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Sudan & South Sudan

International Criminal Court to establish office in Sudan (Dabanga)

August 13, 2021

The International Criminal Court (ICC) in the Hague will establish an office with a permanent team in Sudan to investigate the cases of the indicted officials who will be handed over to the court.

In a press conference in Khartoum at the end of his week-long visit to Sudan, ICC Chief Prosecutor Karim Khan QC said the court needs more evidence on the cases of deposed President Omar Al Bashir, former Minister of Defence Abdelrahim Hussein, and former Minister of Humanitarian Affairs Ahmed Haroun*.

We have made achievements during the visit, and there are signs of hope, but the journey is not completed yet, the Prosecutor said.

He reported that the ICC signed a new Memorandum of Understanding with the Sudanese government, represented by the Minister of Justice, that stipulates cooperation and exchange of information on all cases of those wanted by the court. The previous memorandum concerned the case of Ali Abdelrahman 'Kushayb'* only.

Khan as well announced the establishment of an ICC office with a permanent team in Sudan to further investigate the cases and gather more evidence against the indicted persons. He plans to return to Sudan in November and visit Darfur.

For next week, the Sudanese government scheduled an online meeting, during which the ICC Chief Prosecutor will officially approve the decision of Sudan to join the Rome Statute of the ICC. The prosecutor said he does not know the date of the extradition of the indicted former officials. As for the case of former janjaweed leader Ali Abdelrahman 'Kushayb', who is currently awaiting trial in The Hague, the ICC prosecutor said that the charges have been confirmed and judges appointed. The trial dates are still to be set.

In December 2020, former ICC Prosecutor Fatou Bensouda expressed her concerns about the possibility of collecting information and evidence related to the ICC case on Kushayb before his hearing, explaining that "time is running out". She said that if no date has been set for investigators to visit Sudan to collect the information, her office will lose the opportunity to deal with victims and witnesses to crimes allegedly committed during attacks against civilians between August 2003 and March 2004.

Arrest warrants

The ICC issued arrest warrants against Haroun and janjaweed leader Kushayb in 2007. Kushayb was transferred to the ICC's custody on June 9, 2020 after surrendering himself voluntarily in the Central African Republic. Upon his arrest, the Sudanese government announced its support for his transfer to the ICC. Kushayb is also charged with a number of crimes by the Sudanese authorities.

In February 2020, Sudanese authorities also agreed that Al Bashir, Haroun, and Hussein will be transferred to The Hague to face justice. Al Bashir was indicted by the ICC in 2009 for war crimes and crimes against humanity in Darfur, and in 2010 for genocide. He was convicted of corruption by a Khartoum court in December 2019 and sentenced to two years in a prison for the elderly. He still faces various other charges in Sudan, including staging a military coup in 1989. The ICC issued an arrest warrant against Abdelrahim Hussein in 2012 for war crimes and crimes against humanity in Darfur. He and Haroun are also being held in prison in Khartoum.

The ICC issued another arrest warrant in 2014, accusing Abdallah Banda, commander-in-chief of a breakaway faction of the Justice and Equality Movement, of war crimes in Darfur. The former rebel leader is still at large.

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Congo Promotes Ex-Rebel Leader to Top Position (Human Rights Watch) By Thomas Fessy
August 13, 2021

Democratic Republic of Congo's President Felix Tshisekedi recently announced the launch of a long-awaited Disarmament, Demobilization, Community Recovery and Stabilization program, meant to encourage thousands of fighters from more than 100 armed groups to lay down their weapons. The country has needed an effective framework for decades, as removing guns from fighters, prosecuting those responsible for serious crimes, and reintegrating others into communities is critical to ending eastern Congo's cycles of violence. But Tshisekedi's appointment of former rebel leader Tommy Tambwe to coordinate the new program raises serious concerns.

Tambwe was a leader of major Rwandan-backed rebel groups responsible for countless human rights abuses in eastern Congo over the last 25 years. In 2002, while he was the Congolese Rally for Democracy (Rassemblement Congolais pour la Democratie, RCD) vice-governor of South Kivu, Amnesty International and Reporters Without Borders alleged he had ordered the arrest of journalists he deemed to be critical of his movement.

In 2012, United Nations investigators reported that Tambwe led the separatist Alliance for the Liberation of Eastern Congo (Alliance de Liberation de l'Est du Congo, ALEC) while having "found protection in Rwanda." The group was allied with the M23 rebellion, which was responsible for widespread war crimes, including summary executions, rapes, and forced recruitment.

It is no surprise that many Congolese quickly raised concerns following Tambwe's appointment. Nobel peace laureate Dr. Denis Mukwege expressed his wariness and reiterated the joint call, endorsed by Human Rights Watch, for a vetting mechanism that would "exclude from public institutions those responsible for human rights violations." Dozens of groups from North and South Kivu warned that Tambwe's appointment "already bears the seeds of the program's failure." A coalition of Mai-Mai militia described it as a "disguised tactic for destabilization." Some members of parliament have also called on Tshisekedi to reconsider his appointment.

Attempts at disarming, demobilizing, and reintegrating fighters into Congolese society have failed over the last two decades, despite the many millions of dollars injected by international donors. Thousands of surrendered fighters instead later returned to the bush while known abusers have been rewarded with promotions rather than held to account.

To succeed, this new program needs the confidence of communities in eastern Congo. Starting on the wrong foot risks turning it into yet another missed opportunity to ensure the security of the region's population.

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

Nigeria Says 'Safe to Assume' Boko Haram Leader Is Dead (Voa News) By Jeff Seldin

August 24, 2021

Nigeria's government no longer has any doubts that Abubakar Shekau, the notorious leader of the Boko Haram terror group, is dead.

Reports of Shekau's death first emerged three months ago, with word he had been killed during a confrontation in the Sambisa Forest with rival terror group Islamic State West Africa Province (ISWAP).

Despite some initial skepticism, Nigerian officials now say the reports appear to be accurate.

"Our position is that he has been reported dead and he is dead," Nigerian Information Minister Lai Mohammed told VOA's Hausa service in an interview late Monday.

"Going from reports from the camp of Boko Haram itself, and going by the instability that has followed shortly after and the struggle for succession, and the recent surrender by thousands of Boko Haram adherents, I think it's safe to assume that really, you know, he's dead," Mohammed said. "(We've) not seen any resurfacing of Abubakar Shekau."

The Nigerian assessment aligns with the thinking of some U.S. officials who, like their Nigerian counterparts, have yet to see conclusive evidence.

"We think he was probably killed," a U.S. military official told VOA on the condition of anonymity, because of the sensitivity of the intelligence about the Boko Haram leader.

Other U.S. officials have noted that the number of reports about Shekau's death and the sourcing of those reports appear to be more credible than previous accounts of his demise.

Still, they have been wary of confirming that Shekau — who has faked his death several times only to "come back to life" months later — is in fact dead.

"The United States has not yet been able to independently verify these reports," a State Department spokesperson told VOA last month.

Other intelligence agencies and counterterrorism officials also remain skeptical, voicing their doubts to a United Nations monitoring team for a report issued late last month.

Boko Haram has been "significantly weakened," the report said, noting, "Some member states believe that Shekau may have escaped from the Sambisa Forest."

In the meantime, ISWAP, looking to capitalize on the situation, has been offering details through a leaked audio recording and in the group's online newsletter in June, promoting the narrative that Shekau died.

According to its account in Al-Naba, translated by SITE Intelligence Group, IS fighters found Shekau hiding with his guards by a tree, and rather than surrender, Shekau "detonated his explosive jacket, killing himself."

Following the initial reports of Shekau's death in May, a second State Department spokesperson told VOA that if true, "the death of one of the most violent terrorists in African history would be a positive development."

But the official also cautioned that Shekau's death, alone, would not be reason to rejoice.

"Even if Shekau has been killed, terrorism remains a threat to peace and stability in the region," the spokesperson told VOA. "Boko Haram is not the only terrorist group operating in the area."

Other officials have since echoed that concern.

"While some may take solace in the death of a brutally violent terrorist leader, we are concerned his death will likely allow Islamic State West Africa Province to consolidate fighters and resources into a more cohesive terrorist effort," Special Operations Command Africa spokesperson Major Andrew Caulk, told VOA.

"A unified and more externally focused ISWAP could dramatically destabilize the Lake Chad basin area without substantial, coordinated multinational intervention," he added.

Prior to Shekau's reported death, intelligence officials said he likely commanded an estimated 1,500 to 2,000 fighters across

Nigeria and Cameroon.

ISWAP, which split with Shekau about five years ago, has an estimated 3,500 fighters in Nigeria and surrounding countries.

Shekau led Boko Haram since about 2009 and is blamed for orchestrating a campaign of terror that has killed more than 30,000 people and forced millions more to flee their homes. Under Shekau's leadership, the group gained additional notoriety for the 2014 kidnapping of about 300 schoolgirls from Chibok, Nigeria.

The U.S. designated Shekau as a Specially Designated Global Terrorist in 2012 and has been offering a reward of up to \$7 million for information leading to his capture.

Amnesty for terrorists: Catch 22 (The Guardian) By Ray Ekpu
August 24, 2021

In the last few weeks some terrorists who claim to have repented are hopping out like twin rabbits from a conjuror's hat.

Some of them are carrying placards that say that they should be forgiven for their sins, that they have turned a new leaf and will never commit again the havoc that they committed against innocent, harmless, unarmed human beings. At the last count about 3,116 of them and their families had trooped out of the forests of northern Borno, Sambisa, the fringes of Lake Chad and Cameroon and put down their implements of destruction.

Of this figure about 1,300 surrendered in Cameroon while 1,816 were said to have surrendered to the Nigerian Army Theatre Command. We are told that those who have surrendered are undergoing Disarmament, Demobilization and Reintegration prior to their being given amnesty. For some people this amnesty gambit is the beginning of a horrid end, while to some it is the end of a blissful beginning. To some it is the equivalent of a Catch 22 situation, a choiceless choice, the beginning of an error or the end of an error. It is a difficult, very difficult, choice to make.

But it may not be such a difficult choice to make when we look at the history of their unconscionable atrocity and the mindlessness and savagery that attended it. They have killed an estimated 50,000 people since 2009, sent about three million people into refugee camps, captured, raped and impregnated thousands of girls and women, burnt down many communities, rendered many women husbandless, fatherless and motherless, and reduced young people to orphans. They killed and tortured our soldiers and made their wives widows and their children fatherless. They erased, in some cases, entire families and entire communities; they cut people's throats; they decapitated them for no just cause.

And now they think "sorry" is the cure-all, the forgiveness potion. The former Minister of Agriculture and Chairman of Arewa Consultative Forum (ACF) Chief Audu Ogbah put it this way; "We are currently witnessing large scale surrender of large numbers of Boko Haram insurgents among who are bomb makers, commanders, arsonists, rapists and child snatchers. Do we have good reasons to cheer and hope for an end to this decade – old insecurity? Is "I am sorry" enough to bring relief to Nigerians and the thousands of the dead and maimed?" No, sorry is not enough. The terrorists are surrendering now because they think they can win a reprieve from death. With the newly acquired weapon by Nigeria and recently changed war commanders, the war situation is fast changing in favour of Nigeria. Also, the recent killing of their leader Abubakar Shekau who was reputed to be invincible has now opened the eyes of his followers to the possibility that they too can be struck down like chicken.

Besides, we are told that there is some confusion within their ranks arising from Shekarau's death and the ensuring rivalry which has led to disorganization within their fold. Their supply of food and medicine is said to be running short and famine and some strange diseases are attacking their fighting spirit. The law of diminishing returns is now at work. That is why they are now yelping like puppies and asking to be set free from the looming possibility of the finality of death.

They have now switched from killer mode to kitten mode. Their surrender has put the Federal Government and the Borno State Government on the horns of a dilemma. Professor Babagana Zulum, Governor of Borno State states that there are two choices (a) an endless war or (b) to cautiously accept the surrendering terrorists which, he says, is really painful and difficult for anyone who has lost loved ones and for the military who have lost some of their colleagues. He explained further that for the period that this war has lasted only about 3% of farmland was cultivated while people depended on food aid amidst donor fatigue.

He admits that reintegrating the so-called repentant terrorists into communities may offend victims and usher in a possible rebellion. No matter what arguments he coughs up on the issue of integrating them into the communities he cannot be right because there is no right argument about pardoning such extremely cruel criminals whereas everyday people with far less grievous offences are being sent to jail. Even people who wore T-shirts recently with the harmless inscription "Buhari must Go" were arrested, detained, tortured and charged to court. So what would be the justification for setting free murderers, arsonists, rapists? In any case; for whom was the Terrorism Act enacted if not for terrorist suspects?

The Shehu of Borno, Alhaji Abubakar Umar Garbai El Kanemi said something to the effect that integrating them into communities will not be the equivalent of a cakewalk. He said that 13 District Heads and many Ward Heads were killed in his Emirate alone. He said further: “Many people were killed and their properties destroyed for 12 years.

Many of you people and the media expect us to forget and forgive the repentant terrorists?” On the Borno resident who lost eight family members the Shehu said; “Since the repentant terrorists killed the entire family, the survivor will definitely pursue the reintegrated insurgent for revenge no matter where he goes or lives in the country.” That is the voice of realism. The truth is that treating the ex-terrorists like royalty is the equivalent of rewarding them for criminality.

So why for instance, will the law enforcement personnel bring to justice petty thieves of goats, chicken and yams and cell phones? If these petty criminals are made to pay for their sins daily in our courts what would be the justification for treating the savage criminals like a bunch of eggs that must not be allowed to fall and break? For the efficient and fair functioning of society every crime must be met with appropriate punishment meted out to the criminal through due process.

Those who are pushing for a blanket amnesty for these terrorists will receive no applause from Nigerians whose lives have been turned upside down in the last 12 years and those who continue to bear the visible scars of terrorism on their bodies and in their hearts. These are the people who feel the ache of their deprivation and dispossession and will be in no position to roll out a welcome mat for the savages that brought darkness into their lives. The dings and dents left by these wanton acts of criminality will last forever. Some people have referred to the law of Armed Conflict and the Geneva Convention on the treatment of prisoners of war.

The Geneva Convention says that when an adversary surrenders or is so badly injured that he is no longer able to fight he should not be shot or killed. The prisoner is expected to be taken out of the war zone, documented and profiled by investigating his level of involvement and crimes committed. This does not mean that he has immunity from prosecution. The International Court of Justice (ICC) has been trying many war criminals including Mr. Charles Taylor, former President of Liberia who is now serving a jail term.

In any case, forgiveness of repentant terrorists is the equivalent of contempt for the dead and their grieving families many of whom are idling away un-rehabilitated by the government. How are they expected to feel when they see their former tormentors and killers of their loved ones being pampered and coddled like new wives? Or is it that their feelings do not matter? It is even doubtful whether any terrorist can truly repent and move away from his terrorist ideology. Some of those who reportedly gave information to the Taliban commanders which made their entry into and capture of Kabul a stroll in the park were said to be repentant Taliban fighters. Some of them were employed by the Allied Forces as interpreters. At the appropriate time they turned coat and wore their real skin again. There is also the case of Kairullah Khairvkhwa who was rehabilitated and set free from Guantanamo prison by President Barack Obama. He went back and wore his old skin as a Taliban leader. Back home, the Zamfara Government arrived at an agreement with some repentant/bandits.

They surrendered their arms and were paid large sums of money. They later reneged on the agreement, used the money to buy fresh arms and returned to their former trade as bandits. Today, banditry is on the upswing again in Zamfara. For them the expression “appetite comes from eating” rings very true. This issue of blanket pardon for criminals will remain perpetually controversial because they are not the sort of human beings who can be trusted. If they cannot be trusted to spare the lives of people who have done nothing to them why should they be trusted not to do it again? No one can vouch for the sincerity of these fellows. As Shakespeare said there is no art to find the mind’s construction on the face”.

Forgiveness is not a substitute for punishment. Crime and punishment always go together for the orderly conduct of the behaviour of human beings in all communities, large and small. But forgiveness is an act of discretion, not a compulsory covenant that regulates public conduct. If a crime suspect is convicted and in the course of serving the terms of his conviction he exhibits qualities of true repentance he can be forgiven purely on merit. It is not meritorious to forgive a criminal suspect when there is no concrete proof of his criminal behaviour in the first place and no evidence of his true repentance in the final analysis. To the idea of blanket forgiveness, the response is NO.

Return Of Terror: Over 200 Massacred by Al-Qaeda & ISIS in Africa Caliphate Amid Fears UK Faces Wave of Terror After Afghan Collapse (The U.S. Sun) By Imogen Braddick

August 24, 2021

More than 200 people have been massacred by al-Qaeda and ISIS in Africa in the last week amid fears a terror wave could hit the UK in the wake of the collapse of Afghanistan.

The recent attacks in Niger, Mali and Burkina Faso could be a chilling sign of the jihadists' growing confidence of victory in Africa as chaos unfolds in Kabul under the ruthless rule of the Taliban.

According to The Times, the death toll from the worsening insurgency linked to ISIS and al-Qaeda has rocketed to more than 700 since the start of the year - and displaced some seven million people in the Sahel region.

The jihadist surge in Africa has sparked fears that the biggest terror threat to Europe - and the UK - now lies on the continent.

And there are also fresh fears that US weapons left behind by troops could be smuggled into Africa along well-trodden drug routes via Pakistan to arm the fanatics.

Ashok Swain, professor of peace and conflict research at Sweden's Uppsala University, told The Sun Online: "The Taliban victory in Afghanistan has given new momentum to the Islamist terror groups worldwide - including al-Qaeda and ISIS.

"The Islamist terror groups are gaining more and more strength gradually in Africa.

"War is coming to an end in Afghanistan and Syria, so there will be a shift of the focus of the Islamist terror groups. The climate crisis and democratic decline in Africa have made the situation much worse."

In April, dozens of innocent people, including foreign oil workers, were ruthlessly killed when ISIS terrorists went on the rampage in the key industrial town of Palma, in Mozambique.

The UN said "the absence of significant counter-terrorist measures" in the country have transformed the ISIS affiliate in central Africa into a "major threat".

Africa is now "the region most affected by terrorism" and has the "largest numbers of casualties".

"It appears Africa is rapidly becoming the epicentre of armed Islamist activity and abuse," Corinne Dufka, Sahel director at Human Rights Watch, told The Times.

"In the Sahel, these groups have overwhelmed the region's armies and fed on challenging geography and weak and often corrupt governance."

Chad has problems with jihadist violence in the Lake Chad region that borders Niger, Nigeria and Cameroon, while Somalia, Mozambique and the Democratic Republic of Congo are also battling Islamist extremists.

The Pentagon has warned Islamic State is taking over swathes of Africa like it did in Syria and Iraq with "staggeringly brutal" tactics.

"Africa is becoming a dominant feature of the global jihadist scene," leading terror expert Raffaello Pantucci told The Sun Online.

"But what is happening Africa predates the fall of Afghanistan, it has been on an upward trajectory for the last couple of years and it's a major problem.

"But we will see groups using the rhetoric of victory - and see the sense of victory building."

Although Pantucci said most jihadist attacks in Africa remain on the continent, he warned attacks on the UK "could still happen".

"We could see bandwagon attacks - attacks from lone actors, rather than being directed by a group," he said.

Professor Swain added: "When these groups gain momentum and are in high spirits, they would like to do something spectacular to get the attention.

"Europe needs to be careful as it offers al-Qaeda and ISIS that opportunity."

With the Taliban overtake of Afghanistan, fears have been raised the country will once again be a haven for terrorists.

Former prime minister Tony Blair warned the decision to abandon Afghanistan has left "every jihadist group around the world cheering".

And former army officer Colonel Richard Kemp previously told The Sun Online: "The outlook for Afghanistan is bleak and there are severe implications for the West too.

"It will be portrayed as a defeat of the US and embolden jihadists, leading the more attacks on the West. It will become a safe haven for terrorists.

"Jihadis will go there to train and prepare to be terrorists. This is what happened before 9/11 and it's quite likely there will be more attacks on the West."

A report to the UN Security Council has warned both ISIS and al-Qaeda are growing in strength on the continent.

"This is especially true in parts of West and East Africa, where affiliates of both groups can boast gains in supporters and territory under threat, as well as growing capabilities in fundraising and weapons, for example, in the use of drones," said the report.

Dufka said African countries and their international partners "should address head on the issues that have underscored decades of instability and opened the door to abusive armed groups".

"This is especially true in parts of West and East Africa, where affiliates of both groups can boast gains in supporters and territory under threat, as well as growing capabilities in fundraising and weapons, for example, in the use of drones," said the report.

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Liberia

Liberia: Speaker Chambers 'Seizes' Joint Committee's Report Calling for Establishment of War & Economic Crimes Court (All Africa)

August 12, 2021

House Speaker Bhofal Chambers has for the third time seized a legislative instrument calling for the establishment of war and economic crimes court in Liberia.

On Tuesday the former Chairperson on the House Committee on Claims and Petition, Rep. Rustonlyn Suacoco Dennis (District #4, Montserrado County), in communication to plenary, pleaded for the endorsement of a report from the joint Committee on Claims and Petition, Good Governance and Judiciary calling for the establishment of the court.

The report was crafted when the leadership of Rep. Dennis as Chair of the Claims and petition Committee but was not submitted until she was removed from the committee. Since then it has been languishing in the committee room. However, using her legislative privilege, she wrote a plenary, calling for the endorsement of the joint committee's report and its recommendation.

But the current chairs on the Committees on Judiciary, Rep. Kanie Wesso (Gbarpolu County) and the Chair on Claims & Petition, Rep. Gonpue Kargon complained that the report should have been submitted to them before forwarding to plenary.

In the midst of the argument, Speaker Chambers seized the motion without disclosing when it will -resurface on the floor.

Meanwhile, it is the Speaker's third time to hijacked the legislative instrument backing the creation of a war and economic crimes court to try perpetrators who committed try those who are believed to have committed heinous crimes between 1979 and 2003 - the period of civil unrest in Liberia.

In October 2019, Speaker Chambers seized a pro-war crimes court resolution signed by two-thirds members of the House. The Speaker, defending his action says the establishment of the court is a contentious issue that requires more consultations with members of their constituents. Since then, he has not placed it on the House's agenda for discussion.

The resolution, championed by Rep. Dennis when she served as Chairperson of the Committee on Claims and Petition and Rep. Larry P. Younquoi (Nimba Co. District #8), Chairman on Governance, had earlier been endorsed at the Duport Road Memorial in Painesville, hosting the remains of thousands of massacre victims of the civil war.

There have also been several legislative instruments submitted to the House of Representatives, including a bill crafted by the Liberia National Bar Association (LNBA), establishing the court to try people who committed war and economic crimes during the war.

Despite sustained effort being exerted by a wide range of people from diverse backgrounds - local and international, the government of President Weah, like its predecessor, continues to snub the Truth and Reconciliation Commission's recommendation, which, among other things, called for the establishment of an extraordinary tribunal to prosecute all those who bear the greater responsibilities of the civil war.

Will Liberia be the next country for a war crimes tribunal? (The Citizen) By Prince Kamara
August 22, 2021

In recent months, there have been increasing calls for a special war crimes court for Liberia. 18 years have passed since the country endured a horrific civil war that left over 250,000 dead, and not a single individual has been tried for war crimes within Liberia

Internationally, courts have worked to make perpetrators of Liberia's civil war accountable, although it has been a complex and arduous process to establish jurisdiction, locate witnesses, among other difficulties.

