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Contents

AFRICA

NORTH AFRICA

Libya

- **Ex-Russian Commander Slams Head of Wagner Group Over 'War Crimes (Newsweek)**

CENTRAL AFRICA

Central African Republic

- **EU imposes additional sanctions on Wagner Group for 'rights abuses' in Africa (French 24)**

Sudan & South Sudan

- **Impunity drives cycles of 'horrific' crimes in South Sudan, Human Rights Council hears (United Nations News)**

Democratic Republic of the Congo

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- Troops arrest mastermind of Abuja-Kuduna train attack (Punch)
- Nigerian troops killed 133 extremists over election period (The East African)
- SISWAP fighters 'kill over 200 Boko Haram insurgents' in Borno (The Cable)
- Troops repels Boko Haram attack on Monguno town (Daily Post)
- Borno: About 1,250 Boko Haram surrendered after 200 fighters killed (Vanguard)
- Boko Haram abducts seven villagers in Borno (TheGuardian)

Mali

- At least 13 civilians killed in central Mali attack: media (Big News Network)
- Two International Red Cross Workers Kidnapped in Mali – ICRC (U.S. News)

Liberia

- Liberia: Two ex-soldiers claim Massaquoi was at Waterside, ordered killings, rapes (Premium Times)
- Liberia: Gibril Massaquoi accused of ordering rape, looting (Premium Times)
- SLiberia: Ex-Soldier Accuses Gibril Massaquoi of “Ordering” Burning of Civilians Alive in a House in Lofa (Front Page Africa)

EAST AFRICA

Uganda

Kenya

Rwanda

- UN to shut down Arusha tribunal detention facility (The Citizen)
- Kabuga Trial: For Rwandans, “The Old Man Is Still Hiding” (Justice Info)
- Rwanda: Kabuga Rewarded Interahamwe for Killing Tutsi – Witness (All Africa)

Somalia

- Somalia's Neighbors to Send Additional Troops to Fight Al-Shabab (VOA News)
- Somalia working to 'stop violence' amid Somaliland tension (Al Jazeera)

Ethiopia

- Slaughter on Eve of Ethiopian Peace Draws Accusations of War Crimes (New York Times)
- Human rights organizations, advocates press UN to reject Ethiopia's plea (The Reporter)

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- Bosnian Croat Ex-Fighters Convicted of War Crimes in Mostar (Balkan Transitional Justice)
- Court of BiH confirms the Indictment against Rade Grujic for Crimes against Humanity (Sarajevo Times)

International Criminal Tribunal for the Former Yugoslavia

- **Bosnia Herzegovina court sentences 3 former Croat soldiers for war crimes (AA)**
- **Mechanism's Appeals Chamber to decide on Stanisic and Simatovic Case in June this Year (Sarajevo Times)**
- **Prosecutor Files Case Against Bosnian Serb Leader Dodik For Genocide Denial (Radio Free Europe)**

Domestic Prosecutions In The Former Yugoslavia

Turkey

- **Turkey taken to International Court for 'crimes against humanity'(Euractiv)**

Kosovo Specialist Chambers

Azerbaijan

- **Three Artsakh Police Officers Killed after Azerbaijani Ambush (Asbarez)**
- **Three Artsakh Police Officers Killed after Azerbaijani Ambush (Asbarez)**
- **Israel is exporting arms to Azerbaijan as tensions soar with Armenia: Report (Al-Monitor)**

Russia

- **'Accountability and justice': Gathering digital evidence of war crimes in Ukraine (France 24)**
- **Torture chambers in Ukraine's Kherson 'financed by Russian state' -investigators (Reuters)**
- **Zelensky says more than 70,000 Russian war crimes have been recorded (The Hill)**
- **'Warrior brutally killed': Zelenskyy blasts Russian 'murderers' (Al Jazeera)**
- **Pentagon Blocks Sharing Evidence of Possible Russian War Crimes With Hague Court (New York Times)**

MIDDLE-EAST

Iraq

Syria

Yemen

Special Tribunal for Lebanon

Israel & Palestine

Gulf Region

ASIA

Afghanistan

- **ADF taking too long to enact reforms after Afghanistan war crimes inquiry, watchdog warns (The Guardian)**
- **UN Describes Worsening Afghanistan Rights Crisis (Human Rights Watch)**

Extraordinary Chambers in the Courts of Cambodia

- **Youth: The Study tour organized by the ECCC provides knowledge and contributes to the prevention of genocide (ECCC.gov)**

Bangladesh International Crimes Tribunal

- **Bangladeshi war-crime fugitive arrested (The Telegraph India)**

War Crimes Investigations in Myanmar

- **4 of every 5 townships in Myanmar impacted by conflict since coup: UN agency (Radio Free Asia)**

AMERICAS

North & Central America

South America

Venezuela

TOPICS

Truth and Reconciliation Commission

Terrorism

Piracy

Gender-Based Violence

- **Excluding women 'no longer acceptable', says UAE Minister of State (The National)**

Commentary and Perspectives

- **Latin America and Caribbean Nations Rally Against Autonomous Weapons Systems (Human Rights Watch)**
- **UK Says Refugees Not Welcome (Human Rights Watch)**

Aiding and Abetting

- **Yemenis sue top US defence contractors for 'aiding war crimes' (Middle East Eye)**

WORTH READING

- **Oluwapelumi Mojolaoluwa Mofoluwawo: The International Criminal Court: Yesterday, Today, Tomorrow**

AFRICA

NORTH AFRICA

Libya

Ex-Russian Commander Slams Head of Wagner Group Over 'War Crimes (Newsweek) By Isabel Van Brugen
March 6, 2023

A war of words between critics of President Vladimir Putin's handling of the war in Ukraine has escalated, with former Russian commander Igor Girkin accusing Yevgeny Prigozhin, founder of the mercenary Wagner Group, of "psychopathy" and of committing "war crimes."

Girkin, also known as Igor Ivanovich Strelkov, called for Prigozhin's removal as the head of the Wagner Group on his Telegram channel. The paramilitary group was founded in 2014 and is heavily involved in current fighting in Ukraine, particularly in Bakhmut in the eastern Donetsk region, alongside Russia's conventional troops.

Both Girkin, an ex-Federal Security Service (FSB) operative, and Prigozhin have been increasingly vocalizing their discontent with the Russian leader, but they have also notably been publicly arguing among themselves in recent weeks.

On Sunday, Girkin took aim at the Wagner Group head's claim that Russia's front line in eastern Ukraine "will crumble" if he pulls his fighters from the region. In a video message, Prigozhin said Ukrainian forces may as a result advance to Russia's borders or "maybe even further."

Prigozhin's statements are "an example of shameless 'criminal' self promotion," wrote Girkin, who has regularly been critical of Russia's war effort.

"In the event of the disbandment or removal of 'Wagner' from the front, the situation for the [Russian] Armed Forces will undoubtedly become worse, but—against the general background—insignificantly."

"To withdraw Prigozhin himself from the front and COMPLETELY remove him from the leadership of Wagner is urgently necessary," Girkin continued.

"Since his political ambitions (multiplied by psychopathy, the organization and demonstrative war crimes, a tendency to [be] shameless and in many respects false promotion and the spread of rotten 'criminal concepts' to the armed forces) only harm both Wagner and the common cause of victory over Ukraine."

Girkin also suggested on Telegram that Prigozhin is squandering manpower in Bakhmut. The Wagner Group's tactics, Girkin wrote, is the "reckless expenditure of human resources."

Wagner has a "very minor effect" on the overall strategic situation on the front line in Ukraine, Girkin said.

"Both due to the incorrect and wasteful use of its forces, and due to considerations of the scale of the war, in which a fierce battle (has not yet finished) for a small town in the Donbas is neither general nor decisive, it is of an operational-tactical nature and leads only to mutual huge loss of combatants."

Ukraine's military has been contemplating pulling troops back from Bakhmut. Alexander Rodnyansky, an economic adviser to Ukrainian President Volodymyr Zelensky, recently told CNN that Kyiv's military is "obviously going to weigh all of the options." "So far, they've held the city, but if need be, they will strategically pull back," he said.

Although Prigozhin is an ally of Putin, he regularly criticizes the Kremlin and especially defense officials for setbacks in Ukraine. He made headlines in the fall of 2022 for his criticism of the Defense Ministry and Russia's defense minister, Sergei Shoigu.

He responded to Girkin's Telegram post in a statement published by the press service of the company Concord, which he owns, by saying that to discuss remarks made by Girkin would be "indecent."

"If he wants, he can come to the council of commanders and ask to become the head of the Wagner PMC," he wrote.

In January, the pair had another very public spat when Girkin accused Prigozhin of "deliberately misconstruing" his criticism of the latter's political aspirations as an attack on the Wagner Group's fighters. The former Russian commander also accused Prigozhin of continuing to commit his forces to support operations in Syria and African countries instead of to the ongoing conflict in Ukraine.

Prigozhin in response shut down claims that he has political ambitions in Russia and said that he could not withdraw his forces from Africa because he "made a promise to several presidents" that he will "defend them."

The Wagner Group has been accused of committing human rights violations in other countries where it is present such as Syria, Libya, the Central African Republic, Sudan and Mozambique.

According to Vlad Mykhnenko, an expert in the post-communist transformation of Eastern Europe and the former Soviet Union at the University of Oxford, there is a "growing grassroots, fascist, imperialist network of people, not created by FSB, but [that] has naturally grown over the years in Russia."

"It looks like there is a niche of probably 15 percent of the Russian population, the voters who would probably vote for some kind of party like that," Mykhnenko told Newsweek.

"And I presume Girkin on the one hand and Prigozhin on the other, are effectively fighting for that electorate, which they think will come in handy when there is a transition of power from Putin to somebody else."

Mykhnenko said he believes this is why rhetoric between the pair has become so "verbally violent."

"They're feeling they're fighting for the same kind of political resources ideologically—they're in the same kind of field of this Russian imperialist, expansionist thinking, but effectually they're competitors, in which one has been philosophizing about an empire, and igniting this, and the other one has jumped in the big guns and tried to show that his military units are more than the Russian army."

[\[back to contents\]](#)

CENTRAL AFRICA

Central African Republic

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

EU imposes additional sanctions on Wagner Group for 'rights abuses' in Africa (French 24)
February 26, 2023

The EU on Saturday announced additional sanctions against Russia's Wagner mercenary organisation for "human rights abuses" in the Central African Republic, Mali, Sudan and Ukraine.

A total of 11 individuals and seven entities tied to the paramilitary group were added to the bloc's list for asset freezes and a travel ban.

The Wagner Group itself -- which is fighting in Russia's war in Ukraine -- was already sanctioned by the European Union in 2021.

The latest additional sanctions were decided "in view of the international dimension and gravity of the group's activities, as well as its destabilising impact on the countries where it is active", said a statement from the European Council.

"The Wagner Group's activities are a threat for the people in the countries where they operate and the European Union," EU foreign policy chief Josep Borrell said.

The European Council said eight of the individuals and the seven entities listed came under the EU's Global Human Rights Sanctions Regime for Wagner's activities in the Central African Republic and Sudan.

One Wagner individual came under an EU sanctions regime applied specifically to Mali.

The other two Wagner individuals were listed under the EU's sanctions regime punishing Russia for its war in Ukraine, which was also updated on Saturday.

These two were Wagner commanders said to be linked to Russia's capture of the town of Soledar in Ukraine in January.

Wagner in Africa

In Mali, the EU sanctioned the head of Wagner's forces there. The statement said Wagner's fighters in Mali "have been involved in acts of violence and multiple human rights abuses, including extrajudicial killings".

Mali is ruled by a junta that last year forced France to remove troops deployed there a decade ago on an anti-jihadist mission.

Others listed by the EU in the Central African Republic were high-profile Wagner members, including "the security advisor" to that country's President Faustin Archange Touadera.

Wagner has been involved in the Central African Republic at Touadera's invitation to quell a rebellion, and their presence also forced French troops there to leave last year.

Gold and diamond companies linked to Wagner in the Central African Republic and in Sudan were hit by the EU sanctions.

A Central African radio station, Lengo Sengo, was also listed "for engaging in online influence operations on behalf of Russia and the Wagner Group with the goal of manipulating public opinion".

[\[back to contents\]](#)

Sudan & South Sudan

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

Impunity drives cycles of 'horrific' crimes in South Sudan, Human Rights Council hears (United Nations News)

March 7, 2023

"It is hard to imagine peace while State actors continue to be involved in gross human rights violations," said Commission member Barney Afako, presenting the latest report to the Human Rights Council in Geneva.

"A true demonstration of the Government's stated commitments to peace and human rights would involve dismissing the responsible officials and initiating prosecutions."

Based on investigations undertaken in South Sudan and the neighbouring region throughout 2022, the report identifies widespread attacks against civilians, systematic sexual violence against women and girls, the ongoing presence of children in fighting forces, and State-sponsored extrajudicial killings.

Change is possible

Commission members told the Council that South Sudan “can be different”, and that the 2018 Revitalized Peace Agreement, which ended a brutal civil war, remains the framework to address the conflict, repression, and corruption.

The Agreement also charts a pathway for South Sudanese to make a permanent constitution that should strengthen rule of law and respect for human rights, thus laying a foundation for national stability, they said.

“The challenge of advancing peace and human rights in South Sudan is very heavy, and international attention and support must not flag,” Mr. Afako said.

Vanishing civic space

While long-delayed progress on a constitution and elections are planned in the next 18 months, the civic space needed to make these meaningful has virtually disappeared, he said. At the same time, activists and journalists operate under threat of death and detention.

“We demand that the authorities immediately end the harassment of civil society, and protect political space,” he said.

Commission member Andrew Clapham said that senior public officials and military officers should be held accountable for serious crimes, “or we will never see an end to the gross human rights violations”.

Attacks on civilians

Attacks against civilians persist precisely because perpetrators are confident they will enjoy impunity,” he said.

The report’s findings describe multiple situations where state actors are the primary perpetrators of serious crimes under South Sudan’s laws, as well as under international law. Members of non-State armed groups have also committed violent crimes carried out in various areas of conflict. Established in 2016, the UN Commission is tasked with addressing alleged gross violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability.

Its three members are mandated to determine and report facts and circumstances of rights abuse, collect and preserve evidence, and clarify responsibility for alleged violations.

Systematic rape, sexual violence

“We have documented human rights violations in South Sudan for many years, and we continue to be shocked by the ongoing violence, including horrific sexual violence, targeting civilians, and perpetrated by members of the armed forces, different militia, and armed groups,” Mr. Clapham said.

Recalling a recent visit, he said Commission members met with brave survivors who shared their experiences of trauma, loss, and hunger.

“Faced with persistent cycles of violence and insecurity, many told us they are disillusioned and losing hope,” he said.

The report detailed specific incidents, including an operation in Leer County, where Government officials directed militias to carry out widespread killings, systematic rape, and forced displacement against civilians in an area considered to be loyal to the opposition.

Mr. Clapham said that although the Government has announced special investigation committees on several situations the Commission has examined, only one such body appears to have carried out inquiries, no reports have been published, and no related criminal trials have taken place.

Meanwhile, he said the Commission continues to preserve evidence to enable future prosecutions and other accountability measures.

Critical juncture

“The world’s youngest nation stands at a crossroads,” UN High Commissioner for Human Rights Volker Türk told the Human Rights Council on Tuesday, “but the Government, with the support of the international community, has the opportunity to choose a path of healing and sustainable peace. Strengthening accountability and civic space are critical.”

Currently, he said the number of victims is “staggering”. In 2022, the Human Rights Division documented 714 incidents of

violence affecting 3,469 civilians. Some 1,600 were killed, 988 injured, and 501 abducted.

Despite calls for a ceasefire and the implementation of the Peace Agreement, conflict and clashes across the country are resulting in a raft of documented human rights violations and abuses against its people.

“Generations of South Sudanese have endured lives of fear, extreme violence, and chronic instability,” he said, urging the Government to uphold its obligations under international humanitarian and human rights law, including by protecting civilians from attack and ensuring accountability for violations.

[\[back to contents\]](#)

Democratic Republic of the Congo

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

[\[back to contents\]](#)

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

[\[back to contents\]](#)

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

Troops arrest mastermind of Abuja-Kuduna train attack (Punch) By Solomon Odeniyi
February 23, 2023

The Defence Headquarters said troops arrested three terrorists at Damba community in Chikun Local Government Area of Kaduna State.

According to the military high command, one of the arrested terrorists confessed to being one of the masterminds of the March 28, 2022, Abuja- Kaduna train attack.

The Director, Defence Media Operations, Major General Musa Danmadami, stated this on Thursday in a statement made available to our correspondent.

He added that troops mobilised to the location on Valentine’s Day and recovered 2 motorcycles, 2 mobile phones, the sum of \$5,000 as well as some other currencies.

The statement partly read, “Similarly, troops of Operation Whirl Punch on February 14, 2023, responded to information on the presence of Boko Haram Terrorists/Islamic State of West Africa Province kingpins at Damba community in Chikun Local

Government Area of Kaduna State.

“Subsequently, troops mobilized to the location and arrested 3 terrorists. One of the terrorists arrested was identified as one of the masterminds of the March 28, 2022, terrorist attack on the Abuja Kaduna Train Services.

“Following the operation, troops recovered 2 motorcycles, 2 mobile phones, the sum of five thousand Dollars (\$5,000) as well as some other currency and other sundry items.”

“Also, on February 16, 2023, troops on fighting patrol made contact with terrorists at Ungwan Birni in Kajuru Local Government Area of Kaduna State. Following fire fight, troops neutralized 7 terrorists while others fled.”

Danmadami said on February 20, 2023, troops on fighting patrol to Gada Oli Village in Borgu Local Government Area of Niger State, recovered 2 AK 47 rifles, 4 magazines, 66 rounds of 7.62 mm special ammunition and seven BH/ISWAP terrorist flags.

He stated that troops in the North West Zone recovered 10 AK47 rifles, 83 rounds of 7.62mm NATO, 238 rounds of 7.62mm special, 2 locally fabricated rifles, 1 locally fabricated pistol, 7 magazines, 19 motorcycles, mobile phones, 30 rustled cattle and other sundry items, adding that troops neutralized 23 terrorists and arrested 9 as well as rescued 23 abducted civilians.

Nigerian troops killed 133 extremists over election period (The East African)

March 2, 2023

The Nigerian military attacked identified territories of Boko Haram and Islamic State West African Province (Iswap) militias, killing 133 in a proactive operation meant to weaken the extremists and prevent them from disrupting the just concluded elections.

