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

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ICC Public Documents - Cases: Central African Republic**

**Concerns deepen over attacks against children and child abductions in parts of West and Central Africa (UNICEF)** By Henrietta Fore  
July 7, 2021

**On July 5th, 150 students were reportedly abducted from a school in Nigeria's Kaduna State, marking the latest incident in an alarming spate of attacks against children and abductions, including of students, in parts of West and Central Africa. We are deeply concerned that as in years past, non-state armed groups and parties to conflict in Burkina Faso, Cameroon, the Central African Republic, the Democratic Republic of the Congo (DRC), Niger and Nigeria will ramp up these violent activities over the coming weeks ahead of the rainy season when their movements could be restricted by flooding.**

“Such incidents appear to be increasing in frequency, raising fears for the safety and wellbeing of the region's children. Already in 2020, according to the latest report of the United Nations Secretary-General on children and armed conflict, 1 in 3 child victims of grave violations has been in West and Central Africa.

“In Burkina Faso, attacks against civilians and other violations of international humanitarian law have spiked significantly in recent weeks. On 5 June, at least 130 civilians were killed in an attack on a village in Yagha Province that lasted for hours. This was the single deadliest attack in the country since the outbreak of violence in 2015. So far this month, 178 civilians have been killed, including children. More than 1.2 million people, 61 per cent of whom are children, are now displaced because of violence – a ten-fold increase in just the last three years.

“In Cameroon, members of an armed group attacked a religious center in Mamfe on 6 June, killing a 12-year-old boy and wounding a 16-year-old boy. Attacks on civilians, abductions and killings of school children and teachers are on the rise across the northwest and southwest parts of the country. We estimate that 1 million children in Cameroon need protection from violence. Threats against aid workers are similarly increasing. Dozens of staff working for local NGOs have been attacked, abducted or killed. The first targeted attack on a UN humanitarian convoy occurred this past March.

“In the first three months of 2021, we also witnessed an overwhelming increase of child rights violations across the Central African Republic, in a context of growing insecurity and tension linked to the 2020 general elections. Recorded cases of sexual violence against girls increased almost fivefold between the last quarter of 2020 and the first quarter of 2021 – from 10 to 49. The number of children recorded as killed or maimed was also seven times higher in early 2021 than towards the end of 2020, while attacks or occupations of schools and hospitals increased from 30 to 44 over the same period.

“Attacks against children, families and schools are also occurring in Niger. So far this year, armed groups have killed nearly 300 people, including 45 children, in coordinated assaults on villages in the Tillábery and Tahoua regions. In some of these

incidents, perpetrators targeted families fetching water. Up to 80 per cent of children living in areas most affected by violence need psychosocial support because of the distress they experience.

“Meanwhile in Nigeria, the UN estimates that at least 950 students have been abducted from their schools by armed men since December. Over the past six weeks alone, nearly 500 children were abducted in four separate incidents across the central and northwest parts of the country. Many of these children have not yet been returned. It is hard to fathom the pain and fear that their families and loved ones are suffering in their absence.

“In the DRC, in the first quarter of 2021 alone, more than 3,400 violations against children such as recruitment to armed groups, abduction and killing were verified, representing 64 per cent of the total number of violations verified for the entire year of 2020.

“It is not enough to condemn these crimes, not when millions of children face a worsening protection crisis. Children living in these areas need concerted action to ensure that they can safely live, go to school or fetch water without fear of being attacked or taken from their families.

“This starts with non-state armed groups and all parties to conflict who are committing violations of children’s rights – they have a moral and legal obligation to immediately cease attacks against civilians, and to respect and protect civilians and civilian objects during any military operations. They should also not impede but facilitate the efforts of UNICEF and other humanitarian actors on the ground working to reach vulnerable children.

“The international community also has an important role to play. We need our donors to increase their contributions so that we can expand our work to reduce children’s vulnerabilities and increase their resilience to keep them safe from harm. These efforts include creating safe temporary learning environments for children in areas where schools have been closed because of insecurity, providing psychosocial support to children affected by violence, and supporting education on mine risk awareness.

“Every effort must be made to reverse the spiraling protection crisis for children as the region is on the brink of catastrophe.”

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## **Sudan & South Sudan**

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

**South Sudan at a Crossroads- Challenges and Hopes 10 Years After Independence (Human Rights Watch)** By Paul Auffero and Nyagoah Tut Pur  
July 9, 2021

### **What are some of the biggest challenges South Sudan has today?**

South Sudanese voted to secede from Sudan in January 2011 and became an independent state on July 9 that year. The excitement and energy were unparalleled. But in December 2013, a civil war dashed the hopes and plans of the new nation.

The war was fought between the government forces of President Salva Kiir, armed opposition group Sudan People’s Liberation Army-in Opposition (SPLA-IO), led by now first vice president, Riek Machar, and other armed groups and affiliated militias. In accordance with the 2018 peace deal, they formed the Revitalized Transitional Government of National Unity in February 2020. Since the new government includes members of previously warring parties, related violence has declined. The peace deal, however, is tenuous as its implementation has been delayed. It is also deemed to have not addressed the root causes of the war, including grudges between the country’s leaders.

But violence between communities has increased, due in part to spillover grievances from the war and competition over land, cattle, and grazing, resulting in hundreds of thousands of people being killed or displaced. Political and military leaders have added to the violence by supplying weapons to communities. Additionally, a conflict in parts of Central Equatoria between government forces and the armed opposition group, National Salvation Front, has included many attacks on civilian populations.

The human rights situation also remains dire. The space for citizens to question authorities or participate in issues of governance has shrunk. Rather than treating media and press as allies in building the new nation, authorities have moved to silence them. A crackdown during the civil war that saw journalists and activists attacked, detained, surveilled, and forced to self-censor by security services has continued today. In August 2020, soldiers and police shot at protestors marching against the killing of civilians by soldiers in Sherikat. In March 2021 police arrested youth protesting the state of public roads and health services.

Despite the government's attempts to muzzle free speech and information, young people are using creative approaches to organize, raise awareness, discuss important issues, and call for change. Social media and blogging websites have provided much-needed alternative civic space.

But authorities need to ensure traditional media can also operate unrestrained.

The government has also failed to invest in infrastructure and basic services like education and health care. Over 4.8 million children are out of school due to inaccessibility and limited provision of education opportunities and Covid-19 school closures. For girls, access to education is hindered by poverty, violence, child marriage, and cultural biases that undermine their equality. One third of schools are damaged or destroyed due to attacks against education and the use of schools by armed forces and groups.

About 8 million people in South Sudan are facing hunger or famine conditions. Poverty is pervasive and limited support for peoples' livelihoods has enhanced violence in communities. Aside from getting little help from their own government, South Sudan relies heavily on aid support, much of which dried up due to conflict and donor countries' mistrust of the government's unaccountable spending and corruption.

How did we get here?

The government formed in 2011 to lead South Sudan was weak from the start. The referendum that led to independence from Sudan resulted from a peace process that ended one of Africa's longest wars, but it did not account for the years of brutality all sides committed against civilians. It also failed to address the deep disenfranchisement and grievances of many in the south that were already creating new armed insurgencies.

The civil war that broke out in December 2013 was a result of a power struggle between the political elite who manipulated ethnic divisions and grievances. The new unity government was set up to end the violence, but it has done little to end the human rights abuses.

How has the government held up its promises since independence?

The government has mismanaged resources, failed to clamp down on corruption, and has not delivered on promises to invest in education and fight hunger. For ten years, the government has been absent in peoples' lives. Politicians have exploited ethnic divisions and community grievances at the local level, creating more conflict. And there is little recourse for justice, as judicial infrastructure in South Sudan is virtually broken.

Many essential services, like education, health, and providing water and sanitation, are left to humanitarian agencies and local organizations. But the government has failed to end obstruction of humanitarian aid or protect humanitarian workers. At least 128 aid workers, most of them South Sudanese, have been killed since the war began, and there has been little accountability.

Do people in South Sudan have a chance for justice?

The peace deal establishes what is meant to be a holistic approach to justice. It includes the creation of a commission for truth, reconciliation, and healing to investigate the legacies of war and recommend remedies for victims' groups and survivors. It also proposes a reparations authority to award compensation to individuals who have suffered material damages to their property. Finally, it provided that a hybrid court be established with the African Union to try individuals most responsible for the abuses committed during the war and throughout a 36-month transitional period. In January 2021 the government finally gave approval to establish these institutions, including the war crimes court. Now, the government should follow through.

The government also has to build credible institutions in South Sudan for justice and security. People need to believe their leaders can treat them equally and fairly, and that they can rely on their leaders to protect them and provide for their basic rights and needs.

You were in South Sudan in 2013 when the war broke out. What was that like?

I had just graduated university and flew home two nights before the fighting started. During the night of December 15, we heard gunfire coming from the military base in Bilpham, and assumed it was soldiers celebrating. At that point, no one really

knew what was going on. The next morning, my sister and I were preparing to go to work when our aunt and her family came and said she had been running and hiding all night, that soldiers were hunting people and fighting each other. We started making calls, trying to figure out what was going on, and someone said, “Riek Machar has rebelled, the country is at war.”

I was born in Ethiopia as a refugee because my family had fled the war in Sudan, but this was the first time I was hearing the bullets and seeing the chaos. My family and I eventually went to a United Nations base and stayed there for two weeks. Many people in that area who stayed in their homes were attacked and killed. Eventually, we risked leaving the UN base and traveled by car over the border to Uganda and then to Kenya.

Soon after, I began documenting the horrors of the war – the rapes, the killings, the brutal attacks, and detentions – and the abuses committed by the government and opposition forces, first for a local then international organization. Having been a witness as a young South Sudanese who had great ambitions for her future and country, I have helped build an accurate historical representation of what the war has done to our country and to find solutions that will not gloss over the abuses, the pain, and horror.

Do any of those stories stand out to you now?

At the height of the offensive in Unity state in May 2015, I spoke with one woman who walked into a United Nations camp carrying three of her children in a basket on top of her head and with her young daughter walking behind. Her father and husband had both been killed, and her children had witnessed it. She had spent five days wading through a swamp with her children, eating waterlilies. Her testimony, along with her strength and grace were symbolic of how the war had impacted civilians, including their mental health.

What gives you hope for South Sudan’s future?

What started with so much excitement and anticipation has led to frustrating transition due to the war. Healing and moving the country forward is easier said than done.

South Sudan has among the youngest population in the world, with more than 70% under the age of 30. They were told that independence and the new country was for them. And despite living through violence and disenfranchisement, lots of youth in South Sudan are creative and have great potential. The promises of the liberation were about progress, human rights, and not being seen as second-class citizens. South Sudanese people, and particularly young people, need to be able to feel that they own independence, and they own the future.

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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**

**At least 10 killed in suspected ADF attack in DRC’s Beni (Al Jazeera)**

July 1, 2021

**At least 10 people have been killed in an overnight raid in the city of Beni in eastern Democratic Republic of the Congo, in an attack blamed on the Allied Democratic Forces (ADF) armed group.**

Residents on Thursday said a group of attackers had set several houses on fire in the middle of the night in the city’s Beu district, firing upon people as they exited the buildings and attacking some with machetes.

There was no immediate claim of responsibility, but officials blamed ADF for the attack in the Rwangoma neighbourhood.

“Overnight, there was an attack by ADF enemies. We lost around 10 civilians,” lieutenant Anthony Mualushayi told the AFP news agency. An AFP correspondent saw 10 bodies in the morgue of Beni’s general hospital.

With reports of missing people, there are fears the death toll could rise.



The ADF – the most violent of an estimated 122 armed groups in the mineral-rich eastern DRC, many of them a legacy of two regional wars from 1996 to 2003 – has never claimed responsibility for attacks.

Gloire Kivetya, president of a body representing civil society groups in Beu, also blamed the attack on the ADF. The Kivu Security Tracker, a monitoring group, also said the ADF was suspected.

Thousands killed The ADF, which appeared in the 1990s in western Uganda with the declared aim of creating a so-called “Islamic state”, has made its base in the eastern DRC since 1995.

According to a tally compiled by the DRC’s Catholic church, the ADF has been responsible for at least 6,000 deaths since 2013.

The KST says the ADF has killed more than 1,200 civilians in the Beni area of North Kivu province alone since 2017.

On March 10, the United States branded the ADF a “foreign terrorist organisation” and said its leader Musa Baluku had pledged allegiance to the ISIL (ISIS) armed group.

But experts are still unsure about the extent of links between the ADF and ISIL.

In May, DRC President Felix Tshisekedi proclaimed a “state of siege” in North Kivu and neighbouring Ituri province in a bid to curb growing insecurity.

Under this, senior civilian officials have been replaced by army officers.

### **Congo officials claim that a rebel group is tied to the Islamic State. That could backfire.**

**(Washington Post)** By Lindsay Scorgie and Mallory Dunlop

July 8, 2021

**Beni, a city in eastern Congo, is experiencing a wave of violence. Bomb attacks in late June killed one and injured two others. On June 28, Beni’s mayor closed all schools and markets, banned public gatherings and established a curfew. These moves couldn’t prevent a July 1 attack, which left nine civilians dead.**

Congo’s government attributed the attacks to the Allied Democratic Forces (ADF), a rebel group active in eastern Congo since 1995. Some analysts see the ADF as the deadliest of the roughly 130 armed groups now operating in the region. Since 2019 there have been increasing reports of links between the ADF and the Islamic State, which seeks to establish a global Islamist militant movement, along with an Islamic caliphate in Iraq and Syria.

Is the Islamic State behind the Congo bombings, as a number of U.S. news reports suggest? Policymakers in Congo and elsewhere increasingly view the ADF as an extension of the Islamic State — but this assumption obscures the causes and consequences of the violence, and may be counterproductive.

#### A new focus on defeating the Islamic State in Africa

The 83-nation Global Coalition to Defeat ISIS, an intergovernmental coalition devoted to extinguishing the Islamic State threat, met in June to discuss expanding its efforts to Africa. This comes in the wake of the apparently growing extremist threat and reports of increased Islamic State ties to established rebel groups across the continent. The United States and Italy, the summit’s co-chairs, called on the coalition to establish a working group to address the Islamic State “problem” in Africa. A joint communique on June 28 identified several regions of concern, including the Sahel, East Africa (including Congo) and Mozambique.

This rising international scrutiny stems from a recognition that weak governance and other vulnerabilities within many African nations offer ripe conditions for the Islamic State to renew and expand. However, this newfound focus on the Islamic State in Africa may be misguided, as appears to be the case with the ADF in Congo.

#### The ADF is a highly localized rebellion

Research by Lindsay Scorgie examines why the ADF has survived longer than nearly any other violent group in the area. While the group has come under scrutiny due to the alleged connections to the Islamic State, informed discussion on the rebellion has been scarce. This research explains how the ADF’s embedded position and historical ties to the borderland region has fueled a surprising resiliency.

Since its founding in the mid-1990s, the ADF has operated in the remote Rwenzori Mountains borderland of western Uganda and eastern Congo. Isolated for most of the group’s existence, members traditionally received minimal attention from outsiders, which probably contributed to the ADF becoming a misunderstood and understudied force, even after more than

two decades of ADF violence.

The ADF's complex composition also tends to confuse outsiders. The group's membership includes Ugandan, Congolese and other African nationals. While the ADF identifies as Islamic, various factions within the group inconsistently adhere to Islamic teachings. And while analysts describe the ADF as a "foreign" rebel force, some segments of the group go back generations in the Rwenzori borderland.

ADF members are skilled at blending into the surrounding population, maintain inaccessible bases, use minimal propaganda and have had few defectors. They move across borders with ease and seem able to rebound after military confrontations with other rebels, the Congolese army or U.N. peacekeepers. The ADF uses its embedded position in the borderland to elude its enemies and maintains a high degree of control over the territory.

Because the ADF operates in the shadows, it is easy for outsiders to assign various identities to the rebels. Regional governments, international organizations, fellow rebel groups and even local civilians have all portrayed the ADF to fit their own specific narratives. The idea that the group's members are extremist Islamist militants is the latest in a long series of these assumptions.

But are ADF members Islamist militants?

In April 2019, the Islamic State first claimed responsibility for deadly attacks committed by the ADF on the villages of Kamango and Bovata in Beni. Over the past two years, the Islamic State has frequently made similar claims. Actual evidence of Islamic State connections to these attacks, however, remains limited — despite what Islamic State or ADF statements say.

The U.N. Group of Experts on the Democratic Republic of Congo has yet to find evidence of meaningful links between the Islamic State and the ADF. The Group's June 2021 report states, "The Group was unable to establish direct support or command and control of the Islamic State in Iraq and the Levant (ISIL) over ADF."