Nevertheless, in June a Swiss court sentenced Alieu Kosiah, an ex-warlord fighting for the United Liberation Movement of Liberia for Democracy to 20 years' imprisonment. Gibril Massaquoi, a commander for the Revolutionary United Front (RUF) is currently facing trial in Finland. Mohammed "Jungle Jabbah" Jabbateh was sentenced to 30 years in prison for lying to US immigration authorities about their role in the war in 2018.

Of course, the most infamous Liberian to be tried for war crimes is Charles Taylor, who was convicted by the United Nations-backed Special Court for Sierra Leone (SCSL). Taylor's son Chuckie Taylor was also convicted by a US court in 2009, the first ever under the US torture statute.

However, while international trials are important, many in Liberia believe that a war crimes court in Liberia is needed to bring accountability and closure to a dark moment in Liberia's past. But complex political motivations can be found behind those calling for a war crimes court – and in some cases, these motivations appear on the surface to be self-defeating, being likely targets of the court themselves.

Under President Ellen Johnson Sirleaf, Liberia formed a Truth and Reconciliation Committee (TRC) which published its findings in 2007. The TRC's report called for a special war crimes court to be formed and advocated for a 30-year ban on those found guilty – a problematic finding for some, given that many on TRC's long list of those recommended for prosecution are still in government.

Notably, the TRC's report – which would surely serve as a blueprint for any future war crimes court – recommended that in addition to warlords with command authority, individuals who took on a political or financing role, as well as those who perpetrated "economic crimes against the state and its people" should be targets.

This would almost certainly include individuals such as Benoni Urey, who having served as Maritime Commissioner for Charles Taylor siphoned cash to support the purchase of military hardware in violation of international law. Urey also gained through dubious means a large stake in Lone Star Communications, a telecommunications monopoly initially controlled by Charles Taylor. Lone Star was identified in the TRC report as having "committed an array of economic crimes including tax evasion, bribery and telecommunications fraud."

Given that many of those calling loudly for a war crimes court in Liberia are directly cited in the 2007 TRC report as recommended targets for prosecution, it begs the question: Are these individuals sincere in calling for a war crimes court of which that they themselves would become targets?

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Uganda

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

Uganda's Constitutional Court annuls Anti-Pornography Act (Erasing 76 Crimes) By Kikonyogo Kivumbi
August 20, 2021

Uganda's Constitutional Court has annulled sections of the Anti-Pornography Act 2014, ruling that the clauses were vague, unconstitutional, and uncertain. Critics of the bill have alleged that it was used by police and security agencies to intimidate and harass transgender people and sex workers.

The Anti-Pornography Act 2014 vastly expanded the legal definition of pornography and the sanctions associated with it. It created a powerful Anti-Pornography Committee that had wide discretionary power to enforce and monitor compliance with the law.

Critics contended that the law led to a harsh crackdown on freedom of expression and encouraged harassment of women, particularly transgender women and sex workers. It had been dubbed the "miniskirt law" due to provisions which could lead a woman to being denied services or entry to public facilities if her clothes were deemed too revealing.

Ugandan pop singer Jemimah Kansime was the first person to be prosecuted under the law in 2015 and had faced up to ten years in prison for a song about men's sexual prowess.

But the court's ruling effectively guts the Anti-Pornography Act and means that all persons who were being prosecuted for crimes under the Act have to be freed or their prosecutions and cases terminated.

The judges of the Constitutional Court unanimously declared four sections of the law unconstitutional: Section 2, which defines and creates the offence of pornography; Sections 11, which confers wide discretionary powers upon the Anti-Pornography Committee in the enforcement and monitoring of the compliance of the Act; Section 13, which criminalizes the production, publication, broadcasting, procurement, importation and exportation, sale or abetment of pornography; and Section 15 which confers wide enforcement and policing powers in allowing entry into premises, seizure of personal property and arrest of persons.

The Court ruled that the law was overly vague and in contravention of the right to privacy and freedom of expression.

The Women's Organisation Network for Human Rights Advocacy (WONETHA), an organisation that advocates for the rights of sex workers, was one of the petitioners in the case. WONETHA released a press statement that said the ruling "is a step towards realization of the rights of sex workers in Uganda."

Xulaye Cleo Kambugu, a transgender activist, wrote in a Facebook post that the court ruling is "not just my win as a transgender woman, but our win all as women who have felt like our bodies policed by our governments and in extension society."

Kambugu's post recounts a story of how she was accosted by a police officer in 2013 who accused her of being a sex worker because of how she was dressed.

"My saving grace was my former partner. He apparently had to prove to the police that I was his girlfriend and not a sex worker from whom he was procuring services," she says. "It is interesting that even as the police officer did not notice that I was transgender, in his presumption of my cis womanhood he still felt the need to determine for me how far down my knee my fabric should go. No mention was made on how my partner was dressed because the burden of morality lays squarely on womanhood."

Other petitioners in the case were the Center for Domestic Violence Prevention, Strategic Initiative for Women in the Horn of Africa, Uganda Health and Scientific Press Association, Human Rights Network for Journalists, Prof. Sylvia Tamale, Sarah Kihika, Lilian Drabo, and Lina Zedriga.

Museveni's ululations on torture are suspect (Daily Monitor) By Joseph Ochieno
August 22, 2021

For years, I have argued that Mr Yoweri (also now Tibuhaburwa) Museveni is many things some people do not know, or see nor is he necessarily many things that others perceive him to be. I have suggested, for instance, that he is – amongst others – a cheeky regional comedian with a perfect national platform, Uganda.

For many reasons, including exigency of time, I have rarely ‘waited’ for hours to listen to his sometimes-rumbles’-repeats and or apparently deliberate-erroneous historical accounts often; very irritatingly, boring basic classroom-styles which possibly fit ‘qualified’ teachers instead.

But as I got more into the burdens of responsibility around the future of Uganda and less about the NRA-created contemporary quagmire, wisdom instructed that I reviewed my approach, including paying more attention to what I would normally consider basics or, outrightly dismiss. I immediately acquired copies of the two versions (or is it editions) of *Sowing the Mustard Seeds*, both now fully settled in my library.

So having ‘missed’ last week’s speech (thanks to Umeme meanness) but, credit to a young scribe, I sought the help of YouTube to catch up with what others now call ‘vintage Museveni’. He did not disappoint.

Punched by his usual Runyankole-classical-concepts, Mr Museveni rejected and abhorred torture by his pet, NRA, and I wondered; is this the same Museveni who once told the BBC that he does not know the meaning of or, had ‘never heard the word torture’? I ask this because the context of this speech seems to have taken many Ugandans by surprise. What is it and, why now?

Is it really true that Museveni’s NRA never killed or tortured any Ugandans in Luweero and that all the skulls were the skilful works of UNLA? What about the Mukura massacres in Teso; now a destination-of-choice for ‘new cadres’? What about the Kayunga killings in 2009, 10 years after Mukura? And Kasese killings in 2006? In Tororo and greater Bukedi, what about the killings in Paya, Iyolwa, Mulanda to mention but a few?

Okay, if these are ‘minor’ I suggest that Mr Museveni reviews the extraordinary documentary by Australian filmmaker and producer Ebony Butler, *A Brilliant Genocide* that maps the NRA atrocities in northern and eastern Uganda. In the documentary, still-serving NRA commanders give sharp and extremely harrowing accounts of nothing-but-shameful criminality akin to genocide, war crimes and crimes against humanity.

As these facts got a little heavier for me and, before I could abandon the viewing on YouTube, Mr Museveni produced letters that he allegedly wrote to his army commander and copied to the Inspector General of Police on May 15, 2017, and another he called ‘educational letter’ of, was it February or March this year? My question then is: were these letters directives’ or, merely educational materials sent to spoilt-little-boys to check them? If directives, did the army and police chiefs disobey orders from their commander-in-chief or, where has Mr Museveni been all this time?

If the 2017 letter was a directive, how come this country wasted the lives of 54 Ugandans in November 2020, or was it because of his contradictions that security forces only kill in ‘isolated’ instances which in itself are total insults to grieving Ugandans. No death is ‘isolated’ death.

Struggling to log out as I could not continue, Mr Museveni said “indiscriminate use of force is terrorism” so I wondered, have NRA security forces been involved in domestic terrorism against its own people?

Mr Museveni, you told Ugandans decades ago that you would leave power once you ‘professionalised’ the army; haven’t you? You suggested you would do the same to the police – appointing soldiers – as IGPs, has it worked?

Whatever the grounds for your recent speech, the truth still lies under-the-belly while the jury is out, but will Ugandans get it? They decide.

Uganda’s Constitutional Court begins hearing challenge to HIV criminalization law (Erasing 76 Crimes) By Kikonyogo Kivumbi
August 24, 2021

The Constitutional Court of Uganda has begun hearing a landmark case on the right to health, in which LGBT and human rights defenders sued the state for criminalisation of HIV transmission and mandatory disclosure of one’s serostatus.

The Uganda Network on Law Ethics and HIV/AIDS (UGANET), on behalf of a coalition of over 50 civil society organisations, is challenging the HIV/AIDS Prevention and Control Act 2014 which they allege is discriminatory and an impediment to the fight against AIDS. Among controversial provisions in the act are mandatory HIV testing for pregnant women and their

partners and allowing medical providers to disclose a patient's HIV status to others without consent. The law also criminalises HIV transmission, attempted transmission, and behavior that might result in transmission by those who know their HIV status.

Mandatory HIV testing and the disclosure of medical information without consent are contrary to international best practices and violate fundamental human rights, the petitioners say. They also argue that criminalisation of HIV transmission is overly broad and difficult to enforce.

The act is in force and is being used by state agencies as a tool of discrimination and humiliation. LGBT people have complained of forced anal examinations in recent arrests as part of mandatory HIV tests when they are in police custody. Many human rights organisations have called the law flawed and deeply troubling, and in contradiction of science and human rights.

Ugandan homosexuals filled petitions and memoranda to the Ugandan Parliament when the the bill was being considered. The petitions can be accessed [here](#).

Francis Onyango, the counsel for the petitioners told Rights Africa that he was optimistic that the Court wanted to fast-track the matter.

Uganda's Attorney General has been given to October to file a defense in Constitutional Court.

The Uganda Harm Reduction Network, a network of activists for drug users also expressed concern that the law drives people who use drugs further from life-saving services they need.

"The act is also not concerned with the challenges that people who use drugs face, such as stigma and discrimination, police harassments and other human rights violations," the Uganda Harm Reduction Network said in a statement issued after the law was passed.

Uganda's media is frequently awash with domestic violence and murders, especially of women, resulting from careless handling of victims' serostatus data, which human rights defenders point back to harmful clauses in the law.

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Kenya

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

NCIC, MCK To Monitor Vernacular Radio Stations (Kenya News Agency) By Kibe Mburu
August 13, 2021

The National Cohesion and Integration Commission (NCIC) and Media Council of Kenya (MCK) will work together in monitoring content aired at vernacular radio stations in the country to ensure they are not used as vehicles to propagate hate and incitement during the electioneering season.

Speaking at a Journalists' seminar courtesy of NCIC at a Kericho hotel, MCK Director of Media Training and Development Victor Bwire stated that it was vital to monitor vernacular radio stations to ensure they promote peace love and unity and not propagate hate speech.

Bwire recounted that in Rwanda, vernacular radio stations played a key role in promoting the deadly genocide by inciting one community against the other and that should not happen in Kenya.

The MCK director has at the same time called on journalists to carry out their professional duties with due diligence, while exercising good judgment of news stories they relay to the public, more so as political temperatures begin to build up ahead of next year's general election.

As the country inches closer to the general election, journalists should play a key role in their agenda setting role to ensure the

nation remains united,” he said.

Bwire also implored upon journalists to revisit their code of conduct and ethics to remind themselves on how to cover conflict related stories, especially during the electioneering period.

The director also asked journalists to avoid playing the role of political activists during the campaign season, but instead be objective in coverage of news as professionals while at the same time practicing solution based journalism by being agents of change in the society, thus helping the country resolve pertinent issues.

“Avoid exaggerating news stories and stereotyping people. Strive to add knowledge, seek and report facts and minimize harm. Do not report to cause problems but report to solve problems,” reiterated Bwire.

On his part, Kericho Assistant County Commissioner James Nyamwamu stated categorically that the government was aware of the boarder conflicts between Kisumu and Kericho Counties at Sondu area.

He promised that the government machinery would initiate a truce before the campaigns begin to ensure peaceful coexistence between communities in the area.

The Ainamoi Sub-County Police Commander Mr. Caleb Wesa who was also present at the forum promised to work closely with the media practitioners in providing crucial information for public consumption.

However, he urged journalists to be responsible by only reporting factual news and any other relevant information that may promote positive change in the society.

The sensitization seminar for Kericho based journalists was officially opened Wednesday by the Kericho County Commissioner Karung’o Kamau who promised to work closely with NCIC in sensitizing communities around areas touted as political hot-spots in the county in order to calm the tension that normally builds up towards the election period.

The NCIC team headed by the Deputy Director Corporate Communication Ms. Olive Metet and NCIC officer Mr. Wycliffe Mwatu trained media practitioners in Kericho County on various contemporary issues including conflict sensitive journalism, the art of storytelling, the role of media in countering political intolerance, electoral violence and fake news.

“We have met over twenty news reporters and bloggers from various media houses and we are glad to work with them to ensure the country enjoys peaceful elections come 2022.

We realize that the media plays a key role in peace building. NCIC has a clear roadmap that will ensure that we deliver a peaceful election,” said Metet.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Dr. Venant Rutunga Denied Bail (KT Press) By Daniel Sabiiti
August 17, 2021

The Kicukiro Primary court in Kigali has ordered a 30-day detention of Dr. Venant Rutunga, a genocide suspect extradited from The Netherlands to Rwanda last month.

Rutunga has since extradition been treated as a special suspect held in one of Kigali’s specialised facilities for provisional detention located in Nyarugenge prison.

However, while appearing in court to battle a 30 day remand hearing last week, the suspect told judges that he cannot be held in Nyarugenge prison as other inmates and also argued that the court faulted the legal detention procedures under which he was extradited.

For these arguments, Dr. Rutunga asked the court to grant him bail and a release so that he can appear in court like any other

civilian citizen.

However, the prosecution pleaded with the court to detain the suspect pending a further investigation into Rutunga's genocide charges on grounds that if released he would distort evidence, harass witnesses and attempt to avoid justice as the case was in his years of living in The Netherlands.

Considering arguments from both sides Kicukiro primary court, this August 17, 2021 ruled that Rutunga is detained for 30 days pending his in- death trial.

Rutunga is charged with crimes which include committing genocide against Tutsi, complacency to commit genocide and crimes against humanity.

Court also informed the suspect that he has 5 working days to appeal the ruling, however his lawyer Sophonie Sebaziga told local media that he will consult his client to prepare for a bigger court battle during the in-depth trial.

Verdict in trial of 'Hotel Rwanda' hero delayed until September (Al Jazeera) August 20, 2021

A Rwandan court will deliver next month its delayed verdict in the terrorism trial of Paul Rusesabagina, the Hotel Rwanda hero-turned-government critic, the judiciary has announced.

Initially, a decision in the highly watched case against the 67-year-old Rusesabagina had been due on Friday but it was delayed without giving any reason.

Rusesabagina is accused of 13 charges including terrorism, financing and founding armed groups, murder, arson and conspiracy to involve children in armed groups.

The Rwandan judiciary said on Twitter on Friday the court would now announce its verdict against Rusesabagina and his 20 co-accused on September 20.

According to Kitty Kurth, spokeswoman for Rusesabagina's Hotel Rwanda Foundation, the 20 co-accused are also accused of terrorism and have "all pled guilty and incriminated him".

Prosecutors have sought a life sentence for Rusesabagina, the former hotelier credited with saving hundreds of lives during the 1994 genocide, and whose bravery inspired the Hollywood film Hotel Rwanda.

The government of President Paul Kagame accuses him of supporting the National Liberation Front (FLN), a rebel group blamed for attacks in Rwanda in 2018 and 2019 that killed nine people.

Rusesabagina has denied any involvement in the attacks, but was a founder of the Rwandan Movement for Democratic Change (MRCD), an opposition group of which the FLN is seen as the armed wing.

His family and supporters insist that the charges against him are fabricated and have campaigned globally for his release, saying that he was abducted overseas and has not been allowed to meet international lawyers.

Rusesabagina, who used his celebrity status following the 2004 film to denounce Kagame as a dictator, had been living in exile in Belgium and was arrested in August 2020 when a plane he believed was bound for Burundi landed instead in Kigali.

The trial opened in February, but Rusesabagina, a Belgian citizen and US green card holder, has boycotted proceedings since March, accusing the court of "unfairness and a lack of independence".

Presiding judge Antoine Muhima ruled that the trial would continue.

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Somalia

African union peace force in Somalia probes reports of civilian deaths (Reuters) August 12, 2021

A Somali mother and her child were killed and four others injured when a Kenyan warplane bombed two towns in southern Somalia, the woman's husband said on Monday.

The bombing by the Kenyan plane occurred last Thursday night in two towns in the Gedo area in Somalia's semi-autonomous state of Jubbaland.

The Somali government on Friday condemned what it called "indiscriminate air strikes" in El Ade and Hisa-u-Gur towns carried out by Kenyan forces.

A contingent of the Kenyan military is part of the African Union-mandated peacekeeping force AMISOM stationed in Somalia to help defend the government from the al Qaeda-linked insurgent group al Shabaab.

Ali Ahmed Sheikh, the woman's husband, told Reuters on Monday he had been out of the house when the warplane struck his family home in El Ade and that of a neighbour on Thursday night.

"I found my house destroyed, my wife Sahra Aden and the baby she suckled dead," Sheikh told Reuters from Erdogan Hospital in the Somali capital Mogadishu.

He was there attending to his children - two boys and two girls - who were injured in the attack.

He said that in the raid, the Kenyan planes had also bombed other villages and destroyed telecommunications masts of Hormud Telecom, a Somali telecoms firm.

A Somali government statement said the air strikes had resulted in death and injury of civilians including women and children, but it gave no specific details about the victims.

Zipporah Kioko, spokesperson for the Kenyan military, referred Reuters back to AMISOM for comment on the incident.

In a statement on Saturday, AMISOM said it was gathering information on the reported incident.

Al Shabaab is seeking to topple the government and establish its own rule in Somalia based on its own strict interpretation of Islamic sharia law.

U.S. is bombing Somalia repeatedly with zero accountability By Maitreya Bhakal
August 15, 2021

"War is God's way of teaching Americans geography," as a popular saying goes. Perhaps nowhere does this apply more than Somalia. Few Americans can point to the country on a map. And for the educated ones among them, the U.S. pop-cultural propaganda items, such as the movie "Black Hawk Down" and the video game franchise "Call of Duty," are probably the only exposure they have to the African country.

Even fewer Americans are aware that their elected representatives are currently bombing the country with no accountability and no end in sight.

Silent and endless wars

After the 9/11 attacks – in which the U.S. says about 3,000 Americans were killed by Al Qaeda, a radical Islamist Jihadist organization composed of remnants of groups, which America had itself once funded to fight the Soviets – the U.S. allied with Ethiopia as part of its "War on Terror," a Christian country and the traditional rival of Somalia, a Muslim nation.

Western nations, especially the U.S., are highly skilled at exploiting existing conflicts between states, and it worked this time too. The U.S. backed the Ethiopian invasion of Somalia in 2006 to depose the latter's government, plunging the country into chaos. As usual, this U.S. proxy war helped increase militancy in the region. Analysts estimate that around 650,000 people have been killed in Somalia since 2006.

Unlike Iraq, Syria, or Afghanistan, images of which sometimes find their way to U.S. television screens (albeit in pro-U.S., racist fashion), Somalia is one of America's most invisible "interventions," similar to its involvement in Niger, another country most Americans haven't heard of or read about, where four U.S. soldiers were killed in 2017.

Somalia has been one of America's most silent, understated imperialist projects. The heavily subdued and propagandized U.S. population, never exactly keen on holding its government to account, has been more or less kept in the dark.

The U.S. media has been ordered not to pay too much attention to the subject. For an increasingly poor and crime-ridden public already finding it difficult to keep up with America's countless wars, Somalia has simply slipped under the radar.

The U.S. bombed Somalia on January 19 this year, when Donald Trump was the leader. He also removed the country's long-standing constraints designed to prevent civilian casualties, allowing the U.S. commanders to target local militants without providing proof that they posed a specific threat to Americans.

In an example of typical American savagery, civilian deaths were allowed if deemed necessary.

By removing such checks on the military's power placed by Barack Obama, Trump sought to escalate the U.S. imperialism and murders in African nations. No wonder he bombed Somalia more than George W. Bush and Obama combined.

Woke bombs this time

Then the U.S. bombed Somalia again on July 20, this time under Joe Biden. And then again three days later on July 23. And then again on August 1. The freedom-loving U.S. public and the holding-truth-to-power U.S. media uttered a collective yawn.

These are just the airstrikes. The U.S. military ground operations are often not reported by the country. Moreover, the Central Intelligence Agency (CIA) is known to carry out its own operations and strikes, which are neither publicly confirmed nor denied.

The U.S. did not admit to any civilian casualties (it almost never does), a claim contested by Amnesty International, which has pointed out multiple civilian deaths and injuries in Somalia over the years.

The U.S. is all too happy to cite "human-rights organizations" such as Amnesty as the gospel truth when the organizations criticize nations it doesn't like, such as China or Russia, but prefers to ignore them when they point out its own war crimes.

According to the Airwars monitoring group, the U.S. reportedly carried out 93 strikes in Somalia (of which 61 were declared) in 2019, 72 strikes (with 54 declared) in 2020, and 15 strikes (with 11 declared) so far in 2021. While the U.S. admits to only five civilian deaths in its 15-year-long campaign in the country, actual estimates of deaths from its airstrikes range from 70 to 143.

Little of this is reported by the obedient U.S. media, which claims to hold the government "accountable." The U.S. "journalists" and pundits are as silent as what they call the "international community" (i.e. the U.S. allies), nations that pretend to care about human rights but have barely uttered a peep about Somalia.

While the Delta variant surges at home and the U.S. struggles to meet its vaccination targets, one thing is clear: at least for the foreseeable future, there is nothing stopping the superpower from bombing Somalia.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Charges Serb Ex-Policemen with Wartime Murders, Rapes (Balkan Transitional Justice) By
Emina Dizdarevic
August 16, 2021

The Bosnian state prosecution said on Monday that Ranko Cesic, Slobodan Ljubicic

and Stojan Petrovic have been charged with committing a crime against humanity in the Brcko area between April and December 1992.

Cesic and Ljubicic are accused of killing four civilian Bosniaks, and of unlawfully and violently detaining female civilians, after which they raped and sexually abused them.

Petrovic has been charged with unlawfully detaining one woman and raping her, while threatening her that he would kill her next of kin.

The prosecution said the suspects committed the offences as policemen with the Interventions Squad at the Brcko Public Security Station, part of the Bosnian Serb Interior Ministry.

The prosecution confirmed to BIRN that Cesic is the same person who was jailed for 18 years by the UN's war crimes tribunal in The Hague for torturing, raping and murdering Bosniak and Croat detainees at the Luka detention camp near Brcko in 1992.

Cesic admitted killing ten people, two of whom were beaten to death and the others shot dead, in a series of crimes that the court's verdict said were committed with "depravity and cruelty".

He told the court he was sorry for "all the evil I have done".

Cesic was granted early release in 2014 after serving two-thirds of his sentence. The tribunal explained that he had shown remorse and had cooperated with its prosecutors by testifying in other war crimes cases in The Hague.

