sudan said.

This was detailed by Yasmin Sooka, chairwoman of the commission, in her report to the UN Human Rights Council in Geneva.

She said the people on the list warranted "investigation for a range of crimes under national and international law, including for their roles in the politically motivated violence".

A civil war broke out in South Sudan 2013 when President Salva Kiir and his deputy Riek Machar fell out, leading to a deadly conflict that forced about four million people from their homes.

The two formed a unity government in 2020, but this has not stopped politically incited and ethnic violence.

Ms Sooka said the crimes the commission was investigating reflected the intense competition for power and territory by political elites.

The identities of the individuals to be investigated were withheld - but Ms Sooka has previously said people from both sides in the unity government have been implicated.

She said impunity was the root cause of South Sudan's problems, as the country reached a critical point in its transition timetable with elections due next year.

The government has not yet responded to her comments.

'Hellish existence' for South Sudan women and girls, new UN report reveals (Saudi Gazette)

March 22, 2022

Widespread sexual violence against women and girls in conflict is being fueled by systemic impunity, the United Nations Commission on Human Rights in South Sudan said on Monday.

The Commission's new report, based on interviews conducted with victims and witnesses over several years, describes a "hellish existence for women and girls", with widespread rape being perpetrated by all armed groups across the country.

According to the UN Commission, sexual violence has been instrumentalized as a reward and entitlement for youth and men participating in conflict.

The goal is to inflict maximum disruption of the fabric of communities, including through their constant displacement, the report continues.

Rape is often used as “part of military tactics for which government and military leaders are responsible, either due to their failure to prevent these acts, or for their failure to punish those involved”, the Commission advanced.

“It is outrageous and completely unacceptable that women’s bodies are systematically used on this scale as the spoils of war,” declared Yasmin Sooka, Chair of the UN Commission.

Calling for urgent and demonstrable action by authorities, Ms. Sooka said: “South Sudanese men must stop regarding the female body as ‘territory’ to be owned, controlled and exploited.”

Sexual violence survivors have detailed “staggeringly brutal and prolonged gang rapes” perpetrated against them by multiple men, often while their husbands, parents or children have been forced to watch, helpless to intervene.

Women of all ages recounted being raped multiple times while other women were also being raped around them, and a woman raped by six men said she was even forced to tell her assailants that the rape had been “good”, threatening to rape her again if she refused.

The resultant traumas “ensure the complete destruction of the social fabric”, the UN Commission said.

“Anyone reading the details of this horrific report can only begin to imagine what life is like for the survivors. These accounts are unfortunately just the tip of the iceberg. Everyone, inside and outside governments, should be thinking what they can do to prevent further acts of sexual violence and to provide adequate care for the survivors,” said Andrew Clapham, member of the Commission.

A woman described her friend being raped by a man in the forest who then said he wanted to continue to ‘have fun’ and further raped her with a firewood stick until she bled to death. Teenage girls described being left for dead by their rapists while bleeding heavily.

Medical personnel also report that many survivors have been raped multiple times throughout their lifetime.

The report also describes women often bearing children as a result of rape, and notes that in many cases, survivors have contracted sexually transmitted infections including being infected with HIV.

Following rape and pregnancy, women are often abandoned by husbands and families, and left destitute. Some of those raped while pregnant, have suffered miscarriages.

Husbands searching for abducted wives and daughters often spend years not knowing their fate, with some learning they were abducted by men from rival ethnic groups and forced to bear multiple children – one such man was so traumatized, he wanted to take his own life.

The Commission reported that these attacks were not random opportunistic incidents, but usually involved armed soldiers actively hunting down women and girls, with rape carried out during attacks on villages, systematic and widespread.

The Commission said the failure of political elites to deal with security sector reform, and to provide for the very basic needs of armed forces on all sides, continues to contribute to a permissive environment in which South Sudanese women are regarded as currency.

With near-universal impunity for rape and sexual violence, perpetrators avoid accountability.

Calling on the Government of South Sudan and its obligation to end impunity for serious crimes, the Commission noted the recent Government initiatives to address sexual violence in conflict, including establishing a special court and holding military justice proceedings.

While welcoming such measures, the Commission also said, “they remain woefully inadequate given the scale and extent of crimes”.

“It is scandalous that senior officials implicated in violence against women and girls, including cabinet ministers and governors, are not immediately removed from office and held accountable.

To address this pervasive violence in conflict and other contexts, those in positions of command and other authority must promptly and publicly adopt a ‘zero tolerance’ policy towards sexual and gender-based violence.” said Barney Afako, member of the Commission.

To grasp the full impact of conflict-related sexual violence, it is also necessary to understand the social and cultural context in which sexual violence occurs, under patriarchal systems based on domination and gender discrimination.

Half of all South Sudanese women are married off before they reach 18, and the country has the highest maternal mortality rate in the world.

Sexual and gender-based violence is also common outside of conflict, affecting women and girls amongst all segments of society.

The Commission is calling on the authorities in South Sudan to take the necessary steps to stop sexual violence against women and girls, by addressing impunity and the drivers of conflict and insecurity.

The UN Commission on Human Rights in South Sudan is an independent body mandated by the UN Human Rights Council. It was first established in March 2016.

The Commission is mandated to investigate the situation of human rights in South Sudan, and to determine and report the facts and circumstances of human rights violations and abuses, including by clarifying responsibility for violations and abuses that are crimes under national and or international law

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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

Important Step Toward Justice in DR Congo? (Human Rights Watch) By Carine Dikiefu Banona
March 11, 2022

The Congolese human rights minister launched national consultations on a new transitional justice initiative that, if implemented, would help the Democratic Republic of Congo emerge from conflict, address grave human rights violations, and institute needed reforms.

Representatives of Congo's presidency and government, along with United Nations officials, international experts, and members of the national human rights commission participated in a ceremony last week in Kalemie, Tanganyika, in eastern Congo. The Congolese government reaffirmed its commitment to justice and reconciliation and to holding to account those responsible for serious crimes committed across the country.

Throughout decades of conflict in Congo, armed groups and national security forces have violated the laws of war, attacking civilians and civilian infrastructure, leaving death, displacement, and destitution in their wake. Much of the violence has been committed on ethnic lines, and both rebels and national forces have committed sexual slavery and rape.

One constant throughout this violence: an almost total lack of accountability. The absence of justice has fueled further violence, and addressing it will be critical to establishing sustainable peace, especially in the violence-wracked east.

National consultations conducted in all the country's provinces will help determine the Congolese government's transitional justice policy. Congo's human rights minister said the consultations should lead to the establishment of a truth and reconciliation commission. But Congo needs more than just the nonjudicial aspects of transitional justice. Failing to prosecute those responsible for serious crimes encourages a cycle of impunity and promotes violence.

Last year, a coalition of over 50 Congolese and international nongovernmental organizations recommended that Congo's government make justice for serious crimes a top priority by adopting a clear strategy to hold those suspected of grave human rights violations accountable. They made clear that transitional justice efforts will only be credible if they include and prioritize criminal accountability for serious crimes, in line with international law.

Grand speeches on ending impunity for atrocities have been made before in Congo. Most of the time, these speeches weren't worth the paper they were printed on. The Congolese government now has an opportunity to restore justice for some of the world's most brutal crimes. The big question is, will it?

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

Nigerian forces kill ISWAP leader, Sani Shuwaram (Daily Post) By Wale Odunsi

March 20, 2022

Islamic State's West Africa Province (ISWAP) leader Sani Shuwaram, is dead, according to PRNigeria.

In November 2021, the ISWAP Shura (Judicial) Council installed the 45-year-old as the new Wali (Head) in Lake Chad.

Shuwaram and other terrorists were eliminated after aerial bombardments carried out in Marte Local Government Area of Borno State.

Super Tucano jets flown by the Nigerian Air Force (NAF) rained missiles on a number of identified ISWAP hideouts.

Shuwaram reportedly died from gunshot wounds sustained in the strikes that hit the sect's camps at the Sabon Tumbun area of Lake Chad.

"Shuwaram was among terrorists injured by NAF air interdiction missions conducted at Sabon Tumbun near Kirta Wolgo.

"Subsequent strikes to his death alongside other ISWAP fighters receiving treatment including Abu Ibrahim", a military officer confirmed.

NAF Director of Public Relations, Air Commodore Edward Gabkwet said air and ground troops have continued military offensive around Kirta Wolgo.

"We don't want to be dragged into making any statement or confirmation based on rumours or hearsay.

"Nevertheless, troops at the frontline alongside other agencies have sustained strikes against terrorist leaders and their enclaves until we get this job done", the spokesman added.

Nigeria: 7,000 Boko Haram, other fighters surrender in a week (Al Jazeera)

March 24, 2022

Some 7,000 members of the Islamic State West Africa Province (ISWAP) and Boko Haram have surrendered in northeast Nigeria in the past week, according to local media reports.

On Wednesday, the News Agency of Nigeria quoted Major General Christopher Musa, a top commander in the region, as saying that an onslaught targeting ISWAP and Boko Haram fighters has continued to record significant success.

Musa said at least 7,000 Boko Haram and ISWAP members surrendered in the last week during the operations.

“This is evident as thousands of the insurgents comprising combatants, non-combatants, foot soldiers, alongside their families, continued to lay down their arms in different parts of Borno to accept peace,” he said.

The surrendering fighters and their families are expected to be profiled by the Nigerian army and other stakeholders before they undergo rehabilitation processes, the general added.

Since 2009, Boko Haram has launched an uprising in northeast Nigeria. Its attacks have spread to neighbouring Niger, Chad and Cameroon, prompting a military response. The group has also become splintered, with one faction pledging allegiance to ISIL (ISIS).

About 350,000 people have been killed and three million civilians displaced in more than a decade of fighting in the country, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Nigeria.

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Mali

Malian Army Accused of Killing Mauritanian Citizens (VOA) By Annie Risemberg

March 11, 2022

A Malian delegation is expected in Mauritania’s capital Friday to discuss the alleged disappearance of several Mauritanians on Malian territory.

The delegation is scheduled to arrive in Nouakchott after the Mauritanian government accused Mali of “criminal acts” against Mauritanians on Malian territory.

According to a French news agency report, a Mauritanian member of parliament, Mohamed Mahmoud Ould Henenna, says at least 15 of his countrymen have been killed in Mali. Social media posts have accused the Malian army of being responsible for the killings.

In a March 9 press release, Mali’s military government said its ambassador to Mauritania was summoned to a meeting with Mauritania’s foreign affairs minister over the alleged “assassination of Mauritanian citizens” in Mali. The release denied the Malian army is responsible for the killings and pledged to investigate the crimes.

Malian officials visited Mauritania in January to strengthen the relationship between the two countries after the West African bloc ECOWAS imposed sanctions on Mali, in response to the military government delaying elections.

Mauritania is not a member of ECOWAS and does not support the sanctions. The West African country, along with Guinea, remains one of the only ways Mali can have access to a port and international trade.

The Malian army has also been accused of “disappearing” several Fulani men in Mali’s Segou region, with the U.N. and Human Rights Watch conducting investigations.

More than 100 civilians killed in Mali in recent months (The Washington Post) By Baba Ahmed

March 15, 2022

More than 107 civilians have been killed in recent months in Mali in attacks by Mali’s army and jihadist groups linked to al-Qaida and the Islamic State group, Human Rights Watch said Tuesday.

Among the civilians killed since December 2021, Mali’s soldiers have been responsible for at least 71 of the deaths, the international rights organization said in a report.

Mali’s army has contested some of the report, while adding that it is investigating a number of the attacks and allegations.

The army has been accused of abuses against civilians in southwest and central Mali as soldiers try to stem violence from

jihadist fighters who have been staging attacks for nearly a decade.

“The victims, mostly summarily executed, include traders, village chiefs, religious leaders and children,” the organization said in its report.

Islamic extremists are responsible for killing at least 36 civilians since December, according to the report.

“There has been a dramatic spike in the number of civilians, including suspects, killed by the Malian army and armed Islamist groups,” said Corinne Dufka, Sahel director at Human Rights Watch. “This complete disregard for human life, which includes apparent war crimes, should be investigated and those found to be implicated, appropriately punished.”

Since the Malian crisis in 2012, civilians continue to pay the price of war, with more than 320,000 people displaced, according to HRW.

Hundreds of civilians have been killed, with extremists, rebels, ethnic militias and security forces implicated, the organization said. Most of the killings have occurred in central Mali, the epicenter of conflict since 2015, it said.

Jihadists have also targeted and killed hundreds of security force members.

A spike in violence comes as the French military has begun withdrawing troops from Mali. Many fear that the jihadis could now regain territory as France continues pulling out its soldiers over the next five months.

France first intervened in 2013, leading a military operation to force Islamic extremists from power in towns across northern Mali. But in the years since, those militants have carried out scores of attacks against the Malian military and U.N. peacekeepers. The rights report comes as neighboring Mauritania accuses the Malian army of recurrent abuse against its civilians in Malian territory. The Mauritanian Ministry of Foreign Affairs also summoned the Ambassador of Mali. On Sunday, the prosecutor at the Bamako military court announced the opening of investigations into the allegations by Mauritania.

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Liberia

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EAST AFRICA

Uganda

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

Uganda: Hundreds ‘Disappeared,’ Tortured: Shut Down Illegal Detention Facilities, Ensure Justice for Victims (Human Rights Watch) March 22, 2022

The Ugandan government has failed to hold to account security officials, who have unlawfully detained and tortured hundreds of government critics, opposition supporters, peaceful protesters, and others, Human Rights Watch said in a report released today.

The 62-page report, “‘I Only Need Justice’: Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda” documents enforced disappearances, arbitrary arrests, unlawful detention, torture, and other ill-treatment by the police, army,

military intelligence, and Uganda's domestic intelligence body, the Internal Security Organisation (ISO), most in unlawful places of detention in 2018, 2019, and around the January 2021 general elections.

"The Ugandan government has condoned the brazen arbitrary arrests, illegal detention, and abuse of detainees by its officials," said Oryem Nyeko, Uganda researcher at Human Rights Watch. "Urgent steps are needed to help victims, to hold abusive security agents to account, and to end this specter of impunity and injustice."

Though the authorities have sometimes acknowledged these abuses, they have done little to end them or to provide justice to the victims and their families. The victims face persistent physical, mental, and economic problems during and after their detention, as well as obstacles to obtaining justice.

Between April 2019 and November 2021, Human Rights Watch interviewed 51 people, including 34 former detainees, witnesses of abductions and arrests, government officials, members of parliament, opposition party members, diplomats, human rights activists, and journalists in Uganda's capital, Kampala.

Former detainees described how security officials flouted criminal procedures during arrests and while holding the detainees in custody. Security officers accosted victims at their workplaces, homes, or on the streets and forced them, sometimes at gunpoint, into unmarked vehicles, usually Toyota Hiace vans, locally known as "Drones." Victims were detained in a variety of unauthorized locations. In many cases, they were held in so-called safehouses, intended for use to protect witnesses, but instead used as makeshift detention centers run by Internal Security Organisation. In some cases, detainees were taken to an island on Lake Victoria, or held in vehicles, an underground room in the parliament building, and military barracks. A man who was detained by Internal Security in a safe house in Kyengera in 2019 said: "I saw three military tents and two State House pickups and three other vehicles, [full of] of victims just like me, but I didn't know that when I was entering there. I thought it was someone's home."

On February 5, 2020, the Parliamentary Committee on Human Rights released a report from investigations it had opened the previous year into allegations that ISO officials had abducted and illegally detained more than 400 people. The report confirmed that government security agencies, were detaining and abusing people in "safehouses." The committee recommended that the relevant agencies investigate the allegations further. But the government has taken no steps to carry out the recommendation or otherwise end the unlawful, abusive practices.

In the two months before the January 2021 general elections, and for several months afterward, incidents of abuse spiked. In Kampala, and its surrounding districts, the security forces arbitrarily arrested, and sometimes forcibly disappeared government critics, opposition leaders and supporters, and alleged protestors. While the authorities have released some detainees in the course of the past year, the whereabouts of many have not been revealed.

Former detainees said that security officers denied them access to lawyers or family and tortured, beat, and shackled them, and gave them electric shocks, and injections of unidentified substances. Some detainees, men and women, experienced rape, and sexual torture during their detention.

A woman who had been held by internal security in a safehouse said that an official raped her twice, and other officials also tortured her: "I was tied up – they called it 'Rambo' – I was crucified. I was in pain. I stayed [in that position] for 12 hours. I was removed at 1 a.m. in the night. [My body] was swelling before I was taken inside."

Security officers accused some detainees of assassination attempts of high-profile government officials, spying, and colluding with rivals of President Yoweri Museveni to oust him from office. Others said they were accused of crimes such as burning down a school or stealing motorcycles. In nearly all cases of unlawful detention documented, victims alleged that security officers stole and extorted money from them or their families during arrests or as a condition of their release.

On several occasions, security officers ignored court orders to release detainees, or rearrested people who had been released on bail.

Both Ugandan and international law prohibit, in absolute terms, arbitrary detention, enforced disappearances, and torture. Uganda's 1995 Constitution provides that an arrested or detained person should be held in a legally recognized detention facility. The Prevention and Prohibition of Torture Act of 2012, and the Human Rights (Enforcement) Act of 2019, further criminalize torture and provide for personal liability for public officers who commit human rights violations. However, no one has yet been convicted under any of these laws.

Ugandan authorities should close all unlawful detention centers and investigate all reports of abuses, including enforced disappearances, arbitrary detention, torture, rape, and other forms of sexual violence, and ensure that all those found responsible are held to account, Human Rights Watch said. Uganda's international partners should speak out publicly about these serious violations and urge the government to ensure justice for victims.

“The Ugandan authorities, as a matter of urgency, need to reform the police and other security agencies to dismantle the structures that have enabled these horrific abuses to occur and go unpunished,” Nyeko said. “Anything short of a complete overhaul will only perpetuate the culture of impunity and hinder the creation of rights-respecting and accountable security services.”

Human Rights Watch Submission to the Uganda Parliament's Committee on Human Rights Inquiry (Human Rights Watch) March 22, 2022

Introduction

Human Rights Watch welcomes the Committee on Human Rights’ ongoing inquiry into “the state of human rights and alleged human rights violations in the country,” since January 2020 to date.

Human Rights Watch is an independent, non-profit, nongovernmental human rights organization. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in more than 90 countries around the world. We use the findings of our investigations to advocate for changes in policy and practice that promote human rights and justice around the world.

This submission focuses on Human Rights Watch’s research findings and the March 2022 report on the unlawful detention of people in unauthorized places of detention in Uganda since 2020. It is based on research undertaken between April 2019 and November 2021, during which Human Rights Watch interviewed 51 people, including former detainees and witnesses of abduction-style detentions, as well as lawyers, government officials, members of parliament, opposition party members, diplomats, human rights activists, journalists, and representatives of non-governmental organizations (NGOs).

A list of recommendations to this committee follows at the end of our submission.

Unlawful Detentions During the 2021 Elections Campaigns

Human Rights Watch found that for several weeks following widespread and sometimes violent protests on November 18 and 19, 2020, in Kampala and other parts of Uganda, security forces carried out a spate of arbitrary arrests and detentions of opposition supporters, government critics, and others for allegedly participating in the protests. Armed men, including police, soldiers, and other security agents in plainclothes, grabbed people up from the streets, their homes, or their workplaces and took them away in unmarked Toyota Hiace vans, locally known as “Drones.” The lawless manner in which these arbitrary detentions happened has led to them being referred to as “abductions”. However, there should be no doubt: these are not the random actions of a rogue cohort of criminals, but a deliberate practice carried out by the state apparatus, knowingly operating outside of the law. Indeed, security forces often engaged not just in arbitrary detention but enforced disappearances, by refusing to acknowledge that a person was in detention at all, or to say where they were detained and what would happen to them. Enforced disappearances, are for good reason prohibited at all times and criminalized under international law.

1. Unlawful Arrests and Detention of Opposition Supporters

Human Rights Watch documented emblematic cases of people who were arbitrarily detained and held in unauthorized locations, for allegedly participating in protests or for supporting the opposition. Most were later released.

Former detainees told Human Rights Watch that after the security forces who detained them forced them into waiting “Drones”, they beat them, drove them to unknown locations and tortured them using sadistic methods, described below. Many other people were already detained in these unauthorized sites. In the case of one detainee accused of mobilizing people to vote for presidential candidate, Robert Kyagulanyi, armed men removed his fingernails, broke one of his fingers, burned him with an iron, and pulled on his tongue before he lost consciousness.

Between December 21 and 23, 2020, men from a “commando” unit of the Uganda People’s Defence Forces (UPDF) rounded up at least 17 people in different parts Mukono district into waiting “Drones” and took them to an unknown location where they detained and interrogated them for at least three weeks. Some of the former detainees told Human Rights Watch that the soldiers tortured them by hitting them with batons and hammers and using pliers to pinch their skin; they removed the toenails of one detainee.

During the elections period, police and soldiers arrested and detained opposition members with little regard for due process. Human Rights Watch interviewed seven persons detained and beaten by soldiers, who also confiscated their possessions, searched them in dehumanizing ways, and allowed them little if any access to family members or lawyers. The authorities ignored their constitutional right to bail and held them in detention even after the courts granted them bail.

Human Rights Watch also documented the detention and torture of civilians in the Chieftaincy of Military Intelligence (CMI) headquarters in Mbuya in February 2021. Former detainees described sadistic interrogation methods they endured while

being questioned about their support for opposition parties, including being made stand with their hands handcuffed and raised over their heads for prolonged periods while the soldiers kicked, beat and caned them; soldiers poured water on them, gave them electric shocks on their feet, and forced them to roll on the floor. The officers made some detainees wear red berets and raise their fists to depict the NUP insignia, and took pictures of them.

Post-release Challenges

All the former detainees told us of the pain and challenges they endured in the months, and in some cases years, after their unlawful detention and torture. They have continued to experience surveillance and threats, yet their abusers have enjoyed impunity. Former detainees lost income while they were unlawfully detained, property confiscated by security officials at the time of their arrest were never returned, and all suffer chronic physical and mental health problems that stem from their time in arbitrary detention. Many of the detainees interviewed reported that even when they were released the stigma attached to former detainees made it difficult to find or maintain work. Injuries from the torture prevented some people from going back to work to earn an income. In addition, family members of current detainees are traumatized by not knowing the fate or whereabouts of their loved ones.

While some victims have sought and received support from NGOs, Human Rights Watch found that these organizations are also limited in the number of people they can help.

All the victims who spoke to Human Rights Watch expressed strong desire for their abusers to be held accountable.

Recommendations

Human Rights Watch respectfully urges the Committee to:

1. Call on the government of Uganda to immediately close all unauthorized detention centers, and release all detainees held in such places. Anyone accused of criminal charges may be brought before a court to be charged if there is credible evidence. Any request by the prosecuting authorities to hold them in pre-trial detention, should be considered by the court in accordance with the law, bearing in mind that pre-trial detention should be an exceptional measure.
2. Call on the Internal Security Organization, UPDF and other security agencies to immediately disclose the whereabouts of all victims of enforced disappearances and release them forthwith.
3. Call on both the the Office of the Director of Public Prosecutions and the UHRC to urgently investigate all credible allegations including enforced disappearances, arbitrary detention, and torture, including rape and other sexual violence.
4. Call on the Uganda Human Rights Commission to undertake regular visits to ISO, UPDF, and any reported detention facilities to monitor detention conditions; and to order the release of detainees held in unauthorized detention facilities; or ensure they are brought promptly before a judge to have their rights protected.
5. Carry out an in-depth assessment of the medical and psychological needs of victims of unlawful detention and torture and call on the government to ensure victims have access to remedies including compensation as well as medical and psychological care.
6. Track and report on the government's compliance and implementation of the Committee's recommendations related to unlawful detention, including its February 2020 report on torture in ungazetted detention centres, which called, among other things for the authorities to investigate these abuses, compensate victims, and hold public officers personally criminally liable if they have violated or participated in the violation of a person's rights or freedoms.

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Kenya

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

I Gave False Testimony In Ruto, Sang Case So As To Go Abroad, 7th ICC Witness Says (Capital News) By Jemimah Mueni

March 21, 2022

The 7th witness in the trial case against lawyer Paul Gicheru who is facing witness tampering charges at the International Criminal Court (ICC) in the Hague on Monday revealed that he gave false testimony in the case against Deputy President William Ruto and Joshua Arap Sang so as to travel abroad.

The witness identified as P0516 told the court that he told the lies in his 2012 testimony, so that he and his family could have a good life abroad.

According to the witness, they would customize information from the media to fit imagined scenarios.

The witness however said that after reaching location (6), his friends started being eliminated.” and we (the witnesses) didn’t know who was pursuing us” the witness said.

He explained that it was then when he decided to withdraw his testimony due to the unkept promises including financial support and more so security.

In June 2015, the witness approached investigating officers from the office of the prosecutor, with witness interference claims.

“I was scared for my life and that of my family and I could not protect myself and that’s why I reached out,” the witness said during cross-examination with defense lawyer Michael Karnavas.

The defense accused the witness of lying to the prosecutors for a second time, when he alleged that lawyer Gicheru approached him, and also asked to locate a certain witness.

Karnavas argued that the witness was making up stories by using the same mechanics he used in 2012, by telling the prosecution ‘what they wanted to hear’ in order to achieve a particular objective.

According to Karnavas, the witness lied in order to secure the protection he was seeking, by giving them the impression that his security situation was serious.

“I lied because I was really confused, and I was desperate and I didn’t know if they would give me protection,” the witness responded.

He also admitted to having lied about receiving sh 50,000 as a bribe meant for locating the witness.

Another lie revealed by the defense was when the witness said he was promised a further sh 300,000 but never saw the person again.

Several witnesses who have testified in the Gicheru witness tampering charges claimed they were bribed as well intimidated so as to withdraw their cooperation from the court.

Gicheru denied all the charges.

Central African Republic alleged rebel appears at ICC (The Associated Press) By Mike Corder
March 22, 2022

An alleged coordinator of a predominantly Christian rebel group in the Central African Republic appeared Tuesday at the International Criminal Court for the first time since he was arrested in Chad and turned over to the court to face charges of war crimes and crimes against humanity.

Maxime Jeoffroy Eli Mokom Gawaka, a former government minister, is accused by prosecutors at the global court of coordinating operations of the anti-Balaka, a mainly Christian group, which fought against the predominantly Muslim Seleka rebel group that left thousands dead and displaced hundreds of thousands in 2013 and 2014 in Central African Republic.