Congolese security forces have yet to recover any evidence from their counter-ADF operations to confirm Islamic State connections, according to a 2020 U.N. report. Also noteworthy is the lack of substantial changes in ADF operations since the apparent affiliation with the Islamic State began. Further, U.N. researchers note, the Islamic State often misreports casualty counts, injuries and even locations of ADF attacks it was supposedly behind.

The focus on Islamic State ties may backfire

Much of the international community remains focused on the ADF's alleged Islamist extremism, and recruitment. But viewing the ADF as an "Islamist threat" risks ignoring the role that local disputes and grievances against the Congolese government play in convincing people to join them. And policymakers may also be misinterpreting the ADF's financial backstop. External Islamic connections receive far greater attention than the ADF's local businesses and trading networks.

Misreading the group has serious repercussions. The overwhelming focus on the ADF's Islamic character is fostering hostility against Beni's Muslim community — and thousands of Muslims in the region with no affiliation to the ADF or the Islamic State. And we know from past military operations against the ADF that civilians are the targets when the group recovers and mounts reprisal attacks. Militarized responses leave the rebels' local socioeconomic networks largely untouched, and also set in motion additional violence.

Are there other options for reducing the ADF's capacity for violence? Steering clear of military action might avoid playing into Islamic State propaganda. And taking a closer look at the group's local connections and financial sources — for instance, addressing the ADF's cross-border trade practices and manipulation of local grievances — might offer one strategy to weaken the group's regional influence.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

**Côte d'Ivoire: Gbagbo and Bédié's politics-healing fraternal reunion (Africanews)** By Kizza Asala  
July 12, 2021

**A warm welcome Saturday in Daoukro Cote d'Ivoire for former president Laurent Gbagbo at the highly anticipated fraternal reunion with predecessor and former rival turned ally Henri Konan Bédié.**

A key step towards healing the country's long-running political crisis.

The two former heads of state gave each other a warm embrace before walking hand in hand for a few dozen metres, waving to the crowd, and sitting side by side to watch several shows and speeches.

Henri Konan Bédié had visited Gbagbo at the end of July 2019 in Brussels, where the latter was residing on parole pending confirmation of his acquittal at the International Criminal Court (ICC).

Now free, Gbagbo returned to Côte d'Ivoire on June 17 and this is the first time he has met with Bédié since his return. "A mark of reconciliation," he said.

"Bédié-Gbagbo, united for a stronger opposition": ten years later, the watchword is union, like the many T-shirts, loincloths and banners of the militants present in Daoukro.

During the momentous occasion, Gbagbo eventually took the floor himself.

"This act of mine coming to meet Henri Konan Bédié is an act of reconciliation and acknowledgement."

In his 30 minute speech to the social activist and political class attendees, Gbagbo took issue with the controversial third term of President Alassane Ouattara -- whose re-election run in 2020 saw a boycott by the opposition who considered it unconstitutional.

Gbagbo, 76, Bedie, 87, and Alassane Ouattara, 79, have dominated the Ivorian political scene for decades, often plunging into rivalries or forging alliances.

Gbagbo made reference to this evolution of events -- citing respect for the constitution for the betterment of the nation.

"We can decide that we have no constitution and live like that. But if we have a Constitution, we must fight to be on the side of the Constitution. Respect the texts!" he said.

"And if we have a constitution -- a collection of texts to guide us we have to fight to be on the side of the constitution and so the constitution will be on our side." "When we speak of reconciling it's all of that. Reconciliation is all that -- respect the texts and respect human beings."

Bédié teamed up with Ouattara in the 2010 elections, to then have his Democratic Party of Cote d'Ivoire (PDCI) join the opposition in 2018 and later forge an electoral alliance with Gbagbo's Ivorian Popular Front (FPI) in March this year.

"With my history, can I speak in the Ivory Coast without it being political? So let us do politics!" He also declared on the podium, to loud applause.

The prospect of an alliance between the PDCI and FPI is not excluded for the next national elections.

"We can't rule it out. It is an alliance for the good of Côte d'Ivoire, not against anyone," Antoni Garou, the pro-Gbagbo deputy mayor of Ouragahio, which includes the constituency of Laurent Gbagbo's home village of Mama, told the media.

"He said he hoped that President Ouattara would soon receive Gbagbo and Bédié.

During Gbagbo's decade-long stay in office, the country was wracked by revolt and turmoil, culminating in a conflict that erupted after he refused to cede electoral defeat to Ouattara.

Gbagbo was arrested in April 2011 and hauled before the ICC to face charges of crime against humanity resulting from the violence, which claimed some 3,000 lives.

He was acquitted in January 2019, a decision that was upheld in March this year and enabled him to return home on June 17.

Ouattara, his erstwhile rival, has officially welcomed his return, seeing in it a possibility of easing the country's entrenched

problems.

Last year, scores of people were killed in pre-electoral clashes with the police after Ouattara controversially unveiled his bid for a third presidential term.

The elections, on October 31, resulted in a landslide win for him but were gutted of credibility after most of the opposition boycotted the poll.

Gbagbo's former prime minister, Pascal Affi N'Guessan, has called on Ouattara, Bédié and Gbagbo to meet so that Côte d'Ivoire "emerges definitively from the crisis and seals reconciliation."

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

**Nigeria: Islamic State Fortifies Its Position in the Lake Chad Basin (ISS)** By Malik Samuel

July 13, 2021

**The death of Abubakar Shekau, long-time leader of Jama'atu Ahlis Sunnah lid-Da'wati wa'l-Jihad (JAS), has opened the space for a reconfiguration of forces in the Lake Chad Basin. It could allow Islamic State (IS) to consolidate its position in the region through its local affiliate, Islamic State West Africa Province (ISWAP).**

According to ongoing Institute for Security Studies (ISS) research, IS proposes to set up four caliphates in Borno State, north-east Nigeria, to oversee its activities in the Lake Chad Basin area and beyond. The proposal to ISWAP was reportedly made in June, with plans for new caliphates (states) in Lake Chad, Sambisa, Timbuktu and Tumbuma. Each will have its own wali (governor) and 'governing' structure.

However all four caliphates will be under the control of the Abu Ibrahim al-Hashimi al-Qurashi-led IS core, suggesting a closer control of franchising rights by IS central. Some positions will therefore remain central in the Lake Chad Basin and not be replicated in each caliphate.

With support from IS, ISWAP relies on an elaborate network of contacts and routes cutting across West and North Africa (Libya-Algeria-Mali-Niger-Nigeria) to facilitate the movements of fighters. About 120 more, including Arabs who will be permanently based in the region as part of the leadership, are now expected from Libya.

Key informants told the ISS that some of the returned fighters - Nigeriens, Nigerians and Malians - were part of the ISWAP team that attacked Sambisa in May, resulting in Shekau's death.

After their return from Libya, the first set was based in Shuwaram in Kukawa Local Government Area of Borno State, Nigeria, for verification. They were then deployed to Timbuktu (Alagarno Forest) in Damboa Local Government Area, where fighters from the Lake Chad islands later joined them.

ISWAP has over the years proved to be one of the biggest and most successful IS affiliates, with prominent acknowledgements from the central leadership. Shekau's death has given ISWAP access to more territory, fighters and weapons.

Abubakar Shekau's death has given ISWAP access to more territory, fighters and weapons

Former fighters' return and the increased role IS is seeking to play present problems for stabilisation efforts and plans to address violent extremism in the region and beyond. The group persistently attacks humanitarian and government initiatives, killing and abducting humanitarian workers, looting and burning their offices. This has resulted in increased numbers of displaced people, 54% of whom are female, particularly in north-east Nigeria.

In Borno State, the worst-hit state in the Lake Chad Basin region, 19% of the territory remains either totally or mainly inaccessible to both state and humanitarian actors because of insecurity.

IS is also championing reforms within ISWAP to satisfy its fighters and secure their loyalty. This includes taking steps to ensure they are treated fairly by commanders. Fighters can now also choose what to do with their share in the spoils of war,

increasing the economic incentive to fight for the group.

Reforms also include protecting and supporting livelihoods for civilians in areas it controls. These are seen as strategic, as better local livelihoods translate to more revenue through taxes. They also lend more legitimacy to the group and its activities.

Islamic State is championing reforms within ISWAP to satisfy its fighters and secure their loyalty

The group may also view humanitarian and stabilisation efforts as a direct threat to its goal of presenting itself as the only credible government to civilians. Such initiatives cannot take place or succeed where there are continued attacks and insecurity.

More practical collaborations between states in and outside the Lake Chad Basin are needed. Intelligence gathering and sharing, joint investigations and research are becoming increasingly crucial - states cannot deal with these problems individually.

Better border management and security can also help. Extremist groups are known to take advantage of porous and unsupervised borders for movement and sanctuary. Because it is practically impossible to oversee these long borders physically, technology like drones, sensors and artificial intelligence can play vital roles. However they must be deployed as a complement to human intelligence and improved state-society relations.

Equally important is investing in prevention efforts that thwart ISWAP's recruitment drive, both ideologically and non-ideologically, and its ongoing efforts to create a parallel state in the region. Governments must realise that the threats posed by ISWAP won't go away until there's no more space for it to operate. Thus there must be credible and better alternatives to what the group is offering to win the hearts and minds of civilians.

States should take a hard look at their social contracts with the people. Strengthening these is critical to preventing more people from joining extremist groups. This requires increased government presence in remote areas, which should translate into more security, provision of alternative livelihoods, respect for human rights and access to basic and quality services like healthcare, education and potable water.

### **Boko Haram Growing Arms Stockpile: Why Lake Chad Basin Leaders Should Be Worried (The News Nigeria)** By Olusegun Akinfenwa

July 12, 2021

**Since the emergence of the Boko Haram sect in the early 2000s, the Lake Chad region, consisting of Cameroon, Chad, Niger and Nigeria, has witnessed several attacks by the extremists. In the past few years, the group and its allies have grown brazen in their activities, especially against the military. On April 26, the Islamic State-aligned fighters of Boko Haram, Islamic State of West Africa (ISWAP), reportedly killed more than 30 soldiers in an attack at a military location in Mainok, Borno State, Nigeria. Such onslaught has, unfortunately, become commonplace. Similarly, the group's attacks against civilian, including killings of over 36,000 persons, kidnapping of schoolchildren for ransom, millions of forced migrations, hoisting of flags in captured communities, and forceful conversion of their captives, are also regular occurrences.**

While these humanitarian crises are worrisome, the sect's increasing arms stockpile is another concern with both immediate and long-term devastating effects. Each time they overpower a military base, the terrorists make off with a different cache of weapons. Of course, the forceful acquisition of military weapons is a common pattern insurgents use globally. In 2016, Kenyan troops with the African Union Force in Somalia (AMISOM) reportedly lost over 150 assault rifles, 26 machine guns, five mortars and 140,000 rounds of ammunition when their camp at southwestern Somalia was attacked by al-Shabaab in 2016. The Burundian troops also suffered a similar fate in 2015 against al-Qaeda-aligned fighters in Somalia. However, the frequency with which the militants in the Lake Chad region, especially Nigeria, do this and the successes they enjoy is a perturbing mystery.

Since 2015, Boko Haram has overrun fixed sites of companies and battalions in all four countries in the region, according to the Council on Foreign Relations. The Nigerian government, which suffers the greatest burden, has persistently downplayed the recurring carnages wrecked by the jihadists, and the media attention has mostly been on fatalities and other humanitarian crises from these attacks. As a result, it is difficult to ascertain the true scale of military weapons in the terrorists' hands. It is also true that Boko Haram could have been inflating its successes, as propaganda is one of the group's strongest weapons.

However, from all indications, the insurgents have amassed a cache of weapons large enough to make leaders in the region shudder. Thousands of assault rifles and assorted firearms, millions of rounds of ammunition, and hundreds of military

vehicles, including self-propelled artillery and armoured tanks, are now in their possession. They have also carted away sizeable amounts of non-lethal materials, such as communication gears, petrol, and uniforms.

In late April, ISWAP fighters displayed different types of operational Hilux vehicles and armoured tanks captured from the military in the Mainok attack. In November 2018, the group also boasted of making away with four tanks and other vehicles and ammunition in its attack on an army base in Metele, Borno state. These are just a few of such instances, which indicate more devastating future events than one can possibly imagine.

More than ever before, the military needs a coordinated intelligence-gathering effort to unravel the hidden motive behind the group's recent insatiable quest for this massive weapon acquisition beyond its surface outlook. Already, the recent insecurity surge across northern Nigeria cannot be disconnected from the proliferation and illegal acquisition of arms in the region. Many communities that used to be peaceful have recently become hotbeds for violence.

In the early days of Boko Haram, its activities were mainly within northeastern Nigeria. But today, the relatively peaceful northwest now grapples with various kinds of armed conflicts by the group. And recently, Governor Abubakar Bello of Niger State, north-central Nigeria, lamented the active presence of Boko Haram in his state. Different violent groups have also sprouted in various parts of the country. Though they operate under various names, such as bandits and hoodlums, their activities are similar to Boko Haram's modus operandi. This begs the question: is there a connection between Boko Haram and these extremist groups, such as Fulani herdsmen militia who have killed over 7,000 persons in the past six years, the bandits terrorizing, killing and kidnapping people for ransom, and other related groups?

An ongoing study by the Institute for Security Studies (ISS) finds that the link between Boko Haram and the so-called bandits dates back years. In a 2014 video tagged 'Message to Fulanis', Boko Haram leader Abubakar Shekau is seen expressing gratitude to fighters in Katsina State and other unspecified places. In June 2020, Boko Haram also sent greetings to their fellow fighters in Niger and Zamfara states. Three weeks later, the group released another video of fighters in Niger returning "greetings" to Shekau and their "brothers" in Zamfara. In September 2019, Shekau sent greetings to fighters on Lake Chad. The sequence of events shows that the group has been spreading its tentacles for a long time, and the recent surge of attacks have long been premeditated and orchestrated.

ISS finds that the reasons behind Boko Haram's fraternization with northwest and north-central fighters include its desire to create an Islamic state extending beyond the northeast, financial gains from ransom and possibly illegal gold mining. It is then not surprising seeing the current situation in those two northern Nigerian regions. Apart from the lingering wanton killings and millions of displacements, these violent-torn communities in the Lake Chad region also suffer life-threatening hunger. Diffa, southwestern Niger, is home to more than 280,000 refugees, most of whom fled from terrorist attacks.

Unfortunately, even the refugee and internally displaced persons (IDP) camps in the region are not all safe. In 2020, there was a deadly terrorist attack at a western Niger refugee camp. In Nigeria, the extremists have also struck different IDP camps, killing and abducting many. Children in the region suffer some of the greatest burdens of these crises, as they have become highly disadvantaged in many areas. Millions of them experience a huge learning gap compared with their peers in other regions. They also suffer severe malnutrition, making them more vulnerable to other crucial childhood diseases. In Nigeria alone, Boko Haram violence has also displaced about 1.4 million children.

The recurring attacks also place a serious financial burden on governments. Nigeria has significantly increased its military spending in the last decade. In 2019, the country spent \$1.86 billion and raised it to \$2.5 billion in 2020. Unfortunately, there isn't much to show for the increase as a good portion of weapons procured with the funds ended up in the insurgents' camps.

The recent events show that Boko Haram and its allies do not plan to slow down on their onslaughts against the military and civilian populations in the Lake Chad region. And with the rapid spread and successes it currently enjoys, the jihadist sect could be nursing the ambition of spreading to other parts of sub-Saharan Africa. This spells a bigger doom to the region and Africa in general, given the continent is already enmeshed in various armed conflicts, which has kept it far behind in development and tranquillity. Boko Haram constitutes a monster that must be stopped with immediate effect. This requires blocking its sources of growing arms stockpile.

**Nobody comes to Africa for love – Ex-Defence chief, Agwai decries foreign military presence (Daily Post)** By Wale Odunsi  
July 12, 2021

**Martin Luther Agwai, former Nigeria's Chief of Defence Staff has faulted the increased presence of foreign military and contractors in Africa.**

The issue was discussed at a webinar on 'Evaluating African Security and the Implications of Increased Foreign Military Presence in Africa' organised by Whiteink Institute for Strategy, Education and Research (WISER).

Agwai warned that the continent's dependence on foreign aids will cause the region to remain underdeveloped for a long time.

The ex-Army chief stressed that conditions for peacekeeping are complicated, and that support being provided to Africa could have some hidden motives.

"There is no free lunch anywhere. Nobody is coming to Africa because they love us, most of them have their own agenda. If we are not careful, we can be pulled into toxic wars with these people", he said.

Aqwai regretted that governments in Africa are still requesting foreign military support, leading to the demand for establishment of bases.

