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## AFRICA

## NORTH AFRICA

### Libya

#### **Italy estimates 680K migrants might cross sea from Libya (Associated Press)**

March 12, 2023

#### **Some 105,000 migrants reached Italy by sea in 2022.**

Intelligence reports indicate nearly 700,000 migrants are in Libya awaiting an opportunity to set out by sea toward Italy, a lawmaker from Premier Giorgia Meloni's far-right party said Sunday, but a U.N. migration official called the number not credible.

Tommaso Foti, the lower parliamentary house whip for the Brothers of Italy Party, told television channel Tgcom24 the Italian secret services estimated that 685,000 migrants in Libya, many of them in detention camps, were eager to sail across the central Mediterranean Sea in smugglers' boats.

Separately, 30 migrants were missing and 17 were rescued some 100 nautical miles (180 kilometers) from Libya's coast after their boat overturned while a commercial vessel was trying to take them aboard, the Italian coast guard reported Sunday night.

Stressing that the capsizing happened outside Italy's area of search-and-rescue responsibility, the coast guard said several other merchant vessels were helping to look for the boat's missing passengers.

The humanitarian group Alarm Phone signaled to Italy's national coordination center and to Libyan and Maltese authorities on Saturday that the boat with 47 people on board needed assistance.

Libyan authorities, citing "lack of naval assets availability," contacted the Rome-based maritime aid coordination center, which sent a satellite message about an emergency to all ships in the area, according to the Italian coast guard statement.

It said the commercial motorboat that took on the 17 survivors was headed for Italy but would first stop in Malta to disembark two people in urgent need of medical care. A spokesperson for the Libyan coast guard did not respond to a request for comment

Meloni is hoping a European Union meeting later this month yields concrete solidarity from fellow leaders of EU nations in managing the large numbers of migrants and asylum-seekers who come to countries on the Mediterranean's rim, including Greece, Cyprus, Malta and Spain as well as Italy.

"Europe can't look the other way," Foti said.

While the intelligence services assessment sparked alarming headlines in Italy, a spokesperson for the International Organization for Migration cautioned that the figure appeared to be confusing the high end of the estimated number of migrants in Libya with those who were actually seeking to head from there to Europe.

"This number seems to be an estimate, that we also give, of the total presence in Libya," Flavio Di Giacomo told The Associated Press in Rome.

But of that number "only a minimum part want to leave and only a minimum part succeeds in leaving" for Europe, Di Giacomo said. For example, many migrants in Libya come from Niger and Chad, two African nations on Libya's southern border, and eventually return to their homelands, he said.

The Italian intelligence service's estimate "is the last of a long series of alarms that we've seen in the last 10, 12 years, that turned out to be mistaken" Di Giacomo said. "That number doesn't seem to be absolutely credible."

Some 105,000 migrants reached Italy by sea in 2022.

From the start of this year through March 10, some 17,600 arrived, including a few thousand who disembarked at Italian ports in the last several days. That's about triple the number for the same time period in each of the two previous years, although the COVID-19 pandemic might have led to fewer voyages.

On Sunday, three more bodies were found from a Feb. 26 shipwreck just offshore the Italian peninsula, raising the known death toll in that disaster to 79 migrants, Italian state TV said. A wooden boat that had sailed from Turkey ran into sandbank in rough seas off a beach in Calabria, the toe of the Italian peninsula.

There were 80 survivors, and an undetermined number of people were believed to be missing and presumed dead.

Meloni's government has rebuffed criticism that the coast guard should have been sent out to rescue the boat's passengers when the vessel first was spotted farther off the coast.

For years, Italy has tried with limited success to induce Libya to stop launches of people smugglers' unseaworthy fishing boats and rubber dinghies toward Italian shores. Italian governments have trained and equipped the Libyan coast guard.

But the traffickers behind the smuggling rings continue to operate amid Libya's amid feuding political and militant factions.

The International Organization for Migration and humanitarian groups say passengers whose vessels are turned back by the Libyan coast guard often are returned to detention camps, where they are at risk of abuse, including torture, until their families raise enough money for the migrants to set out again by sea.

Meloni's government has made it harder for humanitarian organizations that operate rescue boats to carry out many rescues in the waters off Libya, adopting rules that force the vessels to disembark migrants in northern Italian ports, delaying their return to sea.

However many migrants actually set out from Libya on smugglers' boats, it "is a worrisome humanitarian flow because people die at sea," said IOM spokesperson Di Giacomo.

The U.N. migration agency estimates that some 300 people have died this year, or were missing and presumed dead, after attempting to cross the perilous central Mediterranean route.

## **UN Security Council reaffirms strong support for the Libyan people (UN News)**

March 16, 2023

**As the oil-rich North African nation continues to be ravaged by instability and clashes between rival authorities and armed groups, the Council's statement outlined some of its pressing concerns.**

Libyan-owned process

Members reaffirmed their strong commitment to an inclusive, Libyan-led and Libyan-owned political process, facilitated by

the UN and supported by the international community. It also expressed its strong support for the people of Libya to determine who governs them through elections and to ensure this legitimate demand is heard by political leaders.

The Council called on the international community to fully support the UN Secretary-General's Special Representative and the UN mission (UNSMIL) in its efforts to address challenges ahead.

Addressing the Council late last month, UN Special Representative and head of UNSMIL, Abdoulaye Bathily, said that the fragile political process was still falling far short of Libyans' aspirations, adding that they were crying out for reinvigorated political institutions. He announced a new mechanism for supporting crucial upcoming elections.

#### Multilateral approach

Towards finding a lasting and peaceful solution to the Libyan crisis, the Council encouraged the Special Representative to continue to take advantage of the contributions of neighbouring countries and regional organizations, in particular the African Union and the League of Arab States.

The 15-member organ encouraged the UN's continued support to the Libyan High National Elections Commission, including the deployment of a needs assessment mission, with a view to ensuring free, fair, transparent and inclusive national presidential and parliamentary elections across Libya.

Recalling the need to plan for security sector reform and to progress towards the demobilization, disarmament and reintegration of armed groups, as agreed by the 5+5 Joint Military Commission in December – made up of officials from both the internationally recognized Government and the rival administration in the east - the Council underscored the need for the establishment of an inclusive, unified, accountable, civilian-led security architecture for Libya as a whole.

It also underlined the importance of the principles of financial responsibility, anti-corruption, and transparency in the context of elections.

#### Strengthen borders

Reiterating its grave concern about the smuggling of migrants and refugees and human trafficking through Libya, and at the situation faced by migrants and refugees, including children, the Council recalled the need to support further efforts to strengthen Libyan border management.

It also called on Libyan authorities to respect and protect the human rights of migrants, and to take steps towards the closing of migrant detention centres.

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## CENTRAL AFRICA

### Central African Republic

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

**Russian Mercenaries Are Pushing France Out of Central Africa (Foreign Policy)** By Justin Ling  
March 8, 2023

**"For those of you here for the first time, the Central African Republic is a country of opportunity, and everybody has the possibility to come back," Pamir, the hero of the 2021 Russian movie Tourist, tells his assembled crew of military instructors. "Take advantage while the boat is full."**

Pamir (a callsign) and his dozen Russian compatriots are in the country on a training mission to help the embattled

government regain control in the civil war-torn country. Unbeknownst to the Russians, there is a plot afoot: An ex-president, nefarious European powerbroker, and greedy Catholic priest are conspiring to launch a coup against the government.

But the Russians are in the way, so the French-speaking European raises a militia to attack their base.

“We need a little victory that will be globalized by the media,” the Francophone tells his ordained co-conspirator. He offers a word of prescient caution: “The Russians know how to fight—and, unfortunately, they do it well.”

The militants launch their assault on the base but are thwarted—almost single-handedly—by the brave Russians. The coup-plotters’ plan to disrupt the nascent country’s election is derailed, and the Russians go back home. Some, indeed, come back to continue helping the government try to maintain control.

The credits roll.

As a movie, *Tourist* feels like a direct answer to the jingoistic Americana of *Rambo 2* or *Top Gun*. But the film is more than just popcorn fodder. The film’s financier is one of the most powerful men in Russia, Yevgeny Prigozhin; and the subject matter is his own mercenary company, the Wagner Group.

Prigozhin and his quasi-private personal military have become an extension of the Russian state. The group is active from Syria, where his mercenaries have tortured and brutally murdered civilians; to Ukraine, where his forces have scored some of the only Russian military advances in recent months; to Francophone Africa, where he has won over some rare allies for an increasingly isolated Moscow.

The Wagner Group’s growing global footprint is causing some anxiety in Western capitals. But in a growing number of African nations, Russia is supplanting those old colonial powers as a reliable partner.

“The Central African Republic does not get a lot of attention,” Louisa Lombard, associate professor of anthropology at Yale, said. “But the attention that it does get these days is entirely about the Russians and Wagner.”

Lombard has studied and written extensively on conflict in the republic. “This is a country that has had more than a dozen peacekeeping missions since the mid-1990s,” she said. The largest of those missions launched in 2014.

“Despite the [Western] presence—of a lot of diplomats, and a lot of international peace builders—the Central Africans have not seen real improvement in their situation,” Lombard said. “In fact, there are still just about as many people displaced now as there ever have been; it’s been fairly stable at a quarter of the population over this entire period. Food security has not gotten better. Schools are still rarely open. All of these problems remain for Central Africans.”

That creates a space for Moscow. The Central African Republic “has been a kind of testing ground for [the Russians], a place to try out different things,” Lombard said.

Ostensibly, Wagner is in the region to bring security to the Sahel: to succeed where France and the United Nations have failed. Like in the group’s previous deployments to Syria, Libya, and elsewhere, Wagner—and its various affiliated companies—claims to be fighting rebel groups, building domestic security capacity, and carrying out development aid. It has been carrying out those missions, which it bills as explicitly anti-colonialist, in the region since roughly 2017.

There’s some truth to Wagner’s rosy assessment of its work in Africa. Its willingness to conduct dangerous operations—particularly in partnership with the military juntas that rule in Mali and Burkina Faso—is winning over local support.

The Central African Republic, or CAR, has signaled its plans to be a lasting importer of Russian grain and foodstuffs. The republic was one of just 14 countries to vote against a 2022 United Nations resolution calling on Russia to pay war reparations to Ukraine. During a visit from Russian Foreign Minister Sergei Lavrov, Mali’s foreign minister pledged to deepen economic ties between the two countries—and blasted Western efforts to sanction Russia. When a coup brought a new military faction to power in Burkina Faso last fall, amid statements of concern from the United States and France, Prigozhin published a statement congratulating the coup plotters and their struggle against “colonialists, who robbed the people.”

As France exits the region, Russia’s successful courting of the Sahel has expanded its illiberal bloc of countries that serve as trading partners and diplomatic colleagues for an otherwise-isolated Moscow.

Untangling Prigozhin’s thicket of private corporations and shell companies deployed to the region suggests some clues about Russia’s broader geostrategic aims—and how it may continue financing its war in Ukraine.

A close watch of *Tourist* reveals some useful clues from 2021. Freeze frame in a pivotal early scene, when the European puppet-master lands his Cessna aircraft on a desolate road to meet the Catholic powerbroker, and you can just make out the plane’s tail number: RA-67717.



Journalists have followed this plane's exploits throughout central Africa, linking it, Prigozhin, the Kremlin, and a set of Russian mercenaries and businessmen to various political and business dealings in the region—from negotiating with rebel militias to exploring gold deposits.

Radio Free Europe traced that plane back to a pair of companies connected to Prigozhin: M Finans and Lobaye Invest.

Both companies, according to the U.S. Treasury Department, have been engaged in gold and diamond mining in Sudan and the Central African Republic since at least 2017, and are believed to be owned or controlled by Prigozhin. Both were sanctioned by Washington in 2020.

An investigation from European Investigative Collaborations, the All Eyes On Wagner project and the Dossier Centre revealed ties between Wagner's work in the Central African Republic and a Russian diamond exporter.

Gold, coffee, wood: Prigozhin's companies seem interested in a litany of resources that could earn him and his network of companies millions.

The idea that Prigozhin is hunting for riches, perhaps to finance the costly war in Ukraine, is a popular one. But it's not quite as obvious as it sounds.

"Trying to get diamonds out of the ground in rural CAR, into cash?" said John Lechner, a freelance journalist and researcher who has spent considerable time reporting from the republic. "That's a lot. That's complicated.

"A lot of people who try and make money in CAR get their asses handed to them," he said, adding that many of the mines currently in operation are more artisanal than industrial.

It's an assessment Lombard shares. "I don't think that any of it is [a] windfall, in the way that it sometimes gets presented," she said.

Just because Wagner controls a diamond-producing town, she said, didn't mean it could easily scale up a whole industry: "There are a fair amount of diamonds in the country—there's more gold—but it's very difficult. It's not exploited on anything but an artisanal basis. So it's not the kind of industry that you can come in and capture and immediately make tons of money from. And I think that's probably true for most domains in the country."

But although exporting goods from the region may be difficult, importing may be substantially easier—especially when it comes to weapons.

In 2013, the United Nations passed an arms embargo on the Central African Republic, over protests from the government in the capital Bangui. "The [Central African Republic] government was in a very vulnerable position, and they essentially were looking for approval to buy weapons," Lechner said. Not long after Wagner troops arrived in the country, Moscow began agitating for a relaxation of the embargo—it succeeded in 2020.

"Russia steps in and says: 'We know what you want; you want guns. You want direct military assistance, right?'" Lombard said. "And the Central Africans say: 'Yes, exactly. That is exactly what we want. We want to be able to go out there and fight back and rout the armed groups once and for all.' And that's what Russia promised, and that's what Russia has delivered."

Not long after, Russian transport planes—the same kind used in the shooting of Tourist—full of weapons were dispatched to the republic. Those same Ilyushin IL-76 planes also appeared in last year's coup in Burkina Faso, loaded with attack helicopters and fighter jets.

Russian shipments of military kit to Cameroon, likely destined for other countries in the region, were intercepted in 2021. A significant shipment of military goods also arrived in Mali earlier this year.

The Kremlin isn't just exporting hardware. It's also sending a significant number of personnel.

Photos posted to a Wagner-affiliated Telegram channel show a Wagner fighter gifting a watch to local police officers in Bangui. On the watch is the name and emblem of the Officers Union for International Security—a firm being used, according to the U.S. Treasury Department, to "obscure an increase of Wagner Group personnel operating in CAR." The U.S. government sanctioned the organization in January.

Another sanctioned group, Sewa Security Services, was set up to "provide a veneer of legitimacy for the presence of Wagner Group personnel" in the Central African Republic, according to the Treasury Department.

Regardless, the local government is lauding Russia's activities in the region. CAR Prime Minister Félix Moloua heaped thanks

and praise onto Moscow and Russian trainers during an interview with Russian broadcasters during a visit to St. Petersburg in January. “The people are asking for more of a presence from the Russian government,” he said.

In one cartoon, published widely online, a man sits alone at his kitchen table. From a crack in the floorboards, a rat—clad in white-and-blue stripes and a red beret—appears and begins pilfering food.

“It’s Emmanuel the rat; he’s your friend; he’s come to help you,” the kitchen radio says. “You can’t do anything without him. You need him.” The rat gets bigger and bigger. Advancing on the man, the rat threatens: “This is my house now; leave.”

The man calls for backup, which arrives not long later: A soldier with a Wagner Group patch on his arm arrives with a violin case. Inside is a sledgehammer (a not-so-subtle homage to the group’s preferred method of execution). The Wagner fighter attacks the rat, and wins.

Another cartoon, in the same style, shows a Malian fighter using an assault rifle to fight back a horde of French zombies. Just when it seems he’ll be overrun, a Wagner fighter parachutes down from an attack helicopter. “Do you need reinforcements, my friend?” he asks. Together, they lay waste to the zombie horde. When the unnamed French president dispatches a giant killer snake to Burkina Faso, the two soldiers arrive to lend their help. The two-minute video ends with the three men arriving in Côte d’Ivoire.

While it’s unclear whether they were designed by the Wagner Group itself or local groups supportive of the Russian mission, the cartoons certainly hit many of Wagner’s favorite notes.

Much like Tourist—which premiered at the national soccer stadium in Bangui, with some 10,000 people in attendance—these cartoons are part of an effort to normalize Russia’s engagement in the region and reveal some of Moscow’s objectives as it ingratiates itself to governments in the region.

The film, for example, depicts some very real, if exaggerated, events leading up to the 2020 Central African Republic election. The chief villains—a Catholic priest and a Francophone European fixer—mirror Russia’s real-life adversaries in the region. (The Catholic Church has warned about Russia’s growing influence in the region, as the Orthodox Church looks to gain a foothold.)

Prigozhin, before he became Putin’s shadow general, was Moscow’s master of propaganda. It was likely him who financed and set up the Internet Research Agency—the troll farm, advertising, and disinformation operation that aimed to wreak havoc in elections throughout the West.

Those same tactics have popped up throughout Africa. Facebook has taken down coordinated Russian-backed influence operations aimed at the Central African Republic, Côte d’Ivoire, Cameroon, and elsewhere. As far back as 2020, Prigozhin-linked firms have dispatched influencers, election observers, and pundits to extol Russia’s virtues in the region.

There is no shortage of good visuals for Russia—video of locals throwing stones at departing U.N. vehicles, footage of the waving Russian tricolor, even photos of local women in Wagner Group t-shirts.

One video posted to a Wagner Telegram channel shows a burly man in fatigues jumping, waving his arms, and dancing to “Barbie Girl” by Aqua, joined by a chorus of children. According to the channel, the Wagner “instructors” held the event at a Russian property in Bangui “for the children of local security officials with the participation of the Russian side.”

The current geopolitical tug-of-war happening on the continent is a descendant of the so-called scramble for Africa that began in the 1880s. The mad dash of colonization between then and the start of World War 1 toppled dozens of independent polities, replacing them with European rule. A landbound Russia was left out, but Western Europe profited.

France, even more than other European powers, strove to maintain its influence in the region after countries gained independence in the mid-20th century. In West Africa, it deliberately shaped small nations that would remain dependent on the metropole in Paris, economically and militarily. In the Central African Republic, it lent its enthusiastic support to Jean-Bédél Bokassa, who spent more than a decade as president-then-emperor of the country. Around the same time, Paris substantially reduced foreign aid to anti-colonial revolutionaries such as Burkina Faso’s Thomas Sankara—many believe his assassination has Paris’ fingerprints on it.

Into the 21st century, and the dawn of the global war on terror, France sent forces into Mali and Chad to fight Islamist groups. Between 1950 and 2020, France undertook more than 50 military interventions into Africa, often to prop up what it saw as friendly elites, including dictators.

That influence permeates the economies in West and Central Africa. The CFA franc, the currency for more than a dozen African nations, has been dubbed “monetary imperialism” due to an array of built-in financial terms advantageous to Paris.

Even decades after independence, the French-run oil industry continues to be a dominant player in the region—even though it was caught up in an enormous and long-running graft scheme.

In recent years, renewed secessionist and rebel movements in the area have been just one of many military concerns. Jihadist groups—often affiliated with the Islamic State, al Qaeda, or both—have waged deadly campaigns against civilians and governments. Thousands of French troops, often supported by the European powers and U.N. peacekeeping missions, were deployed to the region.

Those missions have made frustratingly little progress and have led to rising resentment. Violence and instability has risen, and investigations have linked French operations to civilian deaths.

The worsening security atmosphere have led to fractious politics: Coups in Mali in 2020 and Burkina Faso in 2021, and alleged coup attempts in Niger and the Central African Republic, as well as the actual events dramatized in *Tourist*—are all, at least in part, attributed to the rising violence. Chad's then-president and a close France ally, Idriss Déby, was actually killed in combat with rebels in 2021.

Over the past year, many of France's missions have ended. Paris withdrew its forces from Mali last summer with a plan to keep thousands of soldiers in the region—but requests from governments in the Central African Republic and Burkina Faso saw France end missions there earlier this year. It seems only Niger is the last remaining enthusiastic partner of the Élysée.

Lombard said that reckoning had been a long time coming.

"In the post-cold war era, a lot of the donors thought that they could use aid as a kind of carrot to say: 'We know what's best for you, and you need to do it or else we won't give you this money,'" she said. "It's the eat-your-vegetables approach to rebuilding some of these countries."

Moscow has been incredibly effective at offering an alternative to that paternalistic approach. "This is where Russia steps in and says: 'Yes, you're right; you should have all of those things. And particularly on this military front, but also on other fronts as well,'" Lombard said.

And when those countries ditched France, Wagner Group was waiting in the wings to take France's place.

During a segment on the Cameroon-based Panafricanistes TV, citizens of the region called in to voice their frustration with the status quo.

"Why is France refusing to collaborate with Russia?" one caller asked. "It's simply because France has never wanted to collaborate with Africa. She sees us as slaves."

Another blasted the recent announcement from Paris that development aid to Mali would be cut off, calling it "punishing." But, he said, "Mali will overcome and liberate itself completely. Not only Mali, but Niger—we're calling on all populations in the region. Togo, Benin, Niger, Côte d'Ivoire. Be ready to run France out of all aspects of your life: social, economic, political." In that vein, he framed Russia as an equal victim of the West's punitive streak.

Jonathan Batenguene, an analyst for Panafricanistes TV, told *Foreign Policy* that decades of failure have pushed both populations and governments in the region to look toward "more reliable and efficient partners."

"When we see France and the [United States] deploy significant aerial surveillance and airstrikes, for the local populations, the most important question remains: Why is it continuing to make things worse?" he said. "Why aren't these powers allowing us to curb this problem?"

"For many Francophone Africans, what you name as 'anti-French propaganda' is nothing more than a caricature of the desire for total independence of the African people," Batenguene said.

While there's little doubt that Russia has launched a charm offensive to win over governments and populations in Africa, Batenguene said it was "racist and imperialist to reason that Africans don't have the capacity to decrypt the world in which they live, except through the Russians."

Not everyone has been happy with Russia's presence. Jihadist militias have started naming the Wagner Group in their videotaped missives. Late last year, a bomb was delivered to a Russian diplomatic outpost in Bangui, injuring a high-ranking Russian official, according to a government statement. But pro-Wagner channels have spun that attack as evidence that the terrorists fear Russian involvement. They have been quick to publicize videotaped threats from jihadist groups against the Russian forces.

In 2019, the *Guardian* and the Dossier Center published leaked documents detailing the Kremlin's view of the region. They

included Prigozhin's plans for the Central African Republic, with a goal to "replace national assembly representatives and foreign minister, who are orientated towards France."

While improved security may be an incidental result of Russia's presence in the region, there's reason to think it is not the primary objective. The Wall Street Journal reported last month that U.S. intelligence warned the government in Chad that Russian forces are working with local rebels to destabilize and oust the national government, echoing allegations made by the governing junta.

If Wagner forces are legitimately helping quell the insurgent threat, there is overwhelming evidence that they are doing so with a disregard for innocent life. Investigations from VICE World News and CNN have implicated Wagner troops in perpetrating rape, torture, and murder of civilians in the Central African Republic. Three journalists working on a documentary on the Wagner Group's presence in the region were murdered by a gang of killers who, according to local reports, spoke neither French nor Sango, the local language. The Armed Conflict Location & Event Data Project has found that Wagner forces have disproportionately targeted civilians in the Central African Republic and Mali.

Human Rights Watch and the United Nations have both uncovered evidence of human rights abuses by the Wagner Group in the region.

Batenguene says those investigations and allegations don't amount to much. "The U.N. is an organization that has been losing credibility in Africa, as a result of its lack of impartiality," he said, adding that "we don't talk about the airstrikes that killed 19 civilians, according to a 2021 report from [the U.N.]." He went on to cite allegations, made in a recently published book, that France had been implicated in extrajudicial executions and incarcerations in secret prisons.

Last November, amid a wave of anti-French and pro-Russian protests in Burkina Faso, Lassina Zerbo called the sudden Russophilia "more related to the gap that others are leaving." Zerbo was elected as the country's prime minister in 2021 and promptly deposed in a military-backed coup d'état in early 2022—a putsch celebrated by Moscow.

"I'll give you an example of somebody who had a flag—the Russian flag," Zerbo said, onstage at the Halifax International Security Forum. He told of a low-level military officer protesting outside the French embassy who was approached by a reporter to ask which flag he was flying. "He said, 'Oh, I don't know,'" Zerbo said. "The reporter asked where he got it. 'Oh, I was given the flag to just demonstrate.'"

Central Africa, Zerbo argued, is less concerned with strategic games and more concerned with local pressures: development, human rights, economic opportunity, education, and, of course, security. "In the same way that the outcome of the Ukraine war will be the future of democracy, the outcome of the war against terrorists in the Sahel will lead the future of democracy in that region," he said.

Batenguene said the West failed to appreciate the "powerful wind of liberty blowing across the African continent, which rejects all forms of imperialism." Russia's involvement in that trend, he said, was incidental. "Mr. Prigozhin is more popular in Western media than he is on the streets of Africa," he said.

Russia's involvement, however, looks set to replicate many of the worst impulses of imperial power in the Sahel and may help keep democracy and liberty down. For the people who actually live in the region, replacing one bad foreign actor with another will be an exercise in frustration.

But even if the local population sours on Russia as it did on France, that won't be vindication for the West, Lechner said.

Instead, France—as well as other rich countries, NATO, and the United Nations—should recognize its own failures and recognize the limits of its peacekeeping missions.

"I think people have a very legitimate right to question whether there might be better ways of going about these things," Lechner said. "This should be a reckoning for the West."

## **Africa pays the price as China and Russia muscle in (France 24)**

March 15, 2023

**China and Russia are bolstering their presence in Africa to tap its rich natural resources, analysts say, amid grave warnings from UN agencies the world's poorest countries face accumulating crippling debts.**

"One out of every three major infrastructure projects in Africa is built by Chinese state-owned enterprises, and one out of every five is financed by a Chinese policy bank," said Paul Nantulya of the Africa Center for Strategic Studies, an academic institution within the US Department of Defense.

Russia, a key arms exporter to Africa, is also making forays into the continent including through mining projects granted to the Wagner private paramilitary group, he said.

At a UN-sponsored summit in Qatar of the Least Developed Countries this month, leaders condemned the treatment of their nations.

After Western countries reduced their infrastructure financing, it created a void that China and Russia stepped in to fill.

"The Chinese saw the gap and decided to put their money in infrastructure," Nantulya said.

But it mostly amounts to a "debt trap", warned Anna Borshchevskaya of the Washington Institute think tank. "China offers loans for expensive infrastructure projects, but they typically fail," she said.

"When the countries can't pay the loans, China then takes control over strategic assets of a country."

China, the world's number two economy, rejects practising "debt-trap diplomacy" as an unfair criticism from Western rivals who have themselves burdened nations with huge debts.

"Partnerships are built with friendship and good faith," Chinese Foreign Minister Qin Gang said this month.

'Shiny deals'

Projects led by China in Africa include the Standard Gauge Railway linking the Kenyan port city of Mombasa to the Rift Valley, which cost \$5 billion and was financed 90 percent by Beijing.

It is Kenya's biggest infrastructure project since independence and was opened in 2017. China is Kenya's second-largest lender after the World Bank.

In December 2022, Tanzania signed a \$2.2 billion contract with a Chinese company to build the final section of a railway line aimed at linking the country's main port with its western neighbours.

Some China-funded projects have been profitable and sustainable, but the real benefit is to Beijing, with maintenance contracts that can run up to 99 years, said Nantulya.

Chinese-funded projects are "designed to absorb Chinese labour", he said, which means they don't do much to reduce unemployment in Africa -- although some governments insist on a quota for their own citizens.

