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NORTH AFRICA

Libya

UN: Libya has 12,000 people officially detained, thousands more held illegally (Yahoo News)
January 17, 2022

More than 12,000 people are officially detained in 27 prisons and detention facilities across Libya, with many more in "inhumane conditions in facilities controlled by armed groups or 'secret' facilities," United Nations Secretary-General António Guterres said in a report obtained by The Associated Press Monday.

Guterres said in the report to the U.N. Security Council that the United Nations Support Mission in Libya (UNSMIL) has documented an alarming amount of cases of arbitrary detention, sexual violence, torture and other international law violations in facilities led by various groups, including the government.

"I remain gravely concerned by the continuing violations of the human rights of migrants, refugees and asylum seekers in Libya," he said in the report.

Guterres noted that thousands of individuals in the official statistics provided by Libyan authorities could not challenge the legality of their detention. Thousands more detainees are being held illegally, the AP reported.

"Female and male migrants and refugees continued to face heightened risks of rape, sexual harassment and trafficking by armed groups, transnational smugglers and traffickers as well as officials from the Directorate for Combating Illegal Migration, which operates under the Ministry of Interior," the U.N. chief reportedly said.

Guterres noted that multiple detention centers mentioned in the report are run by the Directorate for Combating Illegal Migration, including the Mitiga prison facility. He said the U.N. mission received "credible information on trafficking and sexual abuse of around 30 Nigerian women and children," the AP reported.

Many of those detained are refugees or migrants traveling across the Mediterranean Sea to Europe and were ordered to return to Libya by the nation's coast guard, the outlet reported. Guterres said that as of Dec. 14, the Libyan Coast Guard blocked 30,990 migrants and refugees from traveling and ordered them back to the country, which is "almost three times the total number of people returned in 2020 (12,000 people)."

Guterres said that more than 1,300 have died or gone missing during the voyage.

The U.N. previously called out crimes against humanity in Libya in October, after the nation detained more than 5,000 migrants, many of them women and children. Guterres said in the report these expulsions "did not respect the prohibition of

collective expulsion," and the forced return of people "placed many asylum seekers and migrants in extremely vulnerable positions."

Unified Libya will come only via ballot box, 'not the gun', Security Council hears (UN News)

January 25, 2022

Libya is at a "delicate and fragile juncture in its path to unity and stability", the UN Political Affairs chief told the Security Council on Monday, urging the international community to remain united in supporting national elections postponed last month.

In welcoming positive developments across three different tracks of intra-Libyan dialogue, Rosemary A. DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, also recognized the challenges that must be overcome.

"So many Libyans have told us, the way towards a stable and united Libya is through the ballot box, not the gun", she said. "We must stand with them".

Postponed elections

Growing polarization among political actors, and disputes over key aspects of the electoral process, led to the postponement of long anticipated elections on 24 December.

The High National Commission for Elections (HNEC) cited shortcomings in the legal framework along with political and security concerns. To address this, the House of Representatives has established a Roadmap Committee to chart a new political path that defines an elections timetable and process.

New Special Adviser

Last month, Stephanie Williams was appointed Special Adviser on Libya, having served as acting Special Representative and head of the UN Support Mission, UNSMIL, last year.

To date, she has undertaken wide-ranging consultations, including with members of the Government of National Unity (GNU), the High National Election Commission, the House of Representatives, and candidates for presidential and parliamentary elections.

Oil-rich Libya has descended into multiple crises since the overthrow of former ruler Muammar Gaddafi in 2011, which in recent years saw the country divided between rival administrations – a UN-recognized Government of National Accord (GNA) based in the capital Tripoli, and that of the self-styled Libyan National Army (LNA), led by General Khalifa Haftar.

Ms. Williams has reiterated that the focus of the political process now, should remain on holding "free, fair, inclusive and credible national elections" in the shortest possible timeframe.

"In all her meetings, the Special Adviser highlighted the 2.8 million Libyans who have registered to vote", said Ms. DiCarlo, adding that she also called on everyone to respect the will of the Libyan people and to adhere to the timeline agreed to in the Libyan Political Dialogue Forum (LPDF) roadmap, which was endorsed by the Security Council. Welcomed developments

The UN political affairs chief said ongoing dialogue among political, security and economic actors from across the country was key.

"We have seen reports of consultations between the Speaker of the House of Representatives and the President of the High State Council, as well as among presidential candidates from western and eastern Libya", she said.

On the security track, there have been meetings among various armed groups, as well as the Chief of General Staff of the Western Military Forces under the GNU and the acting General Commander of the rival LNA, with the participation of military chiefs and heads of military departments from both sides.

Turning to the economy, further steps have been taken to reunify the Central Bank of Libya.

Moreover, renewed efforts continue to advance national reconciliation based on the principles of transitional justice.

Security situation

While the ceasefire has continued to hold, "political uncertainty in the run up to the elections has negatively impacted the overall security situation", the political chief informed the Council, including in Tripoli.

It has resulted in shifting alliances among armed groups affiliated with certain presidential candidates, she added.

Similarly, unfulfilled demands made to the GNU by the Petroleum Facilities Guards (PFG) in western Libya resulted in the shutdown of oil production, causing the National Oil Corporation to declare in December, force majeure – a clause that removes liability for natural and unavoidable catastrophes.

Following negotiations between the PFG and the GNU, Oil production was restored on 9 January.

To implement the ceasefire agreement, last month military representatives from opposing sides, called the 5+5 Libyan Joint Military Commission (JMC), discussed with Turkish and Russian authorities, an Action Plan to gradually withdrawal mercenaries and foreign fighters from the country.

At the same time, despite serious logistical and security challenges, the UN Support Mission in Libya (UNSMIL) continued its work to establish a ceasefire monitoring hub in Sirte, pending the GNU's approval on accommodation and office facilities.

Human rights concerns

“The human rights situation in Libya remains very worrying”, said Ms. DiCarlo, noting “documented incidents of elections-related violence and attacks based on political affiliation”, which she described as obstacles toward a conducive environment for free, fair, peaceful and credible elections.

“We are particularly concerned that women and men working to protect and promote women's rights continued to be targeted by hate speech, defamation and incitement to violence”, she stated. “Some of the disturbing social media posts that posed a threat to the safety and security of these persons were removed after UNSMIL brought them to the attention of social media platforms”.

Meanwhile, arbitrary detention by State and non-State actors continued across the country, with many detainees subjected to serious rights abuses.

Migration management

The situation of migrants and refugees is also highly concerning.

“Large numbers of migrants and refugees attempting to cross the Mediterranean Sea and returned to Libya continue to be detained in inhumane and degrading conditions with restricted humanitarian assistance. Thousands are unaccounted for”, the UN official said.

Ms. DiCarlo pointed out that hundreds of foreign nationals were expelled from Libya's eastern and southern borders without due process, with some “placed in extremely vulnerable situations across remote stretches of the Sahara Desert without sufficient food, water, safety and medical care”.

“The United Nations remains ready to work with Libyan authorities on a long-term national response to migration and refugee management in line with international law to include addressing human rights concerns”, she assured.

Accountability

To ensure political progress, Elham Saudi, Co-founder and Director of Lawyers for Justice in Libya, said that all who commit abuses must be held accountable, including mercenaries.

She noted that without law, revenge would be the only winner.

Ms. Saudi also maintained the importance of an enabling environment for all rights advocates, especially women, and expressed hopes for a human-rights based approach in how Libya is governed, going forward.

Migrant abuses continue in Libya. So does EU border training (The Washington Post) By Renata Brito, Frank Jordans and Lorne Cook
January 25, 2022

A confidential European Union military report calls for continuing a controversial EU program to train and equip Libya's coast guard and navy despite growing concerns about their treatment of migrants, a mounting death toll at sea, and the continued lack of any central authority in the North African nation.

The report, circulated to EU officials this month and obtained by The Associated Press, offers a rare look at Europe's

determination to support Libya in the interception and return of tens of thousands of men, women and children to Libya, where they face insufferable abuse.

Compiled by Italian navy Rear Adm. Stefano Turchetto, head of the EU arms embargo surveillance mission, or Operation Irini, the report acknowledges the “excessive use of force” by Libyan authorities, adding that EU training is “no longer fully followed.”

Hundreds of thousands of migrants hoping to reach Europe have made their way through Libya, where a lucrative trafficking and smuggling business has flourished in a country without a functioning government, fragmented for years between rival administrations in the east and west, each backed by armed groups and foreign governments.

The EU report acknowledges “the political stalemate” in Libya has hindered Europe’s training program, noting that the country’s internal divisions make it difficult to obtain political support for enforcing “proper behavioral standards ... compliant with human rights, especially when dealing with irregular migrants.”

The European Commission and the EU’s External Action Service — the equivalent of the 27-nation bloc’s foreign office — declined to comment on the report. But spokesman Peter Stano confirmed the EU is determined to train coast guard personnel and bolster Libya’s capacity to manage a massive search-and-rescue area of the Mediterranean.

The EU training program “remains firm on the table to increase the capacity of the Libyan authorities to save lives at sea,” Stano said.

Criticism of Europe’s migration policies has been growing. At least three requests have been filed to the International Criminal Court demanding that Libyan and European officials, as well as traffickers, militiamen and others be investigated for crimes against humanity. A U.N. inquiry published in October also found evidence that abuses committed in Libya may amount to crimes against humanity.

Last week, U.N. Secretary-General Antonio Guterres called for countries to “re-examine policies that support interception at sea and return of refugees and migrants to Libya.” Stano dismissed those criticisms. “When it comes to migration, our objective is to save peoples’ lives, protect those in need and fight trafficking in human beings and migrant smuggling,” Stano said.

Human rights defenders and asylum seekers disagree.

“The Europeans pretend to show the good face,” said a Cameroonian woman who arrived in Libya in 2016 with her child thinking she would find work. Instead, she was trafficked and forced into prostitution after being separated from her daughter. The AP does not identify victims of sexual violence.

In 2018 she got on a smuggler’s boat bound for Europe but her group was caught by Libyan authorities and taken to the notorious Tajoura detention center where detainees were beaten and abused. She was only released after a friend paid a \$700 ransom to the guards. “They’re calling it saving lives? How is it saving lives when those lives are tortured after being saved?” the woman asked.

Questioned about the detention centers in Libya, Stano said the EU’s position is clear: “They are unacceptable. The current arbitrary detention system must end.”

But despite such assertions nothing has changed on the ground. The Libyan government last month named Mohammed Al-Khoja, a militia leader implicated in abuses against migrants, to head the Department for Combating Irregular Migration, which oversees the detention centers. “The same people in charge of dismantling the trafficking business are the traffickers themselves,” said Violeta Moreno-Lax, founder of the immigration law program at Queen Mary University of London.

The EU report noted the “excessive use of physical force” by a Libyan patrol during the Sept. 15 interception of a wooden boat with about 20 migrants off the coast of Libya.

The Libyan forces used tactics “never observed before and not in compliance with (EU) training ... as well as international regulation,” said the report. It provided no further details about what exactly happened.

A spokesman for the Libyan coast guard did not respond to AP requests for comment about that incident or the EU report. In the past, Libyan interior ministry and coast guard officials have said they are doing their best with limited resources in a country plagued by years of civil war.

In response to AP questions, Frontex, the European coast guard and border agency that documented the Sept. 15 interception said it had filed a “serious incident report” but could not disclose details.

Ozlem Demirel, a German Left party member of the European Parliament, said the report offered “further evidence that there should be no cooperation with this force.” “The fact that Irini is even seeking further training is, in my view, outrageous,” she said. Violent tactics employed by Libyan authorities at sea have been widely documented for years. Last week, activists on a volunteer rescue ship reported seeing a Libyan patrol vessel “shooting at a person who had jumped into the water.”

Some 455 million euros (\$516 million) have been earmarked for Libya since 2015 through the EU’s Trust Fund for Africa, substantial amounts of which have gone to finance migration and border management.

However, huge sums have been diverted to networks of militiamen and traffickers who exploit migrants, according to a 2019 AP investigation. Coast guard members are also complicit, turning migrants intercepted at sea over to detention centers under deals with militias or demanding payoffs to let others go.

EU money, much of it funneled through Italy, has been used to train staff and refurbish boats for Libyan authorities. The Libyan coast guard also received satellite phones and uniforms and will get three new patrol vessels in the next two years.

To intercept the small unseaworthy migrant boats in the Mediterranean, Libyan authorities also depend on surveillance gathered and shared by European drones, aircraft and radar. But even then the political chaos in the country often impacts search-and-rescue operations. Advertisement

Irregular migration from North Africa to Italy and Malta spiked in 2021 after a drop in 2020 largely due to the coronavirus pandemic. Crossings on the central Mediterranean accounted for one-third of all reported illegal border-crossings into Europe, according to Frontex.

But as departures increased, so did interceptions. Last year, the Libyan coast guard picked up and returned to Libya more than 32,000 migrants, nearly triple the number for 2020.

Yet despite all the equipment and training provided to Libya to save lives, more than 1,500 people died or went missing last year, the highest death toll since 2017.

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CENTRAL AFRICA

Central African Republic

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

UN celebrates 25 years of mandate to protect children caught in conflict (UN News)
January 18, 2022

Although international action over the past 25 years has led to the release of more than 170,000 boys and girls recruited to fight, more remains to be done, UN Secretary-General António Guterres said on Tuesday.

Mr. Guterres was among senior officials, ambassadors and other members of the international community marking the 25th anniversary of the UN mandate on Children and Armed Conflict (CAAC).

In harm’s way

Besides the thousands of children freed by armed groups and forces during this time, hundreds of life-saving commitments and action plans have been signed and implemented by warring parties.

“But, much more is needed,” Mr. Guterres said in a video message for the online commemoration. “Children are still in harm’s way. Peace is in short supply. Cycles of violence and despair won’t stop automatically.”

The Secretary-General urged countries to continue supporting the UN Office on Children and Armed Conflict, and keep the promise made more than two decades ago.

“We need to strengthen our support of released children so they can reintegrate into their communities. We need to place the needs and rights of children first in peace negotiations. And we need to honour their bravery and resilience by giving them a full and active voice in their countries’ futures,” he said.

In conjunction with the anniversary, the UN Office on Children and Armed Conflict has issued a report that takes stock of challenges, gaps, successes and opportunities since its establishment.

A way forward

War can impact young lives in numerous ways. In addition to recruitment, children are killed and maimed by explosive remnants of war and active shooting incidents, abducted on the way to school, or raped while fetching wood and water.

Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict, said the study also charts a way forward to further strengthen protection, and galvanize support at the international, national and local levels.

“The CAAC mandate requires us to be proactive, and not solely reactive, to break the cycles of violence that continue to harm children daily. It obliges us to also work towards preventing these violations before they occur,” she said.

As the mandate “was always meant to be one of collaboration”, she underlined the critical role for governments, international and regional organizations, civil society and communities both in preventing and addressing violations and in responding to the needs of survivors.

Collaboration has brought results, she added, pointing to examples from countries such as the Central African Republic, the Philippines, the Democratic Republic of the Congo, and Colombia.

Prioritize the mandate

Ms. Gamba also stressed the need to “seize the momentum” to do more, stating that securing the release of child recruits and reintegrating them back into their communities should be everyone’s priority.

Together with the UN Children’s Fund (UNICEF), her office co-chairs the Global Coalition for Reintegration of Child Soldiers.

Henrietta Fore, the UNICEF Executive Director, urged countries to keep speaking out on behalf of the many children who still require help.

“The UN should continue to prioritize this precious and unique mandate,” she said.

“We should seize all opportunities to increase visibility and awareness of the terrible impact of conflict on children. We should be courageous in taking steps to end impunity and advance accountability for children in situations of armed conflict.”

UN probing alleged killings by CAR forces, Russia paramilitaries (Yahoo News) By Philippe Rater
January 21, 2022

The United Nations said Friday that it is investigating the alleged killing of dozens of people in the Central African Republic last week by CAR forces and mercenaries of the Russian private military company Wagner.

More than 30 civilians were reportedly killed, some by stray bullets, in the January 16-17 operation near the town of Bria that targeted the Union for Peace rebel group, according to UN officials speaking anonymously.

UN spokesman Stephane Dujarric said that the UN mission known as MINUSCA in the country received reports of the incident, involving CAR troops and "other security personnel."

"We are currently confirming the number of casualties and displacement," Dujarric said.

He said that MINUSCA had dispatched a human rights team accompanied by security personnel to the incident area, and that it "continues to assess the situation, ensuring necessary measures to be taken to protect civilians."

A military source in the country suggested the fighting could still be ongoing.

"Central African forces and the Russians are committing a massacre," the source told AFP, declining to be identified.

"There have been summary executions and we are talking about 50 deaths," the person said.

- 'Grave abuses' -

Albert Yaloke Mokpeme, spokesman for the CAR presidency, told AFP that he had "no knowledge of this attack."

But in mid-2021, UN experts deployed to CAR expressed strong concerns over reports of "grave human rights abuses" by Russian mercenaries who are contracted to support government forces.

The Wagner group is reputed to be close to the Kremlin, and critics say it takes orders from the Russian Ministry of Defense.

Russia, though, has rejected criticism and claimed at the time that the group involved only "instructors" for the CAR military.

Moscow has said it has some 1,135 "unarmed trainers" in the country. But local independent groups, France and the United Nations say at least some are from the Wagner group, which now has an armed presence in several African countries including Libya and Mali.

At the last meeting of the UN Security Council on the conflict in the Central African Republic, the United States demanded that Moscow investigate the abuses blamed on the Russians.

The UN experts group, around a dozen people sent to monitor an arms embargo on the conflict-torn country, has not been functioning since August 31.

Russia has blocked a renewal of their mandate, claiming their makeup is tilted toward the West and does not reflect true geographic diversity.

On Friday diplomats said the block remains in place, and Western officials believe Russia sees it beneficial to prevent a renewal of the group's mission.

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Sudan & South Sudan

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

Concrete action essential to fulfill Darfur promise: ICC Prosecutor (United Nations News)
January 17, 2022

Delivering the ICC's 34th report on Darfur to the Council, he emphasized the critical need for cooperation and concrete action, both by the authorities in Khartoum and the international community.

Mr. Khan travelled to the Sudanese capital last August, just two months after taking up his appointment, where he met with Darfur survivors, civil society and the government.

We must do better

"I share the frustrations, the impatience, and the hopes of those survivors that that singular moment - the first referral by the Council to the International Criminal Court - will reap dividends," he said.

"But it is important, as I said in my interactions with Sudanese government members, that this referral cannot be a never-ending story," he added. "We need collectively to do better - my Office, of course, but also this Council - to make sure the promise and the purpose of the referral is wedded with concrete action."

The Darfur conflict began in 2003 between Sudanese Government forces, backed by allied militia known as Janjaweed, and Darfur rebel movements. Hundreds of thousands were killed, while scores more were displaced.

In 2005, the Council referred the case to the ICC, which is investigating allegations of genocide, war crimes and crimes against humanity.

Outstanding arrest warrants

Mr. Khan reported on progress, notably the start in April of a trial against a “notorious” Janjaweed leader, Ali Muhammad Ali Abd-Al-Rahman, known as “Ali Kushayb”. Four arrest warrants remain outstanding, including for Sudan’s former President, Omar Al-Bashir, who was deposed in April 2019.

The other warrants are for the former Interior Minister, Abdel Raheem Muhammad Hussein; the former governor of South Kordofan state, Ahmed Harun, and Abdallah Banda, former commander of the Justice and Equality Movement (JEM).

Mr. Khan stressed that the cases before the ICC “are not against Sudan” but “against individuals for whom the evidence discloses their responsibility in relation to crimes within the jurisdiction of the court.”

Increasing effectiveness

As with all cases referred to the ICC by the Security Council, Sudan is a priority for Mr. Khan. Several factors, including non-cooperation by previous regimes, prevented investigators from undertaking field visits to the country over the past 17 years.

As a result, evidence against Mr. Al-Bashir and Mr. Hussein needs strengthening, he said, which requires cooperation and collaboration from the Sudanese authorities, but also the Council and UN Member States.

Mr. Khan spoke about steps he has taken towards greater effectiveness, such as allocating additional investigators, personnel and resources. He has also appointed renowned human rights lawyer Amal Clooney as a pro bono special adviser.

His visit to Khartoum last August also resulted in the signing of a memorandum of understanding with the government on all four arrest warrant cases, marking a first.

The Sudanese authorities had also committed to work more closely with his Office, and to sign the Rome Statute, the 1998 treaty that established the ICC. Agreement had also been reached to ensure a permanent field presence of the Office of the Prosecutor in Khartoum.