The troops also recovered heavy ammunition including AK-47 rifles and Nato Dane guns, attack trucks, motorcycles, desert camouflage and medical supplies from enclaves of the terrorists who have been troubling the northern Nigeria region since 2009.

The ongoing operation was carried out to enable Nigeria conduct peaceful presidential and national assembly elections held on February 25, 2023.

Director of Nigerian Army Public Relations Brigadier General Onyema Nwachukwu on Thursday said in Abuja that apart from the Northeast Nigeria operation, troops also curtailed the bandits in north central and north west as well as crippling violent secessionist activities in the south east.

Significant results “In the past two weeks, both kinetic and non-kinetic operations were conducted in the various theatres of operations, with significant results recorded,” Nwachukwu said.

The troops of the joint task force, Operation Hadin Kai in the northeast Nigeria, conducted various attacks in Gwoza, Bama, Gubio, Biu, Dikwa, Monguno and Konduga local government areas (LGA) of Northeast Borno State.

He said the troops also attacked insurgents’ turfs in Mubi LGA of Adamawa State and villages within Gwoza, Jere and Bama LGAs of Borno State.

As the operation lasted, about 252 Boko Haram and Iswap extremists together with family members surrendered to the government troops at different locations.

Terrorists questioned All recovered items, rescued civilians and apprehended suspects were handed over to appropriate Nigerian authorities for further action while surrendering terrorists and their families were questioned.

The Nigerian military reported that the insurgents had been decimated and a clearance operation was now ongoing to suppress any further terrorist activities in the region.

Many of the terrorists, together with their families, have been displaced from their fortress in Sambisa Forest, which had been inaccessible by troops. The insurgents have fled and taken refuge in the border towns in Chad, Niger and Cameroon.

More than 65,000 people have died in northeast Nigeria since 2009 when the extremists struck and over 2.1 million others who were displaced, are currently being resettled in their communities.

Life is gradually returning to the Lake Chad region with residents returning to their farms.

ISWAP fighters 'kill over 200 Boko Haram insurgents' in Borno (The Cable)

March 4, 2023

Over 200 Boko Haram fighters have been reportedly killed by the rival Islamic State of West Africa Province (ISWAP) during a clash around Gudumbali, Borno state.

Zagazola Makama, a counter-insurgency publication, said the ISWAP fighters had targeted hundreds of the Boko Haram members and their families while fleeing from attacks.

The publication said the Boko Haram fighters scampering for safety were displaced to the Gwoza, Konduga, Mafa, Dikwa, Gajiram, and Lake Chad shores.

It quoted a military source familiar with the development as saying that the ISWAP fighters intercepted the fleeing Boko Haram elements at Choliye village where 200 of them – including their women and children – were killed.

“In Yale, a village in Konduga LGA, ISWAP Commander Modu Bashir Okocha led another team of ISWAP to attack another Boko Haram position, and as a result, killed 15 of them, seizing their weapons and motorcycles,” the source said.

“The fierce onslaught had forced hundreds of the Boko Haram fighters and their families to surrender to the troops of Operation Hadin Kai in Mafa, Konduga, and other parts of the Theatre while some of them managed to flee through Mafa to Dikwa, Abadam, as well as the Niger Republic in the Lake Chad region.

“Some of the fighters escaped to the camp of Bakura Wulgo, aka Abou Oumaymah, in the axis of Marte and Krenowa while others ran to the Mandara Mountains in Gwoza to seek refuge and protection from Ali Ngulde.”

Troops repels Boko Haram attack on Monguno town (Daily Post) By Shehu Usman

March 5, 2023

Troops of the Sector 3 Multinational Joint Task Force (MNJTF), have repelled an attack by the Islamic State West Africa Province, (ISWAP), in Monguno, the northern part of Borno State.

Sources told Zagazola Makama, a counterinsurgency expert and security analyst in Lake Chad region that the terrorists sneaked into the town with heavy weapons at about 12: 30am on Sunday through Abbari community and Charly 6 formation.

The sources said the vigilant troops under the MNJTF swiftly engaged them in a fierce gun battle that lasted for about 30 minutes, thus successfully pushing back the invading assailants.

It was not clear how many were injured or killed from both sides at the time of filing in this report.

Monguno is one out of the 27 local government areas of Borno state and has a distance of about 137.8 kilometers North of Maiduguri.

The town had previously suffered a series of deadly attacks from the terrorist group.

Borno: About 1,250 Boko Haram surrendered after 200 fighters killed (Vanguard) By Ndahi Marama, Maiduguri

March 5, 2023

At least 1,250 fleeing Boko Haram fighters and families have surrendered to Nigerian troops in the country's North East in the last seven days following a deadly clash with the rival Islamic State of the West African Province (Iswap) that claimed over 200 lives.

Zagazola, a counter-insurgency Expert and Security Analyst in Lake Chad reported how the ISWAP terrorists carried out reprisal attacks on Boko Haram fighters on February 26 and 27, 2023 in Gaizuwa, Mantari, Gabchari, Kashimiri, and Maimusari in Bama, North East Borno state.

The Iswap group successfully dislodged Boko Haram, killing many of them and forcing survivors to flee their camps together with their families.

Top Military sources told Zagazola Makama, a Counter-Insurgency Expert and Security Analyst on Sunday that the ISWAP group intercepted the fleeing terrorists in Yale in Konduga and Choliye in Gudumbali LGA and neutralized more than 200 of them.

The ISWAP stormed another hideout in Asinari, Ashanari, and Masarmari area in Konduga on March 1, 2023, and killed another score of the Boko Haram fighters.

The sources explained that the sustained inter-rivalry clash of the groups, triggered the massive surrendering of the militants in Mafa, Konduga, and Bama Local Government Areas.

He said “The militants surrendered because of the fear that they will be neutralized by either the Super Tukano’s of the ISWAP rival faction. There was no hiding place anymore.

He said “So far, we have received 1,250 fighters and their families within one week. This number was the highest we have received in a very short period of time in different parts of the theatre.

“The surrendered suspects who also came out with about 1,000 livestock, confessed that the ISWAP were after their lives as they do not spare women and children.

“Among those who surrendered were women who had been enslaved by, conscripted by, or minors born to the insurgents,” he said.

The military sources said profiling of the surrendered terrorists is ongoing, after which the individuals will be handed over to the appropriate agencies for further rehabilitation.

Recalled that the military authority said as many as 100,000 fighters and family members, along with their captives, have left Boko Haram, the largest wave of defections by the terror group was attributed to the death of Abubakar Shekau, Boko Haram’s leader, who blew himself up in May 2021, during a rival clash with ISWAP.

Boko Haram abducts seven villagers in Borno (TheGuardian) By Njadvara Musa, Maiduguri
March 6, 2023

Over 1,250 terrorists, families surrender to army over ISWAP attacks

Suspected Boko Haram terrorists have abducted seven people from Ngamma community of Magumeri Local Council of Borno State.

The abduction followed the terrorists’ storming of Ngamma on March 2, 2023, in the north-west part of the local council.

A counter-insurgency expert in the Lake Chad region, Zagazola Makama, disclosed, yesterday, in Maiduguri that the terrorists kidnapped three men and four women at gunpoint.

“After the villagers were abducted on Thursday evening, they were ferried away towards Gudumbali, a border community with Niger Republic,” he said.

In another development, a military source in Maiduguri also said that Boko Haram terrorists were exposed to hunger and hardship due to the consistent attacks by the Nigerian military and Islamic State West Africa Province (ISWAP), stating that they were forced to kidnap people for ransom.

According to the source, over 300 Boko Haram terrorists surrendered in a week to Nigerian troops in Konduga, Bama and Mafa local councils in the state.

His words: “The ISWAP terrorists dislodged the strongholds of the Boko Haram at Gaizuwa in the axis of Mantari-Gabchari-Maimusari in Bama Local Council of the state.”

ALSO, no fewer than 1,250 Boko Haram terrorists and their families have surrendered to troops of the Operation Hadin Kai (OPHK) in the North East.

The terrorists’ surrender followed seven days of deadly clashes between Boko Haram and ISWAP that claimed over 200 terrorists and their families.

Makama disclosed, yesterday, in Maiduguri: “ISWAP carried out reprisal attacks on Boko Haram terrorists on February 25 and 27, 2023 in Gaizuwa, Mantari, Gabchari, Kashimiri and Maimusari, in Bama Local Council of Borno state.”

According to him, the survivors were forced to flee their hideout camps along with their families towards the Mandara Mountains in Gwoza Local Council.

A top military source, in Maiduguri, also stated that the ISWAP, however, intercepted the fleeing terrorists at Yale in Konduga

Local Council and Choliye in Gudumbali Community and killed over 200 of them.

The source added: "ISWAP stormed another hideout in Asinari, Ashanari and Masarmari areas in Konduga on March 1, 2023, and killed scores of the Boko Haram terrorists."

It explained that the continuous inter-rivalry clashes of the groups led to the massive surrendering of the militants in Mafa, Konduga and Bama local councils.

[\[back to contents\]](#)

Mali

At least 13 civilians killed in central Mali attack: media (Big News Network) By Xinhua
February 25, 2023

At least 13 civilians were killed and three others wounded in a Thursday raid on a village in central Mali by armed men, local media reported, citing witnesses.

In a video posted by a news website, crackling automatic weapons could be heard as the village of Kani-Bonzon was set on fire on Thursday afternoon.

The attack and casualties were confirmed by Amadou Yaro, president of the Bankass Circle Council, who said the governor of the region went to the scene at night to support the victims of "this barbaric attack."

"It is horrible what we have just seen. It is a cowardly, barbaric and inhumane attack on this village, which was completely burned down with motorcycles and granaries also burned to ashes," Yaro added.

Speaking on condition of anonymity, a local elected official from Bandiagara, a nearby town, told Xinhua that this attack was predictable as "9 of the 12 communes in the Bankass circle have pledged allegiance to the terrorists. Kani-Bonzon is one of the villages that have not pledged allegiance."

Residents took to the streets in Bandiagara on Friday to denounce the attack and demand more security.

Since 2012, Mali has been plagued by insurgencies, jihadist incursions and inter-community violence that have left thousands of people dead and hundreds of thousands displaced.

Two International Red Cross Workers Kidnapped in Mali – ICRC (U.S. News) By Tiemoko Diallo, Chizu Nomiyama, and Alessandra Prentie
March 4, 2023

Two workers for the International Committee of the Red Cross have been kidnapped in northern Mali, the ICRC in Mali said on Twitter on Saturday.

It said the abductions took place between the northern cities of Gao and Kidal - long a hotspot for jihadist and militia violence.

"We confirm the kidnapping of 02 of our colleagues this morning ... We ask for no speculation about the incident so as not to hinder its resolution," the ICRC in Mali said.

It did not disclose the names or nationalities of those kidnapped.

Mali has faced instability since 2012, when Islamists hijacked an ethnic Tuareg rebellion in the north. Since then they have spread across West Africa's Sahel, killing thousands and displacing more than 2 million people in Mali, Burkina Faso and Niger.

[\[back to contents\]](#)

Liberia

Liberia: Two ex-soldiers claim Massaquoi was at Waterside, ordered killings, rapes (Premium Times) By Varney Dukuly

February 24, 2023

Two more ex-soldiers of the Liberian government have told a Finnish appeals court in Monrovia that Gibril Massaquoi, a former commander of Sierra Leone's Revolutionary United Front (RUF), was in Liberia during the country's second civil war in 2003, a major point of focus for these appeal hearings.

The witnesses, codenamed "X2" and "X6" by the Turka Court of Appeals (to protect them from reprisal), claimed Mr Massaquoi and other RUF soldiers came to Liberia to provide a backup for forces of then-President Charles Taylor in their battles against rebels from the Liberians United for Reconciliation and Reconstruction, who had laid siege on Liberia's capital, Monrovia.

"They were not station(ed) in one area," said X2. "General Yanai of the Igba group (another name for the RUF soldiers), and one angel Gabriel are the people, I am familiar with. I saw them in waterside, but we never use to go closer to them because they were too fearful (fearsome)."

"Inside the store, there I saw the bodies, they open suppressive fire," said X6.

In April 2022, the Pirkanmaa District Court acquitted Mr Massaquoi, now 53, of charges of war crimes and crimes against humanity, including aggravated murder and aggravated rape on grounds that prosecutors did not prove "beyond a reasonable doubt" that he did commit the crimes.

But during these appeal hearings, prosecutors are trying to prove that the lower court got it wrong and that Mr Massaquoi, who served as an informant for the Special Court for Sierra Leone, broke "safe house" rules by coming to Liberia to fight for Mr Taylor's forces during the war. Mr Massaquoi's testimony was vital for the convictions of Mr Taylor and other former RUF soldiers.

Prosecutors are also challenging that Mr Massaquoi was not called "Angel Gabriel", the other name their witnesses have called him by. And Thursday's witnesses looked to have solidified their argument by accusing Mr Massaquoi of ordering killings and rapes, days after another prosecution witness also accused the ex-RUF commander of ordering a Waterside massacre. The witnesses called Mr Massaquoi by the controversial nickname.

"They often moved with Benjamin Yeaten (commander of the elite presidential guard, Special Security Service, now Executive protection service)", said X2. "And every time they come and see people looting, they open fire. Angel Gibril was a senior officer of the Igba group but not the commander; soldiers always take order(s) from him." "Salome and Gibril were standing. The next thing he told Glassco (my boss) it was Angel Gabril who told him to shoot in the store," said X6. "I overheard angel Gibril saying, it was not me, it was the President (Taylor) that gave the order."

X2 accused Massaquoi of approving rapes "Massaquoi order the raping of people, women and killing. Innocent women who were going to look for food for their children; they were sometimes forced by the soldiers who raped them against their will."

The killings, X2 claimed, were due to several factors, including looting by civilians and their violations of rules laid down rules by soldiers of the warring factions.

But he also accused soldiers of looting.

"Soldiers carried out looting. They took food from civilians sometimes, as well as their fellow soldiers. After the execution, soldiers destroy the store and they said no one should loot. If you violate, it was against the rule of the military and so execution was order(ed)."

As with the trial, inconsistent witness testimonies are also dogging the appeal hearings. And they seemed to have come up in X6's testimony.

On cross-examination, defence lawyers referred to his May 2021 statement to Finnish police investigators about the alleged killings to which he linked Mr Massaquoi. He then blamed it on a memory failure.

"My man, this incident take (took) place a long time ago. Sometimes you forget, sometimes you sit, it comes back to your

memory.”

The hearings continue on Friday.

Liberia: Gibril Massaquoi accused of ordering rape, looting (Premium Times) By Evelyn Kpadeh Seagbeh
March 6, 2023

Gibril Massaquoi, the Sierra Leonean man, whose acquittal of war crimes and crimes against humanity charges by a Finnish District Court is being challenged, has been accused of ordering the raping to death of two minors and a pregnant woman.

The minors, between the ages of 8 and 9 and the pregnant woman cried for help in vain, a witness has told the Turku Appeals Court in Monrovia.

“We were put in one room then the two girls and the pregnant woman were put in another room,” said “Civilian 45.” “Then they (soldiers) started using (having sex) with them.”

A former commander for Sierra Leone’s Revolutionary United Front, (RUF), Mr Massaquoi was acquitted of his charges by the Tampere District Court, which ruled in April 2021 that prosecutors did not prove he committed the crimes “beyond a reasonable doubt.”

The RUF fought alongside Liberian government forces against an insurgency by the Liberian United for Reconciliation and Democracy, between 2001 to 2003. But Mr Massaquoi has always denied the charges against him, yet prosecution witnesses have continued to link him to the crimes.

Civilian 45 told prosecution lawyers on direct examination that it was the reaction of the minors and woman that made him and others to know they were raped.

“We were hearing the girls crying and we could hear the sounds of everything that was going on,” said Civilian 45. “They (rebels) kept using those girls until the pregnant woman never survived.”

But he said the minors survived the alleged incident. Rape is one of the crimes the District Court acquitted Mr Massaquoi of. Civilian 45 also accused Mr Massaquoi and his troops of looting, another charge prosecutors are challenging on appeal.

Civilian 45 alleged they were forced to carry looted items, including mattresses, chickens, ducks, and sewing machines by foot over distances from towns and villages in Lofa to Foya, amid the presence of heavily armed men.

“They put all the manpower in line,” said Civilian 45. “Then they took those things and put those things on our heads and then they will put our houses on fire.”

Civilian 45 alleged the incident happened in 2001 when RUF soldiers captured the town of Kortuhum from forces of the Liberians United for Reconciliation and Democracy, (LURD). “Civilian 18,” and “Civilian 27,” Friday’s two other prosecution witnesses corroborated the testimony of Civilian 45.

Civilian 18 alleged on Mr Massaquoi’s orders, he was beaten and locked up in a store for an entire day without food and water until the next day when he along with a group of captives were taken to Foya.

“It was on a Monday in 2001, they (RUF Rebels) entered our town and started collecting people, men, women and children and materials then they said that they were taking us to Foya,” said Civilian 18. “They started beating people then while we were going, the put us in a store and we spent the whole (day) there.”

He said the fighters who invaded his town were speaking Krio, a Sierra Leonean English.

Civilian 18 also told the court that he survived captivity at the time he and other captives were put out by the soldiers to go and fetch wood, but said it was at that point he, and another captive escaped the area.

Civilian 27, the lone female witness for the day, who said she came from Babahum said Mr Massaquoi and his soldiers also committed looting and torture.

At these hearings, defence lawyers have been raising concern about prior inconsistent statements by the witnesses, including the dates of Mr Massaquoi’s alleged crimes.

Paula Sallinen, one of the defence counsels told FrontPage Africa/ New Narratives after the hearings that the hearings are helping them to understand how the witnesses tell their stories, as well as their testimonies about the dates and times of their

client's alleged crimes.

"We understand that people come from small villages, small communities, and it is most likely that they have discussed their experience in the lower court with each other," said Ms Sallinen. "So we are trying to see if there's any sort of signs that they have actually discussed this then we will assess how it will affect the credibility of the witness."

The hearings continue on Monday.

Liberia: Ex-Soldier Accuses Gibril Massaquoi of "Ordering" Burning of Civilians Alive in a House in Lofa (Front Page Africa) By Forgbé Kloh

March 7, 2023

A former Liberian soldier has told a Finnish Appeals Court in Monrovia that Gibril Massaquoi, a former commander of Sierra Leone's Revolutionary Front (RUF) "ordered" his soldiers to put civilians into a house and burn them alive in Kamatahum Town, Lofa County.