He is the fourth suspect from the long-running conflict in the mineral-rich but impoverished nation to appear before judges at the global court.

Mokom faces charges, which must still be confirmed by judges, including murder, extermination, deportation, torture, persecution, enforced disappearance and other inhumane acts.

He was not required to enter pleas on Tuesday, and presiding judge Rosario Salvatore Aitala scheduled a hearing to evaluate

evidence supporting the charges for Jan. 31 next year.

Mokom, 43, was sent to the court from Chad after being detained on an arrest warrant that was issued under seal in December 2018.

His lawyer, Nick Kaufman, told judges that Mokom was grabbed on a road near the border with Central African Republic on Feb. 27, “bundled with brute force into the back seat of a security vehicle and driven 13 hours in the blistering heat sandwiched between two security officials” to the capital of Chad. There, he was “thrown into a filthy, mosquito-infested cell in the dungeons of the National Security Agency.” He was transferred to The Hague last week.

Intercommunal fighting has plagued Central African Republic since 2013, when Seleka rebels seized power and forced then-President Francois Bozize from office. Anti-Balaka militias later fought back, also targeting civilians and sending most of the Muslim residents of the capital, Bangui, fleeing in fear.

A peace deal between the government and 14 rebel groups was signed in February 2019, but violence erupted after the constitutional court rejected Bozize’s candidacy to run for president in 2020.

Two other alleged anti-Balaka commanders, Alfred Yekatom and Patrice-Edouard Ngaïssona, are already on trial at the ICC. An alleged Seleka commander, Mahamat Saïd Abdel Kani, was handed to the court last year. His trial is scheduled to open in September.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwandan court sentences genocide suspect to 25 years in prison (CGTN Africa) By David Ochieng Mbewa
March 18, 2022

A court in Rwanda on Thursday sentenced Jean-Baptiste Mugimba, a suspect considered to have played a key role in the Rwandan genocide, to 25 years in prison for genocide-related crimes. The sentence was handed down by the International Crimes Chamber of the High Court, a special court set up by the Rwandan judiciary to try persons accused of genocide, war crimes and crimes against humanity who were transferred from foreign countries.

Mugimba was accused of participating in the 1994 genocide in which more than 800,000 ethnic Tutsis and moderate Hutus were killed by Hutu extremists.

He received a lighter sentence despite the charges amounting to a life sentence because, according to the court, he cooperated during the trial. Mugimba had been charged with several counts but was convicted of two crimes: conspiracy to commit genocide and complicity in genocide.

Mugimba was the political leader of an extremist Hutu party then known as Coalition for the Defense of the Republic. He allegedly was involved in compiling death-lists, supplying weapons to militia groups, and attacking Tutsis in and around the capital Kigali.

The 63-year-old fled to The Netherlands in 1999 where he was arrested in 2014 and subsequently extradited from the European nation, together with another genocide suspect, Jean-Claude Iyamuremye, in 2016.

Mugimba intends to appeal against the ruling, according to a report by local media, and he is expected to submit his plea to the Court of Appeal.

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Ethiopia

Ethiopia rights body says all involved in fighting in north executed civilians (Reuters) March 11, 2022

At least 749 civilians died in fighting in regions in northern Ethiopia since July last year, including extrajudicial killings by all sides involved in the conflict, a government-appointed rights group said on Friday.

The commission said the human rights violations it documented "may constitute war crimes and crimes against humanity" and called for an impartial and credible criminal investigation.

War broke out 16 months ago between Ethiopia's federal troops and forces loyal to the Tigray People's Liberation Front (TPLF), which controls the Tigray region.

Since then, thousands have been killed and millions displaced from their homes. Fighting spread in July last year from Tigray into the neighbouring Amhara and Afar regions before the rebellious Tigray forces were pushed back in December and lost areas they controlled in the two regions.

In a report, the Ethiopian Human Rights Commission said all parties in the conflict committed unlawful and extra-judicial killings of civilians in the Afar and Amhara regions.

"In parts of Afar and Amhara regions covered by this investigation, at least 346 civilians have been subjected to unlawful and extra-judicial killing by parties to the conflict – mainly by Tigray forces," Daniel Bekele, the commission's head, told a news conference at the launch of the report.

There has been no attempt by any human rights organisation to quantify incidents of extrajudicial killing in Tigray itself, although a few individual incidents - like the alleged mass killing of hundreds of residents in the town in Axum - have previously been examined.

The commission said that in December 2021, soldiers from Ethiopia's national army killed 30 civilians in a district of the Oromiya Zone in the Amhara region. The incident has not been previously reported.

Government spokesperson Legesse Tulu and army spokesperson Getnet Adane did not immediately respond to requests to comment on the commission's report.

The government has regularly denied targeting civilians. Tigray People's Liberation Front (TPLF) spokesman Getachew Reda did not immediately respond to a request for comment. The TPLF has previously said it would welcome independent investigations into war atrocities, and accused the Ethiopian rights commission of bias, a charge the commission denies.

AIR STRIKE

In addition to the extra-judicial killings, the commission's report, conducted from September to December 2021, recorded 403 civilian death and 309 civilian injuries as the result of fighting in Amhara and Afar.

The report also investigated an air strike conducted by Ethiopian federal forces in June 2021, which it said killed 40 civilians in Togoga, a busy marketplace in Tigray region.

The government has in the past said it hit combatants in Togoga, despite the publication in media outlets of photos of wounded children after the air strike.

Reuters has not independently verified the images.

This week, the U.N. Human Rights Council said the situation in northern Ethiopia had worsened since November; it had received reports of wide-spread violations including rapes and air strikes against civilians.

Ethiopia faces litany of human rights abuses (Deutsche Welle) By Cristina Krippahl
March 15, 2022

A video of uniformed men burning a civilian alive in western Ethiopia has sparked widespread outrage on social media, renewing condemnation and fear over the

ongoing violence.

The state-affiliated Ethiopian Human Rights Commission (EHRC) — an entity appointed by the Ethiopian parliament to protect human rights — identified the perpetrators as government security forces. Addis Ababa has pledged to punish the culprits.

An unidentified armed group attacked a civilian convoy and its military escort in the Benishangul-Gumuz region on March 2, killing 53 people.

The next day, 11 more people were killed by government soldiers. Eight Tigrayan civilians were beaten and shot, along with two men from the local Gumuz ethnic group.

Another man was tied up and burned to death, according to the EHRC.

The violence in the Benishangul-Gumuz, home to several ethnic groups, is separate from the ongoing war in the northern Tigray region, where Tigrayan forces have been fighting against central government rule since November 2020.

Dozens of warehouses used for humanitarian aid storage were looted in Kombolcha

More damning reports emerge

In a report on the human rights situation in the Amhara and Afar regions released on Friday, the EHRC claimed that at least 750 civilians have been killed in attacks or in extrajudicial killings since July of last year.

EHRC head Daniel Bekele told DW that these killings were carried out "mainly by Tigrayan forces."

Bekele listed a slew of human rights abuses being inflicted upon the civilian population, including "widespread brutal and systematic individual and group rape of women, children and the elderly."

"Their sexual abuse and exploitation of women is a systematic strategy to achieve their goals in the war," he said.

More than 2,400 health facilities in the two regions have ceased operation as a result of the violence, while more than 1,000 schools have been destroyed and another 3,220 damaged, Bekele added.

Bekele, head of the EHRC, excoriated the rape of women and children amid the ongoing conflict. Denials and accusations

The report followed a joint investigation by the UN Human Rights Office and the EHRC covering November 2020 to June 2021, which detailed a vast array of rights abuses. Most were blamed on Ethiopian forces and Eritrean troops, who provided military support to Addis Ababa. The Ethiopian government has regularly denied targeting civilians, while the Tigray People's Liberation Front (TPLF) has previously said it would welcome independent investigations into war atrocities. It accuses the Ethiopian rights commission of bias — a charge the EHRC denies.

ETHIOPIA'S AMHARA REGION SCARRED BY CONFLICT

Tigrayan fighters are believed to have suffered defeat in the hills around Mezezo in the Amhara region in early December. They had been advancing toward the Ethiopian capital, Addis Ababa. The fighting lasted five days, according to local eyewitnesses. People stayed indoors during heavy fighting, terrified by the sound of artillery. In the area, bodies are decaying along the road and in fields.

Human rights activists fear for safety

Promoting human rights in Ethiopia has never been easy, Dan Yirga, executive director of the independent Ethiopian Human Rights Council (EHRCO), an organization that has been keeping track of abuses for the past three decades, told DW.

"The conflict that we have currently in Ethiopia really had a significant impact on human rights and human rights activities," he said, adding that the combatants also endangered human rights defenders trying to monitor the conflict.

Restrictions put in place by the government of Prime Minister Abiy Ahmed has also made it difficult to investigate human rights violations on site.

"My organization has been experiencing state-sponsored persecutions for the last three decades," Yirga said, including harassment, violence against its members and arbitrary arrests, adding to the widespread "environment of fear" for human rights defenders.

In recognition of EHRCO's work, the German chapter of the human rights organization Amnesty International on Monday announced that it was awarding the council this year's International Human Rights Prize.

The EHRCO's Yirga laments the difficulty of independently monitoring rights abuses Calls for more international support

Yirga said he was happy that his organization's work was being recognized.

"This International Human Rights award will give us a morale boost, will encourage us to do more for the respect of human rights, democracy and the rule of law," he said. But he hopes for more support from the international community in the future to better enable human rights defenders in Ethiopia do to their work, including financial help and capacity building.

"We need a lot and various support from the international community for our human rights activities. But they should also advocate for the betterment of human rights in Ethiopia," Yirga said.

The World's Deadliest War Isn't in Ukraine, But in Ethiopia (Washington Post) By Bobby Ghosh
March 23, 2022

Coming from a Nobel Peace Prize winner, Abiy Ahmed's call for restraint and diplomacy to end the war in Ukraine might have attracted more attention if the Ethiopian prime minister hadn't stained his laurels with the blood of his own people. Reports of hideous war crimes committed by his forces and those of his Eritrean allies against civilians in the rebel northern province of Tigray make a mockery of his appeals for nonviolence in other parts of the world.

Russia's invasion of Ukraine has diverted international attention from conflicts elsewhere, including those in Yemen, Mozambique and Africa's Sahel, the region just south of the Sahara. In Ethiopia, Africa's second-most populous nation, a bloody civil war is now in its 16th month. The fighting between Abiy's forces and the rebel Tigray People's Liberation Front seems at a standstill, but human-rights groups and multilateral organizations have condemned atrocities on both sides.

Caught in the middle are civilians in the northern province, who now face a calamity that is being likened to horrors of Africa's — and Ethiopia's — past: mass starvation and ethnocide. World Health Organization Director-General Tedros Adhanom Ghebreyesus, himself an Ethiopian, says there is "nowhere on earth where the health of millions of people is more under threat" than the Tigray region.

Abiy's government, which had celebrated Tedros's elevation to the leadership of the WHO as a matter of national pride, now is trying to tar him because his family has origins in Tigray. But as well as anecdotal evidence, there is a growing body of data to support Tedros's claim that the province is on the edge of a major humanitarian disaster.

Though the war's true toll is impossible to know, researchers from Belgium's Ghent University estimate as many as half a million people have died so far: between 50,000 and 100,000 from the fighting, 150,000 to 200,000 from starvation and more than 100,000 from the lack of medical attention. U.S. Secretary of State Antony Blinken has expressed concern about possible ethnic cleansing in Tigray, but the government in Addis Ababa has dismissed this as "spurious."

The Tigrayan rebels have been accused of crimes, including murder and rape, against other ethnic groups. But Abiy's soldiers are blamed for most of the civilian casualties, especially those from starvation and neglect. Government forces are preventing food aid and medicine from reaching Tigray, humanitarian groups say.

And they are no slouches at other kinds of atrocity, including the recent immolation of a Tigrayan man, which even the government-affiliated human rights commission has blamed on Abiy's forces.

Such outrages are likely to multiply and escalate as the war remains stalemated. Late last year, government troops were able to beat back a rebel advance toward the capital and retake towns on the border with Tigray. The use of military drones, apparently supplied by Turkey, helped turn the tide. (Turkish drones have also helped Ukrainian forces slow the Russian advance.)

While his ground forces seem to have stopped short of an assault on Tigray, where the mountainous terrain has previously proved to be a distinct rebel advantage, Abiy has no qualms about ordering airstrikes that have inflicted heavy civilian casualties. Michelle Bachelet, head of the U.N. Human Rights Commission, says her staff have recorded hundreds of deaths from aerial attacks "apparently carried out by the Ethiopian Air Force." The government has denied this. Abiy and the TPLF leadership have both said they are willing to negotiate an end to the civil war, but neither side has demonstrated much flexibility on their demands. The prime minister want the rebels to disarm and accept rule from Addis Ababa, while the TPLF wants greater autonomy for Tigray and an accounting for atrocities committed by Ethiopian and Eritrean forces.

There is little prospect of progress toward reconciliation and peace without more outside pressure. But with the world's attention focused on Ukraine and Russia, there is every chance that both sides in the Ethiopian civil war will use the stalemate to rearm for still more fighting. Who can prevent this from happening? The African Union's attempts at mediation have proved singularly ineffective. The European Union has done little since suspending some budgetary support for Ethiopia early last year. The U.S. has already exerted considerable effort — President Joe Biden has spoken directly with Abiy, his Horn of Africa envoy has traveled to Addis Ababa and his administration has terminated favorable access for Ethiopian goods to the U.S.

The only strategy that hasn't yet been tried is the imposition of sanctions against the TPLF leadership and top government figures, including Abiy himself. With Tigray on the precipice of a humanitarian catastrophe, it's time for Biden to signal that option is, at the very least, on the table.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Upholds Serb Soldier's Jailing for Killing Two Bosniaks (Balkan Insight) By Haris Rovcanin
March 17, 2022

The Bosnian court rejected former Bosnian Serb Army soldier Bozidar Perisic's appeal against his ten-year prison sentence for killing two Bosniak men in a village near Rogatica during the war in 1992.

The appeals chamber of the Bosnian state court on Thursday upheld the first-instance verdict sentencing former Bosnian Serb Army soldier Bozidar Perisic, alias Boban, to ten years in prison for crimes against humanity.

The acquittal of his co-defendant, fellow ex-soldier Vinko Zoranovic, alias Joja, was also confirmed.

Under the first-instance verdict, Perisic was convicted of killing two Bosniaks, Salem and Mustafa Sijercic, with an automatic weapon on June 19, 1992, in the village of Gračanica, near Rogatica.

Their bodies were subsequently set on fire by unknown Bosnian Serb Army soldiers and the remains have not been found.

However, due to a lack of evidence, Perisic was cleared of killing two other Bosniak men in June 19, 1992 in the village of Gračanica, and of causing physical and psychological injuries to another man and his son on November 21, 1993 in the village of Satorovici.

Zoranovic, who was a policeman in Rogatica, was cleared of raping two women in Rogatica on the night of June 20-21, 1992.

This was a final verdict and cannot be appealed.

Serbia Convicts Bosnian War Camp Official of Abusing Prisoners (Balkan Insight) By Milica Stojanovic
March 18, 2022

A Serbian court sentenced Osman Osmanovic to five years in prison for abusing civilians and prisoners of war at the Rasadnik detention camp near Brcko in Bosnia in 1992.

Belgrade Higher Court on Friday sentenced Osman Osmanovic, a wartime official at the Rasadnik camp in Gornji Rahic in Brcko, to five years in prison for abusing civilians and prisoners of war who were held at the detention facility during the summer of 1992.

The court found that Osmanovic's actions constituted war crimes against civilians. It also established that he was working for the Interior Ministry of Bosnia and Herzegovina at the time of the crime.

The verdict named three of the victims he abused at the camp – Vasiljko Todic, a Bosnian Serb Army soldier, and civilians Milenko Radusic and Rado Simic.

Judge Mirjana Ilic said that "Vasiljko Todic was someone who was no longer capable of fighting, which gives him the status of a protected person in terms of the Geneva Conventions".

She added that there was no evidence that Osmanovic was one of the main investigators who interrogated prisoners at the camp.

This was a first-instance verdict and can be appealed.

Osmanovic's lawyer Djordje Dozet announced immediately after the verdict that he will challenge the court's ruling.

"A general assessment of this verdict is that it is unfair and illegal," Dozet told journalists.

Osmanovic, a citizen of Bosnia and Herzegovina, has been in custody since November 2019, when he was arrested on the border between Serbia and Bosnia. Sarajevo asked for his extradition, but Serbia refused.

Osmanovic is one of three Bosnian citizens arrested in the period from 2018 to 2021 over suspicion on war crimes while trying to enter Serbia. Before him, same happened to the wartime commander of a military prison in Hrasnica near Sarajevo, Husein Mujanovic in July 2018 and in September 2021, Serbia arrested another Bosnian citizen, Edin Vranj, a former senior Police Administration official in Bosnia and Herzegovina's Federation entity.

However, after sharp reactions from Bosnian officials and a meeting between the two countries' prosecutors in Belgrade, Vranj was released from custody and the Serbian prosecutor's office proposed that Bosnia take over his case.

During closing arguments in February, Osmanovic's lawyer criticised this decision, saying that his client's case is similar and should also have been transferred to Bosnia.

"I must mention the Vranj case, where the prosecution proposes the transfer of the case [to Bosnia], proposes that detention be ended and the man released and not handed over to the authorities of Bosnia and Herzegovina, and my client to this day cannot exercise the right to have his detention commuted," Dozet said.

Bosnian Serb Ex-Soldier Jailed for Assaulting, Robbing Civilians (Balkan Insight) By Amila Zunic
March 21, 2022

The Federation Supreme Court upheld a verdict sentencing Bosnian Serb Army soldier Mile Kokot to two years and five months in prison for war crimes against civilians in Sanski Most in 1992.

The Supreme Court of Bosnia and Herzegovina's Federation entity on Monday confirmed a first-instance verdict convicting former Bosnian Serb soldier Mile Kokot of physically abusing and robbing civilians in Sanski Most and jailing him for two years and five months.

The first-instance verdict stated that, during an armed conflict between the Bosnian Serb Army and the Bosnian Army in the area, Kokot breached the provisions of the Geneva Conventions on the protection of civilians in time of war by treating them inhumanely, causing suffering and injuries, while also stealing their property.

The verdict said that in 1992, Kokot, who was accompanied by two other unidentified armed soldiers, went to a man called Rasim Bacic's house in Sanski Most, where he was living with his wife and two children.

Kokot threatened them with weapons and insulted them, then told Bacic's wife Vahida to give him golden jewellery worth around 15,000 Bosnian marks (around 7,675 euros), which she did.

At the same time in another room, one of the unidentified soldiers seriously physically abused Bacic while asking him for money, causing him to lose consciousness several times.

When Basic, who had been severely beaten, handed over 10,000 Bosnian marks (around 5,115 euros), Kokot and the other unknown soldiers then threw him out of the window into his yard.

The initial verdict was handed down by the Bihac Cantonal Court, but the defence and prosecution appealed. The defence wanted a retrial or an acquittal, while the prosecution was seeking a higher sentence.

However, the Federation Supreme Court rejected both appeals and confirmed the first-instance verdict.

Bosnian Serb Ex-Policeman Convicted of Bosniak Civilians' Murders (Balkan Insight) By Teo Zoric
March 22, 2022

Predrag Bastah, a former Bosnian Serb reservist policeman, was convicted of involvement in the killings of 34 Bosniak civilians at Mracni Dol near Vlasenica during the Bosnian war.

The Bosnian state court found Predrag Bastah guilty on Tuesday of participating in the killings of 34 Bosniak civilian prisoners at Mracni Dol, a location near Vlasenica, in 1992 – his second conviction for wartime crimes.

The verdict found that he committed a crime against humanity as a member of the reservist police force, together with two members of the Bosnian Serb Army.

It convicted him of involvement in killing 34 Bosniaks, but dismissed part of the indictment that accused him of killing three others, as their deaths were included in his previous conviction.

Presiding judge Zoran Bozic said that between April 21, 1992 and the end of September 1992, Bastah directed the Bosniak civilians to the place where they were killed by threatening them with a rifle. He also watched the killings, and therefore consciously and voluntarily contributed to the crime.

His actions were not an isolated incident but happened at the same time as a widespread and systematic attack on Bosniak civilians and the rest of the non-Serb population of the Vlasenica municipality, Bozic added.

The court sentenced Bastah to 20 years in prison. But as he is already serving a sentence for other wartime crimes, the court imposed a combined sentence of 35 years.

The large number of victims and the fact that there were children among them was taken into account when determining the sentence, the judge said.

This was a first-instance verdict can be appealed.

Bastah was previously sentenced to 22 years in prison in 2011 for his involvement in the murders of civilians, unlawful detentions, forced disappearances and the resettlement of the local population in the Vlasenica area.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Kosovo Veterans' Leader 'Didn't Threaten' War Crime Witnesses: Lawyer (Balkan Insight) By Xhorxhina Bami
March 16, 2022

In closing statements at the Kosovo Specialist Chambers, the lawyer for the deputy leader of Kosovo Liberation Army War Veterans' Organisation said his client did not threaten to expose the identities of protected witnesses in war crime cases.

On the third day of closing statements at the trial of Hysni Gucati and Nasim Haradinaj at the Kosovo Specialist Chambers in The Hague on Wednesday, Haradinaj's defence lawyer Toby Cadman claimed his client had never threatened potential war crime trial witnesses as the prosecution claims.

Haradinaj did however criticise what he considers to be the "discriminatory approach" of the Specialist Chambers, Cadman said.

Both Gucati and Haradinaj, the leader and deputy leader of the KLA War Veterans' Organisation, believe the Hague court is biased because it was set up to try ethnic Albanian KLA fighters, not Serbs who committed the majority of crimes during the Kosovo war.

The two men are on trial for obstruction of justice and witness intimidation. They were charged after they received batches of legal documents leaked from the Specialist Chambers, which contained confidential information about protected witnesses in cases against KLA ex-guerrillas, and urged media in Kosovo to publish extracts from them. They both pleaded not guilty.

In her closing statements on Monday, prosecutor Valeria Bolici claimed that Gucati and Haradinaj "addressed the witnesses or called the witnesses and those who collaborated with this court traitors, liars, spies and accomplices, and they said that these witnesses could no longer be protected".

But on Wednesday, Haradinaj's lawyer Cadman insisted that his client had never threatened any witnesses, but has only stated his personal opinion, which is a basic right of every Kosovo citizen.

"There was no threat, obstruction, interference, or revenge... the prosecution has not identified any witness that has been threatened or scared from the actions of Gucati and Haradinaj," Cadman told the court.

He added that the prosecution did not even identify "against whom ([Haradinaj] took revenge".

Cadman claimed that Haradinaj actually urged former KLA members to "collaborate [with the court] because there is nothing to hide or fear", when he became deputy leader of the KLA War Veterans' Organisation.

Boxes of court documents were left in the hallway of the offices of the KLA War Veterans' Organisation, on September 6, 2020.

In the boxes were case files containing the names and personal information of potential witnesses in war crimes investigations at the Specialist Chambers. Gucati and Haradinaj then held press conferences to publicise the leaked files.

Cadman told the court that the prosecution said that he Haradinaj "is not responsible for the theft and leakage of these documents. The prosecution allowed the leakage of these documents and to this day it is not known how it allowed this."

He accused the prosecution of preventing the defence from investigating the document leak.

The Kosovo Specialist Chambers were set up, under pressure from Kosovo's Western allies, to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000.

Witness protection has been a key concern for the Specialist Chambers after incidents of witness-tampering at previous trials of KLA commanders.

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Delegation to Iraqi Kurdistan Calls for Turkey's President to be charged with war crimes (Morning

Star) March 16, 2022

A delegation of trade unionists, journalists and politicians who recently returned from Iraqi Kurdistan are calling for Turkey's President Recep Tayyip Erdogan to be charged with war crimes.

The delegation is also calling for an immediate investigation into the alleged use of chemical weapons on the 34th anniversary of the Halabja chemical weapons attack, in which 5,000 Kurds were killed by Saddam Hussein's forces.

They urged the international community to learn the lessons of history and put an end to Turkey's 11-month war and military occupation against Iraqi Kurds.

In a statement, they said they were disappointed by the "failure of the British Consulate in Erbil to speak out about Turkish war crimes and its failure to respond to requests to meet with the delegation during our visit to the region.

"Given Britain's position as a fellow Nato member state and one of the biggest suppliers of weapons to Turkey — including the parts that fuel its deadly drone war — it is incumbent on the diplomatic team in Erbil to send a strong and clear message and call on Westminster to halt arms sales immediately.

"Failing to do so makes Britain complicit."

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Kosovo Specialist Chambers

Kosovo Veterans' Leader 'Didn't Threaten' War Crime Witnesses: Lawyer (Balkan Transitional Justice) By Xhorxhina Bami

March 16, 2022

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Azerbaijan

FM's letter on Armenian crimes issued as official UN document (AzerNews) By Abina Mammadli
March 10, 2022

The UN General Assembly and Security Council have circulated a letter from Azerbaijani Foreign Minister Jeyhun Bayramov to UN Secretary-General Antonio Guterres about the discovery of mass graves in liberated Khojavand region's Edilli village and Fuzuli city as an official document.

In the letter, dated March 2, 2022, Bayramov drew attention to the plight of about 4,000 Azerbaijanis, who went missing in the first Karabakh war in the early 1990s.

He stated that as a result of the search operation and investigative measures, new mass graves have been identified in the Edilli village of Azerbaijan's Khojavand region and on the territory of Fuzuli city based on eyewitness testimony. According to him, the remains, which are thought to be those of six or seven Azerbaijanis who have been missing since the early 1990s, have been exhumed and collected by the investigation team for further medical examination and genetic testing.

The letter added that Azerbaijani civilians and servicemen who managed to escape Armenian captivity confirmed in their testimonies that the bodies of dozens of Azerbaijanis were transferred in military trucks and buried in mass graves in the aforementioned areas after being subjected to torture, degrading, and other inhumane treatment, as well as subsequent arbitrary and extrajudicial killings.

According to eyewitness accounts and investigative materials, the discovered remains are only a small portion of the area's mass graves, and as a result, search operations are currently underway to locate the other burial sites.