A changed ‘landscape’

However, the “landscape” in Sudan changed just two months later after the military, which had been sharing power in a transitional government, dissolved civilian rule.

“The hiatus from the 25th of October has meant we have lost focal points. We are trying to catch up,” said Mr. Khan. “We have had to suspend active investigations, so this was a very troublesome, concerning turn of events.”

There has been an “upside”, he reported, following an ICC team visit to Khartoum in December. General Abdel Fattah al-Burhan, who led the coup, has reassured that the memorandum of understanding was still valid, and that he was looking at cooperating.

“And he said - on more than one occasion to me directly, and to the team in December - that it was essential to have justice for the victims in Darfur,” Mr. Khan told ambassadors.

“The challenge now collectively for all of us is to make sure those assurances are translated into concrete, tangible partnerships and accountability.”

Briefing Security Council on Darfur, Prosecutor Urges Sudan Government to Provide International Criminal Court Safe Access to Crime Scenes, Witnesses (ReliefWeb)

January 18, 2022

While Sudan remains at a delicate stage of its political transition following its 2018 popular uprising and an October 2021 military coup, accelerated cooperation with the International Criminal Court is the only viable path to ensuring long-delayed justice for the survivors of crimes against humanity in Darfur, the body’s top prosecutor told the Security Council today.

Karim A.A. Khan, Prosecutor of the International Criminal Court, briefed the Council on developments related to the situation in Darfur and resolution 1593 (2005), the 15-member organ’s first-ever text referring a situation to the Court. While that landmark referral provided hope, he expressed his frustration that 17 years have now elapsed without any tangible

accountability or justice for Darfur's people. In particular, he recalled, the absence of cooperation on the part of Sudan under the leadership of former Sudan President Omar al-Bashir led the Court's last Prosecutor, Fatou Bensouda, to hibernate the investigation.

However, he said, following the 2018 uprising that overthrew Mr. Al-Bashir and put Sudan on a path of political transition, the Court was able to visit the country for the first time in many years and new progress was registered. On 9 July 2021, his Office successfully secured confirmation of all 31 charges of war crimes and crimes against humanity against Ali Muhammad Ali Abd-Al-Rahman, a senior leader of the Janjaweed militia in Darfur, for crimes including murder, rape, torture and attacks on the civilian population. That trial will commence in April, marking the first-ever International Criminal Court trial stemming from a Security Council referral.

He went on to note that four other individuals related to the Darfur situation are currently subject to Court arrest warrants, including Mr. Al-Bashir; former Minister of Interior Abdel Raheem Muhammad Hussein; and former Governor of South Kordofan Ahmed Harun. The fourth individual, former Justice and Equality Movement commander Abdallah Banda, remains at large. Outlining his initial meetings with Sudan Prime Minister Abdalla Hamdok, members of the country's Sovereignty Council and other officials there, he recalled that the Court signed a memorandum of understanding with the Government in which, for the first time, the latter agreed to facilitate a full-time Court presence on the ground in Sudan.

Voicing regret that the military takeover in Sudan on 25 October 2021 marked a major setback in the Court's work, he nevertheless reported that his team was able to travel to Khartoum in December to obtain fresh assurances from the Government that their work can continue. He outlined his bolstered support to his Office's Darfur team, including additional resources and the appointment of a pro bono Special Adviser devoted exclusively to the Darfur investigation. Pledging his commitment to press forward, he repeated his request to the Government that his Office be granted safe and secure access to documents, crime scenes and witnesses in the months ahead.

As Council members took the floor to share their views, several praised recent strides made by the Court and urged the Government of Sudan — despite the turmoil resulting from the October coup — to redouble its commitment to cooperating with the Prosecutor's Office. However, several voiced concern about external actors exerting undue pressure or influence in Sudan, noting that transitional justice arrangements were clearly laid out in the 2020 Juba Peace Agreement and urging Sudan's partners to give the country space to implement them. Other speakers raised long-standing concerns about the Court more broadly, underlining the critical importance of respecting Sudan's judicial sovereignty.

The representative of Albania expressed support for the Court's work and its role in bringing justice to the victims of the heinous crimes against humanity. "Without accountability, human rights will be denied, crimes will perpetuate and impunity for past conflict-related crimes will persist," he said. Voicing concern about the precarious security situation in Sudan, as well as ongoing violations of human rights by the military authorities, he joined other speakers in welcoming progress in the Abd-Al-Rahman case and urging the Government of Sudan to continue to deepen its cooperation with the Court.

Ireland's representative voiced concern that the 25 October military coup interrupted the significant progress made up to that point in the Prosecutor's investigations. Citing recent reports of civilian deaths, the rape of women and girls, the forced displacement of thousands and the destruction of property — acts which may fall under the jurisdiction of the Court — he urged a return to the progress made prior to October, including the conclusion of a further memorandum of understanding and plans to deploy a full-time investigative team in Sudan.

Other speakers spotlighted progress made in Sudan and the need to give the country time and space to implement its own transitional justice arrangements. The representative of China, for one, said Darfur entered a new stage of peacebuilding with the signing of the Juba Peace Agreement. Urging the international community to support Sudan in shouldering the primary responsibility for ensuring its own peace and security, he said the country's partners should remain adequately patient and the Court should strictly abide by the principle of complementarity, respecting Sudan's judicial sovereignty.

Kenya's delegate said the people of Sudan are having a promising, and at the same time volatile, national dialogue on the nature of government, democracy, justice and accountability. In its engagement with Sudan, the Court should embrace the aspirations of the Sudanese people as reflected in their established, and desired, justice and accountability processes. In addition, she noted that resolution 1593 (2005) invited the Court and the African Union to discuss practical arrangements to facilitate the Court's work, including the possibility of conducting proceedings in the region.

The representative of the Russian Federation, meanwhile, expressed his country's long-standing concerns over the Court's work. Noting that the credibility of any legal body is based on its openness and transparency, he declared: "Unfortunately, the [Court] is still far from these standards." Emphasizing that the Charter of the United Nations does not endow the Court with the right to interpret the will of the Council, he stresses that the main objective in Sudan should be to achieve national reconciliation. "The [Court] has done nothing to this end in the whole of the 15 years of its work on the situation in Sudan," he stressed, adding that the country's people can achieve justice on their own.

Sudan's delegate said achieving justice in Darfur is a main pillar of the work of his country's transitional authorities. "Sudan will remain committed to accountability," he stressed, underlining the importance of truth, justice and healing the wounds of victims. Noting that the authorities are working to implement the Juba Peace Agreement and enact the transitional justice arrangements contained therein, he said the country has passed a Transitional Justice Act and developed a National Civilian Protection Plan. Sudan is cooperating closely with the Court as outlined in the 2021 memorandum of understanding and is operationalizing plans to improve security and justice in Darfur, he added.

Also speaking were the representatives of Mexico, Brazil, United Arab Emirates, United States, Ghana, United Kingdom, France, Gabon, India and Norway.

The meeting began at 10:03 a.m. and ended at 11:30 a.m.

Briefing

KARIM A.A. KHAN, Prosecutor of the International Criminal Court, briefed the Council and presented his latest report submitted pursuant to resolution 1593 (2005) on the situation in Darfur. Recalling a meeting he convened in 2021 with members of Darfuri civil society, including victims and survivors, he stressed that they have been fighting for accountability for the crimes committed against them for nearly two decades. While resolution 1593 (2005) marked the first time the Council referred a situation to the International Criminal Court, bringing hope for justice, the lengthy process has been frustrating for many. Indeed, he said, 17 years without accountability is too long, and the referral cannot remain a never-ending story for the victims or for the Council.

Reiterating his commitment to work tirelessly in pursuit of a meaningful outcome, he outlined some recent, significant progress achieved by his Office. On 9 July 2021, it successfully secured confirmation of all 31 charges of war crimes and crimes against humanity against Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, a senior leader of the notorious Janjaweed militia in Darfur during 2003 and 2004. The crimes confirmed against him include murder, rape, torture, attacks on the civilian population, and other serious Rome Statute crimes. The trial of Mr. Abd-Al-Rahman will commence in April, representing the first-ever International Criminal Court trial stemming from a Security Council referral, and demonstrating the imperative of "staying the course" in the pursuit of accountability. He added that his Office is organizing outreach efforts to keep the Sudanese people abreast of those important developments.

While the Ali Kushayb case is significant, it is just but one case among several, he said. Four other individuals are currently subject to Court warrants of arrest. Three are currently in Sudanese custody, namely former Sudan President Omar al-Bashir; former Minister of Interior Abdel Raheem Muhammad Hussein; and former Governor of South Kordofan Ahmed Harun. The fourth individual, former Justice and Equality Movement commander Abdallah Banda, remains at large. In the case of the latter, he recalled his decision to voluntarily recuse himself pursuant to article 42 (6) of the Rome Statute. He also cited his decision, soon after taking up his position as Prosecutor in 2021, to initiate a comprehensive review of the Darfur situation, with a particular focus on assessing the strength of evidence in its cases.

He recalled that, due to a variety of factors including Mr. Al-Bashir's hostility towards the Court, there was almost no cooperation between the Office of the Prosecutor and the Sudanese Government for 17 years, leading his predecessor, Fatou Bensouda, to hibernate the investigation. As a result, and as the review of the evidence in the Darfur situation made clear, the evidence in several of the Darfur cases must be strengthened in order to be built upon the strongest possible evidential foundations. His review prompted two immediate actions, namely to increase the resources of the Darfur team and to travel to Sudan to meet with the Government and other stakeholders. In addition, he appointed a pro bono Special Adviser, attorney Amal Clooney, whose portfolio is devoted solely to Darfur.

Outlining his initial meetings with Sudan Prime Minister Abdalla Hamdok, members of the country's Sovereignty Council and other officials in Khartoum, he said he underlined a new approach. Among other things, he made clear that cooperation with the Government must improve and investigations must accelerate. He also stressed that it is not the location of a trial but the impartiality of the justice process that is crucial. A memorandum of understanding was signed which, for the first time, extended the Government of Sudan's cooperation with his Office to include all four suspects against whom the Court has issued warrants of arrest. The Government further agreed to facilitate a full-time Court presence on the ground in Sudan.

Regrettably, he said, the military events witnessed on 25 October and the ensuing instability in Sudan marked a setback and pose additional challenges to the Court's work. Many of its key interlocutors and focal points no longer hold their positions in the Government. While the Prosecutor's Office was forced to pause its investigation, his team was able to travel to Khartoum in December to obtain fresh assurances from Government officials that their work can continue. "While Sudan remains in a delicate stage of transition, the only option to find a pathway to closure is acceleration," he said, voicing his hope that he will be able to return there in the coming months. Reiterating that the cases before the Court are not against Sudan but against individuals, and that the Government remains a critical partner, he repeated his request that his Office be granted safe and secure access to documents, crime scenes and witnesses in the months ahead.

Statements

JUAN RAMÓN DE LA FUENTE RAMIREZ (Mexico) welcomed the confirmation of charges in the Kushayb case. This is clear progress by the International Criminal Court regarding the situation in Sudan. Applauding the Prosecutor's visit to Sudan in 2021, including the signing of a memorandum of understanding, he expressed concern about the impact of the coup on accountability. It is essential that the Prosecutor's Office team have focal points in the Government and have access to evidence and witnesses. It is worthwhile to stress that witnesses should not be subjected to reprisals. Rejecting any tendency to reduce cooperation, he said such an act is an affront to the victims. He then called on Sudan to comply with the Court's arrest warrants. The Council should facilitate support for the expenses incurred by the Court as result of its referrals.

RONALDO COSTA FILHO (Brazil) said resolutions referring situations to the Court must strengthen the integrity of the Rome Statute and promote international criminal justice in a non-selective manner. Complementarity is one of the cornerstones of the Rome Statute system. Brazil welcomes attempts to bring procedures not only closer to the victims, but also where the evidence is located, he said, encouraging Sudan to ratify the Rome Statute. Cooperation is among the main tools to ensure successful outcomes by the Court, he said, describing the signing of a memorandum of understanding in August 2021 as an important step to strengthening cooperation. Another positive initiative is the proposal to deploy an investigation team to be based full-time in Sudan. A field presence can facilitate investigations and develop a fruitful relationship with the host State. Completion strategies should be an integral part of the Rome Statute system, he stated, welcoming the Prosecutor's intention to provide a road map for completion of Security Council referrals. International criminal justice is a temporary solution. In the long run, it is imperative to build a culture of accountability at the national level, he emphasized.

AMEIRAH OBAID MOHAMED OBAID ALHEFEITI (United Arab Emirates), noting that the important gains made by Sudan in the last two years must be preserved and built upon, underscored the importance of the Council's role in encouraging the Sudanese parties to continue engaging in dialogue to reach a consensus on a pathway to advance the transitional process in line with the Constitutional Declaration and the Juba Peace Agreement. Welcoming the launch of the United Nations-facilitated Sudanese-led dialogue initiative aimed at supporting national stakeholders to overcome the current situation, she said her country firmly supports a Sudanese-led and Sudanese-owned transition process that lays the groundwork for a lasting and inclusive peace in the country. Recognizing Sudan's cooperation with the International Criminal Court to further accountability, she took note of a memorandum of understanding formalizing the channels of cooperation between Khartoum and the Court in August 2021, as well as subsequent visits hosted by Sudan for a team from the Office of the Prosecutor including in December 2021.

GENNADY V. KUZMIN (Russian Federation) said his country's long-standing position on the International Criminal Court remains unchanged. Noting that the credibility of any legal body is based on its openness and transparency, he declared: "Unfortunately, the [Court] is still far from these standards." Indeed, it continues to wilfully interpret the provisions of Security Council resolutions and other legal documents. Stressing that the Court is a body based on a treaty between itself and a limited number of States, he said the Charter of the United Nations does not endow the Court with the right to interpret the will of the Council, consequences of which are far-reaching. Moreover, he said, resolution 1593 (2005) indicates that States that are not parties to the Rome Statute do not bear any responsibility under that treaty. Against the backdrop of political instability in Sudan, the main objective should be to achieve national reconciliation. "The [Court] has done nothing to this end in the whole of the 15 years of its work on the situation in Sudan," he stressed, adding that Sudanese people can achieve justice on their own.

BRIAN PATRICK FLYNN (Ireland) expressed regret that the 25 October military coup had interrupted the significant progress made up to that point in the Prosecutor's investigations. Recent reports of civilian deaths, the rape of women and girls, forced displacement of thousands and the destruction of property include acts which may come within the jurisdiction of the Court, he said. Urging a return to the progress made prior to October, including the conclusion of a further memorandum of understanding and plans to deploy a full-time investigative team in Sudan, he welcomed the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman, the first in a Security Council referral. His trial commences 17 years after the adoption of resolution 1593 (2005), demonstrating the importance of the Council and the Court's continued focus on accountability. However, four arrest warrants remain outstanding, he said, urging Abdallah Banda to surrender to the Court and called on the Sudanese authorities to hand over the three additional fugitives in Sudanese custody to the Court. Sudan should nominate focal points to facilitate continued work with the Court and to ensure the safety of witnesses and their ability to testify.

RICHARD M. MILLS, JR., (United States) said his country has participated in assemblies of State Parties to the Rome Statute as an observer and stands ready to engage with the Court to bring accountability to the most serious crimes. His delegation welcomes the strengthening of the Office of Prosecutor and the Court and the Prosecutor's position on prioritizing the Council's referral of Sudan to the Court. He also welcomed the Prosecutor's visit to Darfur in August and the appointment of a Special Adviser. Citing a coup in October, he urged Sudan to address the situation and expressed concern that armed militias continue their violence and killings with impunity. This cycle of attacks threatens social cohesion and the sustainability of the peace process. Sudan must also address the security vacuum. Justice and accountability are part of the Juba Peace Agreement.

The trial for Mr. Abd-Al-Rahman, scheduled to begin in April, 15 years after the arrest warrant was issued, is a testament to what can happen when demand for justice never falters.

FERIT HOXHA (Albania) said that, as a party to the Rome Statute, his country supports the work of the Court and its role in ending impunity and bringing justice to the victims of the heinous crimes against humanity. “Without accountability, human rights will be denied, crimes will perpetuate and impunity for past conflict-related crimes will persist, undermining legitimacy and prospects for peace and reconciliation,” he said. Voicing concern about the precarious security situation in Sudan, as well as ongoing violations of human rights by the military authorities, he said the security services, military and other armed groups must refrain from using further violence against peaceful protestors and civilians. Welcoming progress in the Court’s work in the Kushayb case, he called upon the Government to fully and meaningfully cooperate with the Prosecutor’s Office and to grant access to the country’s territory, archives, witnesses and crime scenes, in line with the memorandum of understanding signed in August 2021.

HAROLD ADLAI AGYEMAN (Ghana) welcomed the Prosecutor’s report, recalling his country’s commitment to the objectives of the Court and the development of a complementary international criminal justice system, as the sixth party to join the Rome Statute. He reiterated the conviction that impunity must not be allowed to stand, stating that the former President of Sudan, Omar al-Bashir, and other individuals facing arrest warrants from the Court must be made to face the course of justice and given an opportunity to account for their actions or inactions in relation to the serious crimes with which they have been charged. Recalling resolution 1593 (2005), he called on Khartoum to assist the Office of the Prosecutor with access to documents, archives and other evidence in Sudan; access to witnesses, including those in custody there; and full and safe access to the country, including to crime scenes in Darfur. Outstanding fugitives must be transferred to the Court without delay. Welcoming the confirmation of charges in the Kushayb case — the first confirmation of charges in a Council referral — he called for the implementation of the principle of complementarity, including through the Court’s working with national judicial systems that might require capacity-building. On witness protection, he pointed out that in some instances witnesses have been recanting, “which adversely impacts the case for the prosecution and invariably casts a slur on the Court”. Ghana, therefore, calls on the Court to do more to ensure witness protection is provided before, during and after the trial process, which will give victims the required confidence to testify during trials.

CHANAKA LIAM WICKREMASINGHE (United Kingdom), welcoming progress made in several of the Court’s cases relating to Darfur, also praised the signing of a memorandum of understanding between the international tribunal and Khartoum in August 2021 and the Government’s early indications of commitment to stronger cooperation with the Prosecutor’s Office. Expressing concern over the deteriorated situation in Sudan following the events of October 2021, he urged the country’s authorities to build on previous strides made alongside the Court and to continue to grant the Prosecutor’s Office access to Sudan’s territory, relevant documents and other evidence. The United Kingdom stands ready to help facilitate the four outstanding arrest warrants issued by the Court against four individuals related to crimes committed in Darfur, he said, calling in particular for the surrender of Mr. Banda, who remains a fugitive at large.

BRICE FODDA (France) said the mission entrusted by this Council to the Court is even more essential in this transition period in Sudan. Building a lasting, inclusive peace in the region will not be possible without justice. Noting that the recent events in Sudan have hindered the investigations under way, he urged the country’s authorities to honour their commitments under resolution 1593 (2005), the Juba peace accords and the memorandum of understanding with the Office of the Prosecutor. It is not only a question of immediately relaunching the channels of communication with the Court, but also to provide the necessary assistance to the investigators, who must have safe access to Sudan’s territory, in particular Darfur. France’s commitment to Sudan is intricately linked to the continuity of the democratic transition in that country, he said, expressing concern about a climate of repression and intimidation against demonstrators and the media by the authorities, including arrests, detentions, searches and recurring Internet shutdowns.

LILLY STELLA NGYEMA NDONG (Gabon) said the Court has a key role to play in ensuring the commitments made in the framework of strengthening international criminal justice do not remain empty promises. Her delegation welcomes the commitments made by the Sudanese authorities to cooperate fully with the Court, by authorizing the ongoing presence of the Office of the Prosecutor in Sudan. The effectiveness and performance of the Prosecutor’s work remains dependent on improving the political and security situation in Sudan. While noting that the Court strives to do justice to the victims of previous conflicts, she expressed regret that the continuation of tensions in Darfur generates new victims. She called on the Sudanese authorities to ensure an end to this climate of violence and rapidly return to constitutional order.

GENG SHUANG (China) said Darfur entered a new stage of peacebuilding with the signing of the Juba Peace Agreement. Calling on all parties to that accord to fully implement it, and on non-signatories to sign on to the agreement as soon as possible, he said the international community should meanwhile support Sudan in shouldering the primary responsibility for ensuring peace and security. However, he said, stability can only be achieved through reconciliation, provisions for which are clearly laid out in the Juba Peace Agreement. The global community should remain adequately patient while providing assistance to Sudan to implement the Peace Agreement, and the International Criminal Court should strictly abide by the

principle of complementarity, respecting Sudan's judicial sovereignty, he said.