During a visit to Senegal in January, US Treasury Secretary Janet Yellen sought to tout the benefits of a new "mutually beneficial" US economic strategy towards Africa.

"Countries need to be wary of shiny deals that may be opaque and ultimately fail to actually benefit the people they were purportedly designed to help," Yellen said, alluding to China.

"This can leave countries with a legacy of debt, diverted resources, and environmental destruction."

- 'Victims' -

Debt is not restricted to China and Russia alone, said Tetteh Hormeku of the Ghana-based African Trade Network, noting huge sums are owed to Western nations -- including the former colonial powers who once controlled much of the continent.

"About 50 percent of our debt is owed to Western commercial bond markets and multilateral agencies," he said at the Doha summit.

The 1990s debt crisis in Africa was caused by Western countries, not by China or Russia, said Nantulya.

However, Chinese investments lack transparency compared with those from the West, which face greater scrutiny at home, he added.

Russia too has been expanding its involvement in Africa through mining projects won by Wagner, which is also fighting in Russia's war in Ukraine.

In January, the United States accused Wagner of "committing widespread human rights abuses and extorting natural resources" in African countries.

Last month the European Union announced new sanctions on the group for "human rights abuses" in the Central African

Republic, Mali, Sudan and Ukraine.

"Wagner is operating in undemocratic and authoritarian environments where corruption is just a way of life... because it knows that it can get away with a lot," said Nantulya.

Experts also decried the environmental impact of Chinese and Russian projects on African countries.

"China is the world's top emitter of greenhouse gasses which contribute to climate change" and its Belt and Road Initiative "still finances coal-fired power plants abroad," said Borshchevskaya.

"Russia's mining projects... have resulted, according to reports, in high levels of toxic metal compounds, pollution of groundwater resources, soil and vegetation," she added.

In Liberia, these impacts are "grave", said Davestus James, head of Liberia's Center for Peace Building and Democracy on the sidelines of the Doha summit.

Liberians had become "victims of their own resources", he added.

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## **Sudan & South Sudan**

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

**Sudanese Women's Bodies: Not Battlefields for Political Conflicts (Carnegie Endowment for International Peace)** Amal Habani  
March 16, 2023

**Following the Sudanese revolution which was launched in December 2018, sexual violence against women has been used repeatedly to settle political conflicts in Sudan. This terrible situation reached its peak during the violent dispersal of the peaceful sit-in of June 30, 2019, which called for a civilian-majority government, and took place in front of the General Command. The Rapid Support Forces (RSF), accompanied by other regular forces, dispersed the peaceful demonstrators with extreme brutality that resulted in the death and injury of dozens of people. Following this violent attack, it emerged that more than seventy women (and several men) were sexually assaulted and raped. The RSF was led by Mohamed Hamdan Dagalo, known as Hemedti, Vice President of the Sudanese Sovereignty Council.**

Since then, women's determination to resist sexual abuse has been demonstrated in various incidents that clearly indicate their resistance to all forms of sexual assault.

**Assaulting Daughters to Settle Political Scores**

Last January, the Secretary-General of Sudan's Committee for the Removal of Empowerment and Corruption and Recovery of Public Funds (ERC), Al-Tayeb Youssef, accused unnamed political parties of abducting and sexually assaulting his daughter to deliver a message of intimidation. The former secretary general of the suspended ERC said that the assault was meant to punish him for his work in the committee that was entrusted with recovering Sudanese funds from the al-Bashir regime, which was overthrown in the revolution of April 2019.

The incident sparked widespread rage among women in Sudan, who took to the streets in angry demonstrations to condemn the use of women's bodies to settle political conflicts, demanding that the perpetrators be revealed and brought to justice.

This was not the first nor the only time that women have overcome their fears to speak out against sexual violence. In December 2021, Salima Ishaq, head of the Sudanese government's Combating Violence Against Women Unit (CVAW), documented nine cases of rape and gang rape in the vicinity of the presidential palace during demonstrations against the military coup. Following this revelation, Sudanese women turned out to condemn this horrid crime in protests that spread

across a number of neighborhoods in the capital.

The fact that women engaged in these demonstrations sent a brave message aimed at the perpetrators, and society in general, showing that Sudanese women are not afraid to start a war against gender-based sexual violence.

#### Rape of Women in Tabit

Rape as a political weapon was used in the most heinous ways in many of the armed conflicts that took place in Sudan, especially in Darfur, where the Janjaweed forces, supported by the former regime, engaged in sexual violence on a large scale. Their goal was to humiliate traditional communities that regard women as the bearers of family and tribal honor. In total, thousands of women and girls were sexually assaulted and raped by government forces and Janjaweed militias.

In just one startling case, in November 2014, Human Rights Watch accused the Sudanese military of raping more than 200 women in the village of Tabit, North Darfur. Their report indicated that the victims were reluctant to come forward with their testimony out of fear of the government's retaliation.

#### Women's Bodies are not Battlefields

Sexual violence is an attempt to break women's power. Yet, women's resistance to sexual abuse from those with political power cannot be understood in isolation from women's activism and their role in the December Revolution. During the revolution, women have risen valiantly and courageously in support of the rights and freedoms they have been denied for so many years. To this day, women continue to advocate for their rights to feminist justice, security, safety, and participation in public life, despite the many frustrations they encounter while trying to build and promote a feminist agenda that denounces state-sanctioned violence. They also continue to call for laws that ensure that perpetrators of gender-based violence do not escape punishment, and that survivors receive their full human rights.

Unfortunately, however, these just calls are not being met with the appropriate attention, even on the part of fellow male activists. All of the agreements that were made with the transitional government—which the military overthrew in October 2021—were devoid of any reference to prosecuting the perpetrators of sexual assault crimes, and the Framework Agreement (the document signed by the military component and the civilian forces last December) did not stipulate any provisions that ensure the provision of justice for victims of sexual violence, whether in areas of armed conflict or in the capital and other governorates.

For more than four years, women have played a massive role in peaceful demonstrations demanding freedom, peace, and justice. Their dream of a state that offers abundant human rights and dignity needs to become reality.

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## Democratic Republic of the Congo

#### Official Website of the International Criminal Court

#### ICC Public Documents - Situation in the Democratic Republic of the Congo

#### **'Trail of war crimes' left by DRC rebel group as recent attacks leave 300,000 displaced (The Guardian)**

By Kaamil Ahmed

March 14, 2023

**More than 300,000 people in the Democratic Republic of the Congo (DRC) have had to abandon their homes because of fighting between the M23 rebel group and the government last month. According to the UN's refugee agency, UNHCR, more than 800,000 people have now been displaced by the conflict since last March, and there is a humanitarian crisis that regional and international powers have allowed to fester.**

Failed attempts to secure a ceasefire have allowed fighting to continue unabated between M23 and government troops in a region already scarred by the presence of dozens of armed groups.

Emmanuel Lampaert, the DRC coordinator for Médecins Sans Frontières in central Africa, said the conflict has created a heavy humanitarian burden, with outbreaks of measles and cholera. Many people have gone to the outskirts of regional capital, Goma, looking for safety.

"It's the same places, the same filthy conditions. Families living in self-made small settlements, unworthy, inhuman," Lampaert said.

The response to the conflict has been "embarrassing", Lampaert said, adding that €34m (£30m) pledged by France earlier this month was not enough. "It's a very late, very imperfect response that's not at all in proportion to the needs. Suddenly, after one year, they're saying they want to stop this crisis being forgotten. My question is, where the hell have you been?" he said. UNHCR has asked for \$233m (£192m) to support its work, but only 8% has been pledged.

"Knowing that women and children are living exposed to the elements, in some cases sleeping at the edge of the highway in North Kivu, angers me," said Angele Dikongue-Atangana, the UNHCR's representative in DRC.

"We need peace so that civilians stop being collateral damage of the conflict, and so that forced displacement in eastern DRC ends."

The conflict has brought reports of widespread human rights abuses, including murder, rape, looting and the burning of homes. Thomas Fessy, a senior DRC researcher for Human Rights Watch, said M23 had left behind a "trail of war crimes".

"We've documented horrific crimes that M23 rebels committed against civilians, including summary executions and forced recruitment," he said. "The warring parties have increasingly appealed to ethnic loyalties, putting civilians in remote areas of Masisi and Rutshuru at a heightened risk, and pitting communities against each other."

While M23 has been accused of violence against civilians, such as the killing of 32 people in February, conditions in the region are made worse by the presence of other armed groups. The Allied Democratic Forces, which claims affiliation with militant group Islamic State, have reportedly killed 63 people in two attacks over the past week.

DRC's east African neighbours and Angola have all supported talks aimed at securing a ceasefire but fighting has continued.

Jean-Mobert Senga, a researcher for Amnesty International in DRC, said the violence could worsen this year. "No one seems concerned with addressing the real causes and drivers of the conflict, including widespread impunity for serious atrocities committed in the DRC for nearly 30 years, endemic corruption, or poor governance in the DRC.

"The focus on the M23, which is just one of hundreds of armed groups that kill, rape and loot every day, is proof of the cynical approach in eastern DRC that only prolongs the suffering of millions of men, women and children on the frontlines of the conflict."

Remadji Hoinathy, senior researcher for the region at the Institute of Security Studies Africa, said the peace process has not been efficient. Tensions between DRC and Rwanda, which accuse each other of supporting militias on each other's territory, have come close to escalation, he said.

"There's also hate speech developing in the region that needs to be monitored. This could be a situation that worsens with direct intercommunal tension, and the humanitarian situation could drag on."

**Mobile court offers rare chance of justice for east Congo rape victims (Reuters)** By Crispin Kyala  
March 17, 2023

**A large crowd gathered around the open sides of the makeshift courtroom in the eastern Congolese village of Kamanyola in early March to watch the culmination of a trial of 15 military officers for the rape of minors.**

They watched in silence, some craning to see better, as a soldier stripped the epaulettes off a colonel whom a judge had just ordered be dishonourably discharged from the army and sentenced to seven years in prison for raping a local 14-year-old girl last September.

"The fact that a very high-ranking officer has been sentenced is a very eloquent message that no one is above the law," said Judge Innocent Mayembe, who had found 12 of the soldiers guilty.

The Feb. 27 - March 9 trial by a mobile military court offered a rare chance of justice for rape in conflict-hit eastern Democratic Republic of Congo, where an estimated 40% of women have experienced sexual violence in some form, according to a 2010 study in The Journal of the American Medical Association.



During the trial, held in an open-air wooden structure, several victims and one victim's father offered their testimonies in specially designed hoods that obscured their faces - an indicator of the fear of stigma that stops many from coming forward.

"I don't have any friends anymore," one of the victims said.

Holding the hearings in the local community helps "show people the need to speak up about cases of sexual violence," said lawyer Armand Muhima, whose organisation funded the trial. "The goal ... is to educate the people so they know that the law is there for everyone."

Muhima works for the Panzi Foundation, an organisation set up by Nobel prize-winning gynaecologist Denis Mukwege, who campaigns to help the hundreds of thousands of women raped in eastern Congo since the region plunged into conflict in the 1990s.

The Second Congo War, which killed millions of people, formally ended in 2002, but Congolese forces are still battling scores of armed groups in eastern regions, fuelling the long-running sexual violence crisis.

In a 2014 report on the fight against impunity for such crimes, the U.N. Joint Human Rights Office in Congo (UNJHRO) said some progress had been made.

But "most cases of sexual violence are never investigated or prosecuted, and very few are even reported," it said.

The same year, the government launched an action plan to combat sexual violence by members of the military under which hundreds of commanders committed to report cases. In 2022, 314 people in Congo, including 71 soldiers and 143 members of armed groups, were convicted of offences related to human rights violations and abuses such as sexual violence, according to UNJHRO, which supported 12 investigations by military courts and seven mobile court hearings.

The mobile courts, mostly funded by foreign donors, have been operating in Congo for over a decade, bringing judges, prosecutors, and defence lawyers to remote villages in an effort to show local communities that crimes committed far from urban centres are not beyond the reach of the law.

Even when cases are opened, the judicial process can be slow.

On Monday, NGO the Congolese Society For the Rule of Law asked authorities in a statement why it had taken over a year to schedule a trial for defendants in connection with the rape of over 100 women and girls in a high-profile case from 2016.

The father of a victim at the Kamanyola trial said he just wanted justice for his daughter.

"I need to see this case come to an end according to the law. I don't ask for anything (else)," he said, speaking on condition of anonymity.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

**Ivory Coast: Amnesty International demands the immediate release of PPA CI activists arbitrarily detained (Capsud.net)**

March 15, 2023

**"The detentions of these activists are arbitrary, they are contrary to the exercise of their rights to freedom of peaceful assembly, freedom of expression and movement. Amnesty International calls for their immediate and unconditional release, as well as the quashing of the convictions of the 26 members of the PPA CI and the dropping of**

**any charges against the 4 others.**

Firmin Mbala, researcher in the West and Central Africa office of Amnesty International

“We also call on the Ivorian authorities to guarantee fair and equitable judicial procedures and to respect the rights guaranteed by international and regional conventions for the protection of human rights ratified by Côte d’Ivoire. »

Additional information

On March 9, 26 PPA-CI activists were sentenced to two years in prison for “disturbing public order” simply for having exercised their right to freedom of peaceful assembly. On February 24, 2023, these activists had accompanied without violence the secretary general of the party summoned by the justice.

The next day, four other people who raised the Russian flag during a PPA-CI rally in Yopougon were arrested after the rally and placed in detention at the Maison d’Arrêt et de Correction Abidjan (MACA). The charges against them are not known at this time.

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

**Officer killed as police repel ISWAP attack in Borno (The Cable)** By Ahmad Sahabi

March 9, 2023

**A police officer has been killed by fighters of the Islamic State of West African Province (ISWAP).**

The officer was said to have been killed while repelling an attack by ISWAP fighters.

According to Zagazola Makama, a publication focused on the Lake Chad region, the terrorists snuck into a police formation at about 2am on Thursday.

A source was quoted as saying the ISWAP fighters attacked the police formation from different directions.

The officers were said to have engaged the terrorists in a gun battle that lasted for about 30 minutes, forcing them to flee with a police vehicle.

“The personnel were able to deflate the tyres of the vehicle before they took it away,” a source was quoted as saying.

A reinforcement team has been deployed to go after the ISWAP fighters.

The development comes days after over 200 Boko Haram fighters were killed by ISWAP during a clash around Gudumbali, in Borno.

Meanwhile, on January 23, troops of the 25 Brigade, Operation Hadin Kai, repelled an attack by ISWAP in Komala village along the road leading to Maiduguri from Damboa town, Borno state.

**Niger terrorists abduct 53, kill pregnant woman, four villagers (Punch)** By Aisha Wakaso

March 9, 2023

**A six-month-old pregnant woman and five other persons have been allegedly killed by terrorists who invaded Agwa community, in the Rafi Local Government Area of Niger State.**

PUNCH Metro gathered that during the attack on Tuesday, the terrorists, while shooting sporadically in the community, also abducted 50 persons to an unknown destination.

Speaking with our correspondent, an eyewitness, Mallam Audu, said some military personnel, who were on routine patrol in the community, engaged the terrorists in a gun battle, adding that the terrorists ran into a forest to escape arrest.

Audu said, “The bandits just entered our village and started shooting, people started to run for their lives in the process, and about six people were killed. “As they were shooting, they also caught some people and had to rush out of the village as the soldiers arrived and engaged them in a shooting.

“The shooting from the soldiers was too much for the bandits and they had to run away into the forest. More than 50 persons were kidnapped and others were wounded as they were running away from the bandits.”

The state Commissioner for Internal Security and Humanitarian Affairs, Emmanuel Umar, who confirmed the incident, said the actual number of victims was yet to be ascertained.

In another development on Wednesday, bandits abducted three persons from Beji community in the Bosso Local Government Area of the state.

An eyewitness, Abdulahi Aminu, while narrating the incident to our correspondent, said the bandits invaded the community around 1am and shot sporadically.

“We were sleeping when we started hearing gunshots and people started running into the bush. The bandits entered the village and they were shooting for more than two hours none stop,” Aminu said.

He said the attack took place behind the Beji General Hospital without any challenge by security agencies or vigilante members.

Aminu said, “A woman and her two daughters were abducted by the bandits who also abducted a male tenant. But the male tenant later escaped.”

He said the bandits were yet to contact members of the family for ransom, alleging that the abduction was connected with an inheritance of a filing station located in Beji community.

The state Police Public Relations Officer, Wasiu Abiodun, while confirming the report, said the incident occurred around 1.30am, adding that a tactical team had been sent out to rescue the victims.

**Suspected ISWAP fighters reportedly kill 26 fishermen (The Guardian)** By Oluyemi Ogunseyin  
[DATE (Month #, Year)]

**Suspected fighters of the Islamic State West African Province (ISWAP) have reportedly killed 26 fishermen in an attack in Mukdolo village, Gamborun Ngala, Borno state.**

A report by Zagazola Makama said the ISWAP fighters ambushed, tortured, and killed the fishermen on Wednesday, March 8, 2023.

The publication, according to military sources, said that dozens of terrorists on motorcycles invaded Mukdolo village and shot sporadically.

The sources further disclosed that at least nine of the fishermen managed to escape from the scene while three sustained bullet wounds.

The gunmen thereafter reportedly surrounded those who were unable to escape, subsequently torturing and killing them.

“They asked them to lay down. Thereafter, they used their fishing net and wrapped it around them before they started torturing them. ”

“After they became unconscious, they opened fire at them, killing them instantly,” a source told Zagazola Makama.”

The bodies of the 26 fishermen were later recovered during a search and rescue operation by troops.

The attack comes just one week after the troops of operation Hadin Kai intercepted and killed a commander of the jihadists and some of his fighters in Mukdolo.

**Over 443 repentant Boko Haram terrorists, families surrender to Army (The Guardian)** By Njadvara Musa  
March 12, 2023

**No fewer than 443 repentant Boko Haram terrorists and their families surrendered**

## **to the Nigerian Army in Borno State.**

The renunciation followed their escape from the one-week massive attack by the Islamic State West Africa Province (ISWAP) in the state. A counter-insurgency expert in the Lake Chad region, Zagazola Makama, disclosed, yesterday in Maiduguri that the rivalry clashes raised the death toll to 300 among the two terror groups.

According to him, 223 Boko Haram terrorists and families surrendered to the troops of Sector Multi National Joint Task Force (MNJTF) between March 7 to 10, 2023 in Diffa and Gueskerou in Niger.

Besides, he added: "220 Boko Haram members also surrendered to the troops of Operation Hadin Kai (OPHK) on March 10, 2023.

"The terrorists confessed that the ongoing rivalry between the two factions had forced them to escape to safer areas."

Since February 27, 2023, Boko Haram had been fleeing their enclaves amidst deadly attacks targeted at the groups at Gaizuwa, in the Mantari-Gabchari-Kashimiri-Maimusari axis of Bama Local Council.

Makama further disclosed that other Boko Haram hideouts included Yale axis in Konduga and Magumeri Local Councils of the state.

He noted that the Government of Niger through its Public Relations Information Directorate, said: "This week was marked by massive displacement of terrorists' families by relocating from the Sambisa Forest to Lake Chad region, bordering Niger Republic.

The Director, Defense Media Operations of Nigeria's Defense Headquarters, Maj-Gen. Musa Danmadami, stated that 1, 332 terrorists and their family members surrendered in the last two weeks to the Army.

He attributed the increasing surrenders to continuous deadly rivalry between Boko Haram and the Islamic State West Africa Province (ISWAP) terror groups.

He noted that the continuous rivalry between the terror groups could shape the dynamics of the counter-insurgency operations in the Lake Chad region.

### **Niger says it killed '30 jihadists', arrests 960 (France 24)**

March 15, 2023

**Jihadist-hit Niger last week killed about 30 members of the Boko Haram group and detained 960 followers, most of them women and children, who had fled neighbouring Nigeria, official sources said.**

State TV channel Tele Sahel said late Tuesday that on March 7 aerial surveillance spotted a "massive movement of people" along the Kamadougou Yoge River, which marks the border between the two countries, who were heading towards Lake Chad.

The report said they were members of the Boko Haram jihadist group, who were fleeing their hideout in Sambisa forest in northeast Nigeria after coming under pressure from their rivals, the Islamic State West Africa Province (ISWAP).

ISWAP split from Boko Haram in 2016 and rose to become the dominant group in the region's long-running jihadist turmoil.

It seized swathes of territory under Boko Haram control after leader Abubakar Shekau was killed in clashes with ISWAP in May 2021.

Seeking to prevent the group from reaching Lake Chad and using its marshlands as a haven, the army tried to negotiate a surrender, using envoys and dropping leaflets, but eventually launched a dawn assault on March 11, Tele Sahel said.

"Around 30 terrorists were neutralised" and 960 other people, most of whom were women and children, were detained, taken to the town of Diffa and handed over to the Nigerian military authorities, it said.

An elected official in Toumour, a village near the town of Bosso bordering Lake Chad, confirmed Wednesday that "a large number of Boko Haram" fleeing Sambisa had been intercepted on Niger's border "and handed over to the Nigerian authorities."

Another official said that many others, however, "are heading towards (the islands) on the lake, especially women and children, in terrible conditions."

One of the poorest countries in the world, Niger is being assailed by two jihadist insurgencies.

One, in the southwest, came from neighbouring Mali in 2015, while the other, in the southeast, is a long-running spillover from Boko Haram's campaign in Nigeria.

The group's violence has killed over 40,000 people and displaced around two million from their homes since 2009, according to the United Nations.

The vast Lake Chad region, shared by Nigeria, Niger, Cameroon and Chad, is a notorious bolthole for both Boko Haram and ISWAP, who set up camps on islands in its marshlands.

The four countries set up a Multinational Joint Task Force in 2015, comprising 8,500, with the aim of defeating the armed groups.

**Military airstrikes 'kill ISWAP fighters, top commanders' in Borno (The Cable)** By Samad Uthman  
March 17, 2023

**Not less than 70 fighters of the Islamic State of West Africa Province (ISWAP) — including high-ranking commanders — have been reportedly killed in a series of airstrikes by a joint military operation in Borno state.**

Zagazola Makama, a counter-insurgency publication focused on the Lake Chad region, said the intelligence-led aerial and ground operation was conducted by the troops of Operation Hadin Kai, troops of Sector 3 Multinational Joint Task Force (MNJTF) and the special forces of sector 4 MNJTF of Niger Republic.

The publication said the troops, on Wednesday, had targeted the ISWAP's strategic human and material capacity at Kusuma, Jibularam, and Kwalaram in Marte LGA of the state before striking.

"Damage assessment confirmed the successful operation led to the elimination of more than 70 fighters, including high-ranking insurgents' commanders, foot soldiers, and Hisbah police from the ISWAP faction," Zagazola Makama said.

A source in the military told the publication that several vehicles, motorcycles, and weapons were destroyed during the airstrikes.

The source added that the attack on the group also triggered a massive displacement of the fighters with hundreds of them scampering for safety within Marte general area.

The military, over the recent months, has continued to launch offensives on terrorists' hideouts in the north-east.

**Nigeria Rival Jihadists Locked In Deadly Infighting (Barron's)** By Aminu Abubakar  
March 17, 2023

**Two jihadist groups have for weeks been engaged in deadly clashes in their northeast Nigeria strongholds according to security sources and residents, who said hundreds of fighters had died.**

Boko Haram militants have been fighting government troops for almost 14 years in a bid to establish an Islamic caliphate in the region.

But they have also been fighting against rival jihadists from the Islamic State West Africa Province (ISWAP) group, who emerged in 2016.

Clashes initially started over ideological differences, with ISWAP objecting to Boko Haram's indiscriminate killings of Muslims.

But fighting between the two has escalated in recent weeks especially at Gerere and Juma'a Toro villages on the fringes of the Lake Chad in Abadam district near the border with Niger, an area where both groups assert influence.

"We are aware of the fighting going on between the terrorists which is good for us, so we are just watching and keeping an eye on how it unfolds," a Nigerian intelligence source told AFP.

"It is hard to give a toll from both sides but the numbers are indeed huge. We are talking of more than 200 dead in Juma'a Toro alone," said the source, who asked not to be identified.

Fishermen on the islands of Lake Chad said they could hear booming sounds of explosions and heavy gunfire from Gerere and Juma'a Toro.

"The fighting is quite intense. We hear loud explosions as the fighting rages especially at night," fisherman Abubakar Alka told AFP.

"From the snippets we are getting, the fighting may go on for a while because Boko Haram is bringing in more weapons from its enclave on the Niger side of the lake," Alka said.

Recent infighting started on February 19 when Boko Haram raided ISWAP's strongholds of Tumbun Gini and Kayowa, another fisherman familiar with activities of the jihadist groups said.

Abubakar Kannai, a senior Boko Haram commander, aided by two other senior lieutenants Bako Falgore and Abu Umamah ransacked the two ISWAP-controlled islands. They broke into a prison and set free inmates, including hostages and erring fighters from their own group, according to the source.

"It was a prolonged fight that lasted from dawn till around 5:00 pm and forced ISWAP to abandon the two camps," he said, asking to remain anonymous.

Fleeing ISWAP fighters moved out to Kukawa, Tumbun Kare and Barangu on the fringes of the lake.

"Boko Haram have (also) occupied Tumbun Ali and Kaduna Ruwa islands that were under ISWAP (control) and vowed to reclaim all the islands in the area which they claimed belonged to them before they were taken over by ISWAP," the fisherman said.

In apparent reprisals ISWAP launched attacks on Boko Haram camps in Bama, Konduga and Mafa districts on the fringes of Sambisa forest.

On February 24, on the eve of Nigeria's presidential election, Boko Haram fighters abandoned their Gazuwa camp in Konduga district following days of ISWAP attacks that left several dead, including women and children, said Ibrahim Liman, a leader of a local militia protecting local communities against both groups.

The exodus led to the surrender of hundreds of Boko Haram fighters and their families to the Nigerian military, including four jihadist commanders, Liman said.

ISWAP, which is aligned to the Islamic State group, rose to become the dominant threat for Nigeria's military after the death of Boko Haram's leader Abubakar Shekau during jihadist infighting in May 2021.

Although some Boko Haram fighters joined ISWAP to avoid execution, others surrendered to Nigerian troops while the rest fled.

Some went to northwest Kaduna and central Niger state while others joined comrades on Lake Chad islands controlled by a well-known Boko Haram leader known as "Bakura".

Official sources in Niger said on Wednesday that last week they killed about 30 members of the Boko Haram group and detained 960 followers, most of them women and children, who had fled Nigeria.

### **Dozens Of Terrorists Killed During Attack On Election Collation Centre In Northeast Nigeria (HumAngle)** By Abdulkareem Haruna

March 19, 2023

#### **Terrorists reportedly suffered a large number of casualties as soldiers prevented an attack from disrupting the election process in Mafa, Borno state, northeast Nigeria.**

Armed terrorists of the Islamic State West Africa Province (ISWAP) stormed Mafa town in northeast Nigeria in the early morning hours of March 19 as election officials and party agents were collating the results from Saturday's polls.

The rest of the populace, deep asleep in their respective homes and camps, were jolted awake by the sounds of gunfire from the attackers.

At least 40 of the terrorists were killed, many weapons were seized, including two trucks with heavy calibre guns attached, police and local militia sources told HumAngle.

Mafa town is about 40km away from Maiduguri, the capital of Borno state. It is the hometown of the state governor, Babagana

Zulum, who is seeking reelection for a second term.

The town was destroyed by terrorists during the early years of the Boko Haram insurgency and has been rebuilt. Mafa continues to serve as a mega-camp for the internally displaced population whose hinterland communities are still inaccessible due to insecurity.