"The fact that Azerbaijani prisoners of war and civilian captives have themselves been forced to the transfer and mass burial of the bodies itself speaks of the gravity and brutality of crimes committed by the armed forces of Armenia, its agents, and subordinates," the letter stated.

Furthermore, the letter stated that, in addition to cruel treatment and torture that resulted in the deaths of dozens of prisoners of war and civilian hostages, the perpetrators committed other serious war crimes by failing to ensure that the dead were interred honorably, their graves respected and properly maintained, and marked in accordance with international humanitarian law.

Bayramov emphasized that despite growing evidence, the perpetrators remain unpunished because Armenia has taken no steps to investigate war crimes and crimes against humanity committed by its agents and subordinates.

He also expressed concern that, despite ongoing calls from Azerbaijan, including high-level discussions with Armenia, the latter will not clarify the location of burial sites, mass graves, or the fate of missing Azerbaijanis.

"Given the extreme importance of addressing the issue of missing persons for the rule of law, justice, as well as post-conflict normalization and reconciliation, the strong engagement of the international community is therefore vital," continued the letter.

It also urged the UN Secretary-General to compel Armenia to provide all available information in order to determine the fate of thousands of Azerbaijanis who disappeared in the early 1990s.

"Bringing clarity to the whereabouts of all missing persons and full accountability for the grave international humanitarian law violations committed against them are essential elements for achieving lasting reconciliation after a bloody conflict," stated the letter.

Baku earlier stated that the plight of missing Azerbaijanis is a top priority on its agenda.

Foreign Ministry Spokesperson Leyla Abdullayeva made the remarks in response to a query about why Armenia had waited 30 years to share any information about 4,000 missing Azerbaijanis.

"I would like to emphasize that the Azerbaijani side prioritizes the issue of missing people and will not allow the Armenian side, which is directly responsible for this issue, to remain silent for another 30 years about the fate of over 3,700 missing Azerbaijanis and the location of their mass burial places," Abdullayeva said.

Azerbaijan handed over the remains of over 1,700 servicemen to Armenia immediately after the 44-day second Karabakh war, without expecting any reciprocal action and without receiving any information from Yerevan about thousands of Azerbaijanis who went missing during the first Karabakh war, the spokesperson added.

Abdullayeva said that the discovery of massive graves of Azerbaijanis on the liberated territories and the provision of the international community with evidence resulted in Armenia transferring the remains of 108 of thousands of missing people after 30 years.

She stressed that Armenia had yet to make a statement on the abovementioned subject.

On February 8, the Foreign Ministry stated that humanitarian issues were one of the main topics of a virtual meeting attended by French President Emanuel Macron, Azerbaijani President Ilham Aliyev, European Council President Charles Michel and Armenian Prime Minister Nikol Pashinyan on February 4.

At the meeting, Aliyev underlined that Armenia had to provide information about the mass graves of 3,890 missing Azerbaijani citizens (including 71 children, 267 women and 326 elderly people). The presidents of France and the European Council both supported this issue.

Armenia, which is responsible for determining the fate of about 4,000 missing Azerbaijani citizens, promised to cooperate in this matter.

The ministry stated that Armenia's later denial of its international humanitarian obligations, as well as promises made during the abovementioned meeting, is completely outside the moral, ethical, and legal framework in light of Azerbaijan's discovery and return of the bodies of 1,708 Armenian servicemen.

It should be mentioned that in the 20th century, Armenians perpetrated systematic crimes and atrocities against Azerbaijanis to break the spirit of the nation and annihilate the Azerbaijani people of Nagorno-Karabakh. The Khojaly genocide is regarded as the culmination of Armenian mass murders.

Some 613 Azerbaijanis, including 63 children, 106 women and 70 elders were brutally murdered on the ground of national identity in Khojaly in 1992.

This heinous act was preceded by a slew of others. Armenians set fire to around 20 buildings in the Baghanis-Ayrim village of Gazakh region, killing eight Azerbaijanis. A family of five, including a 39-day-old newborn, were all burnt alive.

Between June and December 1991, Armenian troops murdered 12 and wounded 15 Azerbaijanis in Khojavand region's Garadaghli and Asgaran region's Meshali villages.

Armenian military detachments bombed buses on the Shusha-Jamilli, Aghdam-Khojavand, and Aghdam-Garadaghli routes in August and September of the same year, killing 17 Azerbaijanis and injuring over 90 others.

In October and November 1991, Armenians burned, destroyed, and plundered over 30 settlements in the mountainous area of Karabakh, including Tugh, Imarat-Garvand, Sirkhavand, Meshali, Jamilli, Umudlu, Garadaghli, Karkijahan, and other significant villages.

France Ready To Support Armenia-Azerbaijan Peace Talks (Radio Free Europe) March 19, 2022

French Foreign Minister Jean-Yves Le Drian has said that France is ready, as a co-chair of the OSCE Minsk Group, to support negotiations between Yerevan and Baku aimed at a peace deal.

In separate telephone conversations this week with Armenian Foreign Minister Ararat Mirzoyan and Azerbaijani Foreign Minister Ceyhun Bayramov, Le Drian highlighted the importance of stability and peace in the South Caucasus, according to the French Foreign Ministry.

In recent months the two countries have engaged in border clashes that resulted in the deaths of both Armenian and Azerbaijani soldiers.

The violence, coming after the two countries fought a bloody six-week war in 2020 over the breakaway region of Nagorno-Karabakh, renewed international calls for the two neighbors to engage in a process of demarcating their Soviet-era border.

The 2020 war resulted in Baku gaining control of parts of Nagorno-Karabakh, as well as seven adjacent districts that had been under the control of ethnic Armenian forces since the end of a separatist war in 1994. Some 2,000 Russian troops were deployed to monitor the cease-fire.

Armenia's Foreign Ministry said on March 14 that it had applied to the OSCE Minsk Group co-chairs (France, the United States, and Russia) to organize Armenian-Azerbaijani negotiations on a peace treaty "on the basis of the UN Charter, the International Covenant on Civil and Political Rights, and the Helsinki Final Act."

The announcement followed a statement by Azerbaijan's Bayramov that Baku had submitted a five-point proposal to Yerevan to normalize relations.

In his conversations with the Armenian and Azerbaijani foreign ministers, Le Drian also reportedly expressed concern about the recent tensions on the ground and called for all possible measures to be taken to reduce them.

The top French diplomat, in particular, stressed the importance of contacts between the sides on the issue of restoring gas supplies to Nagorno-Karabakh, which were disrupted earlier this month due to a damaged pipeline passing through Baku-controlled territory.

Nagorno-Karabakh's ethnic Armenian leadership on March 19 said that gas supplies to the region had been partially restored after the completion of maintenance work on the pipeline.

They had earlier accused Baku of not allowing Armenian maintenance workers to enter the territory controlled by Azerbaijan for repairs, as a result of which the region was deprived of gas supplies for 11 days amid freezing temperatures.

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Russia

World Must Send a Clear Message After Brutal Use of Cluster Bombs (Human Rights Watch) By
Yasmine Ahmed
March 11, 2022

On Wednesday, Boris Johnson accused Russian President Vladimir Putin of committing war crimes in Ukraine. Johnson is certainly right that Ukrainian civilians are being killed by indiscriminate attacks, but will anyone end up in the dock?

The international community has mobilised to ensure that there are consequences for the invasion and likely war crimes in Ukraine. International law prohibits deliberate attacks on civilians or civilian infrastructure such as hospitals and schools, as well as attacks which do not discriminate between civilians and legitimate military targets, or cause excessive civilian harm. Such serious violations of laws of war, if carried out intentionally or recklessly, can constitute war crimes.

On Wednesday, the UN General Assembly voted overwhelmingly in favour of a resolution condemning the aggression on Ukraine and the violations of international law that have led to civilian deaths. In another unprecedented step, 38 countries, led by the UK, asked the International Criminal Court (ICC) prosecutor, Karim Khan, to open an investigation into serious

crimes in Ukraine. Mr Khan has confirmed he will do so, and his investigation will cover actions by all parties to the conflict including Russian officials.

Why raise matters to the International Criminal Court? Because there are very real fears that attacks conducted by Russian forces in Ukraine may amount to war crimes. Just one week into this war, Human Rights Watch and others have already documented serious violations of the laws of war including Russian use of cluster munitions that hit a hospital and a preschool killing a number of civilians, including a child.

Cluster munitions should never be used because of their inherently indiscriminate nature and the long-lasting danger they cause to civilians. The United Nations estimates that at least 227 civilians have been killed, and these numbers will certainly increase as the fighting moves further into urban areas.

The international community now needs to ensure that the International Criminal Court has the financial means and political backing to do its vital work on behalf of victims. Every effort needs to be made to support the collection and preservation of evidence so that one day, those who commit and order crimes in this conflict can face justice.

There will be hurdles to bringing perpetrators of war crimes in Ukraine to justice, not least Russia's resistance. But the world should continue to send a clear message that serious crimes will not be tolerated. Ukraine's civilians are counting on it.

Ukraine: Respect the Rights of Prisoners of War (Human Rights Watch) March 16, 2022

Ukrainian authorities should stop posting on social media and messaging apps videos of captured Russian soldiers that expose them to public curiosity, in particular those that show them being humiliated or intimidated, Human Rights Watch said today. Such treatment of prisoners of war, or POWs, violates protections under the Geneva Conventions intended to ensure dignified treatment of captured combatants on all sides.

The Security Service of Ukraine (SBU), the main security arm of the Ukrainian government, has a Telegram account with about 868,000 subscribers where it has posted videos of captured Russian soldiers who appear under duress or are revealing their names, identification numbers, and other personal information, including their parents' names and home addresses. It shares these videos on its Facebook, Twitter, YouTube, and Instagram pages with roughly 978,000 combined followers and subscribers. A Telegram channel apparently run by the Internal Affairs Ministry with over 847,000 subscribers does the same and has an affiliated website and YouTube channel.

"The obligation to protect POWs from being objects of public curiosity, as well as protecting them from intimidation or humiliation, is part of the broader requirement to ensure their humane treatment and protect their families from harm," said Aisling Reidy, Senior Legal Advisor at Human Rights Watch. "The Ukrainian authorities should stop posting these videos online."

Social media platforms should also clarify whether and how videos of POWs that are incompatible with the Geneva Conventions fall under their existing policies and, if necessary, develop new policies to identify and suppress the spread of such content, Human Rights Watch said.

Human Rights Watch wrote to the Security Service and Interior Ministry on March 10, 2022 to express concern about the state-run social media channels and website that were posting the images and videos and asked what steps the authorities will take to ensure that POWs are treated in compliance with the Geneva Conventions. As of March 16, Human Rights Watch was still awaiting a reply.

The various Security Service accounts have posted dozens of videos of captured Russian soldiers, some of which show them being interrogated while bound. Most clearly show the prisoner's face, or the prisoners state their name or other personal information, such as their date of birth and parents' names.

One video with 2.2 million views on the SBU's Telegram channel shows a captured Russian soldier on the phone with his mother, and then another POW who under interrogation gives his name, birth date, and details on his military unit. A video on the security service Facebook page with over 5.4 million views shows a POW with a battered face and bandaged leg saying that he went through Belarus to Chernobyl, 90 kilometers north of Kyiv.

The Telegram channel, YouTube channel, and website apparently run by the Interior Ministry, all created on February 26, include a database with the names of Russian soldiers who were captured or killed in the war. An adviser to the Interior Ministry, Victor Andrusiv, said he is the manager of the website and affiliated channels. He said the purpose is to help the relatives identify captured and killed Russian soldiers.

On these platforms, the ministry has posted hundreds of photos and videos of captured Russian soldiers, often with their passports and identification documents. Some of the soldiers are blindfolded, gagged, or masked. In some cases, the POWs are recorded while calling their family back home. In one video posted to Telegram on March 6 with 785,000 views, two POWs identified with their names and military unit are interrogated at gunpoint while blindfolded and on their knees.

The platforms also show graphic images of dead Russian soldiers. The authenticity of all these photographs and videos cannot be verified.

In a video posted to the ministry-run YouTube channel, Andrusiv commented on Ukraine's respect for the laws of war. "We are committed to fulfilling the Geneva Conventions and have instructed all units to treat all prisoners with respect," he said. "The general commander and the minister of internal affairs have adopted instructions based on the Geneva Conventions for all soldiers and policemen. We will monitor adherence to these instructions on a permanent basis."

The third Geneva Convention and Additional Protocol I address the protection of POWs. They make clear that POWs must be treated humanely in all circumstances and protected against any act of violence, as well as against intimidation, insults, and public curiosity. This includes disclosure of photographs or videos, recordings of interrogations, private conversations or personal correspondence, and any other private data.

The International Committee of the Red Cross (ICRC) has made clear that any material that allows viewers or readers to identify individual prisoners should not be transmitted, published, or broadcast. There are exemptions to the prohibition, but they are exceptional and allowed only if a compelling public interest exists, or if exposing the materials is in the prisoner's vital interest, and then only insofar as that respects the POW's dignity.

The Ukrainian government should ensure that the ICRC has access to all prisoners of war and should work with the ICRC to ensure that all personal information and data on POWs is handled in accordance with the Geneva Conventions.

All authorities in charge of POWs should also ensure that the official personnel are not taking photos or videos of prisoners other than for official purposes, and that official images or other personal information of prisoners are stored securely. Access to this material should only be allowed for personnel directly involved in the relevant duties. The use of these materials for any other purposes is strictly prohibited.

The authorities should make all feasible efforts to identify and hold to account anyone who has posted images and videos of POWs on social media sites, particularly if they were also involved in taking or creating the images for other than official purposes, or misused images that were taken for official purposes.

It is also important for the media to refrain from broadcasting or republishing material of POWs that violates the laws of war, Human Rights Watch said. Social media platforms should take steps to identify and suppress access to material that violates POWs' right to humane treatment, including protection from public curiosity.

Human Rights Watch has also documented extensive laws-of-war violations and apparent war crimes by Russian forces, including indiscriminate attacks on civilians with cluster munitions and other weapons and preventing civilians from fleeing areas of fighting.

"The violations by Russian forces are pervasive and widespread, causing intense civilian harm," Reidy said. "At the same time, Ukraine has clear obligations that it must uphold, including lawful treatment of POWs."

Ukraine: Mariupol Theater Hit by Russian Attack Sheltered Hundreds (Human Rights Watch) March 16, 2022

The theater hit by a Russian attack on Mariupol on March 16, 2022 had been sheltering hundreds of civilians, Human Rights Watch said today.

Pavlo Kirilenko, the governor of Ukraine's Donetsk region, announced on March 16 that Russian forces had bombed the Donetsk Regional Theater of Drama, where hundreds of residents were sheltering in the besieged city of Mariupol. Petro Andryushchenko, an assistant to Mariupol's mayor, told Human Rights Watch that his office did not yet know if any, or how many, civilians had been injured or killed. In satellite imagery of the theater from March 14, the Russian word for "children" clearly appears written twice in large Cyrillic script in front and behind the theater.

"Until we know more, we cannot rule out the possibility of a Ukrainian military target in the area of the theater, but we do know that the theater had been housing at least 500 civilians," said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch. "This raises serious concerns about what the intended target was in a city where civilians have already been under siege for days and telecommunications, power, water, and heating have been almost completely cut off."

On March 16, just hours before the attack, Human Rights Watch interviewed over a dozen Mariupol residents who had escaped the city the day before in a convoy of hundreds of private cars and had arrived in Zaporizhzhia. Two people interviewed separately mentioned civilians sheltering in the basement of Mariupol's theater. One of them, a doctor, said she had visited the theater in the days before she left and that between 500 and 800 civilians were staying there. The other person, who had spent the past two weeks delivering food, water, and medicine to shelters across the city, said that he had delivered aid to the theater multiple times and that it was housing between 500 and 700 civilians.

Human Rights Watch was unable to reach anyone in Mariupol by phone on March 16 to determine whether civilians had left the theater immediately prior to the attack. The doctor, however, shared four photographs of the theater that she said she took on the morning of March 15, on her way out of the city, including one that shows groups of people in civilian clothes cooking food on an open fire and carrying water buckets just outside of the theater. No military vehicles or personnel are visible in the photographs.

Human Rights Watch verified three videos posted on March 16 to a Telegram channel that publishes videos and reports from Mariupol. One of these videos shows the building from a distance with black smoke billowing out of it. Two others, one filmed from within the park where the theater stands, show flames coming from the center of the heavily damaged building. The satellite image with the word "children" shows the theater fully intact on March 14.

The laws of war require parties to the conflict to distinguish at all times between civilian objects and military objectives and each party to the conflict must do everything feasible to verify that targets are military objectives. If there is doubt as to whether an object normally dedicated to civilian purposes, such as a theater, is being used for military purposes, it shall be presumed not to be so. Directing an attack against a civilian object is strictly prohibited, as are indiscriminate attacks and attacks with disproportionate effects on civilians, and may be war crimes.

Organized evacuations of civilians in Mariupol who want to leave should be facilitated, Human Rights Watch said. Parties should allow humanitarian access for neutral and independent providers to support vulnerable civilians who may need assistance to leave, including people with disabilities, older people, pregnant people, children, and people with chronic or severe medical conditions.

Early Signs of War Crimes and Human Rights Abuses Committed by the Russian Military During the Full-Scale Invasion of Ukraine (Human Rights Watch) March 11, 2022

"Chair Keating, Ranking Member Fitzpatrick, and Members of the Committee. Thank you for inviting me to participate in this hearing today.

I would like to highlight two types of weapons that Russian forces are using widely and with devastating effects on civilians and civilian structures in Ukraine: cluster munitions and explosive weapons with wide area effects.

The use of these types of weapons has a long history. I personally have documented cluster munition use in Afghanistan, Iraq, Israel, Lebanon, and Georgia, and investigated the effects of explosive weapons in populated areas on health care in eastern Ukraine in 2016. My Human Rights Watch colleagues have done extensive research on these weapons in numerous other conflicts, including most recently in Libya, Nagorno-Karabakh, Syria, and Ukraine (2014-2015). We are applying this expertise and methodology to the current armed conflict in Ukraine, both in on-the-ground and remote research.

Russia has been using cluster munitions in Ukraine since the beginning of its full-scale invasion. On February 24, Russian forces launched a cluster munition ballistic missile attack that struck near a hospital in the Donetsk region, killing four civilians and wounding 10.

Four days later, Russian rockets with cluster munition warheads rained submunitions down on three neighborhoods in the city of Kharkiv. One resident told Human Rights Watch, "The bangs lasted for about two minutes. When I went out, I saw three covered bodies lying in the street and one wounded person being taken away by emergency services."

Cluster munitions are large weapons containing dozens or hundreds of smaller weapons called submunitions. They endanger civilians at the time of attack, especially when used in towns and cities as they have been in Ukraine, because they spread their submunitions over an area the size of a football field. In addition, many of the submunitions fail to explode on impact, and they linger like landmines for months, years, or decades.

Russia is not a party to the Convention on Cluster Munitions, the international treaty that comprehensively bans these weapons. But Russia's cluster munition attacks have been unlawful because they involve inherently indiscriminate weapons that cannot distinguish between combatants and civilians. Individuals responsible for ordering or carrying out cluster munition attacks against civilians or civilian objects with criminal intent, that is either intentionally or recklessly, would be committing war crimes.

Russian forces' use of explosive weapons with wide area effects in populated areas represents an even greater peril for civilians in Ukraine. Explosive weapons include a range of munitions, such as artillery shells, rockets, missiles, and aerial bombs. The harm they cause is magnified when they have wide area effects—that is, they have a large blast or fragmentation radius, are inherently inaccurate, or deliver multiple munitions at the same time (like cluster munitions).

Russian forces' use of these weapons in Ukraine's cities and towns has been catastrophic, and the United Nations Office of the High Commissioner for Human Rights highlighted it as a major cause of the more than 1,500 civilian casualties it had recorded as of March 9.

On March 3 at noon, for example, Russian aircraft dropped multiple unguided bombs on a residential neighborhood of Chernihiv, a city in northeastern Ukraine. The attack killed at least 47 people, according to local officials, and wounded many others. It also significantly damaged a high-rise apartment building, a hospital, a pharmacy, and several other civilian structures

A doctor at the hospital described the blast as a “windstorm” that filled the basement with dust. He treated children with fragment wounds, including an 11-year-old boy with metal shards in his brain and damage to his skull.

In addition to the immediate civilian casualties and structural damage caused, the use of explosive weapons with wide area effects in populated areas produces long-term reverberating effects. Destruction of infrastructure, such as power plants or water treatment facilities, interferes with basic services, including health care and education, and in turn infringes on human rights. Large numbers of civilians become displaced. The consequences of Russian forces' bombing and shelling of Ukraine's population centers will endure long after active hostilities end.

Given the well-documented pattern of direct and reverberating effects, the use of explosive weapons with wide area effects in populated areas heightens concerns that attacks are indiscriminate and disproportionate, and thus unlawful. Individuals carrying out such attacks with criminal intent are responsible for war crimes.

We are glad to hear the United States will support investigations by the International Criminal Court into alleged war crimes in Ukraine. In light of the massive civilian harm caused by Russia's use of these weapons, and the possibility Ukraine could also use them, we urge the United States to take two additional steps:

First, the US should condemn the use of cluster munitions and explosive weapons with wide area effects in populated areas. At least seven NATO countries and the NATO secretary-general have already spoken out against Russia's use of cluster munitions, and such international pressure can make a difference.

Second, the US should strengthen its own policies on both types of weapons. The US should join the Convention on Cluster Munitions, which has 110 states parties including most NATO member states.

At a minimum, the US should reinstate a policy signed in 2008 by then-Secretary of Defense Robert Gates, which required the US to cease using all cluster munitions with a more than 1 percent failure rate by 2018. The Trump administration reversed that policy with a 2017 Department of Defense policy memo indefinitely delaying implementation of that ban on using unreliable types of cluster munitions.

In addition, at the upcoming negotiations of a new international political declaration on explosive weapons in early April, the US should agree to a commitment to avoid the use of explosive weapons with wide area effects in populated areas.

Thank you again for allowing me to testify. I am happy to answer any questions you may have."

Ukraine: Cluster Munitions Repeatedly Used on Mykolaiv (Human Rights Watch) March 17, 2022

Russian forces repeatedly fired cluster munition rockets into the densely populated city of Mykolaiv, in southern Ukraine, during separate attacks on March 7, 11, and 13, 2022, Human Rights Watch said today. An attack on March 13 reportedly killed nine civilians, who were apparently in line at a cash machine. The attacks also injured several other civilians and damaged homes, businesses, and civilian vehicles.

“Multiple residential areas in Mykolaiv were rocked by cluster munition attacks in the span of a week,” said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch. “Russian forces should stop using cluster munitions and end these clearly indiscriminate attacks.”

Cluster munitions are subject to an international treaty ban because of their widespread indiscriminate effect and long-lasting danger to civilians.

Human Rights Watch interviewed by phone six witnesses to the attacks and analyzed dozens of photographs and videos, shared by witnesses or posted on social media. They show damage from the attacks, four dead bodies, and remnants of the weapons that were used, including of Uragan and Smerch cluster munition rockets, as well as remnants and unexploded 9N210 fragmentation submunitions.

On March 7, the first day of the attacks, a handyman and his wife and children were asleep when their neighborhood came under attack at about 5 a.m. Their home is about two kilometers from the city's port. They went to shelter in their neighbor's basement as the attacks continued. At about 10 a.m., two rockets landed next to his house, one in the yard and another behind his home. "I heard a whistling sound and the noise of many explosions," the man said. "The basement was vibrating." He later found his yard destroyed, and a team from the Emergency Service, the government body that carries out demining and clearance, told him that the rockets were both Smerch.

Attacks also took place in Solyani, a northern suburb of Mykolaiv with residential neighborhoods and a military base, on the morning of March 7. A truck driver from Solyani, a member of the civilian neighborhood watch since the war began, patrolled the area after the attacks ended. He said that three civilians were wounded and that he saw what Human Rights Watch identified, based on his photographs, as four expended rocket motors and one cluster munition cargo carrier from 9M55K Smerch rockets. One rocket motor and tailfin assembly of a Smerch rocket had landed in the yard of a preschool, two rocket mortars landed between houses, and the fourth landed in the middle of a street, while the carrier assembly landed on the riverbank.

The location where these rockets and carrier landed was at least one kilometer from a military base, which the truck driver identified as the only potential military target in the area.

Russian forces also fired rocket artillery into the Inhulsky neighborhood, in the eastern part of the city, on March 7. A resident of Inhulsky, a sailor, said that he was awakened at 4:45 a.m. by the sound of explosions. They came closer and closer to his five-story apartment building, and then it was hit. "I felt like my legs had been cut off and like the whole building was going to collapse," he said. He ran into the hallway and found an older woman bleeding from her head. He said the rocket hit the hallway, stairwell, and several kitchens on the second and third floors of the building.

The sailor shared 10 videos with Human Rights Watch, including of the bleeding woman, the damage to his building, and CCTV footage of the outside of the building at the time of the attack, as well as 17 photographs of the damage to the building and cars parked outside. Multiple videos show uniform fragmentation patterns consistent with the detonation of fragmentation munitions.

While not a cluster munition rocket, rocket artillery with high-explosive/fragmentation warheads can have an indiscriminate impact, and the use of explosive weapons in populated areas heightens concerns of unlawful, indiscriminate, and disproportionate attacks.

On March 11 multiple attacks hit the Inhulsky neighborhood, again in the early morning hours. An IT specialist living in the center of the city said she heard a wooshing sound two or three times when the attacks began. She later visited two sites that had been hit. She shared 36 photographs with Human Rights Watch, showing the damage she observed, including to the windows of a nine-story building and five cars. The photographs show impact spatters of a submunition detonation in the asphalt and on two cars. A remnant of the cargo section of a 9M27K-series Uragan cluster munition rocket is also visible.

The coordinates of one photograph she shared of an unexploded 9N210/235 submunition lying on a patch of grass next to the street, places it at about 1.7 kilometers from the Zorya factory. The factory produces gas turbines, mostly for seafaring defense technology and vessels. The factory may have been identified as a potential military target, but the significant distance between the factory and the civilian objects damaged also suggests the attacks were indiscriminate.