PRATIK MATHUR (India), stating that his country is not a signatory to the Rome Statute and is not a member of the Court, said the resignation of Sudan Prime Minister Abdalla Hamdok reflects inherent challenges to the transition process. The United Nations-facilitated intra-Sudanese political process needs to be Sudanese-led and guided by a constructive approach. The Constitutional Declaration signed in August 2019 should drive this process, he said, underlining the need for the military and the civilian leadership to reach an amicable solution to take the transition process forward. Noting that the Transitional Government of Sudan showed readiness to address issues relating to transitional justice, including accountability for human rights violations, he called "a step in the right direction" the Special Court for Darfur Crimes, agreed by the parties to the Juba Peace Agreement, whose jurisdiction will include matters relating to genocide, crimes against humanity and war crimes since 2002. Expressing hope that the Prosecutor will be able to visit Darfur during his next visit to Sudan in the coming months, he went on to emphasize the need to assist the country with capacity-building to strengthen national judicial institutions to enable them to redress issues of the past, promote intercommunal harmony and protect the fundamental rights of all citizens.

CATHERINE NYABOKE NYAKOE (Kenya) said the people of Sudan are having a promising, and at the same time volatile, national dialogue on the nature of government, democracy, justice and accountability. In its engagement with Sudan, the Court should embrace the aspirations of the Sudanese people as reflected in their established, and desired, justice and accountability processes. "The Court can do more to support the principle of subsidiarity by investing in strengthening the national judicial and legal capacity of Sudan," she said, adding that such support should be in line with the African Union's call for its member States to share their lessons and best practices in transitional justice with Khartoum. Recalling that resolution 1593 (2005) invited the Court and the African Union to discuss practical arrangements to facilitate the Court's work, including the possibility of conducting proceedings in the region, she asked Mr. Khan to describe the progress of such arrangements.

TRINE SKARBOEVIK HEIMERBACK (Norway), President of the Security Council, speaking in her national capacity, recalled that on 17 January, 76 years ago, the 15-member organ met for the first time at Church House in London. Its first President, Australia's Ambassador Norman Makin, opened that meeting with the hope that "the Security Council will be a great power for good in the world", and also reflected that it has the primary responsibility for the maintenance of international peace and security, conferred by fellow Members of the United Nations. "Let us keep these sentiments in mind as we continue our work; they are just as true today," she said. There is a serious political crisis in Sudan, she stated, adding that the security forces' continued use of lethal force against peaceful protestors is unacceptable. Strongly condemning all breaches of human rights, including sexual violence; attacks on media, ambulances and hospitals; and restricting access to medical services and free communication, she called for the violence to stop. The military leadership is primarily responsible for the current constitutional and political crisis and the fragile security, economic and humanitarian situation in the country. Turning to the work of the Court, she thanked the Prosecutor for his first report on the situation in Darfur and applauded his visit to Sudan before the coup. The Council must complement his commitment to prioritize situations referred to the Court with consistent follow-up and support. She called for the implementation of the memorandum of understanding referred to by the Prosecutor, and for pushing for progress in achieving justice for the victims of Darfur atrocities, adding that the upcoming trial against former militia leader Abd-Al-Rahman/Ali Kushayb, and promises made on the transfer to the Court of suspects detained in Sudan are milestones in this direction. Proper access to evidence remains crucial. She urged the military to abide by Sudan's commitments to the Court and fully cooperate with it.

MOHAMED IBRAHIM MOHAMED ELBAHI (Sudan) said achieving justice in Darfur is a main pillar of the work of his country's transitional authorities. "Sudan will remain committed to accountability," he stressed, underlining the importance of truth, justice and healing the wounds of victims. Not only is ensuring accountability the country's international obligation, but it is also the popular will of the people, he said, adding that the authorities are working with all stakeholders to implement the Juba Peace Agreement and enact the transitional justice arrangements contained therein. Among other things, the country has passed a Transitional Justice Act and developed a National Civilian Protection Plan. Noting that the Government is cooperating closely with the International Criminal Court as outlined in the memorandum of understanding signed in August 2021, he added that it is now operationalizing mechanisms to improve security and justice in Darfur in particular.

Mr. KHAN, taking the floor a second time for closing remarks and to respond to several questions raised, emphasized that the demand for justice "is not going away". His Office will show the stamina and perseverance that the Darfuri people themselves have shown. Responding to the representative of Kenya's question about the Court's engagement with the African Union, he recalled that he met with the Chair of the bloc in 2021 and hopes to attend the African Union Heads of State Summit in February, in order to discuss deeper engagement between the Court and the bloc's member States. With regard to the forum of adjudication for Sudan cases, he stressed that "there is no magic there" as far as a trial location is concerned. The main thing is to ensure justice for victims who have lost everything.

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Democratic Republic of the Congo

Official Website of the International Criminal Court

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

DRC Expels 101 Rwandans (Taarifa)

January 17, 2022

A total of 101 Rwandans have been expelled from Democratic Republic of Congo for lack of proper documentation.

According to the Congolese government, the Rwandans were expelled Thursday, January 13, 2022 by the Congolese authorities in close collaboration with their counterparts in Rwanda. Details indicate that the Rwandans had fled their country claiming they were running away from alleged forced vaccination against Covid-19.

Local authorities said their repatriation was conducted in a climate of perfect harmony between the Congolese authorities and the Rwandan authorities.

“We were told to close our suitcases. We are here in the DRC, but we do not know where we are going. We do not want to go back to our country. We want to stay here. We ask organizations that frame refugees to ensure our safety,” said a Rwandan woman speaking to Top Congo radio.

“I contacted the governor of Rubavu who confirmed to me that they have arrived at home in Rwanda. They were 101. All provisions were taken to allow them to arrive without problem. A boat was made available to them,” said a Congolese official.

On the Rwandan side, the authorities did not understand why these people “having the same religious conviction” disinterested in anti-Covid-19 vaccination.

Local sources in Idjwi have informed that some people have tried to evade during the repatriation operation but they have quickly been caught up. They say they already feared for their security once back in Rwanda.

The Rwanda Ambassador in the DRC, Vincent Karega said he did not understand why this group had to flee Rwanda on the grounds of escaping vaccination, which is universal.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

War Crimes: African Lawyers Pledge Support For Nigerian Army (The Will) By Mustapha Bagudu

January 20, 2022

The African Bar Association (ABA) has pledged support for the Nigerian Army against the International Criminal Court (ICC) over alleged war crime committed in its counterinsurgency action in the northeast.

President of the Association, Hannibal Uwaifo made this known on Thursday, when he led members of the council on courtesy visit to the Chief of Army Staff (COAS), Lt.-Gen. Faruk Yahaya, on Thursday in Abuja. He said the association had made it clear that its members would not support any move by anybody to malign the army for carrying out its constitutional duties of protecting the nation against terrorists.

Uwaifo urged ICC and any other body to channel their energy to identifying and bringing sponsors of terrorists to justice for crime against innocent Nigerians.

He also urged the media to take time to verify the authenticity of every information given to them before going to the press so as not to support the enemies of the state.

“At the opening of ABA conference in Niamey, I did point out to ICC that the African bar will not be cooperating with it and will not allow it to investigate the Nigerian army.

“Instead, they should go and seek those who are sponsoring terrorism against our people and those who are waging war against our army.

“Those are the people we expect that the ICC should look for and not an army that is responding to obvious threat, not only against themselves but also against the entire people.

“We are proud of the Nigerian army and I want to thank the Chief of Army Staff for the way and manner he has handled the army and I didn’t expect anything less from what I know about the army”, he said.

Uwaifo pledged the readiness of the body to support and defend the Nigerian army should the need arise.

He, however, urged the COAS to encourage more participation of army personnel in the bar conferences, especially those handling its human rights desks as well as sponsor the upcoming law conference.

Responding, the COAS said the Nigerian army would continue to collaborate with the body to forge common front to address the challenges confronting the nation.

Yahaya said that the army under his command would continue to explore more areas of interaction with a view to strengthening the relationship between the military and the bar.

In another visit by the International Committee of the Red Cross (ICRC), the COAS, commended the humanitarian organisation for its continuous support and collaboration with Nigerian army in its operations.

He said that the two institutions had maintained strong and cordial relationship spanning over 30 years in the area of training and humanitarian activities.

Earlier, leader of ICRC delegation, Mr Yang Bonzon, said the visit was to explore ways to strengthen the dialogue between the Nigerian army and ICRC.

Jihadi video shows child fighters executing Nigeria soldiers (Associated Press) By Chinedu Asadu

January 20, 2022

An Islamic State-linked extremist group accused of killing hundreds in northeast Nigeria has released a video purporting to show child soldiers executing two men identified as members of the Nigerian military.

The video released by the Islamic State West Africa Province (ISWAP) was published on Tuesday by the SITE Intelligence Group, which monitors jihadi activity.

It showed a man in Nigerian army uniform who said he was with the army special forces being shot twice in the head by a boy of about 12. Shortly after, another soldier who said he was captured in April 2021 was shot in the head by one of the three masked fighters behind him.

A Nigerian military spokesperson did not immediately respond Thursday to a request for comment on the video, which

security analysts told The Associated Press appears to have been shot near the Lake Chad basin, the stronghold of the extremist group.

Rita Katz, executive director of SITE Intelligence Group, told AP Thursday that ISIS is now “more desperate than ever to keep its name in the global discussion ... given the fact that it no longer has a physical ‘caliphate’ outside of relatively small bases in different countries.”

The video, she said, “demonstrates the immense focus ISIS is placing on Africa” and puts a “spotlight on Nigeria as one of its strongholds and projecting itself as an adaptive, enduring force to the world.”

The 27-minute video also shows child fighters training in open fields and classrooms. In one scene, masked fighters who looked as young as 10 are seen in a classroom as an older scholar takes them through the Islamic State's teachings and doctrines. In another scene, the fighters are seen training with rifles.

The development is yet another sign that the IS-linked group remains a threat in the northeastern part of Africa's most populous country despite the Nigerian military's repeated claims of successes in the war against an insurgency that has lasted more than a decade in northeast Nigeria and Lake Chad basin.

The extremist rebels have released footage of child soldiers training in the past too.

The U.N. children's agency estimates that globally, more than 93,000 children were recruited and used in conflicts between 2005 and 2020.

ISWAP split from the Boko Haram group in 2016 but the groups remain united in an insurgency against the Nigerian government that has expanded to neighboring Niger, Chad and Cameroon.

The video confirms that ISWAP “has enough freedom in the Lake Chad area to keep a small, but permanent training camp for a future generation of insurgents,” said Tomasz Rolbiecki, an analyst at the security firm ExTrac, who has been studying the situation in the Lake Chad area.

“ISWAP is still a big group, with thousands of fighters, working supply chains, and capable of collecting hundreds of thousands of dollars in taxes,” said Rolbiecki. “Even if the Nigerian army was to launch massive offensives against ISWAP, it would take them years to fully contain the threat this group represents.”

Witnesses: Extremists abduct 17 girls in northeast Nigeria (ABC News) By Chinedu Asadu
January 22, 2022

Islamic extremists have abducted 17 girls in northeast Nigeria, witnesses said Saturday as the West African nation's military said it “remains resolute in decisively countering the terrorists.”

Members of the Boko Haram jihadi group attacked Pemi, a village in the Chibok local government area of Borno state, on Thursday, two residents told The Associated Press. The state is where Boko Haram's decade-long insurgency against the Nigeria government has been concentrated.

In a statement late Friday, the Islamic State group also claimed responsibility for killing “many Christians” and setting fire to two churches and several houses during an attack on the Borno town of Bimi.

Authorities blame Boko Haram for the killing of tens of thousands of people in Nigeria and neighboring countries in West Africa.

The abduction of the girls from Pemi recalled the 2014 kidnapping of 276 schoolgirls in Chibok, a remote town situated 130 kilometers (80 miles) south of Maiduguri, the capital of Borno state. More than 100 of the abducted students remain missing.

The militants targeted a church and Christians when they stormed Pemi on Thursday, according to local leader Hassan Chibok.

“They were shooting sporadically after they rounded the community,” Chibok said. “Some could not have access to escape, so they abducted 17 girls.” Eight of the girls came from one household, he said.

Nigeria's military and government authorities did not immediately respond the AP's request for comment on the abductions.

Another resident, Yana Galang, said the extremists razed a church building and targeted nearby houses.

“Some of them (the abducted girls) are 10, 11, 12 years,” Galang said. “They just parked their vehicle near the compounds. You know, as children, they just carried them and put them in the vehicle.”

A Nigerian army spokesperson, Onyema Nwachukwu, told AP on Friday that the insurgents were “desperate” to grow their influence. He was commenting on a video from a Boko Haram offshoot which purported to show child soldiers executing Nigerian army personnel.

“Having been depleted by our troops, the imbroglio in their ranks and the massive surrendering of Boko Haram, the terrorists, in a desperate move, are embarking on a recruitment drive to shore up their strength with child soldiers, who they could easily indoctrinate, manipulate and cheaply manage financially,” Nwachukwu said.

The Islamic extremist rebels in northeast Nigeria — comprising Boko Haram and its breakaway faction, the Islamic State in West Africa Province (ISWAP) — remain “very, very dangerous”, United Nations humanitarian chief Martin Griffiths said this week.

The insurgency and its resultant humanitarian crisis, Griffiths told the AP, is “very difficult to deter (and) a grave and clear and present danger.”

Security analysts have told AP one of the challenges the Nigerian military usually faces in rooting out the rebels is their use of women and children as cover during airstrikes.

“They have also conscripted children, minors, who they engage as child soldiers and women, whom they use as sex slaves,” army spokesperson Nwachukwu said.

NAF bombs ISWAP Commander, Mallam Ari, other fighters to death in Borno (The Street Journal)

By Otuya Daniel

January 25, 2022

A Super Tucano airstrike by the Nigerian Air Force has eliminated an Islamic State’s West Africa Province (ISWAP) leader, Mallam Ari and other foot soldiers, including foreign fighters.

The NAF operation under Operation Hadin Kai took out the terrorists at Kirta Wolgo in Borno State.

Mallam Ari who according to reports was the ISWAP Commander in charge of the area, and other mercenaries fabricating Improvised Explosive Devices (IEDs) for the terrorist organization were killed in the attack.

A military officer told PR Nigeria that the location was targeted after intelligence revealed scores of insurgents converging at Northeast Kirta Wolgo.

“Some were seen with weapons around a make-shift structure, a likely indication that the structure might have had a high calibre terrorist target.

“The structures were burnt and destroyed at the fringes. Several ISWAP fighters were neutralized including Mallam Ari, the Fiya of Kirta Wolgo,” he was quoted to have said.

The Fiya title is held by the second in the hierarchy of the terrorists’ military structure.

NAF spokesperson, Air Commodore Edward Gabkwet, confirmed that the NAF indeed carried out some strikes in areas around Kirta Wolgo, but remained silent as the number or identities of the casualties.

ISWAP leadership recently made sweeping changes to their structures due to the loss of some of its key members killed mainly through air strikes by NAF aircraft.

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Mali

NGOs warn new sanctions risk plunging people of Mali into deeper humanitarian crisis (Morning Star) By Steve Sweeney

Jan. 19, 2022

NEW sanctions risk plunging the people of Mali further into a humanitarian crisis, a group of 13 NGOs warned today as they called for life-saving aid to reach people in need.

In a statement, the organisations, including the Norwegian Refugee Council, called for the international community to protect the people of the African nation following last week's announcement of new sanctions on Mali.

“Maliens are already bearing the brunt of the humanitarian catastrophe, punctuated by horrifying attacks against civilians.

“Sanctions must not hold us back from delivering essential assistance in a country where drought, rising insecurity and the economic impacts of Covid-19 are already pushing millions of Malians over the edge,” NRC spokeswoman Elena Vicario said.

The European Union is supporting the Economic Community of West African States in the implementation of restrictions imposed after the interim administration postponed February's elections.

This includes closing Mali's borders and a trade embargo along with freezing financial assets held by the Central Bank of West African States and cutting off financial aid from the impoverished country.

The measures have already provoked anger among the Malian population, with hundreds of thousands protesting on Saturday in the capital Bamako against the sanctions.

They demanded the lifting of the restrictions and an end to France's presence in Mali, accusing its former colonial ruler of war crimes and assisting the resurgence of jihadist groups that are plaguing the region.

Colonel Assimi Goita, who came to power in an August 2020 coup, has urged Malians to “defend our homeland,” labelling the sanctions “inhumane.”

Interim Prime Minister Choguel Kokalla Maiga told Saturday's mass rally: “The fate of Africa is being played out in Mali today” as he reminded crowds of the history of African resistance.

He paid special tribute to China and Russia for opposing the “illegal and illegitimate embargo against our people.”

Russian troops arrived in Timbuktu earlier this month to train Malian forces at a military base vacated by the French, angering Western powers.

More than 7.5 million people — a third of the Malian population — rely on humanitarian aid as the country faces the worst food insecurity in a decade.

Successive governments have also struggled to cope with a jihadist insurgency which saw 948 attacks in northern Mali last year alone.

International Rescue Committee spokesman Franck Vanattelle called for “concrete humanitarian exemptions.”

“These must be monitored and implemented, or the most vulnerable people in Mali will pay the price,” he said.

Mali demands Danish forces leave immediately (Morning Star)

Jan. 25, 2022

MALI has demanded that Denmark immediately withdraw its troops from the country, saying it was shocked to find Danish soldiers there as part of a French-led force.

The interim government “notes with astonishment the deployment on its territory of a contingent of Danish special forces,” it said in a statement published on Monday that called for their immediate withdrawal.

“The government underlines that this deployment took place without its consent and without consideration of the additional protocol applicable to European partners.”

It is believed that the Danish forces form part of the French-led Takuba counterterrorism task force.

The Danish Defence Ministry said in a statement that about 90 personnel including medics and special operations forces had been deployed under a mandate supposed to last until 2023.

Tensions have risen between Mali's military government, which seized power in August 2020, and Western countries angry at the deployment of Russian troops to help combat a jihadist insurgency.

Mali and Moscow have strongly denied that soldiers from the Russian private military contractor the Wagner Group are in the country following accusations by a number of European Union governments.

There have been mass protests in Mali against sanctions imposed by the Ecowas regional bloc, supported by former colonial power France, and against the latter's continued presence in the region, where it is accused of war crimes.

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Liberia

Ex-Liberian warlord Kromah laid to rest (Modern Ghana)

Jan. 19, 2022

Former Liberian warlord Alhaji Kromah, who once led a rebel group that fought ex-president Charles Taylor, was buried in the capital Monrovia on Wednesday, an AFP journalist said.

Liberia, Africa's oldest republic, was devastated by two civil wars that killed around 250,000 people between 1989 and 2003.

Taylor triggered the conflict when he launched a rebellion in 1989 to oust authoritarian president Samuel Doe, who had murdered the country's previous leader in a bloody coup.

The United Liberation Movement of Liberia for Democracy (ULIMO) was set up to fight Taylor's forces, and was accused of numerous atrocities.

In 2009, Liberia's Truth and Reconciliation Commission recommended that ULIMO's leader, Kromah, be prosecuted for war crimes.

Kromah, who served as an information minister under Doe, later unsuccessfully contested the 1997 presidential election in Liberia, and then became a university professor.

On Wednesday, Kromah was laid to rest in Monrovia, after a ceremony that saw thousands of people gather to pay their respects in a sports stadium in the city, according to an AFP journalist.

Liberian President George Weah said in a statement on Wednesday that he had received the news of Kromah's death "with profound sadness."

The statement added that despite "mixed views" about his record, Kromah had been a pillar of strength for his supporters.

The former warlord reportedly died on Tuesday, it added.

Wallace Kaffee, a 34-year-old carpenter, told AFP that Kromah had killed many innocent people.

"Let him go meet his maker for his fate," he said.

There are regular appeals to establish a war crimes tribunal inside Liberia, a poor nation of five million people where some ex-warlords remain powerful.

President George Weah has resisted the calls, however.

Revealing The Details On Cllr./Dr. Arthur T. Johnson Book On War and Economic Crimes Court (Part I) (Front Page Africa) By Caesar N. Slapeh

Jan. 21, 2022

The book was written by Dr. Arthur T. Johnson; Title, "Examining the Consequences of Government of Liberia's Failure to Establish Economic and War Crimes Court to Prosecute war Criminals details the very genesis of the Liberian civil crisis.

As I flipped through the pages, I recorded how Dr/Cllr. Johnson gives a comprehensive narrative dated back to the 1980s when a military coup was launched headed by a Liberian soldier, Master Sergeant Samuel K. Doe who later became President, and ruled Liberia for a decade and failed to address the factors responsible for the political change in Liberia.