Hours before the attack, a HumAngle reporter monitored the elections in Mafa town and reported a large voter turnout in the dusty community.

The military has not issued any official statement on the attack, but the commissioner of police, Abdu Umar, who confirmed it to HumAngle in a phone chat, said, “I think their major target was to disrupt the votes collation process and cause some havoc.”

Local sources said the terrorists arrived at Mafa from Kusuma, Jibularam, and Kwalaram villages northeast of the Marte local government area.

Local security personnel informed HumAngle on the phone on Sunday morning that “the terrorists targeted the collation centre within the town as their first point of attack but thank God the military were well positioned to protect the centre.”

A combined deployment of troops from Sector 3 MNJTF, Operation Hadin Kai forces, and the Special Forces of Sector 4 Multinational Joint Task Force (MNJTF) Niger Republic responded by engaging the attackers.

A military source, who spoke anonymously, said that the troops “were in good form during the night attack because we had already gotten vital intel that the terrorists might want to attack to disrupt the election process in Mafa.”

They also revealed that there were more than 70 terrorists who stormed the town in several gun trucks and motorcycles. They added that two gun trucks were recovered with the support of the Nigeria Air Force fighter jets.

HumAngle obtained an amateur video from one of the locals in Mafa town showing a jubilant resident celebrating the courage of the troops as they dragged two of the recovered gun trucks back to Mafa town.

“We didn’t know we were going to survive the attack as many of us had to flee towards the opposite direction of the attack and hid in the bushes till this morning,” said Rawa Goni, a resident of Mafa.

Babangida Ajiri, leader of a vigilante group known as CJTF, said, “We have seen more than 40 of their corpses as we moved in this morning to recover some of their abandoned vehicles and weapons.”

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## Mali

**Mali’s Constitutional Crisis (Foreign Policy Magazine)** By Nosmot Gbadamosi

March 15, 2023

### **Mali’s junta has postponed a constitutional referendum that was central to the coup leaders’ justification for remaining in power until 2024.**

The military interim government said a revised constitution that significantly reduced parliamentary powers would be put to a referendum vote on March 19. Col. Assimi Goïta, Mali’s military leader and interim president, orchestrated a coup in August 2020 and staged another one nine months later in May 2021.

The regional economic bloc, the Economic Community of West African States (ECOWAS), lifted a trade embargo imposed in January 2022 against Mali after Goïta abandoned proposals to remain in power for five years and committed to a March 2024 handover following democratic elections.

Yet the draft constitution delivered to Goïta last month states that the president would appoint ministers and have the right to sack them. Under it, the president could not “under any circumstances” run for more than two terms but would have absolute power under “exceptional measures” in the event of a “serious and immediate” threat to the country. Analysts worried such a

statute could be used as a way to seize power, much like Tunisian President Kais Saied used a similar law to grab power last July.

Political observers suspect Goïta and other coup leaders are positioning themselves as potential presidential candidates. Goïta signed an electoral law last June to allow him and other military members of the transitional government to run in elections. Analysts say the decision to postpone the referendum was no surprise since almost no arrangements had been made for the vote.

The latest development suggests that despite proclamations on restoring democratic rule, Mali's military is seeking to remain in power or at least buy time to overcome political and public opposition to the revised constitution, which would hand absolute power to Goïta. The draft also reaffirms Mali as a secular society, which Islamic leaders in the Muslim-majority country have vowed to vote against.

Mali's relationship with Western and African partners through the United Nations peacekeeping mission has sharply deteriorated following the two coups. Instead, the junta has relied on the support of Russian private paramilitary organization Wagner Group. With Russian backing, the Malian army has mounted large-scale operations. Human rights groups have pointed to serious incidents of summary executions and other mass atrocities in those campaigns.

Mali also had a coup in 2012 that led to Islamist insurgents exploiting the unrest and seizing key northern cities. French troops initially helped beat back jihadis and regain territory, but attacks spread across the Sahel into a so-called forever war as armed groups capitalized on local grievances and political instability.

Today, insecurity and living standards have gotten worse. Nearly half of Malians live in poverty, and armed groups can easily recruit disgruntled young men without access to education or employment. Elections in Mali, if and when they occur, could risk being a box-ticking exercise like those put in place by so many authoritarian states across Africa, where the facade of democratic rule is delivered through voting exercises.

**Red Cross says two employees kidnapped in Mali have been freed unharmed (Reuters)** By Bernadette Baum, Tiemoko Diallo, Emma Farge, Angus MacSwan, and Nellie Peyton  
March 20, 2023

**Two employees of the International Committee of the Red Cross (ICRC) kidnapped in Mali earlier this month have been freed unharmed and unconditionally, the organisation said on Monday.**

"We are relieved to find our colleagues safe and sound. They will be reunited with their families as soon as possible," Antoine Grand, head of the ICRC delegation in Mali, said in a statement.

The ICRC did not disclose the names or nationalities of those kidnapped. It also said it would not release any information about the circumstances under which the abduction, captivity or release took place.

The two were kidnapped on March 4 on the road between Gao and Kidal in northern Mali, a region where Islamist militant groups with links to al Qaeda and Islamic State have been waging an insurgency for the last decade.

"We thank everyone who has worked tirelessly since the incident began to ensure their speedy and unconditional release," Grand said.

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## Liberia

**Liberia: More Witnesses Allege Former RUF Commander Gibril Massaquoi Ordered his Soldiers to Kill and Rape Seven Women in Lofa (Front Page Africa)** By Forgbe Emma Kloh  
March 13, 2023

**Two more prosecution witnesses have told appeal hearings in Monrovia for Gibril Massaquoi, a former commander of the Revolutionary United Front, RUF of Sierra**



## **Leone that he ordered his soldiers to kill and rape seven women.**

The witnesses, speaking separately in their native Gbandi language through a translator told the Turku Appeals Court of Finland on Thursday that the alleged acts took place in Kamatahum Town, Lofa County between 2001-2002.

“He said your put this house on fire and they (RUF soldiers) did,” said “Civilian 13” (name given to him by the court to protect him from reprisal). “All those who were in the house could not come out because it was locked. I was afraid and lost hope because of those that were set on fire.”

Civilian 13 alleged seven women had been raped, while some were forced to become sex slaves.

“I cannot tell you how they were killed,” said Civilian 13. “Yes, I remember seeing the corpse of about seven women, after they were killed. I saw their bodies. They were dried when. We dug holes and buried them.”

Asked on direct examination about how he knew that it was Massaquoi who directed the killings and rapes, the witness said: “His soldiers were calling him by the name Angel Gabriel. I heard it myself.”

The controversial nickname is one of the issues at the heart of this appeal, with the other being that he sneaked out of the “safe house” of the UN-backed Special Court for Sierra Leone and came to Liberia to fight against rebels from the Liberians United for Reconciliation and Democracy for forces of the government of Charles Taylor, who was the President at the time. As they did before the district court that acquitted him, Massaquoi’s lawyers are arguing on appeal that it was impossible for him to have been in Liberia at the time of the alleged crimes when he was testifying before the special court against Taylor and some RUF commanders. The court convicted and sentenced Taylor to 50 years for fueling the war in Sierra Leone.

Like other witnesses in the past two weeks, Thursday’s witnesses insisted they were making no mistake about the alleged perpetrator of the crimes, as well as his infamous name.

“They (RUF soldiers) put seven women in another house, and they raped them,” said “Civilian 14,” as he corroborated the testimony of Civilian 13. “All the civilians that were in the town were told to go in the center of the town. He gave an order and they put them in the house. He ordered tput the house on fire, after that.” The man claimed Massaquoi’s wife helped to save his life.

“The thing that blessed me, Angel Gabriel wife took my hand, and I was standing.”

But he claimed Massaquoi also killed the woman out of anger.

The witness told prosecutors on direct examination that he didn’t know what had caused Massaquoi’s alleged anger.

The witness also gave his account of how the seven women mentioned by Thursday’s first witness were killed.

“They killed the women after they were raped,” said Civilian 13. “He (Massaquoi) was the same person who gave the order. He really never used to do something by himself, but he was boastful to say it..... he stated that your carry them and have them and kill them.”

Gibril Massaquoi was a commander with the Revolutionary United Front during the conflicts in Sierra Leone and Liberia

“Civilian 16,” the third witness, corroborated the two witnesses’ testimonies. He claimed Massaquoi had ordered his soldiers to gather all civilians from different villages in Kamatahum Town to speak to them.

“He said I am Gibril Massaquoi,” the witness said of Massaquoi. “My fighting name is Angel Gabriel. I told you not to fire gun in Kiatahum. These people, we are going to burn them because it is their children that are bringing the war.”

The witness, sounding in a shaky voice, claimed after that encounter, the civilians were killed.

“They put the people in the house. The sleeping beds were more than twenty. They spread gas inside and they put all the people.... children, adults, women and everyone including some traditional people and some blacksmith and locked the door and lighted the house on fire.”

“As the house started burning, we heard the people crying in their various tribes,” said Civilian 16.

Unlike the two other witnesses before him, Civilian 16 said he didn’t see ordering rapes.

But one thing that was consistent in the testimonies of all three witnesses is that they told the Court that Massaquoi gave all his orders in Krio, a Sierra Leonean English.

The hearings continue on Friday, with additional three witnesses expected to take the stand. But the Court will only allow the media and public to hear the testimonies of two of the witnesses.

## **U.S. State Department Releases Liberia Human Rights Reports 2022, Highlights 'Arbitrary Killings' (GNN Liberia)** By Joel Cholo Brooks

March 20, 2023

**The United States Department of State has released its 2022 human rights reports on Liberia, making emphasis significant human rights issues with credible reports of unlawful or arbitrary killings, including extrajudicial killings; cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention.**

The report also indicated that there are serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media, including violence and threats of violence against journalists; serious government corruption; lack of investigation and accountability for gender-based violence, including child, early, and forced marriage.

Female genital mutilation/cutting; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; the existence and enforcement of laws criminalizing consensual same-sex sexual conduct between adults; and the outlawing of independent trade unions or significant restrictions on workers' freedom of association.

Impunity continued for individuals who committed human rights abuses, including atrocities during two civil wars, as multiple investigative and audit reports were ignored. The government made intermittent but limited attempts to investigate and prosecute officials accused of abuses during the year, whether in the security forces or elsewhere in the government. Impunity continued for government corruption.

The State Department report also stated that there were several reports that the government or its agents committed arbitrary or unlawful killings. Killings by police are investigated by the Professional Standards Division of the Liberia National Police (LNP) and then forwarded to criminal courts for prosecution.

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## **EAST AFRICA**

### **Uganda**

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

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### **Kenya**

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

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

## **Official Website of the ICTR**

### **UK PM's asylum plan 'very concerning', breaks international law, warns UN (PressTV)**

March 8, 2023

**The United Nations has criticized UK Prime Minister Rishi Sunak for planning to halt small-boat crossings into the UK, emphasizing that stopping a refugee fleeing global danger zones from reaching safety is against international law.**

Sunak's government came under fierce criticism by the United Nations refugee agency for "extinguishing the right to seek refugee protection in the UK" after the British premier proposed on Tuesday a contentious new law to stop small boats from crossing the Channel and deport all refugees before hearing their claims to seek asylum.

The United Nations Refugee Agency (UNHCR) responded that to deport refugees without hearing their asylum claims amounted to a breach of international refugee laws.

The UNHCR said it was "profoundly concerned" by the plan, which gives the UK the right to criminalize, detain and deport asylum seekers, saying it would be a "clear breach of the refugee convention."

It said such legislation would "amount to an asylum ban... no matter how genuine and compelling" individual cases may be.

"The effect of the bill would be to deny protection to many asylum seekers in need of safety and protection, and even deny them the opportunity to put forward their case," the agency added.

"This would be a clear breach of the Refugee Convention and would undermine a long-standing, humanitarian tradition of which the British people are rightly proud. We urge the government, and all MPs and peers, to reconsider the bill and instead pursue more humane and practical policy solutions."

Sunak vowed to stop people crossing the Channel illegally on small boats and to deport anyone arriving illegally in the UK within weeks under the controversial new plan.

Anyone arriving illegally in the UK will not be able to claim asylum, Sunak said. "If you come here illegally, you can't claim asylum. You can't benefit from our modern slavery protections. You can't make spurious human rights claims and you can't stay."

"We will detain those who come here illegally and then remove them in weeks, either to their own country if it is safe to do so, or to a safe third country like Rwanda and once you are removed, you will be banned as you are in America and Australia from ever re-entering our country," Sunak said.

The British government has already admitted that the Illegal Migration Bill probably breaches the law, with the prime minister saying he is "up for the fight" that is predicted to take place over the matter in British courts.

The bill would impose a legal duty on the home secretary to remove anyone who arrives on a small boat, either to Rwanda or another "safe third country," without considering their claims.

UK Home Secretary Suella Braverman admitted that the bill was "more than 50%" likely to break human rights laws.

Rights activists and opposition groups expressed outrage over the plan, saying it was unworkable and unfairly treated refugees.

British Red Cross said that by implementing the deportation plan, the British government would be in breach of international asylum conventions.

Christina Marriott, executive director of strategy for British Red Cross, said in an interview with Sky News that the relief organization was wondering "if you are fleeing persecution or war, if you are running from Afghanistan or Syria and are in fear of your life," how you are going to claim asylum in the UK.

More than 45,000 migrants arrived on the shores of southeast England on small boats last year, a 60-percent annual increase

on a perilous route that has grown in popularity every year since 2018.

Nearly 3,000 have arrived by boat so far this year, often ending up in costly hotels paid by the government. The backlog of asylum claims now exceeds 160,000.

The new plan would transfer asylum seekers to disused military barracks temporarily and cap the annual number of refugees settled via safe and legal routes.

The government has been for years making efforts to manage the migrant crisis. London had hoped the threat of a one-way ticket to the East African nation of Rwanda, where migrants would remain if accepted for asylum, would deter the cross-Channel journeys.

However, the plan announced by former Prime Minister Boris Johnson last year to forcefully transfer asylum seekers to Rwanda, met with international condemnation.

Governments across the globe called the move a breach of international commitments and responsibilities.

Eventually, the plan was blocked at the last minute by the European Court of Human Rights (ECHR), an independent body separate from the EU.

It was then upheld by Britain's High Court, but remains mired in appeals. No flights to Rwanda have yet been sent.

Reports on Tuesday said London might withdraw from the ECHR if the Strasbourg-based court again intervened in its latest legislation, due to what Braverman described as the "opaque" ruling handed by ECHR regarding the relocation of refugees to Rwanda.

**Félicien Kabuga: Rwanda genocide trial halted over dementia claims (BBC)** By Tarik Habte  
March 10, 2023

**The trial of a suspected financier of the Rwandan genocide in 1994 has been put on hold at The Hague.**

Félicien Kabuga, who is 90, was set to face trial after evading capture for 26 years, but his lawyers say he has dementia and is not fit to stand trial.

The International Residual Mechanism for Criminal Tribunals agreed to a pause while his health was assessed.

He is alleged to have financed ethnic Hutu militias who slaughtered about 800,000 Tutsis and moderate Hutus.

The killings took place over just 100 days.

It is alleged that he used his large fortune made in the 1970s tea trade to buy machetes used to arm the Hutu death squads.

The wealthy businessman is also accused of using his radio station to urge Hutus to kill rival Tutsis, fuelling the genocide by broadcasting inflammatory hate speech.

He has denied all the charges.

Mr Kabuga was arrested in 2020 after managing to avoid capture for decades. French investigators tracked him down to an apartment in Paris where he had been living under a false identity.

Survivors of the genocide have previously expressed concerns that justice might not be served if Mr Kabuga dies without facing trial in The Hague, which was already expected to take years.

**Kagame looking at 'resolving' detention of 'Hotel Rwanda' hero Rusesabagina (Reuters)**  
March 13, 2023

**Rwandan President Paul Kagame on Monday said there were discussions about "resolving" the fate of Paul Rusesabagina, who was portrayed as a hero in the Hollywood film "Hotel Rwanda" and is serving a 25-year sentence in Rwanda on terrorism charges.**

Rusesabagina was sentenced in September 2021 over his ties to an organization opposed to Kagame's rule. He denied all the charges and refused to take part in the trial that he and his supporters called a political sham.

Washington has designated him as "wrongly detained", partly because of what it called the lack of fair trial guarantees. Rusesabagina has U.S. permanent residency rights.

Kagame has said his country would not be bullied over Rusesabagina, but on Monday appeared to suggest that there was room for compromise.

"We don't get stuck with our past. We move into the future," Kagame said during a video interview at the Global Security Forum.

"So there is discussion, there is looking at all possible ways of resolving that issue without compromising the most fundamental aspects of that case."

In August U.S. Secretary of State Antony Blinken said he had raised his concerns with Kagame over the trial. Rwanda has said the trial was lawful.

Rusesabagina was feted around the world after being played by actor Don Cheadle in the 2004 film "Hotel Rwanda". The movie portrayed him as a hero who risked his life to shelter hundreds of people as manager of a luxury hotel during the 1994 Rwandan genocide.

Rusesabagina, a vocal critic of Kagame, acknowledged having a leadership role in the opposition group but denied responsibility for attacks carried out by its armed wing. The trial judges said the two were indistinguishable.

Rights groups say Rusesabagina's jailing is an example of Kagame using authoritarian tactics to crush political opposition and extend his more than two decades in power, allegations the president denies.

### **Sunak stays silent on Rwanda's role in DRC war crimes to save UK's migrant deal (The Guardian)**

By Vava Tampa

March 15, 2023

**The M23 rebels are perpetrating summary killings and rapes in the Democratic Republic of the Congo – and they are doing it with the backing of the regime of Rwanda's president, Paul Kagame. That was the conclusion of Amnesty International's investigation, released in February, into the ongoing violence against the Congolese people.**

The report tells how the Mouvement du 23 Mars (M23) rebels, a group the UN says is being armed and supported by Kigali – claims denied by Kagame but supported by the US and several African and European nations – have systematically used sexual violence as a weapon to punish and humiliate its perceived enemies. The scale and brutality is shocking.

Last week, the British prime minister, Rishi Sunak, spoke to Kagame in what government advisers presented as a friendly call to discuss the UK-Rwanda "migration partnership" and "joint efforts to break the business model of criminal people smugglers and address humanitarian issues".

The leaders committed to continue working together. Sunak and Kagame also discussed the concerning escalation of violence in the DRC and international efforts to support peace.

Very civilised. And a world apart from the interviews by Amnesty researchers with 23 rape survivors and 12 witnesses, which document a terrifying campaign of sexual violence by the M23 rebels during house-to-house raids, slaughtering every adult male they found and subjecting scores of women to rape, some of it gang-rape.

The human rights group reviewed medical records and official documents, and interviewed government officials, UN representatives and prominent humanitarian organisations about patterns of civilian killings and sexual violence in the area.

Rape and sexual violence are features of the M23's operations, designed to punish and humiliate and to destroy the structures of community and family in the towns of Bambo, Bugina and Kishishe in North Kivu province, which the M23 is looking to overrun, as it did in 2012, when Rwanda's former defence minister Gen James Kabarebe was named by the UN as its leader. He denied the claims.

One woman who survived an M23 raid said: "They broke through the gate of the compound and rounded up all the men, seven in total, who they killed. Five soldiers then raped us: six women and me."

Another said she was raped by three M23 soldiers outside a church where she had sought refuge with her family after clashes between armed groups. "They singled out the men and shot them dead, including my husband and two sons. Three M23 soldiers then took me behind the church and took turns to rape me. I thought I would not survive."

A third woman said: "I counted up to 80 bodies of men shot dead by M23 soldiers at the church. I have never seen so many corpses in my life. I fainted before I could count all of them."

Yet another woman, a 23-year-old, described how two M23 soldiers took turns "raping me in the presence of my terrified little children. After raping me, they took all the valuables in the house and my two goats."

Some women who resisted were killed or forced to watch their relatives die.

A recent 235-page UN report on the DRC includes aerial footage as well as photographic and video evidence, showing how Rwanda has been aiding and abetting M23 violence with cross-border supplies of artillery, weapons and ammunition. The Rwandan Defence Force (RDF), which became a partner of the Nebraska national guard in 2019, has been reinforcing and fighting alongside M23.

Amnesty says these attacks could constitute crimes against humanity, and they represent only a fraction of the violence M23 rebels are wreaking in the DRC. According to the United Nations' refugee agency, the UNHCR, the violence has now displaced more than 800,000 Congolese people from their homes.

Some 240,000 people are living on the outskirts of Goma in makeshift sites without water and sanitation, leading the EU to set up a "humanitarian air bridge" to deliver medical and nutritional supplies, along with a range of other emergency items, the European Commission said this month.

Of the 23 rape survivors interviewed in the Amnesty report, 12 said their husbands or sons had been murdered in cold blood. Compounding this, the M23 is attacking UN peacekeepers to hinder humanitarian aid from reaching civilians in need.

Last year, M23 shot down a UN helicopter, killing eight peacekeepers on board. Last month, it targeted another UN helicopter in mid-air, killing a South African "blue helmet" and wounding another.

Despite all this, neither Kagame nor any of the M23 henchmen have been held to account for these grave violations – not during phone calls with Sunak, who still wants his migrant deportation pact with Rwanda, and not in the continued arming, funding and training of Kagame's government and army by Britain and the US.

And so these M23 rebels continue to kill and rape Congolese people with impunity.

**Western Donors Pressed to Sanction Rwanda as DRC Violence Escalates (VOA)** By Henry Ridgwell  
March 17, 2023

**Around 100,000 people in the eastern Democratic Republic of Congo have fled their homes following a string of recent attacks, and fighting between M23 rebels and government forces, according to the United Nations. The U.N. accuses Rwanda of backing the rebels, a claim Rwanda denies.**

The United Nations High Commissioner for Refugees says at least 800,000 people have been forced to flee the fighting in the eastern Democratic Republic of Congo in the past 12 months. Many are living in refugee camps in the DRC and in neighboring countries. Espoir Ndagije, who fled to a camp in Goma in the DRC, said he had no choice.

"Coming here to Goma was the only option because the M23 rebels control all the other territories. Life is hard here. We need help," Ndagije told Agence France-Presse.

**M23 rebels** The M23 rebels claim they are defending ethnic Tutsis in the eastern DRC, drawing on longstanding tensions between Tutsis and Hutus that led to the Rwandan genocide in 1994, when over half a million Tutsis and moderate Hutus were killed by armed Hutu militia forces.

The heavily armed M23 rebel group has seized swathes of territory in the DRC's North Kivu province since reemerging in late 2021.

A panel of United Nations experts released a report in December that found widespread evidence that Rwanda was supporting the M23 rebels and sending its own troops over the border. The rebel group is accused of conducting widespread atrocities, including the arbitrary slaughter of civilians and mass rape.

The DRC, the European Union and the United States also blame Rwanda for supporting the insurgency.

Following the visit of a U.N delegation to the region this week, the DRC's minister of humanitarian affairs, Modeste Mutinga Mutushayi, called on the rebels to withdraw.

"We are all listening, hoping that clear instructions, clear messages, will be sent to Rwanda and to the M23 so that on the 31 (of March) at the latest, our territory can be liberated," Mutushayi told reporters March 12.

France's ambassador to the United Nations, Nicolas De Rivi re, was also part of the delegation. He urged a political solution and said the U.N. Security Council will address the conflict.

"It is clear that Rwanda supports the M23," De Rivi re said. "It is also clearly established that there are incursions by the regular Rwandan army in North Kivu and that this too is unacceptable. So, this is one of the subjects that must be discussed (at the U.N. Security Council) and it must stop."

Rwandan backing Observers say the evidence of Rwandan involvement is clear.

"The weaponry they have, the Kevlar jackets they have, the backpacks, the RPGs [rocket-propelled grenades], these are all identical to what the Rwandan army sports when it goes into battle. So essentially, it's just a branch of the Rwandan army," said Michela Wrong, a British journalist focusing on the Great Lakes region and author of a recent book on Rwanda, *Do Not Disturb: The Story of a Political Murder and an African Regime Gone Bad*.

However, Rwanda has denied supporting M23 rebels and accuses Kinshasa of supporting Hutu rebels. At a March 1 news conference in Kigali, Rwandan President Paul Kagame accused his critics of ignoring history.

"People who want a short cut blame it all on Rwanda," Kagame told reporters. "In Congo, there are over 120 armed groups, of which M23 is only one of them. ... This fighting that started a couple of years ago was not started by Rwanda by any means," he said.

**DRC resources** The DRC government suspects Rwanda is seeking control of its rich mineral resources.

"Ever since President Mobutu [Sese Seko] fled what was then Zaire in 1997, there's been a long-standing tradition of neighboring Uganda and Rwanda reaching into Congo and hoovering up its 'coltan' [columbite-tantalite metallic ore] — which is what we use to make mobile phones — its diamonds, its gold, its tin," said Wrong.

There are other possible drivers of the conflict. In 2021, the DRC signed a series of trade deals with its neighbor, Uganda. Analysts say Rwanda's president disapproved.

"He felt sidelined. He felt bypassed," Wrong told VOA. "He felt that he is the key player in the Great Lakes region, and he wasn't easy with the idea that these two neighbors were getting on so well and that in [the] future economic trade was going to be bypassing Rwanda."

France French President Emmanuel Macron attempted to broker a cease-fire on a visit to the region earlier this month. In Kinshasa, a few dozen protesters demanded that Macron impose sanctions against Rwanda. Some burned the French flag, angered by a widespread perception of a close relationship between Macron and Kagame.

Macron insisted he would pressure Rwanda to end its support for the M23.

"France has consistently condemned the M23 and all those who support it. And I am here to make sure that everyone takes responsibility, including Rwanda," he told reporters in Kinshasa on March 4.

Britain Britain, meanwhile, has not directly blamed Rwanda for backing the M23. Critics say the British government is reluctant to criticize its African ally after striking a deal last year with Rwanda to send asylum-seekers there for processing.

"Rwanda is a key part of that plan, and so, as long as Britain is counting on Rwanda to play a role in its 'Illegal Migration bill' we're not going to see any outspoken statements or any criticism of Rwanda coming from the British government, that's absolutely clear," said Wrong.

"So, I'm afraid Britain is highly compromised on this issue and it's not going to form part of a united donor front and that's what we need."

The British government did not respond directly to VOA requests for comment on the accusation that it is failing to criticize Rwanda due to the migrant deal. Government ministers have previously called on all parties to end support for rebel groups and commit to peaceful dialogue.

Rwandan donors Western aid donors to Rwanda should present the country with a united front, Wrong said.

"What we saw in 2012 when the M23 was previously in action in eastern Congo and creating massive floods of displaced

people was that Western donors got together and announced that they were cutting aid. And very, very quickly, you saw M23 fighters withdrawing to Uganda and Rwanda. It was a really startlingly fast reaction.”

“At the moment, what you're seeing is Western donors, who — because they are not all agreed and they haven't presented a united front — all they're doing is just expressing public dismay. But that's not going to cut it,” Wrong added.