"Soldier 50" (the name given to him by the court for fear of reprisal) said as an "inspector," he was at one of the many checkpoints in the town and was not far from the house when he saw it in flames and hurriedly went to the alleged crime scene to find out what was happening.

"I heard people yelling because of the fire," said soldier 50, who claimed he was an officer of the Anti-Terrorist Unit, a deadly force loyal to then President, Charles Taylor.

Aggravated murder, especially in the town is one of the charges the Tampere District Court said prosecutors did not prove against Massaquoi beyond "a reasonable doubt." As with the trial, judges, and investigators of the appeals court and prosecutors and defense lawyers travelled to the town, Kortuhum—the other of the three towns Massaquoi, also a former RUF spokesman is accused of committing or ordering his soldiers to commit aggravated rapes in.

Paula Sallinen, one of Massaquoi's lawyers told the appeal hearings in Finland that his name did not come up in Truth and Reconciliation Commission's hearings, but "Zizar Marzah's," a fierce Taylor general. Sallinen said the case was skewed against her client because Finnish police only had permission to investigate Massaquoi and not other alleged potential Liberian perpetrators. But Marzah alleged it was Benjamin Yeaten, a former director of the Special Security Service, SSS, now Executive Protection Service, EPS who carried out the killings.

Monday's witness looked to have strengthened prosecutors' argument that Massaquoi, whom he also identified as "Angel Gabriel" (one of Massaquoi's alleged war names), did indeed commit those alleged atrocities.

"He was the only high-ranking officer left on ground," said soldier 50 when asked on direct examination as to who directed the alleged killings. "Some of my colleagues said they were rebels, while others said it was civilians accused of shielding the rebels in their homes."

The rebels in question he said were from the Liberians United for Reconciliation and Democracy, LURD, who had launched an insurgency against Taylor's government.

The witness claimed that Yeaten and Marzah, who were not on the ground when the alleged incident took place, were unhappy at hearing about it on their return to the town the following day.

"They were angry and wanted to disrobe him (Missisquoi)," said Soldier 50. "But they could not do that because an officer could not be disrobed, so they only removed his soldier jacket's and left him with the t-shirt he was wearing."

He said a short while following the alleged incident, Yeaten instructed him to move the RUF soldiers involved into Monrovia.

The ex-ATU soldier said on arrival, the soldiers were taken to the white flower (Taylor's home) and then the twelve-house community in Congo town.

Soldier 50 said it took almost a year before the second phase of the 2003 war was started by LURD.

He said he was reassigned to the RUF forces to battle LURD rebels, who had captured Por River and Bushrod Island. Soldier 50 said he and the RUF soldiers were assigned at Waterside, one of the places Massaquoi is accused of carrying out or directing his soldiers to carry out massacres, allegations the ex-soldier also spoke to.

"Gibril Massaquoi was there in the pic-up, when I got there that day," said soldier 50. "I was told that they carried on the killings. I met people lying down in the store, some were bleeding, while some were dead. If they (soldiers) were from Liberia,

they would have been in sympathy with Liberians.”

The prosecution lawyers wanted to be clear as to whether it was Massaquoi he was linking to the alleged killings. The witness was certain.

“During the war, everyone had their operational name. I had mine, and Gibril Massaquoi own was Angel Gabriel.”

Massaquoi’s lawyers have repeatedly argued he was in Sierra Leone in 2003, serving as a “protected witness” for the UN-backed Special Court.

The hearings continue on Tuesday.

[\[back to contents\]](#)

EAST AFRICA

Uganda

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

[\[back to contents\]](#)

Kenya

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

[\[back to contents\]](#)

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

UN to shut down Arusha tribunal detention facility (The Citizen) By Zephania Ubwani
February 23, 2023

The United Nations Detention Facility (UNDF) in Arusha, which hosted convicts and suspects of the Rwanda genocide fugitives for years, is set for closure.

The 89 cell institution located in the high security prison on the outskirts of Arusha city will on February 28 be handed over to the Tanzania government.

Its closure signals the end of activities for the International Residual Mechanism for Criminal Tribunals (the Mechanism), which was mandated to try the key suspects in the 1994 Rwandan mayhem.

The tribunal, or “mechanism,” took over the activities of the International Criminal Tribunal for Rwanda (ICTR), which closed shop in December 2015 after convicting about 60 suspects.

The facility was exclusively mandated to hold individuals indicted for or suspected of having committed war crimes in Rwanda during the horrific killings that shocked the world.

Close to one million people, mainly the Tutsi ethnic group and some ‘moderate’ Hutus were hacked to death in the massacres triggered by the killing of former Rwanda leader Juvenal Habyarimana.

The UNDF had the capacity to hold 89 suspects/fugitives at a time and was handed over to the Mechanism, which took over the activities of the ICTR in 2016. At its peak, 51 people from more than 15 countries were confined in the facility, according to a press statement issued by the Mechanism yesterday.

Those confined in the early days included the former Rwandan Army Chief of Staff Augustine Bizimungu, the pop singer Simon Bikindi, along with former Minister of Defence Theoneste Bagosora. The other one is the UN Detention Unit maintained by the Mechanism, which is in The Hague, Netherlands and is where one of the alleged masterminds and financiers of the Rwanda genocide, Felicien Kabuga, is being tried.

The statement said the handover will be graced by the Registrar of the Mechanism, Abubacarr M. Tambaou, who will formally close the facility in readiness for the handover of the premises to the government.

Today’s ceremony will be attended by senior Mechanism representatives, stakeholders such as the International Committee of the Red Cross, and high-level officials from the Tanzania government.

The ceremony will also be an occasion for about 30 Tanzanian prison officers to receive their certificates for recent training, which was scheduled to end yesterday (Wednesday). Having been opened in 1996, the UNDF is on record as being the first dedicated detention facility established and managed by the United Nations.

The closure of the facility takes place as nine of the fugitives acquitted of the Rwanda crimes or who completed their sentences by the ICTR remain stranded in Arusha, apparently with nowhere to go.

They are among scores of indicted fugitives released by the ICTR, with some of them having served their sentences but having nowhere to go as no country has shown interest in hosting them.

In recent years, the Mechanism has been pleading with the willing countries to assist them, as they should be “free to start a new life, having served their sentences or never having been convicted in the first place.”

Those acquitted after serving their sentences or cleared of the charges are at liberty to settle in a country of their choice if not willing to return to their home country, Rwanda.

Kabuga Trial: For Rwandans, “The Old Man Is Still Hiding” (Justice Info) By Emmanuel Sehene Ruvugiro
February 28, 2023

"Justice administered in the silence of their offices with only them as witnesses to what they're doing, this is not justice!" This outburst from an official of the victims' association Ibuka sums up the frustration in Rwanda at not being able to follow the trial of Félicien Kabuga. The "old man", suspected of having been the financier of the 1994 genocide, is being tried in The Hague by the UN Mechanism, heir to the International Criminal Tribunal for Rwanda.

Were it not for the United Nations flag, nothing distinguishes house number 6 in street 617 from other houses in the Rugando neighbourhood of Kigali’s Kimihurura sector. On the morning of February 14, 2023, when Kabuga's trial resumes, a guard dressed in the black, green and red of a local security company refuses access to more than 20 men and women, some of whom look unwell. Voices rise, they don’t understand “What happened today? Why don't you want us to come in?” They are regulars here, but it doesn’t work. “Come back at 2 pm”, they are told.

This is where, since July 1, 2012, a branch of the Mechanism for International Criminal Tribunals (MICT) has taken up residence in the Rwandan capital Kigali. It’s a sort of outpost in Rwanda to manage, among other things, assistance for witnesses at this tribunal, from their identification to their travel, including their security “before, during and after trials”, reads its Rules of Procedure and Evidence. It is also where a medical centre treats and supports some of the witnesses called by the Mechanism and the former International Criminal Tribunal for Rwanda (ICTR), which was based in Arusha, Tanzania. The protesters this morning were patients at the clinic. Some of them were lying on the side of the road, waiting for four hours until the door opened at the appointed time.

This little incident outside the gate of number 6 signals the closed door hearing by video conference from this place of witnesses in the Kabuga trial. The trial is being held 6,500 kilometres away as the crow flies, in The Hague, capital of the Netherlands. Evoking Kabuga's failing health, an MICT officer at the Kigali office had told Justice Info a week earlier that: "We are waiting to see if he will recover and thus have confirmation that the trial will resume on February 14, with witnesses from Kigali, who should give their testimony by video conference, behind closed doors. Only the witnesses will be in the room, with technicians. Even we, the staff of the Mechanism, will not have access."

"WE HAVE NOT PROVIDED A ROOM" But how, then, can one follow the trial? "We have not provided a room where people can follow the hearings. Here we are closed, we do not give free access to the public," explained the officer, who wished to remain anonymous. To overcome this restriction, this person adds, a link has been created on the website of the Mechanism to allow people, wherever they are, to follow the trial in real time. As for the testimony of witnesses, the first ones went to The Hague, the next ones to Arusha, and this time, "it will be here (Kigali), but under the conditions that I said," explained the officer.

As for traffic on the MICT website for the Kabuga trial, the MICT external relations office in Arusha estimates that "there were more than 5,000 separate streams for the opening statements on September 29 and 30". According to the same source, for the regular sessions there were between 1,000 and 1,200 unique feeds per week on average. This does not take into account, adds the MICT, people watching in groups, for example in classrooms or other institutions.

"IT'S POSTPONED TO VALENTINE'S DAY" On a platform of journalists from different Rwandan media, reporters covering international trials keep asking the same question: "Will the Kabuga trial finally resume?" Always jovial and joking, the journalist-host of this forum, Gérard Manzi, is the right man to soften the blow. "The old man is still hiding, even today. It's postponed to Valentine's Day!" he says ironically. Indeed there were postponements one after the other in early 2023. The trial was initially scheduled to re-start on January 31, then February 7, and then on Valentine's Day, February 14.

In this forum, some do not hide their disillusionment, suspicions, or even what they think the outcome of the trial will be. "What if he puts an end to his trial himself?" said one person, alluding to the deteriorating health of the accused, which could result in his death. Another mentioned, as a reminder, the case of Joseph Nzirorera, who died during his trial at the ICTR. The journalists grumble about the lack of information on the trial.

"Yes, but since he no longer has the means to hide himself, who is hiding him?" another asks. For them, hiding means delaying justice, or evading it with "delaying tactics". "What with the way he managed to stay on the run, the media hype around his arrest contrasts with the silence around his trial," says young Sam Kwizera, and his elder Jean-Baptiste Karegeya drives it home. "For me," says Karegeya, "everything is linked: his successful escape for more than 23 years, the silence and the delaying tactics in his trial. Even during his trial, he manages to hide himself, one might say, from the media, the people and the victims in particular!"

"HIS TRIAL WAS THE MOST AWAITED" "It is very difficult to follow the hearings in the Kabuga case because following online we get choppy information, as the connection can break at any moment," confirms Jean-Damascène Manishimwe, a journalist at the state-owned Rwanda Broadcasting Agency (RBA). "The information we get is too limited and, in turn, we cannot fully inform our audience." In the absence of an RBA special envoy to The Hague, the Kabuga trial is almost absent from its programmes. It nevertheless produced a series of special editions at the time of his arrest, using archival footage from the national television. "In short, the disappointment is total, even though Kabuga was the most wanted by the ICTR of all the genocide suspects, and his trial the most awaited!" says Manishimwe.

"I must admit that the coverage of the Kabuga trial by Rwandan journalists is not at a satisfactory level," says Juvens Ntampuhwe, coordinator at the Justice and Memory project of RCN Justice & Democracy. For the trials of Rwandans tried in France and in Belgium under universal jurisdiction, this NGO financed journalists to go to Paris or to Brussels for the duration of these trials. But in the case of Kabuga, Ntampuhwe explains, "given the advanced age of the accused and his state of health, the hearing schedule has been arranged to favour his participation [i.e. two hours a day, two days a week]. You can understand that there is no way to objectively determine, even on an estimated basis, the total duration of the trial. In such a trial, RCN cannot consider sending journalists to The Hague."

"WE DON'T KNOW ANYTHING, WE DON'T SEE ANYTHING" Janvier Bayingana, legal affairs officer commissioner for the Ibuka association which represents the victims of the 1994 genocide in Rwanda, does not mince his words against the UN mechanism. He says its liaison office in Kigali "should inform, that's what it should do. Instead, they are in their routine bureaucracy, it's like their private property, it's as if they have no beneficiaries. For them, the liaison office is for distribution of documents, requesting documents from witnesses, visa applications and taking care of them. They are there for documentation and travel, that's all!"

Rwandans are not informed, he stresses repeatedly. "Justice is administered in the total silence of their offices, with them the only witnesses to what they do - this is not justice!" he says. "Justice must not only be done, it must be seen to be done. Today,

we know nothing, we see nothing!" For the victims, Bayingana believes, "it is not enough to know that a tribunal has been set up to try suspects of genocide crimes, they need to see and know more about how this tribunal delivers justice on behalf of the victims and the international community. This tribunal should change many things in the way it administers justice!"

This is echoed by a genocide survivor in Rubavu, in the former Gisenyi prefecture, where Kabuga is alleged to have committed some of the crimes. According to the amended indictment dated March 1, 2021, Kabuga is accused of having "between April and July 1994 (...) collected funds for the purchase of arms and ammunition, imported arms and ammunition which were distributed to the Interahamwe [militias] in Gisenyi". According to the same document, these acts were committed in several places in the prefecture, including the Méridien Izuba hotel, the Umuganda stadium and the Gisenyi military camp.

"We would have liked to see Kabuga here, as he was in 1994, so that we could say everything about him," laments Innocent Kabanda. "But since this is not happening, we would still like to see his trial speeded up, so that death does not take him before he is judged and the victims of his crimes thus deprived of justice."

Rwanda: Kabuga Rewarded Interahamwe for Killing Tutsi – Witness (All Africa) By Aurore Teta Ufitiwabo
March 1, 2023

The Court of Appeals has retained a life sentence for Genocide suspect Ladislas Ntaganzwa, a local leader during the 1994 Genocide against Tutsi who ordered the massacre of Tutsi in Nyakizu commune and participated in the killings in person.

Ntaganzwa, was first sentenced to life by the High Court Chamber for cross boarder and International Crimes (HCCIC) on May 28, 2020 after he was found guilty of five charges.

Those are: Genocide crime, incitement to commit Genocide, extermination as a crime against humanity, rape as a crime against humanity and murder as a crime against humanity.

Ntaganzwa, 58, who was one of Rwanda's most wanted genocide suspects and on the list of the most wanted fugitives by the Residual International Criminal Tribunal, has been on trial since his deportation from Democratic Republic of Congo in 2016.

He was born in 1962 in Gasharu, in the Muhambara sector of the commune of Nyakizu (then in the prefecture of Butare in Rwanda), now Huye district, Southern Province.

Before fleeing Rwanda in 1994, he was the bourgmester of Nyakizu commune, a post which gave him authority over his subordinates, which included employees of the commune, members of the communal police, and counselors from various sectors.

Ntaganzwa was also head of the National Republican Movement for Democracy and Development- (MRND party) – the then ruling party which is known to have prepared the Genocide and to execute it with its youth wing – interahamwe in the commune of Nyakizu.

According to the indictment, Ladislas Ntaganzwa participated in a plan to exterminate the Tutsi population in his commune from late 1990 until July 1994.

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During the hearing this morning at the Appeals Court, the court said that Ntaganzwa's appeal held no substance thus retaining the earlier ruling.

Ntaganzwa was arrested in 2015 in the Democratic Republic of Congo and extradited to Rwanda in 2016.

He was one of the nine people indicted by the International Criminal Tribunal for Rwanda (ICTR) but had not yet been arrested by the time the UN court closed shop early 2015.

Somalia

Somalia's Neighbors to Send Additional Troops to Fight Al-Shabab (VOA News) By Harun Maruf
March 2, 2023

The three neighboring countries of Somalia are to send new troops to support Somali forces against al-Shabab in the next phase of military operations, the national security adviser for the Somali president said.

In an interview with VOA's Somali Service on Wednesday, Hussein Sheikh-Ali said Djibouti, Ethiopia and Kenya will be sending troops in addition to the soldiers they already have serving as part of the African Transitional Mission in Somalia, or ATMIS. He said the new troops will not be part of the ATMIS mission.

"It is their plan to be coming inside Somalia within eight weeks," he said.

Ali declined to give specific number of the incoming troops, citing "operational purposes."

"Their role is to jointly plan and jointly operate under the command of the Somali security forces," he said. "So, they will be fighting against al-Shabab alongside Somali forces. That is the plan."

The leaders of the three countries attended a summit hosted by Somali President Hassan Sheikh Mohamud on February 1 in Mogadishu. In a communique at the time, they said they have agreed to jointly plan and organize a robust operational campaign to "search and destroy" al-Shabab on multiple frontlines.

"The time-sensitive campaign will prevent any future infiltrating elements into the wider region," the communique read.

Asked why the military operations against al-Shabab have paused recently, Ali said the government is concluding the first phase of the operations.

"It is a calm before the storm," he said. "We are preparing the second phase ... and with the support of the extra non-ATMIS forces from our neighboring countries joining the fight, it is a planning time, that's why it looks it is quiet."

He said the objective of the second phase is to be able to take over "every village and town" that al-Shabab is now controlling.

Matt Bryden, a Horn of Africa regional security expert, said the intervention of additional, non-ATMIS forces "could certainly accelerate efforts to degrade and defeat" al-Shabab.

But, he added, "Since the FGS [Federal Government of Somalia] and partners have telegraphed their intentions, al-Shabab is likely to disperse its fighters and avoid direct military engagements as far as possible."

Bryden warned that the success of the second phase offensive will hinge on two key considerations.

"First, planning," he said. "Counterinsurgency operations should be intelligence-led, with clearly defined objectives such as dismantling specific al-Shabab bases and neutralizing high-value jihadist leaders."

The second factor is the availability of holding forces to secure newly recovered territory after the clearing forces have passed through, he said.

"Recent FGS operations against al-Shabab in central Somalia have highlighted the absence of capable holding forces," he added.

Arms embargo Meanwhile, the Somali government has received a boost in its quest to have the decades-old weapons embargo lifted.