According to his book which is yet to be officially launched, "The emergence of the Military regime in Liberia was the beginning of the introduction of the use of arms in Liberian body politics with far-reaching consequences". The book details several warring factions that participated in the 14yrs civil conflict which witnessed the death of over 400,000 lives and the destruction of almost all of the infrastructures in Liberia. Cllr Johnson Book on War and Economic Crimes recorded the establishment of the Truth and Reconciliation that was aimed to investigate the causes and antecedent of the 14yrs civil conflict in Liberia and make recommendations that include prosecution for serious crimes.

The book recognized that since the recommendation of the TRC, there have been two successive governments but the body politics of Liberia are yet to set up the court for Economic and War Crimes.

Inside the book, Cllr Johnson asked a salient question, "The question is if Liberia fails to prosecute war criminals, what may likely happen?"

Interesting Topics in the book are, " Impediments to the Establishment of the Economic and War Crime court which is found on page 38, who should be prosecuted in the War Crime Court and Why?, International Criminal Court (ICC) Jurisdiction, Political Will, Is Liberia ready for the establishment of Economic and War Crimes Court? among others.

In detailing the Impediments, Cllr. Johnson defines Impediment as "Anything that makes it impossible for an objective to be achieved. Reading further on page 39, Cllr. Johnson noted in his book that, "In the quest for establishing the economic and war crime court in Liberia, the following are considered obstacles to that effort".

Liberia: Inside the Crummy Torture Chamber of Chuckie Taylor (Front Page Africa) By Jackson Zleh Towah
Jan. 25, 2022

What is wrong with Chuckie Taylor's BBC interview that Jackson Zleh Towah has to speak out now? In this publication, I will assert a unique narrative and a comprehensive account inside Chuckie Taylor's Grisly Torture Chamber. The information shared in this document is in part a patulous version of what I witnessed during the infamous April 6, 1996, fighting in the Liberian capital (Monrovia.)

I foresee now that it will be a betrayal to the Liberian state, my British Foster Parents (Colonel Brian and Dorothy Knightley), and if I neglect my patriotic duty as a Liberian citizen who witnessed foreign nationals being tortured by Chuckie Taylor in Liberia and did nothing.

I arrived in Washington 22 years ago with photographs and videos from the Liberian civil war, some of which I shared with our partners and some friendly entities. So, you will note the fundamental reason behind my absence during the Liberian Truth & Reconciliation Commission (TRC) public hearing.

The work we have done here in Washington to bring Liberian war actors to justice could not permit us as participants in the TRC process. As you may be aware sharing government information isn't a crime, but sharing information of certain classifications when the prime suspect is at large can be unlawful. Although we may be the source of information shared with a particular government entity, it is no longer our own once it is shared with federal authorities.

There is something, in particular, that bothered me about Chuckie Taylor's BBC interview. He interestingly asserted that no one brought complaints against him during the TRC public hearing, therefore, he is exonerated of wrongdoing during his father's regime. I must state herein categorically as a survivor of Chuckie Taylor's torture chamber that said evocative assertion is a farce (mockery) to the victims of war and shows no sign of regret for the crimes he committed in Liberia.

Relatively speaking, there is nothing abstruse, bizarre, or unprecedented about Chuckie Taylor's requesting forgiveness from the Liberian people. Howbeit, Chuckie Taylor cannot be seeking forgiveness, and yet withhold the truth. I believe, he must extend his request of forgiveness to the foreign nationals he tortured during the infamous April 1996 fighting in Liberia and thereof.

Title II: "Chuckie Taylor and Invasion of The Salvation Army Headquarters"

In late March of 1996, Charles Taylor issued a startling evacuation order for residents in the Sinkor neighborhood in an ominous hint of Roosevelt Johnson's refusal to turn himself into the "Council of State." We remain at "The Salvation Army Headquarters" on the 17th street overlooking the Atlantic Ocean. On Friday, April 5, 1996, our neighborhood was at the center of what was yet to come. Charles Taylor dispatched his forces on the Tubman Boulevard in full combat readiness with ULIMO-J forces.

On Saturday, April 6, 1996, at 2:40 A.M, the first bomb went off from the direction of the John F. Kennedy Hospital. Before our compound on 17th Street, General Arthur Jarba (aka War-Boss) & General Joshua Milton Blayee (aka Butt-Naked) of ULIMO-J were armed with the M-60 machine gun and immediately rushed into action.

Colonel Brian Knightley contacted the American Embassy, and the staff told him that it was dangerous to send anyone into our neighborhood at that moment. The United States Embassy advised us to make our way to the nearest peacekeepers (ECOMOG) base. Four years earlier (1992), the Roman Catholic Nuns were murdered on the outskirts of Monrovia, so we were worried. We told the Salvation Army International Headquarters in London how we are trapped in our headquarters in Liberia and that they should keep us in their prayers.

We also contacted Charles Taylor directly and asked for a safe passage to the United States Embassy or the nearest peacekeepers base. Former President Charles Taylor sounded so polite on the phone and even offered to give us his men to escort us to the United States Embassy. After Colonel Knightley got off the phone with former President Charles Taylor, we saw Chuckie Taylor in a convertible vehicle and a pickup loaded with Special Operations Division (SOD), a camarilla detachment of Charles Taylor security forces breaking into our headquarters.

I quickly went into hiding while they were busy breaking the "SAFE" at headquarters on the lower floor. I could see Chuckie Taylor from my hideout with a pistol in the right hand attempting to shoot our dogs (Petra & Sheba) in our kitchen. It is not that Chuckie Taylor failed to understand what constitutes torture, but he is taking advantage of a volatile society with the foggiest denial.

Chuckie Taylor must understand when you hold people against their will, beat on 80-year-old missionaries, force and take their wedding rings & other belongings, request more money after you have emptied the safe in exchange for their freedom, it is called torture. While his men tortured my British foster parents, Chuckie Taylor and his men were looking around the compound for me and the other young man (Samuel Morgan).

When Chuckie Taylor and his men left our headquarters, my parents thought that they had taken me away for execution, little did they know that I slipped into hiding. I emerged from my hideout and immediately told Colonel and Dorothy Knightley that the light-skinned fellow was Charles Taylor's son (Chuckie Taylor). We communicated to the commander of the Ghanaian ECOMOG detachment on the 14 street, Sinkor and he sent two "Armoured Personnel Carrier (APC) to rescue us from our headquarters on the 17th Street in Sinkor.

When we arrived at the Ghanaian Contingent base on 14th street, we met Americans, British, Australians, Japanese, and other foreign nationals. Chuckie Taylor was stopped several times in an attempt to enter the base under the guise that ULIMO-J & LPC fighters were hiding among the civilians seeking refuge on the ECOMOG base.

A Ghana ECOMOG soldier who rescued us by the name of "Peter Abariga" threatened to execute Chuckie Taylor and his men if they attempted to force their way into the base. The commander on the base requested from ECOMOG headquarters additional men to help his soldiers take the foreign nationals to the United States Embassy for safety. Those were the folks you saw during the April 1996 war being evacuated from the American Embassy outside Monrovia by United States forces.

I was in the ECOMOG APC that provided cover to escort the foreign nationals to the United States Embassy in April of 1996. Peter Abariga is now retired from the Ghana Army and currently, work for the United Nation Mission in the Central Africa Republic, ask him to verify my claims. Robert Young is an official of the United States Department of the State who was stationed in Liberia, and a good friend to my foster parents (Colonel Brian and Dorothy Knightley), ask him to verify the narrow escape of the foreign nationals trapped behind rebel lines.

The Americans were right up at Mamba-point monitoring one of their own committing gross human rights violations. Such violations include "The charges of torture, conspiracy to commit torture, and conspiracy to use a firearm during the commission of a violent crime carry a maximum prison sentence of 20 years each. The charge of using a firearm during the commission of a violent crime carries a maximum sentence of life in imprisonment."

It is interesting to note that there are many Liberians that don't understand the nature of Chuckie Taylor's imprisonment. He is serving 97 years for the torture of foreign nationals and Liberians alike under the United States statute (Torture Victim

Protection Act) enacted into law in 1994.

Although Chuckie committed the crime of torture in Liberia, the United States Federal Government exercised universal jurisdiction in correlation to international norms. That means he violated the US law and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment.

The corybantic attempt by quondam Liberian Charles Taylor's loyalists to rebrand Chuckie Taylor with the sole objective to release him this early this from the United States Federal Prison is a bosky political trail. Chuckie Taylor received a fair comeuppance for the crimes against the Liberian people and foreign nationals in Liberia during his father's regime.

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EAST AFRICA

Uganda

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Huye Intermediate Court Begins Substantive Hearing Of Munyenyezi Genocide Case (Taarifa)
January 18, 2022

Beatrice Munyenyezi, the woman suspected of crimes of Genocide against the Tutsi appeared before Huye Intermediate Court this Tueaday in the trial that has entered into substance.

During the last hearing a week ago, the case was postponed for the second time due to the absence of lawyers.

As the case enters into substance, Munyenyezi, 51, will explain herself in detail on the charges of Genocide crime, conspiracy to commit genocide, planning of the genocide, complicity, and incitement to commit genocide, and complicity in rape.

While the accused is detained at Mageregere prison, the litigants, defense lawyers, and prosecutors' rebuttals are heard by the Huye Intermediate court, the place she is said to have committed the crimes.

Proceedings will be heard virtually to limit the spread of Covid-19.

Munyenyenzi is the first woman to be sent back home by the US government after she was convicted for having lied to immigration authorities to obtain the first asylum and then US citizenship, according to Justice Info Net.

Munyenyenzi denied involvement in political affairs and Genocide preparation, but her marriage to Pauline Nyiramasuhuko's son, Shalom Ntahobali, in 1993 marked her entrance into the 'big league' or commonly known as 'Akazu'.

Rwandan prosecutors pin Munyenyenzi for inciting Interahamwe to rape Tutsi women and girls but she has been denying the allegations in her pre-trial phase of the hearings saying she was "pregnant and weak at the time to engage in incitations."

The report 'When Women Become Killers' released in 1995 indicate that Munyenyenzi's mother-in-law, Pauline Nyiramasuhuko, began organizing massacres in (Butare) now Huye even before the murder of the Tutsi prefecture Jean Baptiste Habyarimana, who managed to prevent the massacres during the first two weeks of the Genocide against the Tutsi.

Munyenyenzi's mother-in-law is reported to have boasted her role saying "If someone says that a woman, a mother killed, then I am ready to be confronted."

Prosecutor seeks life sentence for convicted 'Hotel Rwanda' hero (Reuters) January 24, 2022

A Rwandan prosecutor on Monday sought a life sentence for Paul Rusesabagina, who was portrayed in the movie "Hotel Rwanda" sheltering hundreds of people during the 1994 genocide, instead of an existing 25-year term.

Rusesabagina, 67, was convicted in September on eight terrorism charges related to the activities of an organisation opposed to President Paul Kagame's rule and is being held in a Rwandan prison.

He has denied all the charges and refused to take part in the trial, which he and his supporters denounced as a politically motivated sham. He was not in court in Kigali on Monday to hear the prosecution begin its appeal against his sentence, opting to remain in prison.

"We don't agree with the decision to give Rusesabagina a 25-year sentence instead of life imprisonment," public prosecutor Jean Pierre Habarurema told the court.

"Given the significance of the charges of which Rusesabagina was convicted and the impact of those crimes on people and their assets, he should not be given a lenient sentence. He should be given life imprisonment," he said.

Rusesabagina has acknowledged having a leadership role in the Rwanda Movement for Democratic Change (MRCD), but denied responsibility for attacks carried out by its armed wing, the National Liberation Front (FLN). The trial judges said the two groups were indistinguishable.

In the 2004 film, Rusesabagina was depicted risking his life to shelter hundreds of people in the hotel he managed in the Rwandan capital during the 100-day genocide, when Hutu extremists killed more than 800,000 Tutsis and moderate Hutus.

The Hollywood movie gave Rusesabagina a high profile on the international stage, which he later used to highlight what he described as abuses by Kagame's government.

Kagame, who has ruled since 1994, denies the accusations and has enjoyed support from Western donors for restoring stability and boosting economic growth. However, human rights groups describe the Rusesabagina case as part of a pattern of intimidating opponents.

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Somalia

Somalia government spokesman wounded in blast in capital (Al Jazeera) January 16, 2022

Somalia's government spokesperson was wounded in an explosion in the capital in a suspected suicide bomber attack, state-run media reported.

A photographer at the scene of the blast on Sunday reported seeing body parts lying on the ground outside the house of Mohamed Ibrahim Moalimuu, who was rushed to a hospital.

State-run Somali National News Agency said the explosion at a junction of a Mogadishu road was from a suicide bomber.

"A suicide bomber targeted the government spokesman who is now being treated in hospital for his injuries from the blast," police spokesman Abdifatah Aden told Reuters news agency.

Nasra Bashir Ali, state media special correspondent in the prime minister's office, where Moalimuu is based, said on Twitter he did not suffer life-threatening injuries in the attack, which targeted him as he was passing in his vehicle.

Reporting from Mogadishu, Al Jazeera's Jamae Nour said it was not the first time Moalimuu, a former journalist, had been targeted in an assassination attempt.

"According to a statement from the national news agency, Moalimuu was attacked by a person wearing a suicide belt. The attacker detonated the belt near Moalimuu when he was leaving his residence," said Nour.

Escalating power struggle

It was not immediately clear who was behind the attack.

Al-Shabab – an al-Qaeda-linked armed group fighting to overthrow the country's UN-backed government – often claims responsibility for attacks around Somalia.

It has been widely expected violence would increase as tensions rise in Somalia over a national election that has been delayed for almost a year.

"Such attacks are purely politically motivated actions," said Mohamed Abdulaziz Omar, a local civil society activist, adding it also occurred in past elections in the Horn of Africa nation.

Somalia's allies and international observers have expressed alarm over an escalating power struggle between the country's president and prime minister.

Moalimuu is a senior media adviser to Prime Minister Mohamed Hussein Roble. Soldiers loyal to Roble gathered on the streets in December.

The show of force came after President Mohamed Abdullahi Mohamed, better known as Farmaajo, announced the suspension of Roble's powers for suspected corruption, a move the prime minister described as a coup attempt.

Factions of the security forces allied to Farmaajo and Roble in April seized areas of the capital, as the prime minister and opposition opposed a move to extend the president's four-year term by another two years.

Clashes between the two groups forced between 60,000 and 100,000 people to flee their homes.

Four people killed, 10 wounded in bombing in Somali capital (Al Jazeera) January 18, 2022

At least four people have been killed and 10 others injured in Somalia's capital Mogadishu by a suicide bombing at a tea shop near a military base, state-run SONNA news agency said.

The armed group al-Shabab claimed responsibility for the attack on Tuesday.

The attacker walked into a Mogadishu tea shop and detonated an explosive vest, police officer Abdirahman Adan, who was stationed near the scene, told the AFP news agency.

"We have confirmed four dead, and nine others wounded," he said. "The casualties were taken to hospital."

One resident, Ahmed Ismail, said he heard the blast but that when he ran towards the scene to find out what had happened he was blocked by soldiers, the Reuters news agency reported.

The Nacnac base outside which the blast occurred is located near a Turkish military garrison that helps to train Somali troops.

“A mujahid bomber targeted the tea shop in which there were Somali soldiers trained by Turkey,” al-Shabab’s military operations spokesman Abdiasis Abu Musab told Reuters, claiming that the number of victims both dead and injured were 20.

The attack came just two days after Somalia’s government spokesman was injured in a bombing in Mogadishu also claimed by al-Shabab.

On January 12, several people died in a suicide car bomb blast in a separate attack targeting a busy part of the capital.

The spate of attacks came as Somalia limped through a political crisis caused by long-running disagreements about overdue elections.

Al-Shabab frequently carries out bombings and gun assaults in Mogadishu and elsewhere in Somalia, and has been fighting the weak central government for more than a decade.

The al-Qaeda-linked fighters were driven out of Mogadishu in 2011 after an offensive by an African Union force, but they still control vast swaths of rural Somalia, from where they launch regular attacks.

Somali troops committed atrocities in Tigray as new alliance emerged, survivors say (The Globe and Mail) By Lucy Kassa

January 20, 2022

Accounts of atrocities by Somali soldiers in Ethiopia’s Tigray war are casting a spotlight on an emerging military alliance that has reshaped the Horn of Africa, weakening Western influence in a strategically important region.

The Globe and Mail has obtained eyewitness reports of massacres by Somali troops embedded with Eritrean forces in Tigray in the early months of the war. The new evidence raises disturbing questions about a covert military alliance between Ethiopia, Eritrea and Somalia that has inflicted death and destruction on the rebellious Tigray region in northern Ethiopia.

Officially, the three governments have denied any alliance, and Somalia has denied that its troops were deployed in Tigray. But The Globe’s investigation has provided, for the first time, extensive details of civilian killings committed by Somali soldiers allied with Eritrean forces in the region.

Gebretsadik, a 52-year-old farmer from the village of Zebangedena in northwestern Tigray, said the dusty roads of his village were strewn with the bodies of decapitated clergymen in December, 2020, a few weeks after the beginning of the war.

Some of the priests and monks were people he recognized. Somali soldiers, working alongside Eritrean forces who had captured the village, had targeted churches and killed the clergymen, he said.

“They slaughtered them like chickens,” he told The Globe.

The Somali and Eritrean troops stayed in the village until late February, according to Gebretsadik, who often fled to the bushes and mountains around the village to escape attacks during that time.

The Globe talked to dozens of survivors who had witnessed atrocities in six Tigrayan villages where Somali troops had been stationed between early December, 2020, and late February, 2021. The Globe is not publishing their full names or their current locations because their lives could be in danger.

The survivors said the Somali troops were wearing Eritrean military uniforms, but they were clearly identifiable as Somali because of their language and their physical appearance. Unlike the Eritreans, they could not speak any Tigrinya, the language spoken in Tigray and much of Eritrea. The witnesses said they also heard the Eritrean troops referring to them as Somalis.

Last year, United Nations and U.S. officials said they had received information that Somali troops were present in Tigray, but few details were known. Somali parents held several protests in Mogadishu and other places in Somalia last year, complaining that their sons had been ordered to fight in Tigray after being originally sent to Eritrea for military training. Hundreds of Somali soldiers were reportedly killed in the fighting.

Up to 10,000 Somali troops were deployed in Tigray, according to current and former Ethiopian officials who spoke to The Globe. The Globe is not identifying the individuals because they face the threat of reprisals for their comments.

Until now, few details were known about the activities of the Somalis in Tigray. But the survivors told The Globe that the Somali troops had massacred hundreds of civilians in villages controlled by the Eritrean military, often beheading them. No Ethiopian troops were present in the villages, they said.

“They showed no mercy,” said Berket, a 32-year-old farmer in the Tigrayan village of Mai Harmaz. “The Eritreans interrogate you before they kill you. But the Somali troops were full of contempt for that.”

One of his neighbours, a 76-year-old priest, was among those killed by the Somali troops, he said.

Kibrom, a 37-year-old man who fled the village of Hamlo in January, said the beheadings by Somali troops became an “everyday reality” in his village.

“The churches were inhabited by the troops,” he said. “They burned the holy books and sacred objects. Churches became the most unsafe places. Villagers stopped going to churches because the Somali troops would kill anyone they found in churches.”

According to former Ethiopian officials, most of the Somali troops crossed the border from Eritrea into western Tigray in the early weeks of the war. They said the Somali troops, under the command of the Eritrean army, had already been stationed in trenches near the border before the war began.

“They undoubtedly have participated in the war,” said Gebremeskel Kassa, who was chief of staff in the interim administration in Tigray that the Ethiopian government appointed after seizing control of the region in the early months of the war. He later fled abroad, fearing for his safety when Ethiopian officials criticized him for Tigrayan military gains in the region.

Mr. Gebremeskel said he knew about the Somali deployment from his travels in Tigray and his private meetings with top Ethiopian officials and military generals.

“All of us who were top officials had knowledge of that,” he told The Globe. “The Somali troops took training in the Eritrean camp of Sawa as a result of a military deal between the three governments before the war started.”

When the deployment became politically controversial in Somalia, especially after the protests by the parents and questions by parliamentarians, the Somali soldiers were sent back to Eritrea, he said. They completed their withdrawal by March, the officials said.

The unofficial military alliance among Ethiopia, Eritrea and Somalia, which is believed to date back to secret agreements after Prime Minister Abiy Ahmed came to power in Ethiopia in 2018, is a further blow to the declining influence of Western governments in the Horn of Africa.