Cesic and Petrovic are both citizens of Serbia.

The indictment has been filed to the Bosnian state court for confirmation.

Bosnian Serb Ex-Serviceman Tried for Killing Civilian Prisoners (Balkan Transitional Justice) By
Irvin Pekmez
August 25, 2021

The trial of Goran Viskovic for crimes against humanity in the Vlasenica and Milici areas in 1992 and 1993 opened on Wednesday at the Bosnian state court in Sarajevo.

The indictment alleges that Viskovic, alias Vjetar (Wind), a wartime member of the Bosnian Serb Army military police, participated in the persecution, murders and illegal detentions of non-Serb civilians between April 1992 and the end of 1993.

"On several occasions, uniformed and armed, together with soldiers known to him, he participated in illegally depriving Bosniak civilians of their liberty, taking them to the Vlasenica [police] Public Security Station, the municipal court and the Susica prison facility, and committing other inhumane acts with the intention of inflicting serious physical or psychological injury or impairing their health," the prosecution said when announcing the indictment.

Prosecutor Dzevad Muratbegovic said that Viskovic participated in the murders of eight Bosniak detainees after they had been taken from a hangar at the Susica detention camp near Vlasenica.

Muratbegovic said one of the Bosniak civilians begged Viskovic not to assault him, telling him: "Goran, please don't beat me."

According to the charges, he tortured the by making them do forced labour and making them hit each other. He is also accused of participating in the mistreatment of Bosniak women.

Viskovic is further charged with threatening to kill a man by putting a pistol into his mouth, and forcing some beaten Bosniak prisoners to clean up their own blood after he tortured them.

Viskovic entered a not guilty plea on July 15.

He is already serving an 18-year sentence for crimes against non-Serbs in the Vlasenica municipality, including two rapes, after being convicted in a previous trial in 2011.

The next hearing is scheduled for September 3.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Croatia seeks extradition of war criminal from Bosnia (EU-OCS) August 12, 2021

The Bosnian state court this week rejected an extradition request from Croatia regarding Vinko Martinovic, alias Stela, after his arrest on an international arrest warrant for committing murder in 1996.

Croatia lodged a request to remand Martinovic in custody, but Croatia's extradition agreement with Bosnia and Herzegovina only came into force in 2014. Martinovic's lawyer, Nina Kistic, argued that since the alleged crime took place nearly 18 years prior, this case is not covered by the agreement.

"In this case, extradition is not permissible," he insisted.

Bosnia's court rejected Croatia's temporary custody request on the same grounds, agreeing that the extradition agreement could not be applied retroactively. Instead, Bosnia has barred Martinovic from leaving the country, and has seized his travel documents.

Martinovic was arrested in Bosnia's Mostar on 11 August. He was charged in Croatia of killing a Bosniak woman in 1996 after breaking into her house with his military unit, and was convicted in his absence after four retrials.

The court found that Martinovic, the commander of the so-called Convicts' Battalion of the Croatian Defence Council during the Bosnian War, broke into Jasmina Djukic's home in Mostar along with his unit and killed her.

"The owner, a Muslim woman, was killed so that they could get her apartment. The property was later sold," alleges Croatian website Telegram.

"A completely innocent person was killed, Martinovic was the organiser of the entire operation, and he told the other participants what to do," charged the court, "he really showed extreme brutality and callousness."

Martinovic has long maintained his innocence, claiming he had been falsely accused to expedite his extradition to the International Criminal Court. He described the trial as a "terror of the Croatian authorities," with his defence arguing that there was no evidence of guilt.

In 2016, Zagreb County Court sentenced Martinovic to seven years in prison. Four years later, Croatia's Supreme Court increased his prison sentence to ten years in prison. Hours before the initial verdict was declared, however, Martinovic fled to Bosnia and Herzegovina.

Martinovic was previously sentenced to 18 years in prison by the International Criminal Tribunal for the Former Yugoslavia for his participation in crimes of ethnic cleansing in Mostar in 1993. He was released in 2012, in line with the UN court's rule that a convict may request release after serving two-thirds of their sentence.

'We Know Everything': Verdict Outlines Serbia's Role in Croatia, Bosnia Wars (Balkan Transitional

Justice) By Milica Stojanovic
August 13, 2021

June 2021 was an unusually busy month for coverage of war crimes in the Serbian media, which doesn't usually report on the subject very often. Just a few weeks apart, two major verdicts were announced in The Hague that were highly uncomfortable for Serbia.

The first, the ruling that sentenced wartime Bosnian Serb Army chief Ratko Mladic to life in prison for genocide and other crimes, grabbed more of the headlines. The second, in the case of senior wartime Serbian State Security officials Jovica Stanisic and Franko Simatovic, received less coverage but was also highly significant.

The Stanisic and Simatovic verdict, which was finally published in full last week, was the first-ever conviction of top Serbian wartime officials for crimes during the wars that broke out during the break-up of Yugoslavia.

The verdict also confirmed more details that establish connections between Serbia, as a state, and the conflicts in Croatia and Bosnia and Herzegovina in the early 1990s. Serbia has long denied any direct involvement.

The UN's International Residual Mechanism for Criminal Tribunals sentenced Stanisic and Simatovic to 12 years in prison each for aiding and abetting crimes committed by a State Security Service special fighting unit in the Bosanski Samac area during the Bosnian war in 1992, but acquitted them of responsibility for other crimes committed by Serb units elsewhere in Bosnia and in Croatia.

This was a first-instance verdict, and Stanisic and Simatovic can appeal. However, the ruling confirmed that Serbia was involved, mainly through its police and security services, in the conflicts in Croatia and Bosnia and Herzegovina, and that Serbian President Slobodan Milosevic was part of the criminal enterprise to oust Croats and Bosniaks from parts of both countries. It also confirmed, for the first time in an international court verdict, some of the crimes committed in both countries by Serbian warlord Zeljko 'Arkan' Raznatovic and his paramilitaries.

Natasa Kandic, the founder of the Belgrade-based Humanitarian Law Centre, said the verdict gave the clearest picture so far of Serbia's role in crimes in both wars.

"Now, for the first time, it is clear that Serbia has been declared responsible for the crimes that were committed related to the removal of Croats and Muslims from parts of Croatia and Bosnia," Kandic told BIRN.

The verdict said that "from at least August 1991 ... a common criminal purpose existed to forcibly and permanently remove, through the commission of the crimes of persecution, murder, deportation and inhumane acts (forcible transfers), the majority of non-Serbs, principally Croats, Bosnian Muslim and Bosnian Croats, from large areas of Croatia and Bosnia and Herzegovina".

Starting with an attack by Serb forces on the Croatian village of Kijevo in August 1991, it said that "a clear pattern emerges of crimes and acts of violence committed by Serb forces ... resulting in the mass exodus of the non-Serb population from the area".

During and after such attacks by Serb forces in Croatia, "Croat property was looted, houses were torched, churches and schools were destroyed, and Croat civilians were mistreated, detained, beaten, expelled, or killed... Villages were razed to the ground and emptied of their Croat residents," the verdict said.

The court said that a similar pattern of violence could be seen in other parts of Croatia, and continued during Serb forces' takeovers of the municipalities of Bijeljina, Zvornik, Bosanski Samac, Doboje, and Sanski Most in Bosnia and Herzegovina in the spring of 1992.

What the court described as a "common criminal purpose" was shared by the senior political, military, and police leadership in Serbia, the rebel Croatian Serb leaderships of the Serbian Autonomous Oblast of Krajina and Republic of Serbian Krajina, and of the Serb-led Republika Srpska area of Bosnia.

Among those named as participants in what the court called a joint criminal enterprise were Serbian President Slobodan Milosevic, Bosnian Serb political leaders Radovan Karadzic, Momcilo Krajisnik and Biljana Plavsic, Croatian Serb leaders Goran Hadzic and Milan Martic, plus Mladic, Arkan and others.

Kandic noted that this represents a change from the verdicts in the trials of Mladic and Karadzic for wartime crimes in Bosnia and Herzegovina "because there were no officials [from Serbia] among the participants in the joint criminal enterprise" named in those rulings.

But a court statement issued after the Stanisic and Simatovic verdict made it clear that there were Serbian officials “who shared the intention to organise the removal of non-Serbs from certain territories of Croatia and Bosnia”, she said.

She argued that “now Serbia is in the same position in which Croatia found itself with the verdict against Prlic”. The Hague court’s verdict convicting Jadranko Prlic and five other political and military officials of the unrecognised wartime Croat-led statelet of Herzeg-Bosnia established that the Croatian state was implicated in crimes committed during the Bosnian war.

The verdict said that Serbian State Security Service chiefs Stanisic and Simatovic set up a special fighting unit by August or September 1991 from recruits who were trained at Golubic in Croatia.

Golubic served as a training base for several hundred local Serb police, territorial defence fighters and volunteers from May to end of July or early August 1991, it added. The main instructor was a Serb called Dragan Vasiljkovic, known as Captain Dragan, and some other instructors were operatives or employees of Serbian State Security.

Iva Vukusic, a lecturer at the Centre for Conflict Studies at Utrecht University in the Netherlands, told the Justice Info website that the verdict illuminated Serbia’s tactics in supporting armed Serb units outside its borders.

“You create plausible deniability, this idea that you outsource violence to actors that are seemingly independent in order to stay far away from it and say: ‘We have nothing to do with it,’” Vukusic said.

The verdict found that Stanisic and Simatovic both aided the Serbian Autonomous Oblast of Krajina, a rebel Serb entity within Croatia that existed from December 1990 to December 1991 and opposed the Croatian authorities’ attempts to win independence from Yugoslavia.

The court said that both defendants were involved in providing the Croatian Serb rebel police of the Autonomous Oblast of Krajina with “weapons, communication equipment, and some limited technical assistance” to use in their fight, as well as some financial support, and that Stanisic exerted influence over its leader, Milan Martic.

Serbia was also involved in establishing and assisting a second entity that was set up by rebel Serbs within Croatia, the Serbian Autonomous Oblast of Eastern Slavonia, Baranja and Western Srem, the court found, but through the Serbian Interior Ministry’s Public Security Service rather than through the State Security Service.

“The evidence indicates that the driving force behind the formation of the SAO SBWS [Serbian Autonomous Oblast of Eastern Slavonia, Baranja and Western Srem] Territorial Defence was Badza [Radovan Stojicic] who, throughout the period of 1991 to 1995, belonged to the Serbian Public Security Service,” the verdict said.

But it cautioned that the court was “not satisfied beyond reasonable doubt that there is sufficient evidence to suggest that Stanisic was Badza’s superior or had the authority to issue orders to him”.

The court established that on August 5, 1991, Badza arrived in the Serbian Autonomous Oblast of Eastern Slavonia, Baranja and Western Srem “as a representative of the Serbian Public Security Service” and that Croatian Serb rebel leader Goran Hadzic appointed him as the commander of the entity’s Territorial Defence.

As well as Badza, another well-known figure arrived from Belgrade to aid the Serbian Autonomous Oblast of Eastern Slavonia, Baranja and Western Srem – Arkan and his Serbian Volunteer Guard, a notorious paramilitary unit also known as Arkan’s Tigers.

The court said it had been proven “beyond reasonable doubt” that the Tigers killed 57 non-Serb civilians in the Croatian villages of Dalj and Erdut between September and December 1991. The crimes were committed with the participation of Goran Hadzic and other members of the local Croatian Serb Territorial Defence force.

The verdict further confirmed that Arkan’s men participated in the three-month siege of the Croatian town of Vukovar in 1991. Following the attack on Vukovar, Yugoslav People’s Army troops, Croatian Serb rebel Territorial Defence fighters and Arkan’s paramilitaries then “killed, expelled, arbitrarily arrested and detained non-Serbs, and looted their property”.

It also said that Arkan’s men then went to Bosnia and Herzegovina “and joined certain local Serbs in Bijeljina to forcibly take control over the town and, in the process, killed at least 48 civilians, mostly non-Serbs”.

After Bijeljina fall, they continued, together with other paramilitary units and local Serb forces “to engage in criminal activities, such as lootings, rapes, mistreatment, and killings of non-Serbs in the municipality, causing many non-Serbs to flee”. The Tigers’ participation in an attack on Zvornik in April 1992 was also confirmed.

Arkan was indicted in 1997 for killing over 60 people in Sanski Most in Bosnia and Herzegovina in September 1995, but was

shot dead in Belgrade in January 2000 before the case ever reached court.

The Tigers' crimes had been listed in the Hague prosecution's indictments of Milosevic and Hadzic, but both men died before the verdicts in their trials. The judgment in the Stanistic and Simatovic case saw the crimes confirmed by an international court verdict for the first time. The only specific crimes for which Stanistic and Simatovic were convicted happened after the takeover of Bosanski Samac in Bosnia and Herzegovina by Serb forces in April 1992.

Kandic said that the verdict confirmed that the Red Berets and White Eagles units were involved in the crimes and that the judges made it "completely clear that they come from Serbia and that they are police units of the Republic of Serbia".

The verdict also noted that the crimes in Bosanski Samac "did not occur as an isolated incident, but formed part of a pattern of crimes accompanying the takeover of territory by Serb forces in Bosnia and Herzegovina".

Stanistic and Simatovic "were undoubtedly aware of the campaign of forcible displacement targeting non-Serbs in Croatia and Bosnia and Herzegovina and of the shared intent of the members of the joint criminal enterprise", it said.

The court found that they were "responsible for aiding and abetting the crimes of persecution, murder, deportation, and forcible transfer committed by Serb forces in Bosanski Samac". Further establishing their involvement in the Bosnian conflict, the verdict said that Stanistic was "in direct and frequent contact" with Bosnian Serb leader Radovan Karadzic in 1991 in the lead-up to and after the establishment of Republika Srpska, and that "in some instances, Stanistic facilitated contact between Karadzic and Milosevic".

Serbian State Security was well-informed about what was going on in both the Bosnian and Croatian wars, the judgment explained, and "had access to a vast amount of information about events on the ground in Croatia and Bosnia and Herzegovina, including on the commission of crimes".

It quoted an intercepted conversation from January 1992, when Stanistic was recorded telling Karadzic: "I don't know how much you know, but we know everything." Establishing the facts about Serbia's involvement through admissions like this by its security chiefs, Stanistic and Simatovic, could prove to be the verdict's most significant legacy.

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Turkey

Turkish airstrikes hit Shingal hospital (Rudaw) August 17, 2021

The Turkish army has attacked Shingal for the second day in a row, a Rudaw reporter and local medical workers have confirmed, carrying out airstrikes on a local medical centre.

A Rudaw team reporting from the area came under attack by suspected local forces on the ground.

Airstrikes took place on a medical centre associated with the Shingal Resistance Units (YBS) in the village of Sikeniyeh, Rudaw's reporter in Shingal has confirmed.

Three consecutive strikes hit the facility before a fourth struck 15 minutes later, a witness told Rudaw's Tahsin Qasim.

Local doctors have also confirmed the attack to Rudaw, saying access to the centre was restricted after the airstrike.

The village is located on the south side of the Shingal mountain range. This is the first time it has been targeted by Turkey.

Media outlets close to the YBS reported an unconfirmed number of injuries and deaths.

This is the second suspected Turkish airstrike on the Shingal area in as many days. On Monday, two members of the YBS, including senior commander Said Hassan, were killed in Shingal by a Turkish airstrike. Three civilians were injured as well, according to the YBS.

Mazloun Abdi, general commander of the Syrian Democratic Forces (SDF), expressed his concern over the death of Hassan and the other YBS fighter. "This is added to the series of war crimes committed by the Turkish state. The Iraqi government should take the responsibility of protecting the Yazidi minority group who have suffered a lot throughout history," he tweeted.

Ankara has not yet commented on either incident.

Turkey considers the YBS as an offshoot of the Kurdistan Workers' Party (PKK), an armed group fighting for the increased rights of Kurds in Turkey. The PKK is designated as a terrorist organization by Turkey, which carries out regular military campaigns against the group at home and in northern Iraq, including the Kurdistan Region.

Nadine Maenza, head of the United States Commission on International Religious Freedom (USCIRF), condemned the attack, repeating the call she made after the Monday attack. "Turkey's continued targeting of Yazidis should be condemned by the US & intl [international] community," she tweeted.

Turkey's pro-Kurdish Peoples' Democratic Party (HDP) also condemned the airstrikes. "We strongly condemn these attacks against Shingal. We do not recognize any policy that does not recognize the will of the Shingal people. The AKP government will pay for these attacks both politically and legally," said the party's Central Executive Committee, referring to the ruling Justice and Development Party (AKP).

HDP said Ankara, in its airstrikes on Shingal, has disregarded international agreements on humanitarian values.

Rudaw's reporter Tahsin Qasim was covering the airstrike, reporting near the site when he was shot at. He told Rudaw English that he was shot by two suspected YBS fighters.

The YBS are the only forces present in the area where Qasim was working, according to Nasr Ali, the head of Rudaw's Duhok office.

Qasim was injured and is being treated in hospital. The armed men also damaged his team's vehicle and took their camera and other equipment. The cameraman was unharmed.

Metro Center, a Sulaimani-based organization that advocates for press freedom, condemned the "cowardly" attack on Qasim and called on local authorities in Shingal to "respect the work of media outlets and not make obstacles for them. They should also investigate this cowardly attack."

This is the third time Rudaw teams have faced problems in the Shingal area. Ali and his team barely escaped an abduction attempt by armed men in Shingal earlier this month. And in February, Qasim and his cameraman Naif Ido were briefly detained by a brigade with the Popular Mobilization Forces (PMF).

There are several armed groups and forces operating in the Shingal area, including those with loyalties to the PKK, the PMF, federal forces, and the Peshmerga. Baghdad and Erbil last October announced an agreement outlining a plan for governance and security in the troubled region. The deal puts Iraqi forces in charge of security in Shingal, tasking them with removing the various armed groups and establishing a new force from the local population. The agreement has largely not been implemented.

Turkey accused of war crimes after eight killed in hospital missile attack in northern Iraq (Morning Star) By Steve Sweeney

August 18, 2021

Turkey was accused of war crimes today after the names of eight people killed in a missile attack on a hospital in northern Iraq's Shengal region were released.

Four health workers died in Tuesday's drone attack on the medical facility in the village of al-Sakina, south of Mount Sinjar in Nineveh province.

Turkish jets targeted all vehicles attempting to reach the hospital as well as those seeking to leave.

"The warplanes targeted everyone who tried to evacuate the wounded from the hospital," a security official said.

The dead were named yesterday as health workers Eli Resho Xidir, Sedo Ilyas Resho, Heci Xidi and Muhlise Sidar, along with Shengal Resistance Unit (YBS) fighters Hemid Sadun, Xidir Onur, Rami al-Salim and Meytem Xidir Xelef, who were defending the area.

The air assault came a day after Turkish missiles struck a busy marketplace in Shengal during lunchtime trading, killing YBS commander Seid Hesin.

It has since transpired that the Yazidi militia leader was on his way to meet Iraqi Prime Minister Mustafa Khadimi, the first time one of the country's leaders has been to the region since the 1980s.

He is visiting local Yazidi institutions in Shengal, which has a system of self-governance. “The fact that the attack was carried out on such a day reveals the aims of the enemies and invaders,” the Shengal autonomous administration said in a statement yesterday.

Local officials said that they would “no longer tolerate the killing of our people” and warned that the Yazidis would bring “the enemies and murderers to account.”

Turkey launched operations across northern Iraq and its semi-autonomous Kurdish region on April 23.

Air strikes have been accompanied by a ground invasion supposedly targeting the Kurdistan Workers Party (PKK).

But Turkey has been accused of war crimes, including the use of chemical weapons and driving more than 1,500 Kurdish villagers from their homes.

Baghdad has warned Turkish President Recep Tayyip Erdogan against his expansionist agenda, alleging that Ankara seeks to seize control of the oil-rich north-western city of Mosul.

Iraqi parliamentarian Abdul-Khaleq al-Azzawi said that the latest Turkish invasion could pave the way for regional and global interventions in the country’s affairs.

“The Turkish incursion into northern Iraq, whatever the motive, remains a source of concern and is deemed an unacceptable interference affecting national sovereignty,” he said in a statement on Saturday.

“Unless the government and the Foreign Ministry act firmly to stop foreign interference, the country could face serious repercussions for everything, including the security situation.”

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Kosovo Specialist Chambers

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Azerbaijan

Second part of report on hatred policy against Azerbaijanis sent to int'l agencies (AzerNews) By Vafa Ismayilova August 20, 2021

Azerbaijani Human Rights Commissioner (Ombudsman) Sabina Aliyeva has sent to international organizations the Part II of the Report on Hate Crimes and Hate Speech against Azerbaijanis, which was released on May 4, 2021, ombudsman.az has reported.

The purpose of the report is to inform the world community about the results of the hatred policy against Azerbaijanis in and outside of Armenia during the First and Second Karabakh Wars, as well as Tovuz battles of July 2020. It also aims to draw attention to the examples of hate speech against Azerbaijanis used by Armenians through social media platforms.

The report was developed on the basis of the information obtained from reliable sources published on social media sites, as well as local and foreign mass media.

In her report, the ombudsman expresses her concern about the fate of missing persons in the First Karabakh War, disrespect for human rights and freedoms and indifference to the principle of rule of law by the Armenian political and military leadership. The Azerbaijani ombudsman calls on international organizations and national human rights institutions to concert their efforts to put an end to such actions, which can lead to the emergence of new hotbeds of conflict. You can see the full text of the report [here](#).

The scale of destruction in Azerbaijan’s formerly-occupied territories suggests deep hatred and animosity against Azerbaijanis, with many experts describing these mass destructions as genocide.

Azerbaijan and Armenia resumed the second war after that latter started firing at Azerbaijani civilians and military positions starting September 27, 2020. The war ended on November 10 with the signing of a trilateral peace deal by the Azerbaijani, Russian and Armenian leaders.

The peace agreement stipulated the return of Azerbaijan's Armenian-occupied Kalbajar, Aghdam and Lachin regions. Before the signing of the deal, the Azerbaijani army had liberated around 300 villages, settlements, city centres and historic Shusha city. The Azerbaijani army declared a victory against the Armenian troops. The signed agreement obliged Armenia to withdraw its troops from the Azerbaijani lands that it has occupied since the early 1990s.

Azerbaijani President: We used all existing international instruments to restore our territorial integrity (News.Az) August 25, 2021

“Within our capacity and our potential we try to contribute to the cause of peace and security. With the United Nations, our active interaction with institutions started as a result of Armenian aggression, and 1993 was a year when those famous resolutions of the Security Council were adopted, which were very positive step, very promising gesture of support, and addressing the Armenian aggression. The demand for immediate, full, unconditional withdrawal of Armenian troops from our internationally recognized territories was a very important political gesture of the Security Council,” said President Ilham Aliyev as he received newly appointed United Nations Resident Coordinator in Azerbaijan Vladanka Andreeva.

“But unfortunately, these resolutions were not implemented and as you probably know, many times I personally raised this issue that there is no mechanism of implementation of the Security Council resolutions. In one case, they were implemented short period of time but in our case, they were not implemented at all by international players. Especially what was of concern and was difficult to understand by Azerbaijani society that those who adopted those resolutions, three out of five permanent member-states were the countries which were and still are the co-chairs of the OSCE Minsk Group. So, they themselves adopted those resolutions and they had a mandate to facilitate implementation of these resolutions. But unfortunately, 28 years of the Minsk Group were the years of lost opportunities. On many occasions, I raised the issue of imposing sanctions on Armenia. Because I thought that could be a way how to avoid confrontation, avoid war,” the head of state noted.