The attacks on the morning of March 11 also hit Pivnichnyy, the suburb directly north of Solyani and about 600 meters from the military base. The truck driver and neighborhood watch member from Solyani said he arrived at the site that afternoon. An Emergency Service team member told him they had destroyed one submunition that had not detonated on impact and had been lying behind the wall of a 10-story building, he said. The Emergency Service also shared with the truck driver a photo of the munition the team took, which Human Rights Watch identified as a rocket-delivered fragmentation submunition.

The truck driver said he saw that three cluster munition rocket cargo carriers had hit the boiler room of a building, the roof of a 10-story apartment block, and the yard of a preschool. The building was marked with small grooves caused by the spraying of metal fragments, which were visible as high up as the seventh story, he said. Photos he provided, which he said were taken on March 11 in Pivnichnyy, show impact spatters of a fragmentation submunition detonation in the concrete and damage to windows.

On March 13, Russian forces attacked at least three areas of Mykolaiv with rocket artillery carrying submunition payloads. The

handyman was in his kitchen at about 8 a.m., when a rocket motor tore through his roof, punctured an interior wall, and came to rest in the bathroom. Based on seven photographs he shared, Human Rights Watch identified the rocket motor and tailfin assembly as a Uragan 9M27K series cluster munition rocket. Though he was only meters away from the rocket motor, he was not injured, but the attack damaged his house.

The truck driver said there was an attack on Solyani at about the same time. He said he heard lots of small explosions at about 8 a.m., and when he later went outside, he “saw lots of black smoke and then a crater in the middle of the street outside of my house, and lots of smaller grooves encircling the crater.” He said he saw the Emergency Service putting out a fire in one home hit by a rocket. He and his colleagues from the neighborhood watch rescued a woman and her daughter trapped in a basement by the fire. Human Rights Watch reviewed four photos the truck driver took on March 14 and identified a cargo section for fragmentation submunitions ejected from a Smerch 9M55K cluster munition rocket.

The truck driver said that on March 13 another rocket landed outside of an ATB supermarket near the military base in Solyani. The driver went there soon after the attack and saw about 20 people on the ground injured and bleeding. They were near the cash machine and appeared to have been waiting in line there. He left the area as medics arrived so did not know how many people were killed, but media reports said nine people died.

Human Rights Watch verified six images posted to Telegram purporting to be of the attack, showing four bodies outside the ATB supermarket on Heroiv Stalinhradu Avenue in the northern part of Solyani close to Pivnichnyy. Human Rights Watch also confirmed on an open-source map that a militarized area containing several bases is about 280 meters to the west of the supermarket.

Several rockets carrying cluster munitions hit a neighborhood in the northern part of the city, where a military installation is located. Another witness said that in the residential areas around the base, he observed five rocket motors that had apparently ejected their payloads over the neighborhood. He shared three photos that he said he took about two hours after the attack. Based on the photographs, Human Rights Watch identified the remnant of the weapon as the rocket motor and tailfin section of the Uragan 9M27K series rocket and a 9N210 submunition.

Given the inherently indiscriminate nature of cluster munitions and their foreseeable effects on civilians, their repeated use in Mykolaiv during these three days of attacks might amount to war crimes.

“All states party to the cluster munitions convention should unequivocally condemn these attacks and any other use of this horrid weapon,” Wille said. “Relevant jurisdictions should investigate and ensure that those responsible one day face justice.”

For more information on cluster munitions and the laws of war, please see below.

Cluster Munitions in Ukraine and the Laws of War

Cluster munitions typically explode in the air and send dozens, even hundreds, of small bomblets over an area the size of a football field. Cluster submunitions often fail to explode on initial impact, leaving duds that act like landmines. Their use in areas with civilians makes an attack indiscriminate in violation of international humanitarian law.

Both Russia and Ukraine stockpile the Smerch and Uragan artillery rockets equipped with a cluster munition warhead. Neither country is among the 110 parties to the international treaty banning cluster munitions.

Notwithstanding the existence of a legitimate military target, an attack is indiscriminate and unlawful if it uses a method or means of combat the effects of which cannot be limited in ways that minimize incidental loss of civilian life, injury to civilians and damage to civilian objects. Cluster munitions cannot be so limited.

Ukrainian authorities are also required under international humanitarian law, as far as feasible, to take “necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.” These precautions include protecting citizens located close to military installations or other potentially legitimate targets, including by moving them out of the area if necessary, and mitigating the anticipated effects of Russian attacks.

Human Rights Watch has documented the use of cluster munitions by Russian forces in multiple towns and cities across Ukraine since February 24, including in Kharkiv, Ukraine’s second largest city. Ukrainian government forces and Russia-backed armed groups used cluster munitions in eastern Ukraine between July 2014 and February 2015, according to independent investigations conducted by Human Rights Watch, the Organization for Security and Co-operation in Europe (OSCE) monitoring mission, and others.

US formally accuses Russia of war crimes in Ukraine (The Guardian) By Julian Borger
March 23, 2022

The US has formally accused Russian forces of committing war crimes in Ukraine and said it would pursue accountability “using every tool available”.

The announcement came as Joe Biden left for a trip to Europe to bolster western unity in the face of an increasingly brutal invasion. The secretary of state, Antony Blinken, said that the US had come to its conclusion using both public and intelligence sources.

“Today, I can announce that, based on information currently available, the US government assesses that members of Russia’s forces have committed war crimes in Ukraine,” Blinken said.

“As with any alleged crime, a court of law with jurisdiction over the crime is ultimately responsible for determining criminal guilt in specific cases,” he added, saying the US would continue its efforts to gather evidence and share it with international institutions.

“We are committed to pursuing accountability using every tool available, including criminal prosecutions,” Blinken said.

The announcement follows a week after Joe Biden’s off-the-cuff remark that he considered Vladimir Putin a war criminal, triggering an official protest from the Kremlin, which warned that the comment could cause a breach in bilateral relations.

Asked if the state department designation applied specifically to Putin, Beth Van Schaack, the newly confirmed ambassador at large for global criminal justice, said it would be up to the courts to decide that. But she added: “There are doctrines under international law and domestic law that are able to reach all the way up the chain of command.”

The state department did not give details of specific attacks and incidents it considered to amount to war crimes. In his statement, Blinken said: “We’ve seen numerous credible reports of indiscriminate attacks and attacks deliberately targeting civilians, as well as other atrocities. Russia’s forces have destroyed apartment buildings, schools, hospitals, critical infrastructure, civilian vehicles, shopping centers, and ambulances, leaving thousands of innocent civilians killed or wounded.

“Many of the sites Russia’s forces have hit have been clearly identifiable as in-use by civilians,” he said, and pointed to the example of the shelling of Mariupol’s maternity hospital.

Van Schaack said the Mariupol hospital shelling “appears to have been a direct attack upon a civilian object”.

She said she would support making US evidence public, whenever possible.

“I think it’s important to do that,” she said. “Obviously, we have to do a full assessment of the information that’s available to us and make sure that it doesn’t compromise any means and methods of collection. But I think keeping the world apprised of what’s happening on the ground in Ukraine is extremely important.”

The Ukrainian government and some public figures, including the former UK prime minister Gordon Brown, have called for the creation of a special tribunal on Ukraine specifically to try the Kremlin leadership for launching a war of aggression. Van Schaack was noncommittal on the issue but said “there are some options for accountability even absent a dedicated tribunal”.

“We’re considering all the various options,” she said, pointing to the possibility that cases could be heard by Ukrainian courts, courts in neighbouring countries and the international criminal court (ICC) in The Hague.

The US is not a party to the ICC and has opposed its investigations into crimes committed in Afghanistan and in the Palestinian occupied territories, but it has said it would help the court collect evidence on Ukraine.

The ICC prosecutor, Karim Khan, has launched an investigation into possible war crimes and crimes against humanity, and there are a range of other initiatives aimed at gathering evidence by interviewing refugees after they cross the border and through the forensic examination of the huge volume of video footage uploaded on social media.

War crimes experts have said that as the invasion has stalled, and the Russian military has resorted to increasingly desperate means and more unguided munitions, it has become more straightforward to provide evidence for war crimes cases.

It is often hard to pursue accountability from the perpetrators on the ground up through the chain of command to political leadership, but in this case, experts say, the public statements by Putin and his senior officials and the Russian president’s tight control over the campaign would help future prosecutors.

The UN’s international court of justice (ICJ) has already given a provisional ruling, ordering the invasion to halt, as it had seen no evidence to support Moscow’s claim, used to justify the attack, that Ukrainian government forces had been committing “genocide” against Russian speakers in the east of the country.

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Syria

Syrians seek justice for war atrocities 11 years after uprising (Al Jazeera) By Ali Haj Suleiman and Kareem Chehayeb
March 15, 2022

Amjad al-Malah, 32, and his family were finally able to flee the besieged city of Madaya five years ago and headed to northwestern Syria.

His voice trembles as he recalls those two years, cut off from adequate food and medicine by Syrian government forces and Lebanon's Hezbollah group.

"We lived years in cold, hunger, and death. People had to smuggle vegetables, but many died after stepping on landmines or getting shot by snipers," the self-described civic and media activist who now lives in Afrin, tells Al Jazeera.

"A kilogramme [two pounds] of rice or cracked wheat cost \$250. It was torment."

Aid workers, who rarely were permitted to enter besieged areas, described scenes of severe malnutrition and hunger.

In 2017, opposition and government forces reached an agreement to end the siege of Madaya and three other towns. Al-Malah said he and other families left with just the clothes on their back and lived off humanitarian assistance in tented settlements. He, and others, feel the perpetrators were rewarded for what they describe as the "deliberate starvation" of civilians and forcefully displacing them.

100,000 disappeared

Over the past decade, Syria's uprising-turned-civil war has been littered with grave human rights violations that rights groups say could amount to war crimes.

The fighting has subsided in many parts of the war-torn country, but millions of Syrians tormented by forced displacement, torture, and the disappearance of their loved ones still wait for any semblance of justice.

Noura Ghazi, founder of Nophotozone, a nongovernmental organisation that advocates for and provides legal support to Syrian detainees and their families, says many families are losing hope.

"The world's priorities have changed, and Syria has been left aside," Ghazi tells Al Jazeera. "But, as families, we are trying to find our way forward."

Ghazi, a human rights lawyer and nonresident fellow at the Tahrir Institute for Middle East Policy, said Syrian authorities arrested her husband – Palestinian-Syrian activist and free-speech advocate Bassel Khartabil in 2012 – and transferred him to an undisclosed location in 2015.

In 2017, Ghazi and family members saw official documents that said Khartabil had been executed. Many families in Syria have been told of the deaths of their loved ones in detention but have not been able to retrieve their bodies.

At least 100,000 Syrians were forcibly disappeared, mostly at the hands of government forces, but advocacy groups such as Families for Freedom estimate the number is likely far higher.

March 15, 2011

Eleven years ago, the arrest and torture of a group of teenaged boys in the city of Deraa after denouncing President Bashar al-Assad sparked protests across Syria, demanding democratic reform and the release of political prisoners.

The Syrian government responded with a brutal crackdown, and military defectors formed the Free Syria Army soon after, turning the uprising into an all-out civil war and paving the way for the emergence of armed groups and foreign proxies.

An estimated 500,000 people have been killed during the past 11 years, and millions were forced to flee the country. About 80 percent of the population lives in poverty. Al-Assad remains entrenched in power with Russian and Iranian military support.

However, two court cases in Germany last January may mark a break in the pattern of impunity.

A court in the small German town of Koblenz sentenced former Syrian colonel, Anwar Reslan, to life in prison last January, finding him guilty of some 4,000 torture cases, including sexual assault, while he was in charge of Syria's ruthless Branch 251 in Damascus.

That same week, the Higher Regional Court in Frankfurt am Main began trying a Syrian doctor identified as Alaa M, who is charged with 18 counts of torture of detainees and one count of murder while working as a physician at a military prison in 2011 and 2012.

The following month, human rights lawyers from US-based Iran Human Rights Documentation Center and UK barrister Haydee Dijkstra filed a communication with the International Criminal Court (ICC) targeting Syrian and – for the first time – Iranian officials accused of crimes in Syria.

“What our submission brought together was evidence and information about actions not only taken by the Syrian government and its associated militia groups, but also those militia groups associated with Iran, either directly or backed by Iran, and what actions forced civilians to flee into Jordan,” Dijkstra tells Al Jazeera. “We’re looking at cases like bombings, extrajudicial killings, beatings and abuse, arbitrary detention, rapes.”

Role of Iran

Though the ICC does not have jurisdiction over Syria, Lebanon, Turkey, or Iraq, it does over Jordan, where the lawyers collected evidence from Syrian refugees there. This move was inspired by a 2018 case in which the ICC concluded it had jurisdiction over the Rohingya people after they were forcefully displaced to Bangladesh, a member of the ICC, from Myanmar.

“The role of Iran is interesting because the Iranian state has always claimed that the only reason they’re in Syria is to fight ISIS [ISIL] and to ensure ISIS does not make its way across the region,” Gissou Nia, a lawyer, on the team, tells Al Jazeera.

“That’s obviously not the case if you look at the facts because the Iranian state has had a presence in terms of training folks in the Assad regime on repression of protests and these sorts of techniques since 2011 – clearly that predates the issue of ISIS.”

Omar al-Alawi, 33, fled southern Aleppo province in 2015 as the Syrian Army, backed by Russian air power and an Iran-backed armed group, moved in.

“When you see those militias approach you, and the tanks overtaking the hill that overlooked us, it was just such a horrifying moment that could not be described with words.” His nephew, an opposition fighter killed in action, told him moments before his death that among those entering the area were fighters from Hezbollah and Iraqi paramilitary group Harakat al-Nujaba.

Already recovering from a fracture with seven metal implants in his right leg, al-Alawi got some clothes, bedding, essentials, and fled. He thought he would be back soon. Instead, he lost the house he built and the agricultural land he worked on. He would ask people in nearby areas to check on the house and see what happened around it.

Three months ago, he received shocking news.

“Some people in the area took a picture of my house and sent it to me. There was a Hezbollah flag on top of it,” he said, seething. “They, the Iranians, and their militias control the gas station and the agricultural lands. It’s their property now.”

Not only has al-Alawi lost his livelihood but he is now living the most difficult circumstances in Syria’s northwest, where the UN says the vast majority of people are in extreme poverty.

‘A divided country’

Al-Malah says the uprising needs to be reinvigorated, especially because accountability and justice were always at its core.

“The goals of the revolution were spoiled by the actions of the regime and the emergence of weapons on the other side,” he says. “We hope, after this experience, we realise that violence only breeds more violence.”

But 11 years since protests swept the country, Ghazi says there can be no accountability without political change, and she blames the lack of “international political will”.

“In the end, the regime stayed and we have various forces which are not all that different than the regime. It’s a divided country with different flags on one land,” she says. “We’re still displaced, still wanted, and we still don’t know what happened to those we lost.”

The international community has struggled and has so far failed to implement a transition plan, which includes the drafting of a new constitution.

Meanwhile, President al-Assad held elections last May and won 95 percent of the vote, which critics and Western countries criticised for violating the transition plan.

Ghazi says there can be no justice without political reform and viable remedies for millions of internally displaced people and refugees.

“It doesn’t mean I’m against those court cases. I really praise my colleagues for this step forward,” she explains. “But I fear justice in Syria will be equated to just those few court cases in Germany.”

Syria: Mass graves discovery additional evidence of Al-Assad's ongoing crimes (Euro-Med Human Rights Monitor)

March 17, 2022

Two mass graves filled with thousands killed by Syria's President Bashar Al-Assad's regime have been found according to a press investigation. The international community should activate pressure and legitimate accountability techniques to hold Al-Assad's regime accountable for its brutal human rights violations, Euro-Med Human Rights Monitor said in a statement.

The discovery revealed by an investigation published by The New York Times is yet one among many pieces of evidence of crimes committed against the Syrians, including detainees who died under torture in government prisons.

The investigation was based on interviews with four Syrians who worked at or near the mass graves, two of whom are now refugees in Germany, one in Lebanon and one is still in Syria. Three of them preferred to keep their identities anonymous for fear of retribution by the Syrian government.

One of the witnesses said that the site where he was working was located in a village near the capital, Damascus, where the bodies were sent from detention centers to hospitals and then transported in military trucks or refrigerated trucks meant for transporting food to the site. He explained that many of the bodies had signs of torture, such as various bruises and pulled nails, while some were decomposing, indicating that some time had passed since the death.

Euro-Med Monitor's Chief Operations Officer, Anas Aljerjawi, said: "The disclosure of the details of two mass graves in which the Syrian regime forces buried thousands of innocent people should constitute a strong motivation for launching serious and coordinated international efforts to hold Syrian officials accountable for the war crimes committed against civilians since 2011."

"This important discovery exposes a small part of the atrocities carried out by the Syrian regime forces against civilians, opponents, and prisoners of conscience, as it is estimated that there is a large number of other mass graves containing the bodies of thousands of victims who were killed in gruesome ways, and in some cases even burned alive, simply because they

were involved in anti-regime activities."

The perpetrators of these acts should not be tolerated or their legitimacy supported in any way. The international community can still use many effective methods to pressure Syrian officials to stop their violations and hold them accountable for all the atrocities they committed during the 11-year-old conflict.

The international community should put its political interests aside, act with equal enthusiasm for all humanitarian issues around the world, and show the same support, sympathy, and solidarity with the persecuted, regardless of their race, religion, color, or culture.

It is important to build on the landmark trial of the Syrian officer Anwar Raslan in Germany in January 2022, which ended with his conviction to life imprisonment. New cases should be filed against all Syrian political, security, and military officials involved in the crimes committed over the past years.

According to the United Nations, since March 2011, about 350,000 Syrians have been killed, and about 14 million others have been displaced. The Syrian Network for Human Rights has also documented the killing of 14,664 Syrians due to torture and 15,146 who were arbitrarily arrested or forcibly disappeared.

Syria Seeks Criminal Accountability for US Airstrikes That Killed Civilians (Newsweek) By Tom O'Connor
March 21, 2022

As the United States investigates suspected war crimes committed by Russia in its war in Ukraine, Syria is seeking criminal accountability and other recourse against the U.S. as a result of airstrikes that have killed civilians and other alleged violations of international law.

In a statement shared with Newsweek by Syria's permanent mission to the United Nations on Monday, permanent representative Bassam al-Sabbagh criticized a statement issued last Tuesday by his U.S. counterpart Linda Thomas-Greenfield coinciding with the 11th anniversary of Syria's civil war when she said "the Syrian people launched a peaceful revolution, demanding political reforms, inclusive and good governance, and the protection of human rights for all."

She accused Syrian President Bashar al-Assad's government of having at that time "tragically responded by beating and jailing the protestors, precipitating a brutal conflict that has killed more than 350,000 people and displaced another 13 million people."

She also called for Damascus to halt the "atrocities, some of which rise to the level of war crimes and crimes against humanity" and engage in an oft-stalled U.N.-backed political process to end the war.

However, Sabbagh said it was Washington's policies that served as an obstacle for efforts to find peace in war-torn Syrian.

"For 11 years now, the United States of America has been persisting in its hostile approach and subversive policies towards the Syrian Arab Republic," Sabbagh said, "through its use of all tools of war against it, starting from campaigns of incitement, misinformation and deception, to investing in terrorist organizations and separatist militias, to direct occupation and the imposition of unilateral coercive measures."

The Syrian envoy dismissed Thomas-Greenfield's words as "nothing but a repetition of what officials of successive US administrations have been doing during the past eleven years," remarks he said were marked by "a disconnection from reality, a wrong description of events, and a presentation of fabricated information aiming at misleading the public opinion."

As for war crimes, he pointed to "atrocities" committed during the campaign waged against the Islamic State militant group (ISIS) by a U.S.-led coalition, "which destroyed the entire city of Raqqa and other areas, the latest of which was the US fighter jets destroying a part of the Euphrates University, an educational institute, a bakery and a gas station in the city of al-Hasakah earlier this year, under the false pretext of pursuing the remnants of the terrorist organization Da'esh [the Arabic acronym for ISIS]."

"Most importantly," he added, "the killing of more than 70 Syrian citizens in a village by US forces, as officially admitted by the US military, seems to have evaded the memory of Ambassador Greenfield and her country's Department of State."

The incident, which was first unveiled in detail last November by The New York Times, took place three years ago on March 18, 2019 at an ISIS-held camp in the eastern city of Baghuz, where a U.S. jet dropped 500- and 2,000-pound bombs on a crowd that consisted of civilians, including women and children, along with fighters, killing an initial assessment of 70 people altogether.

The U.S. and its coalition partners have been accused by Syrian officials and international human rights group of killing scores of civilians throughout a long-running air campaign against ISIS. Civilians have also been harmed in U.S. surgical strikes against Al-Qaeda officials, such as an attack last December that injured a family in the northwestern rebel-held province of Idlib.

In comments that echoed his response to the March 2019 airstrike, U.S. Central Command spokesperson Navy Captain Bill Urban said that "we abhor the loss of innocent life and take all possible measures to prevent them," and confirmed that an investigation would be conducted into what happened.

Sabbagh sought more comprehensive measures.

"The Syrian people, who withstood the huge multi-faceted, multi-tooled war machine, heroically defeated the terrorist organizations, and valiantly defended the sovereignty and territorial integrity of their country, will not allow anyone to impose any conditions or dictates on them," Sabbagh said in Monday's statement.

"They are also determined to hold accountable politically, morally, and criminally all those who took part in the shedding of Syrian blood, the destruction of their achievements, and the looting of their wealth," he added.

Around 900 U.S. troops continue to operate in stretches of oil-rich northeastern Syria alongside the Kurdish-led Syrian Democratic Forces, which seek autonomy from the government but also oppose ISIS and rebels, especially those backed by U.S. ally Turkey, as well alongside the insurgent Maghawir al-Thawra group in a southwester desert garrison.

The U.S. had supported early rebel efforts to oust Assad, but since 2015 has worked with the Syrian Democratic Forces to focus on battling ISIS' self-styled caliphate, which has been relegated from a massive swath of territory covering large parts of Syria and neighboring Iraq to an underground network of cells still capable of launching deadly attacks.

A day after Thomas-Greenfield's statement was issued, the State Department sent a delegation of senior U.S. diplomats to meet with Syrian Democratic Forces leadership, who said the discussion "stressed the partnership between north and eastern Syria and the U.S.-led international coalition would continue."

"The meeting also underscored that ISIS continues to pose a threat to the entire region, discussed ways to strengthen joint cooperation in various fields and at all levels, stressed the need to promote development in the north and eastern Syria to enhance stability and security," according to the Syrian Democratic Forces.

But Sabbagh on Friday accused the U.S. of sponsoring "a terrorist separatist militia that is causing great distress to the population of northeastern Syria, in addition to its involvement in the looting of Syrian national wealth."

He said the U.S. was also guilty in "its clear violation of the sovereignty of Syrian territories, relevant Security Council resolutions and the Charter of the United Nations through direct occupation by its military forces, and its officials' surreptitious infiltration into Syrian territory to coordinate its subversive policies."

Washington cut ties with Damascus early on in the conflict, and has rolled out tough sanctions on Syria, which have further damaged an economy that has atrophied due to war and financial crisis. As such, the U.S.-led coalition does not coordinate directly with the Syrian government on military operations, leading Assad's administration to regard such unsanctioned military presence as an occupation.

Supporting this view are Syria's two top allies, Iran and Russia, both of which also face U.S. sanctions as well. The international restrictions targeting Moscow, however, have broadened dramatically since Russian President Vladimir Putin invaded neighboring Ukraine late last month. Syria is one of only a few nations in the world to openly express support for the invasion.

U.S. officials have drawn parallels to Russian tactics in the two conflicts, including allegations of targeting citizens, with President Joe Biden referring to Vladimir Putin as a "war criminal," a comment that prompted Moscow to summon Washington's ambassador on Monday.

A State Department spokesperson told Newsweek that the U.S. "is supporting a range of mechanisms to document and pursue accountability for potential war crimes or other atrocities in Ukraine."

The spokesperson provided details of the process.

"This includes supporting Ukraine's authorities, who are already working to document potential atrocity crimes for prosecution," the spokesperson said. "It includes supporting a range of international investigative and accountability mechanisms, including the new UN Commission of Inquiry to investigate possible human rights violations and abuses and

violations of international humanitarian law by Putin's forces, and joining 44 other OSCE countries in launching an Expert Mission to examine reported human rights abuses or violations and violations of international humanitarian law, including possible war crimes by Russia's forces in Ukraine."

"And it includes supporting the important work of human rights documenters in Ukraine," the spokesperson added.

The spokesperson said that the Biden administration was "committed to pursuing accountability for such acts using every tool available, including criminal prosecutions where appropriate."

Citing recent remarks by Secretary of State Antony Blinken, the spokesperson added: "Those responsible for war crimes committed in Ukraine will be held to account. Kremlin's heinous acts against Ukraine affect us all, they strike at the core of our common humanity. This is why we will continue to work in conjunction with the international efforts to investigate and document war crimes and bring all those responsible to justice."

But neither Russia, Syria, Ukraine, nor the U.S. are a party to the Rome Statue that serves as the foundation for the International Criminal Court in the Hague, Netherlands.

And Moscow has sought to restore Damascus' international ties, especially in the region, where Russian officials have repeatedly called on Syria to be readmitted into the influential Arab League.

That appeal was reiterated on Thursday by Russian Foreign Minister Sergey Lavrov as he visited the United Arab Emirates. Although Syria's membership remains officially suspended, Arab governments have gradually begun to gradually reconnect with Damascus in recent years.

In what could be a significant sign of progress toward that end, Assad visited the UAE just a day after Lavrov, marking the Syrian leader's first visit to a fellow Arab state since the outbreak of his country's conflict in 2011. In meetings with senior UAE leaders, including Crown Prince Mohammed bin Zayed Al Nahyan, Assad discussed broadening "brotherly" relations between the countries and their peoples.

The Biden administration quickly criticized the visit, with State Department spokesperson Ned Price saying in a statement shared with Newsweek at the time that U.S. officials "are profoundly disappointed and troubled by this apparent attempt to legitimize Bashar Al-Assad, who remains responsible and accountable for the death and suffering of countless Syrians, the displacement of more than half of the pre-war Syrian population, and the arbitrary detention and disappearance of over 150,000 Syrian men, women and children."

Citing Blinken, he said the administration does "not support efforts to rehabilitate Assad; and we do not support others normalizing relations. We have been clear about this with our partners."