Eritrea had already been long isolated on the international stage, but Ethiopia and Somalia had close relations with the United States and other Western governments in the past. Ethiopia’s relations with the West have deteriorated since the Tigray war began, largely as a result of Western pressure to halt the war.

Eritrean President Isaias Afwerki, the authoritarian ruler of his country for nearly three decades, is a key player in the three-country alliance. “He sees this as an opportunity to reshape the whole of the Horn of Africa in his direction,” said Martin Plaut, a British-based Eritrea expert and commentator.

“Getting these Somali troops involved was just the first instalment of this much longer, much more important relationship that he was trying to build in which he would be the king, with allies both in Somalia and Ethiopia,” Mr. Plaut told The Globe.

“He has pursued his ambition of destroying the Tigrayans since the 1970s. To achieve his ends, he would like to establish a transnational relationship in the Horn that allows the individual states to exist, but to support each other, while crushing local movements.”

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Bosnia Reduces Serb Ex-Soldier's Sentence for Persecuting Bosniaks (Balkan Transitional Justice)

By Emina Dizdarevic

January 14, 2022

The appeals chamber of the Bosnian state court partially upheld an appeal from Rade Garic and reduced his sentence to 17 years in prison for committing crimes against humanity against the Bosniak populations of Vlasenica and Srebrenica during the war in 1992 and 1995, the court announced on Friday.

Under the first-instance verdict in August 21, Garic was sentenced to 20 years in prison.

The court convicted Garic of the persecution of Bosniaks from Vlasenica and Srebrenica, finding him guilty of involvement in murders, forcible disappearances, physical and psychological abuse and other inhumane acts.

He was found guilty of participating in three separate murders of Bosniak civilians. One of them was killed and his body thrown off a cliff, while another was hanged and beheaded, and then his body was thrown into the river while Garic and his men kicked the head about.

Garic was initially a member of reservist police forces in Vlasenica and later became commander of the Intervention Section of the Drina Squadron and the Intervention Squad of the Vlasenica Brigade of the Bosnian Serb Army, according to the verdict, which described his crimes as unscrupulous and brutal.

The second-instance verdict cannot be appealed.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

Croatia Didn't Wrongly Convict Wartime Police Chief: European Court (Balkan Transitional Justice)

By Matea Grgurinovic and Milica Stojanovic

January 20, 2022

The European Court of Human Rights ruled that Croatia did not violate Vladimir Milankovic's rights when it convicted the police commander of war crimes against Serb civilians in the Sisak and Banovina area in 1991-92.

The European Court of Human Rights in Strasbourg announced on Tuesday that it has rejected Vladimir Milankovic's complaint about the verdict convicting him of ordering illegal arrests and not punishing the detention and abuse of Serb civilians, which resulted in more than 20 deaths.

Milankovic complained that he should not have been convicted on the basis of command responsibility because at that time he was deputy commander of a local police department, not army troops.

He insisted that he could not have been responsible for all the fighters who were in the combat zone. He also argued that the concept of command responsibility had no legal basis in Croatian or international law at the time when the crimes were committed.

But the Strasbourg court's ruling said that the European Convention on Human Rights "should so far as possible be

interpreted in harmony with other rules of international law of which it forms part”, such are those of the International Criminal Tribunal for the Former Yugoslavia, ICTY.

It said that the ICTY’s statute “refers in general terms to a ‘superior’ and therefore does not restrict its application only to military commanders... or make any distinction between international or non-international armed conflict”.

Milankovic was originally convicted and sentenced to eight years in jail at Osijek County Court in December 2013.

As police commander in the Sisak and Banovina area at the time, he was convicted of ordering the illegal arrests of Serb civilians and not punishing crimes against them, which included illegal detentions and mental and physical abuses which resulted in the deaths of 24 people between mid-July 1991 and mid-June 1992.

“From the evidence presented during the trial it has been proven that the accused had the command responsibility over the police unit involved in covering up and ordering the crimes and even personally took part in some of the brutal abuses,” judge Zvonko Vekic said at the time.

The trial drew widespread public attention in Croatia because of the killing of 19-year-old Ljubica Solar by a group led by Milankovic.

In 2014, the Croatian Supreme Court upheld Milankovic’s conviction.

“It is indisputable that the accused, Milankovic, had merit in the Homeland [1991-95] War and that he was decorated nine times... but it cannot justify the crimes that were committed,” the Supreme Court’s verdict said.

The European Court’s ruling said because of the “flagrant unlawful nature of the war crimes committed by the police units under his command”, Milankovic should have realised that he had command responsibility “whether those crimes were committed during international or internal conflict or by a military or non-military (police) commander”.

“That is especially so in the applicant’s case having regard to the fact that he was a police commander, and that persons carrying out a professional activity must proceed with a high degree of caution when pursuing their occupation and can be expected to take special care in assessing the risks that such activity entails,” the ruling continued.

It added that Milankovic “was a military-academy-educated officer who had thus known very well that his conduct could make him criminally liable”.

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Turkey accused of war crime in drone strike (Morning Star) By Steve Sweeney

January 24, 2022

Turkey has been accused of war crimes in northern Syria after its military attacked a convoy of vehicles rushing to a prison camp under attack by Isis militants, who were trying free fellow jihadists held there.

A Syrian Democratic Forces (SDF) vehicle was struck by a missile fired from a Turkish drone close to the village of Tiwena near Til Temir in Hasaka province on Friday.

According to local sources, a leading Kurdish official was killed in the air strike, amid accusations that Turkey is effectively providing air cover for Isis.

The convoy was carrying reinforcements to Ghwayran prison, where Kurdish forces and local security services were struggling to contain an attempt to free jihadist inmates.

At least 17 SDF soldiers and Asayish members were killed and 23 injured as Isis fighters attacked the prison complex.

It is believed that about 200 militants were involved in the assault, which, Isis said, aimed to “free the prisoners.”

One of the Isis cells involved in the attacks was reportedly a group of Uighur prisoners, a number of whom were killed.

“Fierce clashes” broke out in the north of Ghwayran, while Kurdish forces raided civilian homes where fleeing jihadists were believed to be hiding.

The SDF said that 175 Isis fighters had been killed and 110 captured during the battle to regain control. Five civilians also died, with one rumoured to have been beheaded.

A journalist with the local self-defence forces was reportedly killed and a reporter from the Hawar news station was injured.

According to officials of the region’s autonomous administration, “thousands have fled their homes near the prison,” with many heading to nearby areas where they have relatives. The United States provided air support to the SDF, with Apache helicopters firing machine guns from above the compound as troops on the ground sought to stabilise the situation amid the continued fighting.

SDF spokesman Ferhad Shami called for Turkey to be put on trial for its continued support of Isis, warning of “a very serious and dangerous situation.”

He said that the latest Isis assault was not merely an attack on a prison but indicated a new strategy by the death cult and its attempted revival, which is backed by Ankara.

“This problem will not be resolved unless the forces and states that support the Isis mercenaries, the Turkish state in primis, are not prosecuted,” he insisted.

“Therefore, this must be well understood. Behind Isis are intelligence, military and state power. This needs to be well understood and addressed accordingly.

“In order for Isis to end, first of all, the sources that feed it must be dried up.”

The Syrian government accused the US military of committing war crimes and crimes against humanity as it demanded the withdrawal of US forces from north-eastern Syria and that of Turkish troops from the north-west.

Damascus hit out after US warplanes destroyed the Technical Institute in Hasaka city on the pretext of targeting escapees that it claimed were hiding there.

The Russian Defence Ministry warned that by resorting to the use of warplanes, the US threatened the lives of civilians and damage to infrastructure.

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Kosovo Specialist Chambers

Hague Prosecutors Accused of Failing to Protect Kosovo Case Files (Balkan Transitional Justice) By

Xhorxhina Bami

January 13, 2022

The deputy leader of the Kosovo Liberation Army War Veterans’ Organisation, Nasim Haradinaj, said prosecutors should have prevented a leak of confidential case files instead of trying him for making the documents public.

Nasim Haradinaj testified at the Kosovo Specialist Chambers in The Hague on Thursday that the prosecution should have prevented the leak of confidential documents from war crimes cases rather than blaming him and the Kosovo Liberation Army War Veterans’ Organisation.

“Why didn’t you come to catch him?” Haradinaj asked the prosecution, referring to the person who dropped off two tranches of confidential documents on two separate occasions at the KLA War Veterans’ Organisation’s headquarters in Pristina in September 2020.

“The first time could have been a surprise for you and for us, but even though he promised he would bring [documents] again, you didn’t come [to prevent it]. You followed us on the streets but did not watch the premises,” Haradinaj said.

Haradinaj accused the Specialist Chambers of taking a “selective approach” against war veterans, which he said “offends the entire population [of Kosovo]”.

Haradinaj and his superior, the leader of the KLA War Veterans’ Organisation, Hysni Gucati, are accused of obstruction of justice and witness intimidation because they received the documents and urged the media to publish extracts from them.

The documents contained confidential information about protected witnesses in cases against KLA ex-guerrillas at the Specialist Chambers.

After receiving the documents, Gucati and Haradinaj held three press conferences at which they revealed confidential information from the files and identified details of certain potential witnesses, the prosecution alleges. Both men have pleaded not guilty.

During his testimony on Thursday, Haradinaj told the court that “I did not push anyone to publish” the documents.

He said he did not read anything confidential in the documents and claimed that “it was not clarified to me they were top secret”.

“How can something be top secret and be publicly brought into our offices?” he asked.

The Kosovo Specialist Chambers were set up, under pressure from Kosovo’s Western allies, to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals and are widely resented by Kosovo Albanians who see the court as an insult to the KLA’s war for liberation from Serbian rule.

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

Kosovo War Victims ‘Fear Betrayal’ over Compensation Hopes (Balkan Transitional Justice) By
Serbeze Haxhijaj
January 20, 2022

War victims hope they will be able to win compensation after verdicts are delivered at the Kosovo Specialist Chambers in The Hague – but experts have warned that the process could prove difficult if they want to remain anonymous.

Over two decades after the 1998-99 war ended, victims in cases of war crimes and crimes against humanity at the Kosovo Specialist Chambers in The Hague still do not know for certain whether or not they will be able to claim compensation for the suffering they endured.

Victims who have had their identities concealed to protect them during criminal trials do not dare to claim compensation in civil proceedings for fear of exposure because current legislation in Kosovo does not allow anonymous claims for compensation in civil cases.

The judging panel in the case against former Kosovo Liberation Army commander Salih Mustafa at the Kosovo Specialist Chambers issued a ruling last year about compensation for victims which noted that Kosovo’s Law on the Kosovo Specialist Chambers does not set specific criteria for how compensation can be obtained.

Although the Specialist Chambers are located in The Hague and staffed by internationals, they are part of Kosovo’s judicial system and were established under Kosovo law to try crimes allegedly committed during and just after the war.

After the ruling on compensation for victims, the Victims Participation’s Office at the Specialist Chambers asked three international experts to assess the situation. Their reports were published in late December 2021.

Some of the material in the reports and the experts’ names have been classified as confidential, but the material in the public domain indicates a series of complex legal problems which victims may find hard to cope with.

One expert cautioned in one of the reports that although the Specialist Chambers have “well-defined jurisdiction over criminal prosecution”, it will be difficult to find a legal basis for them to deal with victims’ compensation cases.

The Specialist Chambers’ sentencing decisions “will serve as a sufficient basis for proceeding with private civil lawsuits” for compensation, but victims will face “serious problems” in winning compensation in civil cases from the person who was found guilty, for a variety of legal and practical reasons, the expert continued.

These include the fact that Kosovo’s law on compensation of victims of crime cannot currently be applied to cases heard at the Specialist Chambers, as well as the possibility that a convict might not have the money to pay the compensation, and the fact that the state of Kosovo itself cannot be sued as a result of verdicts handed down by the Hague-based court because it did not exist at the time of the crimes.

“Ordering reparations against the accused, while available to the KSC [Kosovo Specialist Chambers] based on the legislation that established it, presents an abundance of its own difficulties,” the expert said. “How will that order be enforced? What will happen with the reparation orders if a guilty verdict is overturned during the appeals process, or the convicted person is found to be indigent?”

‘Victims have the right to access compensation’

A war victim who testified at the trial of five former KLA members as a protected witness and is also among the witnesses in one of the cases at the Specialist Chambers said that he hired a lawyer but couldn’t file a suit while keeping his identity secret.

“Since [the incident in 1999] I have had problems with my leg. I thought I should ask for compensation but it was impossible,” the victim told BIRN on condition of anonymity.

Nora Ahmetaj, a transitional justice researcher in Kosovo, pointed out that to avoid further victimisation, war victims should be treated with dignity.

“They have the right to have access to compensation for the damage they have suffered,” Ahmetaj said.

Victims should be informed of their rights and given adequate assistance in the legal process, she added: “They should be assisted by a legal mechanism to get faster access to their right to a remedy.”

Kosovo has a Law on Crime Victim Compensation, which regulates the right to financial compensation for victims, but the legislation does not apply to war crime victims.

Kosovo’s Ministry of Justice has been drafting the country’s first Civil Code, which is intended to reform the judicial system and to give people easier access to justice in the country. But it remains to be seen if the code, when it is finally adopted, will make it possible for war victims to claim compensation in civil cases while retaining their anonymity to avoid potential retribution.

One of the experts who analysed the situation for the Specialist Chambers said that “timely compensation for victims may require some adaptations to current legal frameworks in Kosovo to avoid prolonged civil claim procedures”.

However, the expert cautioned in the report, such changes in Kosovo’s frameworks could “open a floodgate” for widespread abuse of the compensation system, as is believed to have happened with war veterans’ pensions, with many people falsely claiming they fought for the KLA, resulting in “a huge inflation of the numbers of ‘war veterans’ in Kosovo who have access to a monthly pension”.

The expert also noted that some relatives of people who were killed are already receiving compensation through other schemes. However, in order to protect the identity of the victims, the Specialist Chambers “cannot ask authorities in Kosovo to check whether any of the victims are currently beneficiaries of compensation schemes in Kosovo”.

Further complications could arise because there are a large number of victims in certain cases at the Specialist Chambers. In the case against former Kosovo President Hashim Thaci, who is charged with war crimes and crimes against humanity alongside three other senior KLA men including former senior politicians Kadri Veseli and Jakup Krasniqi, there are at least 416 known victims, according to the indictment.

In the case against Thaci, 20 applicants have so far been granted victim status by the Hague court. In the case against Salih Mustafa, victim status has been approved for nine people, while in the case against ex-guerrilla Pjeter Shala, so far victim status has only been approved for one person.

‘The main enemy is passing time’

Even if access to compensation is possible, Amer Alija from the Humanitarian Law Centre Kosovo, which monitors court proceedings at the Kosovo Specialist Chambers, warned that the length of trials will further delay the entire process.

“The compensation process starts after the final judgment. Trials in war crimes cases can take years and the main enemy for victims recognised by the Specialist Chambers is passing time,” Alija told BIRN.

After the judges at the Specialist Chambers received the experts’ reports on the complex issues surrounding compensation, the next step is not yet clear.

“The expert reports were requested to inform certain future decisions of the judges,” Angela Griep, a spokesperson for the Specialist Chambers, told BIRN. “However, at this point, we can’t say when they will take a decision nor how this decision will look like.”

One expert noted that victims have already gone through “countless hours of interviews” since they first agreed to give evidence, and in the past have been given “promises with no realistic chance of delivery”.

“The victims should receive deconstructed and plain advice. They ought to be consulted at every step of the way and make informed decisions as to how they want to proceed further in terms of reparations,” the expert argued.

Unless the victims’ concerns are addressed properly, “the danger to leave open the possibility for victims to feel betrayed yet again may become a reality”, the expert warned.

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Azerbaijan

Cultural Desecration Is Racial Discrimination (Foreign Policy) By Simon Maghakyan
January 13, 2022

“Non-existing sites or cemeteries cannot be destroyed.” This is how an ambassador of Azerbaijan responded in June 2021 to an exposé of cultural destruction that employed declassified U.S. intelligence files to geolocate ancient monuments in Cold War-era satellite imagery that were flattened following the Soviet Union’s dissolution.

Last year, the ambassador’s denial of the targeted monuments’ very existence was exhibited by Armenia as evidence of racial discrimination at the International Court of Justice (ICJ), which subsequently ordered Azerbaijan, in a decision announced last month, to “take all necessary measures to prevent and punish acts of vandalism and desecration,” while rejecting Azerbaijan’s mirror request against Armenia.

The ICJ’s precedent-setting Dec. 7, 2021, order, which was part of emergency measures in Armenia’s case against neighboring Azerbaijan, to effectively protect Armenian cultural heritage in territories Azerbaijan captured in the 2020 war in the disputed territory of Nagorno-Karabakh is good news for all defenders of cultural heritage sites across the world. Until now, as others have pointed out, there has been no effective international mechanism against state actors that threaten the very cultural heritage they are obliged to protect.

When it comes to state-sponsored erasure of politically undesirable cultural heritage, Azerbaijan’s record is alarming. Starting in 1997, three years after the first post-Soviet war over the disputed Nagorno-Karabakh region, Azerbaijan’s successive father and son presidents decided that the entire Armenian cultural heritage of another region, Nakhichevan, was unfit for existence. By late 2006, Azerbaijan’s government had destroyed all 28,000 medieval Armenian religious monuments of Nakhichevan. The final toll included an estimated 89 medieval churches, 5,840 cross-stones, and 22,000 tombstones.

Today, as a result of the 2020 war, hundreds of Armenian holy places, among them historically and architecturally significant cathedrals, are under Azerbaijan’s control. The destruction of Nakhichevan’s entire Armenian past is not the sole reason why Armenia appealed to the ICJ.

Since the Russian-brokered November 2020 cease-fire between the two countries, as documented by Caucasus Heritage Watch, Azerbaijan has demolished several Armenian cemeteries, including in the town known in Armenian as Mets Tagher and as Boyuk Taglar in Azerbaijani, as well as in the town known as Sghnakh in Armenian and Signaq in Azerbaijani, and pronounced nearly all Armenian churches of the region non-Armenian.

On Oct. 8, 2020, during the war, Azerbaijan bombed the Holy Savior Cathedral, popularly known as Ghazanchetsots, twice, creating a hole in the roof and injuring foreign journalists. A month later, the cathedral, along with the entire city known as Shushi to Armenians and Shusha to Azerbaijanis, was captured by Azerbaijan, which then launched a predictable renovation of the mid-19th-century building.

Baku decapitated Holy Savior by dismantling its iconic dome under the pretext of renovation in 2021, in a move that reminded Armenians of the pogrom in 1920 that massacred the city's Armenian population, turning them into a minority there.

Even though the ICJ did not specifically order the rebuilding of Holy Savior's dismantled dome, Azerbaijan may restore it in the near future to mitigate a harsher decision in the court's final verdict. But it will likely keep banning Armenian visits to sacred sites, since the Dec. 7 provisional decision did not grant an urgent order for allowing Armenian pilgrimages.

The ICJ's decision against Azerbaijan has global significance for several reasons. First, it is precedent-setting for sidestepping UNESCO, the United Nations' ineffective cultural organization that is effectively governed by member states such as China, Saudi Arabia, and Azerbaijan, and instead technically delegating the world's only body with enforcement power—the U.N. Security Council, which is principally tasked with maintaining international peace and security—with overseeing threatened cultural heritage.

Second, it links deliberate cultural destruction with racial discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination. Third, the decision sends a message to nation-states that sovereignty does not license a government to erase cultural heritage sites. The ICJ ruling, therefore, creates a new, yet narrow, pathway for fighting cultural destruction.

The most obvious beneficiaries of the ICJ decision are persecuted peoples with ethnic ties to a neighboring nation-state. Greece, for instance, could apply to the ICJ under the new ruling to challenge Turkey's ongoing conversion of Greek cathedrals to mosques. Oppressed and stateless peoples like the Hazaras in Afghanistan, Rohingyas in Myanmar, and Uyghurs and Tibetans in China, whose cultures have been targeted by state actors, on the other hand, are unlikely to benefit directly from the decision given that the ICJ is a legal venue for U.N. member states.

The decision, nevertheless, could still be cited in non-ICJ legal pursuits. Notably, tying cultural destruction to racial discrimination expands opportunities for protecting threatened heritage, since discrimination does not have to be an intentional act. Indigenous peoples in the Amazon and Niger Delta targeted primarily due to economic development, for instance, could cite the ICJ decision in seeking prevention of and punishment for the destruction of their heritage sites.

The decision would certainly not directly help with situations like the targeting of Assyrian and Yazidi heritage by the Islamic State or the desecration of shrines in Timbuktu, Mali, by Islamist militants, in which perpetrators of de facto sovereign violence are not internationally recognized state actors. But another global judicial body, the International Criminal Court (ICC), could fill this void. The ICC has only prosecuted one case of cultural destruction thus far, in part because its scope is confined to prosecuting individuals for crimes against humanity, genocide, and war crimes.