He said the countries still have weak defence forces, political instability, high unemployment, bad governance, corruption among others.

Noting that proliferation of small arms and light weapons shipped into Africa remains a major cause of security challenges. Agwai advised nations to take ownership of their problems.

WISER Chief Executive Officer, Saleh Bala recalled that the recent call by President Muhammadu Buhari for the relocation of the Africa Command (AFRICOM) headquarters from Germany to Africa generated debate.

The retired Brigadier General mentioned France's announcement to withdraw its over 5,000 Operation Barkhane force from the Sahel.

Bala, however, said the decision announced by President Emmanuel Macron is under the shadow of the European Union's new strategy to establish and insert a Europe-wide force to revive and expand Operation Takuba, a French creation.

"What is the game plan to defeat the steadily rising ISWAP threat around the Lake Chad Basin and what that also portends for stability of the Sahel region?"

"What also does the French withdrawals and the new EU African security strategy, along with NATO interest portend to the over-arching silent war ongoing to checkmate the seeping military influence of Russia and China on the continent?", he queried.

Bala said though the rising military-grade armed violence across Africa require overwhelming military solutions, Africa must increase its capacity to address threats.

Dr. Toni Haastrup, an International Politics lecturer at the University of Stirling, complained about demand for military support in form of multilateral or bilateral deals, such as the EU support to the Sahel.

Haastrup observed the concern by a cross-section of people across the continent could be militarization by developed countries.

"I argue that the process of militarization are not an aberration. I don't see it as a return, but they have been intrinsic to the development, formation of states in Africa.

Gregory Copley, Editor of Global Information System and Gia Cromer, CEO GNAN Education Consultancy Group also expressed their views during the webinar.

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## **Mali**

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# Uganda

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# Kenya

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ICC Public Documents - Situation in the Republic of Kenya

**Lengthy Legal Processes Slow War on Human Trafficking in Kenya (Borgen Magazine)** By Tatiana Nelson  
July 2, 2021

**Kenya is recognized major destination of persons subjected to forced labor and sex trafficking according to the U.N. Office on Drugs and Crime (UNODC). Though the causes and sustainment of human trafficking are varied, a potential explanation for high instances of trafficking in Kenya may be due to labor migration and development patterns and the susceptibility of people crossing borders being deceived by 'employers.'**

The Counter-Trafficking in Persons Act of 2010 criminalized both sex and labor trafficking, with penalties of 15 years in prison and/or a fine of at least 5 million Kenyan Shillings (\$49,120 USD). Since the implementation of the act in 2010, many have criticized the Kenyan government for corruption and for allowing traffickers to obtain fraudulent identity documents. Of note is the potential for individuals to exploit corruption in the system in order to employ bribes to avoid sentencing. In 2018, a number of Kenyan-based NGOs and other international organizations implemented training for prosecutorial and judicial officials and other judiciary bodies of the government in an attempt to remedy this alleged corruption.

2020 Trafficking in Persons Report: Kenya

The 2020 Trafficking in Persons Report put out by the U.S. State Department asserts that the Kenyan government has made significant strides to eliminate trafficking; however, the report states that the government does not meet the minimum standards required to claim the elimination of trafficking entirely. In its efforts to improve the state of affairs, the Kenyan government has identified a higher number of victims, utilized the victim assistance fund and launched a cybercrime center to investigate claims of labor and sexual abuse.

The government of Kenya also increased its collaboration efforts with NGOs and various foreign governments, allowing for a greater number of trafficking victims to be rescued. This report also details that the government implemented the National Plan of Action Against Sexual Exploitation of Children 2018-2022 and made efforts to reduce the demand for commercial sex, which demonstrates strides to fight human trafficking in Kenya.

Despite these efforts to mitigate the impact of human trafficking, the government of Kenya continues to label some victims of trafficking as criminals, which in turn limits their access to victim resources and funds. The government has also failed to try all trafficking cases under the anti-trafficking law and instead has tried some as immigration law cases, which results in less stringent sentences for perpetrators. The report notes that the government “maintained uneven protection efforts” – “Victim care varied in quality depending on the age, gender, nationality, and location of the victim.”

Lacking Government Services

In 2018, the Kenyan Government funded the National Assistance Trust Fund for Victims of Trafficking. This fund appeared to be a step in the right direction in aiding victims more justly, but the authorities did not distribute any funds to trafficking



victims during the entire year of 2018. Along with this lack of fund distribution, identification of child trafficking victims was stronger than adult trafficking. Though the identification of child trafficking is crucial, any weaknesses in identification capabilities could force adult victims to unnecessarily wait longer before receiving help.

Kenya has to provide “appropriate shelter and other basic needs” and “psychosocial support” under the Counter-Trafficking in Persons Act of 2010. Kenya lacks enough state-run services, such as shelters and equitable distribution of funds to victims, which means the government is not able to fully adhere to the guidelines it signed in 2010. Systemic holes in trafficking procedures, such as where to comfortably house victims, mean delays for Kenya in the fight against trafficking overall.

#### Legal Proceedings in Kenya

Noordin Haji, Director of Public Prosecutions, surmises that the lack of state-run shelters is due to a heavy reliance on nonprofit organizations to provide temporary housing and security for victims of trafficking. Kenya actually arrests many victims, which can traumatize them further, moving them from one dehumanizing situation to another. Without a legislative framework and shelters provided by the government, there is a fear that procedural hurdles may lead to the rejection of victims from non-governmental shelters.

Mohamed Daghar, a researcher for Enhancing Africa’s Ability to Counter Transnational Crime (ENACT) urged Kenyan governmental officials to create and maintain legal and procedural frameworks to address factors that contribute to the likelihood of someone becoming a victim of trafficking. This advice suggests that victims can and should be reached before they become victims, hoping to confront larger systemic issues that affect certain populations in Kenya at a heightened risk of experiencing human trafficking. Consistently ensuring these governmental frameworks along with the provision of basic services, like shelters and counseling to victims, can help Kenya regain ground in the war on human trafficking.

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

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## **Somalia**

**Suicide Explosion Kills 10, Injures Dozens in Somalia (The New York Times)** By Abdi Latif Dahir  
July 3, 2021

**At least 10 people were killed and dozens injured in a suicide explosion in the Somali capital, Mogadishu, on Friday evening, the authorities said, the second such attack to rock the city in weeks as the country enters a crucial election season.**

A suicide bomber detonated his explosive-laden vest near a cafe close to the well-known Juba Hotel, which is in a strategic area that houses government ministries and the intelligence headquarters. The cafe, frequented by members of the Somali security forces, was crowded with patrons when the attack took place, officials said.

The Somali government blamed the terrorist group Al Shabab, and the group itself took responsibility, saying that it had targeted intelligence, police and military forces. Al Shabab claimed the blast killed at least 15 people and wounded 22 others.

Somali security officials did not respond to multiple requests for information on whether government officers might have been killed or injured in the attack.

“Once again Al Shabaab has proven that their violence has no bounds and will kill indiscriminately,” Somalia’s Ministry of

Information, Culture and Tourism said in a statement on Saturday. Al Shabab, the ministry added, strives “to cause pain, destruction and chaos. These ideals have no place in a free Somalia.”

The attack came just weeks after another Al Shabab suicide bomber attacked a Somali Army training camp that is jointly managed with Turkish forces, killing at least 10 people and wounding 20 others.

In recent months, Al Shabab has stepped up its attacks as Somalia has been rocked by political infighting, the withdrawal of most American troops and a pause in American drone strikes that had targeted the group and its leaders.

The latest suicide attack occurred just days after the prime minister, Mohamed Hussein Roble, announced a timeline for long-delayed elections, aiming to mend a potential political standoff that has burst into deadly violence at times.

That political crisis began when President Mohamed Abdullahi Mohamed, a former American citizen and bureaucrat, failed to hold presidential and parliamentary elections in February as scheduled and then sought to extend his term in office by two years.

Under the current plan, revealed Tuesday by Prime Minister Roble, elections for the Senate and Parliament will take place from mid-July through September, with the presidential election set for Oct. 10. Somalia has not had direct elections in decades, with clan elders in the past picking lawmakers who in turn selected the president.

Mr. Roble condemned the attack on the cafe, saying that the Shabab was determined to harm innocent Somalis.

Al Shabab has in the past attacked busy intersections, restaurants and hotels — killing dozens of people at a time and solidifying its reputation as Al Qaeda’s largest and most active global affiliate. To help combat the group, the Pentagon is weighing a plan to send dozens of troops back to Somalia.

**Somalia: Top Al-Shabaab Operative Killed, Says Army Chief (All Africa)** By Abdulkadir Khalif  
July 5, 2021

**Brigadier General Odowa Yusuf Raghe, the commander of the Somali National Army (SNA), stated on Sunday that a senior al-Shabaab operative was killed in a military operation.**

While speaking to the SNA broadcaster known as Voice of the Army, Gen Raghe named the killed jihadist as Mohamed Abdi Sabriye aka Tosow, adding that he was a top operative based in Middle Shabelle region, north of Mogadishu.

“The operation was conducted in a location called Dar-ul-Salaam in Adan Yabal district (about 120 km northeast of Mogadishu),” said the general, indicating that Sabriye was an apex organiser of the jihadist militants in the region.

The army says Sabriye was killed some time this month.

The Somali army, with support of peacekeepers under the African Union Mission in Somalia (Amisom), has been waging intense operations in Hirshabelle and Galmudug States in Central Somalia in a bid to weaken the jihadists ahead of elections in the coming 3 months.

**Mogadishu police chief survives al-Shabab attack, several killed (Al Jazeera)** July 10, 2021

**A top Somali police chief has survived an assassination bid by Al-Shabab rebel fighters in a powerful car bomb blast in Mogadishu that left five people dead and a trail of destruction.**

The bomber, using an explosives-laden vehicle, struck regional police commissioner Farhan Mohamud’s motorcade at a busy intersection in the capital, Somali police spokesman Sadiq Dudishe told AFP news agency on Saturday.

Al-Shabab, an al-Qaeda-linked armed group fighting to overthrow Somalia’s internationally recognised government, claimed responsibility for the attack.

The blast tore through walls near the busy road, ripping off roof panels and leaving the area littered with shells of charred cars.

Dudishe said five people died and nine others were wounded but the police commander – who headed the force in the Benadir region that encompasses Mogadishu – survived unscathed.

“The objective of the terrorists was to get rid of the targeted police commander, other officers with him and any other civilian bystanders,” he said.

Mohamud – who had previously led a special police unit carrying out anti-Shabaab operations – was in April promoted to the rank of general and nominated as the overall commander of police in Benadir.

Police officers patrol by the wreckage of a car at the scene of suicide car bomb attack that targeted the city's police commissioner in Mogadishu [AFP] Narrow escape In a statement, Al-Shabab said the blast killed and wounded a "large number" of the police chief's guards and destroyed multiple vehicles.

Mire Adan, who was a few metres from the scene, said the explosion "caused huge devastation and casualties of both police and civilians".

"The whole area is messed up with smoke as the blast caused fire and I saw several dead bodies most of them civilians," said another witness Osman Adan.

Tuk-tuk driver Muktar Ganey said he narrowly missed Saturday's blast because he was held up in traffic.

"I was transporting some clients to a shop close to the busy intersection when the blast occurred. I was very lucky that I was delayed in the traffic jam a few minutes before it occurred. Otherwise, I would be dead or wounded by now," said Ganey.

Al-Shabab, which used to control parts of Mogadishu, was pushed out of the seaside capital in 2011 by Somali troops backed by African Union soldiers.

The group still control parts of the rural areas in south and central Somalia and carries out frequent attacks in Mogadishu.

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## EUROPE

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

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

**Bosnian Serb Wartime Camp Guards' Sentences Reduced (Balkan Transitional Justice)** By Lamija Grebo  
July 5, 2021

**The Bosnian state court announced on Monday that it has partially upheld appeals filed by former detention camp guards Boris Bosnjak Miodrag Grubacic and Ilija Djajic, who were convicted of the inhumane treatment of non-Serb civilians at the former Mosa Pijade military barracks in Bileca in 1992, reducing their sentences.**

Under the second-instance verdict, Bosnjak was given eight years in prison, Djajic three years and Grubacic a year and a half, while another defendant, Milos Mavrak, was acquitted.

All three convicted men were Bosnian Serb Army soldiers at the time.

The first-instance verdict handed down in September last year sentenced Bosnjak to ten years, Grubacic to five years and Djajic to six years and acquitted Mavrak because the court could not determine whether or not he was a guard at the camp and abused detainees.

The verdict said that Bosnjak treated detainees inhumanely, causing physical and mental suffering, beat them, used an electric shock baton on them forced one prisoner to have sexual intercourse with him.

Grubacic was convicted of having participated, together with two unidentified soldiers, in the abuse of three detainees, while Djajic was convicted of causing physical and mental suffering to detainees.

The second-instance verdict cannot be appealed.

**Bosnian Serb Ex-Soldier Jailed for Murdering Two Bosniaks (Balkan Transitional Justice)** By Azra Husaric and Emina Dizdarevic  
July 5, 2021

**The Bosnian state court on Monday convicted Bozidar Perisic of shooting two Bosniak men dead in the village of Gracanica, near Rogatica, on June 19, 1992.**

The bodies of victims Salem and Mustafa Sijercic were later burned by unknown members of the Bosnian Serb Army, and have still not been found.

“The chamber has found, beyond reasonable doubt, that Perisic deprived Salem and Mustafa Sijercic of their lives,” said presiding judge Davorin Jukic, adding that all the essential elements of a crime against humanity were met.

The court however acquitted Perisic of killing two other Bosniak men in the village of Gracanica on June 19, 1992.

He was also cleared of causing physical and psychological injuries to another Bosniak man and his son in the village of Satorovici, near Rogatica, on November 21, 1993.

Meanwhile former policeman Vinko Zoranovic was cleared of all charges of committing crimes including raping two women in Rogatica on the night of June 20-21, 1992.

The verdict said that one victim gave contradictory testimony, while there were doubts that the other victim had identified her assailant correctly because it was dark when she was attacked and she could only see his face when he lit a cigarette.

“The court trusts the injured parties that they were raped, but it has not been able to determine with certainty that the defendant did it,” Jukic said.

Perisic and Zoranovic were further cleared of persecuting the Bosniak civilian population on religious and ethnic grounds.

According to the charges, Perisic was a member of the First Podrinje Light Infantry Brigade of the Bosnian Serb Army, while Zoranovic worked at the police’s public security station in Rogatica.

The verdict can be appealed.

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

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

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## Turkey

**Turkey rejects its inclusion in US list of countries implicated in use of child soldiers, may get a waiver (ANI News)** By John Solomou

July 5, 2021

**The Turkish Foreign Ministry last Friday reacted angrily to its inclusion in a US report in the list of countries that are implicated for the use of child soldiers by Turkish-backed groups in Syria and Libya.**

Turkey rejected these allegations as 'unacceptable and baseless' and complained that Washington turns a blind eye to the activities of the Syrian Kurdish People's Protection Units (YPG) in Syria and Iraq who is involved in supplying arms and training to children for war.

The Foreign Ministry criticised "allegations made by some NGO reports, which are of dubious reliability" and based on "unfounded assumptions" and claimed that Turkey makes every effort to prevent human trafficking, punish criminals and protect victims of crime.

"Making such baseless accusations against US ally Turkey, with which it cooperates closely on many regional issues, is a grave contradiction and is never acceptable," the Turkish Ministry concluded.

On July 1st, the United States in its 2021 Trafficking in Persons (TIP) report said that Turkey was providing "tangible support" to the Sultan Murad Division in Syria, a faction of Syrian opposition supported by Ankara which recruited and used child soldiers and also referred to the use of child soldiers in Libya.

Noting that it is the first time that a NATO member is included in such a list, the State Department added that "as a respected regional leader Turkey, has the opportunity to address this issue. The United States hopes to work with Turkey to encourage all groups involved in the Syrian and Libyan conflicts not to use child soldiers," a senior State Department official said last week.

The list is compiled from first-hand information by US government personnel and research and credible reporting from various UN agencies, international organizations, local and international NGOs, and media outlets.

This year's list includes Afghanistan, Burma, the Democratic Republic of Congo, Iran, Iraq, Libya, Mali, Nigeria, Pakistan, Somalia, South Sudan, Syria, Turkey, Venezuela and Yemen. Human Rights Watch says that thousands of children are serving as soldiers in armed conflicts around the world. "These boys and girls, some as young as eight years old serve in government forces and armed oppositions groups. They may fight on the front lines, participate in suicide missions, act as spies, messengers, or lookouts. Girls may be forced into sexual slavery. Many are abducted or recruited by force, while others join out of desperation, believing armed groups offer them best chance for survival."