This week, representatives from the United States, United Kingdom, Turkey, Qatar and the United Arab Emirates — five countries that provide security assistance to Somalia — met in Washington, D.C., with Somali officials.

In a statement, the countries said they are committed to supporting Somalia's effort to meet benchmarks on weapons and ammunition management with a view to "fully lift" the arms embargo by the United Nations.

Ali, who attended the meeting, said that to have the backing of the five countries was "significant."

"It was the first time that two Security Council members have openly come up supporting Somalia in lifting arms embargo," he said.

"And it's a very promising five important countries with us to help achieve all the benchmarks that is required for Somalia to achieve before November this year, but also to lobby for Somalia politically within the Security Council."

The U.N. weapons embargo was imposed in 1992 at the height of the civil war in Somalia. In 2013, the U.N. slightly eased the embargo allowing the government to buy light weapons.

Bryden, who previously served as the coordinator for the United Nations Monitoring for Somalia, said lifting the embargo would not alter Somali government access to military hardware.

"Because it is already exempt from many aspects of the embargo or is simply required to notify the U.N. Security Council of arms imports," he said.

"But since the FGS does not directly control any of Somalia's land borders or its major ports, other than Mogadishu, lifting the embargo would potentially make it easier for non-state actors, as well as Somalia's federal member states, to obtain arms and ammunition with no fear of consequences."

Some might say that this is already the case, but it is hard to see how lifting the arms embargo would improve this situation, Bryden added.

This week, the United States delivered the second shipment of weapons to Somalia this year. The 61 tons of AK-47, heavy machine guns, and ammunition arrived off two U.S. Airforce C-17 aircraft at Mogadishu airport.

On January 8, the U.S. announced the donation of \$9 million of heavy weapons, equipment including support and construction vehicles, explosive ordinance disposal kits, medical supplies, and maintenance equipment for vehicles and weapons, according to the U.S. Africa Command, or AFRICOM.

Somalia working to 'stop violence' amid Somaliland tension (Al Jazeera) By Virginia Pietromarchi
March 7, 2023

Somalia is working closely to restore peace in its northern breakaway region of Somaliland amid heightening tensions between the region's authorities and local clan forces, President Hassan Sheikh Mohamud told Al Jazeera.

"We believe that unity is the only solution... but we don't want this unity through violence, which makes matters worse," Mohamud told Al Jazeera on Monday.

Violence erupted after leaders of the Sool, Sanaag and Cayn provinces of Somaliland – which claimed independence from Somalia in 1991 – announced their intention to rejoin Somalia.

Fighting broke out last month around the town of Lascaanood in Sool, killing at least 80 people and displacing more than 185,000, according to the UN.

"We've been advocating for the last couple of weeks on how we can first stop the violence and then open a space for dialogue," Mohamud said in a wide-ranging interview in which he talked about the state's fight against the al-Shabab armed group, a sweeping drought in the country and gender violence.

'All-out war' against al-Shabab In August last year, a few months after being re-elected for a second time, Mohamud declared an "all-out war" against al-Shabab, which has been waging a rebellion against the government since 2007.

"So many people have tried to stop this via peaceful means. Now the Somali government decided to solve this through an all-out war," he said.

"There's no other option other than to take this terrorist group to a level where it cannot threaten the stability of the country," Mohamud said, adding that the ultimate aim was to create the right environment for political inclusion, and attract foreign investment as well as Somalis to return to the country.

With support from the US army, African Union (AU) forces and local assistance, Somalia's army was able to regain swaths of territory from the armed group since launching its offensive last year.

In January this year, government-led forces recaptured the port town of Harardhere, an al-Shabab stronghold on the Indian Ocean, marking one of the most significant victories of the offensive.

Al-Shabab responded with a number of attacks in the capital and other cities, including targeting the mayor's office in Mogadishu and an attack on a military base.

"The AU has done a good job... and they have been the reason why the Somali state started to grow and [why] it has now reached a level that it provided space for society to grow," Mohamud said.

"But now it is the Somali army, police and intelligence agencies [that] are running the operations with the support of AU and other international partners.

"Challenges will remain in place," said the president, referring to when AU forces leave next year. "But we are organising ... on one hand we're fighting and, on the other, we are building the security sector."

Looming famine The threat of famine in Somalia has been present since the country went through five consecutive failed rainy seasons. It now faces a sixth.

In an assessment last December, the UN estimated that eight million people were badly food insecure and that more than 700,000 could suffer famine between April and June this year if aid supplies are not increased.

However, in its latest report in late February, UN experts said that while food insecurity remains "extremely critical", they were no longer projecting famine.

"We averted a famine," said Mohamud. "There is no famine right now and there is no risk of famine in the short term, but it's looming."

Climate experts and humanitarian workers have warned that trends in recent weeks, including expectations of below-normal rainfall, are worse than those in 2011 when a quarter of a million people died in Somalia due to famine.

There are also concerns among human-rights organisations that data to assess the level of famine is not accurate due to the state of security in certain areas.

Violence against women Mohamud also acknowledged the issue of gender violence by Somali forces.

In 2021, two UN reports denounced what they described as an "alarming" 80 percent increase in sexual violence in Somalia compared with 2019, mostly carried out by al-Shabab fighters.

But the reports also highlighted how sexual violence – for at least 15 percent of verified cases – was attributed to government security forces.

"[Among the] Bad characteristics of the war is that it reduces the strength of the state institutions, especially when those institutions were weak even before the war. We are not denying that we have that problem, and we are going after it.

"We built our judiciary system, we engaged our security forces and those who have committed such crimes are immediately taken to the court."

Still, the president acknowledged, "there are some limitations" to the justice system.

[\[back to contents\]](#)

Ethiopia

Slaughter on Eve of Ethiopian Peace Draws Accusations of War Crimes (New York Times) By Abd Latif Dahir and Simon Marks

March 1, 2023

Just before the peace agreement to end Ethiopia's civil war, troops from neighboring Eritrea massacred hundreds of civilians, looted businesses and arbitrarily detained civilians already facing extraordinary suffering, according to rights groups, aid workers and news outlets.

The Eritrean soldiers were fighting on the side of the Ethiopian government, which was waging a two-year civil war against the leadership of the northern Tigray region.

The gruesome accounts underscore the ugly nature of a conflict that killed hundreds of thousands of people, displaced millions and upended life in Africa's second most populous nation. The violence reached a climax last fall, after a five-month truce was shattered in August and before the beginning of the formal peace talks in South Africa in late October that led, within days, to the end of the war.

On Tuesday, The Washington Post reported that Eritrean forces killed hundreds of people, including teachers and farmers, at the very end of that period, just days before the warring parties agreed to end the hostilities. Relatives of those killed described horrific scenes, including parents being shot in front of their children.

Last month, Tigrayan officials reported a spate of killings late last year, including those of five young men who they said were shot by Eritrean forces and buried together in a village in eastern Tigray. Human Rights Watch also documented that civilians suffered from bombardments from Ethiopian and Eritrean forces as they launched major campaigns to capture strategic towns like Shire in October.

The U.S. has confirmed that Eritrean troops were in Ethiopia and remained so, even though the peace deal in November called for all foreign forces to withdraw from the Tigray region, and eyewitnesses in the region told The New York Times they had seen the troops. But Ethiopia has denied the presence of any security forces other than its own in the Tigray region. In a rare news conference, in February, President Afwerki dismissed his country's involvement in human rights abuses in Tigray as a "fantasy."

The reports of violence come more than two years after the Ethiopian government, led by its Nobel Peace Prize-winning prime minister, Abiy Ahmed, launched an assault against the Tigray People's Liberation Front, or T.P.L.F., a one-time rebel movement that had dominated the country's politics for nearly three decades. Even though Mr. Abiy promised a swift campaign, the violence dragged on for two years, undermining economic progress and eroding the hopes of young Ethiopians who had catapulted him to power in 2018.

As the war raged on, rights groups also accused the Tigrayan forces of carrying out human rights violations, including executing civilians and looting health facilities.

In October, the warring sides convened in Pretoria, South Africa, in a mediation process led by the African Union and bolstered by countries including the United States. Just 10 days later, the two sides agreed to end the war in a pact that handed a clear victory for Mr. Abiy and his government.

As part of the deal, Tigrayan leaders agreed to disarm their forces and allow federal troops to enter the regional capital of Mekelle and take over airports and other federal facilities. In return, the government promised to reconnect the region, which had no electricity, banking or internet services for the better part of two years.

Eritrea was not a party to the peace agreement, and regional observers have wondered if the country's autocratic leader, Isaias Afwerki, would abide by it and pull his troops from the Tigray region.

"President Isaias is considered a sphinx even by his regional peers," Alan Boswell, the Horn of Africa director at the International Crisis Group, said. "Trying to guess his next move has become something of a regional parlor game."

During a visit to Kenya in January, the U.S. ambassador to the United Nations, Linda Thomas-Greenfield, said at a news conference that it was imperative for Eritrean troops to leave Ethiopia altogether "if this cease-fire is to hold and humanitarian assistance is allowed to continue to flow."

In recent weeks, eyewitnesses and humanitarian officials have told The Times that Eritrean troops have been seen leaving several towns in Tigray and heading toward the Ethiopian-Eritrean border. In the town of Adwa, some of the soldiers attacked civilian homes, threatening people and taking their belongings including livestock, farm equipment and jerrycans full of cooking oil and water, according to a religious leader in the town, who spoke on the condition of anonymity for fear of retribution.

Eritrean forces were also seen leaving the towns of Axum and Shire between late January and early February while singing on top of trucks and firing in the air.

“They were chanting, ‘We are Eritrea,’” Kalayu Getachew, a resident of Shire, said in a telephone interview. He added, using a shorthand for Eritrean troops: “Their slogan was, ‘America only talks, T.P.L.F. brags and Shabia punishes.’”

An unpublished report by a group of humanitarian aid agencies that visited northwestern Tigray in late December also mentioned the presence of Eritrean forces in the region. The report, obtained by The Times, noted cases of arbitrary detentions, abductions, sexual violence, extrajudicial killings and looting against the civilian population in the area.

Ethiopia has also recently called for the termination of what it calls the “highly politicized” U.N.-backed International Commission of Human Rights Experts on Ethiopia, which is probing human rights violations during the war.

The latest revelations come even as Ethiopia faces multiple crises, including hunger, outbreaks of disease and ethnic massacres in other parts of the country.

Mekelle continues to be plagued by high unemployment and food prices and limited access to health care. Kifle Hadush, a resident of Mekelle, said in a telephone interview that displaced and hungry people come knocking at his door almost every day.

“The sound of a bullet has stopped,” he said, “but the sound of starvation is still here.”

Human rights organizations, advocates press UN to reject Ethiopia’s plea (The Reporter) By Ashenafi Endale
March 4, 2023

Human rights advocates from around the world have requested that the United Nations Human Rights Council reject Ethiopia’s bid to prematurely terminate the International Commission of Human Rights Experts on Ethiopia’s (ICHREE). The ICHREE was established to investigate war crimes committed in northern Ethiopia and in the Oromia regional state.

With the Council in the midst of its 52nd meeting, where Ethiopia is anticipated to make its next move, a number of international human rights organizations have issued statements during the past week. Sessions of the Council will continue until April 4, 2023. An oral presentation from the ICHREE is also anticipated.

On March 3, 2023, Amnesty International added its voice to the 62 international civil society organizations that had previously requested the Council, saying that it was worrying that Ethiopia sought to discontinue the ICHREE’s work.

“The Ethiopian government’s efforts demonstrate its lack of commitment to delivering justice for the millions who have suffered gross human rights violations, including war crimes and crimes against humanity, during the conflict in northern Ethiopia,” Flavia Mwangovya, Deputy Regional Director for East and Southern Africa, said.

Calls from the rights group intensified after Ethiopia’s Deputy Prime Minister and Foreign Minister, Demeke Mekonen, asked the African Union and its members a few weeks ago to back Ethiopia’s move to terminate its mandate.

“Ethiopia has prepared a resolution for the Council’s consideration on terminating the Commission’s mandate. This resolution will be presented at the Council’s upcoming session,” stated Demeke. “Ethiopia calls on this August body to endorse our resolution and assist us in terminating this unwarranted mandate.”

Human rights groups contend that justice and accountability are necessary for lasting peace, but Ethiopian officials say doing so would undo the peace dividend achieved since the Pretoria accord.

A resolution will likely be presented by Ethiopia at the current Council summit. Last December, a similar motion was overwhelmingly rejected. The majority of western countries, as well as many South American and Asian nations, voted against Ethiopia, while the majority of African nations voted in favor.

Yet, with Demeke’s plea for African members’ support and Prime Minister Abiy Ahmed’s (PhD) visit to Europe, African countries may have a greater voting presence in the next round than Western ones.

Flavia argues that the Council’s credibility will suffer if the Commission’s tasks are terminated.

“There will be serious consequences for the credibility of the Council and its approach to serious human rights situations in the global south if its members agree with the Ethiopian government and vote to end the work of the ICHREE.”

Flavia believes the Council members should show solidarity and make it clear they will vote down any proposal that undermines the ICHREE's authority.

“The ICHREE should be allowed to fulfill its full mandate and be able to access all areas in the country, including the Oromia Region, where there are reports of numerous cases of human rights abuses and violations.”

The ICHREE, which was set up by the Council in December 2021, has been complaining that the Ethiopian government has made it impossible to get to the war zones. The Ethiopian government, on the other hand, is implementing a transitional justice policy to promote accountability through domestic human rights procedures.

Gedion Timotwos (PhD), minister of justice, during his speech at the Council's meeting on February 28, 2023, stated that “despite its reservations towards ICHREE, the government of Ethiopia has been exerting efforts in an attempt to find common ground with the commission.”

Gedion said that it was regrettable that the Commission, which was established despite opposition from the African members of the Council, disregarded this effort of the government to foster cooperation and opted to proceed in a way that was counterproductive and unhelpful.

[\[back to contents\]](#)

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

[Official Court Website \[English translation\]](#)

Bosnian Croat Ex-Fighters Convicted of War Crimes in Mostar (Balkan Transitional Justice) By:

Marija Tausan

February 24, 2023

Three former Croatian Defence Council fighters were sentenced to a total of 16 years in prison for crimes against civilians in the Mostar area in 1993 including unlawful arrests, mistreatment of prisoners and rape.

The Bosnian state court on Friday sentenced former Croatian Defence Council, HVO fighter Nedžad Tinjak to 12 years in prison, Jure Kordić to three years and Dražen Lovrić to one year for war crimes against civilians who were illegally detained and mistreated in Mostar in 1993.

Six other wartime HVO fighters were acquitted – Dario Susac, Nuhan Sikalo, Dario Mihalj, Stanko Skobić, Tomislav Anić and Slavko Golemac.

Tinjak was found guilty of having participated in the unlawful arrests of Bosniak civilians who were then detained at the Vojno prison camp, as well as treating them inhumanely and raping two women.

Kordić was found guilty of participating in unlawful arrests and treating detainees at the Vojno prison camp inhumanely. Lovrić was convicted of unlawful arrests.

Susac, Sikalo, Mihalj, Skobić, Anić and Golemac were acquitted of the unlawful detention, torture, inhumane treatment and rape of civilians who were held in inhumane conditions at the Vojno detention camp from 1993 to 1994.

The court reclassified the offence from the indictment, finding that it had not been proved that the accused had committed crime against humanity and participated in a joint criminal enterprise with other HVO members.

Tinjak, Kordic and Lovric were convicted instead of committing a war crime against the civilian population.

They were acquitted on several counts because the court could not determine that they were guilty beyond reasonable doubt.

Presiding judge Enida Hadziomerovic said they were acquitted of charges of sexual abuse because one witness described what happened differently from what was written in the indictment, while a second witness constantly identified different people as the perpetrators.

The trial began in May 2018. Two defendants, Nedžad Coric and Marinko Sunjic, died during the proceedings.

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

Court of BiH confirms the Indictment against Rade Grujic for Crimes against Humanity (Sarajevo Times) March 2, 2023

The Court of Bosnia and Herzegovina confirmed an indictment of the Prosecutor's Office of Bosnia and Herzegovina of 23 February 2023, charging the accused Rade Grujić with the criminal offense of Crimes against Humanity.

The indictment, inter alia, alleges that, during the war in BiH, specifically the period between April and late July 1992, and a widespread and systematic attack of members of the Zvornik Municipality Territorial Defense, subsequently the Army of Republika Srpska, police and paramilitary formations of the Serb forces, directed against the Bosniak civilian population in the territory of Zvornik municipality, being aware of such an attack and knowing that his acts formed part of the attack, the accused Rade Grujić, in the capacity of a member of the TO Company Snagovo TO Zvornik, acted in contravention of the rules of international humanitarian law violating Article 3 common to the Geneva Conventions in as much as he had forced an individual in sexual intercourse, announced the Court of BiH.

[\[back to contents\]](#)

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Bosnia Herzegovina court sentences 3 former Croat soldiers for war crimes (AA) By Mustafa Talha Öztürk
February 25, 2023

A Bosnia and Herzegovina court sentenced three former Croat soldiers from the Croatian Defense Council (HVO) to prison Friday for committing war crimes against civilians during the war between 1992 and 1995.

The court said the former soldiers were sentenced for forcible detention, exile and torture of the Bosniak population in the city of Mostar and the rape of two women in 1993.

Nedžad Tinjak was sentenced to 12 years, Jure Kordic received three years and Drazen Lovric was given a one-year sentence.

It was reported that six HVO members who were tried in the same case were acquitted.

The Bosnian War was sparked by the break-up of Yugoslavia, which led Bosnia to declare independence in February 1992.

Mechanism's Appeals Chamber to decide on Stanisic and Simatovic Case in June this Year (Sarajevo Times) March 4, 2023

The Appeals Chamber of the International Residual Mechanism for Criminal Tribunals

(Mechanism), composed of Judge Graciela Gatti Santana, presiding, Judge Lee G. Muthoga, Judge Aminatta Lois Runeni N’gum, Judge Yusuf Aksar, and Judge Claudia Hoefler, heard yesterday and today oral arguments in the appeals filed by Mr. Jovica Stanišić, Mr. Franko Simatović, and the Prosecution against the judgement pronounced on 30 June 2021, and filed in writing on 6 August 2021, by the Trial Chamber of the Mechanism.