“We wanted to resolve this issue peacefully. Speaking last year at the General Assembly just several days before the war, I was warning international community that Armenia is preparing for war, that these were not just words for the sake of propaganda. That was a realistic analysis of Armenia’s behavior in the months prior to the war. And unfortunately, I was right. If sanctions were imposed on Armenia on time, if Minsk Group co-chairs - three leading countries of the world used five percent of their potential to persuade or to force Armenia to withdraw its occupational forces then the war would not have happened. Therefore, the responsibility for the war is not only lies on Armenia but on those who could not or did not want to force them to comply with the international law. Therefore, Azerbaijan implemented these resolutions itself, within international law norms. We restored justice, we restored international law norms. We implemented the United Nations Security Council resolutions ourselves and we acted in accordance with UN Charter. Chapter 51 recognizes the right for every country for self-defense. So, we used all the existing international instruments to restore our territorial integrity,” President Ilham Aliyev added.

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Syria

Children killed in Syria's Idlib amid displacement crisis (Al Jazeera) By Harun al-Aswad

August 21, 2021

Russian-backed government forces have targeted the village of Kansfara, south of Idlib province, killing four children in a series of attacks on the rebel stronghold in northwestern Syria.

The children's mother survived with her baby during the attack. Her husband was tending sheep near the village, and rushed to his wife after hearing the sound of the attack on Friday to find his children had been crushed under the rubble of his house.

Attacks that hit another house resulted in the injury of three civilian farm workers, and two other children were wounded as a result of artillery fire that targeted western Aleppo province, bordering Idlib.

The incident came a day after another attack killed five children. The two children were visiting the grave of their father in the village of Kafr Naha, west of Aleppo province. One of them, an eight year old, was taken to a Turkish hospital.

"There was a Russian military reconnaissance plane since five in the morning in the skies of Kansafra, and after half an hour the attack began," Mustafa al-Hussein, an activist living in the village, told Al Jazeera.

"We rushed to the scene of the attack on foot for fear of reconnaissance aircraft. We arrived too late, we found the children turned to pieces between the ruins," he added.

Laser missile attacks known as "Krasnopol" have recently been a common method to strike southern Idlib, where reconnaissance planes give precise coordinates to launch rocket attacks.

Continuing strikes

The attacks came a day after five children were killed south of Idlib as a result of similar strikes, followed by Russian air raids on the village of Ein Shib, west of Idlib city.

On Wednesday, three civilians, including a child, were killed in rocket attacks targeting Turkish-controlled Afrin north of Aleppo, which is connected to Idlib province.

The attack on Afrin was launched from areas under the control of the government and the Syrian Democratic Forces (SDF), which is a predominantly Kurdish force and receives military support from the US-led international coalition.

Russian media reported the attacks targeted opposition fighters, although civilians in Idlib disagreed. The Sputnik news agency said 35 members of the Group of Hurras al-Din, the Syrian arm of al-Qaeda, were killed.

"We are being bombed on a daily basis. Yesterday's attacks targeting civilians turned children to pieces and today they killed other children and turned them into pieces," Ahmed al-Mustafa, a civilian living in the village, told Al Jazeera.

Mustafa spoke via WhatsApp audio clips and said he was sheltering with his children in one of the rooms of the house, as the village south of Idlib was hit by another new rocket strike.

"There are no military headquarters in our villages, we are all civilians. People are trying to find a livelihood on agricultural land," he added.

In southern Idlib, some civilians usually leave their homes around 5am to head to surrounding farms to avoid attacks, but they have started earlier.

"We cannot be displaced from the village because of living conditions and the lack of any livelihood among the overcrowded camps north of Idlib," Mustafa said.

Displacement crisis

The village of Kansfara and the surrounding villages are part of Jabal al-Zawiya, south of Idlib province, whose population depends mainly on agriculture, especially olives.

The province now has about five million civilians, half of them displaced from areas around Idlib that government forces have controlled with Russian support after more than 10 years of a grinding war.

The United Nations estimates the number of displaced people in northwestern Syria at 2.8 million, including 1.7 million living in tents. Military operations early last year resulted in the displacement of nearly one million civilians towards the Syrian-Turkish border, putting pressure on Turkey.

Military operations stopped in March of last year under a ceasefire deal reached by Moscow, an ally of Syrian government forces, and Ankara, an ally of the rebels.

Since then, Ankara has deployed its military towards Idlib to prevent the collapse of the ceasefire and to spare Turkey, which has about four million Syrian refugees, a new wave of displaced people.

According to Jusoor for Studies, a study centre based in Turkey, Turkey has 119 military bases in northern Syria, while Russia and Iran operate 367 installations in Syria to support Syrian President Bashar al-Assad's forces.

No solutions

Pro-al-Assad forces are seeking to take control of strategically located Jabal al-Zawiya, making it easier for them to oversee the opening of the M4 highway south of Idlib to commercial traffic between the government-controlled city of Aleppo and Latakia.

This leaves IDP camps on the Syrian-Turkish border extremely overcrowded and causes displaced people to suffer constantly, as their tents sink in winter rains and freeze because of the cold, while facing high temperatures during the summer.

The civil defence team known as the White Helmets rushed to put out a fire that devoured about 20 tents in the Samdoun camp west of Idlib on Thursday.

The fire left dozens of civilians homeless and living in the open after it started because of a gas leak.

"The only solution for the displaced civilians is to return to their homes after the international parties pledged to guarantee a ceasefire and stop the bombing," Firas Khalifa, a White Helmets spokesman based in Idlib, told Al Jazeera.

"Russia and the Syrian regime must be obligated to stop military operations, in addition to ensuring the safe return of displaced civilians to alleviate the camps' crisis," he added.

"Attacks target civilians on a daily basis. Since the beginning of this year, three civil defence volunteers have been killed while searching for survivors under the rubble, and about 11 others wounded."

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Yemen

Millions 'one step away' from famine in Yemen, UN warns (Al Jazeera)

August 24, 2021

Ending Yemen's ongoing famine is an "overarching humanitarian priority" amid a litany of crises, the UN's outgoing special envoy for the country said.

Martin Griffiths told the UN Security Council on Monday that roughly two-thirds of the war-ravaged country's population – about 20 million people – rely on humanitarian aid for their day-to-day needs.

Roughly five million people "are one step away from succumbing to famine and the diseases that go with it", he warned.

An additional 10 million people "are right behind them", added Griffiths.

“Famine isn’t just a food problem. It’s a symptom of a much deeper collapse. In many ways, it is all of Yemen’s problems rolled into one, and it demands a comprehensive response,” he said.

Much of the country’s starvation is tied to the extreme depreciation of Yemen’s national currency and the collapse of the economy, with GDP plummeting 40 percent since 2015 when Iran-backed Houthi rebels seized control of the country.

The Yemeni riyal, meanwhile, is trading at record lows to the US dollar.

Khaled Mohamed Khiari, assistant UN secretary-general for the Middle East, raised further alarm over widespread fuel shortages that are worsening in Houthi-controlled territories.

Only three ships carrying oil supplies were allowed to dock at Yemen’s strategic port city of Hodeidah since July, while four others remain in a holding area controlled by the Saudi Arabia-led, anti-Houthi coalition, Khiari said.

The port of Hodeidah – which has remained largely shut over the years – is Yemen’s main port and a major lifeline for humanitarian supplies entering the country, which the UN has described as “the world’s worst humanitarian disaster”.

‘Prioritise civilian needs’

All but one Yemen Petroleum station in Houthi-controlled territories have closed because of the shortages, and waiting times to refill gas canisters used for cooking have reached one month, according to the UN.

“We reiterate our call on the government of Yemen to urgently allow the entry of all essential commercial supplies, including fuel ships to Hodeidah without delay,” said Khiari.

“All parties must prioritise civilian needs and abstain from weaponising the economy, particularly in light of the critical humanitarian situation in the country.”

In March, Saudi Arabia offered a nationwide ceasefire in Yemen, but the Houthis rejected the proposal, calling for a complete end to the Saudi-led blockade on the country’s ports and Sanaa airport first.

Saudi Arabia says the Houthis are proxies of its regional rival, Iran. But the rebels deny receiving material support from Tehran.

Meanwhile, Griffith called for an end to “profiteering” and the implementation of a definitive ceasefire, which would give “desperate civilians a break and create the space needed to address the drivers of the crisis”.

Yemen has been beset by violence and chaos since 2014 when Houthi rebels overran much of the country.

The conflict intensified in 2015 when Saudi Arabia and its regional allies launched a military campaign against the Houthis, who had taken over the capital Sanaa and expelled the Riyadh-backed government of Yemeni President Abd-Rabbu Mansour Hadi.

The violence spurred an enormous humanitarian crisis that has killed at least 233,000 people, according to UN estimates, and left millions on the verge of starvation.

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Special Tribunal for Lebanon

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

12 Years, \$800 Million, One Conviction: Lebanon Tribunal Winds Down Short of Answers (New York Times) By Marlise Simons
August 13, 2021

Established in 2009 to prosecute those responsible for the assassination of former Prime Minister Rafik Hariri, the tribunal failed to show who ordered the attack or why.

In a nation where the poor struggle to buy food, and electricity is scarce, medicine in short supply and corruption rife, the crimes of the past have a hard time competing with the suffering of the present.

So it may be little surprising that a special tribunal established to prosecute organizers of the massive car bomb that killed Lebanon's former Prime Minister Rafik Hariri in downtown Beirut in 2005 is preparing to shut down without offering answers about who ordered the killing or why.

But the story of the court — its ambition and its failure — helps illustrate the tragedy that continues to unfold in the small Mediterranean country. Lebanon asked for the court, requesting it to deal with a specific crime. It included Lebanese judges and staff and was largely based on Lebanese law. But since the government did not arrest any of the indicted suspects, the trial went ahead without anyone in the dock.

The assassination of Mr. Hariri, a towering politician in a country rocked by instability, rattled much of the Middle East. When the tribunal opened its doors in 2009 with a mandate from the United Nations Security Council, it set an ambitious agenda.

In a country that emerged from a 15-year civil war in 1990 and has long been plagued by unsolved political murders, this was a chance to achieve accountability.

Unlike other international courts that deal with crimes against humanity and war crimes, this tribunal was hailed as the first to focus exclusively on terrorism, a subject of controversy in international law.

More than a decade later, however, the Lebanese government has run out of money for the court and international donors are drastically cutting back funds.

It had been clear for some time that the tribunal — set up near The Hague, far from the troubled streets of Lebanon — was unlikely to ever bring those who orchestrated the attack to justice. So as it sputters to a close, it is unclear to donors what it actually accomplished.

After five years of investigations and a six-year trial — at a cost of nearly \$800 million — judges last August convicted only one Lebanese national, Salim Ayyash, for participating in a conspiracy to carry out the bombing. Three other men were acquitted.

All four were described as members of Hezbollah, the powerful Syria- and Iran-backed Lebanese militant group. But all were tried in absentia; not one of the accused has been arrested and if they ever are taken into custody, a whole new trial might have to be convened. While the 2,600-page judgment included ample political context and called the plot the work of a much larger group, judges avoided naming higher-ups, saying they lacked evidence.

International donors, including supporters of the tribunal, have criticized costly overstaffing — including 11 full-time judges and close to 400 staff — with little tangible results to show for it. And the fact that no suspect ever stood trial in person further undermined the court's credibility.

So with two years left on the tribunal's mandate, donors have been looking for a way to stop the process with minimal embarrassment. And it appears they found a blunt way of doing that.

"Some countries just stopped paying this year, or they paid less than in the past," said David Tolbert, the chief administrator of the Special Tribunal for Lebanon. "Others seemed to wait."

According to tribunal records, several major donors, including Britain, Canada and Japan, halted their contributions for 2021, leaving the staff baffled.

"No one tells you, you must close," Mr. Tolbert said in a telephone interview in early August. Representatives for the nations did not respond to requests for comment.

In June, with coffers nearly empty, judges were forced to suspend a new trial just days before it was set to begin. The fate of two pending appeals is in doubt.

By the end of July, 150 lawyers, investigators, clerks and others making up more than half the staff lost their jobs.

Wajed Ramadan, the tribunal spokeswoman, said that as of July 31, there would be no judicial activity until further notice.

The abrupt handling of the tribunal has drawn criticism from international lawyers.

“It’s a travesty — the court’s mandate should be completed,” said Olga Kavran, who used to head its outreach section. “Allegations about mismanagement and a lot of criticism may be valid. But do you shut it down, or do you fix it?”

Supporters say the court’s investigators faced a shifting minefield in trying to find answers in the Hariri killing.

Hezbollah, which is part of Lebanon’s government, campaigned against the tribunal, blocked avenues of investigation and threatened to go after anyone cooperating. Prosecutors were not allowed to use the intelligence they were handed by some Western governments. Other evidence did not meet the standards required in court. Some witnesses recanted or withdrew, fearing retribution.

In the end, prosecutors amassed a vast quantity of evidence, but opted to stay away from trying to prove who ordered the crime. Instead, they focused on technical evidence, tracking records of cellphones used by operatives on the ground before the attack.

Wrangling over finances has been a recurrent feature at the court.

But the current troubles began early this year as Lebanon’s financial crisis deepened. The economic collapse now ranks among the world’s worst since the mid-1800s, according to the World Bank.

The government said it could no longer afford to pay its agreed half of the budget. The United Nations offered \$15.5 million in emergency funds. But not enough other funding has been found to fill the gap, and officials said the court will likely be forced to permanently close sometime next year, with its work unfinished.

There has been little reaction to the tribunal’s woes in Lebanon. Once a dominant and deeply divisive subject, the killing of Mr. Hariri has faded into the past, overtaken by the country’s deepening troubles, including the enduring effects of the enormous explosion that blew up Beirut’s port and killed more than 200 people one year ago.

Still, at the tribunal, the threat of impending closure has come as a shock. Nidal Jurdi, a defense lawyer for victims, said that halting the upcoming trial was “a violation of the victims’ rights,” and he called for transparency and an explanation as to “why donors have decided to stop the funding.”

The judges in the new case have written that preparing the trial and then defunding it was “irrational and unreasonable” and an “extraordinary waste of money.” They said that the matter was now out of their hands and had to be addressed by the United Nations Security Council, which created the tribunal and had to define its future.

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Israel and Palestine

ICC adds IDF's multiple razing of Khirbet Humsa to war crimes probe (Al Jazeera) By Tovah Lazaroff
August 21, 2021

The International Criminal Court has added the multiple IDF demolitions of the Palestinian herding village of Khirbat Humsa in the Jordan Valley to its file of alleged Israeli war crimes.

It did so after the Israeli left-wing NGO Combatants for Peace sent the court information on the demolitions, which had taken place in the small hamlet of tents and shacks.

The Office of the ICC Chief Prosecutor Karim Khan responded to Combatants for Peace last Wednesday.

“The information will be added to our collection of information and transmitted to relevant staff members for further review,” Khan’s office said.

The former ICC chief prosecutor Fatou Bensouda had opened a war crimes probe into Israeli actions in Gaza, the West Bank and east Jerusalem from June 13, 2014 and onwards. Her replacement, Khan, is now tasked with the probe that includes IDF

demolitions of Palestinian homes, including in Khirbat Humsa.

Combatants for Peace said that the “way to halt the investigation at The Hague [ICC] has never been easier – halt the Khirbat Humsa demolitions.”

The IDF has argued that the tents and shacks of Khirbat Humsa are illegal and exist in an IDF firing zone. It has taken action multiple times in the past years to remove the structures over the objections of the international community, including the European Union, whose local diplomats have visited the site.

The attorney for Combatants for Peace Eitay Mack explained to the court that the residents of Khirbat Humsa had lived in that area since before the Six Day War.

Mack provided the ICC with aerial photographs that showed the presence of the Palestinians in the area from 1980 to 2002. The Palestinians left the area briefly during the Second Intifada but returned, Mack explained.

Settler presence in the firing zone area has not been treated in the same way, wrote Mack.

The firing zone area was adjusted to take into account the boundaries of the Hemdat settlement, he wrote.

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Gulf Region

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ASIA

Afghanistan

Taliban fighters executing surrendering troops, which could amount to war crimes, U.S. officials say (ABC News) By Conor Finnegan and Luis Martinez
August 12, 2021

Taliban fighters executing surrendering troops, which could amount to war crimes, U.S. officials say (ABC News)

The State Department will also begin reducing its staff levels at the U.S. Embassy in Kabul, due to the "evolving security situation," State Department Spokesman Ned Price said Thursday. To facilitate this decision, the Pentagon "will temporarily deploy additional personnel to Hamid Karzai International Airport."

The U.S. Embassy in Kabul has also urged Americans to evacuate Afghanistan immediately, amid fears that the capital could fall into Taliban hands in a matter of weeks.

A military analysis said the city could be isolated in 30 to 60 days and be captured in 90 days, a U.S. official told ABC News, but that timeline seemed even more accelerated Thursday as the Taliban claimed Herat, Afghanistan's third-largest city.

While the Taliban have previously denied reports that its fighters have executed Afghan troops, the U.S. embassy said Thursday it was "hearing additional reports of Taliban executions of surrendering Afghan troops" and said they were "deeply disturbing and could constitute war crimes."

Extrajudicial killings are a war crime according to international law.

In addition, the Taliban have detained "several members of the Afghan government, including both civilian leaders and officers of the Afghan National Defense and Security Forces ... in several locations," the embassy said in a statement Thursday.

Those arrests "contradict the Taliban's claim to support a negotiated settlement" and "contrast the Taliban's own rhetoric providing for the safety of Afghan leaders and troops in areas recently seized by the Taliban," the embassy added.

Critics have condemned the Biden administration for putting any stock in what Taliban leaders say or do in Doha, Qatar, where the militant group's political leadership is based. Negotiations there with the Afghan government have been all but dead since they launched last September, but U.S. envoy Zalmay Khalilzad is there this week in a last-ditch effort to revitalize them.

Khalilzad was meeting separately with Taliban and Afghan government negotiators Thursday, according to a State Department spokesperson.

But critics said the administration should not put faith in a group that the U.S. says is actively committing atrocities.

Secretary of State Antony Blinken told ABC News those reported atrocities were "deeply, deeply troubling," but the administration has not taken any action to punish the group for them.

The Taliban have previously denied reports that they have killed Afghan troops -- but CNN obtained video last month showing 22 Afghan commandos being executed after they'd surrendered.

State Department spokesperson Ned Price said Tuesday that the administration has "not taken any tool off the table except for this military presence on the ground," but would use them "if it's appropriate."

It's unlikely that the tools Price referenced -- including U.S. sanctions -- would have any impact at this point.

In the meantime, the U.S. Embassy issued its second alert to urge all American citizens left in Afghanistan to immediately evacuate the country.

"Given the security conditions and reduced staffing, the Embassy's ability to assist U.S. citizens in Afghanistan is extremely limited even within Kabul," the embassy said in its alert.

Just like in a similar alert Saturday, the embassy reiterated Thursday that U.S. citizens should enroll in its emergency notification system "in the event of a future official evacuation flight."

Taliban executions, beheadings in Afghanistan strike fear among those stuck inside country (Fox News) By Michael Ruiz
August 14, 2021

Afghan citizens face executions, forced marriages and other possible war crimes as the Taliban sweeps across the country, wresting control from ineffective government forces as the U.S. troop withdrawal nears, according to U.S. officials and watchdog groups.

The militants have seized territory at an alarming rate while Afghan government troops and their allied militias fail to put up an effective resistance – surrendering at times without even putting up a fight.

The U.S. embassy in Kabul said Wednesday that it was receiving reports that Taliban members were executing surrendering Afghan troops and unlawfully detaining some members of the government, including military leaders, provincial officials and police officers.

The executions "could constitute war crimes," the embassy tweeted.

A Taliban spokesman denied that the group was executing prisoners to the Wall Street Journal earlier this week, even as witness accounts contradicted that claim. The Taliban has also denied allegations that its militants have demanded conquered territories provide them with females aged 15 and older as brides.

"The Taliban's statements in Doha do not resemble their actions in Badakhshan, Ghazni, Helmand & Kandahar," Ross Wilson,

the U.S. chargé d'affaires in Kabul, wrote on Twitter, referencing stalled peace talks going on in the capital of Qatar. "Attempts to monopolize power through violence, fear, & war will only lead to international isolation."

He has also accused the Taliban of "targeted assassinations."

A report from the Afghanistan Independent Human Rights Commission on civilian casualties in the country during the first six months of 2021 found that 1,677 were killed and another 3,644 wounded by the end of June.

That's an 80% increase over the same period in 2020, according to the report, and "the bloodiest six months for Afghan civilians since AIHRC started documenting."

The group blamed the Taliban for more than 900 of the deaths and over 2,000 injuries – double what it was responsible for last year. Pro-government forces were blamed for 229 deaths and 565 injuries.

Faridoon Hazeen, an Afghan translator who helped U.S. forces in the region, told Fox News on Friday that the Taliban's rapid sweep across the country left him fearing for his life.

"I feel like a man drowning," the 39-year-old father of four said. "I am reaching out to anything and anyone to save me."

The Taliban has a history of targeting translators like Hazeen, and the State Department has been working to fly many of them and their families to safety with Operation Allies Refuge. President Biden, away at Camp David, held a virtual meeting Saturday with his national security team to discuss efforts to evacuate the interpreters and other at-risk Afghans, according to the White House.

"Our hearts go out to the brave Afghan men and women who are now at risk," Biden said in a statement Saturday afternoon. "We are working to evacuate thousands of those who helped our cause and their families."

There have also been reports of attacks on Shiite Muslims – who follow a different sect of Islam than the Sunni-adhering Taliban, as well as business owners and other civilians.

Most of the civilian casualties were found in the southwestern portion of the country, which includes Kandahar and Helmand province, which the Taliban seized Friday, when it also took at least three other provincial capitals.

Roughly 400,000 Afghan citizens have been displaced by the violence since May, according to the United Nations.

Amid the chaos, the U.S. is drawing down its military presence and civilian personnel.

The Pentagon announced Friday it was sending 3,000 service members to Kabul to help the State Department evacuate the embassy there. By Saturday, the number had increased to 5,000.

Other Western nations are also scaling down or shuttering their embassies in the city, and even the U.N. said it was relocating some staff members and monitoring the situation.

Rep. Kevin McCarthy, the House Republican leader from California, said the Biden administration was badly mismanaging the withdrawal in a statement Friday after a phone call with Afghanistan's ambassador to the U.S., Adela Raz.

"At a time when our troops are in harm's way, and our Afghan allies are being targeted and killed, we cannot turn a blind eye to the situation that has spiraled out of control," McCarthy said. "Our brave men and women in uniform and the allies who stood beside us for the past 20 years deserve better."

The Taliban has seized Afghanistan's second, third and fourth-largest cities, as well as more than two-thirds of the country's 34 provinces.

Sen. Mitch McConnell, the Senate Republican leader, has urged the Biden administration to "hammer" Taliban forces with airstrikes to counter their offensive.

Pentagon spokesperson John Kirby said Friday that the Afghan military has the technology, training and equipment to fight back – but needs to actually step up and do it.

"They have the material, the physical, the tangible advantages," he said. "It's time now to use those advantages."

President Biden had a similar message to the Afghan military earlier this week.

"They've got to want to fight," he said Tuesday. "They have outnumbered the Taliban."

Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation (Amnesty International)

August 19, 2021

Taliban fighters massacred nine ethnic Hazara men after taking control of Afghanistan's Ghazni province last month, Amnesty International said today.