Back in 2008, US lawmakers adopted the Child Soldiers Prevention Act (CSPA) which requires the US Secretary of State to publish an annual list of countries whose armed forces or government-backed armed groups recruit or use child soldiers. This list is commonly referred to as the CSPA list and is published in the State Department's annual Trafficking in Person report. Countries included on the list are prohibited from receiving certain types of US military assistance, training, and defence equipment.

The restrictions will apply from October 1 till the end of the fiscal year 2022, except for those who receive a presidential waiver. State Department spokesperson Ned Price declined to say if Turkey will face any limitation on military assistance following the report.

It was not immediately clear whether any restrictions would automatically apply to Turkey, but there is no doubt that Turkey's inclusion in the CSPA list will further worsen the uneasy relations between Ankara and Washington, which in recent years have been strained due to the Turkish purchase of the S-400 Russian missile system and the imposition of US sanctions, differences over Syria, Libya, Nagorno-Karabakh, Ankara's aggressive moves in the Eastern Mediterranean and US President Joe Biden's concern over abuses of human rights in Turkey.

It will also be difficult to say what impact Turkey's inclusion in the CSPA list will have on the negotiations underway between Ankara and Washington concerning Turkey's proposal to guard and run the Hamid Karzai Airport in Kabul, after the expected

withdrawal of US forces from Afghanistan.

The operation and guarding of the airport are believed to be of crucial importance for the operation of diplomatic missions out of the Afghani capital.

Turkey is requesting financial, logistical and other support so as to undertake the task of protecting and running the airport, and the US administration apparently wants to reach an agreement with Turkey on this issue, so that the withdrawal of US troops by 9/11 as Biden promised, is not followed immediately by chaos. Ned Price said the two things won't likely be linked. "When it comes to trafficking in persons, I would not want to link the report today with the constructive discussions we're engaging in with Turkey, in the context of Afghanistan or any other area of shared interest," he said in a briefing.

"When it comes to trafficking in persons, I would not want to link the report today with the constructive discussions we're engaging in with Turkey, in the context of Afghanistan or any other area of shared interest."

But if the negotiations fail to produce any result, the US Administration may decide on a waiver and Turkey will not be subject to the restrictions envisaged by the CSPA law.

Shannon Dick and Rachel Stohl of the Stimson Center in an article published in July 2020 pointed out, "More often than not over the CSPA law's history, the administration has elected to use such waivers and thereby allow sanctioned governments to receive otherwise prohibited US weapons and security assistance. Through national interest waivers, the executive branch has consistently undermined the law's intent and, as a result, the law has failed to reach its full potential. In total, the US government is estimated to have waived more than USD 4 billion in US arms and security assistance to CSPA-blacklisted countries over the last 10 years."

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## **Kosovo Specialist Chambers**

**Kosovo: Serb ex-police officer jailed for rape during war (the Intelligencer)** July 5, 2021

**A Kosovar court on Monday sentenced to 10 years in prison a Serbian ex-policeman accused of raping an ethnic Albanian woman during the 1998-1999 war. The sentencing was believed to be the first for a rape conviction dating back to the Kosovo war.**

The Pristina court said Zoran Vukotic raped the Albanian woman in May 22, 1999 when Serb military, police and paramilitary troops were deporting ethnic Albanians from the region of Vushtri, 40 kilometers (25 miles) northwest of the capital Pristina.

A court statement said Vukotic, a policeman at the time, took a young woman to the second floor of a home and raped her in front of other women. The victim was more than three months pregnant at the time and she lost her twins a few months later.

In her testimony to the court last year she said she had tried to commit suicide, but her husband's support saved her, according to the KosovaPress online media portal.

"Justice means a lot," she was quoted as saying. "Thanks to God and to him (husband) I am alive and stronger."

Vukotic is separately serving a 6.5 year sentence after he was convicted three years ago of illegally detaining, beating and torturing ethnic Albanian inmates at a prison in northern Kosovo during May to June 1999.

The former policeman was extradited from Montenegro in November 2016.

More than 10,000 mainly ethnic Albanians were killed and more than 1,600 are still missing from the war. It is also believed that some 20,000 Albanian women were raped.

The 1998-1999 war in Kosovo, then a Serbian province, ended after a NATO military intervention that forced Serbia to withdraw its forces. The United Nations ran the territory for nine years before Kosovo in 2008 declared independence, a move that Serbia doesn't recognize.

Kosovo's Center for Rehabilitation of Survived and Tortured Persons, which initiated the indictment, considered the verdict "a triumph of justice not only for the victim but also for all the survived persons of the sexual violence." It nevertheless considered the 10-year jail term inadequate and plans to appeal for a higher sentence.

It is not clear whether Vukotic would appeal the verdict as his lawyers could not be contacted.

**[Kosovo Special Prosecutor: 'Wartime Rape Victims Must Speak Out' (BIRN)]** By Kreshnik Gashi and Xhorxhina Bami  
July 8, 2021

**On Monday, Kosovo's Pristina Basic Court sentenced a former Kosovo Serb policeman, Zoran Vukotic, to ten years in prison for rape and for participating in the expulsion of ethnic Albanian civilians during the war in Kosovo in 1999.**

The ruling was called historic because it the first time someone had been convicted in Kosovo of sexual abuse during the 1998-9 war.

In an interview on Tuesday with BIRN Kosovo's 'Kallxo Pernime' television programme, the head of Kosovo's Special Prosecution, Drita Hajdari, urged more people to report charges of rape during the war, pledging to deal with their cases in person.

Hajdari personally dealt with the Vukotic case after his victim appeared at the Special Prosecution offices and insisted on meeting her. "It was a random day at work, I was in my office and the security team informed me that a woman wanted to meet me," Hajdari recalled.

"She confessed ... a bitter story she experienced during the war in Kosovo, about rape," Hajdari added.

"The enemy used it [rape] as a strategy of war, by hitting the pillar of our society, the woman," she said, adding that no punishment is enough compensation for such suffering.

There were numerous cases of sexual abuse during the Kosovo war but only three women have told their stories publicly so far.

The first, Marte Tunaj, who died in 2016, was the first Kosovo Albanian to testify about being raped in the war, in her case by a Serbian paramilitary, Milos Jokic. Jokic was sentenced to 20 years in prison in 2013 by the EU rule-of-law mission, EULEX.

The second survivor to testify, Vafije Krasniqi Goodman, told her story in 2018, followed by Shyhrete Tahiri-Sylejmani a year later. But in 2014, Kosovo's Supreme Court acquitted two former Serb policemen of raping Krasniqi Goodman when she was 16. The Tahiri-Sylejmani case is still ongoing.

Hajdari said that the prosecution currently has 50 wartime rape cases on its files. But no indictments have followed due to its inability to file an indictment in the absence of the suspect. "The investigations have ended," she said.

#### Promise to protect victims' identities

Hajdari pledged that victims' identities will be protected if they testify, and urged them to report cases of rape during the Kosovo war, even if they lack their family's support and have to face the social stigma that still accompanies wartime sexual abuse.

"Without the support of the family, victims do not have the certainty and courage to report these cases because most of them are not ready to face the past, due to fear and the stigma from society and the family," Hajdari said, clarifying the importance of anonymity in such cases.

To make Vukotic's victim more comfortable and protect her anonymity, Hajdari interviewed her in the offices of an NGO that focuses on protection of the survivors of sexual violence. "I interviewed her in the presence of a psychologist, where the victim felt much better," she explained.

The victim had read in the media that the trial of Zoran Vukotic had started, but had not been invited to testify at Mitrovica Basic Court.

Hajdari explained that, after checking the database, she confirmed the woman was "nowhere, no statement, no trace that she ... figured as an injured party or witness".

The victim claimed she had reported the rape claim to the UN mission in Kosovo, UNMIK, and to the EU rule-of-law mission, EULEX, but never received any written acknowledgement of her report.

She also claimed that at least five other women were also raped on the same day.

“To encourage other victims to report their cases”, Hajdari explained, victims are registered in the database only by their initials. “There is no chance” of their identities being discovered, she insisted.

“Due to the potential consequences these victims can face, in the early procedure of the investigation I request from the court an order of anonymity,” Hajdari added. “A code is given to the injured party under which she has appeared in the case files during the trial.”

Moreover, “in the indictment I ask for the trial not to be public, the public is dismissed and the victim is made more comfortable”.

Vukotic, an employee of the local court in Vushtrri/Vucitrn, served in the Kosovo war in the reserve police of the Serbian Interior Ministry.

On May 22, 1999, together with other members of the Serbian military, paramilitary and police forces, he took part in the expulsion, rape and torture of Kosovo Albanian civilians.

At the town’s Muslim cemetery, Hajdari recalled that Serbian forces divided up citizens and put them in trucks and sent them to a prison.

“The citizens who were left there were made to queue in front of a two-storey house,” Hajdari said, explaining that “the women were taken in. They put them in the house and raped them”.

The victim who testified against Vukotic was pregnant with twins at the time, and was holding one child in her arms.

“At the hallway, the child she was holding in her arms was taken from her ... and Vukotic dragged her [the mother] to the second floor where, with the assistance of another person, also a policeman, he violated her in the most savage way possible.”

Due to the rape the victim suffered a miscarriage after a few months and lost both twins, Hajdari said.

A large backlog of cases

Hajdari said cases of wartime massacres are prioritised by the Special Prosecution due to the big backlog. She is trying to find legal loopholes to bring old cases back to the court.

The Special Prosecution currently has only four prosecutors and is expected to hire at least two more. Hajdari says four prosecutors are not enough to complete all the work.

“We inherited 900 war crime cases from EULEX and 2,000 files for the missing persons,” she said. They also accepted other cases, and so currently have 1,000 cases, which is why they have prioritised some over others. “Sexual abuse cases and larger massacres” from the war are currently being prioritised, she explained.

Asked about potential trials for massacres in Gjakova/Djakovica and the infamous Recak/Racak massacre of January 15, 1999, when 45 Albanians were killed, Hajdari said: “They are among our priorities and are in progress”, adding that a large amount of evidence exists in these cases.

Hajdari has also taken the case of Krasniqi Goodman from the archives, but has not been able to find a legal reasoning for a retrial. “The procedure in her case has finished,” Hajdari said, though she believes the case could still be tried “in the context of superior responsibility”.

Time and space are the biggest obstacles

Together with the obstacle of having very few prosecutors, the Special Prosecution also faces the problem of time, due to the crimes having occurred 20 years ago, and the problem of space, because the perpetrators are mainly in Serbia.

Due to the ‘frozen’ conflict between Kosovo and Serbia, the two do not collaborate on war crime trials.

“War crimes have taken place in Kosovo, the witnesses are in Kosovo, as well as the evidence,” Hajdari said. However, the perpetrators are far from Kosovo. “Most are in Serbia and Serbia does not cooperate with us,” she said.

Kosovo does not cooperate with Serbia either, because it believes that its judiciary is the relevant authority to try crimes that happened on its territory, she explained.

She gives no further information on cases when witnesses from Kosovo have testified in the courts in Serbia.

The main challenge, according to Hajdari, is the time factor. “Many witnesses have died”, while some have problems recalling



long-ago events, she said.

Nevertheless, she urged victims to report to the Special Prosecution, or contact her directly, particularly in sexual abuse cases. "The second option is to contact me through non-governmental organisations," she concluded.

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## Azerbaijan

**Life-or-death negotiations as Azerbaijan and Armenia trade 'mine maps' for prisoners of war (The Telegraph)** By Colin Freeman

July 8, 2021

**With its rolling plains of prime farmland, the Fuzuli district of Azerbaijan is one of the choicest chunks of turf recaptured from Armenia during last year's war.**

As state TV is fond of proclaiming, the "liberated lands" of the disputed Karabakh frontier are now to be repopulated, breathing life into villages that have lain empty for decades.

It is not, however, going to be quite that simple. During their separatist war in the 1990s, Armenian forces sowed Fuzuli and other districts with land mines, creating a defensive buffer-zone hundreds of miles long.

Fuzuli's long-untended vineyards and olive groves are now picturesque death-traps, as many returning Azerbaijani villagers have already discovered too late.

"They have been coming back, eager to reclaim their old homes, and then been killed or injured by mines," said Madat Mamadov, part of Azerbaijan's National Agency for Mine Action.

His team has pulled 1,156 anti-personnel and anti-tank mines from a single half-mile strip of Fuzuli since starting in January.

Already, 16 civilians have been killed and more than 100 injured in the reclaimed lands. Yet such is the bitterness of the long-running ethnic feud that even the humanitarian task of demining has become bogged down in politics.

Armenian forces possess so-called "mine maps" that show where the mine fields are laid, which can help the Azerbaijani mine clearers work efficiently and safely.

But so far, only two small batches of maps have been handed over – each time in exchange for Armenian prisoners of war captured by Azerbaijan last year.

"Refusing to provide any maps should be regarded as a war crime," said Mr Mamadov, who believes the mine clearance task will take at least a decade.

"It makes our job even harder – most of the casualties are just civilians who want to return to their land."

Brokered by Russian mediators, the "maps for prisoners" exchanges began last month, with a batch of maps showing 97,000 land mines around Azerbaijan's Agdam district exchanged for 15 Armenian PoWs.

A second batch, showing 92,000 land mines around Fuzuli, took place last week, in return for 15 more PoWs.

Armenia says it handed over the maps as a "goodwill gesture", although they still represent just a fraction of the entire mined buffer zone. Armenian officials appear to be withholding the other maps as bargaining chips to ensure the return of their remaining PoWs, whose fate has become a national priority.

An estimated 140 Armenian PoWs are still thought to be in Azerbaijani custody, despite calls from human rights groups for them to be released. Last month, Armenia's prime minister, Nikol Pashinyan, even offered to swap his own 21-year-old son, Ashot, as part of an exchange.

Yet even if all the maps are handed over, the scale of the mine clearance task ahead is immense. The Karabakh area is one of the most-densely mined in the world, according to Samir Poladov, the deputy chair of Azerbaijan's mine clearance agency. And the "mine maps" themselves, he warns, are not always accurate.

"They are not maps as such, but military records of where the mines were laid, sometimes using hand-made drawings with landmarks noted on them," he said.

"Their quality depends very much on the commanders who produced them, and while some of the records assist us in our work, others are useless."

The British Government has funded mine clearance operations and education programs in both the Azerbaijani and Armenian-controlled areas of Karabakh. The Halo Trust, the charity championed by the late Diana, Princess of Wales, operates in the Armenian areas, although even they have struggled to steer clear of local politics.

The Azerbaijani government objects to the charity's presence there, arguing that the land is illegally occupied by Armenian separatists. The trust contends that Karabakh is the world's most dangerous area in terms of land mine accidents per capita, with children accounting for a quarter of the victims.

Similar risks now loom large in the reclaimed areas around Fuzuli, where mine warning signs and bans on entering the area have not prevented several tragedies involving youngsters. For example, two brothers who were grazing cattle when one of them stepped on a mine, killing him. A second mine hit his sibling as he ran to his aid, and a third struck a mine clearance agency worker who came to the rescue.

"He was trying to create an access lane through the minefield, and perhaps because of the pressure in his own mind to save these people, he stepped on an anti-personnel mine and lost his leg," said Mr Poladov. "It shows the seriousness of the threat we face."

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## MIDDLE-EAST

### Iraq

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

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### Syria

**'Syrian gov't shelling' in Idlib kills eight, including children (Al Jazeera)**

July 3, 2021

**At least eight civilians, including six children, were killed in shelling and artillery fire by Russian-backed Syrian government forces in Idlib on Saturday, a war monitor said and a rescue group said.**

The attacks also wounded 16 people in several locations of the Jabal al-Zawiya area in the south of the stronghold, the UK-based Syria Observatory for Human Rights (SOHR) said.

It killed five members of the same family in the village of Iblin, two children in Balyun village and another child in Balshun

village, it said.

Syria's Civil Defence, a volunteer search and rescue group also known as the White Helmets and operating in rebel-held parts of Syria, confirmed the deaths.

"A horrific massacre committed by Russia & regime forces this morning in #Idlib countryside, where 8 civilians ... were killed," the group said on Twitter, adding that search and rescue efforts were still under way.

In Iblin, an AFP news agency photographer saw the bodies of the family arrive at a health dispensary, wrapped in woollen and cotton blankets.

Nurses and other people prepared the bodies for burial, cleaning the bloodied corpse of a young boy before swaddling it in gauze, he said.

Saturday's death toll is one of the highest since an international ceasefire came into force in March last year to protect the rebel-dominated bastion from a government offensive.

Much of the Idlib enclave is controlled by Hayat Tahrir al-Sham, an armed group that includes former members of Syria's former al-Qaeda franchise.