The hearing of the appeals was held in-person, with the exception of Mr. Stanišić’s counsel who, due to unforeseen circumstances, was prevented from traveling to The Hague days before the hearing. The Bench of the Appeals Chamber exceptionally authorized Mr. Stanišić’s counsel’s request to represent his client remotely. The Mechanism provided a video-conference link for Mr. Stanišić’s counsel and the hearing of the appeals commenced and concluded without delay.

During the events relevant to this case, Mr. Stanišić served as the Deputy Chief and later Chief of the State Security Service of the Serbian Ministry of the Interior (State Security Service), and Mr. Simatović was one of the State Security Service’s senior intelligence officers. At trial, both were charged with individual criminal responsibility for the crimes of persecution, murder, deportation, and forcible transfer allegedly committed between April 1991 and December 1995 on the territories of Croatia and Bosnia and Herzegovina. In Croatia, these crimes allegedly occurred on the territory of the former Serb Autonomous Regions of Krajina (SAO Krajina), and of Slavonia, Baranja, and Western Srem (SAO SBWS). In Bosnia and Herzegovina, the alleged crimes were limited to the municipalities of Bijeljina, Zvornik, Bosanski Šamac, Doboje, and Sanski Most, and in an area near the village of Trnovo.

The Trial Chamber convicted Mr. Stanišić and Mr. Simatović, finding each responsible for aiding and abetting the crimes of persecution, murder, deportation, and forcible transfer committed by Serb forces following the takeover of the Bosanski Šamac municipality in April 1992. The Trial Chamber sentenced Mr. Stanišić and Mr. Simatović each to 12 years of imprisonment.

On appeal, Mr. Stanišić and Mr. Simatović both challenge their convictions and sentences. They request that the Appeals Chamber reverse the Trial Chamber’s erroneous findings, quash their convictions, and acquit them. In the alternative, they seek reductions in their sentences, and Mr. Simatović alternatively requests that the Appeals Chamber order a retrial. The Prosecution’s appeal challenges the acquittal of Mr. Stanišić and Mr. Simatović of joint criminal enterprise liability. It requests the Appeals Chamber to correct the Trial Chamber’s errors and convict Mr. Stanišić and Mr. Simatović as members of a joint criminal enterprise, or alternatively, find them guilty for aiding and abetting crimes in SAO Krajina, SAO SBWS, Doboje, and Sanski Most, in addition to Bosanski Šamac. It also requests that their sentences be increased accordingly.

This case was originally tried before the ICTY, where both Mr. Stanišić and Mr. Simatović were acquitted by an ICTY Trial Chamber. The ICTY Appeals Chamber ordered a full retrial in December 2015. Consequently, the case fell within the jurisdiction of the Mechanism, which the UN Security Council had established to continue the ICTY’s jurisdiction, rights, obligations, and essential functions in light of the ICTY’s anticipated closure in December 2017. The retrial before the Mechanism concluded on 30 June 2021 followed by the issuance of the written trial judgement on 6 August 2021. The hearing of the appeals on 24 and 25 January 2023 marked the end of the pre-appeal phase of this case, which commenced in September 2021.

This case represents the last ICTY core crimes case and the delivery of the Judgement of the Mechanism’s Appeals Chamber is projected for June 2023.

Prosecutor Files Case Against Bosnian Serb Leader Dodik For Genocide Denial (Radio Free Europe)
March 6, 2023

Bosnia-Herzegovina's Prosecutor's Office has filed a case against Bosnian Serb leader Milorad Dodik for denial of genocide in the massacre of 8,000 men and boys at Srebrenica in eastern Bosnia in 1995.

According to Bosnian law, the office will conduct an investigation, after which the acting prosecutor will decide whether to file an indictment, officials said on March 6.

The International Criminal Tribunal for the former Yugoslavia (ICTY) and the UN's top judicial authority, the International Court of Justice, each recognized the killings by Bosnian Serb forces commanded by Ratko Mladic at Srebrenica late in the 1992-95 Bosnian war as genocide.

Dodik has on multiple occasions denied genocide since the-then international high representative for Bosnia, Valentin Inzko, imposed the Law on Prohibition of Genocide Denial at the end of July 2021.

"Genocide did not happen there. We all know that here in Republika Srpska," Dodik told a news conference in Banja Luka on

February 21.

The following day, the U.S. ambassador to Bosnia issued a scathing condemnation of Dodik's remarks, calling such comments "reprehensible," illegal, and destabilizing.

Ambassador Michael Murphy said in a video statement that Dodik's "repeated attempts to deny the genocide at Srebrenica, as he did again yesterday, cannot change the facts and it cannot change the truth."

"Genocide took place in Srebrenica in 1995," Murphy said.

Some Serbs cite violence and injustices committed against Serbs during that and other conflicts and refuse to acknowledge Srebrenica as anything but another major tragedy in the brutal wars that followed Yugoslavia's breakup.

Dodik was declared the winner after a recount of the election on October 2 to the presidency of Republika Srpska, which along with a Bosniak and Croat Federation comprises Bosnia.

The United States has targeted Dodik with multiple rounds of sanctions over perceived destabilization efforts and alleged corruption.

Dodik has long threatened to seek Republika Srpska's independence from the rest of Bosnia, and rejects the authority of the Office of the High Representative in matters including the ban on genocide denial and glorification of war criminals.

More than 50 people have been sentenced to a combined 700 years in prison for their roles in genocide and war crimes at Srebrenica, including former Bosnian Serb leaders Radovan Karadzic and ex-commander Mladic.

[\[back to contents\]](#)

Domestic Prosecutions In The Former Yugoslavia

[\[back to contents\]](#)

Turkey

Turkey taken to International Court for 'crimes against humanity'(Euractiv) By Anne-Sophie Gayet
March 2, 2023

A communication to the International Criminal Court (ICC), which provides evidence of crimes against humanity allegedly committed by Erdogan's regime after a failed coup in 2016, was sent by a Belgian law firm, a Belgium-based NGO, and a European judges association, it was announced on Wednesday.

Belgian law firm Van Steenbrugge Advocaten (VSA), Belgium-based NGO Turkey Tribunal, and European judges association Magistrats Européens pour la Démocratie et les Libertés (MEDEL) announced at a press conference in The Hague that they were filing a complaint against Turkey at the ICC for "crimes against humanity", Turkish Minutes reported.

The lawyers estimate that 200,000 persons were tortured, disappeared, or incarcerated and convicted without due process in Turkey. Crimes were not only committed in Turkey but also in other territories, and notably Belgium.

Turkey Tribunal set up a civil society-led tribunal to adjudicate human rights violations perpetrated by Ankara. In 2021, the panel of judges announced that the torture and abductions committed by Turkish state officials since July 2016 could amount to crimes against humanity in an application brought to an international court.

Following up on that, VSA, MEDEL and Turkey Tribunal sent a communication to the Office of the Prosecutor of the ICC, claiming crimes against humanity have been and are being committed by the Turkish regime. The communication lists 1,300 victims that could be prosecuted by the international court.

The lawyers claim Erdogan's regime perpetrated systematic attacks on the civilian population to promote government policies. They also claim the evidence gathered shows conscious contempt for basic principles of international law.

In the communication, the parties request ICC prosecutor Karim Khan to start investigations under Article 15 of the Rome Statute. The prosecutor now has to decide whether an investigation should be opened, but as the Washington Post reported, the prosecution office receives hundreds of similar submissions from around the world every year, and they rarely lead to an investigation.

Johan Vande Lanotte, a former Belgian minister who currently works for VSA, told VRT that the complaint doesn't specify who exactly is to blame for the crimes. "In law, that is a matter for the prosecutor," he said.

Turkey does not recognise the ICC since it is not a party to the Rome Statute of the International Criminal Court, which establishes genocide, crimes against humanity, war crimes and the crime of aggression as the four core international crimes.

Nevertheless, in their communication, VSA, Turkey Tribunal, and MEDEL underline a 2019 ruling by a chamber of the ICC authorising an investigation on the alleged genocide against Rohingyas despite Myanmar not being a party to the treaty because displaced Rohingya ended up in Bangladesh, which is a state party to the statute.

The communication includes evidence of alleged crimes committed by the Turkish regime in 45 states which are party to the Rome Statute. It notably included abductions in Albania, Bulgaria, Moldova, and Switzerland and the discriminatory withdrawal of passports and non-issuance of ID cards in 29 states, including Austria, Belgium, France, Germany, and the UK

[\[back to contents\]](#)

Kosovo Specialist Chambers

Azerbaijan

Three Artsakh Police Officers Killed after Azerbaijani Ambush (Asbarez) March 5, 2023

Artsakh authorities reported that three police officers were killed after Azerbaijani armed forces ambushed their vehicle near an area called Khaipalu at around 10 a.m. local time Sunday.

The Artsakh Information Center released footage of the incident showing how the Azerbaijani group approached that road and the police vehicles, which was en route to Stepanakert.

After killing the police officers, the Azerbaijani troops retreat to their positions, incurring losses.

The video then shows Russian peacekeepers arriving at the site of the incident. The Azerbaijani side then retrieves the bodies of its soldiers with the mediation of the Russian side. The killed officers were identified as Lieutenant Armen Babayan, Major David Danielyan and Lieutenant Ararat Gasparyan.

Another officer, Lieutenant David Hovsepyan, received a gunshot wound in the chest and was taken to the Republican Medical Center.

A screen capture showing the Azerbaijan's diversion group attacking the Artsakh police vehicle The Artsakh Foreign Ministry called on the international community to take effective measure under international law to stop what it called Azerbaijan's "the terrorist and genocidal policy."

"The infiltration of the Azerbaijani sabotage group into the territory of Artsakh and the attack on Artsakh police officers is another flagrant violation of the Trilateral Statement of November 9, 2020, which indicates that the Azerbaijani side is seeking to initiate an escalation of tension," said the Artsakh foreign ministry in a statement issued on Sunday.

The statement also references attacks by Azerbaijani forces on Artsakh civilians on Thursday and Friday in the Askeran, Martakert and Martuni regions, which were also confirmed by the Russian Defense Ministry, whose peacekeeping forces are deployed in Artsakh.

The attacks last week, as well as the ambush operation on Sunday followed talks on Wednesday by Azerbaijani and Artsakh representatives to address the ongoing Azerbaijani blockade of the Lachin Corridor.

“Through its actions, Baku is openly demonstrating its rejection of negotiations as a means of finding solutions to any issues,” the Artsakh foreign ministry said.

“Against the backdrop of the more than 80-day blockade of Artsakh, aimed at deliberately creating unbearable living conditions for its people, a serious escalation of the situation, resulting in casualties, once again demonstrates the true objectives of Azerbaijan and its intention to complete the ethnic cleansing of Artsakh,” said the statement.

“Apparently, the lack of adequate measures on the part of the international community aimed at stopping the internationally wrongful acts of Azerbaijan was perceived by the authorities of this country as a carte blanche to commit new atrocities,” the Artsakh foreign ministry added.

“We once again call on the international community as a whole, and the parties involved in the settlement of the Azerbaijan-Karabakh conflict in particular, to reconsider their approaches and take effective measures under international law to stop the terrorist and genocidal policy of Azerbaijan,” the statement said.

Armenia’s foreign ministry called for the immediate dispatch of an international fact-finding mission to the Lachin Corridor and Nagorno-Karabakh, a call made by the Foreign Minister Ararat Mirzoyan during his meetings in New Delhi, India last week.

The Azerbaijani authorities claimed that the vehicle that was attacked was carrying illegal weapons from Armenia. The Artsakh and Armenian authorities rejected the allegation.

“The facts prove that this provocation was pre-planned and instructed by the highest leadership of Azerbaijan. After the ambush, Azerbaijan’s official bodies spread disinformation alleging that they received reports that weapons, ammunition and personnel are being transferred from Armenia to Nagorno-Karabakh and acted on these,” said a statement issued by Armenia’s foreign ministry on Sunday.

“The official version of events put forward by Azerbaijan is absurd: they have not presented and cannot present any fact and justification supporting that version. This happens less than two weeks after the decision of the International Court of Justice that wholly rejected Azerbaijan’s absurd claims on the alleged laying of landmines by Armenia,” added Yerevan.

“The actions of the Azerbaijani forces cannot be described as anything other than terrorism. In conjunction with the blocking the Lachin corridor and creating a humanitarian crisis in Nagorno-Karabakh for almost three months, Azerbaijan continues to terrorize the Armenians of Artsakh by creating inhumane conditions for living in their homeland with the ultimate goal of ethnic cleansing,” added the Armenian foreign ministry.

“It is worth noting that after the International Court of Justice on February 22 granted Armenia’s request to apply a provisional measure against Azerbaijan, the Azerbaijani side not only did not take steps toward the implementation of the legally binding decision of the Court but committed new crimes against Armenians of Artsakh, including civilians,” Yerevan pointed out in its statement.

“The Republic of Armenia calls on the international community, countries and international organizations interested in the establishment of real peace in our region to strongly condemn the use of force and the threat of force by Azerbaijan, as well as another manifestation of provoking large-scale hostilities and take active steps to prevent further violations of Azerbaijan’s own international obligations,” said the statement, which also called into question “Baku’s sincerity regarding the establishment of peace and stability in the region.”

“Under current circumstances, sending an international fact-finding mission to the Lachin corridor and Nagorno-Karabakh becomes a vital necessity,” Armenia’s foreign ministry stressed.

Five dead in new Azerbaijan-Armenia clash over Karabakh (Reuters) March 5, 2023

Azerbaijani troops and ethnic Armenians exchanged gunfire on Sunday in Azerbaijan's contested region of Nagorno-Karabakh, killing at least five people, according to reports from Azerbaijan and Armenia.

Nagorno-Karabakh was the focal point of two wars that have pitted Azerbaijan against Azerbaijan in the more than 30 years since both ex-Soviet states have achieved attendance.

Azerbaijan's defence ministry said two servicemen were killed in an exchange of fire after Azerbaijani troops stopped a convoy

it suspected of carrying weapons from the region's main town to outlying areas. It said the convoy had used an unauthorised road.

Armenia's foreign ministry said three officials from the Karabakh interior ministry were killed. It said the convoy had been carrying documents and a service pistol and dismissed as "absurd" Azerbaijani allegations that weapons were being carried.

Nagorno-Karabakh has long been recognised internationally as part of Azerbaijan, though its population is made up predominantly of ethnic Armenians.

Armenian forces took control of Karabakh in a war that gripped the region as Soviet rule was collapsing in the early 1990s. Azerbaijan recaptured large swathes of territory in a six-week conflict in 2020 that ended with a truce and the dispatch of Russian peacekeepers, who remain in the region.

Azerbaijani President Ilham Aliyev and Armenian Prime Minister Nikol Pashinyan have met several times as part of efforts to resolve the conflict, but periodic violence has hurt peace efforts.

For the past three months, Azeri environmentalists have been blockading the Lachin corridor linking Armenia and Nagorno-Karabakh, saying they oppose mining operations in the region.

Armenia says the protesters are political activists acting at the behest of Azerbaijan's authorities.

The World Court ordered Azerbaijan last month on Wednesday to ensure free movement through the Lachin corridor

Israel is exporting arms to Azerbaijan as tensions soar with Armenia: Report (AI-Monitor) By Rina Bassist
March 7, 2023

Over 90 flights from the Azeri Silk Way Airlines cargo company have landed at the Israeli southern airport of Ovda in the past seven years, reports revealed on Monday.

Israeli newspaper Haaretz said Silk Way Airlines is one of the few foreign companies to land in Ovda and with authorization to carry explosives in Israel's airspace.

The report notes that Ovda is the only Israeli air base authorized to receive and launch outgoing and incoming flights carrying explosives. Contrary to Ovda, located in the Negev Desert, Israel's main gateway, Ben Gurion Airport, is located in a densely populated area in the center of the country, which is why cargo planes carrying explosives are not allowed to land there. Also, Ovda serves simultaneously as an air base for both civilian and military flights.

The Haaretz report notes, however, that three weekly Silk Way Airlines flights are operating between the airport in Baku and Ben Gurion.

The report comes as tensions heighten again between Armenia and Azerbaijan over Nagorno-Karabakh dispute. The area lies within Azerbaijan but has been under the control of Armenia since 1994. In 2020, the two sides fought for six weeks, allowing Azerbaijan to reclaim part of the disputed territory.

It is no secret that ties between Baku and Israel have deepened over the past three decades, though much of the scope of these relations has been kept discreet. Azerbaijan shares a border with Iran and is a major Shiite state, though the variant of Shiite Islam practiced there is significantly more moderate than the radical Shi'ism of Iran. As such, Jerusalem considers Baku an important security and strategic partner.

The Stockholm International Peace Research Institute revealed in 2021 that Israel has been selling Azerbaijan weapons, and in return Baku has been selling Israel fuel while either sharing or enabling the intelligence it collects on neighboring Iran. Foreign reports, such as the Times of London, have also claimed that Azerbaijan authorized the Mossad to set up shop in the country, though Israeli authorities never confirmed such reports. Israel didn't confirm either Azeri statements on selling Baku advanced weapon systems, including ballistic missiles and attack drones, with the latter allegedly used against Armenia in the disputed Nagorno-Karabakh region.

Israel has an embassy in Baku, but Azerbaijan has no embassy in Israel. Last November, Baku announced it would open an embassy in Israel in what was considered a major diplomatic achievement for then-Prime Minister Yair Lapid.

Cooperation between the two countries continues under the Netanyahu government. Defense Minister Yoav Gallant spoke on the phone with his Azeri counterpart, Zakir Hasanov, at the beginning of February. In the conversation, Hasanov expressed his belief that the military cooperation between the two countries would continue to expand. On Feb. 23, Agriculture Minister Avi Dichter met in Jerusalem with a large Azeri delegation that came to Israel in order to expand agriculture cooperation

between the countries.

Earlier this week, Israel announced that Azeri Foreign Minister Jeyhun Bayramov is expected to visit Israel on March 29 in order to open his country's first embassy. Azerbaijan will be the first Shiite-majority country to open an embassy in Israel.

[\[back to contents\]](#)

Russia

'Accountability and justice': Gathering digital evidence of war crimes in Ukraine (France 24) By Joanna York
February 28, 2023

As the UN Human Rights Council meets to discuss expanding its investigation into war crimes committed in Ukraine, individuals and organisations are gathering their own digital evidence of human rights violations. Social media posts, satellite imagery and online videos are some of the images being used to create a digital archive of war crimes in real time.