Nevertheless, in June 2021 the ICC issued a broad policy on cultural heritage, underscoring that "The impact of an attack on cultural heritage may transcend the socio-geographical space it occupies, resulting in a global impact." The ICJ's decision will likely embolden the ICC's new commitment to protecting cultural heritage. But as the new ICC policy notes, documentation and monitoring of cultural destruction can prove to be monumental tasks.

The latter may explain why the ICJ's provisional decision against Azerbaijan does not specify mechanisms for protecting monuments, including when the erasure is more subtle. It remains unclear, for instance, if and how Azerbaijan will be reprimanded if it fulfills the presidential vow to polish over Nagorno-Karabakh's countless Armenian inscriptions or if it continues state-sponsored pilgrimages to Armenian sacred sites to rebrand them "Caucasian Albanian."

The latest such known visit took place one month before the ICJ decision, when a small group of people belonging to the tiny Udi minority, descended from Caucasian Albanians, visited the medieval Spitak Khach church in Hadrut, a region that until late 2020 had been continuously inhabited by Armenians for two millennia.

During their pilgrimage, the Baku-backed visitors, whom pro-government media described as the church's "real owners," proclaimed Spitak Khach's Armenian inscriptions "modern" and "fake," even though they have been long documented, including through a tsarist-era photograph of the site's prominent 14th-century cross-stone.

The relabeling of Armenian monuments should not give false hope for their preservation; before their destruction, Nakhichevan's Christian sites were likewise proclaimed non-Armenian. Commendably, the ICJ decision referenced an international concern regarding Azerbaijan's rebranding of Armenian monuments as "Caucasian Albanian," suggesting that less violent forms of cultural erasure, such as cultural misappropriation and historical negationism, can also be racial discrimination under international law.

Since only Azerbaijan-approved visitors are currently allowed to visit its newly gained territories, it might be impossible to monitor the fate of the region's numerous indigenous inscriptions. It would be easier, on the other hand, to monitor if and how Azerbaijan applies the ICJ ruling to its ongoing so-called renovation of the Holy Savior cathedral visible from a distance both to satellites and to local Armenians, who are now largely concentrated in Russian peacekeeper-protected Stepanakert.

Azerbaijan may already be in violation of the ICJ order to punish cultural destruction: Instead of calling for an investigation, this week the country's president denied demolishing cemeteries in Hadrut.

Last month's ICJ ruling is not perfect, especially since it leaves heritage crime monitoring and accountability mechanisms unaddressed. But it is a long-term victory locally and globally, because it confronts the issue of cultural survival—while bringing to account state-sponsored attacks against religious and cultural monuments as forms of racial discrimination.

Azerbaijan opens criminal investigation against 297 Armenian citizen involved in war crimes

(Trend) By [AUTHOR]

January 5, 2022

The Military Prosecutor's Office authorities of Azerbaijan have recorded 1,846 crimes, Prosecutor General of the Republic of Azerbaijan Kamran Aliyev said at an expanded meeting of the Prosecutor General's Office Board based on the results of 2021, Trend reports.

According to him, 530 of crimes were related to corruption, and the investigation of 85 out of 530 against 110 persons was completed and referred to the relevant military courts for consideration.

As of today, criminal cases on the war crimes and crimes against peace and humanity committed by Armenian illegal armed formations against Azerbaijanis are being investigated in the Military Prosecutor's Office of Azerbaijan. These cases have been initiated against 297 persons under articles 103 (genocide), 113 (torture), 115 (violation of the laws and customs of war), and 116 (breaching norms of international humanitarian law during an armed conflict) of the Criminal Code of Azerbaijan on their wanted notice.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Human Rights Watch Submission to the UN Human Rights Committee in Advance of its Review of Iraq (Human Rights Watch)

January 25, 2022

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Iraq, submitted to the United Nations Human Rights Committee in advance of its review of Iraq in March 2022. We hope it will inform the Committee's upcoming review of the Iraqi government's compliance with its obligations under the International Covenant on Civil and Political Rights ("ICCPR").

Domestic Violence (arts. 2, 3, 6, 7, 12 and 26)

While Iraq's penal code criminalizes physical assault, several provisions in the criminal code enable impunity for violence against women, including domestic violence. Article 41(1) allows a husband to "punish" his wife and parents to discipline their children "within limits prescribed by law or custom."^[1] UNICEF surveys have found more than 80 percent of children are subjected to violent discipline.^[2] The penal code also provides mitigated sentences for violent acts, including murder, for "honorable motives," and catching one's wife or female relative in the act of adultery or sex outside of marriage.^[3] The penal code also allows perpetrators of rape or sexual assault to escape prosecution or have their sentences quashed if they marry their victim.^[4]

Moreover, discriminatory personal status laws allow men control over women's lives, which also exposes women to violence. Iraq's Personal Status Law provides that women can lose their right to financial maintenance if she refuses without cause his request to move into his home, leaves "her husband's home without permission and without legitimate cause," or "refuses to travel with her husband without a legitimate reason."^[5] It also provides that women will not be required to obey their husband or will not be deemed disobedient if the husband is abusive in his request for obedience "with the intent of causing her harm or restriction," and the husband is not allowed to request her to obey in matters that are against sharia law.^[6] The Kurdistan Region of Iraq's 2008 law amends Iraq's Personal Status Law for the Kurdistan region to provide that either spouse can be deemed disobedient such as where a husband leaves his wife or where the wife leaves the marital home without permission and in an illegal manner.^[7]

The Iraq Family Health Survey (IFHS) of 2006/7 found that one in five Iraqi women are subject to physical domestic violence.^[8] A 2012 Planning Ministry study found that at least 36 percent of married women reported experiencing some form of psychological abuse from their husbands, 23 percent verbal abuse, six percent physical violence, and nine percent sexual violence.^[9] In October 2019, Human Rights Watch interviewed five Iraqi women living in a shelter who said they had fled their homes because of years of domestic violence, including rape, forced marriage, and forced prostitution, by family members or their husband, and in some cases how the authorities failed to help them when they reported the abuse.^[10] Cases of domestic violence were reported throughout 2021, including killings of women and girls by their husbands or families.^[11]

Research conducted by Human Rights Watch in 2021 also found that domestic violence against lesbian, gay, bisexual, or transgender (LGBT) people in Iraq remains widespread. Forty out of the 54 LGBT people interviewed by Human Rights Watch reported experiencing extreme violence at least once by male family members for their sexual orientation or gender identity and expression, including being locked in a room for extended periods, being denied food and water, being burned, beaten, raped, electrocuted, attacked at gunpoint, subjected to conversion practices and forced hormone therapy, subjected to forced marriages, and forced to work for long hours without compensation.

While the Iraqi constitution expressly prohibits "all forms of violence and abuse in the family," only the Kurdistan Region of Iraq (KRI) has a law on domestic violence.^[12] Parliamentary efforts to pass a draft law against domestic violence have stalled since 2019. The 2019 version seen by Human Rights Watch included provisions for services for domestic violence survivors, restraining orders, penalties for their breach, and establishment of a cross-ministerial committee to combat domestic violence.^[13] However, the bill had several gaps and provisions that would undermine its effectiveness, such as prioritizing reconciliation over protection and justice for victims. ^[14]

Iraq has few working shelters run by women's rights organizations and the shelters have often been subject to physical attack and threats by offenders and have faced hostility by some government officials.^[15] Domestic violence victims are often temporarily housed in female prisons. The 2019 draft law would establish government shelters in coordination with local women's rights organizations.

The Human Rights Committee should pose the following questions to the government of Iraq:

- What measures is the government taking to combat domestic violence, including repealing provisions of laws that enable impunity for violence against women including domestic violence?
- What measures is the government currently taking to ensure that a bill against domestic violence is amended in line with international human rights standards including that it effectively prevents domestic violence, protects survivors and prosecutes abusers? And what steps is it taking to ensure that this bill passes as a matter of urgency?

Rights of People with Disabilities to Vote and Run in Elections (art. 2, 25)

Iraq failed to secure political rights, in particular the right to vote, for Iraqis with disabilities.^[16] People with disabilities are often effectively denied their right to vote due to discriminatory legislation that strips the right to vote or run for office for people considered not "fully competent" under the law, inaccessible polling places, and legislative and political obstacles, like requirements for a certain level of education that many people with disabilities are unable to attain. In 2019, the UN's Committee on the Rights of Persons with Disabilities said that Iraq, plagued by decades of violence and war, including the battles against the Islamic State (also known as ISIS) from 2014-2017, has one of the world's largest populations of people

with disabilities.[17]

The Human Rights Committee should pose the following questions to the government of Iraq:

- What measures is the government taking to ensure that people with disabilities are able to run in elections and vote without facing any forms of discrimination?

Extrajudicial Killings During Anti-ISIS Operations (art. 6)

During the battles against ISIS from 2014 to 2018, and particularly during the battle to retake the city of Mosul from 2016 to 2017, Iraqi government and Kurdistan Regional Government (KRG) forces committed serious human rights and laws of war abuses under the guise of fighting terror.[18] For example, during the operations to retake Mosul, Iraqi forces tortured some of those captured, in some cases then executing them extrajudicially with complete impunity, sometimes after posting photos and videos of the abuses on social media sites.[19] Human Rights Watch is unaware of any measures by Iraqi or KRG authorities to hold accountable forces implicated in these abuses.

Iraqi forces bombarded civilian objects including homes and hospitals in ISIS-held areas. They fired inherently imprecise ground-fired munitions, including mortars, multiple-rocket launchers and Improvised Rocket-Assisted Munitions (IRAM), into densely populated civilian areas.[20] Then-Prime Minister al-Abadi said that between 970 and 1,260 civilians were killed during the battle to capture Mosul but provided no details on how those numbers were reached. It is likely that Iraqi and US-led coalition forces killed many thousands of civilians in the course of their military operations against ISIS.[21] Despite commitments by al-Abadi in September 2017 to investigate allegations of torture and extrajudicial killings, authorities apparently took no steps to investigate these abuses.[22]

The Human Rights Committee should pose the following questions to the government of Iraq:

- How many investigations has it launched into armed forces' behavior during counterterrorism operations since 2014 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?

Excessive Force Against Protesters (arts. 6, 9, 19, 21)

In March 2017, KRG armed forces fired rubber and live bullets and teargas canisters at protesters in Sinjar, killing one person and wounding at least seven.[23] Three protesters said that they and the other protesters were unarmed and peaceful when the Rojava Peshmerga forces, Syrian fighters integrated into a unit under the KRG's Interior Ministry and stationed in Sinjar, opened fire. They said some protesters threw rocks at the Rojava Peshmerga forces, but only after armed forces opened fire.

Protests that began in central and southern Iraq in July 2018 demanding improved access to water, jobs, and electrical power turned violent in some areas, particularly in Basra, with Ministry of Interior forces injuring dozens of protesters and killing several through excessive use of force when trying to disperse crowds and detain protesters.[24] The protests in Basra continued through September 2018, with increasing violence on both sides leading to protesters burning down buildings and leaving at least 15 dead.[25]

During protests that began in October 2019 and continued into late 2020, clashes with security forces, including the Popular Mobilization Forces (PMF or hashad) nominally under the control of the prime minister, left at least 560 protesters and security forces dead in Baghdad and Iraq's southern cities.[26] In May 2020, when Prime Minister Mustafa al-Kadhimi took office, he formed a committee to investigate the killings of protesters.[27] It had yet to announce any findings as of September 2021.

In July 2020, the government announced it would compensate the families of those killed during the protests.[28] As of September 2021, the six families of activists killed whom Human Rights Watch contacted had not received any compensation. In February 2021, the government announced the

arrest of members of a "death squad" that had allegedly been responsible for killing at least three activists in the southern city of Basra, convicting one of the men and sentencing him to death in November 2021.[29] Baghdad authorities announced in July that they had arrested three low-level security forces officers linked to abuses against protesters, and one man allegedly responsible for the 2020 killing of political analyst Hisham Al-Hashimi.[30]

A United Nations Assistance Mission to Iraq (UNAMI) report published in May 2021 found that not one of several arrests related to targeted killings appeared to have moved beyond the investigative phase.[31] As of late September 2021, it appeared that none of the arrests had led to any charges being brought.

The Human Rights Committee should pose the following questions to the government of Iraq:

- How many investigations has it launched into armed forces' behavior during the protests that began in October 2019 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?
- What other measures has it taken to ensure that these abuses are not repeated?

Torture and Other Forms of Ill-Treatment (art. 7)

UNAMI released a report in August 2021 based on interviews with more than 200 detainees, over half of whom shared credible allegations of torture.[32] The report found that the authorities acquiesce in and tolerate the use of torture to extract confessions, a finding consistent with Human Rights Watch reporting on the systemic use of torture by Iraqi and KRG forces to extract confessions in Iraq.[33]

Detainees in Nineveh, where authorities are holding the most ISIS suspects, have shared graphic accounts of torture during interrogations in Mosul's prisons under the control of the Ministry of Interior, in some cases leading to the deaths of detainees.[34] These allegations are consistent with reports of the widespread use of torture by Iraqi forces to extract confessions instead of carrying out robust criminal investigations.[35] Despite commitments by Prime Minister al-Abadi in September 2017 to investigate allegations of torture and extrajudicial killings, authorities seemingly took no steps to investigate these abuses.[36]

Human Rights Watch reviewed files of 30 cases tried by Baghdad courts between 2009 and 2018 in which defendants alleged torture, and in June and July 2018, sat in on an additional 18 felony trials of ISIS suspects in Baghdad. In 22 cases, the defendants alleged torture to extract confessions, but judges took no action to investigate the allegations, and in only one instance did judicial authorities investigate and sanction an officer.[37] A 2019 Human Rights Watch study of appeals court decisions in terrorism-related cases showed that in close to two dozen cases in 2018 and 2019 judges appeared to ignore torture allegations or to rely on uncorroborated confessions.[38] Some of the torture allegations had been substantiated by forensic medical exams, and some of the confessions were apparently extracted by force. In each of these cases, the trial courts took the torture allegations seriously, found them credible, assessed the evidence, and acquitted the defendants. Despite this, on prosecution appeal, the Federal Court of Cassation appeared to ignore torture allegations or to rely on uncorroborated confessions and ordered retrials.

Two French citizens transferred from northeast Syria to Iraq in early 2019 and prosecuted in Baghdad for ISIS affiliation told a judge in May 2019 that Iraqi security forces tortured or coerced them into making a confession.[39] Also in 2019, one man had to have his arm amputated because of arterial damage caused by torture in custody.[40]

Authorities detained criminal suspects in overcrowded and in some cases inhumane conditions.[41] A source within the penitentiary system shared with Human Rights Watch photos of overcrowded prison cells in Nineveh holding women and children on charges of ISIS affiliation in conditions so degrading that they amounted to ill-treatment.[42]

The Human Rights Committee should pose the following questions to the government of Iraq:

- Is the government encouraging Iraq's High Judicial Council to issue guidelines on the steps judges are obliged to take when a defendant alleges torture?
- How many investigations have been carried out into allegations of torture over the last 12 months and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?
- Is the government encouraging Parliament to pass the draft Anti-Torture Law?
- Is the government urging Parliament to ratify the Optional Protocol to the Convention Against Torture, which would allow prison visits by the United Nations Subcommittee on Prevention of Torture?
- Does the government have plans to establish a national torture prevention mechanism?
- What other measure is the government taking to combat torture?

Shackling of Persons with Psychosocial Disabilities (arts. 7, 10, 26)

In Iraq, people with psychosocial disabilities (mental health conditions) can be shackled - chained or locked in confined spaces.[43] This inhumane practice exists due to inadequate support and mental health services as well as widespread stigma, such as the belief that mental health conditions are the result of possession by evil spirits or witchcraft.[44] Lack of financial means to access mental health services has also been reported as the reason why some families resort to shackling.[45]

The UN Special Rapporteur on torture has noted that shackling “unequivocally amount(s) to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them.”[46]

The Human Rights Committee should pose the following questions to the government of Iraq:

- What official data is available on the number of people who are or have been chained or shackled in Iraq?
- What steps has the government taken to develop adequate, quality, and voluntary community-based mental health services?

Death Penalty (arts. 6, 7)

Iraq has long had one of the highest rates of executions in the world. The judiciary handed down death sentences to many of those convicted of ISIS affiliation under counterterrorism legislation throughout 2016 to 2019 and carried out executions without disclosing official numbers. In 2016, there were at least 63 confirmed executions, including in late August 2016, when Iraqi authorities executed 36 men convicted in a sham mass trial for allegedly participating in ISIS’s 2014 execution of between 560 and 770 Shia army recruits stationed at Camp Speicher, outside Tikrit.[47] Human Rights Watch is aware of at least 78 executions in 2017 of individuals convicted of ISIS affiliation.[48] In June 2018, after an ISIS attack, Prime Minister al-Abadi called for the “immediate” execution of all convicted “terrorists” on death row, after which authorities announced the execution of 12 men.[49] In August 2019, authorities released Ministry of Justice data that showed 8,022 detainees were on death row and the state had executed over 100 between January and August 2019.[50]

According to a Ministry of Justice statement in September 2021, authorities were detaining close to 50,000 people for suspected terrorism links, over half of them sentenced to death.[51] Informed sources told Human Rights Watch that at least 21 executions had been carried out in 2021. Those imprisoned for ISIS affiliation reportedly include hundreds of foreign women and children, though children are not sentenced to death.[52]

The expedited nature of the trials of ISIS suspects raises the concern that courts have been issuing death sentences despite serious due process shortcomings.[53]

The Penal Code prohibits the use of the death penalty against children and Human Rights Watch knows of no cases of children being executed. [54]

In the KRI, the KRG implemented a de facto moratorium on the death penalty in 2008, banning it “except in very few cases which were considered essential,” according to a KRG spokesperson. [55]

The Human Rights Committee should pose the following question to the government of Iraq:

- Is the government considering putting a moratorium in place to halt executions?
- What concrete steps is the government taking to reform anti-terrorist legislation to guarantee a fair trial for accused persons?

ISIS Crimes Against the Yezidi Community including Sexual Violence (arts. 2, 3, 6, 7, 8, 9, 12, 14, 23, 24, & 26)

ISIS carried out attacks, including killings of community leaders, and a range of abuses against religious minorities predominantly during 2014 to 2018.[56] Human Rights Watch and other organizations documented a system of organized rape, sexual slavery, and forced marriage by ISIS forces of Yezidi women and girls from 2014 to 2017.[57] Some of the crimes perpetrated by ISIS amounted to war crimes and may have constituted crimes against humanity and genocide.[58] Even in cases in which defendants admitted to subjecting Yezidi women to sexual slavery, prosecutors neglected to charge them with rape, which carries a sentence of up to 15 years. Instead, they have charged them with violating provision 4 of the counterterrorism law, primarily for ISIS membership, support, sympathy, or assistance. Moreover, victims of ISIS abuse, including Yezidis, have not been able to participate in court proceedings.

While Yezidi community leaders have welcomed back women and girl victims of ISIS, there has been more reluctance to accept children born of rape. Some families have told women to not return with such children, forcing the women to abandon their children during escape, their children being forcibly taken away from them after they’ve escaped, or to remain with their children and forego returning to their families and communities.

On March 1, 2021, Iraq’s parliament passed the Law on Yazidi Female Survivors, which recognized crimes committed by ISIS including kidnapping, sexual enslavement, forced marriage, pregnancy, and abortion against women and girls from the Yezidi, Turkmen, Christian, and Shabaks minorities as genocide and crimes against humanity.[59] The law provides for compensation for survivors, as well as measures for their rehabilitation and reintegration into society and the prevention of such crimes in the future. In September 2021, the parliament passed the necessary regulations to implement the law but by December 2021, little progress had been made towards applying the law.[60]

A 2017 UN Security Council resolution created a UN investigative team to document serious crimes committed by ISIS in Iraq. [61] In 2019, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) assisted Iraqi authorities in exhuming at least 14 mass grave sites left by ISIS in Sinjar, as a first step towards gathering evidence and building criminal cases against ISIS suspects. However, no ISIS member in Iraq has been prosecuted or convicted for those specific crimes so far.

The Human Rights Committee should pose the following questions to the government of Iraq:

- How many ISIS suspects have judicial authorities prosecuted specifically for sexual violence crimes, and what were the outcomes of the prosecutions, including the nature of the charges and sentences given?
- What steps is the government taking to incorporate war crimes, crimes against humanity and genocide into the criminal code, including modes of liability such as command responsibility?
- What steps has the government taken to implement the Law on Yazidi Female Survivors?