But violations of the truce, brokered by government ally Russia and opposition backer Turkey, are frequent, as government forces maintain pressure on the rebel enclave.

In the past weeks, Russian warplanes have pounded the southern Idlib region in tandem with artillery shelling by government forces, according to SOHR.

'Humanitarian catastrophe' Meanwhile, hundreds of humanitarian workers formed a human chain in northern Idlib on Friday, urging the international community to keep open the only border crossing for aid into the rebel-held region.

"Humanitarian aid is a right, not a privilege," one sign held up by aid workers read, while others stood in a pattern on the road, so that the words "save lifeline" were visible from the air.

A UN authorisation for aid to transit through the Bab al-Hawa border crossing from Turkey into Syria expires on July 10.

Aid organisations fear that Russia may block a UN Security Council vote to renew it for a year.

Wassim Bakir, from Syrian charity Banafsaj, said if cross-border aid was blocked it would be a "humanitarian catastrophe".

Rebel-held Idlib province is now facing a raging coronavirus pandemic while much of its healthcare facilities are in ruins. The region is home to nearly three million people, most of whom are internally displaced.

The war in Syria has killed nearly 500,000 people since it started in 2011 with the brutal repression of peaceful demonstrations.

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## **Yemen**

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## **Special Tribunal for Lebanon**

## **In Focus: Special Tribunal for Lebanon (UN)**

### **Lebanon Is Donating €500,000 To The Special Tribunal For Lebanon (The 961)** By Hussein Yassine

July 3, 2021

#### **Lebanon is allocating a donation of €500,000 for the Special Tribunal for Lebanon (STL), the Lebanese Premiership announced on Friday.**

In a statement, caretaker Prime Minister Hassan Diab's office responded to circulating news that the Lebanese government was paying €500,000 to the STL to fulfill Lebanon's funding responsibility.

"The fact is that this amount is a donation that will be allocated for this purpose," the statement said.

It explained that the donation comes after "his Excellency Prime Minister Hassan Diab had repeatedly informed the Secretary-General of the United Nations and the presidency of the Tribunal since the beginning of this year, 2021, that Lebanon would not be able to pay its contribution to the financing of the Special Tribunal."

Diab's office noted that the payment of this gift to the STL was accompanied by a request from the Tribunal to set a timetable and a detailed plan for the conclusion of its tasks.

The STL had raised the alarm over its financial situation back in May when it announced that it had run out of funds.

Without the required contributions, the Tribunal announced in early June, it would have to close down after July.

This announcement was shortly followed by the cancelation of the Salim Ayyash trial due to the shortage of funding.

Lebanon, which is responsible for covering 49% of the STL's funding, has been unable to make its due payment to the Tribunal this year due to the crippling economic crisis it's going through.

### **Cabinet Office: Higher Relief Committee has received Beirut Families Union's request to approve financial donation in contribution to STL (mtv)** By National News Agency

July 9, 2021

#### **The Cabinet Office issued on Friday the following:**

"The Higher Relief Committee has received an official letter from the 'Union of Beirut Families Associations' requesting approval to accept a € 500,000 conditional financial donation in favour of the Higher Relief Committee, as a contribution to cover part of Lebanon's financial contribution to the Special Tribunal for Lebanon, provided that the amount is transferred to the STL's account.

The letter signed by the president of the Union, Mohammad Afif Yamout, states: "The Union of Beirut Families Associations is keen on providing a conditional financial donation to contribute to covering part of Lebanon's financial contribution to the STL, which suffers a lack of funding that hinders its operations and may lead to its suspension before the completion of the purpose for which it was established. This has serious repercussions that will adversely affect the achievement of justice and constitutes a dangerous precedent that puts the credibility of the United Nations at stake, knowing that the purpose of the establishment of the Tribunal goes beyond the assassination of martyr late Prime Minister Rafik Hariri, for it is a national and just cause; it is a matter of justice that all the Lebanese deserve, regardless of their affiliations. Thus, the Union of Beirut Families Associations seeks hereby seeks your approval of the conditional financial donation in favour of the Higher Relief Committee, worth 500,000 euros (fresh money) as a contribution to cover part of Lebanon's financial contributions to the STL. The funds will be transferred to the STL's account and necessary measures will be taken in accordance with the duly established procedures."

### **The Special Tribunal for Lebanon: What does its closure mean for Lebanon? (Atlantic Council)** By Nicholas Blanford, David Daoud, Gissou Nia, Reem Salah

July 13, 2021

**The Special Tribunal for Lebanon (STL) is set to cease operations at the end of July due to lack of funds as Beirut sinks deeper into economic and political crisis. The tribunal was created by United Nations (UN) Security Council Resolution 1757 (2007) and was officially established in 2009 to investigate the assassination of Prime Minister Rafik Hariri. The tribunal's budget was \$67 million last year, with Lebanon paying 49% of the bill and foreign donors and the UN members covering**

## **the rest. Unsurprisingly, however, Lebanon is unable to pay the invoice.**

Following the first judgment issued in August 2020, the STL found only one individual, Hezbollah member Salim Ayyash, guilty for the bombing that killed then-Prime Minister Rafik Hariri and twenty-one others. In June of this year, the tribunal was scheduled to hear arguments in a second trial regarding the assassination of Lebanese politicians George Hawi and the attempted assassinations of Marwan Hamade and Elias Murr. Despite pleas from UN Security General Antonio Guterres for member states to voluntarily contribute to secure funds to support the judicial proceedings, money remains unavailable, making the STL's closure most likely.

Atlantic Council experts comment on the impact of the tribunal for Lebanon and the wider region.

Was the Special Tribunal for Lebanon able to deliver any tangible, albeit minor, positive outcomes for the country?

After fifteen years of investigation and legal proceedings, the expenditure of some \$1 billion, the testimonies of three hundred witnesses in court, and the amassing of 170,000 pages of evidence, only one of the four defendants, Salim Ayyash, was found guilty. And none of them were in court anyway. The other three, also Hezbollah members, were found not guilty due to insufficient evidence. And Ayyash's guilty verdict was based almost entirely on an analysis of cell phone calls in the months leading up to the assassination of Rafik Hariri in a massive truck bomb explosion in central Beirut on February 14, 2005. The Lebanese demand for the truth about who ordered Hariri's assassination and why will remain unanswered. After such an anticlimactic outcome, the announcement in early June that the STL cannot continue its work due to lack of funds and may have to fold seems almost fitting.

It was not always this way. There was a time in the aftermath of Hariri's death when the United Nations-mandated international investigation and subsequent creation of the STL was one of the most dominant and divisive topics in Lebanon, leading to months of political deadlock, more assassinations, and a toppled government. Damascus was instantly blamed for Hariri's murder, which brought the United States and France into alignment on the need to establish an international investigation and tribunal on the assumption that President Bashar al-Assad had ordered the assassination. But the investigation took a dramatic and ominous turn in May 2009 when reports emerged that Hezbollah may have been involved. It was a sobering moment, even for arch critics of Assad, like Druze leader Walid Jumblatt, an ally of Hariri. Catching him in a reflective mood in early fall 2009, Jumblatt told me that Lebanon could have "justice [for the murdered Hariri] or stability, but not both."

Over the last several years, Lebanon has experienced its worst ever economic crisis, which threatens to plunge the country into total chaos. The proceedings of the STL were long ago surpassed by the more pressing realities of life in Lebanon. As it transpires, Jumblatt was wrong in his comment about Lebanon facing the choice of justice for Hariri or stability. The Lebanese have ended up with neither.

Nick Blanford is a nonresident senior fellow with the Middle East Security Initiative at the Atlantic Council's Scowcroft Center for Strategy and Security.

Compared to other tribunals, what made the Special Tribunal for Lebanon different, and should the international community have sought "justice" in Lebanon through a different mechanism?

From the jump, the Special Tribunal for Lebanon was an atypical international criminal tribunal, given its predominant focus on a single victim and its narrow focus on terrorism crimes, whereas similarly constituted courts tend to focus on a multitude of victims of war crimes, crimes against humanity, and genocide. Given the terms of its establishment, it is perhaps unsurprising that the court's threatened closure is unorthodox as well. By comparison, when other courts set up under Chapter VII of the UN Charter have announced closure plans—e.g. the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda—thoughtful preparations were made to preserve the courts' legacies and to create a residual mechanism to deal with matters arising after closure, including protection of victims and witnesses, tracking remaining fugitives, and enforcement of sentences.

If there is a rushed closure—with not much in the way of results after more than a decade of operations and \$700 million spent—it will give added weight to the growing narrative in the international justice field that justice solutions should be local, and proceedings in The Hague should only be an option when there is no recourse left for trials in the country or the region. Given the state of Lebanon's courts—which are not independent, impartial, or accountable and have further deteriorated even in the period since the establishment of the STL—many observers may wonder if the significant investment of time, effort, and resources into the STL would not have been better directed at judicial reform efforts at the local and national level.

Gissou Nia is a senior fellow with Middle East Programs at the Atlantic Council. She currently leads an effort to build a strategic litigation program on the Middle East and North Africa, with an initial focus on Iran.

Would the Special Tribunal for Lebanon ever have had any practical impact on Lebanon on Hezbollah's standing within the

country?

Unconfirmed reports indicate the STL will soon begin laying off employees. Perhaps, on some theoretical level, the untimely closure of the STL risks sending the message that terrorist groups can conduct political assassinations with impunity. And, yet, it's unclear that the STL's continuation or conclusion of its cases could have delivered the opposite message beyond granting the relatives of the victims the catharsis of recounting their grievances and having their stories memorialized before an international tribunal.

It's unlikely the STL could have delivered actual results—the justice and accountability demanded by the victims—making the Tribunal, effectively, a very expensive intellectual exercise. In fact, the STL has little, if anything, to show for over a decade of operations. The Tribunal's August 2020 verdict in the Ayyash et al. case acquitted all accused except for the eponymous Salim Ayyash, whose whereabouts are unknown. The Chamber also refrained from blaming either Hezbollah or the Syrian government for ordering Ayyash to assassinate Rafik Hariri, citing a lack of evidence despite acknowledging their motive. The highest the STL could point the accusatory finger in Hezbollah's command echelon was at Mustafa Badreddine, who was killed in Syria in 2016.

Yet, even had the Ayyash case concluded differently, Hezbollah would have felt very little impact. The same applies to the STL's cases which will remain unfinished due to the Tribunal's premature shuttering. The group has spent years feeding its supporters a narrative delegitimizing the STL and any verdict it may issue. Therefore, few among the group's supporters would have defected had Hezbollah's leadership been found guilty of ordering the string of assassinations being investigated by the STL, including Rafik Hariri's, making any expectation that the STL could "tarnish" Hezbollah's image moot. Most certainly, no verdict—no matter how damning of the group—would have resulted in the Lebanese officials nor state taking any action against Hezbollah or its leadership.

David Daoud is a nonresident fellow at the Atlantic Council and a research analyst on Lebanon and Hezbollah at United Against Nuclear Iran (UANI).

What does shutting down the Tribunal mean for the rest of the region and Syria, in particular, given the level of crimes taking place right next door to Lebanon?

The STL's judgment on August 18—limited to the finding of guilt of a single individual—was a far cry from the aspirations for justice and accountability in a country that has seen neither forty years on from the end of its bloody civil war. Yet, despite this, the STL still represents the only accountability mechanism in place to investigate and bring even negligible justice for the assassinations of Prime Minister Rafik Hariri and Lebanese politicians Marwan Hamade, George Hawi, and Elias El-Murr, among others. Rather than reform and insulate the STL from the political meddling and pressure that prevented it from issuing a more honest and far-reaching verdict on the assassination of Hariri, Lebanon and the international community are sending a chilling message that even deficient justice is superfluous. This message is not only dangerous for Lebanon, which has continued to see political assassinations and, more recently, the leveling of large parts of Beirut as a result of criminal negligence, but also for neighboring Syria, where the Syrian government has repeatedly used chemical weapons against its population, bombarded cities and towns with indiscriminate bombs, and mass detained and tortured political dissidents and even humanitarian workers. The solution to Lebanon's political and financial woes should not be the closure of accountability bodies, but rather their modification and empowerment.

Reem Salahi (JD) is a Nonresident Fellow at the Atlantic Council and a consultant specializing in Syria, human rights and rule of law.

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## **Israel and Palestine**

**Israeli Settlements Should be Classified as War Crimes, Says Special Rapporteur on the Situation of Human Rights in OPT – Press Release (UN)** By S. Michael Lynk

July 9, 2021

**The UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Michael Lynk, today called on the international community to designate the creation of Israeli settlements as a war crime under the**

## Rome Statute of the International Criminal Court.

Lynk said the Israeli settlements violate the absolute prohibition against the transfer by an occupying power of parts of its civilian population into an occupied territory. The international community designated this practice as a war crime when it adopted the Rome Statute in 1998.

“For Israel, the settlements serve two related purposes. One is to guarantee that the occupied territory will remain under Israeli control in perpetuity. The second purpose is to ensure that there will never be a genuine Palestinian state,” Lynk told the Human Rights Council in Geneva.

“These are exactly the reasons why the international community agreed to prohibit the practice of settler implantation when it created the Fourth Geneva Convention in 1949 and the Rome Statute in 1998.”

He said the Israeli settlements were “the engine of Israel’s 54-year-old occupation, the longest in the modern world”. There are now close to 300 settlements in occupied East Jerusalem and the West Bank, with more than 680,000 Israeli settlers.

Lynk said that the illegality of the Israeli settlements is one of the most settled and uncontested issues in modern international law and diplomacy. Their illegality has been confirmed by the United Nations Security Council, the General Assembly, the Human Rights Council, the International Court of Justice, the International Committee of the Red Cross, the High Contracting Parties to the Fourth Geneva Convention and by many international and regional human rights organizations.

“It is a tragic paradox that, while the Israeli settlements are clearly prohibited by international law, the international community has been remarkably reluctant to enforce its own laws,” he said.

“In December 2016, the UN Security Council reiterated its long-standing demand in Resolution 2334 that Israel must immediately and completely cease all settlement activities. Yet, since early 2017, the UN Special Coordinator for the Middle East Peace Process has reported to the Security Council on 18 consecutive occasions that Israel has taken no steps to comply with its obligations under Resolution 2334.”

In his report, the Special Rapporteur called on the international community to adopt a plan of action:

Fully support the work of the Office of the Prosecutor of the ICC as it investigates whether the Israeli settlements violate the Rome Statute; Call upon Israel to fully dismantle its settlements; Develop a comprehensive menu of accountability measures to bring Israel in compliance with international law should it continue to defy the international community; Ensure full accountability of Israeli political, military and administrative leaders who are responsible for grave breaches of international law in the Occupied Palestinian Territory; and Call upon all UN member states to implement the injunction of the Security Council in 1980, in Resolution 465, not to provide Israel with any assistance to be used in connection with the settlements.

“The time for criticism of the Israeli settlements has passed,” said Lynk. “Former Secretary General Ban Ki-Moon has said only last week that it is the lack of any international legal accountability which has enabled Israel to ignore successive UN resolutions. A new approach grounded in international law is the only path to a just end to this perpetual occupation.”