"We urge states considering engagement with the Assad regime to weigh carefully the horrific atrocities visited by the regime on the Syrians over the last decade," Price said, "as well as the regime's continuing efforts to deny much of the country access to humanitarian aid and security."

Despite an increasing willingness in the region to engage with Damascus, Price asserted that the U.S. "will not lift or waive sanctions, and we do not support the reconstruction of Syria until there is irreversible progress toward a political solution, which we have not seen. "

"We believe that stability in Syria and the greater region can only be achieved through a political process that represents the will of all Syrians," he added. "We're committed to working with allies, partners, and the UN toward a durable political solution."

Sabbagh disagreed.

"As for the claim that the United States keen to find a political solution to the crisis in Syria, it is nothing but a hollow statement aimed at diverting the attention of the Syrians, prolonging their crisis, and obstructing any real solution," Sabbagh said in Monday's statement.

"The American perspective on the solution does not respect the will of the Syrian people and their national choices," he added, "but rather imposes political and military frameworks that serve its interests and meet its agendas."

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Yemen

UN human rights chief decries Saudi Arabia's recent mass execution (Middle East Eye)

March 14, 2022

The UN human rights chief on Monday condemned Saudi Arabia's execution of 81 people in a single day, and urged the kingdom to stop using the death penalty.

Michelle Bachelet said war crimes may have been committed if people were beheaded, following court cases that did not offer proper fair trial guarantees.

Saudi Arabia said Saturday it had executed a record 81 people in one day for terrorism-related offences, exceeding the total number killed in the whole of 2021 and sparking criticism from rights activists.

All had been "found guilty of committing multiple heinous crimes", the official Saudi Press Agency reported, saying they included convicts linked to the Islamic State jihadist group, al-Qaeda, Yemen's Houthi rebel forces or "other terrorist organisations".

"I condemn Saudi Arabia's mass execution on Saturday of 81 people on terrorism-related charges," Bachelet said in a statement.

The United Nations high commissioner for human rights said that among those beheaded, 41 belonged to the Shia minority and had taken part in anti-government protests in 2011-2012. A further seven were Yemenis and one was a Syrian national.

"Our monitoring indicates that some of those executed were sentenced to death following trials that did not meet fair trial and due process guarantees, and for crimes that did not appear to meet the most serious crimes threshold, as required under international law," Bachelet said.

"I am also concerned that some of the executions appear to be linked to the ongoing armed conflict in Yemen.

"Implementation of death sentences following trials that do not offer the required fair trial guarantees is prohibited by international human rights and humanitarian law and may amount to a war crime."

Saudi Arabia's human rights records have been under increased scrutiny from rights groups and western allies since the murder of Middle East Eye columnist Jamal Khashoggi in 2018.

The kingdom has one of the highest execution rates in the world, with 67 executions reported in 2021 and 27 in 2020. In 2019, 37 detainees, most of them from the country's Shia minority, were executed for alleged "terrorism".

The last time Riyadh conducted a mass execution of this scale was in 1980, after 63 militants seized the Grand Mosque in Mecca in 1979.

"I call on the Saudi authorities to halt all executions, immediately establish a moratorium on the use of the death penalty, and commute the death sentences against those on death row," Bachelet said.

"I also urge the Saudi authorities to bring the country's counter-terrorism laws fully into line with international standards."

Houthis tortured 3 journalists in Yemen, rights group says (Middle East Monitor)

March 14, 2022

The Yemeni Journalists' Syndicate announced yesterday that three journalists detained by the Houthi group in the capital Sanaa have been subjected to torture, Anadolu reported.

The rights group said it had "received a report from the families of journalists Abdel-Khaleq Omran, Tawfiq Al-Mansoori, and Harith Hamid, who have been detained since 2015 in Sanaa, stating that they had been beaten, abused and tortured in prison."

It condemned "this brutal repression and arbitrary methods", saying it held the Houthis responsible for "the systematic crime against fellow detainees."

It also expressed "strong disapproval of the group's insistence on torturing journalists who are facing an unjust death sentences and have been living in very harsh and illegal detention conditions for nearly seven years."

Calling for their immediate release, the body said: "These crimes against fellow journalists do not have a statute of limitations, and their perpetrators will not go unpunished."

There was no immediate comment from the Houthis.

On 11 April 2020, the Houthis sentenced the four journalists, including the three named by the Yemeni Journalists Syndicate, to death on charges of collaborating with the Saudi-led Arab coalition, a charge the journalists deny.

According to Reporters Without Borders (RSF), Yemen is ranked 169th out of 180 countries in the 2021 World Press Freedom Index.

Yemen: Latest killing leaves journalists fearing for their lives (Middle East Eye)

March 23, 2022

Photojournalist Fawaz al-Wafi was stabbed to death in Taiz, the latest victim in a country where those trying to report on the conflict often pay a very high price

Another journalist in Yemen has been killed in a further blow to press freedom and those trying to bring the plight of the war-torn country to the attention of the world.

Yemeni freelance photojournalist Fawaz al-Wafi was found dead in his car on Wednesday in Taiz, with stab wounds to his chest and other parts of his body, according to local sources.

"Wafi was killed in the middle of the city and until now we don't know who killed him," another journalist from Taiz, speaking on condition of anonymity, told Middle East Eye.

The journalist said he was uncertain who was responsible for the killing, but that he believed that the Yemen authorities had a duty to investigate.

"We live in an area under the control of the pro-[Abd Rabbuh Mansour] Hadi government, so they are responsible to save its residents," he said.

The man told MEE about the conditions of fear and intimidation that journalists working in Yemen have to operate under and how some had fled the country for their own safety.

"I myself was detained for five days without any accusation but I work independently, so no one could help me," he said. "I know of many other journalists who have been detained and arrested by authorities and armed groups.

"There is insecurity in Taiz and I don't go out at night as it isn't safe. I know many journalists who left Yemen and they work now from Egypt or other countries because of safety concerns."

So far, there has been no official comment about Wafi's death. It is the latest killing in a city where arms are everywhere, held by military personnel and civilians alike.

The high number of rights violations against journalists across the war-torn country have included killings, disappearances and death sentences in violation of international human rights law.

'Killed, beaten and disappeared'

In November 2021, a pregnant Yemeni journalist, Rasha Abdullah, was killed and her reporter husband, Mahmoud al-Atmi, wounded in a bomb attack on their car in Aden as they travelled to the hospital for her to give birth.

In June 2020, journalist Nabil Hasan al-Quaety was gunned down and killed by unknown assailants shortly after leaving his Aden home.

In August 2020, Michelle Bachelet, the UN human rights chief, spoke about the threats facing Yemen's journalists.

"They are killed, beaten and disappeared. They are harassed and threatened and they are jailed and sentenced to death for merely trying to shine a light on the brutality of this crisis," she said.

"Those responsible for reporting on the atrocities committed during the armed conflict and the accompanying pain and

suffering endured by civilians, are themselves being targeted."

According to the UN, from the start of the conflict in March 2015 until August 2020, there were 357 documented human rights violations and abuses against journalists, including 28 killings; two enforced disappearances; one abduction; 45 physical assaults; and 184 arbitrary arrests and detentions.

There were also 24 seizures of media organisations; 26 closures of TV channels and newspaper companies; 27 attacks on media organisations and journalists' homes; and four death sentences imposed on journalists in violation of international human rights law.

Pressure to protect journalists In 2021, Yemen was ranked 169th out of 180 on Reporters Without Borders' (RSF) World Press Freedom Index, which meant that it was categorised as "very bad" - the worst ranked group.

The conflict, between the government in Aden backed by a Saudi-led military coalition and the West, and the Houthi government in Sanaa allied to Iran, has killed tens of thousands of people and pushed Yemen to the brink of famine.

Ahmed*, who is in his 40s and from Taiz, gave up working as a journalist due to fear, preferring to work in his own shop.

"I had worked as a journalist in Sanaa and then Taiz for almost 13 years," he told MEE. "But since 2015, the situation for independent journalists has gotten much worse.

"If a journalist doesn't support one side and work under its protection that means they will face a lot of challenges and what we have heard today reflects that."

Ahmed hoped that international media foundations would intervene and put pressure on the warring sides in Yemen to protect journalists.

"The whole city of Taiz is sad today about the death of Wafi and we don't want to see any more killings in the city.

"We hope that the authorities arrest the killer and protect all civilians."

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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

Adalah petitions Israeli Supreme Court against New Citizenship Law banning Palestinian Family Unification (Adalah)

March 13, 2022

The Law explicitly states that its purpose is to ensure a Jewish demographic majority; The petitioners argue that the State can no longer defend the Law relying solely on unsubstantiated security arguments. Adalah: The Law is one of the most racist and discriminatory laws in the world, and even the South African Supreme

Court struck down similar measures during Apartheid.

The Legal Center for Arab Minority Rights in Israel filed a petition to the Israeli Supreme Court in its own name and on behalf of three Palestinian families against the Citizenship and Entry into Israel Law (Temporary Order) – 2022 adopted by the Israeli Knesset on 10 March 2022. The petition demands that the Law be revoked, as it is discriminatory on its face, violates fundamental constitutional rights and is contrary to international Law.

The ban on Palestinian family unification affects thousands of Palestinian families and tens of thousands of people. In short, it bars citizens and residents of Israel from marrying Palestinians from the West Bank and Gaza, as well as citizens of so-called enemy states – Syria, Lebanon, Iran and Iraq – and living together in Israel. It overwhelmingly affects the citizenship status and family life of Palestinian citizens of Israel and Palestinian residents of Jerusalem.

The new law adopted by the Israeli Knesset incorporates provisions from an earlier Temporary Order, initially enacted in 2003 for a period of one year. The Knesset has extended the prior law 21 times over the last 18 years. However, on 6 July 2021, the Law expired, after the Knesset failed to achieve the majority required to extend it due to competing political factions.

The petitioners argued that the new 2022 Law (Temporary Order) makes it explicitly clear that the Law's primary purpose is demographic, as Adalah had also argued in its previous petitions against the law. This purpose is emphasized in several provisions of the law, including in section 1 which reads: "taking into consideration the fact that Israel is a Jewish and democratic state," and in another provision that sets a quota on the number of permits granted by the Interior Minister for "special humanitarian reasons". Setting a quota excludes the possibility of any individual examination of applications.

The petitioners further argued that the security justifications made during the process of drafting the law in the Knesset also indicate an improper demographic purpose. The law's initiators relied on sweeping determinations that any "descendants" of a Palestinian parent constitute a security threat. They also relied on the prohibited "enemy alien" doctrine, which determines that any individual living in an "enemy territory" is to be considered an enemy.

In addition, the petitioners contended that the law is one of the most racist and discriminatory laws in the world:

"The [Law] is not only the most racist Law in the Israeli law books, but there is no country in the world that harms the status of citizenship or residency of its own citizens or residents, the core of which is family life, based on ethnic or national affiliation. There is no country in the world that restricts the right of its citizens or residents to family life with spouses from their own people. Even the Supreme Court in South Africa in 1980 during Apartheid, in a precedent-setting judgment, struck down a similar law which prohibited the unification of Black families in areas where whites lived, arguing, among other things, that Apartheid was never intended to harm family life."

In Adalah's view, the repeated extensions of the 2003 Temporary Order, including the passage of the new 2022 Temporary Order, effectively renders it as permanent legislation. The majority of Israeli Supreme Court justices in the two previous judgments on the matter, in 2006 and 2012, have given significant weight to the temporariness of the Law in order to justify it.

Therefore, the petitioners demanded the issuance of an immediate injunction ordering the Interior Minister and the Knesset to explain why the Law should not be struck down and ordering the delay of its entry into force.

A few hours after the petition was submitted, the Supreme Court issued a decision denying Adalah's request to an immediate injunction, and ordered the State to file its initial response to the petition by 15 May 2022.

Adalah added:

"For the first time, the Law explicitly states that the ban on Palestinian family unification is intended to serve the Jewish character of the state. The legislators themselves stated that they saw fit to do so, given the 2018 Jewish Nation-State Law. As Adalah argued then, the Jewish Nation-State Law constitutionally enshrines Jewish supremacy over Palestinians and has distinct characteristics of apartheid. Now the Supreme Court will have to decide whether they will continue to allow the state to operate on two separate citizenship tracks based on national and ethnic affiliation under the eternal pretext of temporality."

Israeli forces kill three Palestinians during raids in West Bank and Negev (Middle East Eye)

March 15, 2022

Israeli forces killed three Palestinians and wounded nine others on Monday across the occupied West Bank and Israel's Negev desert.

The shootings bring the number of Palestinians killed by Israel since the start of the year to 20, according to the Palestinian news agency Wafa.

Palestine's Ministry of Health said that nine Palestinians were wounded during Israeli night raids in the Qalandia and Balata refugee camps, near Ramallah and Nablus.

Wafa reported that Nader Haitham Rayan, 17, was killed in Balata refugee camp after bullets struck him in the head, abdomen and hand during an Israeli night raid.

An eyewitness told Middle East Eye that Rayan was on his way to a stall selling tea and coffee which belongs to his family when Israeli forces opened fire at him and his friend while they were riding on a motorbike.

"I tried to carry Nader but he was heavily bleeding and unconscious. His friend was crying and shouting that Nader became a martyr.

"We took him to the hospital but he had lost his life before we reached it," the eyewitness told MEE, adding that Nader and his friend did not pose a threat to Israeli forces in the area.

Nader used to sell coffee and tea in the early hours of the morning before going to school.

Jamal Rayyan, a Palestinian journalist (no relation), told MEE that Israeli forces had raided Balata camp at around 5:30am to arrest Ammar Arafat, who is wanted by Israeli security forces for allegedly forming an armed group in Nablus.

Israeli intelligence had urged Arafat to hand himself in, which he refused and stayed inside Balata refugee camp.

Armed resistance Rayyan confirmed that Arafat was arrested by the Israeli forces, who were met with armed fighters while retreating from the area.

"The intensity of clashes with the occupation forces had increased in the last periods to block raids and prevent Palestinians being arrested by Israeli forces," Rayyan said.

He added that the mood in Nablus on Tuesday was sad, and all shops had shuttered their doors and schools suspended their day and declared a mourning event.

Israeli forces said in a statement that the incident happened during an arrest operation and that two men had shot at undercover forces in Nablus, according to Haaretz. Nader Haitham Rayan was taken to Rafidia hospital in Nablus, where he was pronounced dead.

On Monday night, Alaa Shahaam, another Palestinian in his 20s, was shot in the head and killed in the Qalandia refugee camp near Ramallah.

Sanad al-Harbad, 27, a father of three, was killed in the Palestinian-majority town of Rahat inside Israel. Wafa said an Israeli special forces police officer shot at Harbad on Monday night.

Nine Palestinians have been wounded during violence prompted by the killings in the West Bank. Six of them were near Ramallah.

Wafa said that three Palestinians suffered severe wounds from live bullets hitting them in the chest. One was also hit in the leg, and another also suffered facial and neck burns caused by a stun grenade.

Israeli forces carry out night-time raids on a near-daily basis in the occupied West Bank and East Jerusalem.

Some of these raids are aimed at arresting Palestinians, but others are part of a policy of "intelligence mapping", whereby Israeli forces storm Palestinian houses to inspect them and record the names and faces of the residents.

Israeli forces shoot, kill 16-year-old Palestinian boy in Nablus (Defense for Children International Palestine)

March 17, 2022

Israeli forces shot and killed a 16-year-old Palestinian boy with live ammunition in the northern occupied West Bank Tuesday morning.

Nader Haitham Fathi Rayyan, 16, was killed by Israeli forces around 6:20 a.m. on March 15 outside the entrance of Balata refugee camp located southeast of Nablus in the occupied West Bank, according to documentation gathered by Defense for Children International - Palestine. Israeli forces targeted Nader and another boy as they passed nearby an Israeli military vehicle convoy on a motorcycle. Multiple bullets struck Nader, including at least two bullets that struck him in the back, according to documentation collected by DCIP. Nader was taken to Rafidia hospital in Nablus where he was pronounced dead.

“Israeli forces have shot and killed four Palestinian boys in the occupied West Bank in the last month,” said Ayed Abu Eqtaish, accountability program director at DCIP. “Systemic impunity has fostered an environment where Palestinian children are targeted by Israeli forces who know no bounds and shoot-to-kill in situations not justified by international law.”

Israeli forces had conducted an early morning raid that day on Balata refugee camp to conduct search and arrest operations. As Israeli forces withdrew from the camp in a convoy of at least seven armored military vehicles, Nader and another boy passed the military convoy on a motorcycle, according to information gathered by DCIP. They rode on the opposite side of the road from Israeli forces positioned across the roadway median.

Nader and the other boy were traveling to Nader’s brother’s cafe located nearby when they encountered the Israeli military convoy, and the Israeli vehicles sped in their direction, an eyewitness told DCIP. An eyewitness told DCIP that two gunshots were fired around the same time, but DCIP has been unable to verify the timing or source of the two gunshots.

An eyewitness told DCIP that the motorcycle broke down forcing Nader and the other child to get off the motorcycle. They then attempted to flee the area on foot, according to information gathered by DCIP. An Israeli soldier fired at least three bullets at Nader and the other boy from inside his armored vehicle, according to video released by the Israeli military. Then five Israeli soldiers exited their military vehicle and pursued the boys on foot, according to surveillance footage taken from a nearby business. Israeli forces fired at least 10 shots at the boys before returning to their vehicles and leaving the area after about 10 minutes, according to documentation gathered by DCIP.

Area residents took Nader by car to Rafidia hospital in Nablus where he was pronounced dead, according to information gathered by DCIP.

Under international law, intentional lethal force is only justified in circumstances where a direct threat to life or of serious injury is present. However, investigations and evidence collected by DCIP regularly suggest that Israeli forces use lethal force against Palestinian children in circumstances that may amount to extrajudicial or wilful killings.

Nader is the fourth Palestinian child killed by Israeli forces in 2022, all within a 30-day period, according to documentation collected by DCIP. Israeli forces shot and killed Yamen Nafez Mahmoud Khanafseh in Abu Dis, east of Jerusalem on March 6. Israeli forces shot and killed 13-year-old Mohammad Rezaq Shehadeh Salah on February 22 in Al-Khader, southwest of Bethlehem. An Israeli sniper shot and killed 16-year-old Mohammad Akram Ali Taher Abu Salah with live ammunition on February 13 while Israeli forces deployed in the village of Silat Al-Harithiya near Jenin in the northern occupied West Bank, according to documentation collected by DCIP.

2021 was the deadliest year for Palestinian children since 2014. Israeli forces and armed civilians killed 78 Palestinian children, according evidence collected by DCIP.

Israel's security narrative for 'apartheid wall' collapses (Middle East Monitor)

March 22, 2022

Since the start of its construction two decades ago, in defiance of international law, Israel's separation barrier, known also as the "apartheid wall," has been a major source of controversy. The wall cuts through Palestinian communities, agricultural fields, and farmlands, thus adding further obstruction and misery to the lives of Palestinians.

Israel vigorously defended the walls' construction as an essential security need. But on its 20_year anniversary, serious questions are being asked about Israel's security narrative as the occupation state turns a blind eye to thousands of Palestinians crossing through its porous wall.

Where, once Palestinians would have been shot for merely approaching the wall, a steady stream of Palestinians are able to commute through its many holes and gaps along the snaking 712 km-long route, built almost entirely within the Israeli occupied territories, beyond the 1967 borders. Some sections of the wall reach as deep as 22 km into Palestinian territory, dividing communities and leaving farmers reliant on Israeli permits to access their own land.

"Stop the Wall", a Palestinian grassroots advocacy campaign, said that upon the wall's completion, Israel will have annexed 46 per cent of the West Bank, "isolating communities into Bantustans, ghettos and military zones". The group said that the wall will isolate more than 78 Palestinian villages and communities, a total of 266,442 Palestinians.

Disputing the Israeli narrative, Palestinians have always maintained that the wall was another one of Israel's many ruses to annex their territory to build and preserve existing illegal Jewish-only settlements.

Supporting the Palestinian claim, the Guardian published a report uncovering the ease with which Palestinians move through

the wall in full view of Israeli occupation soldiers.

"The Israeli public was sold this wall as a necessary security measure," Dror Etkes, who documents illegal Israeli construction in the occupied Palestinian territories for his NGO, "Kerem Navot", is reported as saying in the British paper. "My understanding is there's been a change of policy, and soldiers are now supposed to turn a blind eye to the Palestinians coming in." Etkes estimates there are now hundreds of breaches in the barrier, which an unknown number of people use each day.

"Israel knows it needs to relieve the economic pressure in the West Bank and it benefits from the cheaper labour. Which raises the question: if [the wall] is just an arbitrary construction, why is it here at all?" Etkes asked, questioning Israel's argument about the wall.

The Palestinian economy has been starved by the Israeli occupation and has forced many to seek work elsewhere. Unemployment in the West Bank has hovered at around 25 per cent for several years, and wages are much lower than in Israel, reported the Guardian. Once they arrived, many workers remained in Israel for a week or longer, avoiding police or anyone who might report them, until they had earned enough to risk making the journey home again. Even working with no rights in sometimes dangerous conditions, the risk was worth it.

Holes are said to have been cut all along the wall to facilitate access to the Triangle, a cluster of majority-Arab-Israeli towns and villages abutting the Green Line. All the gaps were big enough for adults to pass through comfortably; incongruously, some were next to locked gates, or close to checkpoints and visible cameras. Some people said they had valid permits but chose to use the breaches in the fence because it was quicker and easier than queuing at official terminals, where soldiers can question and search them.

The International Court of Justice (ICJ), the UN judiciary organ, issued an advisory opinion in 2004, declaring Israel's separation wall illegal. It found that the wall violates international law and called for its dismantlement. It also ruled that Israel should pay reparations for any damage caused.

The UN General Assembly later voted overwhelmingly to demand Israel complies with the ICJ ruling. The vote called on UN member states "not to recognise the illegal situation resulting from the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem" and "not to render aid or assistance in maintaining the situation created by such construction".

Israel/OPT: Israel is committing apartheid, says UN Special Rapporteur (Amnesty International)

March 23, 2022

The Special Rapporteur on human rights in the Occupied Palestinian Territories (OPT), Michael Lynk, has submitted a report to the Human Rights Council, concluding that the situation in the OPT amounts to apartheid.

Saleh Higazi, Deputy Director for the Middle East and North Africa at Amnesty International, said:

"The Special Rapporteur's findings are an important and timely addition to the growing international consensus that Israeli authorities are committing apartheid against the Palestinian people. The report details how Israel has established a system of racially motivated oppression against Palestinians, explicitly designed to maintain Jewish Israeli domination, and maintained through the commission of grave human rights violations.

"Palestinian human rights organizations have been calling the situation apartheid for years, and this report is a landmark moment of recognition of the lived reality of millions of Palestinians. Like Amnesty International and many other human rights groups, the Special Rapporteur examined Israel's treatment of Palestinians through the lens of international law and reached the unmistakable conclusion that this is apartheid.

"In recent months Israel has intensified its efforts to censor and discredit anyone who uses the word apartheid. Instead of engaging with serious allegations made by human rights organizations and now the UN, Israeli authorities continue to limit their response to attacking the messenger with groundless accusations of bias. This failing strategy cannot hide the growing consensus among experts that the harsh reality of the grinding oppression to which Israel subjects Palestinians on a daily basis is a textbook example of apartheid.

"The report emphasizes the need for the international community to accept the findings of human rights organizations, including Amnesty, and start calling Israel's apartheid what it is. The international community, in particular countries allied to Israel, must stop making excuses for this cruel system of racial domination and oppression and take immediate action to help end apartheid and protect Palestinian rights."

Amnesty International's February 2022 report sets out how Israel is enforcing a system of apartheid against Palestinians

wherever it has control of their rights, including within Israel. Amnesty is calling on the International Criminal Court (ICC) to consider the crime of apartheid in its current investigation in the OPT, and for all states to exercise universal jurisdiction to investigate and prosecute persons suspected of the crime against humanity of apartheid.

The report of the Special Rapporteur examines the current human rights situation in the OPT, with particular focus on the question of apartheid. It finds that Israeli Jews and Palestinians in Occupied Palestinian Territories live “under a single regime which differentiates its distribution of rights and benefits on the basis of national and ethnic identity, and which ensures the supremacy of one group over, and to the detriment of, the other.” It sets out how this system “endows one racial-national-ethnic group with substantial rights, benefits and privileges while intentionally subjecting another group to live behind walls, checkpoints and under a permanent military rule”, and concludes that this “satisfies the prevailing evidentiary standard for the existence of apartheid”.

In January, a leaked cable from the Israeli Foreign Ministry described a planned campaign to discredit the Special Rapporteur’s work, and Israeli authorities have prevented UN human rights staff and investigators from entering Israel and/or the OPT. This is part of a wide-ranging attack on human rights which has also seen Palestinian organizations outlawed, harassed and silenced.

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Gulf Region

Saudi Arabia puts 81 to death in its largest mass execution (Associated Press) By Jon Gambrell
March 12, 2022

Saudi Arabia on Saturday executed 81 people convicted of crimes ranging from killings to belonging to militant groups, the largest known mass execution carried out in the kingdom in its modern history.

The number of executed surpassed even the toll of a January 1980 mass execution for the 63 militants convicted of seizing the Grand Mosque in Mecca in 1979, the worst-ever militant attack to target the kingdom and Islam’s holiest site.

It wasn’t clear why the kingdom choose Saturday for the executions, though they came as much of the world’s attention remained focused on Russia’s war on Ukraine — and as the U.S. hopes to lower record-high gasoline prices as energy prices spike worldwide. British Prime Minister Boris Johnson reportedly plans a trip to Saudi Arabia next week over oil prices as well.

The number of death penalty cases being carried out in Saudi Arabia had dropped during the coronavirus pandemic, though the kingdom continued to behead convicts under King Salman and his assertive son, Crown Prince Mohammed bin Salman.

The state-run Saudi Press Agency announced Saturday’s executions, saying they included those “convicted of various crimes, including the murdering of innocent men, women and children.”

The kingdom also said some of those executed were members of al-Qaida, the Islamic State group and also backers of Yemen’s Houthi rebels. A Saudi-led coalition has been battling the Iran-backed Houthis since 2015 in neighboring Yemen in an effort to restore the internationally recognized government to power.

Those executed included 73 Saudis, seven Yemenis and one Syrian. The report did not say where the executions took place.