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## Somalia

### **Conflict In Lasanod, Sool, Somalia: Somaliland's War Crimes And Pathways To Hold It Accountable (Eurasia Review)** By Abdighani Hirad

March 21, 2023

**On February 6, 2023, the Traditional Leaders of Sool, Sanag, and Cayn (SSC or Khaatumo Region) and the 33 Consultative Committee (33-Committee ) of Somalia issued a declaration stating that they are not part of the Somaliland Administration and have never agreed to or participated in the secession program. (1) The declaration also asserted that the Somaliland Administration is attempting to force its secession upon them, violating international norms and laws.**

The resulting humanitarian crisis in Lasanod, Sool, Somalia, has persisted for over a month and half, resulting in the deaths of 210 people and injuries to over 1,000 by the forces of the breakaway region of the Somaliland Administration. (2) Despite the severity of the situation, the response from the international community has been muted, with many offering only vague expressions of concern. Juerg Eglin, head of the ICRC delegation in Somalia, remarked, “people in Las Anod urgently need humanitarian assistance, and we are operating as rapidly as possible to get it to them.” (3)

Since February 6, 2023, Somaliland Administration forces have engaged in indiscriminate attacks on the people of Lasanod. As a result of this conflict, nearly 200,000 people were displaced, hundreds of Somalis were killed and wounded, and 60,000 fled to neighboring countries as refugees. (4) The violence perpetrated by Somaliland is a culmination of the international community and the Federal Government of Somalia's (FGS) late and inadequate response to holding Somaliland accountable. The question then arises: what should the international community do to hold Somaliland responsible?

This article will lay out the global legal framework regarding war crimes, evidence of war crimes committed in Lasanod, and the application of international law to the ongoing conflict and Lasanod. Furthermore, the article will examine the mechanisms by which Somaliland can be held responsible to demonstrate the significance of holding violent actors like Somaliland accountable.

**Background of the Conflict Between SSC and Somaliland** The Somali people and most of the International Community are aware that over the last 15 years, the SSC-Khatumo regions have encountered numerous problems caused by the presence of the Somaliland Administration. These problems resulted in an uprising known as the “Blue Uprising,” in which the people in these regions stood up against the secession of Somaliland by raising the blue Somali flag. They protested the agenda that targets prominent citizens, the economic embargo that prevents the presence of development agencies in these regions, and the violation of their inalienable rights to life, liberty, and the pursuit of happiness. The secession is the fundamental difference between the SSC region and Somaliland Administration. As others pointed out and the Somaliland Administration attempted to portray it, the difference is neither exclusionary political nor economic grievances.

The SSC regions in Northern Somalia, bordering Somaliland and Puntland, have a rich and contrasting history. The clans inhabiting these regions refused British colonial rule and fought against the British presence during the Darwish liberation movement, losing hundreds of thousands of their people. Today, however, the same people who fought for the liberation of Somali people are fighting for their existence against Somaliland forces.

People of SSC-Khaatumo believe that any political solution in Somalia must respect the people's will, history, and traditional political organization. A stable Somali polity can be created by working together and utilizing these potent factors. Standing with the people of the SSC regions and supporting their fight for justice and self-determination is the right course for finding a lasting solution.



Evidence of Potential War Crimes Committed by Somaliland Rome Statute of the International Criminal Court, the treaty establishing the International Criminal Court, laid out a comprehensive definition of war crimes. For the purposes of this article, the most relevant descriptions can be found in Article 8 of the statute, which includes the following:

According to the definitions, the acts must have been undertaken with the aim of causing pain or suffering and cannot have been motivated by a need for war. This implies that Somaliland may be liable for potential war crimes under international law if discovered that it deliberately targeted civilians or committed violent acts without a compelling military reason.

Evidence suggests that Somaliland troops' shelling and bombing could fit into the parameters of the definition of war crimes and demonstrates that potential war crimes may have been committed in Lasanod and other locations of the region, some of which appear to be deliberate and indiscriminate—particularly the trend of assaults on civilian populations. There have been reports of heavy weapons and bombings that targeted civilians and caused significant devastation and displacement. (6) For instance, as reported by Reuters, "hospitals and medical facilities have been targeted and destroyed, and civilians have been killed and injured in the crossfire." (7) Targeting hospitals is in and of itself a display of intentionality. Additionally, in a statement from Djoen Besselink, the Doctors Without Borders representative for Somalia, said:

One could infer that the forces of Somaliland are intentionally targeting the civilians of Lasanod, as well as their infrastructure, and such targeting violates laws of war. This evidence is one of the many pieces that further demonstrate the perceivable culpability of Somaliland. In addition, a report published by the Guardian detailed that "tens of thousands of refugees have fled to neighboring countries, including Ethiopia and Djibouti, to escape the fighting." (9) Now, coupled with the fact that Somaliland targeted civilians, the displacement of many people adds weight to the damage Lasanod has faced at the hands of Somaliland forces. Questions remain regarding whether Somaliland has made attempts to avoid harming civilians.

Aside from the documented evidence in the press, Abd Ali Ismail, the Mayor of the Lasanod district, provided a recount of the devastation Somaliland perpetuated in Lasanod. According to Ismail, 210 people have been killed, 580 were wounded, 715 homes were destroyed, 16,000 businesses have closed, and the city's water supply has been cut off. (10) Additionally, homes and businesses were looted, and Somaliland's destruction of nearby vehicles killed individuals traveling outside of Lasanod. The evidence continues to mount as more and more of Somaliland's potential human rights violations are discovered in Lasanod. (11) Thus, it is pertinent for the international community to investigate and respond substantially.

**Options for Holding Somaliland Accountable** If an investigation shows that potential war crimes have been committed, sanctions and legal action will be the most effective measures to hold Somaliland accountable. Such steps are substantive, provide a tangible consequence to Somaliland, and could discourage future acts of violence and impunity.

**Sanctions:** Sanctions, particularly economic sanctions, can act as a helpful tool to pressure Somaliland to end its violence and comply with the rules and guidelines set by international law. Possible examples of sanctions can include a travel ban instituted on Somaliland's government officials and asset freezes. Similar to the United States sanctions on Myanmar's military leaders for the violent genocide they committed in Rohingya. In these sanctions, the United States placed officials related to the genocide on the "US Treasury Department's Specially Designated Nationals (SDN)" list. This list prohibited any US individual, business, or a financial institution from conducting business with the officials listed and banned their travel to the United States. (12) A similar approach can be used concerning the crisis in Lasanod.

Financial and economic sanctions can be imposed, including the freezing of the foreign accounts and assets of Muse Bihi, Mohamed Kahin, Essa Kayd, Suleiman Koore, Abdiqani Aateye, General Nuh Ismail Tani, Faisal Abdi Botan, General Abdirahman Hassan, Colonel Yusuf Nur, Mohamed Saqadhi, Faisal Ali Warabe, and Edna Adan Ismail. Investigate UK funding of the RRU, the role of the unit in human rights violations in Las Anod, and the unlawful killing and political intimidation in Hargeisa, Borama, Burco, and Erigabo. (13)

To even further emphasize the need for sanctions, it is alleged that Somaliland has been pocketing most of the international aid it received instead of directing it into the regions it controls. Specifically, as written in an open letter to Dr. Elmi Mohamud Noor, the Minister of Finance for the Federal Government of Somalia: "100% of international aid directly sent to Somaliland during the last five years was consumed by the Muse Bihi family, and the leftover was used in the central regions of Somaliland." (14) It is clear that in addition to being held accountable for its violence in Lasanod, Somaliland must also be held responsible for the misappropriation of international aid. The Somaliland Special Arrangement, Somalia Compact financial mechanism, and current Somali Multi-Partner should all be reviewed and suspended.

**Legal Action:** The international legal mechanisms already in place, as utilized by the International Criminal Court (ICC), can be used to hold Somaliland accountable. Notwithstanding the fact that Somaliland is not a state party to the Rome Statute, the International Criminal Court (ICC) has jurisdiction over war crimes committed on its territory. Therefore, if there is evidence of war crimes, which this article has provided in several instances that demonstrate the potentiality of war crimes, and the national authorities are unable or unwilling to prosecute, the ICC Prosecutor may launch an inquiry into the situation in

Somaliland.

Conclusion Somaliland must be questioned and investigated for its violence in Lasanod. The evidence examined demonstrates potential human rights breaches, many deaths, and violence has been caused. So far, the following has been documented: indiscriminate shelling and bombardment of residential areas, mosques, hospitals, water plants, (15) power stations, and solar-powered oxygen plants, (16) the targeting of particular clans, and the disproportionate use of force.(17) The international community must act immediately to hold the Somaliland Administration responsible and question whether their acts constitute war crimes.

Somaliland forces must immediately stop the shelling and bombarding of Lasanod and its population and remove its troops from the SSC area. Given the atrocities committed and the previous extrajudicial assassinations, Somaliland cannot win over the people of SCC and sell them a secession agenda. Rebuilding confidence and trust and fostering reconciliation requires recognition and an unambiguous apology for the atrocities and destruction, allegations against the residents of SSC, and reparations and compensation for those harmed by the Lasanod shelling and earlier killings. Nothing less than justice and the chance to start over in peace and security is due to the residents of Lasanod and the larger SSC community. The international community must constantly monitor the situation and act swiftly to ensure the required actions are taken.

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## Ethiopia

**Rights group Amnesty calls on Ethiopia to end social media blackout (RFI)** March 10, 2023

**Amnesty International has called on the Ethiopian authorities to restore access to social media networks including Facebook, TikTok and YouTube, as a blockade of some internet platforms enters its second month.**

"Ethiopian authorities have, for a month now, blocked people in the country from accessing selected social media platforms such as Facebook, Telegram, Tik Tok and YouTube," said Amnesty in a statement on Thursday.

"Amnesty International urges the Ethiopian authorities to lift this blockade without delay and to end this culture of interfering with people's right to express themselves and to seek and receive information," deputy regional director for East and Southern Africa Flavia Mwangovya said in the statement.

Internet censorship watchdogs including the Open Observatory of Network Interference and Access Now have also noted a blockade on social media networks since 9 February.

Amnesty said the shutdowns followed calls for street protests by leaders of the Ethiopian Orthodox Church after a group of rebel archbishops launched a dissident synod.

The Tewahedo Church – representing 40 percent of Ethiopia's 120 million people – accused Prime Minister Abiy Ahmed of offering a form of recognition to the breakaway bishops, and interfering in its religious affairs.

The demonstrations were eventually cancelled after a meeting between church leaders and Abiy.

French news agency AFP said neither Abiy's office nor state-owned Ethio Telecom were immediately available for comment.

Frequent cuts Ethiopian authorities have cut or limited access to the internet and social media platforms many times in recent years.

Between 2015 and 2017, connectivity was interrupted on a number of occasions by the previous government as it faced the largest street protest movement in 25 years.

Under Abiy, this tendency has continued.

The northern region of Tigray, the scene of an armed conflict with the federal government, was largely deprived of telecommunications for the two-year duration of the war.

Networks have been partially restored since a peace agreement was signed in November.

**Setting up Ethiopia's transitional justice system to pardon or prosecute (The Reporter)** By Ashenafi Endale  
March 11, 2023

**Many people's memories of the terrible events that took place during the war in northern Ethiopia over the past two years persist, casting a shadow over the country's efforts to rebuild. The factors behind this particular war, however, go back decades, if not centuries. Regrettably, there is no assurance that another wave of fighting will not erupt.**

In January, a draft document dubbed "Policy Options for Transitional Justice" was unveiled by the Ministry of Justice. Its purpose is to end the perpetual cycle of violence in which Ethiopia has been mired for so long. The government accepted the transitional justice proposal made by the Joint Investigation Team (JIT) in its initial report on the northern Ethiopian war in 2021.

The JIT consists of representatives from the Ethiopian Human Rights Commission (EHRC) and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR). The Ethiopian government is planning to build its own transitional justice structure, despite pressure from the United Nations, international human rights organizations, and western governments to allow international investigators to investigate human rights breaches during the Tigray war.

The war in northern Ethiopia and Oromia during the past couple of years is all that the International Commission of Human Rights Experts on Ethiopia (ICHREE), established by the UN Human Rights Council (UNHRC), can investigate. Nonetheless, the current domestic transitional justice strategy dates back decades.

All possible means, however, are being pursued by the government in an effort to end ICHREE's mandate.

Demeke Mekonen, the deputy prime minister and foreign minister, Gedion Timotwos (PhD), the minister of justice, Tadesse Chafo, the speaker of the Parliament, regional presidents, and other authorities kicked off the first consultation session on the green paper on February 6, 2023.

A total of 59 consultations with the public will be held in selected areas across Ethiopia.

The Ministry of Justice's Transitional Justice Working Group of Experts (TJWGE) member Adi Dekebo estimates 13 weeks for this procedure to be completed. "Currently, we are at the pre-policy adoption stage."

The process of transitional justice starts with public dialogue.

After hearing from the general public, victims, CSOs, political elites, and other interested parties, the policy paper will be accepted, ratified, and put into effect by means of specialized institutions that will be established for this function.

The green paper provides alternatives as a starting point for the public consultation, but the final decisions will be based on numerous modalities to identify and address the problems in the transitional justice system.

Genocide, crimes against humanity, war crimes, and other forms of human rights abuse will all fall under the remit. Because victims want all criminals to face punishment, the second approach is to encompass all human rights abuses.

Those responsible for the crime, whether they be individuals or organizations, are expected to be held accountable. The Supreme Court and the High Court will each have their own special benches.

The alternative is to create a new type of court—a special court—that has its own authority and jurisdiction. The Constitution allows this so long as the new court does not interfere with the authority of other courts.

But the recently appointed president of the Supreme Court, Tewodros Mihert, says that there are two issues with setting up a separate special court.

"First, it requires interpreting the constitution. Secondly, once the special court is established, it will become a culture. So the transitional justice cases should be seen in the existing court system. But still, it is questionable whether existing courts can handle such cases."

On the other hand, Marshet Tadesse (PhD), another member of the Working Group, argues that a special court should be established because the regular courts are inadequate.

Using the preexisting police force is the default option when considering who would carry out transitional justice. A special office of the Attorney General might also be set up like the one that existed after the Derg was overthrown.

The mission to uncover the truth will focus primarily on victims and perpetrators. A reconciliation commission could be set up as a first option. Second, we can make use of pre-existing organizations like the National Dialogue Commission. The EHRC is also a potential location.

The process of reconciling can be carried out by a National Dialogue Commission, a Reconciliation Commission, or any other similar body. Nonetheless, the Dialogue Commission's establishing proclamation would have to be revised to reflect the additional mandate if it were to be designated for such reasons.

Anyone guilty of the wrongdoings, be they armed groups, regional governments, the federal government, institutions, or people, must apologize, and the victims must be compensated. It's also suggested that prosecutors use some discretion in their prosecutions. Offenders will be forgiven if they come forward, take responsibility for their actions, and ask for forgiveness, while victims have the right to go public with their stories of victimization.

An unconditional amnesty would be a violation of human rights under international law, so there will be none granted. Thus, authority to grant amnesty could be transferred to the new commission or another institution, such as the MoJ.

Reparation will also play a part in transitional justice. This work might be done by the EHRC, NDC, or a new commission. Last but not least, transitional justice entails institutional transformation, in which ex-offenders are barred from working in the same capacity.

Five potential time frames for transitional justice have been proposed by the MoJ's expert team.

One beginning date is 1991, while the other is 1995, the year the current constitution took effect. The third possibility is going back to when Prime Minister Abiy Ahmed (PhD) first took office in April 2018. The alternative is to use these years as a baseline and look backwards at what led up to this point.

Stakeholders are now participating in pre-draft consultation on the roadmap, which has been approved. Inputs from the general public and society at large are then sought. At that point, the green paper will become a white paper, and its eventual outcome—a policy document on transitional justice—is anticipated. The policy will then be put into effect at long last.

"For all these options, the victims can suggest another alternative," says Adi. "We aim at having organic transitional justice in Ethiopia, but under the guidelines of the UN and AU transitional justice policy frameworks." The team of experts also ratified a communication strategy to avoid arbitrary leaks of information during the process.

There is consensus among government officials on the importance of transitional justice in Ethiopia, although some outsiders argue that it's impossible to change the past.

Experts warn that the disclosure of previously unknown facts could spark fresh hostilities, particularly among Ethiopia's many diverse ethnic groups. For them, the most important thing is to forget the past and forgive in order to move forward with transitional justice.

"Finding the truth is the core of transitional justice. But the truth might cause danger when it is discovered. The victims we talked to said the truth must be discovered, even if it is dangerous," Mitiku Chere, an expert at OHCHR, said. He claims that the victims stressed that an independent, autonomous, and strong institution must be assigned the truth-finding mission.

While victims are willing to talk to human rights experts about transitional justice, they are worried that the government will not be held accountable for their wrongdoing, according to Mitiku.

More than 5,000 people were brought to trial, and 3,000 were handed punishments as part of the transitional justice system established after the Derg fell. Several reforms and actions were implemented after the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF).

Inadequacies characterize both of these phases of transitional justice. There were no discussions, they did not include everyone, they lacked a policy framework, and they were not prioritized or arranged in any kind of logical order.

Transitional justice was attempted in both cases through the employment of the preexisting court system; however, this was insufficient to address human rights breaches such as crimes against humanity, torture, and others.

Marshet believes uncovering past injustices is not optional but rather a must, even though going back to the distant past makes it difficult to ensure accountability. "In the past, we tried superficial transitional justice. These injustices are not limited to the northern Ethiopian war," Marshet said. "But we have to clarify who did what in the distant past."

He claims that the transitional justice initiatives in some countries date back as far as 365 years, clarifying every wrong and bringing about reconciliation. The process of discovering the truth, he says, is intricate and unique. “Consulting and recognizing marginalized voices is empowerment and healing in and of itself. So, we can go to the distant past if Ethiopians wish,” underlined Marshet.

Many organizations and methods will be available to put the policy into action after it is ratified. It is anticipated that several commissions will be established, with each charged with independently overseeing truth-finding, documentation, prosecution, reconciliation, reparation, and other related initiatives.

Although the transitional justice project is held by the government, it is expected to be funded by international donors.

“Peace building is an expensive project compared to dams. But it saves the dams from being destroyed by conflict. We hope to design organic Ethiopian transitional justice. We cannot progress to tomorrow with denial, silencing, and mis-narration,” Marshet says. Many injustices have been carried out in Ethiopia, according to him, who believes compensations, recognitions, healing, and reconciliation are a must.

“Many developing countries say they do not have the resources to compensate. But rehabilitation can also work. This will stop the victim narration in the future,” added Marshet.

For Marcel Clement, UN high commissioner for regional office for east Africa, ensuring generational justice, healing, and reconciliation requires a long period of time, and there is no ‘one size fits all’ solution. “I am pleased Ethiopia is searching for its own path.”

Nonetheless, the concept of transitional justice may seem idealistic to others. As a result, they claim, constraints on time and breadth are necessary.

Somali regional state president, Mustafe Oumer, identifies narrative conflict, community division, divisive history, and communal acrimony as defining features of Ethiopia’s historical wrongs.

“Ultimately, we move forward as a society and a country when the victims heal and are able to let go of the past and move forward. If we go back in time, the victims and offenders will have passed. I prefer 1991 as a starting point because most of the victims since then are alive. Derg and EPRDF transitional justices have gaps. But going beyond 1991 will also require extremely huge resources,” Mustefe said.

He recommends that the NDC view the historical issues with an eye toward the present and future of the country. Mustefe argues that transitional justice represents this prospective look.

Experts worry that it is difficult to hold groups accountable because ethnicity, religion, language, or political groups are usually behind the actual offenders. Groups are often responsible for the majority of human rights crimes in Ethiopia. These individuals or groups do not stand alone, since there is a certain social backing behind them. An offender for one ethnic group is a hero for another. Scholars say that there will be overwhelming claims, accusations dating back generations, and many regimes.

“There is a strong sense of victim and offender narration, real or perceived. Ethiopia cannot succeed in nation-building without solving this. Democracy cannot happen,” stressed Adi.

Mustefe agrees.

He believes amnesty should not be allowed unless the crime is established and the perpetrator publicly asks for a pardon.

“Politicized amnesty neither serves justice nor politics. Impunity will offer only bad lessons,” Mustefe explained.

“The current context in Ethiopia requires transitional justice. There have been bold human rights violations in the past that have only gotten worse in the past few years. There are so many victims that this cannot be resolved through the mainstream transitional justice system. Ethiopia must reconcile with itself,” justified Adi.

**In Tigray, evidence of a massacre by Eritrean soldiers (DW)** By Mariel Muller

March 13, 2023

**Eritrean soldiers allegedly massacred at least 300 people near Adwa just days before the Ethiopian government and Tigray forces signed a peace deal. A survivor in the village of Mariam Shewito told DW her story.**

In late October 2022, 63-year-old Abrehet Hagos heard that Eritrean soldiers had surrounded her village near the town of Adwa in Ethiopia's Tigray region.

During two years of civil war in northern Ethiopia, which began in November 2020, Eritrean soldiers had fought alongside the Ethiopian military against the Tigray People's Liberation Front (TPLF). The conflict is one of the deadliest in recent memory, with an estimated 600,000 people killed and millions displaced. Much of the population has been left hungry due to a blockade by the Ethiopian army.

But the fighting only reached Abrehet Hagos and her family in Mariam Shewito on October 26, when rumors about people being killed nearby started to circulate.

This was exactly one week before the Ethiopian government and the Tigray forces signed a peace accord, ending the war and mandating the withdrawal of all foreign forces from Tigray.

"It was a Wednesday. That night, we knew we had to flee," Hagos told DW. "But we had nowhere to go, so we spent the night hiding outside, near our house."

Son and husband murdered The family continued hiding the next day, until they heard the animals making unusual noises. Her 70-year-old husband, Berihi Abay, and their 28-year-old son, Gidey Berihi, decided to go to the house to see what was going on.

"A soldier came and killed them both. There are five or six bullet holes in the door and the walls of the room. I think my son tried to hide in the room when he saw the soldier. He thought he might escape death," Hagos said.

She was so close she heard the killer's voice shortly before he opened fire. "He lisped. I only heard him say 'come'," Hagos recalled.

After he left, Hagos and her daughter crawled out from their hiding place and went into the house where they found a bloodbath. Hagos' husband, who had been a priest, was lying on the floor, holding his cross behind his head.

Hagos said she felt her pain growing worse every day: "I ask God why he didn't take me instead of my son. I am heartbroken." Her son was engaged and due to be married very soon.

"He [Gidey] worked all day. He was a well-mannered child. He liked tending to his trees. He planted all the trees you see around here. What are these trees now to me? They only remind me of him and that is painful. They killed my soul with him."

Bodies buried in the backyard Terrified, Hagos and her daughter didn't leave the house for four days, staying next to the dead bodies.

By then, the Eritrean soldiers had occupied Mariam Shewito and nearby villages.

Eventually, Hagos said, she left the house to go to the nearby church and see if she could bury the bodies there.

"There I met a high-ranking Eritrean soldier. He didn't threaten me. He told me they don't allow burials on the church compound. He also said it was us who attacked them. I told him we didn't. He said to bury them in the house."

So she buried the bodies in her backyard; they were moved to the church's graveyard two months later.

Hagos told DW she was worried about her daughter who has a mental disability, adding that she has had nightmares and lost weight since the murders.

Retaliation for defeat The Adwa town administration told DW that over 300 people in several villages were killed in the week of October 25 to 31.

Witnesses told DW that they believed the massacre of civilians was a retaliation by Eritrean soldiers for the defeat they had suffered at the hands of Tigrayan forces.

An investigation by US newspaper The Washington Post featured interviews with 22 relatives of the victims, including 15 who said they witnessed the killings or their immediate aftermath.

Satellite images published by the newspaper show at least 67 severely damaged houses in the area where the killings reportedly happened. Other images show military vehicles matching witness descriptions of Eritrean vehicles, fewer than 5 kilometers (3 miles) away.

Eritrea 'vehemently rejects the false allegations' against army At a rare press conference during a visit to Nairobi in February, Eritrean President Isaias Afwerki rejected allegations of rights abuses by his country's forces, dismissing them as "fantasy."

DW requested a comment from Eritrean Information Minister Yemane Gebremeskel, who referred to a statement released by the Eritrean Embassy in the US in response to the report in The Washington Post. It said the Eritrean government "vehemently rejects the false allegations made against Eritrea and its disciplined army," adding there was "no validation or verification" of the stories, which were "obviously planted."

"Eritrea has an impeccable track record for its humane treatment not only of civilians but also its prisoners of war as well," it added.

Rights groups and the UN have accused Eritrean forces of committing atrocities and human rights abuses against civilians, including mass killings, gang rapes, torture, arbitrary detentions and looting.

A report by UN-backed researchers from the International Commission of Human Rights Experts on Ethiopia concluded that there were reasonable grounds to believe war crimes and crimes against humanity had been committed by all sides in the conflict: Ethiopian government troops, Eritrea's military and Tigray forces. The report found that Ethiopian soldiers had also resorted to the "starvation of civilians" as a tool of war, while both Ethiopian and Eritrean forces were seen to be responsible for "sexual slavery."

Gathering evidence as justice for victims Since January, Eritrean troops have been seen retreating from several towns in Tigray, but observers have said they remain in the region. Eritrea was not a party to the peace deal and the continued presence of its forces in Tigray is seen as a major challenge to the agreement's implementation.

Mariam Shewito was one of the worst affected villages in the weeklong massacre, social worker Atsede Abay told DW. She has compiled a record of the names, dates and causes of death of victims in the village, collecting photographs from relatives and speaking with survivors and eyewitnesses.

"Of the 91 victims, 12 were women. Ten were religious leaders. One was a teacher," she said, adding that the youngest victim was a 2-year-old baby, the oldest a 92-year-old. In one case, four members of the same family were massacred: a father, his two sons and his nephew.

In another gruesome account, both parents were killed in front of their five children, the youngest 6 months old. After shooting the mother, named Tsige Gebrekirstos, the soldiers mutilated her breasts with a knife before putting the baby on top of her, Atsede said. She hoped the evidence she has gathered will one day help to bring justice to the victims.

"I am doing this because I believe those who committed the atrocities should be held accountable," she said.

**In Ethiopia's Tigray war, rape is used as a weapon (DW)** By Mariel Muller  
March 17, 2023

### **Sexual attacks on women and girls have continued since last year's peace deal between Ethiopia's government and Tigray leadership, witnesses told DW.**

On the day that Ethiopian government forces reached a truce with rebel Tigrayan forces, 16-year-old Hadas was at home with her mother in a village near the Tigrayan town of Adwa. She heard someone banging on the door and then an Ethiopian soldier demanded to be let in.

Hadas, whose name has been changed to protect her from stigmatization and reprisals, described to DW how her ordeal unfolded on that day, November 2, 2022. It was a day which was supposed to bring peace after two years of conflict that killed approximately 600,000 people, displaced millions and left millions more hungry due to a de facto blockade of the Tigray region.

"He entered the house alone. He carried a stick with him," Hadas told DW. "There was another soldier with a gun waiting outside. He tried to take me to the bush, but I refused. He told me that he had a knife and a handgun. Then he beat me with the stick."

She started screaming. Neighbors came and tried to save her, but the soldiers threatened them, Hadas said. So they went back to their houses.

Hadas recalled how she started then to cry.

Nightmares "He asked me for my age," she said. "I told him I was 14, but he said 'You are a liar. Don't you have breasts?' Then, my mother started crying."

He raped her multiple times over the course of several hours. The attack left Hadas bleeding heavily. After he left, she sought treatment at a nearby hospital but because of a lack of supplies, they could only provide basic care, Hadas said.

Hadas still has nightmares about what happened to her that day and needs psychological help. She also wants the man who did this to her brought to justice.

"He should be held accountable," she insisted. "They should be held accountable not only for me, but for all the other victims of rape."

Human rights organizations have documented sexual assaults, rape, gang rape and other forms of sexual violence committed by Ethiopian soldiers and their allies, like the Eritrean army and local militia throughout the war.

Doctors told DW that many cases went unreported. And health workers confirmed to DW that rapes and other forms of sexual violence have continued well after the peace deal was signed.

A request for comment sent to Ethiopian government spokesperson Legesse Tulu went unanswered.