On-the-ground researchers spoke to eyewitnesses who gave harrowing accounts of the killings, which took place between 4-6 July in the village of Mundarakht, Malistan district. Six of the men were shot and three were tortured to death, including one man who was strangled with his own scarf and had his arm muscles sliced off.

The brutal killings likely represent a tiny fraction of the total death toll inflicted by the Taliban to date, as the group have cut mobile phone service in many of the areas they have recently captured, controlling which photographs and videos are then shared from these regions.

“We urge the UN Security Council to adopt an emergency resolution demanding that the Taliban respect international human rights law, and ensure the safety of all Afghans regardless of their ethnic background – or religious beliefs.

“The UN Human Rights Council must launch a robust investigative mechanism to document, collect and preserve evidence of ongoing crimes and human rights abuses across Afghanistan. That will prove critical to ensure informed decision-making by the international community, and combat the impunity which continues to fuel grave crimes in the country.”

Torture and murder in the context of an armed conflict are violations of the Geneva Conventions, and constitute war crimes under the Rome Statute of the International Criminal Court, which is already considering crimes committed in relation to the conflict in Afghanistan.

Amnesty International interviewed eyewitnesses and reviewed photographic evidence in the aftermath of the killings in the village of Mundarakht.

On 3 July 2021, fighting intensified in Ghazni province between Afghan government forces and the Taliban. Villagers told Amnesty International that they fled into the mountains to traditional iloks, their summer grazing land, where they have basic shelters.

There was little food for the 30 families that fled. The next morning, 4 July, five men and four women returned to the village to gather supplies. On their return, they found that their homes had been looted, and that Taliban fighters were lying in wait for them.

One man, 45-year-old Wahed Qaraman, was taken from his home by Taliban fighters who broke his legs and arms, shot him in the right leg, pulled his hair out, and beat his face with a blunt object.

Another man, 63-year-old Jaffar Rahimi, was severely beaten and accused of working for the Afghan government, after cash was found in his pocket. The Taliban strangled him to death with his own scarf. Three people involved in the burial of Rahimi said that his body was covered in bruises, and that the muscles of his arms had been carved off.

Sayed Abdul Hakim, 40, was taken from his home, beaten with sticks and rifle butts, had his arms bound, and was shot twice in the leg and twice in the chest. His body was then dumped next to a nearby creek.

One eyewitness, who assisted with the burials, told Amnesty International: “We asked the Taliban why they did this, and they told us, ‘When it is the time of conflict, everyone dies, it doesn’t matter if you have guns or not. It is the time of war.’”

During the two-day killing spree, three other men – Ali Jan Tata (65), Zia Faqeer Shah (23), and Ghulam Rasool Reza (53) – were ambushed and executed as they left the iloks, and attempted to pass through Mundarakht to reach their homes in the nearby hamlet of Wuli.

In Mundarakht, they were stopped at a Taliban checkpoint, where they were executed. Ali Jan Tata was shot in the chest, and Rasool was shot in the neck. According to witnesses, Zia Faqeer Shah’s chest was so riddled with bullets that he was buried in pieces. The men’s bodies were thrown into the creek alongside Sayed Abdul Hakim.

Three more men were also callously killed in their home village. Eyewitnesses told Amnesty International that Sayeed Ahmad, 75, insisted the Taliban would not harm him as he was an elderly man, and that he intended to return to feed his cattle. He was executed with two bullets to the chest and another in his side.

Zia Marefat, 28, suffered from depression and rarely left his home in Mundarakht. He refused to leave after the Taliban took control of the village on 3 July, but eventually did so after being urged by his mother and others to flee for his own safety.

However, as he walked alone to the ilok, he was captured by the Taliban, who killed him with a shot to the temple.

Karim Bakhsh Karimi, 45, who had an undiagnosed mental health condition which caused him to act erratically, did not flee with the rest of the villagers. He was also shot, execution-style, in the head.

Investigation of alleged Australian war crimes could be hindered by fall of Afghan government (The Guardian) By Daniel Hurst

August 21, 2021

The agency set up to investigate alleged war crimes by Australian special forces in Afghanistan is unlikely to be able to send investigators to the Taliban-led country for some time.

Experts have described the fall of Afghanistan's government as a setback to potential evidence-gathering activities stemming from the Brereton report, even though it is possible the Taliban would be receptive to such investigations.

Asked about the impact of the Taliban takeover on forthcoming evidence-gathering, the Office of the Special Investigator (OSI) said it was "considering the implications of the situation in Afghanistan in the context of our investigations".

"Any future OSI work in Afghanistan would require an assessment of the security situation and other relevant considerations at that time," a spokesperson for the recently established agency told Guardian Australia.

"The security of investigators and of any witnesses will be the paramount consideration."

The long-running Brereton inquiry found "credible information" to implicate 25 current or former Australian Defence Force personnel in the alleged unlawful killing of 39 individuals and the cruel treatment of two others in Afghanistan.

The inquiry recommended that allegations against 19 individuals be referred for criminal investigation, a task now being undertaken by the OSI, led by the former prosecutor and judge Mark Weinberg QC.

But the rapid collapse of the government in Afghanistan after the US-led withdrawal of western military forces from the country puts a cloud over that process.

In the short term, ADF personnel have been ordered not to leave Kabul airport to help Australians currently blocked at Taliban checkpoints as the security situation is deemed to be too dangerous.

In the long term, the Taliban "could well be receptive to cooperating in war crimes prosecutions of western soldiers", according to Prof Ben Saul, an international law expert.

"However, I think in the short term their victory will exponentially increase the difficulty of gathering evidence for criminal prosecutions," said Saul, who is the Challis Chair of International Law at the University of Sydney.

He said Afghan witnesses may be unreachable due to large-scale displacement, insecurity, and possible disruption of foreign communications by the Taliban.

Key agencies that Australia would have dealt with in Afghanistan may have ceased to exist and a number of officials would have fled the country, Saul added.

A critical question will be whether Australia decides to recognise the new Taliban-led government. So far the Australian government has not revealed whether it will offer such recognition, saying only that trust needs to be earned.

The prime minister, Scott Morrison, said of the Taliban: "We know their form. I'll make decisions, the government will make decisions, based on their form."

Saul said if the Taliban was not recognised by Australia as the new government of Afghanistan, then legal cooperation – whether police to police, or formally through mutual legal assistance to obtain witness testimony in court – would be impossible.

"Diplomatically, even if the Taliban is willing to cooperate, there could be foreign policy reasons, and civil society pressure, not to deal with them at all, because of their human rights record, and the need to isolate them internationally," Saul said.

"At trial, defence lawyers would also surely question whether Afghan witnesses have been pressured by the Taliban."

Donald Rothwell, a professor of international law at the Australian National University, echoed that view.

Rothwell said a supportive approach by a Taliban government in Afghanistan “raises issues as to whether any evidence that is collected from witnesses will be credible due to the potential for witnesses to be coerced to give certain evidence to Australian investigators due to pressure from the Taliban”.

“I can see defence counsel in any Australian war crimes trials seeking to discredit evidence given under those circumstances,” Rothwell said.

He said the question of whether the Australian government recognised the Taliban government “actually raises a very, very important international legal issue, which goes to the heart of Australian policy”.

For decades, Australia has said it does not recognise governments – it recognises states. But the Australian government “tweaked” that approach in early 2019 when it recognised Venezuela’s opposition leader Juan Guaidó as interim president.

“So, that possibly opens the door for Australia to say well look, we continue to recognise the state of Afghanistan, but we’re not going to recognise the Taliban government,” Rothwell said.

“Eventually there’s going to have to be a point reached where Australians are going to have to travel to Afghanistan to collect the evidence that we’re interested in.

“And unless they can get access there, it’s going to be very difficult, and inevitably, that sort of access, I think, does rely upon the assistance of whoever’s in charge of Afghanistan at the time.”

Apart from the criminal investigations, the Brereton report recommended the ADF consider taking administrative action against some serving members, including in cases “where there is credible information of misconduct” that “does not meet the threshold for referral for criminal investigation”.

On Friday Morrison refused to confirm a Daily Mail report indicating 13 SAS soldiers no longer faced administrative action from defence, after being sent notices last year asking them to show cause why they shouldn’t be terminated.

A defence spokesperson said the army had issued a show-cause notice for termination of service against 17 individuals “where alleged failure to comply with Australian Defence Force expectations and values was identified”.

The spokesperson said all of these members had been afforded due process, and they had now been “notified of the outcome of their termination notices”. But defence said it would not comment on those decisions for privacy reasons.

What war crimes did Australian soldiers commit in Afghanistan and will anyone go to jail? (ABC News) By Georgia Hitch
August 24, 2021

A landmark investigation has found "credible information" Australian soldiers murdered innocent civilians during the conflict in Afghanistan.

For the last four years, the Inspector-General of the Australian Defence Force (IGADF) has been looking into rumours and allegations that troops breached the law of armed conflict, or in other words, committed war crimes.

The inquiry has now handed down its final report, completed by New South Wales Justice Paul Brereton, who is also a Major General in the Army Reserve.

Here are five quick answers about what he found, and what should happen next.

What crimes were committed?

Justice Brereton said he received enough information to say 19 Australian soldiers had illegally killed 39 people and "cruelly treated" another two.

Under the law "cruel treatment" is an offence when someone "inflicts severe physical or mental pain or suffering" upon someone who isn't taking part in active hostilities or isn't a member of an organised armed group.

The report said a total of 25 current or former ADF personnel were involved, including people who were "accessories" to the incidents.

Of that 25, it said some were involved on a single occasion "and a few" on multiple occasions.

The soldiers who committed these alleged crimes were elite operators in the SAS and commando units.

The deaths were either covered up or excuses were made that soldiers thought the people were moving to a position to attack them.

It quotes one unnamed source who said: "It got to the point where the end justified the means."

The report detailed shocking revelations from an earlier 2016 inquiry, by Samantha Crompvoets, that SAS soldiers slit the throats of two 14-year-old boys they thought might be Taliban sympathisers. The deaths do not appear to be included in the 39 figure reached by the inquiry.

"They stopped, searched the boys and slit their throats," it said.

"The rest of the troop then had to 'clean up that mess', which involved bagging the bodies and throwing them into a nearby river."

There is one allegation from 2012 in the report that is completely redacted.

It happened in 2012 and is described as "possibly the most disgraceful episode in Australia's military history".

The report also detailed a kind of initiation junior officers were made to undertake.

"This shameful record includes alleged instances in which new patrol members were coerced to shoot a prisoner to achieve that soldiers' first kill in an appalling practice known as blooding," Chief of Defence Major General Angus Campbell said.

Justice Brereton described how "throwdowns" — foreign weapons or equipment — would then be placed with the body to create a cover story to "deflect scrutiny".

Who knew about it?

As well as the soldiers in the squadrons and units who allegedly committed the war crimes, Justice Brereton said it was at the patrol commander level that "criminal behaviour was conceived, committed, continued and concealed".

"Many people spoke of how widespread the knowledge of wrongdoing was, making it very difficult to believe that the lack of oversight can be put down to simple disinterest."

He also goes on to say that more senior commanders "bear moral responsibility and accountability for what happened under their command and control".

And while they might not have known what was going on, he said some domestic commanders of the SAS are also responsible as they allowed the toxic culture which fed into the behaviour to continue.

"Most notably those who embraced or fostered the 'warrior culture'," he said.

But Justice Brereton makes clear the inquiry found no evidence that those higher up the chain, including the most senior defence figures, knew what was going on or turned a blind eye to it.

Is anyone going to jail?

Potentially, but if they do it won't be for a long while yet.

The purpose of this inquiry was to look into persistent rumours and allegations that were swirling about the behaviour of special forces soldiers, not to gather evidence that could be used in a criminal trial.

The idea was to see what evidence, if any, there was of these crimes before pursuing any further action.

But after the report was handed to General Campbell and the Federal Government, the decision was made to create a specific new office to collect evidence and prosecute people for war crimes.

Once it's set up, the Office of the Special Investigator will refer any criminal matters to the Commonwealth Director of Public Prosecutions (CDPP).

The CDPP will then decide whether there's enough evidence to win a trial and if it thinks there is, ask that charges are laid and pursue it in court.

Then it'd be up to a jury or a judge to decide if the person accused is guilty, and after that a judge to decide that jail is the most appropriate form of punishment.

The IGADF began its investigation in 2016, but rumours and stories of what had happened in Afghanistan had been around long before that.

While the inquiry was hearing evidence behind closed doors, a number of stories — including the ABC's Afghan Files series — made public the extent of the allegations.

Over the four years, the inquiry interviewed 423 witnesses, received more than 20,000 documents and more than 25,000 images.

It travelled across the country, and the world, to interview people who are currently serving or had served about their experiences.

In July 2019, the inquiry even travelled to Kabul to hear evidence from Afghan nationals.

What will the Army do next?

As General Campbell put it, the report's recommendations underline three key issues with the ADF — culture, command and reporting.

On changing the culture, he said there was already a reform program underway to overhaul special operations command but conceded, as highlighted in the report, there remained resistance and "corrosive attitudes or behaviours".

This was also emphasised in a video by the Chief of Army Lieutenant General Rick Burr, who said it was already working on "cultural renewal, but there is always more work to do".

"I am deeply concerned some people did not feel empowered or safe to speak up sooner when they saw or knew of misconduct," Lt Gen Burr said.

"Trust is critical to our profession and our standing as a national institution. Trust in each other, ethical leadership at all levels and being our best selves every day strengthens our culture.

"Our culture is what we allow it to be, we own it, we all contribute to it, we define what we stand for."

General Campbell said the Army is considering if any of the 25 soldiers implicated, who are still serving, need to be stood down.

"A number of them still serving in different forms within the Defence Force and I've asked the chief of the army to review that service on a case by case basis and he's doing that now," General Campbell said.

Defence will report quarterly to the Defence Minister and the independent oversight panel on the progress of measures designed to strengthen governance and reporting, and improve the overall culture.

The report recommended ADF members should have reporting lines that are "separate" to their chain of command to make it easier for them to come forward, and that body and helmet cameras should be mandatory for Special Forces operators.

General Campbell also said he and the Chief Of Army would deal with commanders who oversaw units allegedly responsible for the war crimes and "all options [are] on the table".

More immediately, the 2nd Squadron SAS will also be struck off the Army's order of battle and a new squadron will be created with a new name.

General Campbell also said he would write to the Governor-General requesting he revoke the meritorious unit citation for special operations task groups for all those who served in Afghanistan between 2007 and 2013.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

ECCC begins hearing Samphan appeal (Khmer Times) By Son Minea
August 17, 2021

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) held its first hearing in the Case 002/02 appeal by Khieu Samphan, the former head of state of the Democratic Kampuchea yesterday.

Samphan, 91, the last living leader in the inner circle of the brutal Khmer Rouge regime was sentenced to life imprisonment over crimes against humanity.

At this morning's trial the defence lawyers and prosecution tussled over evidence leading to the court's judgement.

Samphan's lawyer Ong Sam Onn told the judges that his client had been given inadequate time to prepare an initial defence, and that the original panel failed to provide the grounds for its ruling in a timely fashion, among other things.

"It should be null and void, and so I am requesting the Supreme Court chamber to ... reverse the judgment," he said.

Samphan sat on a chair behind his attorneys, wearing a mask in compliance with Covid-19 precautions and appeared to listen intently as they addressed the court. Sam Onn said his client would address the chamber at the end of the four days of scheduled hearings.

Prosecutors in opening statements rejected the procedural arguments, while emphasising the "totality" of the evidence against the defendant.

ECCC spokesman Neth Pheaktra said that the ECCC which is a national tribunal with international participation, also known as the Cambodia-UN Joint court, was established through an agreement between Cambodia and the United Nations.

"This is an effort by Cambodia and the United Nations and the international community to bring together former senior Khmer Rouge leaders and those most responsible for crimes committed during the Khmer Rouge regime. And the trial is to find out the truth and give justice to the victims," Pheaktra said.

"Today is a very important day for international justice for humanity, especially for the victims of the Khmer Rouge regime, as the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia has heard the appeal case 002/02 against Khieu Samphan," he said

The court should conclude that Khieu Samphan is guilty under "Article 188: Definition of crimes against humanity and Article 193 Definition of war crimes, Pheaktra added.

On November 16, 2018 Samphan and another former Khmer Rouge leader Nuon Chea, who has since passed away, were sentenced to life in prison on charges under Article 188: Definition of crimes against humanity and Article 193 Definition of war crimes, These crimes took place in various places in Cambodia during the Democratic Kampuchea regime from April 17, 1975 to January 6, 1979.

Following the ruling on this case, the Trial Chamber of the Khmer Rouge Tribunal consolidated the sentences of life imprisonment in Case 002/01 and Case 002/02 against Chea and Samphan to one life sentence each.

Samphan appealed to the Supreme Court Chamber, and the hearing was fixed from yesterday to Thursday.

If there is a need, the hearing will continue on Friday.

"The Supreme Court Chamber expects to announce the final verdict of Samphan's case at the fourth trimester of 2022," Pheaktra said.

Samphan denies committing genocide (Khmer Times) By Son Minea
August 20, 2021

Former Khmer Rouge head of state Khieu Samphan yesterday denied participating in genocide against fellow Cambodians, saying that all he had been doing was trying to

defend the country which was at war with Vietnam.

“What I can tell to the Cambodian court today is that I have never committed any of these crimes and I categorically deny the charges against me,” he said.

He was testifying during his appeal at the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) on the fourth and final day of hearing the Case 002/02 appeal.

Samphan, 90, is appealing his 2018 conviction for genocide, crimes against humanity and war crimes. He is the last surviving member of the inner circle of Pol Pot’s radical communist regime that ruled Cambodia with an iron fist from 1975 to 1979 and was responsible for the deaths of an estimated 1.7 million people.

Samphan said during the hearing that yesterday was the last day for him to speak in the presence of all Cambodian people, monks and Co-judges, Co-prosecutors and Co-lawyers of the ECCC.

“The court sentenced me to life in prison for crimes against humanity and war crimes. At this trial I am alleged to have participated in the massacre (of Cambodians) and they (the prosecution) have sealed my sentence to life imprisonment,” he said.

Samphan said that the court said he had committed crimes by killing Vietnamese, committed crimes against humanity and that he was responsible for forcing people to marry and for evacuating people from Phnom Penh along with other Khmer Rouge leaders.

He said that even he did not know what role he had in any of the crimes including killings.

Samphan categorically denied any of the accusations levied against him which led to his being sentenced to life in prison.

He told the court that all the crimes that had been committed during Democratic Kampuchea rule at the time were not in line with his party’s policies or personally condoned by him.

“I never wanted anything for my country, except independence, sovereignty and that the Cambodian people could live in peace and rebuild the nation which had been destroyed by years of war,” Samphan said.

“I declare that I cannot accept that I have been involved in plotting crimes against Cambodians or Vietnamese people or other inhumane acts,” Samphan said.

“I would like to inform all Cambodians today that even though I have been sentenced to life imprisonment, I will die in this prison without having time to visit my nieces and nephews. I will always remember this event and I will always remember that the Cambodian people are always my heart,” he added.

Defence lawyer Kong Sam Onn said yesterday that the Co-prosecutors did not have any basis to charge his client.

He said they still have no strong evidence to support the case to charge Samphan to be sentenced to life in prison.

Sam Onn also criticised the trial chamber for failing to deliver a written and reasoned verdict on time, which he said could amount to a “violation” of the tribunal’s own internal rules.

At yesterday’s hearing, defence attorney Anta Guisse questioned the use of the principle of joint criminal enterprise in her client’s conviction, under which individuals can be held responsible for the actions of a group to which they belong.

She said the prosecution had to establish that Samphan intended to commit a crime and he associated with other persons in order to achieve this objective, and, furthermore, that he broadly contributed to the crime.

Samphan’s defence team is appealing his conviction for genocide against ethnic Vietnamese, crimes against humanity and grave breaches of the Geneva Convention. He was convicted with co-defendant Nuon Chea, who died in 2019.

The Judgment in Case 002/02 was announced by the Trial Chamber on November 16, 2018 and Samphan and Chea were sentenced on charges under Article 188: Definition of crimes against humanity and Article 193 Definition of war crimes.

These crimes took place in various places in Cambodia during the Democratic Kampuchea regime from April 17, 1975 to January 6, 1979.

Following the ruling on this case, the Trial Chamber of the ECCC consolidated the sentences of life imprisonment in Case 002/01 and Case 002/02 against Chea and Samphan to one life sentence each.

The final verdict in the case is expected next year.

Cambodia: Verdict for former Khmer Rouge leader Samphan is expected in six months (The Star)

August 21, 2021

The Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) has now concluded its four-day appeal hearing for former Khmer Rouge head of state Khieu Samphan, with a verdict expected in the next six months.

Samphan was sentenced in 2018 to life in prison for crimes against humanity, genocide against ethnic Vietnamese and war crimes when the Khmer Rouge regime ruled Cambodia from April 17, 1975, to January 6, 1979.

During the four-day hearing, the defence and prosecution presented their arguments with co-prosecutors and civil party lawyers agreeing that the Trial Chamber ruling in 2018 was correct and requested the Supreme Court Chamber to annul the appeal.

However, Samphan's defence team argued he was not the person most responsible for the atrocity or personally responsible for the crimes.

"It is difficult for the public to understand our position as it is related to the law and what we are now attempting at the ECCC is to make decisions based on activities from 20 years ago," said defence lawyer Anta Guisse.

She argued that the crimes committed at that time should be tried according to the laws that existed then. However, the Trial Chamber did not follow that procedure, she said.

National co-defence Kong Sam Onn argued that Samphan was not personally responsible for crimes committed during the Khmer Rouge period.

"Claiming that Khieu Samphan was personally responsible is incorrect as he had a minor role to play in the Khmer Rouge regime," he said.

The national co-prosecutor said she did not know when the Supreme Court Chamber will issue a ruling on the appeal, but she said it may not be earlier than six months. - PHnom Penh Post/ANN

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Bangladesh International Crimes Tribunal

War crime convict dies in Sylhet (Dhaka Tribune)

August 14, 2021

International Crimes Tribunal had sentenced Mujibur Rahman Angur Mia to life imprisonment in 2016

A convicted war criminal died on Friday while serving his term at Sylhet Central Jail.

He was identified as Mujibur Rahman Angur Mia, 67.

He breathed his last on Friday afternoon at Sylhet MAG Osmani Medical College Hospital.

Earlier, he suddenly fell sick in the morning and was rushed to the hospital from jail.

He was sentenced to life imprisonment after allegations of war crimes against him had been proven.

Confirming the death of Mujibur Rahman, Senior Superintendent of Sylhet Central Jail Muhammad Manjur Hossain said: "He died of age-related complications."

Mujibur was arrested and sent to Dhaka Central Jail on February 12, 2012.

The International Crimes Tribunal sentenced him to a lifetime in jail on June 1, 2016.

He was serving his terms at Habiganj District Jail before being transferred to Sylhet Central Jail in May this year.

According to jail sources, he was sent to Sylhet MAG Osmani Medical College Hospital for better treatment after he had fallen ill with various ailments including chest pain. After being taken there, the doctor on duty pronounced Mujibur dead.

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War Crimes Investigation in Myanmar

Outcry over Myanmar junta denying Covid jabs to Rohingya (Union of Catholic Asian News)

August 13, 2021

A diaspora group based in London has decried the Myanmar junta's plans to withhold Covid-19 vaccinations from hundreds of thousands of Rohingya inside crowded camps in Rakhine state.