“The accused were provided with the right to an attorney and were guaranteed their full rights under Saudi law during the judicial process, which found them guilty of committing multiple heinous crimes that left a large number of civilians and law enforcement officers dead,” the Saudi Press Agency said.

“The kingdom will continue to take a strict and unwavering stance against terrorism and extremist ideologies that threaten the stability of the entire world,” the report added. It did not say how the prisoners were executed, though death-row inmates typically are beheaded in Saudi Arabia.

An announcement by Saudi state television described those executed as having “followed the footsteps of Satan” in carrying out their crimes.

The executions drew immediate international criticism.

“The world should know by now that when Mohammed bin Salman promises reform, bloodshed is bound to follow,” said Soraya Bauwens, the deputy director of Reprieve, a London-based advocacy group.

Ali Adubusi, the director of the European Saudi Organisation for Human Rights, alleged that some of those executed had been tortured and faced trials “carried out in secret.”

“These executions are the opposite of justice,” he said.

The kingdom’s last mass execution came in January 2016, when the kingdom executed 47 people, including a prominent opposition Shiite cleric who had rallied demonstrations in the kingdom.

In 2019, the kingdom beheaded 37 Saudi citizens, most of them minority Shiites, in a mass execution across the country for alleged terrorism-related crimes. It also publicly nailed the severed body and head of a convicted extremist to a pole as a warning to others. Such crucifixions after execution, while rare, do occur in the kingdom.

Activists, including Ali al-Ahmed of the U.S.-based Institute for Gulf Affairs, and the group Democracy for the Arab World Now said they believe that over three dozen of those executed Saturday also were Shiites. The Saudi statement, however, did not identify the faiths of those killed.

Shiites, who live primarily in the kingdom’s oil-rich east, have long complained of being treated as second-class citizens. Executions of Shiites in the past have stirred regional unrest. Saudi Arabia meanwhile remains engaged in diplomatic talks with its Shiite regional rival Iran to try to ease yearslong tensions.

Sporadic protests erupted Saturday night in the island kingdom of Bahrain — which has a majority Shiite population but is ruled by a Sunni monarchy, a Saudi ally — over the mass execution.

The 1979 seizure of the Grand Mosque remains a crucial moment in the history of the oil-rich kingdom.

A band of ultraconservative Saudi Sunni militants took the Grand Mosque, home to the cube-shaped Kaaba that Muslims pray toward five times a day, demanding the Al Saud royal family abdicate. A two-week siege that followed ended with an official death toll of 229 killed. The kingdom’s rulers soon further embraced Wahhabism, an ultraconservative Islamic doctrine.

Since taking power, Crown Prince Mohammed under his father has increasingly liberalized life in the kingdom, opening movie theaters, allowing women to drive and defanging the country’s once-feared religious police.

However, U.S. intelligence agencies believe the crown prince also ordered the slaying and dismemberment of Washington Post columnist Jamal Khashoggi, while overseeing airstrikes in Yemen that killed hundreds of civilians.

In excerpts of an interview with The Atlantic magazine, the crown prince discussed the death penalty, saying a “high percentage” of executions had been halted through the payment of so-called “blood money” settlements to grieving families.

“Well about the death penalty, we got rid of all of it, except for one category, and this one is written in the Quran, and we cannot do anything about it, even if we wished to do something, because it is clear teaching in the Quran,” the prince said, according to a transcript later published by the Saudi-owned satellite news channel Al-Arabiya.

“If someone killed someone, another person, the family of that person has the right, after going to the court, to apply capital punishment, unless they forgive him. Or if someone threatens the life of many people, that means he has to be punished by the death penalty.”

He added: “Regardless if I like it or not, I don’t have the power to change it.”

Formula 1 urged not to turn blind eye to human rights abuses in Bahrain (The New Arab)

March 15, 2022

Formula 1 has come under fire for ignoring human rights abuses in Bahrain, just days before the start of the 2022 season.

The President of Formula 1, Stefano Domenicali, was sent a letter by the Bahrain Institute for Rights and Democracy (BIRD) accusing the sporting body of failing to recognise abuses in the Gulf state.

Bahrain will host the opening Grand Prix race of the season this weekend.

The letter, written by Sayed Ahmed Alwadaei, the director of advocacy for BIRD, criticises a recently signed contract that will see Bahrain host an F1 race for the next 15 years.

The letter said F1 has "abandoned those who have been tortured and imprisoned".

"[It] directly contradicts your claim from last year that F1 takes 'violence, abuse of human rights and repression very seriously'," the letter read.

Bahrain has detained pro-democracy and other political activists since an uprising in 2011.

He further accused the Bahrain Grand Prix of contributing "to the abuse and suffering of individuals, and F1 has failed to adequately use its platform to put an end to abuses or secure redress for these victims".

Formula 1 rejected the claims, saying that the motorsport body takes a strong interest in human rights.

"We take our responsibilities on rights very seriously and set high ethical standards for counter-parties and those in our supply chain," a spokesperson for the sport said.

F1 recently made the decision to drop the Russian Grand Prix in Sochi from the 2022 calendar, in light of the brutal Russian invasion of Ukraine.

Alwadaei pointed to "a clear double-standard" when applied to countries in the Middle East, singling out Saudi Arabia for its role in the war in Yemen which has left thousands dead.

Saudi Arabia was controversially added to the calendar in 2021, and drivers will be returning at the end of March for the second race of the season.

Alwadaei called on drivers to "publicly stand up for human rights in Bahrain and Saudi Arabia, including on social media platforms".

Seven-time world champion Lewis Hamilton has already raised concerns about human rights issues in some of the countries where the sport will take place.

He was critical of the sport's decision to include Saudi Arabia in the 2021 calendar and wore a rainbow-coloured "pride" helmet during the race, in an effort to raise awareness of the country's poor record on LGBTQ+ rights issues.

Hamilton has previously hinted at the abuses that occur in Bahrain.

"I do think as a sport we need to do more... not just saying that we're going to do something (but) that we actually see some action taken," said the driver in 2020.

Human rights organisation Amnesty International has condemned Bahrain for its repression of free speech, use of torture and ill-treatment, abuse of the judiciary, abuse of migrant workers, and the continued use of the death penalty.

Responding to Alwadaei's letter, Bahrain claimed that they had "led human rights reform in the region".

Activists say that the country still holds political prisoners.

A spokesperson for Formula 1 said that the sport was in the position to be a positive force for change.

"Sports like Formula 1 are uniquely positioned to cross borders and cultures to bring countries and communities together to share the passion and excitement of incredible competition and achievement," the statement read.

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Afghanistan

Starving a people, committing a genocide (New Age) By Eve Ottenberg

March 20, 2022

WHEN the United States stole \$7 billion from Afghanistan on February 11, that was no mere crime of robbery. It was a war crime and a crime against humanity that condemns possibly millions of Afghans to starvation. In short, prelude to genocide. Biden prevaricates about his excuse for this outright theft of Afghan funds, namely compensating the 9/11 victims. The Afghan government didn't kill their loved ones, indeed back in 2001 the Taliban offered to turn the al Qaeda culprits over to Washington. The US refused the offer and invaded instead.

Biden's shocking action makes all Americans complicit in sickening atrocities. According to UNICEF, 'more than 23 million Afghans face acute hunger, including 9 million who are nearly famished.' By the middle of this year, 97 per cent of Afghans will be in poverty, the UN estimates. To say these people need every penny of their \$7 billion is an understatement. To say those who steal half of it from them are monsters is the only moral assessment of such larceny. (The other half will supposedly be returned to them at some unspecified future date.) Biden has done highway robbers one better: 'Your money AND your life' is the new American message, delivered in ringing tones of mendacious self-righteousness.

This particular heist equals roughly 40 per cent of the Afghan economy and approximately 14 months of Afghan imports, according to Mark Weisbrot in the February 4 Sacramento Bee. But Biden earlier slapped other sanctions on the country, as a parting gift when US troops finally left after 20 years of wrecking the place. Overall Biden's sanctions mean 'more people will die...over the next year than the number who died in 20 years of war,' Weisbrot wrote in the March 15 CounterPunch. That's because Biden's gratuitous sanctions kill funding for the Afghan government along with money for desperately needed food imports. So between the multi-decade US war on this poor nation, drought, Covid-19 and frozen currency reserves — frozen by the Biden administration, just to be clear — it's no wonder millions of pauperised Afghans hover over the abyss of starvation.

Thus Biden cancelled out the good he did by yanking US troops out of Afghanistan. The military withdrew, but the US president opened the door to famine. And that killer walked right in. This entirely man-made catastrophe could be averted, of course. Lift the sanctions. Give Afghanistan back all of its money and lives will be saved. Don't and lots of people will die.

Clare Daly, MEP from Dublin summed it up best in a March 8 speech: 'There's no doubt about it, we're living in times where... the lives of innocent civilians are sacrificed in the wars of their masters. Yes in Ukraine, but not only. Since the last plenary tens of thousands of Afghani citizens have been forced to flee in search of food and safety, five million children face famine, an agonizing and painful death, a 500 per cent increase in child marriages and children being sold just so they can survive, and not a mention of it, not here, not anywhere, no wall-to-wall TV coverage, no emergency humanitarian response, no special plenaries, not even a mention in this plenary, no Afghani delegations and no statements. My God, they must be wondering what makes their humanitarian crisis so unimportant. Is it the colour of their skin, is it that they're not white? They're not European? That their problems come from a US gun or a US invasion? Is it that the decision to rob their country's wealth was taken by a despotic US president rather than a Russian one? Because my God, all wars are evil, and all victims deserve support and until we get on that page, we have no credibility whatsoever.'

What if Russia or China engaged in such murderous chicanery? Well, Russians and Ukrainians are killing each other right now, but the projected Afghan starvation death toll beats anything they've come up with so far. And though Biden's actions put Chinese treatment of the Uyghurs to shame — after all, their deaths are merely suspected, whereas Afghan deaths in the hundreds of thousands are a certainty if the US pursues its insane cruelty — don't expect furious denunciations of the sort regularly levelled at Beijing from the corporate media. No. Our press tiptoes around our government's culpability. But that's to be expected from our media, aka Washington's propaganda megaphone, once known as a proud free press. Free no longer. The only freedom of thought lies in the occasional unexpected investigative report or in the margins of independent media.

One exception was a March 5 article in the Guardian by Selay Ghaffar. 'Across the country, five million children are on the brink of famine. Many young people are in despair; suicide is on the rise,' Ghaffar writes and then laments the soaring price of wheat due to the Ukraine war. This rise in cost means more people will starve. Part of the reason is that during the 20-year US occupation, the country was 'made into a dependency, relying on flows of humanitarian aid.' Biden 'has refused responsibility for America's intervention in our country.'

The lesson of the US defeat in Afghanistan and the promptly ensuing sanctions is damned if you do and damned if you don't. Any country Washington attacks has a Solomon's choice: surrender or fight and win and then face Washington's global financial fury and the mass destitution it engenders. That's how the empire works. It's the sorest loser on the globe. Defeated, it exacts an excruciating revenge.

If the geniuses in Washington think they can win the propaganda war on Afghanistan, they better think again. Too many people will die to be concealed. Many cloistered Americans who consider their country blameless may not know about the Washington-inflicted mass death, but the rest of the world sure does. Just look at the front page of China's Global Times back on February 23. It featured Afghanistan's Washington-imposed agony, with a petition demanding the US return money to Afghans. And that's not the only international headline to point out Washington's brutality. As corpses pile up, the appalling US starvation of Afghans inevitably becomes as widely known as its aid to the slaughter in Yemen. But the callous sociopaths who inflict this policy on an entire nation seem scarcely to notice.

According to Vox back on January 22, before the August fall of Kabul to the Taliban, the country 'relied heavily on foreign aid; after the Taliban takeover, that influx of cash ceased...In December the World Food Programme found that 98 per cent of Afghans aren't getting enough to eat.' Afghan famine has one culprit: 'The US decision to halt aid to the country and freeze billions in Afghan government funds.'

One can only hope some major power, like maybe China, comes to the rescue. China is generally careful about illegal US sanctions, but it has cordial relations with the Afghan government and wants to include the country in its Belt and Road Initiative. Perhaps China could coordinate with the UN to put some food on Afghan tables — not too much, of course, because that would offend the omnipotent nitwits in the US government. But maybe just enough to save some lives.

Danish Siddiqui's parents to take Taliban to court over photojournalist's killing in Kandahar (India Today)

By Geeta Mohan
March 21, 2022

The parents of Indian photojournalist Danish Siddiqui will move the International Criminal Court against the Taliban tomorrow over Siddique's death in Afghanistan last year. He was killed while covering a clash between Afghan security forces and Taliban fighters in Spin Boldak district of Kandahar city last July.

"On Tuesday, 22nd March, 2022, Danish Siddiqui's parents, Akhtar Siddiqui and Shahida Akhtar will initiate legal action to investigate his killing and bring those responsible, including high level commanders and leaders of the Taliban, to justice," the family said in an official statement.

Calling his killing "a crime against humanity" and a "war crime", the statement said: "On 16th July, 2021, Pulitzer award winning Indian photojournalist Danish Siddique was illegally detained, tortured and killed by the Taliban, and his body was mutilated. These acts and this killing constitute not only a murder, but a crime against humanity and a war crime. This was not an isolated incident. The Taliban's military code of conduct, published as the Layha, has a policy of attacking civilians, including journalists. The United Nations Assistance Mission in Afghanistan documented over 70,000 civilian casualties attributed to the Taliban."

Lawyer Avi Singh will represent the family in the case.

The Taliban took over Afghanistan last August in a stunning sweep to power, overthrowing a democratically elected government.

Danish Siddiqui started his career as a television news correspondent and later switched to photojournalism. He was a photojournalist with international news agency Reuters and worked as a correspondent with the India Today Group from September 2008 to January 2010. His last story was about a mission undertaken by the Afghan commandos to extract a wounded policeman trapped by Taliban insurgents on the outskirts of Kandahar.

Soldier who blew the whistle on alleged war crimes denies Ben Roberts-Smith vendetta (SBS News) March 21, 2022

An SAS member who blew the whistle about Ben Roberts-Smith's alleged war crimes in Afghanistan has been accused of trying to "character assassinate" the decorated veteran by speaking out to the media.

The warrant officer class two, codenamed Person Seven, is spending his fourth day in the witness box at the civil trial brought by Mr Roberts-Smith against three newspapers that he says defamed him in reports of alleged war crimes and murders in Afghanistan between 2006 and 2012.

The 43-year-old denies all the accusations.

Person Seven on Monday denied claims put to him by Mr Roberts-Smith's counsel, Arthur Moses SC, that he attempted to "character assassinate" the war hero by falsely alleging he assaulted unarmed Afghans.

The court heard Person Seven was the source of an article which claimed Mr Roberts-Smith kned an Afghan "in the guts" and "smashed" him in the cheek.

Quizzed over the incident, Person Seven said it was what he saw, heard, and said, and rejected the barrister's assertion he divulged it to portray himself as a hero.

"Mr Moses, I'm completely unknown ... No one has a clue who I am," he said.

Earlier, asked whether he became "filled with anger and frustration" on a 2011 military speaking tour he and Mr Roberts-Smith participated in about the battle of Tizak, the witness said "not at all".

"I've got on with my life," he said.

The court heard both Person Seven and Mr Roberts-Smith fought in the 2010 battle, with Person Seven declining to take the initiative to neutralise machine guns because he was "trying to stay alive".

The witness rejected the assertion he had become "consumed by the thought" he chose not to assault the machine guns.

"I do not regret anything at the battle of Tizak ... my personal performance," he said.

He conceded not being brave enough to attack the machines guns, but denied the barrister's claims this had caused him to resent the war hero.

"Not at all," he said.

The trial has previously been told that a basis on which Mr Roberts-Smith was awarded his VC was storming machine gun positions at Tizak.

In his evidence, Person Seven has said he watched the war hero attack an unarmed Afghan prisoner, bully a comrade and threaten to strangle a man.

He has also testified that a soldier, dubbed Person Four, told him Mr Roberts-Smith kicked an unarmed Afghan prisoner off a cliff in Darwan in 2012.

He has denied being entrenched with a group of soldiers against Mr Roberts-Smith, or "dumping on" him in interviews with journalists.

The SAS member was one of two anonymous sources who appeared on the Nine Network's 60 Minutes program in 2019 in breach of Australian Defence policy, the trial has been told.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

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Bangladesh International Crimes Tribunal

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War Crimes Investigation in Myanmar

UN accuses Myanmar army of war crimes, torture, killings (Al Jazeera) March 15, 2022

Myanmar's military has engaged in systematic human rights violations, many amounting to war crimes and crimes against humanity, the United Nations said in its first comprehensive human rights report since last year's coup.

Security forces have shown a flagrant disregard for human life, using air raids and heavy weapons on populated areas and deliberately targeting civilians, UN High Commissioner for Human Rights Michelle Bachelet said on Tuesday.

Many victims were shot in the head, burned to death, arrested arbitrarily, tortured, or used as human shields, she said in a statement on the report, which urged "meaningful action" by the international community.

"The appalling breadth and scale of violations of international law suffered by the people of Myanmar demand a firm, unified, and resolute international response," Bachelet said.

The military has said it has a duty to ensure peace and security. It has denied atrocities have taken place and has blamed "terrorists" for causing unrest.

The military has failed to consolidate power after its overthrow of Aung San Suu Kyi's elected government in February 2021 triggered a backlash of a kind not seen in decades.

Western countries have imposed broad sanctions on the military and its businesses after anti-coup protests were lethally suppressed by troops, with thousands of people arrested and many prosecuted, including Aung San Suu Kyi, who has since been convicted of crimes that include incitement.

'Systemic attacks'

The UN report said it was based on interviews with many victims of abuse, as well as witnesses, whose accounts were corroborated with satellite imagery, verified multimedia files and open-source information.

The army has met sustained resistance in the countryside from militias allied with the deposed government. The UN report said troops had carried out mass killings in the Sagaing region, with some victims found dead with their hands and feet tied.

In Kayah State, burned bodies of women and children were found, some in positions indicating they had tried to escape and were burned alive, it said.

The report found detainees were tortured during interrogation, including suspension from ceilings, electrocution, injection of drugs and some subjected to sexual violence, including rape.

"We have really been able to identify a pattern over the past year, which indicates that this is planned, coordinated, systemic attacks; that there are clear indications that they would amount to war crimes and crimes against humanity," UN human rights office spokeswoman Ravina Shamdasani told reporters in Geneva.

"This is the clearest yet indication of the commission of these crimes."

In the past year, the military has year scolded the UN and its independent experts for interference and what it calls reliance on distorted information from partisan groups.

The report said that at least 1,600 people had been killed by security forces and their affiliates, while more than 12,500 people had been detained.

At least 440,000 others have been displaced and 14 million are in need of urgent humanitarian assistance, the delivery of which has largely been blocked by the military in new and pre-existing areas of need, said the report.

Myanmar's human rights record had been under the spotlight even before the 2021 coup.

The majority of the country's Rohingya Muslim minority was forced to leave in 2017 after being persecuted by the Myanmar military in a campaign that involved the burning of Rohingya villages and the killing of civilians.

At the time, the UN labelled the actions of the Myanmar military "a textbook example of ethnic cleansing".

Myanmar: UN Rights Body Should Advance Justice (Human Rights Watch) March 18, 2022

The United Nations Human Rights Council should adopt a strategy for accountability in Myanmar to end abuses by the military junta, Human Rights Watch said today. The council will discuss Myanmar and the new report by the UN Human Rights Office at its meeting on March 21, 2022.

The Human Rights Council resolution should call for all UN member states to prevent the flow of weapons into Myanmar and impose stronger, targeted economic sanctions against individuals implicated in abuses and military interests. The resolution should also urge the UN Security Council to refer Myanmar to the International Criminal Court.

"The UN Human Rights Council should respond to Myanmar's human rights and humanitarian crisis with urgency and purpose," said Lucy McKernan, deputy UN advocacy director at Human Rights Watch. "The rights council should take strong action against security forces that have never faced consequences for their numerous crimes."

Since the February 1, 2021, coup, Myanmar's junta has carried out a brutal nationwide crackdown to suppress those opposing military rule. The junta's systematic and pervasive abuses, including mass killings, torture, arbitrary arrests, and indiscriminate attacks on civilians, amount to crimes against humanity and war crimes.

The UN Office of the High Commissioner for Human Rights condemned Myanmar security forces' violations of international human rights and humanitarian law in a March 15 report, stating:

The military and security forces have shown a flagrant disregard for human life, bombarding populated areas with airstrikes and heavy weapons and deliberately targeting civilians, many of whom have been shot in the head, burned to death, arbitrarily arrested, tortured or used as human shields.

In recent weeks, there have been increasing reports of Myanmar military airstrikes and use of heavy weapons causing civilian loss of life and property. The UN special rapporteur on human rights in Myanmar, in his February report on government sales of weapons to the Myanmar military, said that jet aircraft, attack helicopters, armored vehicles, light and heavy artillery, missiles, and rockets are being used against civilians. More than 400 of the attacks reported occurred in Sagaing Region in northwestern Myanmar, where most civilian fatalities have recently occurred.

The Human Rights Council, in addition to calling on all UN member countries to prevent the transfer of weapons to Myanmar, should also call for all revenues from oil, gas, timber, and gems that flow to the military and help finance the abuses to be put into an escrow account for the Myanmar people until a democratically elected civilian government is restored. Since the coup, security forces have killed at least 1,600 people and detained more than 12,000, according to the Assistance Association for Political Prisoners. Over 500,000 people have been internally displaced since the coup, while tens of thousands have fled as refugees to Thailand and India, according to the UN refugee agency, UNHCR.

In many parts of the country, the junta is deliberately blocking aid to populations as a form of collective punishment. The UN estimates that the number of people needing assistance has grown from 1 million before the coup to 14.4 million, including more than 5 million children. About 25 million people, or half the population, are estimated to be below the national poverty line.

Internet shutdowns remain in parts of the country after the junta imposed rolling nationwide shutdowns and blocked access to social media following the coup. Under international human rights standards, internet-based restrictions must be necessary and proportionate. Blanket internet shutdowns are a form of collective punishment that hinder access to information and

communications needed for daily life, which is particularly vital during times of crisis.

“Senior General Min Aung Hlaing and other junta leaders have been able to brutally quash protests and dissent with minimal international interference,” McKernan said. “The Human Rights Council should urgently push back against these abuses and lead the international response to protect rights and advance accountability in Myanmar.”

US declares Myanmar army committed genocide against Rohingya (Al Jazeera) March 21, 2022

The United States has formally determined that violence committed against the Rohingya minority by Myanmar’s military amounts to genocide and crimes against humanity, US Secretary of State Antony Blinken has announced.

Blinken, speaking at the US Holocaust Memorial Museum in Washington, DC, on Monday, said “beyond the Holocaust, the United States has concluded that genocide was committed seven times.

“Today marks the eighth, because I’ve determined that members of the Burmese military committed genocide and crimes against humanity against Rohingya,” he said. The statements came 14 months after Blinken took office and pledged to conduct a new review of the violence.

Myanmar’s armed forces launched a military operation in 2017 that forced at least 730,000 of the mainly Muslim Rohingya from their homes and into neighbouring Bangladesh, where they recounted killings, mass rape and arson. In 2021, Myanmar’s military seized power in a coup.

Blinken said the determination followed a “factual assessment and legal analysis prepared by the State Department” and “included detailed documentation by a range of independent impartial sources, including human rights organizations like Amnesty International, Human Rights Watch.”

US officials and an outside law firm had previously gathered evidence in the wake of the attacks, in an effort to acknowledge quickly the seriousness of the atrocities, but then-Secretary of State Mike Pompeo declined to make a determination.

Blinken said the evidence showed “a clear intent behind these mass atrocities – the intent to destroy Rohingya, in whole or in part”.

He cited an array of testimony from Rohingya and Myanmar soldiers who had defected, as well as military officials’ social media postings and racial slurs yelled during the attacks.

While the announcement on Monday focused on the Rohingya, Blinken noted “it’s also important to recognise that for decades, the Burmese military has committed killings, rape and other atrocities against members of other ethnic and religious minority groups.”

Myanmar’s military did not immediately respond to Blinken’s statement. However, it has repeatedly denied committing genocide against the Rohingya, who are denied citizenship in Myanmar. It has maintained it was conducting an “operation against terrorists” during the 2017 violence. A United Nations fact-finding mission concluded in 2018 that the military’s campaign included “genocidal acts”, but Washington referred at the time to the atrocities as “ethnic cleansing”, a term that has no legal definition under international criminal law.

“It’s really signalling to the world and especially to victims and survivors within the Rohingya community and more broadly that the United States recognises the gravity of what’s happening,” a State Department official said of Blinken’s announcement on Monday.

A genocide determination does not automatically unleash punitive US action.

The State Department has formally used the term to describe massacres in Bosnia and Herzegovina, Rwanda, Iraq and Darfur, the ISIL’s (ISIS) attacks on Yazidis and other minorities, and most recently, last year, over China’s treatment of Uighurs and other Muslims. China denies the genocide claims.

Blinken on Monday also announced \$1m of additional funding for the Independent Investigative Mechanism for Myanmar (IIMM), a UN body based in Geneva that is gathering evidence for potential future prosecutions.

“It’s going to enhance our position as we try to build international support to try to prevent further atrocities and hold those accountable,” a US official told reporters before the announcement.

US Senator Jeff Merkley, a member of the Senate Foreign Relations Committee who led a congressional delegation to Myanmar and Bangladesh in 2017, welcomed the move.

“While this determination is long overdue, it is nevertheless a powerful and critically important step in holding this brutal regime to account,” Merkley said in a statement.

Speaking on Monday, Blinken also referenced the military’s removal of Aung San Suu Kyi, a democracy champion who became state counsellor of Myanmar after being released from military detention in 2016.

The military coup came just days after US President Joe Biden took office, with Senior General Min Aung Hlaing seizing power on February 1, 2021 while claiming Aung San Suu Kyi’s 2020 election victory was the result of widespread fraud.

Election monitoring groups have found no evidence of mass fraud.

The armed forces crushed an uprising against their coup, killing more than 1,600 people and imprisoning nearly 10,000, including civilian leaders such as Aung San Suu Kyi, according to the Assistance Association for Political Prisoners (AAPP), a campaign group, and setting off an armed rebellion.