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## Gulf Region

**Britain is funding groups that 'whitewash human rights abuses' in Gulf states, MPs say (Independent)** By Jon Stone

July 6, 2021

**The government has been accused of using "secretive" payments to channel public funds to institutions that have "whitewashed human rights abuses" in the Gulf region.**

A cross-party group of MPs, including Tory MP and father of the house Peter Bottomley, said government funds had been

used to send £53.4m to the six Gulf Cooperation Council states between 2016 and 2020 According to the All-Party Parliamentary Group (APPG) on Democracy and Human Rights in the Gulf, which drew up the report, the money is going to institutions that are complicit in human rights abuses. And the MPs accuse the government of making "misleading and deceptive" claims about the way UK funds are being spent in the region. They say the government has "repeatedly ignored evidence" that beneficiaries of UK funding in the Gulf have been implicated in human rights abuses. And it is alleged that the government's mandatory human rights impact assessments are "flawed, improperly applied and entirely absent in some cases". The warning comes as the UK seeks closer relationships with the Gulf states following Brexit – and amid concerns the pressure to find alternatives to trading with the EU could push Britain into the hands of states with poor human rights records. "Millions of pounds are being taken from the British taxpayer and spent secretly in Gulf states, some of the richest nations on earth," said Andy Slaughter, Labour MP for Hammersmith and APPG Vice-Chair. "Despite a severe deterioration in human rights in states like Bahrain and Saudi Arabia, the government continues to ignore warnings from parliament, human rights groups and their own evaluations and throw millions of pounds of public funds at institutions consistently implicated in human rights violations. This funding should be halted pending an immediate investigation." Saudi Arabia, Bahrain, the United Arab Emirates, Qatar, Kuwait and Oman, which make up the Gulf Cooperation Council, all have poor human rights records, according to NGOs. The investigation by the MPs focuses on payments made to these states through the government's Integrated Activity Fund (IAF), which operated between 2016 and 2020, and its successor, the Gulf Strategy Fund (GSF). Beneficiaries of the funding include the Saudi Arabian National Guard, and the country's Joint Incident Assessment Team, which has been repeatedly criticised by NGO Human Rights Watch for "failing to provide credible, impartial, and transparent investigations into alleged coalition laws-of-war violations". "UK funding to Saudi Arabia thus supports bodies accused of breaching international law and whitewashing war crimes in Yemen," the MPs say. In Bahrain, the UK has been providing Bahrain with "technical assistance", aimed at supporting "progress on building effective and accountable institutions, strengthening the rule of law, and justice reform". Beneficiaries include organisations that the MPs say are "internationally discredited" with regards to human rights such as the country's the Ministry of Interior Ombudsman and the National Institute for Human Rights (NIHR). Josie Thum, secretariat of the APPG and Research and Policy Associate at the Bahrain Institute for Rights & Democracy (BIRD), commented: "Despite pouring millions of pounds into Gulf states over the last five years, this report shows that UK-backed institutions continue to be implicated in appalling human rights violations, including alleged war crimes, executions and the torture of children. "As they seek to deepen trade ties with the Gulf, the government must start putting people above profits and come clean with the public about how their money is being spent in the region." An FCDO spokesperson said: "The UK works with partners around the world to improve their human rights records, including in the Gulf. All cooperation through the Gulf Strategy Fund is subject to rigorous risk assessments to ensure all work meets our human rights obligations and our values. "We do not shy away from raising legitimate human rights concerns, and encourage other states to respect international law."

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## ASIA

### Afghanistan

**UN Should Investigate Deadly Attacks on Afghan Civilians (Human Rights Watch)** By Heather Barr  
July 2, 2021

**Human Rights Watch today joined Afghan and international human rights organizations calling for a United Nations-mandated fact-finding mission to investigate escalating attacks on civilians in Afghanistan to promote justice and accountability.**

Targeted attacks on civilians are escalating in Afghanistan as foreign troops leave well ahead of the September 11, 2021 deadline set by the United States. The attacks often target people who hold the chance of a brighter future for Afghanistan, hard-working students, women who have fought for and achieved educational and professional success, and dedicated health



professionals, humanitarian workers, and government officials.

Recent attacks illustrate this awful trend. Bombs awaiting girls as they leave high school in a minority Hazara neighborhood. Gunmen roaming the halls of a maternity ward shooting new mothers and women in labor in the same Hazara neighborhood. A bomb targeting Sikhs as they mourn dozens killed in an attack on their temple the day before. Men attacking a team of workers clearing landmines, seeking the Hazara members of the team, and killing indiscriminately when their ethnic profiling efforts were foiled. Students bombed as they studied for university entrance exams. Polio vaccinators, many of them women, gunned down. Women journalists assassinated. Women judges assassinated.

Accountability for these attacks is nearly non-existent. The Afghan government has never credibly investigated such attacks, even in government-controlled areas. The government has also tried to prevent an investigation by the International Criminal Court into alleged war crimes and crimes against humanity.

The Afghanistan Independent Human Rights Commission has called on the UN high commissioner for human rights, Michelle Bachelet, to establish a fact-finding mission to investigate attacks on civilians that have occurred since January 2020. Human Rights Watch along with organizations including Amnesty International, the Center for Civilians in Conflict, the International Commission of Jurists, and the International Federation for Human Rights support this call.

There is no entity in Afghanistan able to adequately investigate these crimes. Conducting investigations amid rising insecurity in Afghanistan will be hard but not impossible, and Afghans cannot afford more impunity. Accountability for these crimes is crucial and urgent. The UN should clearly communicate to perpetrators that attacking and killing civilians has consequences.

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

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

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

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## **Bangladesh International Crimes Tribunal**

**UN must recognise 1971 Bangladesh genocide by Pakistan forces: Exiled Kashmiri leader (Yahoo news)**  
July 8, 2021

**Exiled Kashmiri leader Sardar Shaukat Ali Kashmiri has urged the United Nations and other international institutions to recognise Pakistan's genocide during Bangladesh's 1971 war of independence and called Islamabad to apologise for the war crime.**

Shaukat Ali, the chairman of the United Kashmir People's National Party (UKPNP), was speaking at a protest against Pakistan in Geneva outside United Nations Office by the Bangladesh community.

He expressed solidarity with the victims of the genocides of 1971, wherein the Pakistan Army launched an attack on unarmed civilians to crush the Bengali rebellion.

Holding placards and banners, the demonstrators raised slogans demanding the recognition of the genocide by Pakistan. One

of the banners read: 'Recognise Bangladesh Genocide of 1971'.

Another banner read: 'Bangladesh Genocide, 3 million people killed, 200 thousand women raped and 10 million refugees'

"It was the Pakistani Army who killed many freedom fighters of Bengal and committed genocide," Shaukat Ali said.

"We are here to ask United Nations and all the international institutions to recognise the 1971 war crimes and genocide of Bangladeshi people. Ask Pakistan to apologise and also accommodate the victim families," he added.

Bangladesh, erstwhile East Pakistan witnessed almost a full collapse of humanity during the nine months of March to December in 1971. Though atrocities and brutality started well before March 1971, a continuation of this barbarism reached its peak on the night of March 25, 1971.

According to the report, three million people were killed, half a million girls and women were raped, and entire villages were laid to waste. Men became primary targets (almost 80 per cent male, as reported by the Bangladesh Genocide Archives). The abduction and subsequent rape of women by soldiers took place in camps for months.

The 1971 genocide remains unknown and unrecognized to the world. Human rights activists have, time and again, urged the UN to shine a light on genocidal acts committed by Pakistani forces.

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## **War Crimes Investigation in Myanmar**

**Myanmar junta committing 'crimes against humanity': UN expert (The Straits Times)**

July 7, 2021

**Myanmar's military has carried out crimes against humanity since seizing power in February, a top UN rights expert said on Wednesday (July 7), urging the international community to do more to halt the abuses.**

Speaking before the UN Human Rights Council, Mr Thomas Andrews, the special rapporteur on the rights situation in Myanmar, decried the "widespread, systematic attacks against the people" since the coup five months ago.

Myanmar has experienced mass protests and a brutal military response since the Feb 1 coup which ousted civilian leader Aung San Suu Kyi.

"The junta's military forces have murdered approximately 900 people, forcibly displaced hundreds of thousands, tortured many, including torturing people in custody to death, disappeared untold numbers; and arbitrarily detained nearly 6,000."

Some of the acts, he said, "amount to crimes against humanity", lamenting the fact that more had not been done to rein in the violations.

"The international community is failing the people of Myanmar," he said.

Mr Andrews said the military had cut off food, water and medicine to those displaced by its attacks on villages.

It had "taken family members hostage when its forces are unable to find those with outstanding arrest warrants", including recently arresting a four-year-old child, he added.

But the international community so far had failed to take the actions needed to bring the violations to a halt, he said.

The people of Myanmar, he warned, "desperately need the support of the international community before it is too late".

"Some in Myanmar have lost hope that help from the international community will be forthcoming and have instead sought to defend themselves through the formation of defence forces and acts of sabotage," he added.

"This trend could escalate quickly and the junta's pattern of the use of grossly disproportionate force in response will likely lead to an even greater loss of life."

Mr Andrews repeated a call for the creation of an international Emergency Coalition for the People of Myanmar, which could impose sanctions and "significantly reduce the revenue that the junta needs to continue its reign of terror."

"Cut off their income, and you cut off their capacity to continue their relentless attack on the people of Myanmar," he said.

The international community should also ban arms sales to the Myanmar military, and launch investigations into the violations committed, he said.

And there needed to be a dramatic hike in humanitarian aid to the people through "non-junta channels": Countries should work together to "deny any claims of legitimacy that the junta may try to assert", he added.

"There is no guarantee that this approach will succeed," he acknowledged, but "there is overwhelming evidence that the current path leads to even greater impunity, a humanitarian disaster, and a failed state".

**Five-Year-Old Forced to Endure Stress Positions During Two-Week Detention by Myanmar's Junta (Radio Free Asia)** By Soe San Aung  
July 8, 2021

**A five-year-old girl whose father helped organize protests against Myanmar's junta was forced to endure stress positions during more than two weeks in detention, according to her father, making her what observers say was the country's youngest known political prisoner under the military regime that seized power in February.**

On June 13, security forces in Mandalay region raided the home of Soe Htay, a local activist who had led demonstrations in Mogok city against the junta following its Feb. 1 takeover of Myanmar's democratically elected National League for Democracy (NLD) government.

Soe Htay had already gone into hiding with his two sons, and when authorities failed to locate him, they arrested his wife Nan Kyi Kyi Khine and their daughters Theint Sandi Soe, a 17-year-old third-year law student, and Su Htet Waing, a five-year-old girl. Arresting relatives of wanted protesters has been a common practice.

The protests Soe Htay had organized in Mogok were part of a nationwide backlash against the military following its coup, which it said was necessary because the NLD's landslide victory in the country's November 2020 elections was the result of widespread voter fraud. Regime leaders have yet to produce any evidence of their claims, while soldiers have violently cracked down on the demonstrations.

According to the Bangkok-based Assistance Association for Political Prisoners (AAPP), the military has killed 898 people and arrested 5,127 in connection with the anti-junta protests. Of those, 2,269—including Su Htet Waing—were freed from prisons across the country as part of a general amnesty on June 30, although observers say the release was little more than a stunt by the military to gain international recognition.

Soe Htay, who was reunited with Su Htet Waing and remains in hiding, recently told RFA's Myanmar Service that his daughter was left "traumatized" because of the poor treatment she was subjected to during her 18 days in detention.

He said Su Htet Waing told him that she and others were regularly forced to assume the "ponzan" posture—a half-sitting, half-standing stress position—during roll call, and that she "hated the people" who ordered her to do it.

Su Htet Waing "knows nothing about politics" and had only called for the release of NLD leader Aung San Suu Kyi, who was detained along with several other party officials shortly after the military takeover, Soe Htay said.

"She doesn't understand the politics we were discussing," the NLD member and leader of the Mogok Township Peace and Open Society told RFA.

Soe Htay said he recently learned from staff at the Mogok Prison that his older daughter is enduring "serious health problems" while she remains in detention. He said that he has had no direct contact with his family members since the day of their arrest.

"My eldest daughter was on medication, suffering from rheumatism when she was arrested. On the day of her arrest, she was taken away with the only clothing she had on, and she didn't have any of her medicine," he said.

"She had to kneel down, handcuffed, on the concrete floor for two or three hours during questioning ... and now she is in critical condition, according to what a friend in the prison told me."

Attempts by RFA to contact junta spokesman Zaw Min Tun for comment on the arrest of Soe Htay's family members went unanswered Friday.

'Illegal' detention

Speaking to RFA this week, lawyer Khin Maung Zaw said arresting a five-year-old is "illegal."

"Even if children under the age of 18 commit crimes, they are not allowed to go to jail. They are not allowed to be held behind bars," he said.

"Arresting a five-year-old is totally unlawful. It's a violation of human rights, too. There is nothing this military regime wouldn't hesitate to do if their hold on power was threatened. Not even children will be spared."

Naw Susanna Hla Hla Soe, Minister for Women, Youth and Children for Myanmar's shadow National Unity Government (NUG), said Su Htet Waing will be recorded as the youngest political prisoner under the military regime.

"Such arrests constitute war crimes and those responsible must be held accountable," she said.

"This arrest and detention are a violation of childrens' rights and the law. The child is too young and can be left deeply traumatized. We are working with professional counselors."

Naw Susanna Hla Hla Soe also condemned what she called "hostage-taking" by the junta, adding that by NUG's count there are around 80 minors currently in detention.

Soe Htay told RFA he is determined to fight to the end against the military, even though his family has been arrested.

"I am determined to root out this dictatorship," he said.

"I see the suffering of my daughters and wife as a sacrifice to this revolution. It is from these feelings that I get the strength to fight for a speedy end to the revolution."

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## AMERICAS

### North & Central America

**Will Canada face criminal charges for residential school abuses? (Aljazeera)** By Hilary Beaumont  
July 8, 2021

**Like many Indigenous people across Canada, Andrew Phypers, a criminal defence lawyer from the Lower Kootenay Band in the Canadian province of British Columbia, has a personal connection to "residential schools".**

His mother attended St Eugene's Mission Residential School, where late last month ground-penetrating radar found 182 Indigenous children's unmarked graves.

"I have lots of people in my community that attended the residential schools and can personally attest to the atrocities that did occur there," Phypers told Al Jazeera in a recent phone interview. The unmarked graves at St Eugene's were among several recent discoveries of hundreds of Indigenous children's graves at the government-founded and church-run assimilation institutions.

From the late 1800s until 1996, Canada removed 150,000 Indigenous children from their homes and forced them into institutions run by church staff where they had to cut their long hair and were forbidden from speaking their language and practising their culture. Many were physically and sexually abused. Thousands of children are believed to have died.

Canada's goal was to kill Indigenous culture to make land and resources available to settlers. The Truth and Reconciliation Commission (TRC), a years-long process documenting survivors' stories, concluded the practice was cultural genocide.

In 2016, the Canadian government identified more than 5,000 abusers, but to date, no individuals or institutions have faced charges under the Crimes Against Humanity and War Crimes Act, a federal law passed in 2000. A small number of priests were charged with sexual assault, but none have faced charges for homicide, according to lawyers familiar with the matter.

The recent discoveries of unmarked graves have spurred Indigenous groups and lawyers to demand that police lay criminal charges against the Canadian government, churches and individual perpetrators of crimes committed in the institutions.

The Native Women's Association of Canada (NWAC) is behind a push for criminal charges, while Phypers is working with a group of lawyers to encourage the International Criminal Court (ICC) to open an investigation into the institutions. But experts say their efforts could be stalled or thwarted by the Canadian government.

"Part of our ambition is to see accountability," Phypers said.

The ICC, the world's first permanent international criminal court, investigates and, when warranted, tries individuals for the most serious crimes, including genocide, war crimes and crimes against humanity.

Phypers is working with Brendan Miller, a lawyer with a background in international law who said individual abusers, the Canadian government and the Catholic Church could all face charges related to residential schools under the Crimes Against Humanity and War Crimes Act.

Under the Act, Canada is one of the only countries in the world to give the ICC prosecutor domestic powers. That means if the ICC opens an investigation into residential schools, it can demand documents and undertake an investigation, and it would be an offence for the Canadian government to interfere with that process. The ICC can also request that police in Canada help it investigate war crimes.

"If the ICC prosecutor opens up a file, you've got a pure, independent investigation," Miller said.

On June 3, Miller asked the ICC to open a preliminary examination into Canada's residential schools. If the court decides to prosecute, there would be a trial. The ICC prosecutor did not respond to Al Jazeera's request for comment on whether it would open an investigation.

But the ICC is a court of last resort – it does not replace national courts unless a country neglects to initiate an impartial investigation, Miller explained. Canada has yet to do this.

"They've known about all these things for decades, and they haven't done anything," he said, about the crimes committed at the residential schools, which have been widely documented. "Canada is supposed to be this bastion of human rights, and it's an absolute embarrassment that we can't even do an impartial investigation of this, which is quite clearly a crime against humanity."

Other than an ICC prosecution, there are other paths to criminal charges.

Any peace officer in Canada can initiate charges, such as murder or sexual assault, under the Criminal Code, the law that lays out criminal offences in Canada. But if an officer wanted to charge an individual or institution with a crime under the Crimes Against Humanity and War Crimes Act – genocide, for example – they would need the consent of Canada's attorney general.

This is where it gets complicated, as this requirement, in practice, means the government itself would be in a position to block the charge. In Canada's government, the attorney general litigates on behalf of the Crown and is the top legal adviser to the Canadian government.

"As far as I know, the police have laid no charges, so there's no consent required yet," explained NWAC general counsel Steven Pink, who questioned why police have taken so long to pursue justice. "It's our position there's overwhelming evidence of a genocide in Canada," he said, pointing to the 7,000 residential school survivors who testified before the TRC. Phypers, Miller and the NWAC all have called on Attorney General David Lametti, who is also Canada's minister of justice, to consent to charges, if and when they are brought. Lametti has not yet committed to this.