At the opening of a UN Human Rights Council meeting in Geneva on Monday, UN Secretary-General Antonio Guterres said the Russian invasion of Ukraine had led to “most massive violations of human rights” in the world today, including cases of sexual violence, forced disappearances, arbitrary detentions and violations of the rights of prisoners of war documented by the UN human rights office.

Ukraine itself estimates that more than 70,000 war crimes have been committed on its soil since the February 2022 invasion.

At the same time, there are almost unprecedented efforts being made to record and investigate evidence of such crimes – including in digital form.

Mnemonic, an NGO based in Berlin, has collected more than 3 million records of potential human rights violations and alleged war crimes in Ukraine since the Russian invasion.

“Predominantly it’s user-generated content from Telegram, YouTube, Twitter and Facebook posts,” says Roksolana Burianenko, project manager for the organisation’s Ukrainian Archive. Records include TikTok posts, satellite imagery and news articles, all of which build a digital picture of events on the ground in real time – and potential proof for future judicial proceedings. Gathering evidence

Offences defined as war crimes range from concrete actions such as killing, torture or destruction of property to more nebulous acts such as “intentionally damaging cultural property”, in which case “intent” and “cultural worth” must be measured.

Deciding what kind of digital record could serve as potential evidence depends on the nature of the incident. If looking for evidence of a filtration camp used to process Ukrainian citizens before their transfer to Russia, the group would seek out records such as satellite imagery and individual testimonies. An attack on civilian infrastructure, such as a hospital, means collecting minute-by-minute details: photos, videos, local media coverage and information shared by local authorities (such as first-response social media posts from police) can all help piece together a narrative.

Mnemonic, which has a team of fewer than 50 people, uses a combination of manual and automated collection methods to sort through billions of potential records online. Typically, the process starts with an open-source search through information freely available on social media and other publicly accessible sites “focused on that specific area, that specific incident on that specific day”, Burianenko says.

As the search deepens, the team uses other technologies including satellite imagery; data analysis and verification methods, including identifying the original source of information; geo- and chrono-location; and analysing metadata to assess each record’s credibility.

Typically, gathering evidence of war crimes in person is a long and difficult process. Locations where atrocities have been committed can be difficult to access and unsafe for teams of investigators long after crimes have taken place. In-person evidence often relies on witness testimony of traumatic events, which can be conflicting and incomplete.

By contrast, digital records seem to shine a bright light on investigations. They offer “key information regarding wrongdoing, even in real time, that would otherwise remain hidden from public view”, says the UN’s Berkely Protocol, a set of guidelines on how to conduct open-source investigations published in 2022.

‘Billions of images and videos’

But they are no magic bullet. One of the biggest challenges lies in preserving archived digital records for the long term, as this involves trying to predict technological advances that could affect accessing the records in the future.

For instance, if a platform decides to change its URL structure for webpages – as Facebook did in 2022 – millions of reference links to digital records on the platform can become unusable. “Then the tech team has to go back and redevelop according to the new changes,” says Brian Perlman, an open-source investigator at Mnemonic. “The technical challenges are huge, and we’re still coping with that.”

Platforms also have total authority over deleting or hiding content, and much potential evidence of war crimes falls foul of moderation guidelines that ban graphic imagery. Meta apologised in May 2022 after the Facebook algorithm briefly blocked hashtags related to the Bucha massacre in Ukraine, temporarily shutting down information about the incident.

Despite organisations such as Amnesty International criticising social media platforms for failing to preserve content for use in war crime investigations, none have official policies for preserving relevant digital records of war crimes or sharing them with investigators.

On TikTok, Twitter, Facebook and YouTube, “I can only speculate... that little of this war will be accessible 20 years from now,” says Andrew Hoskins, professor of global security at the University of Glasgow, founder of the online Journal of Digital War, and co-author of “Radical War: Data, Attention & Control in the 21st Century”.

“The most documented war in history could easily become the most forgotten.”

The amount of potential digital evidence available also presents a mammoth challenge for investigators.

Through 11 years of conflict in Syria – during which the use of mobile phones and mobile video in conflict zones were a new phenomenon – the NGO collected around 5 million digital records in total. In the first year since the Russian invasion of Ukraine it has already collected more than 3 million.

“And this is only a fraction of content that is actually in existence relating to recording of this war,” Hoskins says.

Currently, Mnemonic is one of several organisations working through vast troves of potential evidence online. More support is vital, Hoskins says. “There is the need for the international political will and financial resources to prosecute war crimes at scale. Who has the vast resources and political will to ultimately gather, mine and process billions of images and videos?”

“The apparent transparency of this war does not mean the pursuit of justice and accountability is somehow easier than wars from which we do not have a record of billions of images and videos.”

Accountability and justice

The team at Mnemonic are more optimistic. They believe that AI advances, in particular, will make their archive a real resource for judicial action. “We have a data set that can potentially be used in the future by machine learning algorithms that can comb through this massive archive and look for specific pieces of content. We’re not there yet, but the technology is rapidly developing,” says Perlman.

Their work is also part of what Human Rights Watch has described as an “unprecedented” international effort to investigate potential war crimes in Ukraine and implement accountability mechanisms.

Investigations are ongoing at the UN, the International Criminal Court, the EU Agency for Criminal Justice Cooperation, and the Organization for Security and Cooperation in Europe.

In meetings this month, member states of the UN Human Rights Council are expected to push for an extension of the investigation that found in September 2022 that war crimes had been committed in Ukraine.

Individual European countries have launched their own investigations and in January the US implemented the Justice for Victims of War Crimes Act giving the Department of Justice the right to prosecute people present in the US for war crimes committed anywhere, regardless of the nationalities of alleged perpetrators or victims.

In Ukraine, especially, there is momentum to keep pushing for accountability and to keep on recording and sharing evidence

online. "There is such a significant collective effort among Ukrainians to document possible war crimes, human rights violations and damage of civilian property as much as possible," says Burianenko. "People are looking for accountability and justice."

Torture chambers in Ukraine's Kherson 'financed by Russian state' -investigators (Reuters) By Anthony Deutsch
March 2, 2023

A network of at least 20 torture chambers in the recently liberated southern Ukrainian region of Kherson was "planned and directly financed by the Russian State," war crimes investigators said on Thursday, citing new evidence.

The Mobile Justice Team, funded by Britain, the EU and the United States, has been working with Ukrainian war crimes prosecutors across Ukraine and in Kherson since it was reclaimed from Russian forces in November after more than eight months of occupation.

The Kremlin press office did not respond to a request for comment.

Reuters reported on the scale of torture chambers in Kherson in January, when Ukrainian authorities said around 200 people had allegedly been tortured at 10 locations. Survivors told Reuters about being tortured, including electric shocks and suffocation techniques.

Moscow, which has said it is conducting a "special military operation" in Ukraine, has denied committing war crimes or targeting civilians.

The mobile team, established in May 2022 by the Global Rights Compliance humanitarian law firm and backed by international experts, is supporting Ukraine's Office of the Prosecutor General as it reviews more than 71,000 reports of war crimes nationwide since the Feb. 24, 2022, invasion.

"New evidence collected from recently liberated Kherson reveals torture chambers were planned and directly financed by the Russian State," the team, established by British attorney Wayne Jordash, said in a statement.

Witnesses described the use of electric shock torture and waterboarding by Russian forces. At least 1,000 torture chamber survivors have submitted evidence to investigators and more than 400 people had been reported as missing from Kherson, it said. Funding a network of torture facilities was part of a Russian state plan to "subjugate, re-educate or kill Ukrainian civic leaders and ordinary dissenters," the team said.

Torture centres were operated by different Russian security agencies, including the Russian Federal Security Services (FSB), local Kherson FSB and the Russian Prison Service, it said.

Reuters was unable to verify the allegations.

An investigation is also underway by the International Criminal Court, part of a both domestic and international efforts to hold those responsible for war crimes, crimes against humanity and genocide across Ukraine to account.

Zelensky says more than 70,000 Russian war crimes have been recorded (The Hill) By Jared Gans
March 4, 2023

Ukrainian President Volodymyr Zelensky said more than 70,000 Russian war crimes have been recorded over the past year since Russia's full-scale invasion began last February.

Zelensky said on Friday during the United for Justice conference that officials still do not know about all the war crimes that have been committed during the conflict and they cannot predict how many will be discovered after Ukrainian forces liberate the territory Russia has taken. The conference was held in the western Ukrainian city of Lviv and designed to focus on holding Russia accountable for the war crimes it has committed.

"However, it is clear how serious these crimes are. What the scale of the criminal manifestations of Russia's aggression is," the Ukrainian president said. "We remember everything."

Zelensky referenced war crimes that occurred in Bucha, where bodies were burned and piled up and unarmed civilians were executed, in the village of Yahidne, where Russian soldiers turned the basement of a school into a "concentration camp," and in the widespread raping of adults and children.

He noted that Ukrainians have found torture chambers and mass graves as Russian forces have fallen back. Investigators determined the Kremlin funded at least 20 torture chambers in the Kherson region after Ukrainian forces retook it, but more likely exist in the region and throughout the country.

“Mariupol and Volnovakha, Olenivka, and dozens of other places where Russia brought death and suffering have yet to reveal the full truth to the world about the atrocities of the occupiers in Ukraine,” Zelensky said.

He said the world has a moral and legal responsibility to the “victims of Russian terror,” and any other country that might be threatened by Russian aggression must hold Russia accountable for their own security.

Attorney General Merrick Garland also attended the conference to reemphasize the U.S. commitment to holding Russia responsible for the actions and atrocities its soldiers have conducted during the war. He announced during a prior visit in June the creation of the Justice Department’s War Crimes Accountability Team to investigate and advance the department’s goal to prosecute those who have committed these crimes.

The United States officially determined last March, just a month into the war, that Russia had committed war crimes, and last month declared that the nation has committed crimes against humanity.

‘Warrior brutally killed’: Zelenskyy blasts Russian ‘murderers’ (Al Jazeera) March 7, 2023

Ukraine has demanded the International Criminal Court (ICC) investigate grisly footage circulating on social media allegedly showing Russian forces killing a Ukrainian prisoner of war with a series of blasts from assault weapons.

The amateur video apparently depicts a detained soldier standing in a shallow trench, wearing camouflage, and smoking a cigarette. The man said “Slava Ukraini!” – or Glory to Ukraine – before multiple shots are heard.

The victim slumps to the ground as rounds from automatic weapons repeatedly hit his body. A voice in Russian is heard saying, “Die bi*ch”.

“Horrible video of an unarmed Ukrainian POW executed by Russian forces merely for saying ‘Glory to Ukraine’. Another [piece of] proof this war is genocidal,” Foreign Minister Dmytro Kuleba wrote on social media on Monday.

Kuleba said it was “imperative” that Prosecutor Karim Khan “launches an immediate ICC investigation into this heinous war crime”. “Perpetrators must face justice,” he added.

Separately, the foreign ministry said in a tweet: “Killing prisoners of war is a war crime. Those responsible for such crimes will face punishment.”

Authenticity, date or location of the video, which is of poor quality, could not immediately be verified. Russia’s defence ministry did not comment.

The “Glory to Ukraine” phrase and the response “Heroyam Slava”, or “Glory to the Heroes”, has been a hallmark of post-Soviet Ukraine.

But it has taken on special significance as a common greeting in public life since the start of the Russian invasion a year ago. It has also served to rally international support for Ukraine.

Ukraine said it had identified the soldier. “According to preliminary data, the deceased is a serviceman of the 30th separate mechanised brigade – Tymofiy Mykolayovych Shadura,” the military said on Telegram on Tuesday.

The soldier had been missing since February 3 amid fighting near the eastern Ukrainian city of Bakhmut, it said.

Kyiv said the soldier’s remains were located in territory currently controlled by Russian forces. “The final confirmation of his identity can be established after the body is returned,” the military said.

#GloryToUkraine

Ukrainian President Volodymyr Zelenskyy said the video showed Russian occupiers “brutally killing a warrior”.

He added in his evening address on Monday: “I want us all in unity to respond to his words, ‘Glory to the hero. Glory to the heroes. Glory to Ukraine.’ And we will find the murderers. Ukraine will not forget the feat of each and everyone whose lives gave freedom to Ukraine forever.”

Within hours of the video's emergence, #GloryToUkraine became one of the top trending hashtags on Twitter.

Andriy Kostin, Ukraine's prosecutor general, said on Telegram that Ukraine's security service registered the shooting as a criminal case under its criminal code that covers violations of war laws and customs.

"Even the war has its own laws," he said, adding prosecutors from his office would lead the case. "There are rules of international law systematically ignored by the Russian criminal regime. But sooner or later, there will be punishment."

The head of Ukraine's presidential office, Andriy Yermak, said the man was a Ukrainian prisoner of war and the killing was part of a "deliberate policy of terror" by Russia.

Ukrainian and Western authorities say there is evidence of thousands of war crimes committed in Ukraine since Russia invaded in February 2022. Russia has repeatedly denied its forces have committed atrocities or attacked civilians.

Evidence of Ukrainian forces committing war crimes during the conflict, including executing surrendering soldiers, has also surfaced.

Pentagon Blocks Sharing Evidence of Possible Russian War Crimes With Hague Court (New York Times) By Chris Savage

March 8, 2023

The Pentagon is blocking the Biden administration from sharing evidence with the International Criminal Court in The Hague gathered by American intelligence agencies about Russian atrocities in Ukraine, according to current and former officials briefed on the matter.

American military leaders oppose helping the court investigate Russians because they fear setting a precedent that might help pave the way for it to prosecute Americans. The rest of the administration, including intelligence agencies and the State and Justice Departments, favors giving the evidence to the court, the officials said.

President Biden has yet to resolve the impasse, officials said.

The evidence is said to include details relevant to an investigation the chief prosecutor of the International Criminal Court, Karim Khan, began after Russia's invasion of Ukraine a year ago. The information reportedly includes material about decisions by Russian officials to deliberately target civilian infrastructure and to abduct thousands of Ukrainian children from occupied territory.

In December, Congress modified longstanding legal restrictions on American help to the court, allowing the United States to assist with its investigations and eventual prosecutions related to the war in Ukraine. But inside the Biden administration, a policy dispute over whether to do so continues to play out behind closed doors.

The National Security Council convened a cabinet-level "principals committee" meeting on Feb. 3 in an attempt to resolve the dispute, the officials said, but Secretary of Defense Lloyd J. Austin III continued to object. Mr. Biden has not yet made a decision, the officials said.

Most of the people who described the internal dispute did so on the condition of anonymity to discuss sensitive deliberations.

But Senator Lindsey Graham, Republican of South Carolina, who helped push Congress to ease the restrictions last year on aiding the International Criminal Court, confirmed the parameters of the dispute and blamed the Defense Department for its reluctance.

"D.O.D. opposed the legislative change — it passed overwhelmingly — and they are now trying to undermine the letter and spirit of the law," Mr. Graham said. "It seems to me that D.O.D. is the problem child here, and the sooner we can get the information into the hands of the I.C.C., the better off the world will be."

Representatives at the Pentagon, State Department, Justice Department, and the Office of the Director of National Intelligence declined to comment or did not respond to requests for comment.

Adrienne Watson, a spokeswoman for the National Security Council, provided a statement that did not address the Pentagon's opposition to sharing evidence. But she said the government "supports a range of investigations to identify and hold accountable those who are responsible" for Russian war crimes, including through Ukrainian prosecutors, the United Nations "and the International Criminal Court, among others."

"Russian forces have been committing war crimes and crimes against humanity in Ukraine, and the Ukrainian people deserve

justice,” she said, adding, “We are also working to expose Russia’s atrocities in Ukraine so the world can see what Russian forces are doing.”

The International Criminal Court was created two decades ago as a standing venue to investigate war crimes, genocide and crimes against humanity under a 1998 treaty called the Rome Statute. In the past, the United Nations Security Council had established ad hoc tribunals to address atrocities in places like the former Yugoslavia and Rwanda.

Many democracies joined the International Criminal Court, including close American allies like Britain. But the United States has long kept its distance, concerned that the tribunal could someday try to prosecute Americans.

Administrations of both parties have also taken the position that the court should not exercise jurisdiction over citizens from a country that is not a party to the treaty, like the United States and Russia — even when the alleged war crimes take place in the territory of a country that did sign onto it, like Ukraine and Afghanistan.

President Bill Clinton signed the Rome Statute in 2000 but, calling it flawed, did not send it to the Senate for ratification. In 2002, President George W. Bush essentially withdrew that signature. Congress, for its part, enacted laws in 1999 and 2002 that limited what support the government could provide the court. Still, by the end of the Bush administration, the State Department declared that the United States accepted the “reality” of the court and acknowledged that it “enjoys a large body of international support.” And the Obama administration took a step toward helping the court by offering rewards for the capture of fugitive warlords in Africa the court had indicted.

In 2017, however, the top prosecutor for the court at the time tried to investigate the torture of terrorism detainees during the Bush administration as part of a larger look at the Afghanistan war. In response, the Trump administration imposed sanctions on court personnel, and Secretary of State Mike Pompeo denounced it as corrupt.

A thaw returned in 2021, when the Biden administration revoked those sanctions and Mr. Khan, newly appointed as prosecutor, dropped the investigation. Then Russia invaded Ukraine last year, prompting a bipartisan push to hold President Vladimir V. Putin of Russia and others in his military chain of command to account — and setting off debates inside the administration and in Congress about whether and how to help the court.

In late December, lawmakers enacted two laws aimed at increasing the chances that Russians would be held accountable for war crimes in Ukraine.

One was a stand-alone bill expanding the jurisdiction of American prosecutors to charge foreigners for war crimes committed abroad. The other, a provision about the International Criminal Court embedded in the large appropriations bill Congress passed in late December, received little attention at the time.

But that provision was significant. While the U.S. government remains prohibited from providing funding and certain other aid to the court, Congress created an exception that allows it to assist with “investigations and prosecutions of foreign nationals related to the situation in Ukraine, including to support victims and witnesses.”

Despite that legal change and Congress’s signal of support, the Pentagon has stood firm that the United States should not help the International Criminal Court investigate Russians for their actions in Ukraine since Russia is not a party to the treaty that established the court.

That resistance has attracted criticism both inside and outside the executive branch. Some legal specialists contend that there is scant benefit to hewing to that position because the rest of the world essentially rejects that interpretation.

They argue that the United States would win more support over a hypothetical attempt to prosecute an American by using a narrower argument: that under the treaty, the court should only be used for countries that lack functioning investigative systems capable of addressing serious international crimes by their citizens, and the United States does not qualify.