Arbitrary Detention (art. 9)

Iraqi forces arbitrarily detained ISIS suspects, many for months and some for years. According to witnesses and family members, security forces regularly detained suspects without any court order or arrest warrant, and often did not provide a reason for the arrest.[62]

In 2019 and 2020, Iraqi authorities arbitrarily detained protesters and released them later, some within hours or days and others within weeks, without charge.[63] Security forces arrested some Iraqis simply for expressing support for protests with Facebook messages.[64]

Despite requests, the central government failed to disclose which security and military structures have a legal mandate to detain people, and in which facilities.

KRG security forces arbitrarily detained dozens of protesters and journalists at March 2018 protests by civil servants demanding unpaid wages. Some protesters alleged security forces also beat them.[65] Authorities in Dohuk detained 14 journalists and activists between March and October 2020 in connection with their participation in protests, criticism of local authorities or for their journalistic work.[66] All of them were held incommunicado for varying periods, up to five months. In February 2021, the Erbil Criminal Court sentenced three of the journalists and two of the activists to six years in prison, based on proceedings marred by serious violations of fair trial standards as well as high-level political interference. As far as Human Rights Watch is aware, it released the other five individuals without charge.

The Human Rights Committee should pose the following question to the government of Iraq:

- How many investigations have been carried out into allegations of arbitrary detention over the last 12 months and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?

Enforced Disappearances (art. 9)

Since 2016, Human Rights Watch has documented enforced disappearances by Iraqi security forces. As far as Human Rights Watch is aware, authorities in Baghdad and in the KRI have done little to hold accountable officers implicated in disappearances.

Enforced Disappearances from 2014 to 2017

In 2018, Human Rights Watch reported 78 cases of men and boys forcibly disappeared in Iraq between April 2014 and October 2017.[67] The majority were detained in 2014, with the most recent in October 2017.

Military and security forces apprehended 34 of the 78 men and boys at checkpoints as part of anti-ISIS terrorism screening procedures and another 37 at their homes. All the disappearances at checkpoints, except one, targeted people who are from or lived in areas that were then under ISIS control.

Of the 78 families interviewed, 38 requested information regarding their missing relatives from Iraqi authorities but received none. Other families had not sought information, fearing inquiries would jeopardize their relatives' well-being. None of the families had a clear idea of which authority they should contact to find out their relatives' whereabouts.

In three different cases, men who were disappeared in 2014 and 2015 and later released said they had been detained for periods ranging from 34 to 130 days by the Popular Mobilization Forces or the National Security Service, a security branch under the prime minister's office, in unofficial detention sites. All said they had been beaten throughout their time in

detention.

In three cases out of the 78, family members alleged that the arresting officers used excessive force, in one case leading to a death of another relative.,

The 2016 Fallujah Offensive

The most infamous mass disappearance since 2003 occurred during May-July 2016 military operations by Iraqi security forces against ISIS in the city of Fallujah, in Anbar governorate. At the time, Human Rights Watch reported credible allegations that during the two weeks of fighting, government forces carried out summary executions, beatings of unarmed men, enforced disappearances and mutilation of corpses.[68]

On June 5, 2016, security forces released over 600 men in the Hayy al-Shuhada area in Saqlawiya during the operation, most from the Mahamda clan. The men told an Anbar governorate official, who later spoke with Human Rights Watch, that they saw PMF fighters take away at least another 600 Mahamda men.

A sheikh from Karma, a town northeast of Fallujah, told Human Rights Watch in late May 2016 that within the first few days of the military operation, Iraqi security forces forced civilians living there to leave. During the exodus, at least 70 young men disappeared, he said, and the families had no information as to their whereabouts.

On June 4, 2016, in response to allegations of abuse, then-Prime Minister Haider al-Abadi launched an investigation into abuses in Fallujah and issued orders to arrest those responsible for “transgressions” against civilians.[69] On June 7, al-Abadi announced the “detention and transfer of those accused of committing violations to the judiciary to receive their punishment according to the law.”[70] Human Rights Watch directed questions about the composition of the investigative committee, its authority, and relation to the judiciary to five Iraqi government institutions in addition to the human rights section of the United Nations Assistance Mission to Iraq. A member of the parliamentary Human Rights Committee told Human Rights Watch that the committee had started its own investigation and was liaising with the investigation by the prime minister’s office, which remained secret. The other officials contacted did not respond to multiple requests for comment. Human Rights Watch spoke to a member of the prime minister’s investigative committee in early 2017, who said that they would not be issuing any findings because of their sensitivity.

In December 2019, Iraqi authorities announced the discovery of over 500 bodies in a mass grave just outside Fallujah. Families speculated these were the remains of the disappeared Mahamda men.[71] As far as Human Rights Watch is aware, authorities have yet to carry out any exhumations of the site, or confirm to families of the disappeared that this is the location of the bodies of their relatives.

Disappearances of ISIS Suspects

In March 2017, Human Rights Watch reported that Iraq’s Interior Ministry was holding at least 1,269 detainees, including boys as young as 13, without charge in horrendous conditions at three makeshift prisons and with limited access to medical care.[72] Two of the makeshift prisons were in the town of Qayyarah, 60 kilometers south of Mosul, and the third at a local police station in Hammam al-Alil, 30 kilometers south of Mosul.

Justice Minister Haidar al-Zamili told Human Rights Watch on February 2, 2017 that that the Qayyarah detainees had not been allowed to communicate with their families and that detainees held on terrorism charges had no right under the counterterrorism law (Law No. 13/2005) to communicate with their families during the investigation period. Since 2016, hundreds of families across towns and displacement camps in Iraq have told Human Rights Watch that their relatives were detained on charges of ISIS affiliation, after which they were unable to obtain any information about their whereabouts.

In February 2017, Human Rights Watch reported that groups within the Iraqi military were screening and detaining men fleeing Mosul at an unidentified detention center where they were cut off from contact with the outside world.[73] On January 10, 2017, a soldier working at a screening site under the army’s control about two kilometers south of eastern Mosul told Human Rights Watch that he had been stationed there for several weeks and that every night PMF fighters from the area would come to the screening site and take away groups of men, whether or not they were on authorities’ lists of those “wanted” for ISIS affiliation. A PMF fighter based at the site confirmed to Human Rights Watch in January that his forces were detaining men on a nightly basis, saying the PMF was sure these men were ISIS-affiliated. Human Rights Watch has been unable to locate any of the men or families of men detained at the site.

Detained Children in the KRI

Human Rights Watch in November 2018 interviewed 20 boys, ages 14 to 17, charged or convicted of ISIS affiliation, at the Women and Children’s Reformatory in Erbil, and three boys who had recently been released.[74] The reformatory, a locked detention center encircled by high walls and concertina wire, is one of three facilities holding children in the KRI. At the time

of the visit, reformatory staff reported that 63 children were being held there for alleged terrorism-related offenses, including 43 who had been convicted. Human Rights Watch also interviewed staff, relatives of some of the children, and two 18-year-olds who had also been arrested and detained.

All of the boys said they were not allowed to communicate with their families while in KRG custody. Once at the reformatory, some children were allowed family visits before trial, but most said they were denied phone calls until after sentencing. For some detainees, the inability to make phone calls meant that their families had no idea where they were. One boy said he had been detained for nearly two years without any family contact. Reformatory staff said that the Asayish, the KRG's security forces, determined whether detainees could receive visits or phone calls.

After Human Rights Watch requested comment, Dindar Zebari responded on December 18, 2018, that families were notified if a child was detained, and that child detainees could call their families with Asayish officers present.

Disappearances of Detainees in Kirkuk

In 2017, Human Rights Watch reported on more than 350 detainees held by the KRG in the city of Kirkuk who were feared to have been forcibly disappeared. [75] Those missing were mainly Sunni Arabs displaced to Kirkuk or residents of the city detained by the Asayish on suspicion of ISIS affiliation after the KRG forces took control of Kirkuk in June 2014. Local officials told Human Rights Watch that the prisoners were no longer in either official or unofficial detention facilities in and around Kirkuk when Iraqi federal forces regained control of the area on October 16, 2017.

On November 7, 2017, dozens of people demonstrated in Kirkuk, demanding information on their relatives allegedly detained by Asayish forces, which triggered a statement from then-Prime Minister Haider al-Abadi pledging to investigate the disappearances.[76] On November 8, following the demonstration, Azad Jabari, the former head of the Kirkuk provincial council security committee, reportedly denied that Asayish forces had carried out any disappearances.[77] He blamed the disappearances on US forces previously present in Kirkuk, saying most of the files of the missing dated from 2003 to 2011 and were not more recent.

However, Kirkuk's acting governor, Rakkan Said, and a Kirkuk police chief told Human Rights Watch that several days after the protest, Asayish forces handed over to Iraqi federal forces in Kirkuk 105 detainees who had first been held in Kirkuk and later transferred to facilities in Sulaymaniyah. Governor Said said that the Iraqi prime minister's office also sent a delegation to Kirkuk to further investigate. Human Rights Watch was unable to reach delegation members about their findings.

On December 12, 2017, a member of the Kirkuk branch of Iraq's Human Rights Commission told Human Rights Watch that families had submitted complaints to the commission against KRG authorities about the disappearance of at least 350 other men whom the Asayish had allegedly detained in and around Kirkuk.

On November 12 and December 17, 2017, Human Rights Watch interviewed 26 people who said they had witnessed identifiable Asayish forces detain 27 of their relatives, all Sunni Arab men, between August 2015 and October 2017 in Kirkuk or south of the city. The witnesses said that they had not been able to communicate with their detained relatives since their arrest, had received no official information about their status and whereabouts, and were concerned about their whereabouts since the Iraqi officials could not locate them.

In all 27 cases, the relatives said they had asked local Asayish or police forces about their relatives but never received an official acknowledgement of their detention or information about where they were being held or why. In some cases, family members said, they were able to obtain information through informal channels indicating that Asayish were holding their relatives in other parts of the KRI.

The relatives of four of the disappeared told Human Rights Watch in December 2017 that over the previous month newly released detainees contacted them to say they had been held in the same cells as their relatives, in al-Salam military base for KRG Peshmerga military forces in Sulaymaniyah, where Asayish forces run a number of informal detention facilities.[78]

On May 21, 2020, local media reported that 150 detainees, likely from this group, were handed over to authorities in Kirkuk in a "deal [made] under pressure." [79] Human Rights Watch was unable to determine what happened to them upon transfer, nor whether more detainees from Kirkuk had remained in custody in Sulaymaniyah.

Disappearances Linked to the October 2019-March 2020 Protests

When protests erupted in Baghdad and other cities in central and southern Iraq on October 1, 2019, security forces detained protesters off the streets.[80] At least seven people, including a 16-year-old boy, were reported missing as of October 7 from Baghdad's Tahrir Square or vicinity, where they were participating in ongoing protests.[81] The families said they visited police stations and government offices seeking information without success, and the government took no tangible measures to locate their relatives. It is unclear whether government security or armed groups carried out the disappearances.

In nine other cases, families, friends and lawyers of people kidnapped or detained at protests or afterwards in Baghdad, Karbala, and Nasriya told Human Rights Watch that their relatives were missing, but that they were too frightened or worried about the consequences for the detained person to provide details.

The Human Rights Committee should pose the following questions to the government of Iraq:

- How many investigations have been carried out into allegations of enforced disappearance since 2014 and what were the outcomes of the investigations, including sentences given and sentences served, as well as other disciplinary action taken?
- What government efforts are underway to locate people who were forcibly disappeared since 2014?

Due Process and Fair Trial Violations (art. 14)

Iraqi judges routinely prosecuted ISIS suspects with the overbroad charge of ISIS affiliation, based on Iraqi counterterrorism legislation.[82] Trials were generally rushed, based on a defendant's confession, and did not involve victim participation. Authorities systematically violated the due process rights of suspects, such as guarantees in Iraqi law that detainees see a judge within 24 hours, have access to a lawyer throughout interrogations, and have their families notified and able to communicate with them.[83]

Authorities are able to prosecute child suspects as young as 9 with ISIS affiliation in Baghdad-controlled areas and 11 in the KRI, younger than the minimum age of criminal responsibility under international law and in violation of international standards that recognize children recruited by armed groups primarily as victims who should be rehabilitated and reintegrated into society.[84]

In 2021, the KRG's Erbil Criminal Court sentenced three journalists and two activists to six years in prison, based on proceedings marred by serious fair trial violations as well as high-level political interference.[85] The court rejected the defendants' claims of torture and ill-treatment, citing a lack of evidence. Another journalist was sentenced to one year for misuse of his cell phone and defamation charges in June and September.[86] Another four activists and journalists arrested in 2020 were awaiting charge as of October 2021.[87]

The Human Rights Committee should pose the following questions to the government of Iraq:

- What steps is the government and the Kurdistan Regional Government taking to ensure that due process rights are fully respected in all trials?
- What measures does the government and the Kurdistan Regional Government take when it identifies due process violations occurring during judicial proceedings?
- Is the government and the Kurdistan Regional Government considering halting prosecutions against children suspected of ISIS affiliation where there is no evidence that they participated in any violent crimes?

Freedom of Expression and Peaceful Assembly (arts. 9, 19)

For years authorities, including in the KRI, have used vaguely worded laws with provisions on incitement and defamation, that allow prosecutors to bring criminal charges for opinions they object to. Violations of the right to freedom of expression are particularly relevant in the light of protests that broke out across central and southern Iraq in October 2019.

Human Rights Watch examined 33 cases: in 17 of these cases, authorities detained and charged individuals under the laws examined below. In four of these 17 cases, authorities later dropped the charges and released the detainees. In a further 16 cases, authorities detained individuals but released them without charging them at all. Of the 33 cases, 13 were linked to individuals covering and supporting protest activities and seven involved individuals writing about state corruption in mainstream or social media.

Iraq's Penal Code enshrines numerous defamation "crimes" such as "insult[ing] the Arab community" or any government official, regardless of whether the statement is true. Although few individuals served prison time on defamation charges, the criminal process itself acts as a punishment. Reporting on abuses by the security forces is especially risky, as is corruption.

While in most of the cases examined authorities relied on the Penal Code, they also invoked other laws and regulations to limit free speech. In 2014, the Communications and Media Commission (CMC), a "financially and administratively independent institution" linked to Parliament, issued "mandatory" guidelines to regulate media "during the war on terror," which remain in place today.[88] Human Rights Watch was unable to determine any legal basis for the CMC's "mandatory" guidelines or actions taken by the CMC.

Following the start of widespread protests in October 2019, authorities closed eight television and four radio stations for three

months for allegedly violating media licensing rules, based on CMC guidelines, and issued warnings to five other broadcasters over their coverage of the protests. Unidentified armed men raided and damaged the offices of at least three news outlets in October, at least two of which had received closure orders or warnings, apparently to disrupt their broadcasting of the protests.[89] In early April 2020, the CMC suspended Reuters's license for three months and fined it 25 million IQD (US\$21,000) for an April 2 article alleging that the number of confirmed Covid-19 cases in the country was much higher than official statistics indicated.[90] Authorities lifted the suspension on April 19.[91]

KRG authorities used similar laws in force in the KRI to curb free speech, including the Penal Code, the KRI Press Law and Law to Prevent the Misuse of Telecommunications Equipment.

Interviewees who had been criminally charged by the KRG and Baghdad authorities felt that the prosecutions were intended to intimidate critics. Eleven said they did not hear from the prosecution for extended periods, leaving them unsure of whether the cases were still active. One interviewee was forced to sign a confession while in detention, while another three refused to do so, they said. Security forces forced two individuals to sign pledges not to criticize the government again, while another two individuals were released even though they refused to sign the pledge. Eleven said security forces had ill-treated them at the time of arrest or in detention. All 14 journalists and four activists said they regularly received threats, usually from anonymous sources by phone or social media, and sometimes from security forces or government officials.

In addition to previously mentioned protest suppression in Basra in 2018-2019 and elsewhere after October 2019, KRG security forces detained participants in December 2017 protests around Sulaymaniyah and forced them to sign statements promising not to criticize the government.[92] The detained protesters were held for up to eight days without being taken before a judge and were forced, before being released, to sign commitments not to protest or be critical of the government on social media. Asayish forces also detained three journalists who were covering protests, apparently for their work.

During protests from October to December 2019, the government repeatedly slowed the speed of the internet dramatically to prevent people from uploading and sharing photos and videos of the protests, and blocked messaging apps.[93]

The Human Rights Committee should pose the following questions to the government of Iraq:

- What measures is the government taking to ensure that security forces end intimidation, harassment, arrest, or assault punishments of journalists and others for exercising their right to free expression?
- What measures is the government taking to direct government officials to stop filing spurious or politically motivated lawsuits against journalists and publications as well as activists for criticizing public figures or institutions?
- What measures is the government taking to ensure timely, transparent, and fair investigations of complaints regarding assaults and threats against journalists and activists stemming from their criticism of security forces, public officials, or government policies?
- Is the government considering repealing the Communications and Media Commission's "Media Broadcasting Rules"?
- Is the government considering removing crimes of defamation or insult from the Penal Code, and categorize them as civil offenses, and amending Penal Code articles on incitement so that the crimes include more specificity?
- Is the government considering reintroducing the draft Information Technology Crimes Law to Parliament, and if so, can it share a draft of the text it will be submitting with this committee? Is the Kurdistan Regional Government considering amending the Press Law of the Kurdistan Region to provide clearer guidelines identifying what prohibited speech authorities may block? • Is the Kurdistan Regional Government considering amending the Law to Prevent the Misuse of Telecommunications Equipment in the Kurdistan Region so that the terms "terror," "morals," and "public morals," are identified with more specificity?

Gender Identity, Sexual Orientation, Morality Laws (art. 26)

Iraq's Penal Code criminalizes adultery, which is a violation of the right to privacy and is discriminatory as it legislated differently to men and women and disproportionately impacts women. A married woman above 18 as well as the man with whom she engages in adultery with can face imprisonment, whereas a married man only faces punishment if he has committed adultery in the marital home.[94] The law provides that the charge of adultery can only be brought by a spouse against their partner and the charge can be dropped at their request.[95] However, as women are more likely to be financially tied to their husbands and societal attitudes discriminate against women, men are more likely to pursue such prosecutions against their wives than women are of their husbands.

LGBT people can be arrested under different provisions of the penal code including articles 200(2), 210, 402(1), 403, 404, and 502, aimed at policing morals and public indecency, and limiting free expression (although Human Rights Watch has not

documented such cases). Article 401 of the Penal Code holds that any person who commits an “immodest act” in public can be imprisoned for up to six months, a vague provision that could be used to target sexual and gender minorities.

In 2009, the country saw a spate of kidnappings, torture and killings of gay men.[96] In 2012, the army launched a wave of attacks on people, some perceived as gay and transgender.[97] Killings of gay men and transgender women reportedly continued in Baghdad into 2017 and 2018.[98] In late 2012, the government established a committee to address abuses against LGBT people, but activists told Human Rights Watch that this committee took few tangible steps to protect LGBT people before disbanding.[99]

In 2021, Iraqi security forces arbitrarily arrested LGBT people based solely on their gender non-conforming appearance, and subjected them to ill-treatment including torture, forced anal exams, and sexual violence, in police custody. Security forces also physically, verbally and sexually harassed people they perceived as LGBT at checkpoints. In June 2021, police in the KRI issued arrest warrants based on article 401 against 11 LGBT rights activists, who are either current or former employees at Rasan Organization, a Sulaymaniyah-based human rights group.

The Iraqi government has failed to hold accountable members of various armed groups who in recent years have abducted, raped, tortured, and killed LGBT people with impunity. Based on 54 interviews with LGBT Iraqis who have survived compounded forms of violence and discrimination by state and non-state actors between 2018 and 2021, Human Rights Watch documented eight cases of abduction, eight cases of attempted murder, four extrajudicial killings, 27 cases of sexual violence including gang rape, 45 cases of threats to rape and kill, and 42 cases of online targeting by individuals who identified themselves as members of suspected armed groups and security forces against LGBT people in Iraq. In eight cases, abuses by armed groups and state actors, including arbitrary arrest and sexual violence, were against children as young as 15.