"The minister of justice is examining all options that fall within the justice portfolio to advance truth and justice in relation to this national tragedy," Chantalle Aubertin, press secretary for Lametti, told Al Jazeera. "It's important to note that the

investigation of crimes is within the exclusive jurisdiction of the police. The minister of justice and attorney general of Canada does not initiate criminal investigations.”

However, Miller said that if the minister “was really serious about exploring all options – and I can tell you we have asked for this in writing – they would pass a piece of legislation creating an independent body of police to investigate this and allow them to do it”.

“So for him to say that he’s looking at all options and he can’t compel an investigation and all of that, that’s garbage,” said Miller, who added Lametti can request municipal police to create an independent investigation. “They just don’t want to,” he said.

Al Jazeera asked Lametti’s office whether he will take these steps, but did not receive a response in time for publication.

The NWAC has called on Canada’s federal police force, the Royal Canadian Mounted Police (RCMP) to declare residential school sites crime scenes and investigate the people responsible for crimes committed there.

But Phypers questioned whether the RCMP could run an impartial investigation since it was the authority that enforced laws related to residential schools and took Indigenous children from their parents. Al Jazeera asked the RCMP if they would investigate, but they did not answer the question.

Across Canada, police forces are investigating recent vandalism and burnings of churches as hate crimes, but it is not clear yet if police are investigating crimes in residential schools.

“It’s clear to me that people are very angry about these discoveries and clearly hold the church to blame, and that’s why these churches are being symbolically and actually burned,” Phypers said.

If the graves were found on private property instead of residential school sites, he said police likely would have opened an investigation already. “They would have said, where did these bodies come from, and who is responsible for putting them there? When it’s now tied to a church and the government, you don’t have that same reaction.”

But Phypers said he hopes public pressure will push police to open impartial investigations that will result in prosecutions and criminal trials across the country. “I would hope on the heels of all these discoveries of mass graves, that would motivate them to move quickly, especially as that number keeps rising.”

**[Mexico’s Invisible Human Rights Crisis Intensifies (Just Security)]** By Camilo Pérez-Bustillo

July 12, 2021

**Serious policy thinking and media analysis on Mexico has too often been drowned out by the tropes that position the country as a landscape of the so-called “drug war,” or various economic or trade crises, or as a source for waves of unwanted mass migration. These intertwined, prevailing narratives often marginalize and render invisible deeper, persistent structural injustices reflected in what has now become a rapidly intensifying human rights crisis. The general deterioration in rights protections is accompanied by a recent spate of killings of human rights defenders and mounting paramilitary violence./p>**

The crisis includes more than 300,000 civilian deaths since 2006, exceeding the combined number of deaths in Iraq and Afghanistan during the same period. Additionally, the more than 61,000 people estimated to have been forcibly disappeared would exceed the historical numbers in cases such as Argentina’s “Dirty War.” Successive Mexican governments have long downplayed and manipulated these tallies.

This kind of erasure is especially notable when the victims are of indigenous origin, migrants, or women, who are among the populations most impacted by continuing failures on the part of both the Mexican and U.S. governments to take human rights issues seriously, within Mexico and beyond. This crisis is a crucial test for both the Biden administration and that of Mexican President Andrés Manuel López Obrador (known widely by his initials as AMLO). Thus far, both are falling woefully short. Both the United Nations and the Organization for American States human rights systems have extensively documented the harrowing dimensions of this challenge.

Four well-known human rights defenders of indigenous origin have been slain in Mexico within the last month. Two (Tomás Rojo and Luis Urbano Domínguez Mendoza) were from Yaqui indigenous communities in the northern region of Sonora, one was from the Pacific central coast region of Nayarit (David Díaz Valdez), and another (Simón Pedro Pérez López) was from the Highland Maya communities of Chiapas near Mexico’s southern border. Rojo and Urbano, both killed in June, were leaders of Yaqui struggles in defense of water resources; Díaz, too, was an environmentalist active in resistance to contamination

produced by a local thermo-electric power plant.

These killings are representative of the systematic, generalized dangers human rights defenders face in Mexico, threats that have been exacerbated by AMLO's intensified militarization of the country coupled with his administration's failures to comply with the country's most basic obligations to respect, protect, and fulfill internationally recognized human rights standards. At least 19 human rights defenders were killed in Mexico during 2020, with 14 indigenous activists killed thus far in 2021 in addition to the cases highlighted above.

Pérez López, killed on July 5, was a respected colleague. He was former chair of the leadership council of the organization of survivors and families of the 45 victims, including 36 women and children, of the Dec. 22, 1997, Acteal Massacre. AMLO's government has acknowledged the Mexican state's responsibility for failing to prevent this attack, which was perpetrated by paramilitary forces trained and financed by military and civilian officials linked to the administration of President Ernesto Zedillo, as part of its repressive, militarized, U.S.-backed response to the 1994 Zapatista uprising. The organization of victims of the Acteal massacre is known as "Las Abejas" or "The Bees" because of their organizing skills and persistence, and its members have been outspoken in opposition to pressures from government officials to reach an "amicable settlement" of the complaint they brought regarding the 1997 massacre.

AMLO's administration has meanwhile maintained the military occupation of the Chiapas Highlands, which has continued to facilitate the consolidation of paramilitary forces that regularly target alleged supporters of the Zapatistas and grassroots organizations such as Las Abejas. As of the first week of July, reports indicate that in the region of Pantelhó, where Pérez López was killed, possibly as many as 26 people slain, 40 injured, and more than 2,000 forcibly displaced, all under the noses of the thousands of Mexican military deployed in the area.

Recent visits to Mexico by U.S. Vice President Kamala Harris, Secretary of Homeland Security Alejandro Mayorkas, and CIA Director William Burns, and related remarks by the heads of the Pentagon's Northern and Southern Commands underline the above-mentioned traditional fixations of U.S. policymakers. They also illustrate the U.S. tendency to ignore well-documented and integrally related concerns regarding Mexico's human rights record that have been articulated by both Mexican and international observers.

The visits by Harris, Mayorkas, and Burns were primarily intended to promote the administration's initiative to address "root causes" of massive migration from the Meso-American region. They came at the same time that Mexico is confronting one of the gravest human rights crises in its history, at the hands of an increasingly authoritarian president. López Obrador, a supposed reformer, has consistently targeted media and non-governmental watchdog critics as enemies of his régime, and of the country's sovereignty. That should sound familiar to Americans emerging from the shadows of the Trump administration.

López Obrador is routinely criticized by Mexican and global élites for the usual reasons — as a perceived threat to their entrenched interests. But most tragically, he has been embraced by many observers across the political spectrum as a "leftist" icon, at the same time as he has pursued a series of top-down "mega" development projects that are being courageously resisted by Mexico's leading indigenous and environmentalist movements and their allies. López Obrador also has failed to comply with Mexico's duty of transitional justice to fully address the legacies and implications of massive human rights crimes inherited from previous administrations (such as the Acteal Massacre and the still unresolved case of the 43 missing students from the Ayotzinapa rural teacher's school), plus recurrent patterns of sexual and gender violence. Overall AMLO's human rights record is beginning to emulate the worst of his peers in ruinous contexts such as Colombia.

Instead, the AMLO administration has intensified the militarization of Mexico's public security and of the country as a whole, including impunity for military commanders linked to longstanding abuses and corruption, and their structural complicity with drug lords. A key instance is his administration's protection and exoneration of former Mexican Defense Minister Salvador Cienfuegos, who also is linked to major human rights crimes. Such patterns exemplify AMLO's dependence on the military for his power and legitimacy.

All of this reflects AMLO's political origins in the most repressive and corrupt period of rule by Mexico's Institutional Revolutionary Party (PRI), between 1970 and 1982. He joined the party and became one of its most notable young leaders at the same time as the party's unquestioned chiefs were Presidents Luis Echeverría Álvarez (1970-76) and his hand-picked successor, José López Portillo (1976-82). Together, they perfected the art of combining ostensibly radical "Third Worldist" rhetoric with severe, military-backed, U.S.-supported repression of those identified as internal political enemies, especially on the left, resulting in hundreds of political prisoners and forced disappearances.

AMLO is being openly encouraged by the United States to do the "dirty work" of deterring migration flows that are inconvenient for the Biden administration's image. This was Mexico's primary role during the Trump administration, as it acquiesced in denying the right to seek asylum for thousands of migrants stranded on Mexican territory, pursuant to the so-called Migrant Protection Protocols. At the same time, these migrants also were repeatedly denied urgently needed humanitarian aid by both governments, as well as by their countries of origin, in improvised, unsafe settings such as the

Matamoros migrant camp.

U.S.-Mexico complicity in this context also includes the expulsion by the United States to Mexico of more than 600,000 migrants without due process, pursuant to Title 42 of the U.S health code, with the pandemic as a pretext, since March of 2020. This has been combined with active efforts by Mexican security forces to deter increasing numbers of Mexican citizens who have sought to flee the wreckage of a country devastated by U.S. policies related to the drug war and free trade, plus AMLO's Trumpian mishandling of the COVID pandemic. According to a recent University of Washington study, his mismanagement may have resulted in more than 600,000 deaths and one of the highest fatality rates in the world, coupled with an economic collapse that has intensified already high levels of poverty and inequality.

The joint U.S.-Mexico campaign to contain and repress migrant flows has produced the greatest remilitarization of the isthmus since the devastating U.S.-backed regional wars of the 1980's, together with the unjust detention of thousands of migrant children in squalid conditions at improvised sites on the U.S. side of the border like Fort Bliss in El Paso. To the south, more than 15,000 Mexican troops and security forces have been deployed at the country's northern and southern borders. In a recent incident, Mexican soldiers killed a Guatemalan migrant at a Mexican border checkpoint in Chiapas.

Thousands of Guatemalan and Honduran forces have been positioned along their own borders as well. In Guatemala's case, this is the same military that waged a genocidal war against the country's indigenous peoples in the 1980's, with the Reagan administration's enthusiastic support. Meanwhile in Honduras, the same armed forces relied upon to deter and repress migrants are those that helped oust and exile an elected president in 2009 who had earned the enmity of the Obama administration for his reformist zeal.

U.S. reliance on regional militarization as a supposed solution for recurrent flows of forced migration helped lay the basis for the massacre on Jan. 22 this year of 19 migrants at the hands of a dozen Mexican state police from a US.-trained unit in Camargo, Tamaulipas, minutes from the U.S. border. This was the fifth migrant massacre on Mexican territory since the San Fernando massacre and mass graves in 2010 and 2011. Sixteen of the victims were from Guatemala's poorest indigenous Maya Mam communities, who were among the most recurrent victims of the genocide of the 1980's. Many migrant children held unjustly and indefinitely in settings such as Fort Bliss and convention centers are also of Guatemalan indigenous origin.

Current binational cooperation focuses on the containment and repression of "irregular" migration flows. In practice, that ends up in abuses such as the beating and gassing by Guatemalan security forces, on the eve of President Joe Biden's inauguration, of thousands who joined the latest migrant caravan, including many women and children. This was applauded by U.S. Ambassador William Popp at a Guatemala City press conference on Jan. 22, flanked by Guatemala's Foreign Minister and Mexico's Ambassador.

No U.S. initiative to address the supposed "root causes" of mass migration will be meaningful unless it focuses on the kinds of human rights violations highlighted above. These abuses amount to a denial of the most basic human rights of all — the right to a dignified life and the right to migrate whenever structural conditions make such a life impossible.

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## South America

**Colombian Military Leaders Accused of Assassinating Civilians in Civil War (NY Times)** By Julie Turkewitz  
July 6, 2021

**A special court in Colombia has charged a general and other top military leaders with crimes against humanity, accusing them of assassinating 120 civilians and presenting the victims as combat casualties in a bid to show the country was winning its long civil war.**

The indictments are the first in which Colombia's special peace court, created by a 2016 agreement between the country's government and its largest rebel group, has held anyone accountable for the killings, which erupted into public view in 2008 and became known as the "false positives" scandal.



The scandal has emerged as emblematic of the country's decades-long internal conflict, a painful symbol of the way civilians were not just accidental casualties in a war between left-wing guerrillas, paramilitaries and the military — but sometimes targets of all three groups.

Hundreds of members of the military were convicted in the scandal by the country's regular court system but were later released under the 2016 peace accord, which transferred jurisdiction of their cases to the special peace court.

The charges are part of a larger legal and political reckoning around the facts of the war, one that continues to divide society, with some arguing that the civilian killings were the crimes of a few bad actors, and others calling them a systematic military practice.

In all, the special peace court accuses the military of killing as many as 6,402 civilians and trying to pass them off as combatants.

The indictment names Brig. Gen. Paulino Coronado Gámez as one of those responsible for the killings, making him the highest-ranking official to be accused in the false positives case in any court, said Juan Pappier, Colombia researcher at Human Rights Watch.

Past indictments in the regular court system focused on lower-ranking officials. (One other general, Henry Torres Escalante, was previously indicted in the regular system, though he was a colonel when the alleged crimes took place.)

In all, 11 people are charged in the new indictments, and officials said they plan to charge more people soon.

In court documents, authorities said the killings, which took place in 2007 and 2008 in the Catatumbo region, by the border with Venezuela, "were not isolated, spontaneous or sporadic acts."

Instead, they said, "these acts are interrelated and were committed as part of a widespread and systematic attack against the civilian population, that is, they are crimes against humanity."

The court said that members of the military at first captured and killed young men from rural areas in the region of Catatumbo. But after complaints from locals and human rights groups in the area, soldiers moved to new a strategy: contracting with third parties to recruit vulnerable people — including unemployed, homeless and disabled people — from other municipalities and bring them to Catatumbo.

There, the victims were assassinated and their deaths were used to "criminally add to the official statistics of military success," the court said.

In a news conference after the indictments were issued, Judge Catalina Díaz said that witnesses had described how officers were pushed to bring in combat casualties with promises of awards, vacations — and even special meals of hamburgers and fried chicken.

Among the victims was Julián Oviedo Monroy, 19, whose mother said he disappeared one night in 2008 after telling her he'd been recruited for job.

In an interview last year, Blanca Nubia Monroy, 62, said that she later discovered that the recruiters had handed him over to the military, who had killed him and tried to pass him off as a member of one of the country's left-wing guerrillas.

On Tuesday, she said the indictments brought her a measure of peace. "They're not going after the low-level officers like the regular justice system," she said of the peace court. "They're going after the highest ranks," she added, "so that the deaths of our children do not end with impunity."

Mr. Pappier of Human Rights Watch called the announcement "a vindication for victims and human rights groups that have been fighting for justice in this case for more than a decade."

Under the terms of the special peace court, the 11 individuals have the option to acknowledge the crimes as charged, or go to trial. If they admit to the crimes, they will receive up to eight years of an alternative sentence that could include home confinement or participation in public building projects. If they choose to go to trial and are found to be guilty, they could face up to 20 years in prison.

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# Venezuela

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## TOPICS

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### Terrorism

**Is Hong Kong turning into a breeding ground for terrorism? How authorities assess the security threat after week of high-profile arrests (South China Morning Post)** By Christy Keung and Clifford Lo  
July 8, 2021

**Hong Kong's No 2 official delivered a stark warning this week: a city long celebrated as one of the safest in the world was now showing signs of breeding terrorist activities.**

The assessment by Chief Secretary John Lee Ka-chiu on Wednesday came in the wake of a series of arrests after a police constable was stabbed by a man in a busy shopping district on July 1, in what security officials described as an act of “lone-wolf” domestic terrorism. The man died soon after of a self-inflicted wound.

Authorities have arrested at least 14 individuals in several major cases since the stabbing. They were related to an arson attack at Government House, online messages inciting others to attack officers and an alleged terrorist plot to bomb courts, tunnels and streets.

Here are the details of the cases and how officials have assessed the security risks the city is facing.

How did the stabbing occur?

Shortly after 10pm on July 1 as the city marked the 24th anniversary of its return to Chinese sovereignty, the assailant walked up behind a constable outside the Sogo department store in Causeway Bay and pulled out a knife which he plunged into the officer's back.

The assailant, a 50-year-old purchasing agent at Vitasoy beverage company, then stabbed himself in the heart and was later pronounced dead in hospital. The 28-year-old constable was rushed into surgery in critical condition and is now recovering.

While police classified the case as attempted murder and suicide, Secretary for Security Chris Tang Ping-keung called the attack a “lone wolf-style act of domestic terrorism”. He said the attacker had been radicalised by hate speech and those who had incited him had “blood on their hands” as well. The force's National Security Department is investigating the case.

On Tuesday, the department's Senior Superintendent Steve Li Kwai-wah said suicide notes the assailant left behind indicated his plan to take his own life after attacking police. A number of newspapers were found in the man's home, most of which carried reports inciting hate and fake news, he said.