The figures from the AAPP could not be independently verified.

The military has said the group’s figures are exaggerated and that members of the security forces have also been killed in clashes with those opposing the coup.

“The military is targeting anyone it sees as opposing or undermining its repressive rule,” Blinken said.

In response to the coup, US and Western allies sanctioned the military and its business interests, but have been unable to convince the generals to restore civilian rule after they received military and diplomatic support from Russia and China.

Blinken noted the military leaders who committed the “genocidal campaign against Rohingya...were the same military leaders who overthrew Burma’s democratically elected government”.

Activists believe a clear statement by the US that genocide was committed could bolster ongoing efforts to hold the generals accountable, including a case in the International Court of Justice (ICJ) in which The Gambia has accused Myanmar of genocide, citing Myanmar’s atrocities against the Rohingya in Rakhine State.

Myanmar’s military has said The Gambia is acting as a proxy for others and had no legal standing to file a case.

The International Criminal Court (ICC), a separate court at The Hague, is also investigating the deportation of Rohingya from Myanmar, and the IIMM in Geneva is gathering evidence that could be used in future trials.

Myanmar opposes the investigations and has refused to cooperate, asserting the ICC does not have jurisdiction and that its decision to launch an inquiry was swayed by “charged narratives of harrowing personal tragedies which have nothing to do with the legal arguments in question”. John Sifton, Asia advocacy director at Human Rights Watch, said Myanmar’s military has faced “few real consequences for its atrocities, whether against Rohingya or other ethnic minority groups in Myanmar”.

As well as imposing more economic sanctions on the military government, the US should press for a UN Security Council resolution that would refer the military’s alleged crimes to the ICC, Sifton said.

If Russia and China veto a resolution, as is likely, Washington should lead the action in the UN General Assembly, he said.

“Condemnations of Myanmar should be coupled with concrete actions,” he said.

Before Blinken made the decision this month, officials debated whether blaming Myanmar’s government – rather than specifically its military – for the atrocities could complicate US support for the country’s deposed democratic forces, a source familiar with the matter told Reuters news agency.

The State Department opted to pin the blame on the military, according to a state department senior department official.

“It’s not clear to what degree the civilian leadership had control over actions that were happening in Rakhine State and so that’s where the determination ends at this point,” the official told Reuters news agency.

Aung San Suu Kyi, who then shared power with the generals, travelled to the ICJ in 2019 to reject the genocide charges brought by The Gambia.

She said the country would itself prosecute any soldiers found to have committed abuses, but maintained the alleged violations did not rise to the level of genocide, for which the specific intent to destroy a group has to be proven.

When they seized power, the generals put Aung San Suu Kyi on trial in nearly a dozen cases that could see her sentenced to more than 100 years in prison. She remains in detention.

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AMERICAS

TOPICS

Truth and Reconciliation Commission

What the Sankara Assassination Trial Means for West Africa (Counsel on Foreign Relations) By Ebenezer Obadare
May 9, 2022

Why are prosecutors trying the former leader of Burkina Faso?

Former President Blaise Compaore and thirteen other defendants are facing charges in connection with the assassination of President Thomas Sankara in October 1987. Sankara and a dozen others were gunned down during a meeting of his National Revolutionary Council. Compaore, a close friend and associate of Sankara who took over the reins of government after Sankara's death, is believed to have orchestrated the killings - though he has continually denied any involvement. Additionally, media reports cite long-standing suspicions that outside actors, including France, backed the attack on Sankara, who was outspoken in his anti-imperialist rhetoric.

Burkinabe authorities suppressed all information about the shooting and instead reported that Sankara died of natural causes, but human rights groups and the victims' families have consistently claimed to know the true details. It was not until Compaore, after twenty-seven years in power, was overthrown and fled into exile in neighboring Ivory Coast in 2014 that the opportunity arose to mount a serious investigation. Prosecutors are seeking information about the assassination and a conviction that will deliver a firm message against rights abuses.

How relevant is the Compaore case to the recent turbulence in Burkina Faso?

Compaore's trial is taking place in a military court amid instability in Burkina Faso and the rest of the region following a spate of military takeovers. Last month, military commander Paul-Henri Sandaogo Damiba led the overthrow of Burkina Faso's democratically elected president, Roch Marc Christian Kabore. This has renewed fears of a return to an era of strongman rule, and that anxiety has been aggravated by seeming public support for the soldiers' action. While the anxiety is understandable, the Compaore trial offers a timely reassurance that the Burkinabe public has a long memory, and that the current crop of soldiers can count on being held accountable for their actions in office. (It's worth noting that although the trial was begun under Kabore, the current military rulers have so far allowed it to proceed.) During his nearly three decades in power, Compaore dominated the country's politics through authoritarian means while seeking to bury the memory of his former friend. No matter the outcome of the ongoing trial, that it is taking place at all is a symbolic victory.

What's behind the continued push for truth and reconciliation initiatives in the region?

While Compaore is being tried in absentia in Burkina Faso, Gambia's Truth, Reconciliation, and Reparations Commission (TRRC), established in 2017, has recommended the prosecution of former President Yahya Jammeh and others for "very

serious crimes against the people." Jammeh was in power for twenty-two years after overthrowing Sir Dawda Jawara in 1994 and is now in exile in Equatorial Guinea. The TRRC is holding Jammeh responsible for attacks on political rivals and the rape or sexual abuse of three women, among other crimes.

The push for truth, justice, and reconciliation has been enabled by the expansion of democratic space following Compaore's and Jammeh's ousters. For as long as both were in power, chasing real and perceived enemies from pillar to post, it was difficult to mobilize against them. Their exits from power gave witnesses the courage to come forward. For Sankara specifically, the ardor for him and for what many of his young admirers believe he represented has never dimmed. At the start of Compaore's trial last year, the prosecution submitted a list of sixty witnesses who agreed to testify against him. In Gambia, the TRRC's final report drew on some four hundred witness testimonies.

Truth and justice efforts are also likely inspired by antecedents in other African countries. In Nigeria, the Human Rights Violations Investigation Commission (also known as the Oputa Panel) was established in 1999 to investigate gross human rights abuses across previous dispensations. More famously, the South African Truth and Reconciliation Commission (TRC) was instituted in 1996 to investigate human rights abuses during the apartheid era.

What do these initiatives signify for democracy in the region?

Though there is still a long way to go in both Burkina Faso and Gambia, these initiatives represent a symbolic victory for the rule of law and the pursuit of justice. Even if Compaore's trial ends with an acquittal or, less likely, a dismissal of all charges, it will still send a message to human rights violators - military or civilian - that it is no longer business as usual in the region. And while the recommendations of the TRRC in Gambia are just that, legal advocates across the region have called for Jammeh to be extradited to Senegal to face the Extraordinary African Chambers, a tribunal established by the African Union and Senegal in 2013. The initiatives in Burkina Faso and Gambia underscore the need for an independent public sphere to rein in the state and hold it to account.

What should the United States and other Western countries do?

Western partners should give material and other forms of support to the initiatives in both countries. The United States can lean on Equatorial Guinea to agree to extradite Jammeh, who has been accused of stealing \$1 billion from his country. French President Emmanuel Macron should redeem the promise he made during a 2017 trip to Burkina Faso to declassify documents pertaining to Sankara's assassination.

Important Step Toward Justice in DR Congo? (Human Rights Watch) By Carine Dikiefu Banona
March 11, 2022

The Congolese human rights minister launched national consultations on a new transitional justice initiative that, if implemented, would help the Democratic Republic of Congo emerge from conflict, address grave human rights violations, and institute needed reforms.

Representatives of Congo's presidency and government, along with United Nations officials, international experts, and members of the national human rights commission participated in a ceremony last week in Kalemie, Tanganyika, in eastern Congo. The Congolese government reaffirmed its commitment to justice and reconciliation and to holding to account those responsible for serious crimes committed across the country.

Throughout decades of conflict in Congo, armed groups and national security forces have violated the laws of war, attacking civilians and civilian infrastructure, leaving death, displacement, and destitution in their wake. Much of the violence has been committed on ethnic lines, and both rebels and national forces have committed sexual slavery and rape.

One constant throughout this violence: an almost total lack of accountability. The absence of justice has fueled further violence, and addressing it will be critical to establishing sustainable peace, especially in the violence-wracked east.

National consultations conducted in all the country's provinces will help determine the Congolese government's transitional justice policy. Congo's human rights minister said the consultations should lead to the establishment of a truth and reconciliation commission. But Congo needs more than just the nonjudicial aspects of transitional justice. Failing to prosecute those responsible for serious crimes encourages a cycle of impunity and promotes violence.

Last year, a coalition of over 50 Congolese and international nongovernmental organizations recommended that Congo's government make justice for serious crimes a top priority by adopting a clear strategy to hold those suspected of grave human rights violations accountable. They made clear that transitional justice efforts will only be credible if they include and prioritize criminal accountability for serious crimes, in line with international law.

Grand speeches on ending impunity for atrocities have been made before in Congo. Most of the time, these speeches weren't worth the paper they were printed on.

The Congolese government now has an opportunity to restore justice for some of the world's most brutal crimes. The big question is, will it?

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Terrorism

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Piracy

Global pirate attacks and maritime armed robbery incidents lowest since records began (Hellenic Shipping News Worldwide)

March 14, 2022

The global reporting centre for pirate and maritime armed robberies has recorded the lowest number of incidents since records began.

The International Maritime Bureau (IMB) received 132 reports of attacks against ships in 2021, the lowest since 1994.

It has attributed the drop in incidents to action taken by authorities but is calling for continued co-ordination and vigilance to ensure the long-term protection of seafarers.

"While the overall reduction in globally reported incidents is welcomed the IMB piracy reporting centre urges coastal states to acknowledge the inherent risk from piracy and armed robbery and robustly address this crime within the waters of their exclusive economic zone," IMB Director Michael Howlett said.

"The IMB remains committed to actively engage and exchange information with coastal states to promote safety for seafarers and trade."

Incidents last year included 115 vessels being boarded, 11 attempted attacks, five vessels fired upon and one vessel hijacked.

Last November the crew of Danish navy patrol vessel Esbern Snare shot five pirates, killing four, in the Gulf of Guinea in an exchange of fire off the coast of Nigeria.

The incident occurred when the Danish frigate, which has been patrolling the area since early November, attempted to board the pirate ship.

The IMB said the increased presence of international naval vessels and co-operation with regional authorities has had a positive impact in combating criminal gangs.

It said the overall reduction in incidents in 2021 followed a decline in the Gulf of Guinea region, to 34 reported incidents last year from 81 in 2020.

However, although kidnappings at sea dropped 55 per cent in 2021, the Gulf of Guinea continued to account for all kidnapping incidents globally, with 57 crew taken in seven separate incidents.

The IMB urged crews to remain cautious and said the violent gangs continue to pose a high risk.

"The IMB commends the robust actions of the international navies and regional authorities in the Gulf of Guinea which appears to have positively contributed to the drop in reported incidents and ensuring continued safety to crews and trade," Mr Howlett said.

"While the IMB applauds these actions it further calls on the coastal states of the Gulf of Guinea to increase their collaboration and physical presence in their waters to ensure a long term and sustainable solution to address the crime of piracy and armed robbery in the region."

It recorded 35 incidents against vessels navigating the Singapore Straits, a 50 per cent increase from 2020 and the highest number of reported incidents since 1992. Vessels were boarded in 33 of the 35 incidents.

The EU has announced funding for a £1.3 million (\$1.72m) training programme to improve the safety of vessels in the Gulf of Guinea.

In act of piracy, Saudi Arabia seizes another fuel ship bound for Yemen's Hudaydah (PressTv)

March 22, 2022

The Yemen Petroleum Company (YPC) says the Saudi-led war coalition has confiscated yet another emergency fuel ship bound for the Red Sea port of Hudaydah, a lifeline for millions of Yemenis which has been tightly controlled by Saudi Arabia.

The company announced that the vessel was impounded despite being inspected and holding entry permits from the United Nations.

To further tighten the noose around the Yemeni people, the Saudi-led aggression [coalition] detained the second emergency ship "Sea Door," despite being searched and have obtained entry permits from the UN," YPC spokesman Issam al-Mutawakel said, Yemen's al-Masirah news network reported on Tuesday.

He added that the seizure clearly ignored the Yemeni people's suffering from the lack of fuel in the impoverished war-ravaged country.

The number of confiscated vessels en route to Hudaydah rose to three, including two fuel tankers, Mutawakel said.

Over the past one and a half years, the Saudi-led coalition has held dozens of ships, blocking Yemen's much-needed fuel imports amid a crippling siege.

The act of maritime piracy has deteriorated the humanitarian situation in Yemen, while much of the country's vital sectors, including hospitals as well as electricity and water services, have already come to a halt.

More than 23 million Yemenis face hunger, disease, and other life-threatening risks as the country's basic services and economy are collapsing, according to the UN Office for Humanitarian Coordination (OCHA).

Saudi Arabia launched the devastating war against Yemen in March 2015 in collaboration with a number of its allies and with arms and logistics support from the US and several Western states.

The objective was to return to power the former Riyadh-backed regime and crush the popular Ansarullah resistance movement, which has been running state affairs in the absence of an effective government in Yemen.

The war has stopped well shy of all of its goals, despite killing tens of thousands of Yemenis and turning entire Yemen into the scene of the world's worst humanitarian crisis.

Yemeni forces have continued to grow stronger in the face of the Saudi-led invaders, advancing toward strategic areas held by Saudi-led mercenaries, including Ma'rib province, and conducting several rounds of counterstrikes against Saudi Arabia and the UAE in recent months.

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Gender-Based Violence

Women in Ukraine say sexual violence is being used as an "instrument of war" (Marie Claire) By Kate Hollowood

March 23, 2022

Ukraine's attorney general has announced the first rape charges against a Russian soldier during the war so far. This comes amid calls for an international tribunal to investigate the conduct of Russian troops

It's been a month now since Russia launched a full scale invasion of Ukraine. While reports of the exact death toll vary, it's been said that at least 9,800 Russian soldiers have been killed and 900 Ukrainian civilians. However, the UN notes that the actual civilian death toll is likely to be "considerably higher".

Disturbing reports of Russian sexual violence towards Ukrainian civilians have also been emerging.

Yesterday, Ukraine's attorney general, Iryna Venediktova, announced the first rape charges against a Russian soldier. In a Facebook post, she wrote: "Prosecutors of Kiev region have established a Russian soldier who killed an unarmed man and repeatedly raped his wife [...] He was announced wanted and arrested concerns have been brought to court."

Female civilians in Ukraine have also been speaking out about multiple reports of rape and sexual abuse by Russian troops. The latest comes from 30-year-old Anastasia Taran, who managed to escape the town of Irpin after it was captured by Russian forces.

"Irpin is Hell," Anastasia told Ukrainian news site Euromaiden Press. "They rape women and the dead are just being dumped"

Anastasia explained that at best, the Russians are kicking people out of their homes, but many are just shooting the civilians. "They open the basements where people are hiding and shoot them," she said.

Anastasia and her husband continued to live in the Russian-occupied city for a week without electricity, heating, water or access to communication and the internet. They then managed to escape with their three cats and are now in the Western city of Lviv. With the bridges out of Irpin bombed and Russian troops shooting citizens trying to escape, many residents have not been so lucky.

Anastasia's reports of sexual violence echo other accounts. For example, Svetlana Zorina, 27, told CNN earlier in March that she's heard many stories of young women being raped on the streets of Kherson, just north of Crimea.

Meanwhile, Ukrainian MP Lesia Vasylenko said Russian troops were sexually abusing senior citizens on the outskirts of Kyiv, while speaking during a press briefing in the UK.

The abuse is happening to "the most vulnerable of the vulnerable," she said.

"These women are usually the ones who were unable to get out," she said. "We're talking about senior citizens of Ukraine. It's an extremely painful topic for us to take up, but unfortunately it's still the very beginning of the atrocities that will go on. Putin's army is committing war crimes, and crimes against humanity."

On Twitter this morning, Vasylenko wrote: "2 million women were raped in Germany by Russians during WW2. #Russia again is using rape as an instrument of war. This time in #Ukraine. History repeats itself".

Ukraine's foreign minister Dmytro Kuleba has also spoken about sexual violence amid the fighting in Ukraine. "We have numerous cases of, unfortunately, when Russian soldiers rape women in the Ukrainian cities," he said in a briefing earlier this month.

He called for a special tribunal to take place to investigate the conduct of Russian troops. According to Dmytro, international law "is the only tool of civilisation that is available to us to make sure that in the end, eventually, all those who made this war possible will be brought to justice".

As we learn about the atrocities happening in Ukraine right now, it's easy to feel helpless and overwhelmed. But there are plenty of ways we can help support Ukraine during this time, from writing to your MP and donating to fundraising initiatives, to supporting local Ukrainian journalism.

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Commentary and Perspectives

We Need a Better Way to Prosecute Sexual Assault in Conflict (Foreign Policy)] By Hikmet Karcic
March 9, 2022

Following many years of organizing within the United States, Kosovar survivors of conflict-related sexual violence that occurred during the 1998 to 1999 Kosovo War are now pressing U.S. President Joe Biden to seek redress and accountability from the government of Serbia. An estimated 20,000 rapes of Kosovar women were carried out by Serbian soldiers and police during the conflict but, to date, only one has been prosecuted by a court of law, and it is now on appeal. According to Human Rights Watch, the assaults may have served as a means "to discourage women from reproducing in the future," which indicates genocidal intent.

A letter sent to Biden by Democratic Congressman Adriano Espaillat of New York and 15 of his colleagues in December requested the administration to urge Serbian President Aleksander Vucic to bring justice to the perpetrators who raped and tortured Kosovar women, citing the case of Vafije Krasniqi Goodman, a U.S. citizen born in Kosovo who was raped by a Serbian police officer as a 16-year-old girl in her village in 1999.

Goodman, the first woman to go public about her rape in Kosovo, testified before Congress in 2019, emotionally detailing her abuse. The letter also addressed other alleged crimes against humanity perpetrated during the conflict, including the case of three Kosovar Americans who were executed in Serbia in 1999. Despite its well documented human rights abuses and staggering death toll, only six men have been found guilty of crimes committed during the Kosovo War by the International Criminal Tribunal for the Former Yugoslavia (ICTY). And the body has completely failed to prosecute perpetrators of sexual violence from that conflict. Local courts in Kosovo are just beginning their own war crimes prosecutions. Last year, the first sex crime verdict against a Serbian police officer was handed down in Pristina.

Regrettably, this only follows more general trends. Though rape and sexual assault committed during conflict are legally considered atrocity crimes, they are rarely prosecuted by international and national courts. But now, by acting on the letter sent to him by lawmakers, Biden can initiate a course correction. Most of the groundbreaking international jurisprudence on sexual violence has been generated by ad-hoc tribunals. The first international treaty to implicitly outlaw sexual violence was the Hague Convention of 1907. Article 46 of the document conveyed that "family honour and rights" must "be respected." But this did not end impunity for conflict related crimes of sexual violence. Indeed, rape and sexual assault were not prosecuted at the Nuremberg Tribunals or by the Tokyo Tribunals after World War II, although Japanese authorities raped and detained an estimated 200,000 women in the Asian theater throughout the war. Korean and other women enslaved by the Japanese also have not been able to achieve any form of justice in subsequent legal action. As recently as last year, a South Korean court upheld Japan's immunity and dismissed victim claims against the Japanese government for reparations. The Japanese government has refused to apologize for these crimes, saying the issue of legal responsibility was resolved in past treaty agreements with South Korea. Justice has remained elusive for more than 70 years for these remaining survivors.

In 1949, the landmark Geneva Conventions were adopted by the United Nations, setting standards for the treatment of civilian populations during war. Among other provisions, they state, "Women shall be especially protected against rape, enforced prostitution, or any form of indecent assault." But it was not until the wars fought during the breakup of the former Yugoslavia when two female survivors of sexual assault, Jadranka Cigelj and Nusreta Sivac, invoked this line to take action. After their rescue from the camps in 1992, Cigelj and Sivac, both lawyers, gathered over 200 testimonies of women who were raped by Bosnian Serbs. They presented the evidence to the ICTY, persuading prosecutors to act on the testimonies and include crimes of sexual violence committed during conflict.

During the Bosnian War from 1992 to 1995, Bosnian Serb forces strategically targeted women, children, and many men detained in concentration camps. The worst such incident occurred in 1992 in the Luka concentration camp in the town of Brcko, where Bosnian Serb authorities detained Bosnian Muslims and Bosnian Croats. Many of the male survivors have rarely spoken about their experiences given the taboos around sexual abuse perpetrated against men. The chief perpetrators of these atrocities were Goran Jelusic and Monika Karan, a couple keen on sadistic torture and murder. While Jelusic was one of the first to be arrested and indicted by the ICTY in 1999, Karan slipped under the radar. She was a teenager at the time she committed the atrocities, later changing her identity and continuing to live in Republika Srpska, the Serb entity in Bosnia and Herzegovina. Karan was arrested in 2011 and convicted by a court in Brcko to four years in prison for war crimes against civilians. She was released early in 2014 and blended back into society. In total, the ICTY charged more than 70 individuals with crimes of sexual violence including sexual assault and rape by ICTY, ultimately convicting 32 of them. This produced landmark international jurisprudence with respect to sexual violence during conflict. In a few different cases since 2000, the tribunal found rape to be a crime against humanity, an act of torture, and a tool of terror, establishing a clear link between rape and ethnic cleansing. However, the ICTY failed to establish that rape was a component of genocide, though an estimated 50,000 rapes were perpetrated during the Bosnian war.

The landmark precedent declaring rape a war crime was made in 1998 by the International Criminal Tribunal for Rwanda (ICTR).

The landmark precedent declaring rape a war crime was made in 1998 by the International Criminal Tribunal for Rwanda (ICTR). Established in 1994, the tribunal worked in parallel to the ICTY. Their case laws overlapped and supplemented each another. During the 1994 Rwandan genocide, roughly half a million women and children of the Tutsi ethnic group were raped, sexually mutilated, or murdered by Hutu extremist gangs and police during a span of 100 days. In 1998, Jean Paul Akayesu, the mayor of Taba commune, became the first person convicted for directing rapes of Tutsis, establishing the precedent that rape and sexual violence can constitute genocide. It was then used to convict Pauline Nyiramasuhuko, at the time the Rwandan minister for family welfare and the advancement of women, who ordered the rape and murder of Tutsi women and girls.

The International Criminal Court (ICC) levied its first conviction in 2016 for sexual crimes against Jean Pierre Bemba Gombo, former vice president of the Democratic Republic of Congo, for atrocities committed during the conflict in the Central African Republic from 2002 to 2003. But in 2018, to the dismay of survivors and human rights activists, Bemba was acquitted on all charges by the Appeals Chamber. In 2019, Congolese rebel commander Bosco Ntaganda was convicted for crimes committed in the Democratic Republic of Congo in 2003, including sexual slavery and rape. This time, the verdict was upheld by the Appeals Chamber. It is considered a landmark conviction for wartime rape.

More recently, the Yazidi community in Iraq was subjected to horrific crimes by members of the Islamic State after the fall of Sinjar province in 2014. In 2016, the Independent International Commission of Inquiry established by the United Nations released a report that labeled the crimes perpetrated against the Yazidis as "unimaginable horrors," stating the acts constituted genocide in their entirety.

In 2021, the Iraqi Council of Representatives adopted the Yazidi Survivors Law, which should pave the way for prosecutions of Islamic State sex crimes and trafficking in domestic Iraqi courts. The law instituted reparations for Yazidi, Christian, Turkmen, and Shabak minority groups, and supports education, health services, and universal basic income for these communities. In 2021, a German court convicted an Islamic State member for genocide and crimes against humanity but did not address the alleged sex crimes. The enslavement and trafficking of Yazidi women and other sex crimes must be addressed in future trials.

Also last year, reports surfaced of a systematic rape campaign by the Ethiopian government forces against women in Tigray province in the country's ongoing civil war. During a Ethiopian parliamentary session in on sexual violence in Tigray, Prime Minister Abiy Ahmed rebuffed the severity of the allegations, saying, "The women in Tigray? These women have only been penetrated by men, whereas our soldiers were penetrated by a knife." Similarly, survivors of the concentration camps in China's Xinjiang province have alleged systematic sexual violence and rape as a torture tactic against the Uyghur detainees. In 2021, the Ethiopian Office of the Attorney General prosecuted four Ethiopian soldiers, three of whom were found guilty of rape and one of whom was convicted for killing a civilian in the Tigray region. There are also 28 Ethiopian soldiers on trial for killing civilians and 25 on trial for acts of sexual violence and rape.

Just last week, the ICC announced it will launch an investigation into alleged war crimes, including rape, perpetrated in Ukraine since 2013, when protests against Russian-backed President Viktor Yanukovich began and were soon followed by the Russian annexation of the Crimean Peninsula and strife in eastern Ukraine. There have already been reports of renewed sexual assaults since the full-scale Russian invasion of the country began last month. In Tigray, Sexual Violence Has Become a Weapon of War

The world must step in now and call the assaults what they are: a war crime.

The vast majority of survivors and their families will never attain justice. This is because leaders often lack the requisite political will to pursue prosecution of these crimes in the courts they oversee. As a result, there is a paucity of courts with jurisdiction over sexual violence committed during war. Despite the best efforts of the Women, Peace, and Security apparatus at the United Nations, survivors of conflict-related sexual violence are generally underserved by public agencies intended to provide reparations and health care for survivors of wartime sexual violence. While survivors from Bosnia and Herzegovina are legally entitled to care and compensation through a domestic reparations program, the country has been ineffective in providing them under international standards. The survivor has sometimes only been awarded damages if provided a rare opportunity to participate in a criminal trial. The survivors of these crimes deserve prosecution within a reasonable amount of time. There must be a redoubling of political will by the world community with respect to preventing conflict-related sexual violence.

In 2019, the Nobel laureates Denis Mukwege and Nadia Mura established the Global Survivors Fund, which is conducting a study focusing on the status and opportunities for reparations for survivors of sexual violence in more than 20 countries. A preliminary report was presented last year at the 76th session of U.N. General Assembly. Supporting implementation of the

recommendations by the Global Survivors Fund at the next U.N. General Assembly in September will be a major step forward in the delivery of reparations globally.