John Bellinger, a former top lawyer for the National Security Council and the State Department in the Bush administration, argued that if the court does ever try to prosecute an American, “we will have more allies who agree with the narrower argument than the broader argument.” The Pentagon, he added, should reconsider the potential advantages of helping the court.

“I also think the Department of Defense needs to look at the I.C.C. not purely in defensive terms — how it might screw us — but how can we use the I.C.C., the successor to the Nuremberg tribunals, as a tool to investigate and prosecute Russian war crimes,” Mr. Bellinger added.

Mr. Graham said that the rest of the government had signed off on sharing the evidence and was frustrated by the Pentagon. He noted that he had spoken about the matter with Attorney General Merrick B. Garland, who reiterated his commitment to

helping Ukrainian prosecutors pursue Russian war crimes during a visit to Lviv last week.

Pentagon leaders, Mr. Graham said, “have raised their concerns, and they are not illegitimate, but I think on balance what we did in the legislation is the way to go and I want them to honor what we did.”

“We did this with the administration,” he added. “It was a collaborative effort.”

[\[back to contents\]](#)

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

[\[back to contents\]](#)

Syria

[\[back to contents\]](#)

Yemen

[\[back to contents\]](#)

Special Tribunal for Lebanon

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

[\[back to contents\]](#)

Israel and Palestine

[\[back to contents\]](#)

Gulf Region

[\[back to contents\]](#)

ASIA

Afghanistan

ADF taking too long to enact reforms after Afghanistan war crimes inquiry, watchdog warns (The Guardian)

By Daniel Hurst

February 28, 2023

The Australian defence force is taking too long to implement some of the cultural reforms sparked by the Afghanistan war crimes inquiry, an independent watchdog has warned.

Guardian Australia can reveal that the oversight panel led by the former intelligence inspector general Vivienne Thom has conveyed its concerns directly to the military top brass.

A report dated 7 November 2022 obtained under freedom of information laws shows the panel met the chief of the ADF, Gen Angus Campbell and the chief of the army, Lt Gen Simon Stuart, to appeal to them to act with “a sense of urgency”.

Training programs are taking too long to be updated, according to the panel’s latest report to the defence minister, Richard Marles. It also raises concerns over “failures of accountability”.

Lt Gen Greg Bilton addressing a press conference Australian defence force members warned they face prosecution if they plant weapons on people killed in combat Read more The revelations have prompted the Albanese government to reaffirm that it is committed to implementing the reforms.

Thom’s panel was originally appointed by the former defence minister Linda Reynolds in late 2020 to give the government and the public confidence that the Afghanistan inquiry led to lasting change.

A four-year-long inquiry by Maj Gen Paul Brereton found “credible” information to implicate 25 current or former special forces personnel in the alleged unlawful killing of 39 individuals and the cruel treatment of two others in Afghanistan.

While the criminal allegations are still being considered by the Office of the Special Investigator, Thom’s panel is required to

update the defence minister on progress in implementing the broader cultural reforms four times a year.

In its most recent report to Marles in November, the panel raised concerns about the timeliness of implementing the Afghanistan inquiry reform plan.

It acknowledged that Campbell had written to all officers responsible for enacting the reforms on 19 September 2022 “to reinforce that they must maintain a focus on delivery, explore opportunities to deliver early, and avoid delays”.

But the report said the panel had met Campbell in late October and Stuart in mid-September “and reinforced our view that, although the reform program needs to be delivered in a thorough and considered manner, it also requires a sense of urgency”.

“We are also concerned more generally about the time taken for doctrine and policy reform to permeate through the training pipeline,” the panel told Marles, citing ethics as one of the areas for attention.

“The panel recommends a more forward leaning approach to Defence directing that training development teams (including in navy, army and air force) be given hard deadlines for updating course content.”

The panel said it had also used its meetings with Campbell and Stuart to discuss “the urgent need to determine a way forward for command accountability issues arising from the Brereton Report, including the review of individual honours and awards”.

“We understand that the pause placed on the review of individual honours and awards has now been lifted,” the report said.

But further observations and recommendations on this issue were largely redacted in the document.

“Defence has published several papers recently dealing with leadership training which strongly emphasise leadership accountability,” the report added.

“They are worthwhile as far as they go but they do not deal with enforcement and failures of accountability.”

Marles, who is also the deputy prime minister, has previously said he is “deeply committed” to the Brereton reforms, declaring that “history will judge us”.

When contacted for comment on the latest report, a spokesperson for Marles said: “The deputy prime minister continues to work through the recommendations of the Brereton report, including receiving regular updates and briefings from the Afghanistan inquiry panel.

“This remains a priority for the deputy prime minister. The Albanese government is committed to implementing the Brereton report.”

Defence was also approached for comment.

The report – covering the period August to October – also disclosed that defence was “currently working towards” providing Marles with updated advice on compensation issues soon.

Guardian Australia reported in early December that Marles had already received a number of briefings about compensation, more than two years after the Brereton inquiry found payments should be offered quickly to families of alleged victims to restore “Australia’s standing”.

The minister’s spokesperson said at the time that despite the complexities surrounding compensation “the government remains committed to implementing, to the extent that it can, the Brereton report”.

The previous Coalition government missed the original December 2021 deadline for a decision on how to approach the compensation issue.

Despite concerns about timeliness, the Thom panel’s most recent report noted some positive improvements, such as the efforts to reform the culture of “exceptionalism” within the SAS regiment.

The panel said it had been “apparent to us during a recent visit to Campbell Barracks that the regiment had a renewed focus on ‘humility’, as a counter-balancing central value”.

The panel members conveyed that view during a meeting with the special operations commander Australia on 17 August 2022, but then decided to conduct a further 17 confidential interviews to gauge “how cultural change across the Command is being experienced by external partners”.

These interviews included people in mid-seniority positions from Australian defence headquarters, headquarters joint operations command, army headquarters, strategy and intelligence group, and capability acquisition and sustainment group.

The findings were largely redacted, but included “areas of strength” and also “ongoing areas of concern”.

UN Describes Worsening Afghanistan Rights Crisis (Human Rights Watch) By Fereshta Abbasi and Patricia Gossman

March 02, 2023

The latest report by the United Nations Special Rapporteur on Afghanistan, Richard Bennett, is comprehensive and devastating.

The special rapporteur catalogues widespread, serious abuses, noting that the Taliban authorities have “normalized” the systematic violation of the rights of women and girls. He also suggests that their “discriminatory denial of women and girls’ fundamental human rights may amount to gender persecution, a crime against humanity.” The arbitrary detention of women protesters is highlighted, as well as edicts that have shut women and girls out of secondary and higher education, most jobs, and even the use of public parks.

The special rapporteur describes a country under the Taliban in which there is “very little tolerance for difference, and none for dissent.” Journalists are increasingly subject to surveillance, intimidation, violence, and detention.

Hazara, Shia and other religious minorities have historically faced discrimination and abuse in Afghanistan. A pattern of attacks that killed and injured thousands of civilians under the previous government has continued. In the year following the Taliban takeover in August 2021, at least 1,000 people were killed in bombings apparently carried out by armed groups linked to the Islamic State (ISIS). Most of the attacks targeted Hazaras.

The special rapporteur also documents the severe human rights implications of the economic crisis that has been exacerbated by international sanctions and the abrupt loss of foreign aid, which supported most government services. An estimated 18.9 million Afghans – half the population – are experiencing acute food insecurity. This dire humanitarian crisis has been made worse by the Taliban’s refusal to allow women to work. Although female health workers are meant to be exempt, they “are severely hampered by the policies of the de facto authorities.” Importantly, the special rapporteur’s mandate is not limited to the period following the Taliban takeover. His report welcomes a recent Dutch court ruling that ordered the Netherlands to pay financial compensation to the victims of the Dutch bombing of a residential complex in 2007. Bennett urges other states to initiate domestic accountability mechanisms for human rights violations during the 20-year conflict.

A year and a half after the Taliban takeover, Bennett’s report demonstrates the crucial importance of continued international support and funding for the special rapporteur’s mandate to ensure comprehensive scrutiny and documentation of the human rights situation in Afghanistan.

[\[back to contents\]](#)

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

Youth: The Study tour organized by the ECCC provides knowledge and contributes to the prevention of genocide (ECCC.gov) March 2, 2023

On March 2, 2023, about 250 youth from Kampong Cham Province participated in the study tour organized by the Extraordinary Chambers in the Courts of Cambodia (ECCC). The youth, to finding out about the bitter history of Cambodia, came from various institutions, including teachers and youth groups in Kampong Siem district and the medical student youth group of Kampong Cham Regional Health High School.

Ms. Cheang Soklin, from Kampong Siem district, said that participating in today's study tour, she learned more about the Khmer Rouge tribunal trial of former senior Khmer Rouge leaders, the sufferings that Khmer Rouge inflicted on the Cambodian people during the Democratic Kampuchea regime and the sacrifices of the Royal Government of Cambodia in leading the country to gain peace. Soklin added that she was saddened to see the pictures and hear the guide explain about the brutal tortures, starvation and killings of people, young and old, at the Tuol Sleng Genocide Museum. "It is very important to bring the leaders of that brutal regime to trial for providing justice to the families and victims of that regime" said Soklin.

Mr. Chhuon Vibol, the leader of the youth group, said that the knowledge gained during today's study tour is very important for his youth group because it would contribute to the prevention genocide acts. Therefore, he called on the young people to pay attention to find out about things in each location to gain more knowledge.

Similarly, Mr. Chuon Ratana Vong, participated in the study tour, thanked the Khmer Rouge tribunal for organizing this study tour for the younger generation to learn what happened during the Khmer Rouge regime and its effects on the Cambodian people and the whole country. This man also thanked the Royal Government of Cambodia for leading the country to be peaceful and prosperity in all sectors to this day. Mr. Chuon Ratanavong also suggested to all the youth to participate in maintaining peace and help prevent Cambodia not to become any killing fields again.

The study tour organized by the Extraordinary Chambers in the Courts of Cambodia (ECCC) or the Khmer Rouge Tribunal today, all young people visited the Tuol Sleng Genocide Museum, Choeung Ek Genocide Center, Win Win Monument and a presentation by officials from The Khmer Rouge tribunal on the trial of former senior leaders of Democratic Kampuchea. At the end of the day visit, all the young people received a lot of information and knowledge about the trial of former Khmer Rouge leaders, the brutal torture, the massacre of Cambodians by the Khmer Rouge and the sacrifices of the Khmer Rouge. Cambodian leaders in liberating the nation from that genocidal regime.

The ECCC outreach study tour is organized weekly for students, youth, and the public, as part of the remembrance and participation in preventing the return of the atrocities of the Khmer Rouge regime. Since the first court proceedings until today, 2023, more than half a million national and international public have participated in the outreach study tours under the coordination by the Public Affairs Section of the Khmer Rouge Tribunal.

[\[back to contents\]](#)

Bangladesh International Crimes Tribunal

Bangladeshi war-crime fugitive arrested (The Telegraph India) February 28, 2023

Bangladesh's security forces have arrested a Jamaat-e-Islami activist who was on the run for a decade and sentenced to death in absentia by a tribunal for committing crimes against humanity during the Liberation War in 1971.

Acting on a tip-off, a team of anti-crime Rapid Action Battalion (RAB) arrested 70-year-old Abu Muslim Mohammad Ali from Demra area on the outskirts of Dhaka on Saturday.

"He was an activist of Jamaat-e-Islami in 1971 during the (1971) Liberation War when he was involved in mass murders, arson, rapes and looting in (northwestern) Gaibandha," a RAB statement said.

The International Crimes Tribunal sentenced him to death in 2017 after a trial in absentia but he went into hiding in 2013 when a legal initiative was launched against him following complaints by one of the victims of the atrocities during the Liberation War.

"We have arrested him from a slum-like abode where he was living while keeping a low profile," RAB's Lieutenant Colonel Arif Mohiuddin Ahmed said.

Ahmed said Ali was an active member of the Islamic Chhatra Sangha, Jamaat's then student wing.

He never appeared before the tribunal to face justice. Ali's arrest came nearly 10 days after the RAB arrested two war criminals

in separate raids in Dhaka's Mohammadpur and Mugdha areas.

One of them was Zasisar Rahman Khoka, 69, while the other was Abdul Wahed Mandol, 69. Both were given capital punishment for committing crimes against humanity.

[\[back to contents\]](#)

War Crimes Investigation in Myanmar

4 of every 5 townships in Myanmar impacted by conflict since coup: UN agency (Radio Free Asia) March 6, 2023

Nearly four out of every five townships in Myanmar has been impacted by conflict in the two years since the military coup, according to the United Nations, prompting calls by civil society for "immediate action" to end the junta's crimes against its own citizens.

A new report published on Friday found that 255 of Myanmar's 330 townships, or nearly 80%, had been impacted by armed clashes between the military and anti-junta forces between Jan. 31, 2023, and the Feb. 1, 2021, takeover as the regime's generals have "embarked on a scorched earth policy in an attempt to stamp out opposition," U.N. High Commissioner for Human Rights Volker Türk said in a statement accompanying the findings.

"Tragically, regional and global efforts for peace and restraint have largely fallen on deaf ears," Türk said.

"The military, emboldened by continuous and absolute impunity, has consistently shown disregard for international obligations and principles," he said. "Urgent, concrete action is needed to end this festering catastrophe."

The report documents a long list of human rights violations from Feb. 1, 2022, to Jan. 31, 2023, alone amid what it said was a "sharp rise in violence" over the past year – particularly in the country's northwestern and southeastern regions.

It cited credible sources as having confirmed the military's killing of at least 2,940 civilians and arrest of 17,572 others since the coup. The Assistance Association of Political Prisoners (Burma), an NGO based in Thailand, puts the numbers higher, with at least 3,110 killed and 20,167 arrested.

Central to the military's impact on Myanmar's civilian population is its so-called "Four-cuts approach" against the armed resistance, the report found. This included indiscriminate airstrikes and shelling, razing of villages, and denial of humanitarian access as part of a bid to "cut off" anti-junta forces from access to food, finances, intelligence and recruits.

The military launched 301 airstrikes in 2022, compared to 125 a year earlier, fired heavy artillery shells 756 times, compared to 376 times in 2021, and burned civilian villages 1,355 times – a staggering five-fold increase from its 282 arson attacks the prior year.

The report singled out the systematic and widespread burning of villages and dwellings as one of the military's most frequently used tactics, noting that nearly 39,000 houses across the country have been burnt or destroyed by junta troops since February 2022 alone – a more than 1,000-fold increase from a year earlier.

Of the country's regions, Sagaing was the most affected, with more than 25,500 homes destroyed by military arson, the U.N. said. The military razed nearly the entire village of Ah Shey See in Sagaing's Kale township, burning 621 structures to the ground, the report found, based on an analysis of satellite imagery.

Civilians in the crosshairs

The military's indiscriminate airstrikes do more harm to the civilian population than its enemies, the commander of an anti-junta People's Defense Force paramilitary group in Chin state's Kanpetlet township told RFA Burmese, speaking on condition of anonymity out of security concerns.

“The military airstrikes target our bases but they often misfire and hit civilian populations, causing the people to suffer,” he said.

A resident of Kawkareik township in southeastern Myanmar’s Kayin state told RFA that not even civilians who flee attacks on their villages are safe from the military.

“People fleeing to the jungle have no shelter and have to live with what little they can carry, under [makeshift] roofs made of leaves,” said the resident. “The military troops still target and shoot at them, as if [the shelters are] an enemy base.”

The U.N. report also documented at least 24 mass killings by junta troops of five people or more in 2022 alone.

The reported increase in the targeting of civilians comes despite numerous claims by junta Deputy Information Minister Major Gen. Zaw Min Tun during interviews with RFA that the military does not target noncombatants or commit arson attacks.

Meanwhile, Myanmar’s economy has foundered as the result of military mismanagement, doubling the country’s poverty rates from March 2020.

The U.N. Human Rights Office said in its report that nearly half of the population now lives in poverty, while rural populations risk starvation amid military restrictions in conflict zones. Some 17.6 million people are being denied access to crucial humanitarian aid, it said.

Commissioner Türk accused the military of creating a “perpetual human rights crisis” in Myanmar since the coup.

“Across Myanmar, people are continuously exposed to violations and crimes, including killings, enforced disappearances, displacement, torture, arbitrary arrests, and sexual violence,” he said. “There are reasonable grounds to believe that the military and its affiliated militias continue to be responsible for most violations, some of which may constitute crimes against humanity and war crimes.”

The U.N. report called for an immediate halt to the violence in Myanmar, the release of those arbitrarily detained, accountability, and unhindered humanitarian access.

Call for immediate action

Speaking to RFA, Nay Phone Latt, the spokesperson for the office of shadow National Unity Government Prime Minister Duwa Lashi La, welcomed the U.N. report, but called for immediate and concrete action to stop the junta.

“This is a situation where tens of people are killed by the junta every day, and their homes and property are being destroyed on a daily basis, as well,” he said.

“Time is of the essence. The longer action is delayed, the more innocent civilians will suffer. That’s why we need to determine the root causes, choose the right methods to deal with them, and implement them quickly.”

Kyaw Win, director of the Burma Human Rights Network told RFA that the military’s human rights violations do more than “constitute” crimes against humanity, calling them even worse than what is documented in the U.N. report.

“What the Myanmar military is carrying out are crimes against humanity ... because it has systematically committed such crimes everywhere using the same pattern and methods,” he said. Other sources said they were unsurprised by the U.N.’s findings, noting that the military has become increasingly brutal over the two years since the coup.

“If such atrocities continue to happen every month, the people will be in serious trouble,” said a member of the PDF in Sagaing’s Wetlet township, who also declined to be named. “The international community must join together to overthrow the military regime as soon as possible.”

[\[back to contents\]](#)

AMERICAS

North & Central America

[\[back to contents\]](#)

South America

[\[back to contents\]](#)

Venezuela

[\[back to contents\]](#)

TOPICS

Truth and Reconciliation Commission

[\[back to contents\]](#)

Piracy

[\[back to contents\]](#)

Gender-Based Violence

Excluding women 'no longer acceptable', says UAE Minister of State (The National) By Adla Massoud
March 7, 2023

Despite global advances towards gender equality, women and girls are often still excluded from decision-making — something Noura Al Kaabi, UAE Minister of State, told the UN Security Council is “no longer acceptable”.

“The message is clear: Globally, with every one step forward for women and girls, we take two steps back,” said Ms Al Kaabi on Tuesday at a ministerial debate on women, peace and security ahead of International Women’s Day.