Eritrean Information Minister Yemane Meskel denied any wrongdoings by Eritrean soldiers in Tigray in a response to DW.

Medicine shortage Despite the peace agreement, the hospital can only provide a fraction of the medication required by its patients.

Doctor and director of General Hospital Mekelle, Dr. Filimon Mesfin, told DW that he and his colleagues struggled to provide care during the conflict.

"We don't have any emergency medication or medication for chronic diseases, like hypertension, diabetes, HIV and psychiatric medications — we are out of all this. We can only provide 10% or 20% of the medication these patients need," he said.

He described having to turn away most patients. The most he and his colleagues could do was to write a prescription in the hope that the patients could somehow find the necessary medication somewhere else.

Mesfin told DW that medication is urgently needed. "These patients cannot wait. They are dying every day," he said.

Preventable deaths He had hoped that things would change for the better after the peace deal was inked in November, but the aid and deliveries of medical supplies that are reaching his hospital is not enough.

"It's been almost four months since the agreement has been signed. I would have expected these things to be provided by now," Mesfin said. "These patients, they cannot wait. They are dying every day, they are having so many complications every day."

And those who make it to the hospital are just the tip of the iceberg, Dr. Mesfin said, because few can afford the transport costs.

Clinic for rape victims At the start of the Tigray war, Dr. Mesfin established a unit especially for survivors of sexual violence at his hospital.

Over the two years of the conflict, he and his colleagues treated more than 500 victims.

"There were so many gang rapes, so many foreign materials inserted into their genitalia," Mesfin said.

Dr Mesfin wrote down accounts of rape to apply for NGO funding, he said, adding that especially those committed by Eritrean forces were particularly agonizing to hear.

"These were not 'normal' rapes," he said. "Without exaggeration, I have literally cried writing some of the stories."

He said that, as a medical doctor, it was very difficult to see what these people have been through, let alone as a human being.

**US says all sides committed war crimes in Ethiopia conflict (Al Jazeera)** March 20, 2023

**The United States government has concluded that all sides involved in a brutal conflict in the Tigray region of northern Ethiopia have committed war crimes, including rapes, massacres of civilians, forcible deportations and ethnic cleansing.**



US Secretary of State Antony Blinken said on Monday that the war crimes had been carried out with “calculated and deliberate” effort by numerous parties during the two-year conflict.

“After the [State] Department’s careful review of the law and the facts, I have determined that members of the Ethiopian national defence forces, Eritrean defence forces, Tigray People’s Liberation Front forces and Amhara forces committed war crimes during the conflict in northern Ethiopia,” Blinken said.

He added that Ethiopian, Eritrean and Amhara forces had also committed crimes against humanity. Hundreds of thousands of people have been killed in the conflict, with some estimates placing the death toll as high as 600,000.

The US determination does not carry any legal weight, but it could bolster calls for accountability against groups and leaders accused of human rights abuses.

Blinken made Monday’s announcement following a visit to Ethiopia last week. He said he was encouraged by progress made there since a “permanent cessation of hostilities” brought the conflict to an end on November 2.

Blinken had met with the peace agreement’s signatories during his visit. He also lauded improvements to the Tigray region, including increased access to humanitarian aid, the restoration of services, the disarmament of “Tigrayan heavy weapons” and the “significant withdrawal” of Eritrean forces.

However, Blinken acknowledged that “much work remains to fully implement” the ceasefire agreement. He told a gathering of Ethiopian civil society leaders that “justice and accountability” would be an important part of building a durable peace.

The conflict in Tigray began in 2020, when Prime Minister Abiy Ahmed sent troops into Tigray to stem an alleged attack on federal army camps.

The violence quickly escalated. The Tigray ethnic group, once a dominant force in Ethiopian politics, became enmeshed in fights with longstanding rivals among the Amhara people and the neighbouring country of Eritrea.

In September 2021, the US announced that it was prepared to bring sanctions against any parties responsible for prolonging the conflict or obstructing humanitarian access.

Eritrean forces joined the war on the side of the Ethiopian government and have been accused of some of the conflict’s worst abuses. They were sanctioned by the US in November 2021.

However, the US has been slow to apply such penalties to other forces accused of abuses, including from the Tigray People’s Liberation Front, Amhara and the Ethiopian military. It remains unclear what steps, if any, the US will take to promote accountability during the uneasy end to hostilities.

In September last year, the United Nations International Commission of Human Rights Experts on Ethiopia issued a report highlighting the impact of the war in Tigray. During the conflict, the government cut the region off from banking, electricity and internet services and restricted access to humanitarian assistance.

At the time, the commission chairwoman, Kaari Betty Murungi, said there was reason to believe that the Ethiopian government was using “starvation as a method of warfare”.

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## EUROPE

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

**Official Court Website [English translation]**

## **Top Bosnian Croat Politician Accused of Supporting War Criminal (Balkan Transitional Justice) By:**

Azem Kurtic

March 13, 2023

### **War victims' associations called on Bosnia and Herzegovina's top international official to remove Lidija Bradara from her position as president of the Federation entity for allegedly supported a convicted Bosnian Croat war criminal.**

Three war victims' associations on Monday urged Bosnia and Herzegovina's top international official, High Representative Christian Schmidt, to intervene to remove Lidija Bradara as president of the Bosniak and Croat-dominated Federation entity over her links to a war criminal who she called a "friend", N1 TV reported.

The Association of Genocide Victims and Witnesses, the Association of War Victims '92-95' and the 'April 16th' Ahmici association wrote to Schmidt saying that Bradara, a member of Croatian Democratic Union, HDZ party, "has shown the intention and audacity to continuously affirm and glorify Dario Kordic, a war criminal".

They made the appeal to Schmidt, who is responsible for overseeing the continuing implementation of the peace deal that ended the Bosnian war, after Bradara was asked on N1 television on Friday about a recent statement in which she said that she "will not give up on a friend", referring to Kordic.

When the host asked her if by supporting Kordic, she also supports war crimes, Bradara replied that "a convicted person who has served their sentence presumably stops being a war crimes convict".

The war victims' associations claimed that Bradara's support for Kordic is long-standing, and argued that her latest statement is a violation of the Dayton peace accords, which ended the 1992-95 war in Bosnia and Herzegovina.

"Her latest statement comes ahead of the 30th anniversary of the Ahmici massacre, for which Dario Kordic was convicted," they said in their letter.

On April 16, 1993, a total of 116 civilians including elderly people and children were killed by Croatian Defence Council fighters.

Kordic, who was a Croatian Defence Council commander, was convicted by the International Criminal Tribunal for the Former Yugoslavia in The Hague of planning and instigating killings in the village of Ahmici and neighbouring hamlets and ethnically cleansing the area.

He was released in 2014 after serving two-thirds of his 25-year sentence.

The Office of the High Representative responded to Bradara's claims in a statement on Twitter on Monday afternoon, saying that Hague Tribunal verdicts "do not vanish after a prison sentence is served".

"War crimes cannot be undone. The fact that a person has served their sentence does not mean that those crimes disappear but that the individual was punished for their criminal responsibility," the statement said.

Bradara was elected president of the Federation entity on February 28. She has not yet responded to the news of the war victims' associations' letter.

## **Bosnia Prison Camp Ex-Guards Face Trial for Torture, Killings (Balkan Transitional Justice) By:**

Lamija Grebo

March 16, 2023

### **Bosnia's state court confirmed the indictment of five former guards at the Trnopolje, Keraterm and Omarska wartime detention camps on charges that include torture, murder and allowing the rape of inmates.**

The Bosnian state court in Sarajevo has confirmed the indictment charging Slavko Puhalic, Zeljko Rudak, Dragan Skrbic, Rajko Damjanovic and Dragomir Saponja with crimes against prisoners held at the Bosnian Serb-run Trnopolje, Keraterm and Omarska detention camps during the war in 1992.

Puhalic is charged, as deputy manager of Trnopolje detention camp, with failing to prevent people from entering Trnopolje and the houses attached to the detention camp and taking away women and girls who were then subjected to torture, rape and sexual abuse.

The indictment said that Puhalic also failed in his duties when a 13-year-old girl was taken away and “gang-raped in one of the most brutal ways” by members of the Manijakosi (Maniacs), a Bosnian Serb Army tank unit.

Puhalic is also charged with failing to take any action to prevent the torture, abuse and murder of detainees, and with assisting in their persecution through detentions, murders, forced abductions and disappearances, as well as torture and other inhumane acts.

Rudak, Skrbic, Damjanovic and Saponja are accused in their capacity as camp guards of involvement in torture, beatings and murders.

The initial indictment in the case last year also charged another guard, Dragoja Cavic, but the court said that the prosecution has withdrawn the charges against him.

The prosecution told BIRN that the charges against Cavic were withdrawn “due to the continuation of the investigation relating to additional events and findings involving the suspect which appeared after the filing of the indictment”.

### **Prosecution Case in Kosovo Ex-Guerrillas’ Trial ‘Could Take Six Years’ (Balkan Transitional Justice)** By: Xhorxhina Bami

March 20, 2023

#### **Prosecution witnesses’ testimony in the war crimes trial of former Kosovo President Hashim Thaci and his three co-defendants could take over six years, judges in The Hague warned.**

The prosecution’s presentation of evidence in the case against former Kosovo President Hashim Thaci and three other former senior Kosovo Liberation Army, KA guerrillas at the Kosovo Specialist Chambers in The Hague could go on for six-and-a-half years, presiding judge Charles Smith III told a case status conference at the court on Monday.

“The judges’ panel estimates that... we would hear around 46 [prosecution] witnesses per year,” Smith said.

He explained that as there are 312 prosecution witnesses, “including counter-questions from the defence, it would take six-and-a-half years to finish them”.

The testimony of the first 12 witnesses will take 234 hours, “which is more than 35 days in court”, meaning that they will be testifying until September or October 2023, Smith said.

The judges called on the prosecution and defence to find ways to reduce the length of the hearings.

The prosecution claimed it had already cut 150 hours of direct questions and removed 11 witnesses. But in order for it to evaluate whether they can further reduce the time that witness hearings will take, the first witnesses must be heard because they will give very important evidence, it insisted.

This evidence includes KLA communiques whose authenticity is being disputed by the defence.

“After we present the first evidence with the first witnesses, we can adjust based on needs the moment we consider [the communiques’ authenticity] proved,” the prosecution said.

Thaci will go on trial on April 3 alongside Kadri Veseli, a former Kosovo parliament speaker and leader of Kosovo Democratic Party, PDK, Jakup Krasniqi, the former chairman of the national council of the Social Democratic Initiative, NISMA party, and Rexhep Selimi, the former head of the parliamentary group of the Vetevendosje party.

The indictment alleges that as part of a “joint criminal enterprise”, the four men committed war crimes and crimes against humanity between at least March 1998 and September 1999, and bear criminal responsibility for nearly 100 murders.

The indictment says they sought to stamp their control over Kosovo “by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents”.

It alleges that as senior figures in the KLA guerrilla force, they had “superior responsibility” which makes them complicit in war crimes and crimes against humanity because they were allegedly aware of violations but did not take action to prevent criminal acts or punish the perpetrators, or they directly participated in the crimes themselves or gave orders for them.

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

They were set up in 2015 by the Kosovo parliament, acting under pressure from the country’s Western allies, who believe

Kosovo's own justice system is not robust enough to try KLA cases and protect witnesses from intimidation, after previous trials at the Yugoslav war crimes tribunal were marred by witness-tampering.

The so-called 'Special Court' is highly unpopular in Kosovo, where it is seen as unfairly targeting Kosovo Albanian freedom fighters rather than the Serbian perpetrators of the majority of the war crimes that were committed in 1998-99.

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

### **Official Website of the ICTY**

**Croatia Convicts Yugoslav Intelligence Chief of War Crimes (Balkan Transitional Justice)** By: Vuk Tesija  
March 20, 2023

**A Croatian court convicted former Yugoslav intelligence chief Aleksandar Vasiljevic in absentia of establishing prison camps where detainees were tortured and killed during the Croatian war in 1991.**

Osijek County Court on Monday sentenced Aleksandar Vasiljevic, the former head of the Yugoslav People's Army's Counterintelligence Service, to 20 years in prison in his absence for war crimes against Croatian civilians and prisoners of war held in camps in Serbia and Croatia in 1991.

The court found that Vasiljevic committed the crimes as the head of the Security Directorate of the then Yugoslavian Federal Secretariat for National Defence, SSNO, during the war in Croatia.

Under a SSNO order signed on October 10, 1991, camps for prisoners of war were established Begejci, Stajicevo, Sremska Mitrovica, Nis and Stara Gradiska in Serbia. A total of 19 Croatian detainees were killed in the camps, the court found.

A larger number of detained civilians and prisoners of war suffered severe and life-threatening injuries, with permanent damage to their health, while several women systematically raped and sexually abused, according to the prosecution.

Explaining the verdict, presiding judge Zvonko Vrbanc said that the evidence showed that Vasiljevic ordered that the camps be set up in Serbia, and that they were managed by his subordinates from the State Security Service, although officially the camp commanders were from the Yugoslav People's Army.

"Detainees were physically and mentally tortured and abused in the camps on a daily basis, through interrogations conducted by members of the Serbian State Security Service, which Vasiljevic knew, but did not prevent, nor did he ensure adequate conditions for the lives of the prisoners; therefore, in such inhumane conditions of daily abuse, 19 detainees were killed, and the health of a large number of people was damaged," said judge Vrbanc.

He said that the representatives of the Croatian authorities who negotiated the release of prisoners from the camps in Serbia, said in witness statements that Vasiljevic was the main person with whom such releases were agreed, and that he was familiar with the conditions in the camps because he visited them in December 1991.

The prosecution had argued that Vasiljevic knew that his subordinates, as well as members of other units, were killing and torturing detainees and treating detained civilians and prisoners of war inhumanely, but he did nothing to stop this or punish the perpetrators, thus effectively condoning the crimes.

The International Criminal Tribunal for the Former Yugoslavia named Vasiljevic as a co-perpetrator in the indictment of Yugoslav President Slobodan Milosevic for crimes committed in Croatia, but Vasiljevic was not indicted himself.

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# **Domestic Prosecutions In The Former Yugoslavia**

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## **Turkey**

**Turkish-backed groups continue to commit torture, rape, cruel treatment, and other war crimes: UN report (Kurdistan24)** By: Wladimir van Wilgenburg

March 19, 2023

**The latest report by the United Nations Independent International Commission of Inquiry on Syria will be presented to the UN Human Rights Council next week.**

The report comes a few days before the fifth anniversary of Turkey and Turkish-backed armed groups occupying the northwestern Syrian city of Afrin on Mar. 18, 2018.

Several UN reports since then have documented numerous human right violations committed by the Turkish-backed groups in northwest Syria.

The Commission said it has “reasonable grounds to believe that SNA members continued to arbitrarily deprive individuals of liberty, hold detainees incommunicado, and engaged in tactics tantamount to enforced disappearances.

Moreover, the report also included findings that “SNA members continued to commit torture, including rape, and cruel treatment, murder, hostage-taking and pillage, all of which may amount to separate war crimes.”

The Commission said it looks forward to receiving further information from the SNA on efforts to hold its own forces accountable for these acts.

The presence of Turkish officials during interrogations, some involving torture or illtreatment of detainees, continues to be documented.

“Türkiye is bound by its obligations under international human rights and humanitarian law to forbid and prevent torture,” the report said.

The report also included a reference to “Kurdish detainees being routinely questioned on their alleged ties to the Kurdish People’s Protection Units (YPG) or SDF.”

Some were even tortured. One of the Kurdish survivors was blindfolded, stripped naked and beaten, and had his toenails pulled out, “likely by Sultan Murad Division members.”

Most of them were arrested while trying to cross into Turkey. The report mentioned that some of them were subsequently acquitted and released only after paying thousands of dollars.

For example, a Turkish official was allegedly involved in assisting in placing him in the shabih (hung from the ceiling by his arms) and interrogating him about his alleged links to the YPG. He was released after his family paid thousands of dollars, the report said.

In addition, the report called for foreign countries to repatriate foreign nationals held in northeast Syria for their alleged links to ISIS.

The report said child recruitment continued in northeast Syria, despite the June 2019 action plan signed by Syrian Democratic Forces (SDF) and the UN to end child recruitment.

Some families who approached child protection offices were allegedly “told that no action could be taken, as the children had been taken by the Kurdish revolutionary youth movement.”

So far, the whereabouts of some recruited children “remained unknown.”

## **Turkish and Egyptian Foreign Ministers Meet as Countries Relaunch Diplomatic Relations (Democracy Now)** March 20, 2023

**The foreign ministers of Turkey and Egypt met in Cairo for their first official talks in a decade as the two countries move to restore ties. The pair agreed to reestablish ambassadorships “as soon as possible.” Turkey and Egypt severed ties in 2013 after President Abdel Fattah el-Sisi, who was then army chief, led the ouster of the Muslim Brotherhood’s Mohamed Morsi, a Turkish ally. Tensions have also simmered over the conflict in Libya and over maritime borders in the eastern Mediterranean.**

## **Legal Experts Ask International Court to Probe Turkey’s Crimes against Humanity (Mirror-Spectator)** By: Harut Sassounian

March 20, 2023

**Several newspapers announced earlier this month that a major complaint has been submitted to the International Criminal Court (ICC) against Turkey. A group of European legal experts compiled a massive file which included “witness testimonies giving details of torture, state sponsored kidnapping, and wrongful imprisonment” by the Turkish government of its 200,000 opponents.**

Both the European Court of Human Rights and the United Nations Working Group on Arbitrary Detention had concluded that a large portion of the imprisonments and detentions by Turkey were a violation of the European Convention on Human Rights. They are considered crimes against humanity. The new complaint was delivered to the ICC prosecutor Karim Khan on February 9, but made public on March 1, 2023.

The 4,000-page dossier was prepared by the Belgian law firm Van Steenbrugge Advocaten, the Belgium-based NGO Turkey Tribunal, and the European judges association Magistrats Européens pour la Démocratie et les Libertés (MEDEL).

“Turkish officials have committed crimes against humanity against hundreds of thousands of opponents of the Erdogan regime,” the submission said. “These crimes amount to a ‘widespread and systematic attack against a civilian population’, meeting the threshold for the ICC to launch proceedings against high-ranking officials of the Erdogan regime.”

Even though Turkey is not a signatory to the Rome Statute that had established the ICC, the Court has jurisdiction to pursue these crimes since the Turkish government has committed some of the crimes on the territory of 45 ICC member states: Afghanistan, Albania, Austria, Bangladesh, Belgium, Bosnia Herzegovina, Burkina Faso, Cambodia, Canada, Chad, Congo, Democratic Republic of the Congo, Denmark, France, Gabon, Georgia, Germany, Greece, Guinea, Jordan, Kenya, Liberia, Lithuania, Luxembourg, Madagascar, Mali, Mongolia, Netherlands, Niger, Nigeria, North Macedonia, Peru, Poland, Republic of Moldova, Romania, Senegal, Switzerland, Tajikistan, The Gambia, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Venezuela, and Zambia.

The complaint states that there were 17 cases of enforced disappearance in which victims were abducted from Kenya, Cambodia, Gabon, Albania, Bulgaria, Moldova, Mongolia and Switzerland and taken back to Turkey. These abductees were accused of being followers of Fethullah Gulen, a US-based Muslim preacher. Pres. Erdogan supported Gulen for many years until their relationship soured. Thousands of Gulen’s followers, including 9,100 police officers, were subsequently fired from their jobs and arrested.

Osman Karaca was seized on October 14, 2019, in Cambodia where he was a schoolteacher. “After being held incommunicado for four days, Karaca was handed over to Turkish authorities who flew him back to Turkey on a small government jet. He was convicted of leading an armed terrorist group in the 2016 coup attempt, despite the fact he had left Turkey for Cambodia in 2002,” the Guardian reported.

Karaca is one of many Turks abducted from overseas and charged for being a ‘terrorist.’ The legal claim filed against Turkey at the ICC contained statements on the torture of 800 abductees, describing “in detail how torture has been inflicted on a large and consistent scale.”

“This should be investigated,” said Johan Vande Lanotte, a former Belgian deputy prime minister and human rights law professor, who helped set up the Turkish Tribunal. He is leading the effort to persuade the ICC to open an investigation. “The universal basic principles of international law are being violated.... Important members of the (Turkish) government cannot deny they are responsible, because they proclaimed their responsibility proudly.”

The Turkey Tribunal stated that it documented “59 cases of extraterritorial and domestic Enforced Disappearance, relating to 109 persons. While the Turkish state has always denied involvement in domestic disappearances, authorities have consistently boasted about illegal abductions made overseas. Most recently, in July 2021, President Erdogan gave a press conference next to an image of a Turkish teacher proclaiming that he had been abducted from a foreign country. In an arrogant demonstration of impunity, the published image of the abducted person showed clear signs of torture, and he later underwent surgery to treat his broken arm.”

The Turkey Tribunal added: “Concerning the Imprisonments in Violation of Fundamental Rules of International Law, official Turkish statistics show that investigations into alleged membership of a ‘terrorist organization’ were launched against 2,217,000 persons in the period 2015-2021; 560,000 persons were put on trial and 374,000 persons were convicted, 270,000 of whom were found to be members of a terrorist organization.”

Furthermore, according to the Turkey Tribunal, “Official Turkish statistics show that 129,410 public servants have been dismissed and 19,962 teachers had their teaching licenses cancelled, since 2016. In total, 234,419 passports were withdrawn in relation to arbitrary investigations against the alleged members of the Gülen movement. Of these, 155,000 relate to persons against whom no judicial action was launched, such as, for instance, the spouses of the persons against whom an investigation or persecution was launched.”

Former Belgian Deputy Prime Minister Vande Lanotte concluded: “We had the United Nations Working Group on Forced Disappearances look into this, the UN Human Rights Committee, the European Court of Human Rights, and even judges in Turkey itself, and nothing has been done, so this is the last possibility for justice.”

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## **Kosovo Specialist Chambers**

**European Parliament calls for sanctions against officials in Azerbaijan (JAM)** March 17, 2023

**The European Parliament adopted the report “Relations between the European Union and Azerbaijan”, prepared by Zeljana Zovko, a Croatian deputy and rapporteur on Azerbaijan, by a majority vote. In the document, the European Parliament calls for sanctions against officials in Azerbaijan involved in the restrictions of human rights.**

The European deputies who spoke during the hearings criticized the government of Azerbaijan over failure to fulfill international obligations, and a growing number of violations of fundamental freedoms and human rights.

During the voting, 50 MEPs voted for, six against. Four deputies abstained.

The report details issues of human rights, media, political prisoners, LGBTQ+, violence against women, relations between Azerbaijan and Armenia, and transportation of energy resources to the West.

“Russia’s aggression against Ukraine has strengthened the EU’s cooperation with Azerbaijan in the energy sector. But the EU cannot turn a blind eye to violations of human rights and democracy in Azerbaijan,” the report says.

It calls on Azerbaijan to remove restrictions on freedom of expression and the media, ensure basic human rights, and release political prisoners.

**Karabakh conflict** The report notes that at times there are bloody clashes between Azerbaijan and Armenia, despite the ceasefire agreement signed after the 44-day war.

The European Parliament says that Azerbaijan has “occupied the sovereign territories of Armenia”, and “since the end of 2022, has interfered with the movement of civilian transport along the Lachin corridor, which negatively affected the provision of this region with food and medicine.”

The report also emphasizes that, according to the assurances of Azerbaijani officials, there are no barriers to the delivery of medicines and products to Nagorno-Karabakh.

**Prisoners of war** The report states that after the clashes in September 2022, allegations of “physical violence and humiliating actions against Armenian prisoners of war” were heard.

“It seems that the Russian peacekeepers stationed in the region are unwilling or unable to stop possible attacks from the

Azerbaijani side, as if after the start of Russia's criminal war of occupation against Ukraine, the presence of peacekeepers in the region became less perceptible," the document emphasizes.

The impact of the Russian-Ukrainian war on the region The European Parliament points out that the war in Ukraine has complicated the security situation in the South Caucasus.

The document requires both parties to fulfill their obligations:

"It is possible to achieve the development of both countries, guarantees from the governments of Azerbaijan and Armenia for peaceful coexistence, respect for the security and rights of minorities. Because the armed conflicts between the two countries deal a catastrophic blow to the cultural, religious and historical heritage of the region."

Human rights situation The EP report states that Azerbaijan's performance on human rights and respect for fundamental rights is still very poor.

Before deepening the political and energy partnership with the EU countries, there is a need to solve all such problems:

"Azerbaijani authorities are acting contrary to the Constitution of Azerbaijan, which ensures freedom of assembly and association. By seriously and methodically restricting freedoms, the Azerbaijani authorities have created conditions under which meetings are actually banned. The space for independent activism, critical journalism and the political activity of the opposition is severely limited. There are laws and regulations that restrict the activities of activists, human rights defenders, journalists and independent groups, and there are political arrests."

Independent judiciary The document notes that the country still lacks an independent judiciary. There is widespread interference with the work and independence of lawyers.

Police also force confessions in prison, and abuse is rife: "Restrictions are applied to those arrested to meet with their families and lawyers. They are deprived of medical care."

Media, harassment, Pegasus spyware The EP report also speaks of the situation with independent media, the persecution of journalists.

It is reported that the Azerbaijani authorities systematically put pressure on independent media and restrict freedom of expression. Political opponents of the government, human rights defenders and journalists are targeted for hard speech and politically motivated violence:

"They are being detained without any reason. Cases are not properly investigated. In July 2021, the use of the Pegasus spyware to harass journalists was reported."

Position on LGBTIQ+ The document notes that Azerbaijan lacks legislation aimed at protecting LGBTIQ+ people:

"Hate speech and hate crimes against LGBTIQ+ continue in Azerbaijan, despite the fact that in 2022 PACE adopted a resolution on the violation of the rights of LGBTIQ+ in the South Caucasus. Appeals were made to the authorities to prevent violations of the legislative acts."

Violence against women The document of the European Parliament states that Azerbaijan is not fulfilling its obligation to prevent violence against women, investigate such facts and punish those responsible, and does not take effective steps in this direction.

Corruption The European Parliament says that corruption is also widespread in Azerbaijan.

The document recalls the corrupt nature of the activities of some former PACE deputies in favor of Azerbaijan, published on April 15, 2018.

Azerbaijan's place in the energy market The document notes that Azerbaijan occupies a strategic position in the global energy market of the South Caucasus. Also in recent years it has become an exporter of strategic energy resources for the EU:

"Taking into account the need to diversify the provision of energy to the European Union, Azerbaijan occupies a more important place in this role every year."

It is emphasized that the European Union supports wider integration with Azerbaijan through the European Neighborhood Policy and the Eastern Partnership initiative; The EU is Azerbaijan's main trading partner and the EU supports Azerbaijan's accession to the WTO, as well as the bifurcation, digitalization and decarbonization of the Azerbaijani economy.



The document emphasizes that despite all this, the EU should not turn a blind eye to human rights violations, recurring ceasefire violations at the border, arrests, and media restrictions in Azerbaijan.

**Call for sanctions** In the adopted document, the European Parliament calls for the application of sanctions against officials in Azerbaijan involved in gross violations of human rights, in particular against representatives of law enforcement agencies who allow such measures:

“Azerbaijan should not allow censorship, Internet freedom laws should comply with European standards.”

The European Parliament calls on the Azerbaijani government to have a close dialogue with civil society, to implement reforms that ensure democracy and respect for human rights.

The document criticizes the persecution at home and abroad of journalists, political activists, human rights defenders, the use of the criminal code for revenge.

The report calls on the Azerbaijani government to ensure people’s right to freedom of assembly.