"This is a continuation and escalation of the crimes against humanity, including genocide and ethnic cleansing, that have been carried out for decades against Rohingya people," Tun Khin, president of the Burmese Rohingya Organization UK (BROUK), said in a statement on Aug. 12.

More than 120,000 Rohingya are confined in internal camps in Rakhine state, drawing comparisons with the apartheid era in South Africa. Local residents have reported cases of coronavirus in the camps where most Rohingya are confined behind barbed wire fences, according to the group.

An estimated half a million Rohingya are living elsewhere in Rakhine state where they also face oppression and discrimination.

"Deliberately withholding essential health care to a specific group confirms the genocidal charges already under investigation at the UN International Court of Justice," Tun Khin added.

A local administrator was quoted by Reuters as saying that "authorities in Myanmar currently have no plan to include minority Rohingya Muslims living in densely packed camps as they begin vaccinating priority groups against Covid-19 in western Rakhine state."

More than 700,000 Rohingya were forced to flee their homes to Bangladesh following the Myanmar military's bloody crackdown in August 2017 after decades of systematic discrimination, statelessness and targeted violence.

The military junta has been trying to carry out vaccinations following soaring cases in the third wave of Covid-19, which is worsening due to the virtual collapse of the country's health system.

At least 6,000 people died in the month of July and the junta-controlled health ministry has admitted an average of 300 daily deaths.

However, medical workers and charitable groups said the actual fatalities could be higher with unknown thousands dying from the disease.

Rohingya genocide survivors to testify in Argentina court hearing (TRT World)

August 16, 2021

The Rohingya who have survived horrific brutality and sexual violence by Myanmar's military will narrate their ordeal for the first time in a court of law on Tuesday, according to a Rohingya rights organization.

The Rohingya genocide survivors, including five survivors of sexual violence, will testify in a hearing at the Federal Criminal Appeal Court in Argentina's capital Buenos Aires, the Burmese Rohingya Organization UK (BROUK) said in a statement.

The hearing is part of the process for Argentina's judiciary to decide whether it will take up "a genocide case against the Myanmar military leadership under the international legal principle of universal jurisdiction."

Citing the principle of universal jurisdiction, BROUK petitioned Argentinean courts in November 2019 to open an investigation into the role of Myanmar's civilian and military leaders in committing genocide and crimes against humanity against the Rohingya.

"Universal jurisdiction is based on the principle that some crimes are so horrific that they concern humanity as a whole, and can be tried anywhere regardless of where they have been committed," the statement explained.

"All states are permitted to exercise universal jurisdiction over certain crimes under international law, such as war crimes, crimes against humanity or genocide."

BROUK is legally represented in the case by Tomas Ojea Quintana, an Argentine lawyer who served as the UN Special Rapporteur on Myanmar from 2008 to 2014.

If accepted by the Argentinian judiciary, this will be the "first universal jurisdiction case related to the situation of the Rohingya anywhere in the world."

It will "cover the full range of crimes committed entirely in Myanmar against the Rohingya, including mass murder, enforced disappearances, widespread torture, sexual violence, and mass imprisonment," the statement added.

People named in the case include Sr Gen Min Aung Hlaing, head of the Myanmar army, who led the Feb. 1 coup this year in which the military seized power by deposing the civilian government led by Aung San Suu Kyi.

"This week's hearing marks a historic moment for the Rohingya people. After decades of fighting for justice for atrocity crimes, survivors will finally get a chance to tell a court what they have been through," said Tun Khin, president of BROUK.

"This gives us hope that one day there will be accountability for the Tatmadaw's [Myanmar military] genocide against our people."

He said the same military that tried to wipe out the Rohingya is "now in control of the country," making it all the more necessary for the international community to ensure that it faces "the consequences of their murderous actions."

Since August 2017, nearly 24,000 Rohingya Muslims have been killed, more than 34,000 thrown into fires, over 114,000 beaten, and at least 18,000 Rohingya women and girls raped, according to a report by the Ontario International Development Agency (OIDA).

Myanmar is reportedly withholding Rohingya genocide survivors' right to be vaccinated. The organisation previously criticised the practice in IDP camps saying that it was clearly part of Myanmar's genocidal policies.

The Myanmar army's brutal crackdown in Rakhine State forced more than 750,000 Rohingya refugees, mostly women, and children, to flee to Bangladesh, pushing the persecuted community's number in Bangladesh above 1.1 million, according to Amnesty International.

Ethnic Karen commanders in Myanmar admit killing 25 men (AlJazeera)

August 17, 2021

Two senior commanders of the Karen National Defence Organisation (KNDO) have admitted that security forces under their control detained and later killed 25 men in June in its territory near Myanmar's border with Thailand, human rights group Fortify Rights has said.

General Ner Dah Bo Mya and Lieutenant Saw Ba Wah, who have been suspended from their posts, told Fortify Rights that their men were responsible.

General Ner Dah Bo Mya denied wrongdoing, saying the men, who were not armed and not in uniform, were "spies" for the military and that his troops "had to finish them up, otherwise they try to run away during the fighting and then they would come back and it would be very hard for us." The order came from a "captain of intelligence" at the Karen National Union (KNU) – the political group that controls the KNDO – the general added.

Fortify Rights said the KNU had confirmed they would cooperate with international investigators and share evidence of the killing and other crimes, as well as conducting its own investigation into the atrocities.

The killing amounts to a war crime. Fortify Rights said on Tuesday.

"This was a massacre and it should be investigated and prosecuted," Matthew Smith, the CEO at Fortify Rights said in a statement. "The KNU is setting an important example in transparency, cooperation and commitment to share evidence of atrocities with international justice mechanisms."

The incident first came to light after state media in June accused fighters from the KNDO of killing 25 people it said were civilians working on a road construction project.

The men were part of a group of 47 people, including 16 women and children, who were detained by the KNDO on May 31 in Kanele village in Karen state. The 25 men were killed on June 1 and the remainder of the group released over the following week, Fortify Rights said.

As well as interviewing General Ner Dah Bo Mya and Lieutenant Saw Ba Wah, the rights group also interviewed a representative of the Karen National Liberation Army (KNLA), a member of Karen civil society and independent analysts about what happened on June 1. It also reviewed and analysed mobile phone video and images.

Myanmar has been in a state of turmoil since the military seized power in a coup on February 1 with the KNU, one of the country's biggest ethnic armed groups, providing shelter to those fighting against the takeover.

In March, Karen fighters seized a military post and the army retaliated with air raids, the first in more than 20 years in the state, which lies along the Thai border. The clashes forced at least 100,000 people from their homes, according to the United Nations.

The military has been accused of human rights abuses in its crackdown on the anti-coup movement with 1,000 people killed since the coup, according to the Assistance Association for Political Prisoners.

It is also being investigated for genocide over its brutal crackdown on the minority Rohingya in 2017 that forced hundreds and thousands to flee into Bangladesh.

Rohingya woman recounts abuse by Myanmar junta in court (Daily Sabah)

August 19, 2021

Testifying before a court in Argentina a Rohingya woman described the Myanmar military's genocide, painting a startling picture of the abuse suffered in Rakhine state, a rights body for the minority confirmed Wednesday.

The eyewitness, whose identity has been withheld for security reasons, is one of six Rohingya women treated inhumanely by the Myanmar military in their home country and are now living in cramped Bangladeshi camps. She virtually narrated her ordeal on Tuesday at the Federal Criminal Appeals Court in Buenos Aires, the Argentinian capital.

The Rohingya genocide has been separated into two phases, the first of which was a military campaign from October 2016 to January 2017, and the second of which has been ongoing since August 2017.

She testified in court about how the Myanmar military killed her husband and others in the states of Chuk Pyin and Rakhine.

"Soldiers killed hundreds of people. Some women were raped before being killed. The soldiers went on to rape many other women in their village and then burned their homes to the ground," she said.

Burmese Rohingya Organisation UK (BROUK), a U.K.-based Rohingya rights defender, filed a petition in November 2019 to open an investigation into the role of Myanmar's civilian and military leaders in committing genocide and crimes against humanity against the Rohingya, citing the principle of universal jurisdiction.

Crimes of this nature can be investigated anywhere in the world under the principle of universal jurisdiction, regardless of where they were committed.

"This is a historic moment for Rohingya brothers and sisters everywhere. We have been fighting for justice for the genocide against us for decades, but this is the first time anywhere in the world that a Rohingya has a chance to sit in person in front of a court of law, impartial and independent, to talk about the crimes against us," said BROUK chief Tun Khin.

Stressing that justice is the only way to break the cycle of violence in Myanmar, Khin said that the armed forces of Myanmar,

officially known as the Tatmadaw, "must face the consequences of their murderous actions."

He, however, warned that the same military that tried to wipe out the Rohingya as a people is now in control of the country since the Feb. 1 coup.

"If the case is accepted by the Argentine judiciary, it will be the first universal jurisdiction case related to the situation of the Rohingya anywhere in the world," the statement added.

It would cover the full range of crimes committed entirely in Myanmar against the Rohingya, including mass murder, enforced disappearances, widespread torture, sexual violence and mass imprisonment, the statement noted.

Among those accused in the case are Min Aung Hlaing, the senior commander of the Myanmar military and ruling self-appointed prime minister of Myanmar, and other high-ranking military officials.

Tomas Ojea Quintana, a former U.N. special rapporteur on human rights in Myanmar, is serving as BROUK's legal counsel in the case.

Since August 2017, nearly 24,000 Rohingya Muslims have been killed, more than 34,000 thrown into fires, over 114,000 beaten and at least 18,000 Rohingya women and girls raped, according to a report by the Ontario International Development Agency (OIDA).

The Myanmar army's brutal crackdown in Rakhine state forced more than 750,000 Rohingya refugees, mostly women and children, to flee to Bangladesh, pushing the persecuted community's number in Bangladesh above 1.1 million, according to Amnesty International.

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AMERICAS

North & Central America

Ex-CIA analyst and Afghanistan War vet says Stephen Miller is 'complicit' in the deaths of Afghan interpreters and 'should be held accountable for war crimes' (Insider) August 18, 2021

By Grace Panetta

Matt Zeller, an Afghanistan War veteran and advocate for Afghan interpreters, ripped into the former Trump advisor Stephen Miller for opposing the resettlement of endangered Afghans, saying that Miller was "equally complicit" in their fates as the Taliban and "should be held accountable for war crimes."

The US-backed Afghan government collapsed in a matter of days following the US's withdrawal from its 20-year presence in Afghanistan, which allowed the Taliban to regain control over the country.

The swifter-than-expected fall of the government and Taliban takeover acutely endangers tens of thousands of Afghan Special Immigrant Visa (SIV) applicants, like military contractors and interpreters, many of whom are now top targets of the Taliban for working with the US.

Miller is a staunch proponent of strict immigration limits and the architect of several of the Trump administration's harshest immigration policies. He said in a Tuesday night appearance on Fox News that "those advocating for mass Afghan resettlement are doing so for political and not humanitarian reasons" and that it would be too expensive to resettle them.

"The United States of America never, ever, made a promise, written or unwritten, to the people of Afghanistan that if after 20

years, they were unable to secure their own country, that we would take them to ours. That is nonsense. That has never been US government policy," Miller told Fox News' Laura Ingraham.

Zeller, a cofounder of the nonprofit group No One Left Behind, which advocates for Iraqi and Afghan citizens who fought with the US military and helps them obtain SIVs, excoriated Miller Wednesday afternoon in an appearance on CNN.

"That man has been my personal nemesis for almost eight years. I've been fighting him since he was Jeff Sessions' Senate staffer," Zeller said of Miller.

"As far as I'm concerned, he personally is as complicit as the Taliban in these people's deaths. He should be held accountable for war crimes," he added. "He spent the entirety of the Trump administration trying to prevent these people from coming here."

Zeller said he met with Miller and "his ilk" multiple times and recounted one particular meeting with Janis Shinwari, the Afghan interpreter who Zeller credits with saving his life, and the Republican Senate Judiciary Committee staffer Andrea Loving.

According to Zeller, Loving and Miller said he was "doing nothing but letting Islamic fundamentalist terrorists into our country and it's our job to stop you."

"They are our people. There is no us and them. There's just an us. Stephen Miller never wore a uniform a day in his life. He's a privileged little brat. He ought to be held for war crimes. I can't stand that man, and I can't believe you're giving him any more airtime," Zeller told CNN, saying that Miller was the "worst of America."

Zeller said he and other veterans were working around-the-clock in a "massive airlift planning operation" trying to get Afghan interpreters to safety and eventually to the US in what he described as a "digital Dunkirk."

"People like Stephen Miller need to just sit down and shut up because he's been part of the problem for too long," he added.

Biden to meet Aug 31 Afghanistan evacuation deadline; extension risks igniting local anti-US sentiment (Global Times) By Yang Sheng and Wang Qi

August 25, 2021

The 20-year-long failed governance and brutal occupation by the US-led coalition in Afghanistan has created serious anti-US sentiment in the country, and the issue of extending the August 31 evacuation deadline could bring more risks as extremists and terrorists with a radical anti-US stance could use it to create new conflicts, said the experts, noting that the deep hatred against the US and its allies among Afghan society would be a long-standing problem for the Taliban to normalize its ties with the West.

Although the US and its allies, at this stage, do not want to extend military occupation in Afghanistan due to the complicated situation on the ground, they are unlikely to finish their evacuation by August 31, a deadline US President Joe Biden previously announced. The Afghan Taliban said August 31 is a "red line" and if the US and its allies seek to extend their occupation in Afghanistan, "there would be consequences."

The Taliban spokesperson Zabihullah Mujahid on Tuesday warned the US must finish evacuating people from Afghanistan by August 31 as Afghans have been told not to leave the country. Mujahid said his group will accept "no extensions" to the evacuation deadline as the Biden administration prepares for the withdrawal of all American troops.

British media reported that UK Prime Minister Boris Johnson is widely expected to ask Biden to extend the deadline at Tuesday's meeting of the Group of Seven nations. French Foreign Minister Jean-Yves Le Drian said his government was "concerned" about the deadline.

President Joe Biden has decided not to extend his August 31 deadline for completing the US-led evacuation of Americans and Afghan allies from Afghanistan, an administration official said Tuesday, AP reported.

Biden has previously said the US may push back its August 31 deadline to facilitate more evacuations, adding that "our hope is we will not have to extend." The US and its allies have evacuated about 48,000 people since the militants swept through the country this month on the heels of the US military withdrawal, the Washington Post reported.

Pan Guang, a senior expert on counter-terrorism and Afghan studies at the Shanghai Academy of Social Sciences, told the Global Times on Tuesday "it's reasonable for the US to seek an extension because the situation on the ground is truly messy,

and the US also needs to evacuate the personnel of its allies. At this stage, it is all but impossible for Western countries to change their mind and restart their occupation."

But to Taliban, an extension will increase uncertainties as the US troops at the airport could be a target for many extremist anti-US forces who want to make the situation more complex, the experts said, and the Taliban's legitimacy in the country is based on fighting foreign occupation. If the Taliban allow the US to stay longer, its legitimacy will be undermined as well, and this is why the Taliban has to be tough on this issue, the experts added.

Pan said Taliban leaders need to consider the issue from a strategic perspective, because sooner or later the US will finish the evacuation, but if Taliban fighters launch an attack against US troops or aircraft after August 31, the hard-won stability in the most parts of the country would be impacted, and the majority of the people are demanding peace and stability.

"Aside from the Taliban, the two biggest anti-US forces in Afghanistan are Al Qaeda and the Islamic State(IS). They are sheltered by the Taliban in Afghanistan to some extent, and of course they are independent in taking actions," Zhu Yongbiao, director of the Center for Afghanistan Studies at Lanzhou University, told the Global Times on Tuesday.

Both the IS and Al Qaeda could play into the situation, as they are worried the Taliban may turn hostile to them as the Taliban has made commitment to the world that it will cut off ties with terrorists, so maybe terrorist groups like Al Qaeda will use the issue of the evacuation extension red line to create new conflicts, Zhu said.

The two-decade-long military occupation has created serious anti-US sentiment in Afghanistan, which could be a potential danger to the West as this would be a source for extreme anti-West or anti-US forces or terrorist groups to gain power in Afghanistan and plan another "9/11 attack," analysts warned.

A Kabul-based Chinese national who served in a local NGO and asked for anonymity told the Global Times that the majority of Afghan people have no positive memory about the US, in cities like Kabul, some people support the US occupation because they have benefited in terms of the economy, but these people are not in the majority at all.

"Those people who want to leave with the US troops at the airport are the ones who benefited from the US occupation or prefer secularization, but to be honest, they are not the majority of the country," he said.

Most of the population live in rural regions, and they are the main victims of the US occupation in past two decades, he said, adding that "Afghan people prioritize their tribes, not the country, so they are not just specifically opposing the US, they just oppose any foreign force who tries to intervene in their internal affairs and their conflicts between different tribes. They also hate the former Soviet Union and the British Empire."

The US occupation and military actions in the past two decades in the country have caused a huge amount of casualties, and US troops have allegedly tortured Afghans in prisons. There are also reports that Westerners have seriously offended local Muslims due to their blasphemous behaviors against the Koran, Qian Feng, director of the research department at the National Strategy Institute at Tsinghua University, told the Global Times on Tuesday.

The US did provide some aid to Afghanistan, but the benefits did not fall into the hands of the ordinary people, but created more and more serious corruption in the Afghan government, said Qian, noting the US should also be held accountable for connivance of the corruption.

The international community should push Afghanistan in a positive direction, uphold peaceful reconstruction, improve people's well-being and enhance Afghans' capacity for independent development. Using sanctions will not solve the problem, said Chinese Foreign Ministry spokesperson Wang Wenbin, who on Tuesday urged the US and its allies to learn from history, reflect deeply and act cautiously on potential sanctions against the Taliban.

The international community needs to think about how to prevent military intervention in another country in the name of democracy from happening again. "We should not let individual countries make mistakes, but the Afghan people and the world, especially regional countries, have to pay the bill again and again," Wang said.

The US and its allies, such as Australia, have been involved in or committed war crimes, such as being suspected of murdering civilians including children, said Qiu Wenping, an expert on Afghan studies at Fudan University.

"These war crimes should not be forgotten with the evacuation, and in the future when the peace and stability are totally restored, the international community and Afghan people should conduct thorough investigations and make the US and its allies be held accountable," he noted.

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TOPICS

Truth and Reconciliation Commission

Former Truth and Reconciliation Commission director will oversee Mohawk Institute investigation (The Hamilton Spectator) By Kate McCullough

August 13, 2021

A group of survivors have hired a former Truth and Reconciliation Commission (TRC) executive director to oversee an investigation into unaccounted for deaths at the former Mohawk Institute, one of Canada's oldest and longest-running residential schools.

Lawyer Kimberly Murray, who led the TRC until 2015, has been named executive oversight lead and will assist survivors with the investigation.

"Her experience and knowledge of the Indian residential school system, the historical records and the legal landscape is a tremendous asset," reads an Aug. 12 release from Six Nations of the Grand River.

"I come to this new role with humility and enormous respect for the survivors and the sacred work ahead," Murray, who was appointed assistant deputy attorney general for Ontario's Indigenous Justice Division in 2015, said in the release. "My commitment to the survivors and their families is that we will not stop until we find the truth about where the children are."

Murray is a member of the Kanehsatake Mohawk Nation in southwestern Quebec.

Six Nations Police announced last month it would be launching an investigation into children's deaths at a former residential school in Brantford at the request of a newly created survivor secretariat. The First Nations police service said in a July 28 release that the investigation is in "preliminary stages of planning."

The Ontario Provincial Police (OPP) and Brantford police have said they will support the investigation.

The survivor secretariat will co-ordinate processes and protocols of the investigation, gather statements, conduct historical research and liaise with governments.

Liberia: House Votes to Hold Constituency Engagements Over War Crimes Court Establishment (Front Page Africa) By Lennart Dodoo
August 20, 2021

House Speaker Bhofal Chambers has constituted a special committee to spearhead anationwide consultation by members of the House of Representatives over the establishment of a war crimes court in Liberia.

The Committee is headed by Rep. Dowohn T. Gleekia (District #6, Nimba County), the Chairman of the Committee on Peace, Reconciliation and Religious Affairs and co-chaired by Rep. Thomas P. Fallah of the Ways, Means and Finance Committee. The Speaker's action followed a motion filed by Rep. P. Mike Jurry of Maryland during Thursday's sitting, calling for each member of the House to consult their constituency before deciding whether to back the call for setting up the court or not.

The motion was filed after an acrimonious debate on a report calling for the establishment of the court. The report was submitted by Rep. Rustonlyn Suacoco Dennis (District #4, Montserrado County) last week Tuesday but was seized by the Speaker.

In her communication to plenary, Rep. Dennis pleaded for the endorsement of a report from the joint Committee on Claims and Petition, Good Governance and Judiciary.

The report, which focuses on a pro- war crimes court resolution signed by over 50 members of the House in 2019, was crafted during the leadership of Rep. Dennis as Chair of the Claims and petition Committee, but was not submitted until she was replaced by the Speaker.

Since then it has been languishing in committee room. However, using her legislative privilege, she wrote plenary, calling for the endorsement of the joint committee's report and its recommendations.

But the current chairs on the Committees on Judiciary, Rep. Kanie Wesso (GbarpoluCounty) and the Chair on Claims & Petition, Rep. Gonpue Kargon complained that the report should have been submitted to them before forwarding to plenary.

In the midst of the argument, Speaker Chambers seized the motion without disclosing when it will –resurface on the floor.

However, he placed it on the agenda on Thursday, August 19, but to the dismay of several war crimes court advocates like Rep. Dennis, Plenary voted in favor of a motion, allowing each member of the House to go back to their district and consult with their people before making a determination on what has been the hottest debate of recent in Liberia's political landscape.

It can be recalled that in October 2019, Speaker Chambers seized a pro war crimes court resolution signed by two-third members of the House. The Speaker, defending his action says, the establishment of the court is a contentious issue that requires more consultations with members of their constituents. Since then, he has not placed it on the House's agenda for discussion.

The resolution, championed by Rep. Dennis when she served as Chairperson of the Committee on Claims and Petition and Rep. Larry P. Younquoi (Nimba Co. District #8), Chairman on Governance, had earlier been endorsed at the Duport Road Memorial in Paynesville, hosting the remains of thousands of massacre victims of the civil war.

There have also been several legislative instruments submitted to the House of Representatives, including a bill crafted by the Liberia National Bar Association (LNBA), establishing the court to try people who committed war and economic crimes during the war.

Despite sustained effort being exerted by wide range of people from diverse backgrounds – local and international, the government of President Weah, like its predecessor, continues to snub the Truth and Reconciliation Commission's recommendation, which, among other things, called for the establishment of an extraordinary tribunal to prosecute all those who bear the greater responsibilities of the civil war.

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Terrorism

9/11 anniversary, COVID-19 measures could spark terrorist attacks in the US: DHS (ABC News) By Luke Barr
August 14, 2021

The upcoming 20th anniversary of 9/11, religious holidays and more pandemic restrictions amid a COVID-19 surge caused by the delta variant, could give rise to terrorist attacks in the U.S, the Department of Homeland Security is warning.

DHS' National Terrorism Advisory System bulletin issued on Friday, warned that threats from domestic terrorists -- individuals engaged in grievance-based violence -- and foreign terrorists are exacerbated by the pandemic, "including grievances over public health safety measures and perceived government restrictions."

The bulletin said that racially or ethnically motivated extremists will exploit the reintroduction of COVID-19 variants as a means to carry out attacks because of reimplemented pandemic restrictions.

This is the third NTAS bulletin the Department has issued since January.