The force would look into whether the attacker had accomplices or whether the man had been manipulated by others.

A police source told the Post earlier that the assailant was described to them as a recluse and introvert. He was single and lived with his parents, who apparently did not even know where he worked. No documented history of mental illness has been established.

What arrests have since taken place?

A day after the stabbing, police arrested a 24-year-old male suspect, Wong Chun-yin, for an arson attack at Government House, the city leader's official residence. His case was first heard at Eastern Court on Monday.

His 19-year-old girlfriend was also arrested on suspicion of conspiring in the arson attack.

Police have also found messages on social media over the past week inciting others to set fire to police stations and attack officers through violent means. Officers detained three Hongkongers – two men and one woman – on Sunday and Monday in connection with some of the messages.

The 20-year-old woman is a student, while one of the two men works in advertising.

Police arrested all three on suspicion of sedition. Two of them were also detained for inciting others to set fire to police stations and murder officers, while the third suspect was also arrested for inciting others to attack police. They were all released on bail pending further investigation.

On Monday, national security police arrested nine people, including six secondary school students aged between 15 and 19, and a staff member at Baptist University, on suspicion of engaging in terrorist activities. They were allegedly part of an operation plotting to blow up courts, cross-harbour tunnels and railways.

Li said officers had broken up a well-organised group in the final stages of preparing the attacks. When raiding a guest house on Nathan Road in the Tsim Sha Tsui shopping district, officers discovered a makeshift laboratory set up in a small room which had been rented since June.

A trace quantity of explosives, two bottles of liquid chemicals and laboratory equipment required to produce triacetone triperoxide, a highly unstable and powerful explosive known as TATP, were seized.

Police say the six students were recruited by a group known as "Returning Valiant", which promoted Hong Kong independence on its website and through fliers.

Three of them were charged with conspiracy to commit terrorist activities, which is punishable by a life imprisonment.

Are these cases linked and related to previous arrests too?

The three suspects in the incitement cases were accused of posting the offending messages online on July 2 – the day after the stabbing.

On the arrest of the third suspect, Superintendent Wilson Tam Wai-shun of the cyber security and technology crime bureau said the wording posted online included "chopping" policemen.

"He also listed some dates, saying they were days for chopping police officers," Tam said. "The remarks were made after the attack on July 1, so I believe they are connected."

A force insider said an initial investigation showed the three suspects did not know each other and there was no indication they knew the assailant who stabbed the constable.

The force is investigating whether the three were manipulated by others into making those comments on the internet. It did not reveal whether the arson attack or the alleged terrorist plot were connected with other cases.

How did police and officials react to these cases?

The latest comments on the series of arrests were made by Chief Secretary Lee, who on Wednesday claimed Hong Kong showed signs of breeding terrorist activities, adding that people's grievances about the city's governance could not justify

terrorist acts.

“If you find excuses for terrorism ... you are encouraging extremists to engage in such acts,” he said.

He also slammed public figures he accused of condoning the stabbing, saying apologists for terrorism are “sinners for 1,000 years”.

Chief Executive Carrie Lam Cheng Yuet-ngor on Tuesday said the knife attack and a series of recent arrests related to violent crimes were all part of a worrying trend.

“These show that ‘black violence’ has transformed from actions conducted by a crowd on the ground, to hidden, individualised acts. This could cause problems for our city,” she said, adding the city’s lack of regulations on the internet were to blame.

Security minister Tang blamed hatemongers for the “lone-wolf” terrorism.

Sources said police were on full alert on the streets and had also stepped up cyber patrols, fearing copycat attacks as people encouraged others on social media to target more officers.

Fully armed officers in protective vests patrolled the streets around the Sogo department store after the attack, reacting to calls online for people to gather there to “mourn” the assailant’s death.

Has Hong Kong become a target of terrorism?

Security minister Tang said on Tuesday the terrorism threat remained “moderate”, or the second rank on a three-level scale, meaning there was a possibility of attack though there was no specific intelligence suggesting Hong Kong was a likely target.

A “high” threat level means there is a possibility of attack and specific intelligence suggesting the city is likely to be a target.

A “low” threat level means that the possibility of attack is low, and there is no specific intelligence of terrorist attacks.

Tang warned the current threat assessment should not mean residents could let down their guard. “But that doesn’t mean we should be at ease. A moderate threat level also signals something might happen. You can see over the past week, attacks did take place. We should be well-prepared, whereas citizens should also report any abnormalities,” Tang said.

A police source stressed labelling the stabbing case as a terrorist attack should send a strong and clear message to the public that such violence was serious and could happen at any time.

**Hong Kong national security law: 3 teenagers among 5 arrested on suspicion of terrorism offences (South China Morning Post)** By Clifford Lo and Victor Ting

July 12, 2021

**Hong Kong’s national security police have arrested five more people, including three teenagers, in connection with an alleged bomb plot by a pro-independence group last week.**

Four male suspects, aged 15 to 37, and a 17-year-old girl were detained in a series of raids on Monday. A force insider said the arrests took place in Kowloon Tong, Wong Tai Sin, Kwun Tong and Shau Kei Wan.

The suspects were arrested on suspicion of conspiracy to commit terrorism under the national security law, an offence that carries a maximum penalty of life imprisonment.

The source said all five – three school pupils, a property manager and a construction worker – were suspected members of “Returning Valiant”, a pro-independence group.

“We believe two of the students, aged 15 and 19, were recruited with monetary rewards to plant bombs in the alleged plot,” the source said. “The third student, the 17-year-old schoolgirl, and the 37-year-old manager are suspected of funding the plot.”

The source said the force believed the construction worker, 28, was responsible for helping the group buy bomb-making materials.

As of Monday evening, the suspects were being held for questioning at different police stations and none had been charged. According to the force, further arrests were possible. Investigators escorted the property manager to his office in the Emperor Group Centre on Hennessy Road in Wan Chai for a search at about 5.30pm.

A week ago, police arrested nine people, including six secondary school pupils accused of being members of Returning Valiant, over an alleged terrorist plot to bomb courts, tunnels and streets in a series of attacks.

Police said at the time officers had carried out a number of raids, including at a Tsim Sha Tsui guest house that had been turned into a makeshift explosives factory by a well-organised group that was in the final stages of preparing the attacks.

The suspects last Monday included six teenagers – four boys and two girls, aged between 15 and 19 – and a staff member at Baptist University, who was suspected of funding the plot.

At the scene, police seized a trace quantity of explosives, two bottles of liquid chemicals and laboratory equipment needed to make triacetone triperoxide, a highly unstable and powerful explosive known as TATP.

The university employee was believed to have provided funding, and a source said police had frozen HK\$600,000 (US\$77,240) in his bank accounts. An insider identified him as a public relations officer working at the university's School of Continuing Education.

His wife, who worked as an administrative staff member at a secondary school, was also arrested, the source said, adding the couple had previously driven protesters home from demonstrations.

Police said they believed other financial backers were still at large, and were hunting them.

Last week, police said the group was particularly interested in recruiting secondary school pupils who were already thinking of leaving the city for good. According to the force, the gang used monetary rewards and escape plans to lure youths to engage in the bomb plots.

Chief Executive Carrie Lam Cheng Yuet-ngor on Monday said the alleged plot showed there were people instigating young students to commit crimes and that the situation was worrying.

She said national security risks and a sense of lawlessness remained after the 2019 social unrest, urging adults to care for and guide youngsters more.

Three students arrested last week over the alleged plot were charged with conspiracy to commit terrorist activities. The three schoolboys appeared at West Kowloon Court on Wednesday.

Chief Magistrate Victor So Wai-tak threw out the defendants' bail applications after the prosecution objected to their release.

So, a magistrate selected by the city's leader to hear security law proceedings, scheduled the next hearing for September 1 to allow for further police inquiries. Since Beijing imposed the law just over a year ago to ban acts of subversion, secession, terrorism and collusion with foreign forces, police have arrested more than 130 suspects.

**French officials knew Lafarge's deal with Daesh terrorists: report (The Daily Sabah) July 14, 2021**

**French state officials were informed about payments made by cement giant Lafarge to Daesh terrorists in Syria, according to an intelligence document.**

The confidential document from August 2014 notes that Lafarge had forged a deal with Daesh to maintain commercial operations in Syria, Liberation daily reported. According to the deal, Daesh terrorists allowed Lafarge to continue to carry out operations in the seized factory in northern Syria's Jalabiya in return for 13 million euros (\$15.3 million). Lafarge is currently facing a series of cases over violating the embargo, threatening the lives of its workers and financing a terrorist organization.

The probe focuses on claims that in 2013-14, the then French-based cement giant channeled payments to Daesh in order to continue operations at a plant at Jalabiya in war-torn Syria.

According to the Paris Attorney General Office, the first contact between Lafarge and terrorists in Syria had secretly taken place in 2012 in southeastern Turkey's Gaziantep province, located some 60 kilometers (37 miles) from the company's factory in northern Syria. The U.S. knew about the meetings while Qatar and Saudi Arabia supported them, the witnesses said.

Following the meetings in Gaziantep, Firas Tlass, the son of the Assad regime's former defense minister, who was a minor partner of Lafarge's Syrian plant, was given \$80,000-100,000 per month to transfer to terrorist organizations in exchange for uninterrupted access to the factory between September 2012 and May 2014. Despite the payments, nine factory employees were taken hostage in October 2012. Lafarge allegedly paid 200,000 euros in ransom.

The hostage crisis did not stop production at the factory, nor was the business shut down. On the contrary, the French government, which defined the factory as "France's most important investment" in Syria, opposed its closure. After Daesh

seized the region, the factory started paying Daesh \$20,000 a month as “tax,” the plant’s manager Bruno Pescheux said in his testimony.

In June 2014, Lafarge secretly negotiated the return of the company’s foreign personnel because of the war. A month later, production stopped in Ain al-Arab as clashes broke out in the area and Daesh blocked access to the factory. Lafarge resumed production in the factory on Sept. 9, 2014, despite warnings from the PKK terrorist group’s Syrian offshoot the YPG, to leave the region and despite the U.N.’s decision to persecute all kinds of financial ties with terrorist groups in Syria. Daesh seized the plant 10 days later.

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## Piracy

**Nine jailed in first Togo pirate trial (africanews) July 6, 2021**

**Nine pirates who attempted to hijack a ship in Togolese waters in May 2019 have been sentenced to prison terms ranging from 12 to 20 years during a trial at a Lome court.**

It was the first time pirates have been tried in Togo, one of the West African countries with coastline on the Gulf of Guinea, a major trading route which now accounts for most of the world's abductions of commercial crew by pirates.

A total of 10 pirates, including seven Nigerians, two Togolese and one Ghanaian, went on trial for "maritime piracy, wilful violence and groups of criminals". The Ghanaian, who is on the run and facing an international arrest warrant, was sentenced on Monday night to 20 years in prison. One Togolese national was acquitted while the other eight pirates were given sentences from 12 to 15 years.

The group were accused of attacking the tanker G-DONA 1 during the night of May 11, 2019.

"People should understand that piracy and armed robbery at sea will be punished. And for these sea offenses, we will be uncompromising," prosecutor Kodjo Gnambi Garba told reporters.

Pirate attacks in the Gulf are mainly carried out by gangs from southeastern Nigeria who speed out in boats to raid commercial vessels offshore to kidnap their crew for ransom.

The Gulf of Guinea, which stretches along 5,700 kilometres of coastline, accounted for 130 of the 135 kidnappings of seafarers recorded worldwide last year, according to a recent report by the International Maritime Bureau.

A group of shippers and trade companies in the international maritime sector in May signed a declaration calling for the creation of a coalition to put an end to piracy in the Gulf of Guinea.

**Piracy and armed robbery incidents at lowest level in 27 years, but risks remain to seafarers, IMB cautions (International Chamber of Commerce) July 12, 2021**

**The ICC International Maritime Bureau (IMB) received the lowest number of reported incidents for the first half of any year since 1994.**

IMB’s latest global piracy report details 68 incidents of piracy and armed robbery against ships – the lowest total since 1994 – down from 98 incidents during the same period last year. In the first six months of 2021, IMB’s Piracy Reporting Centre (PRC) reported 61 vessels boarded, four attempted attacks, two vessels fired upon and one vessel hijacked.

Despite the overall decline in reported incidents, violence against crews has continued with 50 crew kidnapped, three each threatened and taken hostage, two assaulted, one injured and one killed throughout the first half of 2021.

While the reduced numbers of reported incidents is welcome, the IMB PRC continues to caution against complacency. Vessels were boarded in 91% of the reported incidents.

Cautious gains in Gulf of Guinea

The Gulf of Guinea continues to be particularly dangerous for seafarers with 32% of all reported incidents taking place in the region, according to IMB. The region accounted for all 50 kidnapped crew and the single crew fatality recorded by IMB during the first half of 2021.

The number of kidnappings recorded in the Gulf of Guinea in the last quarter is the lowest since Q2 2019, but pirates continue to target all vessel types throughout the region. IMB warns that fishing vessels have been hijacked in the Gulf of Guinea and later used as mother ships to target other merchant vessels.

“Whilst IMB welcomes reduced piracy and armed robbery activity in the Gulf of Guinea, the risk to seafarers still remains,” said IMB Director Michael Howlett. “By reporting all incidents to the Regional Authorities and IMB PRC, seafarers can maintain pressure against pirates. Bringing together maritime response authorities through initiatives – like Nigeria’s Deep Blue Project and Gulf of Guinea Maritime Collaboration Forum – will continue and strengthen knowledge sharing channels and reduce risk to seafarers in the region.”

In early June, a bulk carrier was approached by a skiff with six pirates while transitioning through the region at around 210nm off the coast of Lagos. The carrier – equipped with appropriate vessel hardening – was able to prevent the armed pirates from coming onboard, but the incident demonstrates the continued capacity of pirates in the region to carry out attacks at further distances from the coast.

#### Knife attacks in Singapore Straits

The Singapore Straits recorded 16 incidents in the first six months of 2021, in comparison to 11 during the same period in 2020. These attacks are considered opportunistic in nature, but IMB warns that in seven incidents the perpetrators were armed with knives. In three separate incidents, seafarers were reported to have been either threatened, assaulted or injured.

#### Incidents rise off the coast of Peru

In comparison to the first half of 2019 and 2020, Callao Anchorage, Peru has experienced a two-fold increase in the number of incidents with nine incidents reported in total for 2021. There were four incidents in Q2 2021 and knives reported in three of these, according to the latest figures from IMB. Perpetrators in the region possess the capacity to carry out violent attacks with two separate incidents of crew being taken hostage and assaulted occurring in the first six months of 2021.

#### Manila Bay, Philippines

Vessels are advised to take precautionary measures while anchored in Manila Bay, Philippines, as four incidents were reported to IMB for Q2 2021.

“Reporting piracy and armed robbery incidents is the first line of defense against future attacks,” said ICC Secretary General John W.H. Denton AO. “Sustained reporting to IMB will enable governments, maritime response agencies and other stakeholders to establish safer waters for our seafarers and smooth flow of goods throughout global supply chains.”

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## **Gender-Based Violence**

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# WORTH READING

## **Dusting Off the Law Books: Recognizing Gender Persecution in Conflicts and Atrocities (Northwestern Journal of Human Rights)**

By Lisa Davis

July 12, 2021

War-time abuses against women, girls, lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ), non-binary and gender non-conforming persons are not new. They are as old as human history, appearing in modern international criminal law records as far back as World War II (WWII). In conflicts across the globe, from Iraq to Colombia, armed actors have perpetrated gender-based crimes amounting to persecution in an effort to reinforce oppressive, discriminatory gender narratives. Rarely documented when they happen, perpetrators are hardly ever held accountable for these crimes. As a result, the crimes are often excluded from consideration by international and domestic tribunals, and in effect, are left out of history. International criminal jurisprudence is silent on gender persecution, despite international law's decades-long recognition of it as a crime. This silence derives from a lack of recognition and understanding of the intent to discriminate against a group based on their gender. The inclusion of gender persecution as a crime against humanity in the Rome Statute, which governs the International Criminal Court (ICC), provides a pathway forward for the international community to meaningfully challenge this type of harm. Such recognition would demonstrate to the world that targeting women, girls, LGBTIQ, non-binary and gender non-conforming persons because of their gender is a crime against humanity. This article contains three sections: (1) Understanding Gender Persecution; (2) Applying a Gender Persecution Lens, and (3) Recognizing Gender Persecution Survivors' Rights to Participation. The article concludes with practical recommendations for the international community and local communities to increase recognition, prevention and redress for gender persecution and promote a survivor-centered approach for peace and transitional justice processes.

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<http://law.case.edu/grotian-moment-blog/>

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