So far the government of Azerbaijan and officials of the country have not commented on the report.

## **Azerbaijan**

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## **Russia**

**UN-backed investigation accuses Russia of war crimes in Ukraine (Al Jazeera)** March 16, 2023

**Russia has committed wide-ranging war crimes in Ukraine, including the forced deportations of children in areas it controls, a report from a United Nations-backed inquiry says.**

The allegations were detailed in a report released on Thursday by the Independent International Commission of Inquiry on Ukraine, which said some acts may amount to crimes against humanity.

Among potential crimes against humanity, investigators cited repeated attacks targeting Ukrainian infrastructure in recent months that have left hundreds of thousands of people without heat and electricity during the winter as well as the “systematic and widespread” use of torture across multiple regions under Russian occupation.

“There were elements of planning and availability of resources which indicate that the Russian authorities may have committed torture as crimes against humanity,” said Erik Møse, a former judge with the Norwegian Supreme Court and the European Court of Human Rights who led the investigation.

The investigation found crimes committed against Ukrainians on Russian territory, including deported Ukrainian children who were prevented from reuniting with their families, a “filtration” system aimed at singling out Ukrainians for detention, and torture and inhumane detention conditions.

Russia denies committing atrocities or attacking civilians in Ukraine.

At her weekly news briefing, Russian foreign ministry spokeswoman Maria Zakharova told reporters that Moscow regularly heard accusations like these. She added that if those behind such reports supported objectivity “then we are ready to analyse specific cases, answer questions, provide data, statistics and facts. But if they are biased, if they represent only one point of view, ... then there is no use responding to these reports.”

The 18-page report is based on more than 500 interviews, satellite images and visits to detention sites and graves. It was released as the International Criminal Court in The Hague is expected to seek the arrest of Russian officials for forcibly deporting children from Ukraine and attacking civilian infrastructure.

The report said Russian forces carried out “indiscriminate and disproportionate” attacks on Ukraine and called for the

perpetrators to be held accountable. "The ongoing armed conflict in Ukraine has had devastating effects at various levels," Møse said. "Human losses and the general disregard for the life of civilians ... are shocking."

The report said at least 13 waves of Russian attacks since October on Ukraine's energy-related infrastructure as well as its use of torture "may amount to crimes against humanity",

It cited a Ukraine government figure in finding that about 16,000 children have been unlawfully transferred and deported from Ukraine. Russia denies the charge, saying it has evacuated people voluntarily from Ukraine.

Other children were forced to watch their loved ones raped or, in one instance, were detained in a school basement alongside bodies, the report said. Victims in Russian detention facilities were subject to electric shocks with a military phone – a treatment known as a "call to [Russian President Vladimir] Putin" – or hung from the ceiling in a "parrot position", the report said.

Asked whether Russia's acts might amount to genocide, as Ukraine insists, Møse said his commission had not yet found such evidence but would continue to follow up.

Ukraine, which has called for the creation of a special tribunal to prosecute Russia's political and military leadership for the crime of aggression over the invasion, has said the commission is essential to ensure Russia would be held accountable.

The commission found reasonable grounds to conclude that the Ukraine invasion qualifies as an act of aggression.

The report also found that Ukrainian forces had committed a "small number of violations", including what appeared to be indiscriminate attacks and torture of prisoners of war.

There was no immediate comment by the Ukrainian government.

The commission's report will be presented to the UN Human Rights Council in Geneva on Monday. Countries at the council, the only body made up of governments to protect human rights worldwide, aims to extend and deepen the commission's mandate.

Sometimes, the council's investigations lead to prosecutions in international courts. The commission said it is working on a list of possible perpetrators that would be passed on to UN authorities.

**ICC judges issue arrest warrant for Putin over war crimes in Ukraine (Reuters)** By Anthony Deutsch and Toby Sterling  
March 16, 2023

**The International Criminal Court (ICC) issued an arrest warrant on Friday against Russian President Vladimir Putin, accusing him of the war crime of illegally deporting hundreds of children from Ukraine.**

The bold legal move will obligate the court's 123 member states to arrest Putin and transfer him to The Hague for trial if he sets foot on their territory. Moscow has repeatedly denied accusations that its forces have committed atrocities during its one-year invasion of its neighbour and the Kremlin branded the court decision as "null and void".

Neither Russia nor Ukraine are members of the ICC, although Kyiv granted it jurisdiction to prosecute crimes committed on its territory. The tribunal has no police force of its own and relies on member states to make arrests.

Kremlin spokesman Dmitry Peskov said Russia found the very questions raised by the ICC "outrageous and unacceptable".

Asked if Putin now feared travelling to countries that recognised the ICC, Peskov said: "I have nothing to add on this subject. That's all we want to say."

Stephen Rapp, U.S. Ambassador-at-Large for War Crimes Issues under former president Barack Obama, said: "This makes Putin a pariah. If he travels he risks arrest. This never goes away. Russia cannot gain relief from sanctions without compliance with the warrants."

Putin is the third serving president to be the target of an ICC arrest warrant, after Sudan's Omar al-Bashir and Libya's Muammar Gaddafi.

Reuters reported earlier this week that the court was expected to issue warrants.

DEPORTATION OF CHILDREN

In its first warrant for Ukraine, the ICC called for Putin's arrest on suspicion of unlawful deportation of children and unlawful transfer of people from the territory of Ukraine to the Russian Federation since Feb. 24, 2022.

"Hundreds of Ukrainian children have been taken from orphanages and children's homes to Russia," ICC chief prosecutor Karim Khan said in a statement on Friday. "Many of these children, we allege, have since been given up for adoption in the Russian Federation."

The alleged acts "demonstrate an intention to permanently remove these children from their own country. At the time of these deportations, the Ukrainian children were protected persons under the Fourth Geneva Convention."

Khan said his office will continue looking for additional suspects and "will not hesitate to submit further applications for warrants of arrest when the evidence requires us to do so."

Ukraine's top prosecutor, Andriy Kostin, hailed the ICC move as a "a historic decision for Ukraine and the entire international law system".

European Union foreign policy chief Josep Borrell said it was just the start of "holding Russia accountable for its crimes and atrocities in Ukraine".

Some Russians saw the hand of the United States in the ICC decision, although Washington, like Moscow, is not a state party.

"Yankees, hands off Putin!" wrote parliament speaker Vyacheslav Volodin, a close ally of the president, on Telegram, saying the move was evidence of Western "hysteria".

"We regard any attacks on the President of the Russian Federation as aggression against our country," he said.

The court also issued a warrant on Friday for Maria Lvova-Belova, Russia's Commissioner for Children's Rights, on the same charges. She responded to the news with irony, according to RIA Novosti agency: "It's great that the international community has appreciated the work to help the children of our country."

Ukraine has said more than 16,000 children have been illegally transferred to Russia or Russian-occupied territories in Ukraine.

A U.S.-backed report by Yale University researchers last month said Russia has held at least 6,000 Ukrainian children in at least 43 camps and other facilities as part of a "large-scale systematic network".

Russia has not concealed a programme under which it has brought thousands of Ukrainian children to Russia, but presents it as a humanitarian campaign to protect orphans and children abandoned in the conflict zone.

The ICC's Khan opened the investigation into possible war crimes, crimes against humanity and genocide in Ukraine a year ago. He highlighted during four trips to Ukraine that he was looking at alleged crimes against children and the targeting of civilian infrastructure.

### **'I killed a man today': Russian soldier accused of war crimes in absentia after audio files intercepted (CNN)**

By Rebecca Wright, Ivan Watson, Olha Konovalova and Tom Booth

March 21, 2023

#### **A Russian soldier who allegedly shot a civilian in an extraordinary attack caught on camera by a Ukrainian drone is being accused of war crimes in absentia by the Ukrainian police.**

The dossier of evidence against him includes phone calls between the soldier and his wife and friend intercepted during a months-long investigation into the Russian attack near the city of Izium last June.

The audio files were shared exclusively with CNN in advance of a news conference in Kharkiv to announce the charges on Tuesday.

Police identified the soldier as Klim Kerzhaev – a 25-year-old commander from Moscow, who served in the 2nd Motorized Rifle Division of the 1st Tank Army in the Western Military District. He is accused of the attempted murder of a civilian – a war crime under Article 438 of the Criminal Code of Ukraine.

The attack was also captured on aerial footage by Ukrainian soldiers, who launched a unique rescue mission by attaching a piece of paper with the words "follow me" to a small drone – an operation which featured in a recent documentary by Ukrainian filmmaker Lyubomyr Levytsky.

“We are watching this as if it’s on TV, like a soap opera. A horror movie where Russians kill civilians,” the head of the investigation department for Kharkiv Police, Serhii Bolvinov, told CNN.

In addition to the drone footage, Bolvinov said their investigation included forensic examinations of the vehicle and the scene – conducted after Izium was liberated by Ukrainian troops in September – along with evidence gathered by cyber police who tracked down the soldier’s social media accounts and phone calls.

CNN requested comment on the case from the Russian Ministry of Defense at the time of publication on Tuesday, after the embargo on the information was lifted.

Bolvinov said this is just one of hundreds of alleged Russian war crimes that his team are currently investigating in the Kharkiv region alone, including the discovery of hundreds of bodies in mass graves in Izium. He has more than 900 investigators on his team, and most of their current work is focused on war crimes cases.

On Friday, the International Criminal Court issued arrest warrants for Russian President Vladimir Putin and Russian official Maria Lvova-Belova – on the charge of illegally deporting thousands of Ukrainian children into Russia.

‘Their lives could have ended’

Last summer, married couple Valeria Ponomarova and Andrii Bohomaz were driving to Izium in Ukraine to help Bohomaz’s sick, elderly parents escape the Russian-held city.

The couple took a wrong turn and inadvertently strayed close to the frontlines where Russian troops were based, and their car was hit by incoming fire. Ukrainian soldiers based nearby had spotted the incident from afar using a reconnaissance drone – which they dispatched closer to the scene to capture the extraordinary footage of the couple attempting to flee.

The video shows the couple abandoning the car to run to safety, but turning around when explosions landed too close to them. They were fired upon again, leaving Bohomaz badly injured. Ponomarova tried to move her husband behind the car and wrap towels around his wounds to stem the bleeding.

Russian soldiers were based around 30 meters (98 feet) away from the couple’s car, according to police, so it was too dangerous for Ukrainian troops to extract the couple.

So they sent the drone back after recharging it and attaching a white piece of paper to it with the words “follow me” – to guide Ponomarova to safer territory. She saw a drone overhead, but wasn’t sure whose side it was on. “I turned and just fell on my knees and I just screamed with the most agonizing cry,” said Valeria Ponomarova. “I didn’t know [whose drone] it was. Our forces, or the enemy,” she later said during the documentary.

Ponomarova said she eventually followed the drone, thinking it was the only way to get help to her injured husband.

But soon after she left, a team of Russian soldiers approached the car on foot, and picked up the injured Bohomaz and threw him in a nearby ditch. Miraculously, he survived.

‘Expletive-laden conversations’

The drone footage showed that Ponomarova didn’t see this happening behind her, as she continued on foot down the battle-scarred road, even stepping around lines of anti-tank mines.

When the soldiers successfully got Ponomarova to safety, they told her it wasn’t possible to return for her husband, as Russian troops were at the scene.

So far, one Russian soldier has been accused. In addition to the drone footage, the evidence compiled by Ukrainian investigators against him includes recordings of intercepted phone calls with his wife and a friend.

In one of the expletive-laden conversations, the soldier told his wife that he “f\*\*\*ing killed a man today,” after firing on a car from his Soviet-era infantry fighting vehicle. Immediately after this, the soldier reverts back to casual conversation, asking his wife to “put some money on my phone today, okay?”

In a call to a friend a day later, he repeated the confession of killing a man, and when his friend asked how it felt, he replied, “the f\*\*\*ing car got shot up. I don’t give a f\*\*\*.” CNN has translated the raw audio intercepts provided by police, but cannot independently verify the files.

Bohomaz managed to pull himself out of the trench to seek help despite serious injuries.

“I heard that it was starting to rain and I began to shiver,” Bohomaz said in the “Follow Me” documentary. “After a night in the trench I came to my senses from the rain.”

“I understood that I had to get out somehow,” he added.

Bohomaz managed to limp to safety towards the Ukrainian position.

“It took about 30 or 40 minutes,” he said. “But I walked with stops, because I felt a lot of pain.”

Nine months since surviving the attack, Bohomaz is still in treatment for multiple shrapnel wounds to his brain, chest and spine.

CNN reached out to the couple for comment on the legal process which is starting against the Russian soldier, but did not receive a response.

“It’s a terrible crime,” Bolvinov said. “Their lives could have ended at this crossroads, but luckily they managed to survive.”

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## MIDDLE-EAST

### Iraq

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

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## **Special Tribunal for Lebanon**

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## **Israel and Palestine**

**EU needs to acknowledge the reality of Israeli apartheid (Amnesty International)** By Eve Geddie  
March 20, 2023

**Earlier this month, a delegation of European diplomats visited Huwara and Za'tara, two Palestinian towns in the Nablus Governorate, where Israeli settlers launched brutal attacks.**

The violence around Huwara has been notable for its scale and intensity, with hundreds of Israeli settlers participating. But for Palestinians in the occupied West Bank, these state-backed assaults have long been a routine part of life. The near-total lack of accountability for the perpetrators, the well-documented participation of Israeli soldiers in some of the violence, and the very fact that settlements continue to expand in defiance of international law are all manifestations of a system of apartheid, which Israeli authorities impose on Palestinians.

Following their visit, the European diplomats condemned the attacks on Palestinians in Huwara, as well as the killing of two Israeli settlers by a Palestinian gunman on the same day, and they stressed the need to “protect all civilians and ensure accountability.”

These are commendable aims, certainly, but they will not be accomplished until apartheid is dismantled. And the European Union needs to recognize the reality of the system Israel has imposed on Palestinians— until it does so, these statements amount to little more than lip service.

The Rome Statute of the International Criminal Court defines apartheid as a crime against humanity, characterized by the commission of “inhumane acts,” such as unlawful killing, torture and forcible transfer, which are committed to maintain an institutionalized regime of systematic oppression and domination by one racial group over another.

In a report released in February 2022, Amnesty concluded that Israeli authorities’ treatment of Palestinians amounts to apartheid based on this very definition.

Wherever Palestinians live under Israel’s effective control — whether in Israel, the Occupied Palestinian Territories (OPT) or in other countries as refugees — Israeli authorities subject them to systematic oppression and domination. And Amnesty’s report provided detailed evidence of this, showing how Israel’s laws and policies are specifically designed to deprive Palestinians of rights, land and resources.

Amnesty International is not alone in drawing such a conclusion — Palestinian, Israeli and international organizations, two U.N. Special Rapporteurs, the South African government, and several former Israeli officials have said the same. But for all its condemnation of the tools of apartheid — unlawful killings, settlement expansion, home demolitions and the suppression of Palestinian freedom of expression — the EU still declines to acknowledge this system. In January of this year, the European Commission explicitly stated it considers it “not appropriate” to use the term apartheid in connection with the State of Israel. The comment was made in a written response to a question submitted by MEPs, and delivered by High Representative Joseph Borrell on behalf of the Commission.

The result of prolonged negotiations among Commissioners, the response first stated that the Commission is giving “due attention to” Amnesty’s report — then went on to reject the finding of apartheid and imply that such criticism of Israel is antisemitic.

Yet, it remains unclear exactly which aspects of Amnesty’s evidence or analysis the Commission contests, as the response fails to engage with the substantive issues outlined in the report, opting for a non-sequitur instead, by citing the International

Holocaust Memorial Association's (IHRA) non-legally binding working definition of antisemitism as grounds for its position.

The Commission has repeatedly emphasized the importance of international law, and it has done so by promoting the Rome Statute as well. And yet, it neglected to even mention the treaty's definition of apartheid in its response.

12 Israeli human rights organizations have since expressed "grave concern" about attempts to associate Amnesty's report with antisemitism, and they have rejected the Commission's failure to recognize Israel's apartheid. These organizations argue that weaponizing antisemitism to silence legitimate criticism actually undermines attempts to address rising antisemitism.

Those closely following this issue know that the views and positions among the EU's 27 Commissioners and member countries are diverse. Borrell, for one, is well-aware of Palestinians suffering. In a recent address regarding crimes against humanity, he specifically referred to the killings of Palestinians by Israeli security forces, stressing that "we have to remember what is happening in Palestine."

By contrast, Margaritis Schinas, the Commissioner for Promoting the European Way of Life, and Oliver Várheli, the Commissioner for Neighbourhood and Enlargement, have both equated criticism of Israel with antisemitism. And Schinas, who is charged with leading the EU's fight against antisemitism, has gone even further, backing and urging the application of the disputed IHRA definition. However, the EU's strategy for addressing antisemitism, which was developed under his watch, has been criticized by 54 scholars on antisemitism as it "ignores growing concerns about the shortcomings and instrumentalization of the IHRA definition."

Antisemitism is a serious concern — both within Europe and around the world — and the EU must take the fight against it seriously. However, criticism of Israel that is based on agreed international human rights standards that hold all countries to account cannot be dismissed with the broad use of the term — nor by the invocation of a non-legally binding definition.

Meanwhile, the Israeli government's own actions are making it increasingly difficult to dismiss this reality, recently pledging to expand settlements and restrict displays of the Palestinian flag. The government has made discriminatory amendments to laws on citizenship and residency.

And, alarmingly, it recently handed sweeping powers over the occupied West Bank to Finance Minister Bezalel Smotrich, who came under intense criticism when he said, in response to the settler violence, that Huwara should be "wiped out" by the Israeli state. These actions even prompted a rare statement of concern on behalf of all 27 member states on 8 March.

The EU's failure to commit to its principles and its lack of engagement with legal scholarship and research don't just embolden Israel to commit further crimes against Palestinians — it also harms the fight against antisemitism.

If the Commission is genuinely interested in advancing peace and justice, it must recognize that the Israeli authorities are committing the crime of apartheid, and it must use all the political and diplomatic tools at its disposal to pressure them to stop.

### **Protests in Gaza as Israeli, Palestinian Officials Pledge to Deescalate Ahead of Ramadan (Democracy Now)**

March 20, 2023

**In Sharm el-Sheikh, Egypt, representatives from Israel and Palestine agreed to deescalate tensions ahead of Ramadan, including an Israeli pledge to halt discussion of new settlement construction for four months. The talks were also attended by U.S., Egyptian and Jordanian officials. A similar pledge to curb violence was reached a month earlier but did little to quell the mounting violence. Israeli forces and settlers have killed at least 85 Palestinians so far in 2023 as members of the extreme-right Israeli government have openly called for violence against Palestinians. In Gaza, protesters condemned Palestinian officials for taking part in the Egyptian meetings.**

Protester: "Attending these kinds of summits while there are massacres, while there is this fascist government in Israel and during this critical time is disregarding the pain and dignity of the Palestinian people."

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## Gulf Region

**FIFA Reverses Saudi Sponsorship of Women's World Cup (Human Rights Watch)** By Minky Worden  
March 17, 2023

**In an off-field victory for human rights, the Fédération Internationale de Football Association (FIFA) has reversed its sponsorship plans with Visit Saudi, Saudi Arabia's state tourism authority, for the 2023 Women's World Cup. The Women's World Cup is the flagship global women's football event and has long been a moment to celebrate women's rights and lesbian, gay, bisexual, and transgender (LGBT) rights and inclusion.**

FIFA's decision to award Visit Saudi sponsorship of the Women's World Cup showed shocking disregard for the repression and suffering of Saudi Arabia's courageous women's rights defenders, which top female players rightly condemned as an "own goal."

Saudi Arabia is a global outlier on women's rights and also violates the rights of LGBT people. As recently as 2018, women and girls were barred from sport in schools – or even watching sporting events in stadiums. On International Women's Day in 2022, Saudi authorities passed Saudi Arabia's first Personal Status Law, which codifies repressive male guardianship rules and includes discriminatory provisions against women concerning marriage, divorce, and decisions about their children. In August 2022, Saudi Arabia sentenced Salma Al-Shehab, a Saudi doctoral student who had been studying in the United Kingdom, to 34 years in prison for her use of Twitter.

Human Rights Watch has documented Saudi Arabia's longstanding practice of "sportswashing," which involves spending billions of dollars hosting major sporting, entertainment, and cultural events as a deliberate strategy to deflect criticism from the country's pervasive and systemic violations of human rights.

Human Rights Watch wrote to FIFA on February 3 to underscore the contradiction between Saudi Arabia's Tourism Authority sponsorship of the Women's World Cup and the football body's claims that human rights are a key part of its values. We also asked FIFA what consultation with players, host nations, and other stakeholders it undertook before signing off on the sponsorship deal. FIFA has not replied to the letter.

FIFA has incorporated human rights since 2016 and adopted a human rights policy stating that "human rights commitments are binding on all FIFA bodies and officials." In practice, it has not always lived up to these pledges.

Women football players are right to protest that their game was being monetized by FIFA, without safety, access, equal pay for equal work, consultation, or permission.

FIFA's decision to reverse the Visit Saudi sponsorship of the Women's World Cup should be a first step toward consistent due diligence and remedy on human rights across all of its operations.

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## **ASIA**

### Afghanistan

**Former Australian soldier arrested for alleged war crime in Afghanistan (CNN)** By Helen Reagan



March 20, 2023

**A former soldier has become the first serving Australian serviceman or veteran charged with the war crime of murder for allegedly killing a civilian while on deployment in Afghanistan. The 41-year-old man was charged in New South Wales on Monday, according to a joint statement from the Australian Federal Police (AFP) and the Office of the Special Investigator (OSI).]**

“It will be alleged he murdered an Afghan man while deployed to Afghanistan with the Australian Defense Force,” the AFP statement said.

The maximum penalty for the charge is life imprisonment, the statement said. The man was remanded in custody and will face court at a later date, it added.

His arrest follows a four-year investigation into alleged crimes committed by Australian forces in Afghanistan between 2005 and 2016.

In 2020, the long-awaited report by the inspector general of the Australian Defense Force concluded that Australian elite forces allegedly killed 39 Afghan civilians and prisoners unlawfully.

The ADF recommended that 19 individuals from the Australian Special Forces be investigated over 36 alleged war crimes, including murder and cruel treatment of non-combatants in Afghanistan between 2009 and 2013.

The inquiry described an environment where “blood lust” and “competition killings” were reportedly a norm. It alleged that some patrol commanders required junior soldiers to shoot prisoners to achieve their first kill, in a process known as “blooding.”

The report presented what it said was “credible information” that weapons or handheld radios were then sometimes allegedly placed by a body to make it seem like the person had been killed in action.

None of the 39 alleged unlawful killings happened in the heat of battle, according to the report, and the Afghans who died were non-combatants or no longer combatants.

Monday’s AFP statement said it is continuing to work with the OSI “to investigate allegations of criminal offenses under Australian law related to breaches of the Laws of Armed Conflict by Australian Defense Force personnel in Afghanistan between 2005 and 2016.”

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

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

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

**Cambodia Tribunal Monitor**

**Can Cambodia’s Push for Justice Outlast the Khmer Rouge Tribunal? (VOA Cambodia) By Colin Meyn**

March 11, 2023

**For the past 15 years, a unique experiment in international justice played out in a repurposed Army headquarters on the outskirts of Phnom Penh. Hundreds of lawyers, translators, staffers and service workers made the daily trek west down National Road 4 to carry out the tedious work of trying five — then four, three and two — aging leaders of the genocidal Khmer Rouge.**

That chapter of justice for the murder of millions of Cambodians is over now.

In September, the Extraordinary Chambers in the Courts of Cambodia (ECCC) issued its final verdict, rejecting an appeal from Khieu Samphan, the longtime figurehead of the Khmer Rouge, who at 91 is the last surviving defendant from the 1970s regime that pursued an agrarian utopia in Cambodia while driving its subjects often to death.

In December, the United Nations-assisted Cambodian tribunal packed up and handed the building back to the military — Samphan was moved from the court's jail to die in a state prison.

For the next few years, a skeleton crew of lawyers and staffers working out of offices in central Phnom Penh will complete the “residual phase” of the ECCC, focused mainly on resolving final legal issues and telling Cambodians about the court's work.

But there's a larger constellation of professionals and organizations and survivors who are still working toward justice and reconciliation — work that has no end, given the scale of pain experienced in the 1970s and passed on through the generations since.

For nearly two decades, their work has revolved around the tribunal and associated foreign funding for activities ranging from education, intergenerational dialogue, psychological services, public remembrance and engagement in the judicial process. Non-profits have built out programs that not only help heal old wounds, but seek to foster a society with less hate and more capacity to resolve disputes peacefully.

And the leaders of these groups aren't sure that international partners — which have spent some \$337 million on the tribunal alone — will continue to support their work now that “justice” has been served through the tribunal.

“Dealing with the past context is like: Cambodia is no longer a post-conflict country so why do you have to respond to this area? So I think in terms of that particular context, there is a decline in funding support,” said Suyheang Kry, the executive director of Women Peace Makers, a Cambodian non-profit focused on inter-ethnic conflict resolution.

However, her organization still sees a need for building a bridge between remaining Khmer Rouge survivors and future generations of Cambodians, to ensure that the lessons learned from the country's dark history aren't lost.

“How are we going to ensure that the younger generations can also bring that; not just about knowing the past, but also how they can also reflect and use that as a tool for them to deal with the present...and build more non-violent types of response,” Suyheang Kry said.

A number of studies have found widespread “secondary trauma” among the children of Khmer Rouge survivors — even if they grew up in the diaspora.

Leakhena Nou, a sociology professor at the University of California Long Beach who has worked extensively with Khmer Rouge survivors, said she still sees signs of unresolved Khmer Rouge trauma throughout Cambodian society, including among younger generations.

“The legacy of the Khmer Rouge continues to live on vicariously through behavioral manifestations like gambling, domestic violence, drug addiction,” she said, noting that violence is often present in everyday language and on social media.

“It just shows that society has not truly addressed the underlying trauma,” Leakhena Nou said.

### Starting the Next Chapter

The question facing organizations that have long focused on “post-conflict” work is whether donors will support efforts to face these ongoing challenges, as Cambodia begins the next chapter of its journey toward justice and reconciliation.

For Kdei Karuna (KDK), a peacebuilding NGO that leads community efforts to grapple with the Khmer Rouge's legacy, the initial signs have been worrying.

“I can see that funds have decreased,” said Minea Tim, Kdei Karuna's executive director, noting that some programs aligned with the ECCC are phasing out.

“It's a challenge for NGOs working in this area — dealing with the past — and especially what we have to do after the ECCC,” he added. “Some NGOs that work with this, now they don't have more funds to do that, and they change to do something else.”

Survivor advocates were hoping that the ECCC's principal donors might step forward as a group to help fund some of the items on their wish list: ongoing health care, monetary reparations, national education campaigns, physical memorials across the country.

But it's become clear that donors will keep a narrow focus on its core mandates: finishing the tribunal's legal process,

preserving its archives and informing “civil parties” — thousands of individuals who offered testimony in the trials — of the results of the trials.

Neth Pheaktra, the ECCC spokesman, said the court’s downtown building is also hosting mock trials for students and displaying some of its archives. But it’s unclear if even that will extend beyond the three-year residual phase.

“We will see if we get the mission from the Royal Government of Cambodia and the United Nations with the additional agreement between both sides,” Neth Pheaktra said. “We don’t know yet.”

The NGOs that have long operated around the tribunal face similar uncertainty, but are taking a more active approach to staying alive — and the stakes are high.