All tribunals, including the ICC and regional courts such as the Inter-American Court of Human Rights, European Court of Human Rights, African Court on Human and Peoples' Rights, and the Kosovo Specialist Chambers, should be staffed with trained lawyers and psychologists to work with witnesses who have suffered sexual violence. This is not a niche cohort as nearly all conflicts of the past 25 years have featured endemic sexual violence toward all genders. There is a paucity of courts with jurisdiction over sexual violence committed during war.

The Kosovo Specialist Chambers and Specialist Prosecutor's Office Court (KSC and SPO) is a Kosovo court with international judges and prosecutors that has jurisdiction to prosecute all war crimes that occurred in Kosovo during the war. The court can operate both in Kosovo and from a courtroom in the Hague. To date, however, the KSC and SPO has not charged or tried any Serbian perpetrators for crimes of rape in Kosovo. Legal scholar Paul Williams of American University's Washington College of Law has suggested it expand its prosecutions to include war crimes such as rape and sexual violence committed during war.

Now, in response to Goodman's plea for justice, Biden should direct the U.S. government to take immediate steps to support the prosecution of the perpetrators who carried out sexual violence against Albanian women during the Kosovo War through the auspices of the KSO and SPO. The United States should provide funds and staffing of lawyers and psychosocial staff to work with all victims, regardless of present nationality. This requires the engagement of the Serbian government, a tall order given that Belgrade has refused to cooperate with the KSO and SPO in many cases. Serbia does not recognize Kosovo but has cooperated with the KSO and SPO in some cases involving Serbian victims. Vucic does not acknowledge that rape was a strategy of the Serbian military forces against Kosovars, and pushing him to do so will likely take significant pressure from the U.S. State Department. The United States can begin by supporting the Serbia-Kosovo dialogue and pushing Serbia to recognize Kosovo, or at least halt its stonewalling that has prevented Kosovo from attaining membership in international bodies such as the United Nations and Organization for Security and Cooperation in Europe. Lack of membership in these groups impacts the forms of redress available to Kosovars. Washington must continue to put human rights at the center of its foreign policy, as well as in the strategic plans for the U.S. embassies in Pristina and Belgrade.

Goodman has been pressing her case with exceptional courage and deserves her day in court, along with hundreds of other women who were raped during the Kosovo War. More than 20 years after this miscarriage of justice, now is the time for accountability.

Denmark's Mismatched Treatment of Syrian and Ukrainian Refugees (Human Rights Watch) By Nadia Hardman
March 16, 2022

Shortly after Russia's latest invasion of Ukraine, the Danish Immigration Service reportedly asked Denmark's 98 municipalities to assess their capacity to take in Ukrainian refugees. This same agency recently began stripping Syrian refugees of their residency permits in a bid to force them back to Syria, asserting that parts of Syria are safe.

Last week, I participated in a press conference in Copenhagen to show why the decision to remove temporary protection for Syrian refugees that come from Damascus or the Damascus Countryside area was wrong. We presented recent Human Rights Watch findings that show Syrians continue to face danger and a devastated country, thanks in part to the same Russian forces now responsible for international humanitarian law violations in Ukraine. The irony was palpable. In the last few years, Denmark has been to the forefront among European countries to enact pernicious laws and policies designed to deter people from seeking asylum. It has a self-declared zero-asylum policy. Chief among these is the so-called "jewelry law" a measure which allows the government to seize asylum seekers' assets, including their jewelry, to fund their stay in the country. The Danish government has clarified that Ukrainian refugees will be exempted from this law.

In a reversal that Denmark is not alone in pursuing, the country has justified its open-door policy for Ukrainian refugees because of the proximity of the war and the fact that Ukraine is a "European neighbor."

While the Danish response to Ukrainian refugees is commendable, invoking European solidarity does not justify the mismatched treatment for Syrian refugees, some of whom have been stripped of their basic rights and forced to stay in deportation centers, where they are left in agonizing limbo with the choice to live deprived of the right to work and get an education, or return to Assad's Syria.

There is no such thing as a "bad" refugee; Denmark's unequal treatment of predominantly Black and brown non-Christian and non-European asylum seekers risks perpetuating this myth. Denmark should use this moment to rein back some of its most restrictive asylum policies, reinstate temporary protection for all Syrian refugees, and widen its embrace of Ukrainian refugees

to include others as well. Anything less will result in a two-tiered system that discriminates among refugees for no objective reason.

The Forest Behind the Trees: Exploring Family Violence in Tunisia (Human Rights Watch) By Kenza Ben Azouz
March 16, 2022

A notable achievement since Tunisia's adoption of Law No. 58 on the Elimination of Violence Against Women in 2017 is that it has broken the taboo on speaking about domestic violence. Yet, while spousal violence has received significant attention, it can be seen as the tree hiding the forest: family violence, and its multifaceted implications for women in their adulthood, remains a kind of family secret. It is time to shed light on this dimension of violence against women.

Violence by domestic partners constitutes 75.5% of cases of violence against women reported to the Tunisian authorities' hotline between January and October 2021. The violence women have experienced in their own families growing up is rarely reported, though, obscuring its lasting impact in women's lives. For the past six months, I have researched domestic violence across Tunisia - in El Kef, Tunis, Sidi Bouzid, Regueb, Mahdia, Gabes, and Zarzis. I interviewed 30 survivors of domestic violence and over 50 representatives of civil society organizations, judges, lawyers, police officers, and other stakeholders.

When I spoke with survivors, most chose to tell me about their husbands' and ex-husbands' physical, psychological, sexual, and economic abuses against them. They rarely mentioned the violence they'd been exposed to within their own families growing up unless explicitly asked about it. I was struck by the paucity of institutional and informal strategies to counter such violence. Violence against women is a crime, regardless of family ties. It is the state's legal responsibility to treat it as such and ensure effective prevention, protection, and prosecution measures are implemented and support services are sufficiently available to survivors.

The Men of the Family

"Dad was tough" is what victims of domestic violence said almost unanimously when describing their childhood. Fathers, who are, by Tunisian law, the heads of household, were typically the first to introduce their daughters to violence in their childhood. Yet, survivors did not dwell on the violence by their fathers. They were more willing to condemn violence by their brothers. Women described how their brothers, upon reaching adolescence, had exerted their domination over the girls in the family, imitating their fathers, often more harshly.

"My older brothers started beating me since primary school," said a 29-year-old woman from Tunis, one of many who spoke to me about their brothers' abuse. "Every time one of them walked me to school, he'd find a reason to beat me. They wanted me to submit to them. [...] My parents knew. I couldn't do anything about it; they're my 'big brothers,' you know," She was only one of only two women I interviewed who complained to the police about the ongoing abuse. When she did, at the age of 24 in 2016, they responded, "Don't do that to your brother," she told me. "I said he had to take responsibility for his actions, but they refused. I felt defeated."

Bochra Belhaj Hmida, a well-known lawyer and women rights defender, was the first to bring my attention to the phenomenon: "We need to start talking about brothers' violence, I have seen too many young women being policed and terrorized by their brothers who were too scared and felt too guilty to speak out." Yet, sibling violence remains under-explored in Tunisia - and worldwide.

Such violence stems in part from the way that families subordinate daughters and assign them domestic chores and constraining social rules. Women spoke of a son-centric 'mentality' that rejected girls. "In 2012, when our first child was born, my husband was disappointed because he'd expected a son but it was a girl," Yamouna Khlifi, a 47-year-old woman from Zarzis told me. "I didn't realize that was what had bothered him right away - I had no control over that! He became violent and absent. In 2015, when I got pregnant again, he was very unsupportive. He wasn't spending any money on medical treatments, I went to the hospital on my own. When I gave birth, the only thing he brought was a cold sandwich and he asked me, "What did you bring out this time?" When he realized it was a girl, he left the hospital right away. He became physically violent then."

When women marry, they are often expected to move in with their husband's family and do domestic chores for the whole family. Their low status within the family makes them vulnerable to violence by their in-laws. "My husband's mother and sisters treated me like their slave," said a 43-year-old woman from El Kef, as she described the domestic chores and beatings her in-laws put her through.

Spousal Violence, a Family Legacy

Family violence infringes on women's basic rights and physical integrity and often pushes them into the arms of their abusers.

The story of a 40-year-old woman from Ben Arous is illustrative: "I left my family to escape its violence, only to find worse violence with my husband. I knew he was violent with his own family, but I didn't think he'd do this to me. [...] I have already forgiven him seven times for his beatings, but I think he'll never change. At this stage, I am scared he might kill me." She said she had endured 12 years of extreme physical and psychological violence before she tried, in vain, to file a complaint against her husband for violence with the police. She still lives with her husband.

Naila Msalbi, a 43-year-old woman from Sidi Bouzid made the connection clearer: "My family was never violent with me, which is why I couldn't accept my husband's violence," she said. She moved out with her children when her husband's abuse started in 2017.

In other cases, family violence affects how survivors see themselves and their future relationships. A 44-year-old woman from Gabes, who filed four complaints of domestic violence, said: "I felt pressured all through my childhood. There was no warmth for me in my family; all the love went to my brother. He didn't have to stay quiet or study. For him, everything was forgiven, but I couldn't make the smallest mistake without being harshly punished. I grew up feeling unloved. My childhood has everything to do with the violent partner I ended up choosing as an adult."

Studies have stated that boys who grow up in violent families are ten times as likely to reproduce this violence in their spousal relationships. Out of 12 survivors who were mothers of both boys and girls, seven said their sons, but not their daughters, had turned violent toward them too - insulting them, but also hitting them - sometimes starting as young as age 11. The concept of a "cycle of violence" can be situated within wider family households, and not just with domestic partners.

A Lonely Road

In a society that holds family ties sacred, and in which unrelated people refer to one another as 'brothers' and 'sisters' in a sign of affection, survivors' loneliness was a disconcerting finding. Not one of the 30 survivors I interviewed had been encouraged by her family to leave or complain against her abuser. Instead, they said their mothers beseeched them with phrases like, "Just be patient," "Think of your children," and "That's what men are like." Fathers often reminded them, "You chose him, it is your responsibility now."

Survivors who'd mustered the courage to leave their abusers went to police stations and courts even though these bodies were often daunting to them. Often, their families did not support them, making their path a lonely one. While, in many cases, economic duress constrained families' capacity to care for their daughters and grandchildren who were trying to get away from abusers, the way the survivors' families slammed their doors on them is hard to fathom. "I stayed at my parents' for three days, but then they kicked us out," said the woman from Ben Arous. "My mother told me my dad had beaten her all her life and that I just had to deal with my husband. My husband even used this against me in court, saying my mother herself didn't support me." While the luckiest survivors expressed gratitude to local civil society organization staff who'd assisted them, most had no family or friend to speak to and could not afford a psychologist. Civil society organizations and institutions supporting survivors lamented the shortage of psychologists trained in dealing with domestic violence, and their incapacity to provide longer-term counseling to survivors.

Fathers' Fault and the State's Role

When discussing family violence, survivors and service providers almost unanimously pointed to mothers' responsibility, as the de facto primary caregivers, in reinforcing sexist and unhealthy gendered roles in their children's upbringing. There are many pitfalls in blaming the mothers, though. While raising mothers' awareness is important, this objective must not obscure the patriarchal socialization of women and their being worn down by a daily average of 8 to 12 hours of unpaid domestic work. In combatting the social origins of violence, the focus should be on fatherhood and toxic masculinity.

Countering domestic violence, including within families, is the state's responsibility under the Constitution and Law No. 58 on violence against women. Tunisian authorities should display zero-tolerance toward family violence and ensure that officials are prepared to combat such violence. The authorities need to allocate reasonable budgets toward implementing Law No. 58 to break the cycle of violence against women. They should ensure that police reception units are trained to detect and thoroughly investigate family violence and systematically inform survivors of their rights. They should prosecute those responsible for family violence and establish and fund safe shelters across the territory.

The state's response to violence also needs to include prevention measures to break discriminatory gender stereotypes, address violence in the home including by fathers and brothers, and encourage families to become active allies in survivors' lives. The authorities should work across ministries, with civil society organizations, educational institutions and the media for such awareness-raising efforts.

Russia's Use of Cluster Munitions and Other Explosive Weapons Shows Need for Stronger Civilian Protections (Human Rights Watch) By Bonnie Docherty

In the current armed conflict in Ukraine, Russian forces have relied heavily on two types of weapons that are notorious for the unacceptable and often unlawful harm they inflict on civilians. The weapons are cluster munitions, which have been banned by most countries in the world, and explosive weapons with wide area effects, which when used in populated areas are among the major causes of civilian casualties in contemporary armed conflict.

Attacks with these weapons have already killed and injured hundreds of civilians, turned buildings into rubble, and led to mass displacement. Judging by the experience of past conflicts, they will most likely also leave Ukraine with a legacy of harm that lingers long after active hostilities end.

Cluster Munitions

Cluster munitions, large weapons that contain dozens or hundreds of smaller weapons called submunitions, endanger civilians for two reasons. First, they have a wide area effect because they spread their submunitions over a broad footprint, commonly the size of a football field. These submunitions cannot distinguish soldiers from civilians when used in populated areas. Second, many of their submunitions do not explode on impact, becoming de facto landmines that pose threats to civilians for months, years, or even decades after a conflict. These so-called 'duds' are frequently detonated by children who think they are toys, farmers who hit them with their plows, or refugees who return home.

The immediate harm caused by cluster munitions has already been evident in Ukraine. Human Rights Watch (where I am a senior researcher) documented a strike by Russian forces near a hospital in Vuhledar in the Ukraine-controlled Donetsk region on Feb. 24. A 9M79-series Tochka ballistic missile delivered a 9N123 cluster munition warhead, containing 50 submunitions. The attack killed four civilians and injured another 10, including six healthcare workers. It damaged a hospital building, an ambulance, and civilian vehicles.

Four days later, on Feb. 28, Russian forces launched 9M55K Smerch cluster munition rockets in three neighborhoods of Kharkiv, Human Rights Watch found. Each of these rockets, which are often fired in volleys of 12, carries 72 9N235 submunitions. The United Nations reported nine civilian deaths and 37 injuries in attacks across the city that day.

Russian forces launched Smerch and Uragan cluster munitions into the city of Mykolaiv on Mar. 7, 11, and 13, reportedly killing nine civilians in line at a cash machine on the last day alone, according to more recent Human Rights Watch research. Other organizations and journalists have also reported cluster munition attacks in Ukraine.

International humanitarian law (IHL)'s rule of distinction requires parties to a conflict to distinguish between civilians and combatants and between civilian objects and military objectives. The use of cluster munitions, at least where civilians may be present, violates this rule. Human Rights Watch and others argue they are inherently indiscriminate. At the time of attack, the wide-area effect of these weapons prevents them from distinguishing between combatants and non-combatants. In addition, the unexploded submunitions they leave behind makes them indiscriminate because their effects cannot be limited. Attacks using cluster munitions in populated areas may also violate the principle of proportionality, which prohibits attacks in which expected injury to civilians or damage to civilian objects is excessive in relation to anticipated military advantage.

The people who order or carry out cluster munitions attacks against civilians or civilian objects with criminal intent - that is, willfully or recklessly - are responsible for war crimes.

Due to the unacceptable harm cluster munitions cause and their indiscriminate nature, the 2008 Convention on Cluster Munitions bans their use, production, transfer, and stockpiling. Although Russia and Ukraine have not joined the treaty, 110 countries are party, including most NATO countries (although not the United States).

The convention also obligates each state party to "promote the norms it establishes and ... make its best efforts to discourage States not party to this Convention from using cluster munitions." In compliance with this provision, at least 15 states parties have condemned or expressed concern about Russia's use of cluster munitions in Ukraine.

The president of the Convention on Cluster Munitions, which is currently the United Kingdom, along with the NATO Secretary-General, the UN High Commissioner for Human Rights, and the European Union have also condemned the use of cluster munitions in Ukraine.

Explosive Weapons in Populated Areas

While cluster munitions are especially horrific for civilians, they are just one type of explosive weapon. The broader category of explosive weapons, which encompasses artillery shells, mortar rounds, rockets, missiles, enhanced blast (aka thermobaric)

weapons, and aerial bombs, among others, has caused the bulk of the conflict-related damage in Ukraine.

The use of explosive weapons in populated areas has grave humanitarian consequences both during and after attacks. Those effects are magnified when the weapons have wide area effects because: they have a large blast or fragmentation radius; they are inaccurate; they deliver multiple munitions at once (e.g., cluster munitions); or they have a combination of the above.

Russia's bombing and shelling of Ukraine's cities and towns has taken a physical and psychological toll on the civilian population. According to Human Rights Watch, Russian artillery shelling and airstrikes killed or injured more than 450 civilians in the city of Kharkiv in the first 11 days of the conflict. The attacks have also leveled homes, apartment buildings, and other primarily civilian structures and infrastructure, and damaged the environment.

The costs of this method of war, however, extend beyond its direct effects. The use of explosive weapons with wide-area effects in populated areas also causes indirect and reverberating effects. The destruction of infrastructure can interfere with essential services and in turn infringe on an array of human rights.

In 2016, I co-authored an in-depth report on the effects of explosive weapons- use on health care in the earlier conflict in eastern Ukraine, which was published by Harvard Law School's International Human Rights Clinic (where I teach) and PAX. We found, for example, that damage to power plants and communication lines seriously affected hospitals and the provision of health care, and thus undermined the right to health. Such reverberating impacts will almost certainly be more severe in the current - much larger - conflict.

The use of explosive weapons in populated areas also exacerbates displacement. As of Mar. 18, more than three million people had fled Ukraine as a result of the conflict, according to the UN Refugee Agency (UNHCR). The attacks on urban centers with explosive weapons are one of the driving factors. In a statement to the UN Security Council, a representative from the UN Office for the Coordination of Humanitarian Affairs (OCHA) noted that many of these effects were already being felt by Feb. 28. "As we all feared, civilians are already paying the price," he said. "The scale of civilian casualties and damage to civilian infrastructure, even in these very early days, is alarming."

Explicitly highlighting the dangers of the use of explosive weapons with wide-area effects, he continued, "Civilians will undeservedly suffer the most from these attacks on densely populated urban centres. . . . And the longer this goes on, the greater the cost will be for civilians."

Using explosive weapons with wide-area effects in populated areas can be expected to result in indiscriminate attacks with a high loss of civilian life. The patterns of harm to civilians that these weapons cause, including their reverberating effects, are well documented and heighten concerns that attacks will also be disproportionate. In addition, the use of explosive weapons with wide area effects in populated areas is generally counter to the IHL duty to take all feasible precautions to minimize civilian harm. Those who are responsible for using explosive weapons unlawfully with criminal intent are committing war crimes. While explosive weapons, unlike cluster munitions in particular, are not banned by any instrument of international law, countries have been working toward a political declaration that addresses the humanitarian consequences of their use in populated areas. The next round of negotiations of this Ireland-led process, which had been postponed by the Covid-19 pandemic, are now scheduled for April 6-8.

The events in Ukraine underscore how important it is for countries to include in the declaration a commitment to avoid the use of these weapons in populated areas. This political commitment, although non-binding, would set important standards for dealing with a deadly practice of modern war. The concern regarding Russia's use of explosive weapons in Ukraine's urban centers from countries including Austria and Ireland, and as stated in the UN Human Rights Council resolution of Mar. 4, demonstrates the growing support for these standards.

Cease and Condemn

The horrific images and accounts emerging from Ukraine offer a glimpse of the immediate harm that Russian cluster munitions and explosive weapons are inflicting on Ukraine's civilians. Documentation of the effects of these weapons in past conflicts suggest the harm will be long term.

To prevent furthering the humanitarian crisis, Russia should immediately cease the use of cluster munitions and avoid using explosive weapons with wide area effects in populated areas. Other countries and the United Nations should support documentation efforts to ensure domestic and international accountability for any violations of IHL and international human right law and in particular support the International Criminal Court's Ukraine investigation.

Other states and the United Nations should also explicitly condemn the use of cluster munitions and explosive weapons with wide area effects in populated areas. Such focused criticism will not only increase pressure on Russia to change its practices in Ukraine. It will also strengthen the international norms against these means and methods of war.

It will bolster the Convention on Cluster Munitions, increasing its influence among countries that have not already joined; encourage the adoption a robust political declaration on explosive weapons in populated areas; and in so doing, help improve protections for civilians in future conflicts.

Shank: Russian and U.S. war crimes (Times Argus) By Michael Shank

March 22, 2022

President Joe Biden has become the latest leader to call Russian President Vladimir Putin a war criminal when asked by reporters Wednesday to weigh in on the subject. In so doing, he joins a growing list of international leaders to condemn Putin's invasion of Ukraine in the harshest terms - but also reveals one of the hazards of doing so, particularly as the leader of the United States. After all, our own record on war crimes is nowhere near crystal clear, and any International Criminal Court (ICC) prosecution will only have limited significance as long as it continues ignoring other war crimes.

There is no question that Putin should be held accountable for war crimes and, rightfully, the ICC is now investigating that possibility.

Getting a conviction will be a heavy lift. The ICC has never prosecuted a sitting leader, and neither Russia nor Ukraine are parties to the ICC's founding treaty (nor is the U.S., for that matter). Russia also holds veto power over any UN Security Council recommendation to the ICC.

Still, though it might not result in an actual conviction in the ICC, the international community's legal censure of Russia is essential to setting a standard and not letting human rights violations and war crimes slide. Among Putin's myriad potential violations, the indiscriminate bombing of civilian infrastructure and the intentional targeting of hospitals and other medical facilities, constitute war crimes. They breach the Geneva Conventions, which are international rules of engagement for armed conflict.

Locking in this legal censure against Putin should be the floor in terms of holding the Kremlin accountable for its actions in Ukraine.

But something with more teeth may be possible too, given the growing global pushback against Putin. The assistance of economic and social censuring, which created the groundswell for this legal censuring, has been impressive. The economic censures, which include dismissal of Russia's favored nation trading status, dismemberment from financial systems like SWIFT, discontinuation of energy imports into the West, and a whole host of global business boycotts, send the powerful message that the world is united. And the social signals around the world are a mighty show of people power. That includes the thorough media storytelling of this war and the wellspring of support for Ukraine on social media. All of this may help create the space for the ICC to go further.

But while this legal, economic and social censuring is necessary now and may contribute to ultimately stopping Putin's aggression, it's been noticeably absent when the United States has done the same in its recent Geneva Convention-breaching invasions of sovereign nations, resulting in the deaths of hundreds of thousands of civilians and the displacement of tens of millions of people.

Did the censors above, who now support a war crimes probe against Putin, call for the same response to America's indiscriminate bombing of civilian infrastructure and intentional targeting of hospitals and medical facilities, all of which also constitute war crimes? They did not. And while it's not easy to recognize faults in one's own foreign policy, it's even more difficult to enforce norms internationally when one's own country continues to contravene them. Take Afghanistan, where a U.S. AC-130 gunship knowingly fired upon a hospital run by Doctors Without Borders, killing dozens of patients and medical staff, including children, and injuring dozens more. The U.S. was warned in advance of the hospital's location, knew it was there, and decided to intentionally target it anyway.

And these aren't isolated incidents. A Red Cross site in Afghanistan was bombed twice within two weeks. Such horror stories were common; the U.S. bombed multiple wedding parties and international media offices.

In Iraq, the U.S. strategy was the same. The U.S. intentionally targeted an air raid shelter, killing over 400 civilians who were sheltering from the war, leaving nothing but "charred and mutilated remains," according to a BBC journalist. The U.S. bombed everything from an infant formula production plant to press offices and civilian hotels in Iraq, where they knew international journalists were staying.

The same U.S. strategy was prevalent in Yemen: American bombs were used on hospitals run by Doctors Without Borders, killing and injuring innocents. For years, in fact, the U.S. aided and abetted the Saudi-led coalition's intentional bombing of

residential areas, again with American bombs.

Meanwhile, in Syria, the U.S. went to great lengths to cover up airstrikes which killed dozens of civilians. In Libya, the U.S. killed scores of civilians in places where there was no valid military target to justify the attacks, with NATO's assistance. And in Somalia, there's been zero accountability for U.S. airstrikes that killed civilians.

The list goes on and includes legitimate and actionable nuclear weapons threats by the U.S., just like what we're seeing now with Putin. And the U.S. presidents responsible, from George W. Bush to Barack Obama, have been justly accused of war crimes and are equally deserving of the kind of accountability the world is now calling for with Putin.

It's much easier to finger-point than take stock internally.

If the ICC, the Geneva Conventions and the UN Security Council are to have any moral weight whatsoever, then we must prosecute justly and consistently. That means when we call for war crimes accountability for Putin, we do it also for Bush and Obama. No war criminals left behind. That means when we call for the UN Security Council to remove Russia's permanent membership, we do it for the U.S., too. No war criminals allowed. Otherwise, this whole exercise is meaningless and fraught with hypocrisy.

Too many American aggressors are off the hook, making it that much harder to make the case for Russian aggression to be on it. And double standards like this merely provide more ammunition for anti-American propaganda, which is already pervasive.

Prosecute Putin for war crimes. But account for America's war crimes, too.

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WORTH READING

The Possibility of International Prosecution of Individuals for Crime of Terrorism under International Law

Abdurahman Seid

March 18, 2022

The purpose of this paper is to analyze the possibility of international prosecution of individuals for acts of terrorism – committed in peacetime – under international law. At the same time, it tries to answer whether there is an international crime of terrorism under international law. For this end, international treaties and jurisprudence of international courts as well as writings of scholars were analyzed. In the analysis, the paper finds out that, though acts of terrorism has long been criminalized by international law in a number of treaties, due to the opted enforcement mechanism –indirect or national prosecution, there is no clear legal ground for international prosecution of individuals. For this reason, there is an ongoing debate on the possibility of such prosecution.

However, based on the recognition of some acts of terrorism as crime against humanity under the Statute of ICC, and on the emergence of terrorism as a distinct customary crime under jurisprudence of the Special Tribunal for Lebanon, the paper argues that there is a promising development, that shows states consensus, both in treaty as well as in customary international law for an international prosecution of individuals. The paper contends that any argument that oppose such development is futile, seen in light of history of international criminal law, current practice of states in criminalization and prosecution of terrorism and the desire of states to end impunity of international terrorists. Thus, for an effective international prosecution of individuals, the paper urges for crystallization of such development with the adoption of internationally binding treaty or an extension of jurisdiction of ICC for international prosecution of individual terrorists.

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