The DHS also warned that because of the upcoming 9/11 anniversary foreign terrorists or people inspired by foreign terrorists might seek to carry out an attack around the anniversary.

Al-Qaeda released an issue of Inspire magazine for the first time in over four years, with the hopes of inspiring people to carry out attacks, according to the bulletin.

The bulletin also warned that domestic violent extremists have targeted houses of worship. "Historically, mass-casualty domestic violent extremist attacks linked to RMVEs have targeted houses of worship and crowded commercial facilities or gatherings," it read and that some RMVEs (racially motivated violent extremists) "advocate via online platforms for a race war and have stated that civil disorder provides opportunities to engage in violence in furtherance of ideological objectives."

Reopening of schools and other institutions, as well as religious holidays over the next few months could become "targets of opportunity for violence," the bulletin further warned.

DHS also cautioned about foreign and domestic groups as well as foreign intelligence services (but did not specify which ones) that "continue to introduce, amplify, and disseminate narratives online that promote violence, and have called for violence against elected officials, political representatives, government facilities, law enforcement, religious communities or commercial facilities, and perceived ideologically-opposed individuals."

ABC News previously reported on the Department's concern about the conspiracy theory that former President Donald Trump will be reinstated as U.S. president last Friday.

"Law enforcement have expressed concerns that the broader sharing of false narratives and conspiracy theories will gain traction in mainstream environments, resulting in individuals or small groups embracing violent tactics to achieve their desired objectives. With a diverse array of threats, DHS is concerned that increased outbreaks of violence in some locations, as well as targeted attacks against law enforcement, may strain local resources," the bulletin reads.

Some domestic violent extremists "continue to derive inspiration and obtain operational guidance through the consumption of information shared in certain online communities. This includes information regarding the use of improvised explosive devices and small arms."

The Department also warned of nation-state adversaries attempting to sow political discord, citing examples of Russia, China and Iran attempting to cast doubt on vaccine efficacy.

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Four years later: The Barcelona attacks (Al Día) By Esperanza Escribano
August 17, 2021

A few minutes after 5 in the afternoon on Aug. 17 four years ago, a van sped onto the Las Ramblas promenade in Barcelona.

The driver, later identified as Younes Abouyaaqoub zig-zagged down the street trying to take as many lives as he could. He murdered 14 people and when the van shut down, he ran and killed one more to steal their car. That night, his co-conspirators took the life of another person in a similar attack in the coastal town of Cambrils.

In total there were 16 deaths and another 322 injured.

Abouyaaqoub abandoned the van in the middle of Las Ramblas when he could go no further and fled through La Boquería market. Even in the madness, as dozens of citizens were still escaping, he answered someone who asked him what was happening.

"I don't know what is happening," he said with total coldness.

He crossed the city on foot and when he reached the university area, murdered Pau Pérez with a knife to take his car and leave the city. Four days later, the Catalan police found him 40 kilometers from Barcelona, in Subirats. The terrorist had an explosive belt tied to his body as agents shot him and killed him.

The same night of the attack in Barcelona, another five terrorists attacked the port of Cambrils. Six people were run over and one of them died hours later. The police were able to act before they continued with the attack and managed to overturn the vehicle with shots. The jihadists got out of the car with knives in hand and the police shot them down.

A few days before, a house in the south of Barcelona had exploded with at least 120 butane bottles. In it, one person died and seven others were injured. Later, it was learned that the first deceased was the mastermind of the attack, Imam Abdelbaki Es Satti.

The house had been the laboratory for the terrorists who, after the explosion, decided to attack in the van.

On the same day as the attacks, three suspects were arrested north of Barcelona. One of the survivors of the blast was also arrested after the attack. Moroccan police also arrested three other people, two of them for having collaborated with the terrorists and another for advocating the attacks.

The ordeal of the victims It is the first anniversary that victims can celebrate with a sentence against the perpetrators of the massacre.

Last May, a court sentenced the three terrorists who did not die in the attacks: Mohamed Houli Chemlal was sentenced to 53 and a half years in prison, Driss Oukabir to 46 and a half years and Said ben Iazza to eight years for collaborating with members of the terrorist group. Their victims, in total, were 338. However, many have not yet been recognized or compensated.

The Unit for the Attention and Assessment of People Affected by Terrorism reports that compensation has only reached 22% of those affected. Two-hundred and forty-eight people are still waiting for compensation owed them according to law as victims of terrorism. One of the judges acknowledged in the sentence that "the victims have been the great forgotten" in this case.

Terrorism in South Asia After the Fall of Afghanistan (War on the Ricks) By Kabir Taneja and Mohammed Sinan Siyech
August 23, 2021

The Taliban won the war in Afghanistan. America and its allies lost. While the Taliban holds press conferences, thousands of desperate Afghans flank the runway at Hamid Karzai International Airport, desperate for a flight out of the country. Several fell hundreds of feet to their deaths trying to cling to a U.S. military aircraft during take-off.

The short-term imperatives of saving as many Afghans as possible will soon give way to an assessment of what the new Afghanistan means for international security. For countries in South Asia — particularly India — the withdrawal of U.S. forces, collapse of the Afghan military, and ascendance of the Taliban pose a massive counter-terrorism threat. Transnational groups like al-Qaeda and the Islamic State, as well as their affiliates and regional branches, will likely step up their activities from Taliban-controlled Afghanistan. Anti-India terrorist groups like Lashkar-e-Taiba and Jaish-e-Mohammed could eventually use the country as a base to launch attacks in Kashmir or other parts of India, as they did in the 1990s. While the Pakistani Taliban has lost much of its strength, it could reconstitute in Afghanistan and launch attacks into Pakistan. All of this will have immense implications for the future of jihadism in South Asia and beyond.

In time, the decision to withdraw from Afghanistan may prove to have been the right one for the United States. It may ultimately free up resources for U.S. political and military leaders to focus on China and Russia. However, the challenge for Washington now is to articulate a counter-terrorism strategy in South Asia with far fewer resources at its disposal. Without thousands of troops in Afghanistan, the United States will no longer have the intelligence capabilities to follow terrorist activities along the border with Pakistan. Future airstrikes against Afghan targets will be a costly logistical challenge and would surely undermine any chance Washington has of convincing the Taliban to dissociate from al-Qaeda. With the exception of India, America's potential partners in South Asia are all problematic: Pakistan has supported the Taliban and the Haqqani network for decades, Russia has no interest in helping America when it is down, Iran is under heavy U.S. sanctions, and counter-terrorism cooperation with China will likely be limited given the downward trend of Sino-American ties. U.S. troops may soon be leaving Afghanistan, but the terrorist threat from there will endure for the foreseeable future.

Al-Qaeda and al-Qaeda in the Indian Subcontinent

Al-Qaeda and its South Asian branch, al-Qaeda in the Indian Subcontinent, will benefit from the Taliban's resurgence in Afghanistan. The country was the birthplace of al-Qaeda and many of its branches. Currently, the leadership of the core group and the South Asian faction are active in the country and have been recorded fighting alongside the Taliban against the United States. Although new estimates suggest that there are no more than 600 al-Qaeda fighters in Afghanistan, their latent strength is considerable.

While the Taliban agreed to cut ties with al-Qaeda as part of its agreement with the United States in February 2020, there's little evidence in the historical record that the Taliban will keep its word. Indeed, al-Qaeda has repeatedly pledged its allegiance to the Taliban. Moreover, its leaders have been discovered in Taliban territory as recently as March 2021. It's true that the Taliban will have incentives to prevent al-Qaeda from using Afghanistan to conduct attacks around the world. However, those incentives are unlikely to be as powerful as the desire to avoid a direct confrontation with al-Qaeda, the pull of history, and opposition to Western pressure.

In fact, the Taliban appear to be unilaterally revising the understanding with the United States. Taliban spokesperson Zabihullah Mujahid has added further caveats to the deal with the United States regarding al-Qaeda, saying that “nowhere in the agreement has it been mentioned that we have or don't have ties with anyone. In fact, the issue of relations is not considered. What has been agreed upon is that no threat should be posed from Afghan soil to the U.S. and its allies.” According to another account by scholar Asfandiyar Mir, “at one point during the negotiations [between the United States and the Taliban], the discussion broke down with the Afghan Taliban insisting that there was no proof that al-Qaeda had carried out the 9/11 attacks.”

The Taliban is unlikely to honor its commitments to the United States regarding al-Qaeda because of historic ties, familial relations via marriages between members of both groups, and a shared outlook on the state of Afghanistan and offensive jihad (i.e., taking up arms to establish the rule of God). Both groups want what they consider the rule of God in Afghanistan. However, while al-Qaeda has a far more global outlook, the Taliban is more inward-looking and is influenced by local customs. The Taliban has released thousands of prisoners from Afghan jails since taking over, including the prison at Bagram Air Base, which reportedly contained al-Qaeda operatives. Moreover, it has also delegated the security of Kabul to the Haqqani network — which has close ties to al-Qaeda and was responsible for some of the deadliest attacks of the Afghan war — further illustrating its closeness to the group.

The enduring relationship between the Taliban and al-Qaeda in Afghanistan will have troubling consequences for regional security. Al-Qaeda in the Indian Subcontinent had already hailed the U.S. withdrawal as a victory, and changed the name of its magazine from *Nawai Afghan Jihad* (Voice of the Afghan Jihad) to *Nawai Ghazwat-ul-Hind* (Voice of the Conquest of India)

early this year, indicating where its energies could be focused going forward.

Terrorist groups are active in other countries in South Asia besides Afghanistan. Al-Qaeda in the Indian Subcontinent's affiliates, such as Jamaat-ul-Mujahideen Bangladesh, are still active in India and Bangladesh. As recently as July 2021, Indian authorities arrested two Kashmiris belonging to Ansar Ghazwat-ul-Hind in the northern state of Uttar Pradesh. According to the Uttar Pradesh Anti-Terrorism Squad, the two were allegedly planning to conduct attacks in Lucknow, the state capital. In addition, three Bangladeshi members of Jamaat-ul-Mujahideen Bangladesh were also apprehended in the same month for allegedly setting up networks in Kolkata.

The risk of al-Qaeda supporting and inspiring regional affiliates in South Asia is significant and growing. Bangladeshi authorities have noted that three members of Ansar al-Islam (also known as Ansarullah Bangla Team) have travelled to Afghanistan to support the Taliban, potentially opening a renewed interest in jihadist operations.

While most international counter-terrorism efforts in South Asia focus on Afghanistan, India, and Pakistan, some of South Asia's smaller countries (e.g., Sri Lanka, Maldives, and Myanmar) are also a target for al-Qaeda. The group was linked to the 2019 killing of a Maldivian journalist. Moreover, al-Qaeda has discussed the treatment of Rohingyas in Myanmar and warns of revenge in case of further atrocities. Ataullah abu Ammar Junni, the leader of the Arakan Rohingya Salvation Army, was born in Pakistan and has travelled to both Pakistan and Afghanistan to seek help for his insurgency. Clearly, terrorist networks transcend borders in South Asia.

Islamic State and Other Terrorist Groups in South Asia

The Taliban and Islamic State are rivals in Afghanistan. The Taliban considers the Islamic State an opponent and resents its efforts to operate independently in Afghanistan. The Islamic State's claims that the Taliban works with Pakistani intelligence are meant to embarrass the Taliban. A recently released U.N. report highlights that differences within the Taliban could make the Islamic State Khorasan Province in Afghanistan a viable alternative for those who did not agree with the Taliban leadership on its negotiations with the United States over the latter's withdrawal.

The Islamic State has conducted attacks throughout South Asia. In Pakistan, the group has been active as Wilayah-al-Bakistan (or the "Islamic State Pakistan Province") since 2019. Its rivalry with the Taliban has already shown some spill over effect with the Islamic State claiming responsibility for the killing of a Taliban leader in an attack in Peshawar, Pakistan. Wilayah-al-Bakistan claimed 22 attacks in Pakistan in 2019 and 13 attacks in 2020.

The Islamic State targets South Asian audiences with its propaganda. Sawt-al-Hind (Voice of Hind), an online pro-Islamic State propaganda magazine, targeted Indian Muslims during communal riots in New Delhi in February 2020. The monthly magazine explores controversial regional and local affairs (e.g., developments at the Ayodhya temple, a highly contentious issue between Hindus and Muslims in India since the early 1990s). It regularly features articles by authors from Maldives, a country that, on a per capita basis, once had the highest number of foreign fighters that joined the Islamic State in the region.

The deadliest terror attack in South Asia's history took place in Sri Lanka. The 2019 Easter bombings killed more than 270 people. Even though the Islamic State claimed the attack, law enforcement has struggled to confirm direct links between the bombings and the group. The bombings came three years after the terror attack in Dhaka, which killed 22 civilians, which was also done in the name of the Islamic State. These attacks highlight the fluidity of the Islamic State brand, which can be co-opted by local terror actors to gain leverage and recognition.

High-ranking Islamic State officials have publicly singled out South Asia as an important region for the group's activities. The Islamic State's new spokesperson, Abu Hamza al Qurashi, recently praised Islamic State ecosystems in India and Pakistan. Despite some successful attacks in the region, the group's strategy remains disjointed. They have not been able to appoint a leader for South Asia, build a strong chain of command in the region, or sustain branches there.

Apart from the Islamic State, India's greatest concern in Afghanistan is that the Taliban, once back in power in Kabul, would provide space for groups such as Lashkar-e-Taiba and Jaish-e-Mohammed — and their alleged handlers in Pakistani intelligence — to operate freely. This is effectively what happened in the 1990s, when terrorist violence in Kashmir was at its peak with close to 1,000 casualties per year. The Afghan landscape is reportedly already providing Lashkar-e-Taiba and Jaish-e-Mohammed with both training grounds and recruitment opportunities. New Delhi will do its best to watch this development closely, but that may be difficult without an active embassy in Kabul.

The different groups that will now operate with more freedom in Afghanistan have different approaches to certain hotspots. Lashkar-e-Taiba, Jaish-e-Mohammed, and the Islamic State have very different narratives concerning Kashmir. Lashkar-e-Taiba and Jaish-e-Mohammad are recognized as Kashmiri nationalists fighting over lost territory. Moreover, their historic links with each other and actors within Pakistan beginning in the 1990s gives each group bona fides with the Taliban, which also sees itself foremost as a nationalist movement. The Islamic State, by contrast, considers Kashmir to be a Muslim majority

region and intends to establish itself as an independent entity separate from India or Pakistan.

The Future of Jihadism in a Post-American Afghanistan

The Taliban's success in Afghanistan will have far reaching effects on the resilience of other groups looking to conduct attacks across South Asia. Firstly, the Taliban's perceived victory over the United States will likely inspire jihadist groups. Various groups in Syria and Palestine have celebrated the Taliban's takeover. Others will be inspired by the Taliban's new resources and international prestige, especially if other countries begin to formally recognize the government in Kabul.

Second, Afghanistan will almost certainly become an attractive destination for South Asian extremists (and jihadists from other parts of the world) once again. Despite differences with the Taliban, the Islamic State could strengthen its position in Afghanistan from disenfranchised factions of the Taliban and continue to attract more South Asians. Several Indians travelled to Afghanistan and joined Islamic State Khorasan Province in 2016 and 2017. Some former members of disbanded groups such as the Indian Mujahideen and Students' Islamic Movement of India also joined the Islamic State Khorasan Province. The Taliban victory is sure to make it easier for extremists to enter Afghanistan.

Third, foreign fighters will gain experience in Afghanistan and will eventually go back to their home countries, bringing that experience with them. The Afghan jihad of the 1980s was the progenitor of numerous jihadist movements across South Asia. This was due in part to returning foreign fighters setting up shop back home. A repeat of this dynamic can prove detrimental to not only the security but also the political fabric of the region.

Lastly, the Taliban's advances have already given it access to major resources and weapons. The Taliban might funnel these to other groups. An increase in financial resources can further help to pay for mid- to high-level operations across South Asia.

What Can the United States Do Now?

In order to secure its counter-terrorism interests after it withdraws from Afghanistan, the United States should increase counter-terrorism cooperation with regional states, especially India. Washington may even find it useful to cooperate or coordinate with Beijing and Islamabad on limited counter-terrorism objectives. The United States should also encourage South Asian nations to work closer on counter-terrorism. Most of these options are suboptimal, but after the U.S. withdrawal, Washington has no other options.

America's counter-terrorism cooperation with India will be especially important for U.S. interests. New Delhi is Washington's most capable defense and intelligence partner in South Asia, particularly after the collapse of the Afghan military. Helping India to prevent terrorist attacks will allow New Delhi to focus attention and resources on competing with China.

Despite the fact that Pakistan's support of the Taliban and the Haqqani network undermined U.S. interests in Afghanistan for decades, the United States may find it necessary to work with Pakistan on some specific regional counter-terrorism efforts. The two countries face common threats from al-Qaeda and the Islamic State. The Tehrik-i-Taliban (or "Pakistan Taliban") may regroup and threaten Pakistani and U.S. security interests. Pakistan's insights into the Taliban and developments in Afghanistan may prove valuable to the U.S.-Pakistani intelligence relationship. However, this cooperation can only go so far. U.S. officials will long remember Pakistan's role in sabotaging America's efforts in Afghanistan, and Islamabad's support for anti-India terrorist groups risks a nuclear crisis in South Asia.

Likewise, the United States could attempt to engage with China given its increasing influence in South Asia and strong links with Pakistan. Washington could leverage the recent terror attack against Chinese citizens in Pakistan — allegedly by the Tehrik-i-Taliban Pakistan and the East Turkistan Islamic Movement, although neither group has taken responsibility — as a starting point to future cooperation on discrete regional issues, if the politics allow it. It is likely that this cooperation may not materialize, however, given the current state of Sino-American ties. Nevertheless, given that terrorist threats emanating from Afghanistan threaten the interests of all regional states, there may be some space for collaboration.

The United States could also encourage regional counter-terrorism cooperation. And for this, New Delhi can play a significant role in driving the counter-terror discourse in the region. Such a mechanism would also allow smaller countries such as Sri Lanka, Bangladesh, and Maldives (among others) to achieve their own potential in dealing with terrorism via institutionalized counter-terror solutions from the perspective of local and hyper-local strategies.

Looking Ahead

The end of the U.S. military's involvement in Afghanistan does not mean the end of terrorist threats emanating from Afghanistan. The country will continue to host numerous terrorist groups that threaten the interests of numerous states in the region and beyond. Afghanistan may not prove to be the terrorist safe haven that it was immediately before 9/11, but the United States and its allies will have fewer capabilities and resources to combat the threat that does emerge. After the United States and others respond to the immediate crisis on the ground in Kabul, they will be left to put together a counter-terrorism

strategy for Afghanistan with fewer tools than they had before. Crafting new approaches will require a deep understanding of the various groups operating in Afghanistan and throughout South Asia.

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Piracy

Govt investing to tackle piracy - Ghana Maritime Authority (Business Ghana) August 12, 2021

The government is investing in the maritime sector to tackle the increasing spate of piracy attacks in the Gulf of Guinea, the Director General of the Ghana Maritime Authority (GMA), Mr Thomas Kofi Alonsi, has said.

The authority, he said, had embarked on some interventions, including the introduction of new legislations, to deal with the menace.

The Gulf of Guinea continues to be a global epicentre for piracy, according to the International Maritime Bureau's (IMB) latest global piracy report.

The first quarter of 2021, according to the IMB Piracy Reporting Center (PRC), witnessed 38 piracy incidents reported on 33 vessels as well as the kidnapping of 40 crew members within the stated period.

At a Meet the Press event in Accra yesterday, Mr Alonsi said apart from the authority's own activities, there was an ongoing inter-regional effort by all West African coastal states through the ECOWAS Maritime Security Architecture to minimise the incidents within the Gulf of Guinea.

"The authority, together with other coastal states, has to find ways and means of curtailing the incidence of piracy within our territorial waters," the GMA Director-General said.

Existing law

The GMA, he said, had also held consultative meetings with the Naval Command on joint patrols in Ghana's territorial waters, and had consequently acquired five new patrol boats for purposes of surveillance activities.

The boats, he said, had been deployed in the ports of Tema and Takoradi to monitor pirate activities and to prevent smuggling of small arms and illicit drugs.

Similarly, he said the authority was considering recommendations by the Attorney-General to introduce a comprehensive Maritime Offences Act to address issues of insecurity in the sector because the provisions in Sections 193 and 194 of the Criminal Offences Act had become outdated and were no longer in tandem with the provisions in the United Nations Convention on the Law of the Sea (UNCLOS).

The UNCLOS is an international agreement that establishes a legal framework for all marine and maritime activities.

"The authority is unable to prosecute piracy and other maritime related offences since the existing regulations are not fit for purpose, and at a point where some pirates were arrested here in Ghana, we had to repatriate them to Nigeria for trial since they have stringent regulation in prosecuting such cases," Mr Alonsi said.

Already, the GMA Director-General said, some engagements had been held with relevant stakeholders, including the Attorney-General's Department, which was putting together a draft bill for further engagements.

"A new law will have to incorporate all international conventions on maritime security such as the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Act), the UNCLOS, the International Ship and Port Security (ISPS), among other relevant treaties, and we are still deliberating whether to go ahead with the new law or review the existing one," Mr Alonsi said.

Pirate Attack Reported Off Somalia -UKMTO (gCaptain) By Mike Schuler
August 13, 2021

Pirates have attacked a vessel off the east coast of Somalia, UK Maritime Trade Organization said in an advisory Friday.

The attack took place Friday, August 13, at approximately 7:45 a.m. East Africa Time as the vessel was approximately 100 nautical miles northeast of Mogadishu.

The identity of the vessel involved was not disclosed, as is normal practice with UKMTO alerts. The vessel and crew are reported safe and the incident is “complete,” the alert said.

While there have been some one-off incidents of piracy off Somalia in recent years, attacks are few and far between compared to the height of Somali piracy in 2011 when pirates held dozens of merchant ships and hundreds of hostages. That same year, EU Naval Force – Somalia (EUNAVFOR) reported 176 attacks and 25 vessels pirated. By October 2016, however, those numbers have dropped zero thanks in part to the international naval forces patrolling the area and use of armed guards on merchant vessels.

Still, the International Maritime Bureau’s Piracy Reporting Centre warns that Somalia pirates continue have the capacity to carry out attacks in the Somali basin and wider Indian Ocean. In January, the Centre reported a bulk carrier was chased by a skiff with armed pirates and ladders in the western Gulf of Aden, but the attackers aborted after warning shots from the ship’s security team. Zero incidents were reported in the region in 2020.

UK-based EOS Risk Group identified the vessel involved as possibly the Turkish-flagged Anatolian. “If confirmed, this will be the first #piracy incident in the [Indian Ocean] since Apr 2019,” the company said on Twitter.

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Gender-Based Violence

The Taliban’s conquest of Kabul threatens the lives and safety of girls, women and sexual minorities (National Post) By Deeplina Banerjee

August 19, 2021

[The world watched in shock as Ashraf Ghani, the president of Afghanistan, fled the country on Aug. 15. The Taliban occupied Kabul, the country’s capital, and international news channels and social media began to be flooded with devastating pictures of Afghans desperately attempting to escape the impending Taliban regime.]

Afghanistan’s humanitarian crisis implies a massive blow to human rights globally. The United Nations reports that the country will witness a spike in civilian casualty and extreme forms of violence. More than 80 per cent of Afghans have now been displaced internally due to ongoing conflict, and girls, women and sexual minorities are vulnerable to mass violence.

The Taliban claims a peaceful transfer of power, but the video of people helplessly clinging on to the wheels of a moving United States Air Force plane indicate otherwise.