“As the UAE prepares to host Cop28, two thirds of the UAE’s leadership team and more than half of the management team are women.

“Excuses for excluding women are no longer acceptable and we must all hold ourselves to the same standards.”

She pointed to the situation of Afghan women and girls, who are being systematically erased from their society, and called for their roles to be strengthened throughout the entire “conflict continuum”.

Gender equality is 300 years away, says UN Secretary General

On Monday, young Afghan women gathered outside Kabul University to protest against the Taliban’s ban on female education, a restriction a new UN report said could amount to “a crime against humanity”.

The UN document, presented to the Human Rights Council in Geneva on Monday, also noted the rise in forced and child marriages, the ban on women from public spaces such as parks and gyms, and other restrictions that limit women's ability to work and travel independently.

During the Security Council meeting, US ambassador to the UN Linda Thomas-Greenfield accused the Taliban of renegeing on its promises to the international community and to Afghan women by enacting “draconian, oppressive” measures against them.

She called on the council to insist the Taliban reverse these “horrific edicts and honour its commitment to the people of Afghanistan”.

Ms Thomas-Greenfield told reporters on Tuesday that the US remains deeply committed to protecting and advancing the rights of women and girls at home and around the world, and stressed that she would never “shy away” from the fact that the US faces its own challenges.

“The right to make intensely personal choices free from the interference of politicians has been stripped away from millions and millions of women in the United States,” she said.

“I have travelled the globe advocating for women’s rights, and it pains me to know that so many in my own country want to undo fundamental rights.”

In 2000, the Security Council adopted Resolution 1325, recognising the critical role of women in maintaining peace and security. It urged all actors to increase the participation of women and incorporate gender perspectives in all UN peace and security efforts.

[\[back to contents\]](#)

Commentary and Perspectives

Latin America and Caribbean Nations Rally Against Autonomous Weapons Systems (Human Rights Watch)
By Mary Wareham and Bonnie Docherty
March 6, 2023

The push to prohibit and regulate autonomous weapons systems made significant progress last month when nearly every country in Latin America and the Caribbean endorsed a new communiqué calling for the “urgent negotiation” of a binding international treaty. In recent years, various groups of countries have promoted this objective, including the Non-Aligned Movement (NAM), which comprises of 125 States. But the Belén Communiqué is the first to be adopted by a regional meeting on the topic, and it comes at a critical time.

An increasing number of countries, including Australia, China, India, Iran, Israel, South Korea, Russia, Turkey, the United Kingdom, and the United States, are investing heavily in the military applications of artificial intelligence (AI) and related technologies to develop air, land, and sea-based autonomous weapons systems. Weapons systems with autonomous functions are already being used in Ukraine and other conflicts.

The plethora of ethical, legal, moral, operational, proliferation, and security risks raised by autonomous weapons systems have been thoroughly explored over the past decade. Yet at diplomatic talks held since 2014, a handful of countries, especially India, Russia, and the United States, have consistently resisted growing calls to negotiate a new legally binding instrument on autonomous weapons systems. International humanitarian law and human rights law badly need an update as they were written for humans and not machines.

Latin American and Caribbean Conference

The Belén Communiqué is the main outcome document of a regional conference on autonomous weapons that the government of Costa Rica and local non-governmental organization FUNPADEM held in San José between Feb. 23-24. The first regional inter-governmental meeting on this topic explored the social and humanitarian impacts of autonomous weapons systems, which would select and engage targets based on sensor processing rather than human inputs.

Government representatives from nearly every country in Latin America and the Caribbean attended the conference as did officials from 13 observer countries: Austria, Belgium, France, Germany, Ireland, Japan, New Zealand, the Netherlands, Nigeria, the Philippines, Russia, Switzerland, and the United States. The United Nations disarmament chief, Izumi Nakamitsu, and International Committee of the Red Cross (ICRC) president Mirjana Spoljaric Egger addressed the conference and reiterated their respective institutions’ firm desire for a legally binding treaty to address autonomous weapons systems.

The Stop Killer Robots campaign, co-founded by Human Rights Watch and now consisting of more than 200 non-governmental organizations in 70 countries, had a strong presence at the Costa Rica conference. In a presentation to the conference, Human Rights Watch’s Bonnie Docherty highlighted the negative social and humanitarian consequences of permitting machines to take human life on the battlefield or in policing, border control, and other circumstances. Docherty called on States to open negotiations on a new international treaty to prohibit and restrict autonomous weapons systems and cited a recent report from Human Rights Watch and Harvard Law School’s International Human Rights Clinic about forums for doing so.

Communiqué’s Call for a New Treaty

The Belén Communiqué, which over 30 States adopted, highlights the dangers of autonomous weapons systems. It recognizes that “emerging technologies pose concrete challenges to international peace and security, and raise new questions about the role of humans in warfare.” It finds that “it is paramount to maintain meaningful human control to prevent further dehumanization of warfare, as well as to ensure individual accountability and state responsibility.”

The communiqué further calls for an ethical and legal solution. It recognizes the relevance of a breadth of legal sources including international humanitarian law, international human rights law, and the United Nations Charter, and invokes the Martens Clause, a provision of international humanitarian law that appeals to the principles of humanity and dictates of public conscience. At the same time, it acknowledges the limits of existing law, stating in its preamble that “the international community is called to respond to these threats by developing and strengthening the international legal framework” (emphasis added).

Finally, the communiqué echoes the broad support that has been voiced for a legally binding instrument with prohibitions and regulations to address the host of grave concerns raised by removing human control from the use of force. The Stop Killer Robots campaign, the ICRC, and many States have said that such an international treaty should prohibit autonomous weapons systems that inherently lack meaningful human control and systems that target people. It should contain positive obligations, that is, affirmative requirements, to ensure meaningful human control in other weapons systems that have elements of autonomy.

Competing Statements

The Belén Communiqué is the third joint statement on this topic to be issued in a matter of weeks, and it is significantly stronger than its counterparts.

The United States unveiled a proposed political declaration on Feb. 16 that seeks to ensure responsible use of weapons systems that incorporate AI capabilities. The State Department describes the proposed U.S. declaration as “a series of non-legally binding guidelines describing best practices for responsible use of AI in a defense context.” It has not provided a timeline for when the declaration might be finalized or indicated who might endorse it.

The Netherlands issued a “call to action” on the same day at the close of a conference that it co-hosted with South Korea in The Hague on “responsible use of AI in the military domain.” The call recognizes that “failure to adopt AI in a timely manner may result in a military disadvantage, while premature adoption without sufficient research, testing and assurance may result in inadvertent harm.” The Netherlands has published a list of 57 countries that it says have endorsed the call.

The recent Dutch and U.S. initiatives, however, fail to address the need to regulate autonomy in weapons systems through the adoption of new international law. They starkly contrast with the Belén Communiqué, which affirms the need for countries to “collaborate to promote the urgent negotiation of an international legally binding instrument, with prohibitions and regulations with regard to autonomy in weapons systems.” The Stop Killer Robots campaign has welcomed the Belén Communiqué for demonstrating “genuine political leadership in showing a way forward” toward the goal of new international law.

The Dutch and U.S. statements accept continued development and acquisition of autonomous weapons systems so long as doing so complies with existing law, processes, and ethical principles. The campaign has criticized both proposals for offering “vague and incoherent visions on the responsible use of military AI, without clarity on the rules or limitations needed on development and use.” Instead of creating adequate controls on the development of autonomous weapons, the Dutch and U.S. initiatives could facilitate even greater investments in these weapons.

The Way Ahead

Autonomous weapons systems present a grave problem that can affect any country in the world, so clear, strong, and global rules are important and urgent. To protect humanity, countries should support the negotiation of new international law to prohibit and restrict autonomous weapons systems.

Voluntary measures, such as codes of conduct, interpretations of how existing law applies, and non-binding principles, may be appealing to countries that oppose negotiating new law yet want to appear as though they are “doing something.” But they only pave the way for a more uncertain and dangerous future that involves automated killing.

The challenge now is how to achieve new international law. Particularly since the start of the Covid-19 pandemic, diplomatic talks on lethal autonomous weapons systems under the auspices of the Convention on Conventional Weapons (CCW) have become deadlocked. The last substantive agreement by countries participating in the CCW meetings was the adoption of guiding principles for discussions in 2019. The CCW’s Group of Governmental Experts has provided a convenient talk shop, but it has shown repeatedly that it is incapable of producing a credible outcome.

The main reason for the lack of progress under the CCW is that its member countries rely on a consensus approach to decision-making, which means a single country can reject a proposal, even if every other country agrees to it. A handful of major military powers, notably Russia, have repeatedly blocked proposals to move to negotiations since 2021.

To make progress an alternative forum must be found. It is time to step outside the CCW to another forum that can aim higher, move faster, and be more inclusive of countries that are not part of the CCW as well as of civil society. One option is to undertake an independent process outside of U.N. auspices, as was used for the treaties banning antipersonnel landmines and cluster munitions. Another is a process initiated through the U.N. General Assembly, which is how the Treaty on the Prohibition of Nuclear Weapons was achieved. These precedents show how – with political will and voting-based decision-making – like-minded States can negotiate and adopt strong treaties in 15 months or less.

While the Belén Communiqué does not specify where negotiations of a treaty should take place, it recognizes the need to address the issue not only under the CCW but also in “other multilateral fora.” Furthermore, some States at the conference, such as Mexico and Trinidad and Tobago, welcomed the possibility of action in various venues, notably the U.N. General Assembly or the Human Rights Council.

At the beginning of this year, U.N. Secretary-General António Guterres warned that “technology is not moving incrementally” and neither should efforts to regulate and prevent harm. He again called for internationally agreed limits on lethal autonomous weapons systems.

Technology is indeed advancing rapidly, and autonomy is playing an increasing role in the use of force. After a decade of

debate, it is urgent to start drafting new legally binding rules to prevent the automation of killing.

UK Says Refugees Not Welcome (Human Rights Watch) By Emilie McDonnell

March 8, 2023

The new law the United Kingdom government proposed this week that would ban people who cross the English Channel by boat – or arrive by other so-called irregular means – from claiming asylum in the UK won't work.

Asylum seekers would be detained en masse; deported to their home country, or Rwanda, or another country the government has deemed safe; and banned from ever re-entering Britain. They would be stripped of almost all appeal rights. The only exceptions in this sweeping bill are for unaccompanied children, and for people who are subject to specific exceptional circumstances, including those who claim they would suffer serious and irreversible harm if they were removed.

Contrary to the narrative the government likes to push, it is not illegal to seek asylum, and it is irrelevant how a person arrived in the UK. What is illegal is the government's cruel and draconian plan.

The bill seeks to penalise people who are left with few options but to undertake such a dangerous journey across the Channel. The 1951 Refugee Convention, an international treaty to which the UK is a party, expressly prohibits penalising asylum seekers and refugees on account of their irregular entry. And in stripping the ability of asylum seekers to meaningfully challenge their removal in most cases, the government may breach its obligation not to expel people to places that are unsafe and where they could face serious human rights abuses, such as Rwanda. The bill would also breach the right of asylum seekers to an effective remedy.

This deplorable proposal is nothing more than an attempt by the government to score political points by using the age-old playbook of stoking fear and division. In recent weeks, the UK has been shaken by violent attacks by members of far-right and anti-immigrant groups on hotels housing asylum seekers. Unions have accused the government of emboldening such groups with its inflammatory rhetoric against asylum seekers and other migrants.

The government knows full well that its proposal is unworkable and ineffective, and that it amounts to a flagrant breach of its obligations under the Refugee Convention and the European Convention on Human Rights. The bill even includes a concession from the government that the new law may breach the European Convention.

In 2022, the government passed the Nationality and Borders Act, promising that it would put an end to small-boat crossings. This law is full of egregious provisions, such as criminalising the actions of asylum seekers rescued or intercepted at sea. But small-boat crossings have not ended, and it is abundantly clear that policies centred on criminalisation, deterrence and expulsion do nothing to solve the issues at hand.

The reality is that, for people arriving on Britain's shores, a boat is often their only path to safety. Beyond limited schemes for Ukrainians, some Afghans, and some people from Hong Kong – which are positive developments but have been plagued with problems – and the UK's formal resettlement schemes, most asylum seekers and refugees are unable to travel safely to the UK, including those who have family here.

In the last quarter of 2022, Afghans accounted for the largest group of people by nationality crossing the Channel, yet only 22 Afghans were resettled during the year under the UN pathway of Britain's Afghan citizens resettlement scheme. Meanwhile, despite the UK government speaking out against the horrific human rights violations in Iran, only nine Iranians were resettled last year through the UK resettlement scheme, even though Iranians are among the top five nationality groups crossing by boat.

If the government is serious about reducing deaths at sea, dangerous Channel crossings, and tackling people-smuggling and trafficking, denying people access to asylum in the UK and detaining them at huge cost is not the answer. It will simply push asylum seekers to take ever more dangerous and hidden journeys to enter the UK, while doing nothing to address the government's failure to ensure a well-functioning and properly resourced asylum system.

A more workable solution is for the UK to provide sufficient safe routes for asylum seekers and migrants to travel to the UK, such as humanitarian visas, expanded resettlement schemes, and pathways for family reunification, work or study. The UK also needs to work with other countries, both regionally and globally, to share responsibility for the world's refugees – not close its doors. Let us not forget that the UK receives far fewer asylum claims than many of its European neighbours, including Germany and France.

Instead of pursuing this cruel and unworkable bill and fuelling fear and division, the government should be focused on fixing the UK's strained and malfunctioning asylum system. Creating a humane and fair system for all seeking refuge is not only the right thing to do: it is also the most practical.

Aiding and Abetting

Yemenis sue top US defence contractors for 'aiding war crimes' (Middle East Eye) By Umar A Farooq
March 3, 2023

A group of Yemeni nationals has filed a lawsuit in the US against defence contractors Raytheon, Lockheed Martin, and General Dynamics, accusing them of "aiding and abetting war crimes and extrajudicial killings" by supplying arms to the Saudi-led coalition's war in Yemen.

The lawsuit, filed in the district court of Washington DC, also names the leaders of Saudi Arabia and the United Arab Emirates, Mohammed bin Salman and Mohammed bin Zayed, respectively, as well as US Secretary of State Antony Blinken and Pentagon chief Lloyd Austin.

Middle East Eye reached out to the Pentagon, the State Department, the embassies of Saudi Arabia and the UAE, and the three defence contractors for comment on this lawsuit.

The State Department, Pentagon, and Lockheed Martin told MEE that they do not comment on pending litigation. General Dynamics said they did not have a comment on the lawsuit.

"Year after year, the bombs fell - on wedding tents, funeral halls, fishing boats and a school bus - killing thousands of civilians and helping turn Yemen into the world's worst humanitarian crisis," reads the lawsuit, seen by MEE.

"Weapons supplied by US companies through sales unlawfully approved by US officials, allowed Saudi Arabia and the UAE through the named Defendant officials to pursue an indiscriminate and brutal bombing campaign."

The plaintiffs are seven Yemeni individuals who say they represent the victims of two separate bombings in the country - one for a wedding in 2015 and another for a funeral in 2016.

In October 2015, the al-Sanabani family was readying to celebrate a relative's wedding when a warplane bombed the area, killing 43 people including 13 women and 16 children, according to Human Rights Watch (HRW).

One year later, in October 2016, a crowded funeral was bombed and more than 100 people were killed. HRW reported that the bomb used was the US-manufactured GBU-12 Paveway II laser-guided bomb.

"I found him under a burning car, he was dead, his legs were cut off, and his right hand was cut off too, he was completely burnt," Khaled Ali Salem Chaib, one of the plaintiffs, said in a statement detailing the death of his son from the wedding bombing in 2015.

"Some nights when I sleep, I feel tight in my body, and I have disturbing nightmares and I can't bear to see the scene of the crime since."

The Yemeni plaintiffs are filing the lawsuit under the Torture Victim Protection Act (TVPA), a 1991 US law that allows victims of torture to sue for compensation from their tormenters if the accused are in the US.

The lawsuit names the Saudi and Emirati crown princes under the Alien Tort Statute, a law that grants federal courts jurisdiction over violations of international law.

The lawsuit, filed on behalf of the plaintiffs by Terrence Collingsworth of International Rights Advocates, comes more than a month after the Campaign Against Arms Trade (CAAT) in January said it would be taking legal action against the UK government over its arms sales to Saudi Arabia during the ongoing war in Yemen.

Collingsworth, a longtime human rights lawyer based in Washington, has worked on several cases against multinational corporations over human rights abuses, including Exxon Mobil and Drummond, a coal company based in Alabama with operations in South America.

Eight years of war in Yemen March marks the eighth year of the Saudi-led intervention in Yemen, and rights advocates in the US have been pushing for a definitive end to American support for the Saudi-led coalition.

Earlier this week, more than 70 groups came together to protest US support for the war in several states across the country.

Yemen descended into civil war in 2014, when Houthi rebels seized the country's capital and forced the internationally recognised government to flee to Saudi Arabia. Saudi Arabia alongside a coalition of regional allies, namely the UAE, intervened in March 2015 to push the Houthis back.

The coalition launched a wide-ranging aerial bombing campaign, carrying out thousands of air strikes in an effort to roll back Houthi gains.

Coalition forces also imposed an economic blockade on Houthi-controlled areas, including a sea and air blockade, worsening economic conditions for millions of Yemenis.

A ceasefire brokered by the UN took effect in April 2022 and was extended once, but eventually collapsed in October.

Despite the absence of a truce extension, major fighting has not escalated in the months since it expired.

[\[back to contents\]](#)

WORTH READING

The International Criminal Court: Yesterday, Today, Tomorrow

Oluwapelumi Mojolaoluwa Mofoluwawo

March 6, 2023

The International Criminal Court (ICC) is the first court of its kind, with permanence and global reach, established by the Rome Statute of 1998 to address and redress heinous crimes of international concern. This court has a complementary jurisdiction to national courts and assumes jurisdiction over nationals from member states and from cooperating states who have submitted to its jurisdiction. So far, the International Criminal Court has indicted over 40 persons, opened 31 cases, convicted 10 and acquitted 4. This Court has certainly changed the criminal justice landscape greatly, since inception. This paper examines the international criminal justice systems in place before the ICC came into being, the operational structure of the ICC, its impact on the administration of criminal justice at the international level, and prospects for its future.

[\[back to contents\]](#)

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