With Cambodia’s government largely focusing its funding on the Khmer Rouge tribunal itself, nonprofits like Kdei Karuna and Women Peace Makers form the closest thing Cambodia has to a social safety net for Khmer Rouge survivors, and an advocacy network for their spiritual, psychological and legal needs.

The Transcultural Psychosocial Organization (TPO) has created a mental health care system from nothing over the past two decades, focused largely on Khmer Rouge survivors. The Documentation Center of Cambodia (DC-Cam) has robust programs for archiving history, education and outreach. The Youth Resource Development Program (YRDP) has made sure lessons are passed from survivors to future leaders of Cambodia. And the Tuol Sleng Genocide Museum and Choeung Ek Genocidal Center have become important museums frequented by Cambodians and foreigners alike.

There’s little question that the pool of Khmer Rouge-specific funding is shrinking along with the winding down of the tribunal. The challenge for leaders of these groups is convincing donors that there is still work to do, and that existing organizations are well-suited to do meaningful projects.

Minea Tim of Kdei Karuna said he envisions a more efficient and collaborative network of nonprofits in which overlapping programs are eliminated and each organization narrows its focus to its highest expertise and best use.

“You know each partner has different expertise and I think it’s time that we bring this expertise together,” Minea Tim said.

He added that he’s currently trying to facilitate a joint project to foster this collaboration, creating “learning and memory centers” around the country through which different organizations would offer their services.

The end of the tribunal also comes during a generational transition. Many of the remaining survivors of the regime, like its leaders, are old and dying. But the trauma has been passed on to their children and grandchildren, and many of the societal problems that fueled the Khmer Rouge are still very much present.

Suyheang Kry of Women Peace Makers said that’s a compelling reason why the world should continue supporting programs in Cambodia geared toward the younger generations. She said that Cambodian society is seemingly tolerant of diversity, but that some of the xenophobia that fueled the Khmer Rouge is still latent.

“It just needs a bit of a trigger, and it comes right up again,” she said, noting anti-Vietnamese sentiment that emerged amid 2014 anti-government political protests. And she added that political violence and internal strife stretched back long before the Khmer Rouge.

“Hatreds and all that are still deeply rooted,” she added. “Education will be one of the keys in how we can celebrate the diversity and stuff, but also definitely we need to learn from the past to really avoid it happening again.”

### Educating Future Generations

Students in Cambodia’s public schools currently learn about the Khmer Rouge in grades 9 and 12, with curriculum focused on the atrocities of the regime and those responsible. Neth Pheaktra said that the curriculum would be updated in the coming years with information about the tribunal’s verdicts and efforts to deliver justice.

Pheng Pong-Rasy, the head of genocide education at DC-Cam, said the organization is also involved in regional conversations about introducing anti-genocide education into national curriculums, given the dark history of inter-ethnic violence in countries ranging from Cambodia to Indonesia and Myanmar.

“We understand that all younger generations know a lot about Khmer Rouge history, so what they can know next is the process of preventing genocide in the future,” Pheng Pong-Rasy said.

Groups including DC-Cam have built memorial stupas throughout Cambodia, as a symbol of collective remembrance, a site for prayers to those lost during the regime, and a reminder of the dangers of hate and violence.

DC-Cam, through its Genocide Education Project, has also played a leading role in efforts to create post-secondary programs in Khmer Rouge studies and train teachers on new curriculum.

There are separate plans underway to make Cambodia a hub for higher learning about genocide, and international legal efforts to prosecute such crimes.

Germany's Civil Peace Service (CPS), an arm of the government's foreign aid arm, has played a pivotal role in developing the civil society groups involved in helping Cambodia grapple with its genocidal past, placing German advisors inside organizations like Kdei Karuna and Youth Resource Development Program.

Though the CPS will continue work in Cambodia, its programs related to Khmer Rouge recovery will end along with the tribunal's residual phase. However, it is spearheading efforts to create a new regional network that will offer university classes and research material.

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## **Bangladesh International Crimes Tribunal**

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## **War Crimes Investigation in Myanmar**

**Atrocities in Myanmar: Documenting the Junta's Attacks on Civilians (United States Institute of Peace)** By Alar Corritti, Mie Mie, Matthias, Ko Banya  
March 1, 2023

**Even before the February 2021 coup, Myanmar's military often deployed systematic violence against civilians, developing a reputation for ruthlessness that dates back decades. Their abuse of ethnic minorities such as the Rohingya have been the subject of countless international human rights investigations, while their nearly unchecked power allowed them to operate with impunity.**

Since the coup, the scale of the junta's violence and brutality has intensified, reaching nearly every corner of the country. In an attempt to assert its power, the junta has detained nearly 20,000 civilians and killed an estimated 3,000 others over the last two years. Meanwhile, 1.5 million people have been displaced as the junta and a strengthening resistance movement fight for territorial control.

One of the regions hit hardest by the conflict has been the mountainous Karenni State, often referred to as Kayah State. Located in the mountainous eastern part of the country, with an estimated population of only 425,000, the suffering of the region's Karenni ethnic minority has often been overlooked — and so have the junta's crimes against them.

The only way for the devastation to end is for the junta to be held accountable. Our coalition of local civil society organizations in Karenni State started documenting previously underreported violence in the region in May 2021. Our recently published final report compiles extensive evidence of what amounts to war crimes and crimes against humanity committed by the junta.

The documented abuse proves the junta's targeting of civilians is far more pervasive and severe than previously known, as it's only through on-the-ground investigations that we were able to uncover these crimes. There are many places in Myanmar

where this has not been done — where victims of the junta’s atrocities haven’t been given a voice and a path toward justice. Civil society should be empowered to undertake such efforts across the country, and the international community should use the evidence from Karenni State as a catalyst for serious accountability measures to bring the perpetrators of junta crimes to justice.

### The Violence in Karenni State

The modern history of Karenni State has been characterized by a long stream of military violence against the Karenni people. But since the 2021 coup, this violence has escalated to a scale not seen for generations.

The rapid expansion of the military’s presence in Karenni State has turned villages into battlegrounds, resulting in rising civilian casualties. The junta employs a collective punishment strategy when it comes to fighting insurgencies and ethnic armed groups: They deliberately target civilians, seeing them as the “support base” for armed resistance groups.

Hundreds of civilians have been killed by mortar shelling, crossfire, airstrikes and landmines. The junta has damaged or destroyed over 1,000 homes across 87 towns, as well as targeted civilian infrastructure like health care clinics. International humanitarian aid to the area has also been routinely blocked by the junta, leaving many people without adequate supplies of safe food and water. When aid does manage to reach Karenni State, the task is often taken up by local civil society members, who are frequently arrested and detained by the junta.

In all, the junta has arbitrarily arrested at least 260 civilians — including peaceful protesters, teachers, medical personnel and humanitarian aid workers — and have killed at least 115 of those arrested. Of those that are released, many have reported they were subjected to torture and cruel treatment.

The violence has created a massive population of internally displaced persons (IDPs). Of the 425,000 Karenni people living in Karenni State and the surrounding regions, at least 182,000 have been displaced due to violence — over 40 percent of the population, a majority of which are women and children. For historical context, the previously most intense period of displacement during the late 1990s displaced 30,000.

The junta has not spared IDPs, either. In fact, the junta has made it clear that no one is allowed to provide aid to internally displaced persons, going so far as to limit the amount of medicine a person is allowed to carry. IDP camps have also been subjected to attacks by junta forces, and in one instance a camp was targeted with an airstrike.

Legal experts have concluded that the junta’s actions in Karenni State, including those stated above and many more found in the report, meet the criterion to constitute war crimes. Further, the conduct of the Myanmar military likely constitutes crimes against humanity when considered in the context of a widespread or systematic “attack” against the civilian population in Myanmar, committed with the requisite knowledge that the attack constituted a human rights violation.

### The International Community Must Hold the Junta Accountable

The international community has failed for two years to hold junta accountable. In that time, the junta has inflicted devastating violence and destruction on ethnic minority communities. The evidence of atrocity crimes demands a legal and moral obligation for the international community to act.

To start, the International Criminal Court (ICC) can accept the declaration from Myanmar’s pro-democracy National Unity Government under the Rome Statute, which would give the ICC jurisdiction for international crimes committed in Myanmar. Additionally, the U.N. Security Council can put forth a resolution to refer the situation in Myanmar to the ICC.

Such a referral might fail, as both Russia and China have close ties to the junta and veto power in the U.N. Security Council. Should that be the case, countries can publicly support the creation of an ad hoc international tribunal through the U.N. General Assembly or U.N. Human Rights Council.

Meanwhile, the United States and its allies can impose further coordinated and targeted sanctions against the Myanmar military and its leadership — specifically targeting Myanmar Oil and Gas Enterprise to cut off revenue. Additionally, they can impose a comprehensive global arms embargo on the military and sanction the aviation fuel supply to the junta to limit its ability to launch airstrikes against civilian populations, including IDPs.

### Elevating the Role of Myanmar’s Civil Society

It is imperative that the international community continues to consult with local civil society organizations for up-to-date situational analysis on the ground, as civil society remains the main access point for the international community to truly understand what is happening in Myanmar.

At the moment, victims of the junta's violence, particularly survivors of sexual and gender-based violence, lack access to basic medical and psychosocial support and feel hopeless in a system with no recourse for accountability. By increasing direct funding to support local civil society organizations, the international community can help meet the immediate needs of affected populations in Myanmar.

And by directly funding local civil society organizations for training in human rights education, documentation and advocacy work, the international community can support and empower them to speak out about human rights violations. The current work of civil society to document atrocities is critical for preserving records of war crimes and human rights violations and demonstrating the need for future accountability and reconciliation mechanisms.

With an eye toward future justice and accountability needs, the international community should also empower communities to define what justice and accountability looks like in their own terms. Currently, local capacity to provide justice and accountability in the country is limited, though several resistance actors are working to establish effective transitional mechanisms.

Potential justice mechanisms like international or hybrid tribunals will involve significant investments of time and resources, as well as complex negotiations among political elites, particularly in the scope of a larger complex national dialogue in Myanmar. The experiences of the tribunals of Cambodia, Rwanda and Sierra Leone offer many lessons for considering justice mechanisms in Myanmar. One of the most important lessons, however, is that there is no singular model — that justice and reconciliation cannot be imported. It is essential to listen to local voices to imagine just systems that build a community's faith in accountability mechanisms.

These ongoing and future transitional justice efforts may help facilitate peace if done in a way that is meaningful and timely but could prove counterproductive if they do not invoke the right approach at the right time. This will be particularly challenging in the context of Myanmar, where there is significant diversity and therefore diverse understandings about what justice means and how it can be achieved — as well as decades of violence that will need to be addressed.

But without justice and accountability, there can be no lasting peace for Karenni communities or communities across Myanmar at large. The burden must not fall to civil society alone — the international community must take action.

**Human Rights Council Hears about Reports of Massacres of Civilians in Myanmar and Possible Crimes against Humanity in Iran Following Mass Protests in Both Countries (ReliefWeb) March 20, 2023**

**Council Concludes General Debate on the Promotion and Protection of All Human Rights The Human Rights Council this morning held an interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar, and started an interactive dialogue with the Special Rapporteur on the situation of human rights in Iran. It also concluded its general debate on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.**

Thomas H. Andrews, Special Rapporteur on the situation of human rights in Myanmar, said two years after the military staged an illegal coup in Myanmar, it continued to wage a campaign of violence and oppression to crush widespread public opposition. But while it had utterly failed to stop this opposition, it was succeeding in destroying the nation and assaulting the fundamental human rights of its people. While opposition remained strong, the junta's escalating assaults on the people of Myanmar were having a devastating impact. Since the coup was launched, more than 3,000 civilians had been killed; more than 1.3 million civilians had been displaced; more than 16,000 political prisoners were behind bars; and 17.6 million people were in dire need of humanitarian assistance. The Special Rapporteur said he regularly received reports of massacres of civilians, including beheadings and dismemberment. Torture and sexual violence remained a constant threat. Unfortunately, Mr. Andrews had also received reports that opposition groups had committed human rights violations, which also must end.

Mr. Andrews said the international community was not doing nearly enough. A minority of Member States and non-State entities continued to provide the junta with weapons, materials to manufacture weapons, or revenue that was being used to commit war crimes and crimes against humanity. This must stop. Those Member States that had taken actions, such as targeted sanctions or weapons bans, had failed to do so in a strategic and coordinated fashion. A working coalition of Member States should be formed to identify actions that would have the greatest impact and then coordinate their implementation. The international community could also do better in supporting the hundreds of thousands who had been forced to flee Myanmar. In the discussion, speakers said the Special Rapporteur's report left no doubt about the situation in Myanmar, which was in freefall. The responsibility lay squarely on the Myanmar military, which, more than two years after its coup, inflicted continuous and increasing grave and systematic human rights violations on people across the country. Persons in vulnerable situations, and in particular persons belonging to ethnic and religious minorities, such as the Rohingya, continued to bear the brunt. Despite all this, the people in Myanmar continued their heroic resistance. Some speakers called upon the

military to immediately end all forms of violence and abuses, including sexual and gender-based violence, against the people of Myanmar, including children.

One speaker pointed out that this was an internal affair of Myanmar, and that external pressure would only be counter-productive: the Human Rights Council and multilateral bodies should work to bridge differences between parties to the conflict to avoid creating further conflict. Another speaker said the Special Rapporteur's calls for the imposition of more unilateral coercive measures on Myanmar were rejected: the extreme politicisation of his mandate was reflected in the recommendations in his report, which were selective and based on uncorroborated information.

Speaking in the discussion were the European Union, Netherlands on behalf of a group of countries, Denmark on behalf of the Nordic Baltic States, Pakistan on behalf of the Organization of Islamic Cooperation, Liechtenstein, United States, Czech Republic, Republic of Korea, France, Japan, China, Indonesia, Venezuela, Canada, India, Austria, United Kingdom, Malaysia, Spain, Türkiye, Bangladesh, Italy, Malta, the Gambia, Lao People's Democratic Republic, Malawi, Australia, Croatia, Romania, Bulgaria, Thailand, New Zealand, Russian Federation, South Africa, Germany, and Ukraine.

Also speaking were CIVICUS - World Alliance for Citizen Participation, the Organization for Poverty Alleviation and Development, Human Rights Now, Article 19 - International Centre Against Censorship, International Bar Association, Human Rights Institute, Asian Forum for Human Rights and Development, Law Council of Australia, Edmund Rice International Limited, Human Rights Watch, and iuventum e.V.

The Council then started an interactive dialogue with the Special Rapporteur on the situation of human rights in Iran.

Javaid Rehman, Special Rapporteur on the situation of human rights in Iran, said the report was being presented today amidst the most serious human rights violations in Iran over the past four decades. Available evidence, including eyewitness testimonies and comments from reliable medical sources, established that Ms. Amini died on 16 September as a result of beatings by the State morality police. As per usual practice, State authorities denied any wrongdoing or misconduct on their part. None of the members of the morality police involved in the death of Ms. Amini had been held accountable. Mr. Rehman stressed that the death of Ms. Amini was not an isolated event but the latest in a long series of extreme violence against women and girls committed by the Iranian authorities. The responsibility of top senior officials in instigating this violence could not be ignored. Protesters, including children, were beaten to death.

Mr. Rehman said at least 527 people, including 71 children, were killed, and hundreds of protesters severely injured. From the very first days of protests, State authorities had tried to shut down all avenues of freedom of expression, with mass arbitrary arrests and detentions. Recently authorities recognised that over 22,000 people had been arrested. Mr. Rehman remained deeply concerned at the continuing and exponentially increasing violations of human rights in the country. The scale and gravity of the violations committed by Iranian authorities pointed to the possible commission of international crimes, notably the crimes against humanity of murder, imprisonment, enforced disappearances, torture, rape and sexual violence, and persecution. In the absence of accountability at the domestic level, Mr. Rehman strongly advocated for the establishment of an independent international fact-finding mission and looked towards fully cooperating with it to ensure justice and accountability for victims of human rights violations. Iran, speaking as a country concerned, said advocacy for human rights was increasingly mistaken by some States and mandate holders for unwarranted and egotistic purposes, abusing the human rights mechanisms to target certain States; they were void of any value for the protection of human rights. The Council's mandate was best fulfilled by dialogue and cooperation, in line with non-selectivity and impartiality. The Special Rapporteur's report, which read like a tragic novel, had been used by some Western media as an attempt to portray the situation of human rights in Iran. The Special Rapporteur was totally in disregard of his mandate, in his lack of impartiality, using biased language, and violating the Code of Conduct. The Iranian people had witnessed nearly three months of terrorist attacks and armed riots, but the Special Rapporteur did not even mention certain terrorist attacks, which left innocent people murdered, and did not mention armed attacks on people in certain provinces.

In the discussion on Iran, many speakers commended the Special Rapporteur for his report. Since the death of Mahsa Amini in the custody of Iran's so-called "Morality Police" six months ago, the world had witnessed a mass movement while Iran's leadership had conducted a relentless and violent crackdown on the people of Iran. Some speakers said it was important to renew the mandate while also supporting the work of the newly created Fact-Finding Mission, in the name of women, life, and freedom. Some speakers strongly condemned the use of violence, harassment and detentions against peaceful protesters. Perpetrators of torture, killings and violence, including sexual and gender-based violence, needed to be held accountable.

Some speakers said that abusing the United Nations human rights mechanisms to single out and harass some nations that did not align with the hegemonic and geopolitical interests of the West had nothing to do with the genuine promotion and protection of human rights. This was a violation of the United Nations Charter and of international law. It was hoped that the international community could respect the human rights development path independently chosen by the people of Iran. Of grave concern were the unilateral coercive measures imposed on Iran by other countries, which had undermined the human rights of the Iranian people and gravely affected their rights.

Speaking in the discussion were Estonia on behalf of the Nordic-Baltic countries, European Union, Liechtenstein, United States, Ireland, Germany, Czech Republic, Israel, Belgium, China, Switzerland, Luxembourg, Democratic People's Republic of Korea, Costa Rica, North Macedonia, Venezuela, Canada, Zimbabwe, Netherlands, Republic of Moldova, Austria, and United Kingdom.

At the beginning of the meeting, the Council concluded the general debate on agenda item three on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. The general debate started in previous meetings and a summary can be found [here](#) and [here](#).

In the general debate, speakers said the promotion and protection of human rights were essential to ensure a more just and equitable world for all. However, in many cases, all around the world, human rights were being violated. Some speakers highlighted increasing cases of horrific violations that occurred in a number of countries, and war and conflict zones against civilians. Violence had become a daily occurrence, with wars, bloodshed and conflicts taking place in many countries. There was a need to move towards serious United Nations-led peace processes and transitional justice needed to be achieved. Some speakers told the Council that over-compliance of businesses and banks with unilateral sanctions led to wide-scope violations of all economic, social and cultural rights, as well as the right to life in the sanctioned countries. Speakers called on the Special Procedures to report and discuss the harmful effects of unilateral sanctions in their annual reports and condemn these effects in joint statements.

Speaking in the general debate were World Muslim Congress, International Action for Peace and Sustainable Development, Promotion du Développement Economique et Social, Lidskoprávní organizace Práva a svobody občanů Turkmenistánu z.s., Youth in Technology and Arts Network, Association Culturelle des Tamouls en France, Asociacion Cubana de las Naciones Unidas (Cuban United Nations Association), Il Cenacolo, Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Chunhui Children's Foundation, Human Rights Solidarity Organization, Human Rights and Democratic Participation Centre "SHAMS", Organization for Defending Victims of Violence, Centre Zagros pour les Droits de l'Homme, Samarthanam Trust for the Disabled, and Alliance Internationale pour la défense des Droits et des Libertés.

Speaking in exercise of right of reply were Morocco, Indonesia, Azerbaijan, and Armenia. The webcast of the Human Rights Council meetings can be found [here](#). All meeting summaries can be found [here](#). Documents and reports related to the Human Rights Council's fifty-second regular session can be found [here](#).

The Council will reconvene this afternoon at 3 p.m. to continue and conclude the interactive dialogue with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, followed by an interactive dialogue with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, and then an interactive dialogue with the Independent International Commission of Inquiry on Ukraine.

General Debate on the Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development The general debate on agenda item three on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, started in previous meetings and a summary can be found [here](#) and [here](#).

General Debate Speakers, among other things, said the promotion and protection of human rights were essential to ensure a more just and equitable world for all. However, in many cases all around the world, human rights were being violated. Speakers said that in some places, laws had not been effective in removing barriers and decreasing violence against women. Women and girls were often used as human shields and as a tool to incite hatred.

Some speakers highlighted the lack of attention by the Council on the human rights of women suffering the pain, stigma and discrimination associated with obstetric fistula, particularly those in rural areas. Member States were called on to pay more attention to the prevention of obstetric fistula in their policies, strategic plans and budgets. Governments needed to initiate trainings for midwives from local communities, accompanied by incentives to encourage them to return to serve their communities.

Speakers said that during her presentation to the Council, the Special Rapporteur on freedom of religion or belief had recalled the important role of States in the protection of the rights of religious minorities. Not only was this in line with the Universal Declaration of Human Rights and other international commitments, but allowing all persons in a given country, irrespective of their religion or belief, to live freely, contributed to the richness and the advancement of society. In spite of this, in certain areas, some religious minorities faced potential exclusion from society. The international community needed to remind authorities of their obligations to guarantee the rights of all to freely practise the religion of their choice without any fear or punishment.

Some speakers highlighted increasing cases of horrific violations that occurred in a number of countries and war and conflict



zones against civilians. Violence had become a daily occurrence, with wars, bloodshed and conflicts taking place in many countries. There was a need to move towards serious United Nations-led peace processes and transitional justice needed to be achieved. Terrorism was spreading and groups were becoming more active in human smuggling, in some cases supported by authorities. It was important that they were held accountable. Council members were invited to impose targeted sanctions on officials who had been credibly accused of war crimes and crimes of genocide. Many speakers also expressed concern about attacks on activists and human rights defenders, who were especially vulnerable and faced torture and death in pre-trial detention. The Council was called on to assess the situation of human rights defenders and take necessary steps to improve it.

Some speakers told the Council that over-compliance of businesses and banks with unilateral sanctions led to wide-scoped violations of all economic, social and cultural rights, as well as the right to life in the sanctioned countries. Unilateral sanctions threatened human lives, and the United Nations treaty bodies were called on to document the deadly impacts of sanctions on targeted populations and offer recommendations on how to provide the victims with compensation and redress. Speakers called on the Special Procedures to report and discuss the harmful effects of unilateral sanctions in their annual reports and condemn these effects in joint statements.

Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Myanmar Report The Council has before it the report by the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews (A/HRC/52/66).

Presentation of Report THOMAS H. ANDREWS, Special Rapporteur on the situation of human rights in Myanmar, said two years after the military staged an illegal coup in Myanmar, it continued to wage a campaign of violence and oppression to crush widespread public opposition. But while it had utterly failed to stop this opposition, it was succeeding in destroying the nation and assaulting the fundamental human rights of its people. Even as they pursued a heroic campaign to save their country, many people from Myanmar had come to believe that a distracted world had forgotten them. The defence of human rights and citizen opposition to the junta of Myanmar had never been stronger. Protests and civil disobedience continued. The junta's control over territory and the people of Myanmar was eroding. Opposition groups were forging alliances and gaining strength.

The people of Myanmar were exposing the junta's lie that a military dominated future for Myanmar was inevitable. The junta did not offer any viable path to stability or an end to the human rights crisis in Myanmar because it was the very cause of this crisis. Most Member States recognised this and had acknowledged that the junta lacked even a shred of constitutional or democratic legitimacy. The junta now seemed to be gambling that it could capture a degree of international recognition and a veneer of legitimacy by going through the motions of what they would try to describe as an "election", and the Special Rapporteur urged the members of this Council to reject this outrageous claim.

While opposition remained strong, the junta's escalating assaults on the people of Myanmar were having a devastating impact. Since the coup was launched, more than 3,000 civilians had been killed; more than 1.3 million civilians had been displaced; more than 16,000 political prisoners were behind bars; 17.6 million people were in dire need of humanitarian assistance; 58,000 civilian homes and structures had been burned to the ground or otherwise destroyed; and State institutions had been hollowed out and the rule of law had collapsed. The Special Rapporteur said he regularly received reports of massacres of civilians, including beheadings and dismemberment. Torture and sexual violence remained a constant threat. Unfortunately, Mr. Andrews had also received reports that opposition groups had committed human rights violations, which also must end.

The hopeful news was that many world leaders had raised their voice in support of the people of Myanmar. Several nations had backed up their words with action, including targeted economic sanctions and weapons bans. The discouraging news was that the international community was not doing nearly enough. A minority of Member States and non-State entities continued to provide the junta with weapons, materials to manufacture weapons, or revenue that was being used to commit war crimes and crimes against humanity. This must stop. Those Member States that had taken actions, such as targeted sanctions or weapons bans, had failed to do so in a strategic and coordinated fashion. A working coalition of Member States should be formed to identify actions that would have the greatest impact and then coordinate their implementation. The international community could also do better in supporting the hundreds of thousands who had been forced to flee Myanmar. The people of Myanmar continued to demonstrate remarkable courage and tenacity in the defence of their country and the human rights of its people. They deserved solidarity and support.

Discussion Some speakers said the Special Rapporteur's report left no doubt about the situation in Myanmar, which was in freefall. The responsibility lay squarely on the Myanmar military, which, more than two years after its coup, inflicted continuous and increasing grave and systematic human rights violations on people across the country. Persons in vulnerable situations, and in particular persons belonging to ethnic and religious minorities such as the Rohingya, continued to bear the brunt. Despite all this, the people in Myanmar continued their heroic resistance.

Speakers, among other things, called upon the military to immediately end all forms of violence and abuses, including sexual and gender-based violence, against the people of Myanmar, including children. The military junta was urged to end the

systematic intimidation and reprisals against the people of Myanmar for exercising their human rights and fundamental freedoms. The speakers called on the junta to ensure the immediate and unconditional release of all those arbitrarily detained – including children, political leaders, journalists, human rights defenders, and others. All parties to the conflict were urged to ensure humanitarian access for all persons affected by the situation. The military junta was urged to immediately stop all human rights violations, to lift all martial law orders at once, and to cooperate with the Special Rapporteur as well as the Independent Investigative Mechanism for Myanmar. Speakers also called for the effective implementation of the Association of Southeast Asian Nations' Five-point Consensus, urging Myanmar to engage constructively with the international community.

Speakers expressed deep concern over the deteriorating humanitarian crisis in Myanmar, and called for unimpeded access of humanitarian assistance to all parts of the country without discrimination. Concern was expressed about reports that the military was increasing its use of airstrikes, thereby indiscriminately bombing villages and camps for internally displaced persons. Speakers condemned all attacks on civilians, including extrajudicial killings, torture, sexual violence, and other human rights violations, many of which could amount to crimes against humanity and war crimes. Human rights abuses committed by Myanmar's security forces were appalling and showed the depths to which the military would go to consolidate their control without regard for the welfare of the country. It was imperative that the international community take strong action to support the people of Myanmar, prevent further atrocities by the military, and advance a democratic Myanmar.

The deteriorating humanitarian situation within Myanmar and also for refugees that had fled Myanmar, particularly the Rohingya community, was also a matter of concern for many speakers, who urged continuing support for these parties, as well as for the countries hosting and organizations supporting them. There was deep concern for the staggering numbers of displaced populations, which could have a destabilising effect on the region as a whole, and the international community was called upon to continue supporting the people of Myanmar in meeting their urgent humanitarian needs, both inside and outside national borders.