Women’s lives hang in the balance as the Taliban prepares to establish their emirate.

Women’s rights and freedom are threatened by the Taliban’s acquisition of power. In an open letter, Afghan filmmaker Sahraa Karimi detailed murders and massacres as the Taliban took over the state, describing how they bought child brides for the militants and killed women wearing the wrong clothes.

The Taliban is known to oppose women’s education. In one instance, the Taliban sent burial shrouds as a threat to a girls’ school in the Herat region. And in the Helmand province, there is no formal education system for girls.

The unchecked rise of the Taliban poses a grave threat to Afghan women. Under their rule, women have been beaten for the length of their burqa or for painting their nails, and people have been horrifically executed for their sexual orientation.

During the first phase of the Taliban regime in Afghanistan, women were not allowed to travel without a male guardian, and were punished if they were perceived as too independent.

Many remain in fear of being pushed back to an oppressive past. The Taliban has stated that they will protect women’s rights

in accordance with Sharia law and within their approved framework. Despite the assurance, one female Afghan journalist in her interview with Euronews said that she fears for the safety of Afghan women as many female journalists and activists are at the risk of being stoned by the Taliban

Another female journalist in an interview with the Guardian said that female journalists are desperately seeking help from embassies before destroying any evidence of their work. Many Afghan women fear losing their identity under the Taliban.

The translation of this promise looks very different for women. An Afghan woman in Kabul shared her ordeal of hiding her identification cards and diplomas, fearing what would happen to her if they were found.

In an interview, an Afghani female judge recounted how the Taliban views female judges as infidels. Many journalists and women who made public appearances are also at risk of persecution by the Taliban.

If the Taliban were to reform, it would require shedding their core fundamentalism and misogyny towards women, which is very difficult as their interpretation of woman's duties equates traditional feminine roles.

Article 27 of the Geneva Convention calls for protecting women from sexual violence. Afghan women are presently at risk of sexual slavery. According to international news, in July 2021, Taliban officials asked local religious leaders to provide them with the names of girls over 15 and widows under 45 years of age to be married to the fighters.

The Taliban's rigid interpretation of Sharia law categorically targets and executes sexual minorities. Gay Afghan author Nemat Sadat cautions about the dehumanization of queer people, warning that under the Taliban they can be sentenced to death for their identity.

It is important to recognize that the crisis unfolding in Afghanistan is not a new development. Afghanistan has been stuck in a humanitarian crisis with decades of constant warfare and oppressive militant regime.

The international community needs to protect Afghan women and sexual minorities from war crimes and sexual violence. The conversation needs to change from protecting women's honour to enabling them to protect their bodily autonomy — safety from harm is a basic human right.

There is an urgent need to ensure that gender-based violence does not take precedence in Afghanistan. Canada's Feminist International Assistance Policy can play a significant role to that end.

Feminist organizations need to mobilize their financial resources to help Afghan men, women and sexual minorities escaping violence. Apart from helping Afghan refugees with secure accommodations, humanitarian organizations need to consult Afghan women's organizations and bring them on board to design strategies that will protect their rights and bodily autonomy.

Scholars have criticized Canada's role in Afghanistan in the past as means to elevate its profile in the international community than focusing on sustainable development and peacebuilding. Canada's refusal to legitimize the Taliban government and the commitment to work alongside the U.S. and the United Kingdom must lead to honest engagement to ensure the safety of Afghans.

Policy recommendations

As a Ph.D. student whose work examines gender, humanitarian assistance and international development, I propose the following policy actions for Canada and other donor countries:

Support and collaborate with local stakeholders to ensure that the rights of women and girls, including their access to education and employment opportunities, are safeguarded under the Taliban.

Support organizations that are aiding women and sexual minorities, displaced groups and vulnerable ethnic minorities, and helping them relocate.

Collaborate with the UN and local organizations to pursue justice for sexual violence survivors.

Ensure the safety of members of marginalized groups and offer them institutional protection.

Provide urgent humanitarian aid to the civilians. Create opportunities for human rights organizations to participate in aid distribution.

Create opportunities for Afghani women to negotiate and design peacebuilding efforts.

Without sustained efforts from international organizations, Afghanistan will be far from reaching gender equality. In the absence of a strong policy framework, we will witness history repeating itself again — the lives of women and sexual minorities hang in the balance.

Taliban threats, Biden's deadline force stateside scramble to evacuate female Afghan judges (NBC News) By Saphora Smith, Amin Hossein Khodadadi, and Jason Abbruzzese
August 24, 2021

When Patricia Whalen first started helping Afghanistan's female judges leave the country just a few days before the fall of Kabul, she was mostly worried about visas and seats on airplanes.

Now, Whalen, a retired Vermont family court judge, is most worried about getting them inside the airport and away from the Taliban's guns. She fears they're running out of time. The Taliban has warned that the Aug. 31 deadline to withdraw U.S. troops is a "red line."

"We could have all the planes in the world land at that airport, but getting to the tarmac is almost impossible," she said.

Whalen, who also served as an international judge in the war crimes chamber of Bosnia-Herzegovina from 2007-2012, is part of a small group of judges spread out across the world who are working feverishly to evacuate about 250 female judges and their families from Afghanistan. Having spent years on the front lines of Afghanistan's efforts to establish a judiciary and clean up corruption, many of the judges have already received death threats either from the Taliban or people they sentenced.

"The Taliban are searching for judges door to door," said a female judge in the western province of Herat, who did not want to be named because she is afraid of the Taliban. "We are in danger."

The judge, 31, said she has not slept at home since the militants took Herat on Aug. 13. Nor has she gone to work, fearful that the Taliban would turn her away or worse.

"Their idea is that women can't be judges at all," she said.

Whalen, who is in touch with some of the judges, said her small group has been working with a wide range of people in and outside Afghanistan, including other judges, foreign ministries, congressional staff, nonprofit organizations and even a small number of people inside the airport who are helping them. She declined to name specific people for fear of putting her network in jeopardy.

When they do find seats, it's the start of a scramble. Whalen will get a call that immediately sparks a race of logistics: what information is needed, whether they can travel safely to the airport, which gate they should go to and even what they should bring. They will need enough food and water to last for waits at the airport that can be as long as 24 hours.

"Today the first thing I heard was we had 50 seats on a plane: 'You need to get 50 names together,'" she said Sunday.

The U.S. evacuation effort is ongoing. The U.S. government is utilizing commercial airliners to help, but one diplomatic cable seen by NBC News detailed a situation in which the Afghan staff of the U.S. Embassy was losing faith. A deadly fire near the airport on Monday left one Afghan soldier dead and three others injured.

The judges face a particularly challenging series of hurdles. Many of them participated in some training in the U.S. including with Whalen, but they were not paid by the U.S. government. It's a distinction that Whalen said means they don't necessarily qualify for expedited evacuations.

As the militants struggled to consolidate control over Afghanistan, resorting to violence to do so, U.S. senators called on the Biden administration to do more to get these women — and other female Afghan leaders — out of the country. In a bipartisan letter, 46 senators urged the administration to create a humanitarian parole category specifically for female leaders, activists and human rights defenders, among others, to allow for fast relocation to the United States.

"We are gravely concerned about the safety of women leaders, activists, judges, parliamentarians, and human rights defenders," the letter read. "We and our staff are receiving regular reports regarding the targeting, threatening, kidnapping, torturing, and assassinations of women for their work."

Judges that stay in the country face an intense risk of violence. Two were killed in January in an ambush as they were driving to work. Whalen said the threats have already started.

It's possible female Afghan judges and lawyers could be eligible to leave the country via what is known as the Priority-1 program by virtue of their circumstance and need for resettlement. The State Department did not immediately respond to a

request for comment.

Lisa Walsh, the North American regional director of the International Association of Women Judges, has also been part of the effort to evacuate the women. Walsh said the judges have been receiving so-called night letters — a common Taliban tactic for threatening violence — at their homes.

Walsh, who is also a judge in the Miami-Dade County Circuit Court, said one letter the group had translated to English told a judge that she had violated Shariah and Islamic law and that the punishment was death, which could be avoided if she participated in jihad against Americans and atheists.

Taliban representatives have claimed the group has changed its ways and some rules, which included bans on women attending school or having jobs. That message has been contradicted by growing reports of violence.

A Taliban spokesman denied their involvement in any door to door search for the former officials of the Afghan government, saying they had announced general amnesty and they were still standing by it.

He didn't answer when asked if they would allow female judges in Afghanistan.

The Taliban spokesman said the group would not yet share details about their proposed Islamic Sharia government in Afghanistan, adding that they would take all stakeholders into confidence before deciding the government.

The Taliban have shared scant details on how they plan to govern Afghanistan, instead issuing ambiguous statements that the country will be governed under Shariah. In the past, Taliban leaders have repeatedly said there is only one version of Shariah and that the Islamic Republic of Afghanistan was not truly Islamic because it was not based on Shariah.

A dad feared his family would be turned back at the border. He went to get them. That assessment is rejected by many religious and legal scholars who say there are a range of possible interpretations of Islamic law, none of which can claim exclusive legitimacy. Many Afghans point out that the Islamic Republic's laws were based on an interpretation of Shariah.

"No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan," the republic's constitution reads.

The school of Islamic jurisprudence that the Taliban follow allows women to serve as judges in certain cases, according to Haroun Rahimi, an assistant professor of law at the American University of Afghanistan.

Despite this, the Taliban didn't allow women to be judges or lawyers under their strict rule between 1996 and 2001 and often justified that based on Afghan culture and a sexist belief that women are unable to control their emotions, he said. Based on their interpretation of Shariah, the militants also concluded that a woman's testimony in court counted for half a man's, he added, though in reality they may have been ignored completely.

Afghan judges and prosecutors are preparing to watch the Taliban roll back the progress they made in the 20 years since the U.S. invaded Afghanistan, toppling the Taliban government for harboring Al Qaeda leader and 9/11 architect Osama bin Laden.

Khalili, a female prosecutor who did not want to give her full name out of fear of the Taliban, said she had dedicated her career to fighting against gender-based violence in Afghanistan. Violence against women is a huge problem in Afghanistan that U.S.-backed governments also failed to address, according to Human Rights Watch.

Khalili, 27, said she had been encouraged, however, to see more women using the justice system to protect their rights in recent years. But under the militants, she said, she expects harassment of women to get worse and the Taliban to halt any work aiming to eliminate abuse.

As the first female prosecutor in her province, Khalili said her family was repeatedly threatened by the militants. In the end, she said her mother was killed and her brother was attacked by them in part, she believes, because of her job.

"They will kill, I'm sure," she told NBC News by telephone from Kabul.

But it's not just the Taliban these women are afraid of. They also fear retribution from the men they put away in prison, who may have been set free as the militants marched through the country.

"They know the prosecutor, they know the judges — they know us, and now they are free," said Khalili of the men she had prosecuted. "They can use this situation if they want to take their revenge."

Whalen said the effort to get the judges out has become a full-time project. She works about 20 hours a day alongside four

other judges, two of whom are in Australia and New Zealand. (She refers to them as the night crew.)

Together they've put together enough resources and connections to create a lifeline. The group has been able to get some judges and their families out of the country, though she declined to say exactly how many or where they've gone out of ongoing security concerns.

"Not enough," Whalen said.

The groups communicate primarily over WhatsApp, trying to provide as much immediate guidance as possible on where they need to be and when. But the situation is still dire. Judges have relayed scenes of mobs of people at the airport and beatings by the Taliban that sometimes force them to return to their homes.

Whalen said they need the U.S. government to make a special effort to help these women.

"If we had three months, it would still be hard, but at least we could," she said. "We don't have time."

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Commentary and Perspectives

Bangladesh: 86 Victims of Enforced Disappearance Still Missing (Human Rights Watch) August 16, 2021

United Nations human rights experts should lead an independent international investigation into enforced disappearances by security forces in Bangladesh, Human Rights Watch said in a new report released today. Senior UN officials, donors, and trade partners should step up measures to hold senior members of Bangladesh security forces accountable, stop enforced disappearances, and prevent future abuses.

The 57-page report, "'Where No Sun Can Enter': A Decade of Enforced Disappearances in Bangladesh," finds that, despite credible and consistent evidence that Bangladesh security forces routinely commit enforced disappearances, the ruling Awami League has ignored calls by donor governments, the UN, human rights organizations, and civil society to address the culture of impunity. Alongside the report, Human Rights Watch created a webpage tracking and profiling the cases of 86 victims in Bangladesh who were forcibly disappeared and who remain missing.

"Awami League leadership and Bangladesh authorities mock victims and routinely obstruct investigations, making clear that the government has no intention of meaningfully addressing enforced disappearances by its security forces," said Brad Adams, Asia director at Human Rights Watch. "As critics of the government live in fear of being forcibly disappeared, and families of the disappeared have little hope of getting justice from the government, UN human rights experts should open an investigation into enforced disappearances in Bangladesh."

This report, based on over 115 interviews conducted between July 2020 and March 2021 with victims, their family members, and witnesses to enforced disappearances, finds that Bangladesh authorities consistently refuse to investigate enforced disappearances and to hold those responsible accountable. Human Rights Watch also found that the authorities use enforced disappearances – and the threat of enforced disappearances – to silence critics, chilling free speech.

Although security forces in Bangladesh have long committed grave human rights abuses, including torture and extrajudicial executions, including under previous governments, enforced disappearances in particular have become a hallmark of Prime Minister Sheikh Hasina's over decade-long rule.

Ahead of the International Day of the Victims of Enforced Disappearances on August 30, 2021, concerned governments and the United Nations should stand with victims of enforced disappearances by increasing scrutiny of their relationships with Bangladesh security forces, Human Rights Watch said.

United Nations Secretary-General António Guterres should make clear that the UN is unwilling to serve as a cover for the military's abuses at home. The Department of Peace Operations should sever all ties with any units and commanders found responsible for serious human rights abuses, including commanders who failed to prevent or punish abuses by individuals under their command.

According to Bangladeshi human rights groups, nearly 600 people have been forcibly disappeared by security forces since Prime Minister Hasina took office in 2009. While some victims have been released or produced in court after weeks or months of secret detention, others became victims of extrajudicial killings that are falsely claimed to be deaths during gunfights. Scores are still missing. Many of the victims were critics of the ruling Awami League government.

The Bangladesh government consistently denies that its security forces commit enforced disappearances. Such denials trickle down from the government leadership, through the ranks of authority. Victims' families repeatedly described outright refusal by the police and other security forces to file a case or conduct a legitimate investigation of alleged enforced disappearances, at times even citing "orders from above."

The notoriously abusive Rapid Action Battalion (RAB) is responsible for more enforced disappearances in Bangladesh than any other unit, according to Bangladeshi human rights organizations. Describing the unit as a "death squad," human rights organizations have repeatedly called for RAB to be disbanded. In October 2020, 10 US senators published a bipartisan letter calling for sanctions against top RAB officials for extrajudicial executions, enforced disappearances, and torture.

The United States, UK, Canada, the EU, and other governments with similar human rights sanctions regimes should impose targeted sanctions on top officials with responsibility for ongoing enforced disappearances and other grave abuses.

UN Secretary-General António Guterres should ban Rapid Action Battalion officers from participating in UN peacekeeping missions and ramp up screening of those deployed under the UN flag to ensure its human rights screening policy is being effectively applied in Bangladesh.

"Members of a death squad should not be deployed in UN peacekeeping missions abroad," Adams said. "The UN Department of Peace Operations should ban the Rapid Action Battalion from peacekeeping and the US should bring individual human rights sanctions against Bangladesh commanders implicated in serious crimes like torture, enforced disappearances, and extrajudicial killings."

For individual accounts of enforced disappearances from the report, please see below.

Accounts of Enforced Disappearances

Abdul Quader Bhuiyan, an activist of the opposition Bangladesh Nationalist Party (BNP) also known as Masum, was picked up by Rapid Action Battalion (RAB) in December 2013. Over seven years later, he is still missing. Masum's mother, Ayesha Ali told Human Rights Watch:

"I am broken. There is nobody here to call me mother. The only thing I want is for my son to return. We won't even talk about it. We'll forget what happened, please just bring him back. Everything is lost from my end."

Nur Hasan Hiru, then-BNP organizing secretary in Uttara, Dhaka, was picked up by five or six men claiming to be from law enforcement on June 20, 2011, according to eyewitnesses. Hiru's family later heard from a security forces contact that he was in RAB custody. Hiru is still missing. His brother told Human Rights Watch: "Over the last 10 years he [Hiru] is missing, we don't know if he is dead or alive. Even if he is dead, we don't even get the body. When will this suffering end?"

Police arrested Mohammad Rezoun Hossain, an activist with Chhatra Shibir, the student wing of the Jamaat-e-Islami Islamist political party, on August 4, 2016, witnesses told human rights defenders. He has not been seen or heard from since. "If my son is guilty, then the police can produce him in court," said his mother, Selina Begum. "Why did the police pick him up and disappear him?" When his family tried to file a complaint at the Benapole police station, they said, the officer in charge of the station at the time told them, "Do not search for Rezoun or we will slaughter you all."

Mohammad Rafiqul Islam Raja was picked up along with a few of his friends by men claiming to be from the police Detective Branch on April 26, 2013. His friends were later released, but Raja remains missing. Raja's mother said she wanted to share the information about her son's disappearance with the world so that she could get her son back. She told human rights defenders that if he was dead, she at least wants her son's body so that she can "do the proper rituals and pray."

Tapan Chandra Das, 40, a businessman, was in a rickshaw with his business partner, Gobinda Das, on their way home from a meeting on August 3, 2011, when men claiming to be members of the Detective Branch in Dhaka detained him, Tapan's wife, Shumi Das, told Human Rights Watch. Gobinda was released but Tapan remains missing. Shumi says that she is still hopeful that he will be returned, that she still wears the red bindi and sindoor indicating that she is married, but that she is worried that it would not have been possible for him to be fed and kept alive for these 10 years. She says that sometimes she thinks she hears him calling her name. There has been no progress on the case.

Mohammad Fokhrul Islam, the owner of Swift Cable Network, was picked up by RAB officers on May 11, 2013, as he was getting his car repaired. A relative said that after RAB denied the arrest, on May 13, 2013, the family filed a General Diary

(police report) with the police. Soon after, the relative told human rights defenders that a RAB member told him that if they went too far with the matter, they too would be disappeared.

Mir Ahmad Bin Quasem, also known as Armaan, was picked up from his house by seven or eight men late on August 9, 2016, in the presence of his wife and sister. After his disappearance, Armaan's family said the police threatened and harassed them. At one point, after some particularly high-profile media coverage, the family said, law enforcement raided their house: "After that [media coverage], the entire house was surrounded by RAB," a family member said. "One hundred or more. It was scary. They raided the entire house. The stairs were full of police officers."

Over 60 Civil Society Organisations Denounce the Alarming Deterioration of Human Rights Situation in El Salvador (International Federation for Human Rights) August 20, 2021

Human rights organisations express concern regarding the deterioration of the human rights situation, consolidation of authoritarian rule and hate speech against human rights defenders, organisations and media in El Salvador. The deteriorating human rights situation is a result of President Nayib Bukele and his party's abuse of power, as well as the ongoing dismantling of public entities and national controls that would be in positions to prevent internal abuses of power.

The attempted takeover of the Legislative Assembly by the President and the armed forces in 2020, the irregular dismissal of members of the Constitutional Chamber and the Attorney General of the Republic on 1 May 2021 and the repeated use of the pandemic to control and restrict rights and freedoms, which has kept thousands of people in detention in "containment centres," have raised concerns. In addition, there is the persecution and harassment from government officials against opponents, human rights defenders and journalists that has raised concerns at the Inter-American Commission on Human Rights (IACHR) and the United Nations High Commissioner for Human Rights (OHCHR). and the Office of the High Commissioner for Human Rights (OHCHR).

The government misuses public institutions and manipulates public discourse in favour of the interests of particular groups of society at the same time that it delegitimises and silences those who denounce systematic human rights violations. The attacks on women's and feminist organisations are particularly troubling. Meanwhile, thousands of people continue to flee the country, escaping poverty and the fear of organised crime groups and security forces. Rates of femicides and violations of women's sexual and reproductive rights remain among the highest in Latin America, and corruption deepens inequality.

In this context, any person, organisation or media outlet that denounces abuse of power is branded as an enemy of the state, threatened, harassed and hounded. Organisations operate under abusive fiscal measures and restrictions to the right to peaceful assembly under the excuse of the pandemic. Women human rights defenders and journalists face hate speech, stigmatisation and prosecution with sexist connotations, sexual violence and other forms of gender-based violence as a means of repression. Discrimination is legitimised and the gains that women have made for equality are being rolled back.

The Salvadoran Network of Women Human Rights Defenders, the Association of Journalists of El Salvador (APES) and the Passionist Social Service (SSPAS) have reported that in recent years there has been a significant increase on digital attacks perpetrated against journalists and human rights defenders working on sexual and reproductive rights, the right to a life free of violence and the rights of LGBTIQ people.

Between February and May 2021, at least 370 digital attacks were perpetrated by public officials or individuals close to the President and his inner circle on social networks. Human rights defender and feminist lawyer Bertha Deleón has been a victim of a strong stigmatisation campaign and faces a criminalisation process that led to her requesting precautionary measures to the IACHR in order to protect the lives of her and her family.

As a sign of the lack of commitment to guaranteeing human rights, in May 2021 the legislative initiative to protect human rights defenders called the "Law for the recognition and integral protection of human rights defenders and the guarantee of the right to defend rights" was shelved. The State continues to fail its international obligations regarding the protection of human rights, and refuses to engage processes involving from international scrutiny, as in the case in the recent hearing on the human rights situation in which it was summoned by the IACHR. Additionally, the government actively works to discredit the positions and communiqués of international mechanisms and human rights organisations every time they denounce, express concern about the situation or issue any recommendations. This has led to attacks like the one perpetrated on 21 June 2021, when unknown individuals stole files from the CO-MADRES organisation containing sensitive information on investigations into people who disappeared during the armed conflict.

We express our deep concern about the risks faced by human rights defenders, journalists and their families, as well as the impacts of working in this challenging context. The State must cease attacks, ensure the separation of powers and the rule of law, and provide guarantees for the free exercise of the right to defend human rights and to exercise independent journalism.

We urge the international community and human rights organisations to remain vigilant of the situation and to speak out, particularly in view of the specific risks faced by women defenders and journalists. It is urgent to resolve the requests for protection measures and to guarantee effective mechanisms to protect their lives.

Authoritarian rule and hate speech that legitimises stigma and violence against those who advocating for justice, equality, and peace generate risk for the exercise of the defence of human rights and leave defenders and journalists defenceless – an unprecedented situation in El Salvador in peacetime.

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WORTH READING

U.S. Recognition of a Commander's Duty to Punish War Crimes (International Law Studies)

By Brian Finucane

August 18, 2021

This article explores the United States' recognition of the doctrine of command responsibility. The doctrine has been invoked by those alleging that President Trump's pardons of U.S. personnel convicted or accused of war crimes could amount to war crimes themselves. The article focuses on a commander's duty to punish war crimes by his subordinates. It examines the United States' past recognition of the duty to punish as an element of command responsibility under the law of war. The principle that a commander has an obligation to punish war crimes by his subordinates is not a progressive development of the law promoted by the advocacy community. Instead, the duty to punish stands out as an ancient legal norm interwoven into the domestic law of the United States and which the United States has incorporated into international legal instruments. The lesson from this history is clear, if not always appreciated: commanders who fail to punish their subordinates for war crimes may themselves be war criminals.

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

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