A speaker pointed out that this was an internal affair of Myanmar, and that external pressure would only be counter-productive: the Human Rights Council and multilateral bodies should work to bridge differences between parties to the conflict to avoid creating further conflict. The Special Rapporteur misused his expert status, went beyond his mandate, and vilified legitimate trade between countries, going against the Code of Conduct of the Special Procedures, and should stop smearing and double standards, whilst working to stabilise the situation in Myanmar. Another speaker said the Special Rapporteur's calls for the imposition of more unilateral coercive measures on Myanmar were rejected: the extreme politicisation of his mandate was reflected in the recommendations in his report, which were selective and based on uncorroborated information. They should be rejected, replaced with dialogue and understanding to encourage the political stability of the country. The Council should cease to use Special Procedure mandates against the countries of the Global South. Among the questions raised by speakers were: what other ways out did the Special Rapporteur see for a human rights crisis of this scale besides the Association of Southeast Asian Nations' Five-point Consensus; how could the international community at this time best support the protection of human rights and fundamental freedoms for all persons; how could the international community support the Special Rapporteur's call to impose a comprehensive arms embargo and refer the situation in Myanmar to the International Criminal Court; what actions could the international community take to help prevent further atrocities by the military and promote accountability for human rights abuses; and how did the Special Rapporteur intend to implement the recommendations in his report, considering that sanctions could further exacerbate the already underfunded humanitarian response in Myanmar?

Concluding Remarks THOMAS H. ANDREWS, Special Rapporteur on the situation of human rights in Myanmar, in concluding remarks, said he did not have the time to answer each and every question, but he wished to say to all that his door was open, he welcomed input and questions, even criticism. He had been asked by many what the United Nations could do to address the crisis most effectively: the Security Council passed a strong resolution in December, but more should be done, and it should take action, including an arms embargo, targeted economic sanctions, and that included reference to the International Criminal Court. It was for this reason that he recommended that States that were prepared to take such steps did so in coordination, strategically.

Mr. Andrews said he had been criticised and questioned regarding some points, including the vilification of "normal weapons trade". What he was vilifying was the murder of thousands of normal people, gross human rights violations, crimes against humanity and war crimes. The reasons these crimes were occurring was because the junta had the means to do so, the weapons and technology: the countries of the world should end that trade that was contributing and enabling these gross human rights violations.

In his report, concerning those who had been forced to leave their homes and their country, he commended all nations who were hosting and caring for them, sheltering them, extending visas, facilitating resettlement, all of which were saving lives. However, more could be done and must be done. There was a grave humanitarian crisis inside and outside Myanmar, and the consequences of not funding these humanitarian response programmes were dire, which was unconscionable, a stain on the

conscience of the international community: children and families must be saved. The millions inside Myanmar could not access humanitarian aid, but there were civil society organizations that could help them, although they lacked funding. He appealed to all to fund these critical, critical programmes that could save lives.

He appreciated concerns and questions on whether he was within his mandate: this ongoing crisis included extreme human rights violations that were forcing hundreds of thousands of people across the border, and he believed that their plight should not just be the focus of his attention, but the duty of the Human Rights Council. It was his duty to shine a light on their situation, and his goal was to provide the Council with the information to address the grave human rights violations that were being perpetrated by the junta, which was not only within his mandate, but must be brought to the attention of the international community. Finally, he urged the international community to not recognise any so-called “elections” that the junta would hold. Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Iran Report Also before the Council is the report by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman (A/HRC/52/67).

Presentation of the Report JAVAID REHMAN, Special Rapporteur on the situation of human rights in Iran, said the report was being presented today amidst the most serious human rights violations in Iran over the past four decades. Mr. Rehman expressed admiration for millions of peace-loving Iranian women, men, girls and boys, who since September had challenged State authorities and joined peaceful protests in all the country’s provinces at the risk of their lives. The report thoroughly examined the circumstances of the death of Ms. Amini in the custody of Iranian morality police three days after her arrest for allegedly not complying with the country’s discriminatory dress code. Available evidence, including eyewitness testimonies and comments from reliable medical sources, established that Ms. Amini died on 16 September as a result of beatings by the State morality police. As per usual practice, State authorities denied any wrongdoing or misconduct on their part. None of the members of the morality police involved in the death of Ms. Amini had been held accountable. Mr. Rehman stressed that her death was not an isolated event but the latest in a long series of extreme violence against women and girls committed by the Iranian authorities.

A month before the death of Ms. Amini, President Raisi signed a decree ordering further repressive measures for “improper hijab”. The responsibility of top senior officials in instigating this violence could not be ignored. Protesters, including children, were beaten to death. At least 527 people, including 71 children, were killed, and hundreds of protesters severely injured. From the very first days of protests, State authorities had tried to shut down all avenues of freedom of expression, with mass arbitrary arrests and detentions. Recently authorities recognised that over 22,000 people had been arrested. Dozens of human rights defenders, at least 600 students, 45 lawyers, 576 civil society activists, 170 women human rights defenders, at least 62 journalists, artists, academics were arbitrarily arrested and detained. Mr. Rehman was outraged that despite appeals by his mandate and by the international community, Iranian authorities had thus far executed at least four persons associated with protests after arbitrary, summary, and sham trials marred by torture allegations. At least 17 protestors had already been sentenced to death and more than 100 currently faced charges that carried the death penalty.

Mr. Rehman remained deeply concerned at the continuing and exponentially increasing violations of human rights in the country. At least 500 persons, including two persons sentenced as children and 13 women, were executed in 2022, the highest number of executions in the past five years. Since January 2023, 143 persons had already been executed following grossly unfair trials. Mr. Rehman was equally alarmed at the continuing violence against women and girls, including coordinated chemical attacks throughout the country against schoolgirls which were repeatedly denied by the Government. The report to the Council in March 2022 and the current report firmly established the conclusion that there was an absence of accountability for serious human rights violations and for crimes under international law within the political, constitutional, and legal system of Iran.

The scale and gravity of the violations committed by Iranian authorities pointed to the possible commission of international crimes, notably the crimes against humanity of murder, imprisonment, enforced disappearances, torture, rape and sexual violence, and persecution. In the absence of accountability at the domestic level, Mr. Rehman strongly advocated for the establishment of an independent international fact-finding mission and looked towards fully cooperating with it to ensure justice and accountability for victims of human rights violations. Statement by Country Concerned Iran, speaking as a country concerned, said advocacy for human rights was increasingly mistaken by some States and mandate-holders for unwarranted and egotistic purposes, abusing the human rights mechanisms to target certain States; they were void of any value for the protection of human rights. The Council’s mandate was best fulfilled by dialogue and cooperation, in line with non-selectivity and impartiality. The Council should stand away from stereotyping, and transform so that human rights were no longer used as a tool by some countries. The Special Rapporteur’s report, which read like a tragic novel, had been used by some Western media as an attempt to portray the situation of human rights in Iran. The Special Rapporteur was totally in disregard of his mandate, in his lack of impartiality, using biased language, and violating the Code of Conduct.

The Iranian people had witnessed nearly three months of terrorist attacks and armed riots, but the Special Rapporteur did not even mention certain terrorist attacks, which left innocent people murdered, and did not mention armed attacks on people in

certain provinces. He had ignored the release of prisoners, and was still asking for their release. Last year the Special Rapporteur on unilateral coercive measures had visited Iran, and had met with all governmental and non-governmental sectors, and her report explicitly touched upon the human rights violations of the Iranian people by these unilateral coercive measures - there was no mention of this in Mr. Rehman's report.

**Discussion** In the discussion, speakers among other things, commended the Special Rapporteur for his report. Since the death of Mahsa Amini in the custody of Iran's so-called "Morality Police" six months ago, the world had witnessed a mass movement while Iran's leadership had conducted a relentless and violent crackdown on the people of Iran. Many were profoundly worried by the violent response by the Iranian security forces to the peaceful protests that followed the killing of Mahsa Amini in police custody. Some speakers said it was important to renew the mandate while also supporting the work of the newly created Fact-Finding Mission, in the name of women, life, and freedom.

For months, the brave people of Iran, especially women and girls, had been facing extreme and unjustified violence and crackdown by the Iranian authorities for exercising their right to freedom of expression and peaceful assembly. Speakers strongly condemned the use of violence, harassment and detentions against peaceful protesters. Perpetrators of torture, killings and violence, including sexual and gender-based violence, needed to be held accountable. Iran was urged to release all persons who were imprisoned or detained for exercising their right to peacefully protest. Speakers also raised concern at the reports of poisoning of thousands of children with gas in study centres.

Some speakers said they strongly opposed the death penalty at all times and in all circumstances, calling upon Iranian authorities to impose an immediate moratorium on executions. The use of the death penalty against peaceful protesters who had been exercising their rights and fundamental freedoms was particularly deplorable. Speakers were appalled at the executions of four protestors by authorities with many more facing charges that may carry the death penalty. Concern was also expressed about the press freedom and safety of journalists in Iran. Journalists and media workers were being threatened, harassed and detained. Families of Iranians working for foreign media outlets were being intimidated and persecuted. Iran was called upon to release all arbitrarily detained persons, including journalists, media workers and their family members, and to ensure freedom of opinion and expression and access to information, both online and offline.

Many speakers noted that it was regretful that the Special Rapporteur had been unable to visit the country. Iran was urged to fully cooperate with the Special Rapporteur, including by granting full and unhindered access to the country. Now, more than ever, the international community needed to strongly support the Special Rapporteur's work documenting the Iranian Government's human rights abuses. His support for the Fact-Finding Mission's separate, vital work of uncovering the violence perpetrated against protestors was also appreciated.

Some speakers expressed concern over the politically motivated and biased approach against Iran. Abusing the United Nations human rights mechanisms to single out and harass some nations that did not align with the hegemonic and geopolitical interests of the West had nothing to do with the genuine promotion and protection of human rights. This was a violation of the United Nations Charter and of international law. Speakers maintained that Iran was a strong supporter of multilateralism and had demonstrated commitment to human rights. Iran could handle its own domestic issues properly. It was hoped that the international community could respect the human rights development path independently chosen by the people of Iran. Of grave concern were the unilateral coercive measures imposed on Iran by other countries which had undermined the human rights of the Iranian people and gravely affected their rights.

Speakers asked how the Special Rapporteur had engaged with the newly formed Fact-Finding Mission? How could accountability be ensured when the authorities were not willing to cooperate? What cooperation could there be between the Special Rapporteur's mandate and the mandate of the Special Rapporteur on freedom and expression?

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## **TOPICS**

### **Truth and Reconciliation Commission**

**Seychelles' Truth and Reconciliation Body to Complete Mandate End of March (All Africa)** March 22, 2023

**Seychelles' Truth, Reconciliation and National Unity Commission (TRNUC) will complete its mandate on March 31st in conformity with the second extension granted at the end of last year, said the Commission in a press statement on Thursday.**

The Commission said that on that date, all 247 case determinations that had not been filed before President Wavel Ramkalawan in August 2022, will be handed over by the TRNUC, thus completing the final report of the Commission.

TRNUC anticipates that as per Section 10(4) of the TRNUC Act, "the President shall make the complete final report public and lay a copy of it before the National Assembly within one month of receiving it."

Last year, TRNUC handed over to the President the completed volumes of its final report as well as part of the third volume of case determinations, namely 124 of the 371 individual complaints filed before the Commission.

The TRNUC was established in 2018 to work on settling past political divisions and grievances that were a result of the coup d'état in Seychelles on June 5, 1977. It had a three-year mandate which was expected to end in August 2022.

As the Commission was unable to complete its mandate, it was granted an initial extension by the National Assembly until December 2022. The government was informed in November 2022, that considerable investigative challenges meant that the

Commission would not be unable to complete all of its determinations under the extension granted.

The Commission said it "hopes that its recommendation for the establishment of a successor body to implement reparations in accordance with the Commission's victims-led Reparations Policy adopted in accordance with Section 3(7) (e) (i) of the TRNUC Act, will be implemented with the support of all Government authorities."

It also notes in that regard that it has also received recently a number of requests from complainants for reconsideration of their determinations and that "given the end of the mandate of the Commission, these requests will be handed to the successor body, to be established by the government, for its consideration."

TRNUC says it still needs to complete other remaining residual functions which include transcription, translation and making publicly accessible the records of the Commission.

TRNUC expressed its gratitude to the complainants, witnesses and suspects that cooperated with the Commission in the implementation of its challenging mandate.

The chairperson, Gabrielle McIntyre, also acknowledged the dedication, commitment, and impartiality of the National Commissioners and commended their efforts undertaken for the benefit of all Seychellois.

TRNUC hopes that its "contributions towards revealing and seeking to understand the past will ensure that the human rights violations do not recur, as well as facilitate a broad acceptance of that past. It is that broad acceptance that has the potential to lay the foundation for the building of a better future for all Seychellois."

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## Piracy

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## Gender-Based Violence

**What are the main challenges to women and girls' rights in Afghanistan? (Human Rights Watch)** By Fereshta Abbasi  
March 9, 2023

**"There is no country in the world where the basic human rights of women and girls are more restricted than in Afghanistan, and no government anywhere that has expressed support for the Taliban's policies there.**

In 2023, Afghanistan remains the only country where teenage girls and women do not have access to education, employment, and freedom of movement. Despite the severe economic costs of maintaining these restrictions—not only for women and girls but for the entire population—the Taliban have been persistent in maintaining these bans.

The Taliban's restrictions on women's rights are compounding the humanitarian disaster in Afghanistan that was prompted by the sharp cut-off of most foreign aid after the Taliban takeover in August 2021. Taliban regulations prevent women from working for humanitarian organizations, thus making it more difficult for women and children to get aid and secure livelihoods.

These new rules have led humanitarian organizations to suspend much of their work, because continuing to do so would mean those most at risk would not benefit, contrary to fundamental humanitarian principles of impartiality, humanity and independence. Responsibility for ensuring the well-being of the population lies with the Taliban."

**Law Enforcement Complicit in Crimes Against Women in Kyrgyzstan (Human Rights Watch)** By Syinat Sultanalieva  
March 10, 2023

**Hundreds of demonstrators marched through Bishkek, the capital of Kyrgyzstan, on International Women's Day, demanding police and courts stop closing their eyes to violence against women and girls.**

The March 8 protest highlighted several cases that have stirred public outrage over gender-based violence in the country in recent years. Weak law enforcement means domestic abuse and other violence against women and girls remains normalized.

In April 2022, A.J., a 13-year-old girl, died by suicide in Bishkek, five months after district police investigators released the man who had kidnapped and held her for three days, sexually abusing her, before police found her. The sham investigation into his abuse was closed on the basis that a medical expert concluded "the girl at her age looked like she was 17-18 years old."

A.J.'s family had to push for nearly a year after the case's closure before authorities initiated a criminal investigation against the two investigating officers and the expert who dismissed the crime based on A.J.'s appearance.

In another case in northern Kyrgyzstan, community members are forcing a mother and her 9-year-old daughter out of their village after the mother filed a case against a neighbor for sexually assaulting the girl. The mother believes law enforcement officers violated confidentiality by divulging details of the case to neighbors, who have united behind the accused man. Investigating officers also insisted on mediating between the girl and her alleged abuser, trying to force her to meet him in person. Citing the girl's terror at confronting her abuser, the mother was able to prevent the meeting. The case is currently under investigation by regional prosecutors.

Even awareness raising efforts can trigger controversy. In January, Altynai Botoyarova, Kyrgyzstan's representative at the Miss Universe beauty pageant, wore a cape depicting a Kyrgyz woman in a traditional dress being smothered by multiple hands, against a red splash of paint. Her attempt to raise global awareness about the culture of silence and shame around gender-based violence in her home country during the pageant led to her own shaming. Commenters in Kyrgyzstan called Botoyarova's choice disgraceful, saying it sullied the country's reputation.

It is time for the Kyrgyz authorities to take decisive steps to prevent and increase accountability for gender-based violence. They should make police and court inaction criminally punishable by law, and provide adequate support to survivors, including mental health care. Women and girls cannot afford for them to turn a blind eye any longer.

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## **Commentary and Perspectives**

**Sunak stays silent on Rwanda's role in DRC war crimes to save UK's migrant deal (The Guardian)** By Betsy Reed  
March 15, 2023

**The M23 rebels are perpetrating summary killings and rapes in the Democratic Republic of the Congo – and they are doing it with the backing of the regime of Rwanda's president, Paul Kagame. That was the conclusion of Amnesty International's investigation, released in February, into the ongoing violence against the Congolese people.**

The report tells how the Mouvement du 23 Mars (M23) rebels, a group the UN says is being armed and supported by Kigali – claims denied by Kagame but supported by the US and several African and European nations – have systematically used sexual violence as a weapon to punish and humiliate its perceived enemies. The scale and brutality is shocking.

Last week, the British prime minister, Rishi Sunak, spoke to Kagame in what government advisers presented as a friendly call to discuss the UK-Rwanda "migration partnership" and "joint efforts to break the business model of criminal people smugglers and address humanitarian issues".

The leaders committed to continue working together. Sunak and Kagame also discussed the concerning escalation of violence

in the DRC and international efforts to support peace.

Very civilised. And a world apart from the interviews by Amnesty researchers with 23 rape survivors and 12 witnesses, which document a terrifying campaign of sexual violence by the M23 rebels during house-to-house raids, slaughtering every adult male they found and subjecting scores of women to rape, some of it gang-rape.

The human rights group reviewed medical records and official documents, and interviewed government officials, UN representatives and prominent humanitarian organisations about patterns of civilian killings and sexual violence in the area.

Rape and sexual violence are features of the M23's operations, designed to punish and humiliate and to destroy the structures of community and family in the towns of Bambo, Bugina and Kishishe in North Kivu province, which the M23 is looking to overrun, as it did in 2012, when Rwanda's former defence minister Gen James Kabarebe was named by the UN as its leader. He denied the claims.

One woman who survived an M23 raid said: "They broke through the gate of the compound and rounded up all the men, seven in total, who they killed. Five soldiers then raped us: six women and me."

Another said she was raped by three M23 soldiers outside a church where she had sought refuge with her family after clashes between armed groups. "They singled out the men and shot them dead, including my husband and two sons. Three M23 soldiers then took me behind the church and took turns to rape me. I thought I would not survive."

A third woman said: "I counted up to 80 bodies of men shot dead by M23 soldiers at the church. I have never seen so many corpses in my life. I fainted before I could count all of them."

Distress and despair at the Bushangara camp for internally displaced persons near Goma, eastern DRC this week. More than 800,000 have been driven from their homes in the last year.

'Trail of war crimes' left by DRC rebel group as recent attacks leave 300,000 displaced

Yet another woman, a 23-year-old, described how two M23 soldiers took turns "raping me in the presence of my terrified little children. After raping me, they took all the valuables in the house and my two goats."

Some women who resisted were killed or forced to watch their relatives die.

A recent 235-page UN report on the DRC includes aerial footage as well as photographic and video evidence, showing how Rwanda has been aiding and abetting M23 violence with cross-border supplies of artillery, weapons and ammunition. The Rwandan Defence Force (RDF), which became a partner of the Nebraska national guard in 2019, has been reinforcing and fighting alongside M23.

Amnesty says these attacks could constitute crimes against humanity, and they represent only a fraction of the violence M23 rebels are wreaking in the DRC. According to the United Nations' refugee agency, the UNHCR, the violence has now displaced more than 800,000 Congolese people from their homes.

Some 240,000 people are living on the outskirts of Goma in makeshift sites without water and sanitation, leading the EU to set up a "humanitarian air bridge" to deliver medical and nutritional supplies, along with a range of other emergency items, the European Commission said this month.

Of the 23 rape survivors interviewed in the Amnesty report, 12 said their husbands or sons had been murdered in cold blood. Compounding this, the M23 is attacking UN peacekeepers to hinder humanitarian aid from reaching civilians in need.

Last year, M23 shot down a UN helicopter, killing eight peacekeepers on board. Last month, it targeted another UN helicopter in mid-air, killing a South African "blue helmet" and wounding another.

Despite all this, neither Kagame nor any of the M23 henchmen have been held to account for these grave violations – not during phone calls with Sunak, who still wants his migrant deportation pact with Rwanda, and not in the continued arming, funding and training of Kagame's government and army by Britain and the US.

And so these M23 rebels continue to kill and rape Congolese people with impunity.

And we avoid the trap that befalls much US media – the tendency, born of a desire to please all sides, to engage in false equivalence in the name of neutrality. While fairness guides everything we do, we know there is a right and a wrong position in the fight against racism and for reproductive justice. When we report on issues like the climate crisis, we're not afraid to name who is responsible. And as a global news organization, we're able to provide a fresh, outsider perspective on US politics – one so often missing from the insular American media bubble.



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**Countering El Salvador's Democratic Backsliding (Human Rights Watch)** By Tamara Taraciuk Broner  
March 21, 2023

**For decades, Salvadorans have faced egregious gang violence and successive governments unable or unwilling to ensure safety in people's everyday lives. No wonder many support President Nayib Bukele when, during his administration, the rate of homicide and extortion have apparently significantly decreased. But neither Bukele, nor his followers at home, nor his growing fan club in the region are willing to seriously debate the price of his policies, whether they are sustainable, and the consequences of dismantling the country's democratic institutions.**

March 27 is the one-year anniversary of El Salvador's state of emergency, initially put in place for 30 days to address a spike in gang violence. Since then, police and soldiers have arrested more than 65,000 people, including hundreds of children.

Extortion, which entrenched gangs' territorial control, has reportedly decreased. Homicides, which have been decreasing since 2015, have fallen further, with official figures indicating a rate of 7.8 homicides per 100,000 people in 2022. Although changes in the ways killings are counted make it harder to estimate the true extent of the reduction, few people doubt that the rate of killings in El Salvador, once among the highest in the world, has diminished.

But the way that President Bukele carries out his security policies features widespread violations of people's rights. Many Salvadorans with no connections to gangs have been arrested, especially in low-income neighborhoods. Our research shows that some people detained have been tortured, dozens have died in custody, and thousands have been subjected to abusive legal proceedings without due process. People arrested have been placed in incommunicado detention. The authorities cause the families of people swept up this way great suffering by denying them information about a detainee's whereabouts, which constitutes an enforced disappearance.

Bukele's dismantling of democratic institutions since he took office in 2019 enabled him to carry out his abusive public safety policies. He has purged the Supreme Court and replaced the attorney general with an ally of his. Bukele has announced he will seek re-election in 2024, relying on a ruling by government allies in the Constitutional Chamber, which departed from longstanding jurisprudence forbidding immediate re-election.

Latin America has already seen the negative impact of his approach to governing. Examples from recent history, including in Venezuela under Hugo Chávez and Perú under Alberto Fujimori, show how initially highly popular leaders can dismantle democratic safeguards, central to human rights and rule of law, in ways that are hard to rebuild.

Democratic leaders from across the ideological spectrum should speak up against Bukele's repressive policies. Soon.

Leaders in the region may have been hesitant to speak up for several reasons. One is Bukele's popularity. Another is that many leaders are struggling to effectively address violence and organized crime in their countries. Criticizing someone for policies that appear to provide a popular and seemingly easy "fix" to one of Latin America's key concerns, and proposing an alternative that addresses complex root causes of violence, may seem politically unattractive.

But if leaders don't speak out, it may well be impossible to curb the dangerous democratic backsliding in the region, of which Bukele is a blunt example.

Multilateral pressure has been shown to be effective in curbing Bukele's authoritarian tendencies. In November 2021, for example, a coordinated response, helped halt the approval of a "foreign agents" bill that would have severely undermined the work of civil society groups and journalists. Among the countries raising the issue were the United States and the European Union, and the German embassy threatened to withdraw its support for humanitarian programs in the country.

Now, members of the Central American Bank for Economic Integration (CABEI), such as Colombia, Argentina, Spain, and Costa Rica, should add adequate safeguards on all its loans to ensure that funds are not used to commit abuses and that they enhance Salvadorans' security. These countries should request the suspension of all existing loans to government entities directly involved in widespread abuses in El Salvador, including the National Civil Police, Defense Ministry, prison system, and the Attorney General's Office, until such safeguards are in place.

The Biden administration has included 25 Salvadorans—including President Bukele's legal adviser, his cabinet chief, and the penitentiary system's head—on the "Engel List" of people identified as having engaged in "significant corruption" or acts that

“undermine democratic processes.” These sanctions have made it harder for institutions involved in abuses, such as the prison system, to get foreign funding. In February, the US Department of Justice unsealed charges against 13 gang leaders from MS-13 indicating that the Bukele government had negotiated benefits for gangs in exchange of them decreasing homicides rates and electoral support.

Other actors globally should follow suit. It is, however, also essential to show that democratic institutions are not an obstacle, but rather a vehicle, to address the needs of the people – ranging from insecurity to inequality, to poverty.

Foreign governments should press, privately and publicly, to strengthen judicial independence. They should also increase support to Salvadoran independent journalists and civil society groups, which are virtually the sole check on the president’s abuse of power.

Checks and balances are crucial to prevent corruption and ensure that the law is applied equally to all. Without due process, the judicial authorities won’t be able to determine if a detainee has in fact committed a crime or to seriously assess each of the thousands of people detained under the state of emergency. Neither justice for victims of gang violence nor protecting rights of detainees will be achieved.

These checks exist precisely to protect rights – and Salvadorans who blindly support Bukele today will most likely think differently if they or their loved ones end up being victims of state abuse and have nowhere to turn. When there are no rules, anyone’s rights can be violated.

Latin America and the Caribbean has the highest regional annual homicide rate in the world: 21 per 100,000 people in 2020. Many will continue to support Bukele-like ideas as long as violence and organized crime remain unaddressed.

They should know, though, that in El Salvador, both obscure negotiations with gangs and iron fisted security policies have failed to address gang violence in a sustainable manner. When Bukele’s predecessors negotiated with gangs without effectively dismantling them, they achieved a short reduction of killings, followed by long-term surges in gang violence. Previous massive arrest strategies were also counterproductive, allowing gang members to increase recruitment in prisons, reinforce their internal structures, and use detention centers as their base.

There’s little reason to think that Bukele, who has both negotiated with gangs and ordered massive arrests, will achieve a different outcome in the medium or long term.

Instead, the Biden administration, the European Union and Latin American governments should promote — in El Salvador and at home — rights-respecting strategies to tackle the root causes of much criminality, including high levels of poverty and social exclusion, and push for strategic criminal prosecutions focused on violent abuses, particularly those committed by senior gang members or chronic abusers.

Leaders need to show that democratic institutions can make people safe.

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## **Aiding and Abetting**

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## **WORTH READING**

**The Need to Clarify Universal Jurisdiction Amid a Resurgence**  
**Hunter Burk**

March 11, 2023

**Universal jurisdiction provides an important failsafe in prosecuting crimes of “international concern.” Through universal jurisdiction, a state may legally prosecute an individual accused of serious crimes despite a lack of connection to the location of the crime or nationality of the accused or victims. Recent criminal prosecutions in Europe of former Syrian intelligence officers and the use of universal jurisdiction as the basis for involvement with war crimes investigations in the Ukraine–Russia conflict by several countries has brought renewed attention to the practice. While universality is not without controversy, the principle has a strong legal foundation in international criminal law through treaty law, national legislation, and state practice.**

This Note argues that, despite scholarly criticisms, some form of universal jurisdiction is established as customary international law. Thus, it surveys the main challenges that states must address to preserve universal jurisdiction as a legitimate practice. Lastly, it briefly offers four potential changes to the practice that should be considered in these reform efforts: (1) regional criminal courts, (2) establishing a clear resolution of competing national jurisdiction, (3) “principled” immunities, and (4) acknowledge head of state immunities.

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**Grotian Moment: The International War Crimes Trial Blog:**  
**<http://law.case.edu/grotian-moment-blog/>**

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