The Human Rights Committee should pose the following questions to the government of Iraq:

- Can the government share the number of people that have been convicted for violation of article 394, where the defendant was also a child at the time, and 401 of the Penal Code in the past four years, and provide a breakdown by sex or gender?
- What steps is the government taking to repeal or amend any legislation that criminalizes consensual sexual relations between adults and children of similar ages?
- What steps is the government taking to investigate all reports of armed group or other violence against people targeted due to their actual or perceived sexual orientation or gender identity and expression?
- What measures is the government taking to end torture, disappearances, summary killings, sexual violence, and other abuses based on sexual orientation and gender expression and identity?
- Is the government considering working with Parliament to pass comprehensive legislation that prohibits discrimination on the grounds of sex, gender, gender identity and sexual orientation and include effective measures to identify and address such discrimination and gives victims of discrimination an effective remedy?
- Is the government working to ensure that no victim of a crime is denied assistance, arrested, or harassed on the basis of their gender identity or their sexual orientation, and safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest?

Collective Punishment (arts. 2, 12, 14, 26)

In March 2020, the government endorsed a National Plan to Address Displacement in Iraq calling for a thoughtful and sustainable approach to assisting Iraq’s protracted displaced population.[100] However, the government closed 16 camps between October 2020 and January 2021, leaving at least 34,801 displaced people without assurances that they could return home safely, get other safe shelter, or have access to affordable services.[101] Many residents were female-headed households displaced by fighting between ISIS and the Iraqi military from 2014 to 2017, and many of these families were being labeled ISIS-affiliated.

Only three camps remain open in Baghdad-controlled territory, two in Nineveh and another in Anbar.

In July 2021, the Iraqi army unlawfully evicted 91 families from a village in Salah al-Din to one of the Nineveh camps in an apparent family feud involving a government minister.[102]

In 2021, security forces continued to deny security clearances, required to obtain identity cards and other essential civil documentation, to thousands of Iraqi families the authorities perceived to have ISIS affiliation, usually based on accusations that an immediate family member of theirs had joined the group.[103] This denied them freedom of movement, their rights to education and work, and access to social benefits and birth and death certificates needed to inherit property or remarry.[104]

Authorities continued to prevent thousands of children without civil documentation from enrolling in state schools, including state schools inside camps for displaced people.[105]

The government allowed some families to obtain security clearances if they filed a criminal complaint disavowing any relative suspected of having joined ISIS, after which the court issues them a document to present to security forces enabling them to obtain their security clearances.[106]

At least 30,000 Iraqis who fled Iraq between 2014 and 2017, including some who followed ISIS as it retreated from Iraqi territory, were held in and around al-Hol camp in northeast Syria.[107] In May 2021, the Iraqi government repatriated 95 Iraqi families from al-Hol and in September at least another 20 families.[108] Authorities have prevented some of them from leaving the camp freely, retaining cell phones, or returning home.

The KRG continued to prevent thousands of Arabs from returning home to villages in the Rabia subdistrict and Hamdaniya district, areas where KRG forces had pushed ISIS out and taken territorial control in 2014 but allowed local Kurdish villagers to return to those same areas.[109]

The Human Rights Committee should pose the following questions to the government of Iraq:

- What is the government's strategy to overcome the obstacles that families with perceived ISIS affiliation continue to face in accessing security clearance, civil documentation, and government services?
- What are the current justifications for movement restrictions against individuals with perceived ISIS affiliation?
- So long as obstacles remain for families with perceived ISIS affiliation in accessing security clearance and civil documentation, what measures is the government taking to make sure that they have access to all government services that they have a right to?
- So long as obstacles remain for children with perceived ISIS affiliation in obtaining a valid birth certificate, what measures is the government taking to make sure that they are able to enroll in school?

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Syria

A Historic Verdict, and a New Front in the Global Fight for Human Rights (New York Times Magazine) By Alia Malek

January 25, 2022

The first time anyone from the Syrian regime is judged guilty of its crimes is in a German court. What justice does it bring to Syrians?

On the night of July 20, 2021, Ruham Hawash lay awake unsure of where she was, mistaking her hotel bed in Koblenz, Germany, for the cramped and filthy cell in Damascus where, in 2012, she was detained and brutalized. The next day, in a German court, she would see and testify against the Syrian colonel who oversaw her torture.

The trial was history-making. Two Syrian state-security officers had been arrested and charged in Germany for crimes against humanity, including torture, murder and sexual assault. It was the first time anyone from the Syrian regime would be tried for its crimes.

In Arabic, they are called the mukhabarat, four security bodies that have for decades carried out the Syrian regime's surveillance and repression of its people. Without them, the regime, under both the current ruler, Bashar al-Assad, and his father, Hafez, before him, would never have been able to maintain its rule over more than half a century. In that time, they have crushed any dissent and opposition from several generations of Syrians. The two defendants — like Hawash herself, and over half a million other Syrians — had sought refuge in Germany. Both men readily admitted to working for the mukhabarat, as if their defections would absolve them of their pasts. But if they thought they would disappear into the flood of Syrians arriving in Europe, cleansed and free to start new lives, they failed to account for two things. First, their fellow Syrian exiles were determined that those responsible for the unraveling of Syria would not enjoy absolute impunity. Second, they landed in

a nation that had grappled with its own legacy of war crimes and was now increasingly committed to pursuing war criminals operating far beyond Germany's borders.

In the days leading up to her testimony, Hawash, 34, agonized over her decision to participate. Much had changed since 2019, when she decided not only to be a witness in the German state's case but also to join it as a named plaintiff. When the trial started amid the pandemic in April 2020, the international news media covered it, and some Syrian proponents of the trial promised that Syrians would finally have justice. But attendance quickly dwindled, partly because Koblenz is far from where many Syrian activists now live in Berlin, but also because the court didn't provide access to the in-court Arabic translation for the public, leading some Syrians to wonder who the trial was for.

Other Syrians derided a trial against two mere individuals — who had defected — while the system and leadership that they served remained intact and in power. If Europeans really cared about justice in Syria, those critics argued, they would end al-Assad's rule. As details from individuals' testimonies became public, Syrians scrutinized their content and — sometimes aggressively — contested witnesses' credibility, on social media, in the Arabic-language press and among themselves. After all, the regime had its supporters and the opposition had its detractors, and debates around what had happened in Syria over the past 10 years, as civilian protests gave way to civil war, could be nearly as heated as the armed conflict itself.

Some Syrians who agreed to testify in Koblenz were threatened, or their family members were, and told to keep silent. Some pulled out of the case entirely. Even as Syrians have fled the country in the past decade, the mukhabarat have kept tabs on them abroad. Although Hawash knew it was possible for the Syrian regime to harm her in Germany, where she would soon become a citizen, what she feared more was what the memories might do to her.

Two close girlfriends — Syrians who, like her, were active in the uprising against the regime and now lived in Berlin — accompanied her to Koblenz. She wanted people in the courtroom who knew her from Syria, who would relate to what she would say and know that she wasn't making it up. As much as there were Syrians who didn't want to believe what she would share, she also worried that the Germans might be unable to fathom it — the Syrian reality was just so different from contemporary Germany, if not its past: The days of the Stasi were long ago, the Gestapo even longer. And though Koblenz itself had once known war and loss, as it was mostly destroyed in the world wars, there were few still-visible scars in this scenic city built on the banks of both the Rhine and Moselle Rivers.

While she took comfort in her friends' presence, Hawash was wary of recounting in open court details they didn't know, that she had never spoken about. Both of her friends had also been detained, but in Syria — given that tens of thousands of others had suffered physically debilitating torture, or been tortured longer, or never made it out of the detention system that so many just disappeared into — those who survived tended to simply say, "Liffuha": Wrap it up. Hawash felt embarrassed to appear to be elevating her own experience above others'. She was also determined that two months of detention not define her entire life. It was just a drop in the sea, she insisted. So she had buried what happened to her and never spoken about the particulars. None of them had.

Lying in the hotel bed, she felt as if the room's sloping ceiling was pressing down on her, squeezing her back into her cell in Damascus. Again, she asked herself the same questions: Did her participation matter? Did any of this really matter?

Over the last decade, more than 500,000 Syrians have been killed and more than half the country's population has been displaced, both within and outside Syria's borders. What began in 2011 as a popular and peaceful movement calling for the regime — in power undemocratically since 1970 — to reform and to end its corruption has turned into a brutal civil and proxy war.

Throughout, the Syrian people have been victims of and witnesses to countless crimes against humanity. While armed opponents of the regime, like ISIS, also committed such offenses — more often capturing the world's horrified if fleeting attention — the Syrian regime, backed by Russia and Iran, has, by far, perpetrated most of the violence. To stay in power, al-Assad has unleashed conventional and chemical weapons, aerial bombardment, siege, starvation and expulsion, mostly against civilians. This destruction remains nakedly visible across the country. But behind the closed doors of its opaque detention system, the regime has also carried out the much more hidden but no less lethal violence of mass disappearances, mass torture and mass executions.

When some atrocities have garnered international scrutiny, the regime has either denied its involvement, claimed that the victims are actually terrorists or accused their enemies of staging these attacks. But the regime's culpability has been well documented, not only by civilians, journalists, activists and human rights organizations — both Syrian and international — but also by the regime itself.

Perhaps most famous are the pictures taken by a former Syrian military police forensic photographer, code-named Caesar, who defected in 2013. The images he smuggled out show at least 6,627 dead Syrians, an estimated two-thirds of whom died from torture between May 2011 and August 2013, either in detention or after their transfer to a military hospital. (Another

third are Syrian military casualties from battles with armed opponents.) The corpses are, remarkably, tagged with the number of the mukhabarat facility where they died.

In addition, two organizations, the Syria Justice and Accountability Center and the Commission for International Justice and Accountability, have become repositories for verified regime documents that reveal its own policies and directives since 2011. What the documents described came as no surprise to the Syria Justice and Accountability Center's executive director, Mohammad al Abdallah. He still remembers the daily "morning warning" his mother would give before he went to school in Syria, to not repeat out loud anything he heard the adults say at home. Otherwise, she said, "people will come and take Baba" — his father — "and we won't see him again." Later, as an adult, al Abdallah would experience firsthand what it meant to be taken.

What did shock him, though, was how unconcerned the authors were that such documents could ever be used against them. "You'd expect them to try to hide things," he says. "But no, they still signed with their names, rank and in their own handwriting. They believed 100 percent they could write what they want and behave the way they want."

The Syrian regime's brutality was infamous long before 2011. During the early years of the fight against terrorism, the U.S. government and others relied on it, using "extraordinary rendition" to send individuals to Syria to carry out interrogations using torture methods the C.I.A. doesn't allow itself. When the United States captured and rendered a German citizen of Syrian origin who had known the Sept. 11 hijackers in Hamburg, the German government coordinated with the Syrian regime to allow German investigators to interrogate their citizen in Syria. But for decades, the Syrian regime has used torture and enforced disappearances — the arrest, detention or abduction of a person, as well as the refusal to acknowledge that person's fate — primarily to terrorize the Syrian people, effectively deterring generations from ever challenging its rule. (Today, approximately 100,000 disappeared remain unaccounted for.)

The agents of this terror have been the mukhabarat — their name derived from the verb khabbara: to notify or inform — and have been for so long that for many Syrians it has always been this way. Though the mukhabarat came to Syria under Gamal Abdel Nasser when Syria and Egypt briefly merged as the United Arab Republic in 1958, their ranks and activities expanded under Hafez al-Assad, who seized power in 1970 by coup. The mukhabarat are a much less refined version of the Stasi, who at different points in history trained the Syrians in methods. (During the Cold War, Syria was mostly aligned with the Soviet Union.) Since 1962, these security agencies have operated above the law, protected by an emergency decree that was partly justified based on supposed external threats, allowing them to collect intelligence and suspend civil liberties and rights. When the Arab Spring looked as if it might disrupt the status quo, the regime dispatched the mukhabarat. In blaming a foreign conspiracy for the 2011 popular uprising, the regime was simultaneously saying that its security apparatus was remarkably ineffective in pre-empting, let alone containing, these "external threats" that were essential to their professed *raison d'être*, and for which Syrians had sacrificed decades of rights.

Mukhabarat violence is often eerily invisible, if ever-present. Rather than occupy buildings in remote parts of town, mukhabarat branches have long been placed within residential neighborhoods — there are at least 20 in Damascus alone — so that Syrians pass them as they go about their daily lives. Their presence, and the awareness of what unspeakable things are being committed inside, have kept Syrians actively threatened and in line. So when European Union nations declare that Syrian refugees should be sent back because in regime-controlled parts of the country warfare has stopped and so it must be safe, such policies' opponents believe that the proponents are revealing a profound (and perhaps willful) misreading of the situation.

Syrians have never been able to challenge the Assad regime's violations of their human rights in their own country. But they also have virtually no legal recourse against the Syrian state in any international legal forum. The most appropriate such forum, the International Criminal Court, remains unreachable to Syrians. Created to investigate and prosecute four core international crimes — genocide, crimes against humanity, war crimes and the crime of aggression — in situations where states are "unable" or "unwilling" to do so themselves, the I.C.C. has jurisdiction only over states that are party to the 1998 Rome Statute that created it. (Along with Syria, nonparties include the United States, Russia, Israel, Iran, Saudi Arabia and China.) Alternatively, the U.N. Security Council may refer states to the I.C.C., but the Security Council members Russia and China vetoed referring the Syrian regime in May 2014. Ad hoc tribunals, like those established for the former Yugoslavia and Rwanda, also require Security Council backing.

For Syrians looking to pursue legal remedies against those who violated their rights, what is left are national courts in countries that recognize universal jurisdiction. Such jurisdiction allows for the prosecution of those core international crimes no matter where they were committed, and irrespective of the location or nationality of the defendant or plaintiff involved. The underlying idea is that these crimes affect the entire international community. Universal jurisdiction is enshrined in the law of many E.U. countries, where more than a million displaced Syrians have sought refuge in the past decade. This includes Germany, host to nearly 60 percent of the Syrians in the European Union.

While Syria is far from Germany, thousands of potential witnesses and victims — and, undoubtedly, perpetrators as well —

now find themselves together in Germany. Among them are key Syrian human rights lawyers and activists who lost no time — even in the pain and discombobulation of displacement and exile — in trying to stop further offenses in Syria, as well as seeking some morsel of justice for victims and accountability for the perpetrators. They have found willing partners in German civil society and the German federal public prosecutor general's office, which handles cases relating to international war crimes.

When it comes to its own war crimes, Germany has made a point of prosecuting Nazi perpetrators no matter how long it takes or how old the accused become. That commitment has nonetheless been an evolution, and before the country was unified, one that differed between East and West. While the former East Germany repudiated its Nazi past and would embrace the Nuremberg Trials, West Germany was much more hostile to the idea, seeing them as “victors’ justice.” That would shift as the West began to try former Nazis in large-scale trials from the late 1950s onward. And by the 1990s, according to Klaus Rackwitz, the director of the International Nuremberg Principles Academy, “there was the more general perception that crimes committed by a government or a regime need to be prosecuted and tried.”

After reunification, Germany redefined itself for a new era. Reluctant to engage militarily, “Germany likes to think of itself as a kind of middle power that tries to influence global policy with respect to international human rights standards,” says Boris Burghardt, a professor of international criminal law and contemporary legal history at Humboldt University of Berlin. Germany signed the Rome Statute that created the International Criminal Court, and incorporated it into its domestic criminal law the day before the treaty went into effect in 2002. The federal prosecutor's office established a war-crimes unit in 2008, and by 2011 it was putting universal jurisdiction to the test by trying two Rwandan rebel leaders for aiding and abetting war crimes in the Democratic Republic of Congo — all from their homes in Germany. The unit also monitored global events so that, should a connection to Germany arise, it would be able to act.

As disturbing reports emerged from Syria in 2011, the unit took note but not much action. Then, that September, it was alerted by news reports about a German citizen of Syrian origin who in 2010 flew to Aleppo to visit his sick mother, only to disappear once he landed. In Germany, prosecutors must investigate when a German is involved as a victim or a perpetrator, even if the crime's site is not in Germany. Based on reasonable grounds that the Syrian regime was committing crimes, the prosecutors thus began a “structural investigation” into who was specifically responsible.

They interviewed their first witness that October. While watching a *frühstücksfernsehen* — a breakfast infotainment show — someone in the office happened to catch a segment featuring a newly defected Syrian Army soldier passing through Germany before leaving the country to join the opposition. After a hurried call to the TV station, they had him in by noon for an interview.

Not much came of it, but the road to Koblenz had begun — culminating in a trial that Germany's federal prosecutor general, Peter Frank, today hails as “the best example that international criminal law works,” fulfilling the Nuremberg promise that Germany not be a safe haven for war criminals while signaling that the country will continue to prosecute such crimes in the future: “We owe that to the victims and humanity.”

Like other children in Syria, Hawash knew, without having to be told, that she lived in a police state. She understood that even a child's indiscretions could damn her entire family. When Hawash was young, her family would spread state-newspaper pages to cover the kitchen table before meals. In a country where portraits of President Hafez al-Assad were ubiquitous — in taxis, in offices, draped down the sides of buildings several stories high — the newspaper frequently featured pictures of him. In their haste to set the table and eat, the family of five sometimes would notice only after they finished that they had accidentally used the leader's face as a place mat, desecrating it with stains. They would then have to carefully discard the page to leave no trace in their rubbish of their disrespect. But sometimes his face took up a whole page. “So however you crumple it,” Hawash says, “you are going to see his face thrown in the trash.” They would shred it by hand so that no one could inform on them.

When Bashar al-Assad — an ophthalmologist whose colleagues in a London hospital where he trained remembered him as humble, with a kind bedside manner — inherited power after his father's death in 2000, he positioned himself as a reformer, and a kind of openness did begin to flourish, known as the Damascus Spring. Syrians started informal salons where participants discussed reforms. Some political prisoners were released, and the infamous prison in Tadmor was symbolically closed. But within a year, the regime rearrested several activists and shut down the salons. (It reopened the Tadmor prison in 2011.) While the regime did undertake reforms that liberalized investment and trade and gave an appearance of economic progress after decades of pseudosocialist restrictions, it was so rife with cronyism that only a select class of Syrians were enriched, and others suffered.

Hawash was an adolescent in those early years of Bashar al-Assad's rule; the change that she noticed was that Whiskas, the cat food she usually ordered from Beirut, was finally available in Syria. But in 2011, she was 23, a university graduate in economics working on a master's and an information officer in the higher education development program for the E.U. delegation in Damascus. With Egypt, Libya and Tunisia already engulfed by their own revolutions, the Syrian regime made

clear to Syrians not to imagine that their country was next. Simple candlelight vigils in front of the Egyptian and Libyan Embassies were broken up by the mukhabarat, who beat and arrested attendees.

That February, schoolchildren in the southern city of Dara'a scrawled graffiti repeating the slogans being chanted in those Arab countries revolting against their rulers. The mukhabarat arrested the boys, ages 10 to 15. When the devastated parents went to the mukhabarat asking for their children, they would recall, they were told: "Forget your children. If you want children, make more children. If you don't know how, bring us your women, and we will make them for you."

The arrest of the boys and the response by the mukhabarat sparked protests in the city. Security forces opened fire on them. A high-ranking delegation of government officials assured elders that al-Assad was committed to bringing those who opened fire to justice, and the children were released. The mukhabarat, however, had beaten them, burned their bodies and pulled out their fingernails. The protests spread across Syria, and within three months, more than 1,000 Syrians were already dead, with an estimated 10,000 more in prison.

Hawash was staying out of it; as someone born in Syria to Palestinian refugees (which meant that none of them were Syrian citizens), the dream of returning to their homeland was the political struggle that defined her life. But then at the office, she saw a university professor she worked with weeping. He was originally from Dara'a and was distraught about getting food to his relatives after the regime imposed a blockade on the entire city as punishment for the demonstrations. Hawash, indignant at the injustice, began to get involved with what she saw as a revolution, meeting activists, attending protests and disseminating pamphlets.

Nearly a year later, in March 2012, she was detained during a campaign of arrests of peaceful activists that many believed was meant to deprive the movement of secular and civil-society-minded Syrians. Her interrogation and torture would occur over the course of nearly two months.

When she was released, Hawash never considered leaving the country. "In that time, I really understood how much I love Syria," she says. "The thawra" — the revolution — "did that."

Her parents had moved to the United Arab Emirates and pleaded for her to join them. Only after months did she agree to what she thought would be a short visit. But within weeks, the Syrian Army was bombarding Yarmouk, where she lived. Before the end of the year, a MiG decimated her block and destroyed her house. "These were terrible days," Hawash says. "You are out, leaving a place you don't want to leave, watching by the hour how things are being destroyed. Your friends are being taken, and people are dying."

A German friend offered to host Hawash in Hamburg. She arrived in December 2012, eventually securing a six-month visa. She didn't unpack her suitcase, instead opening it in the morning to take what she needed but always reclosing it at night, in case the next day was the day the regime fell and she could return to Syria.

As for what happened to her in that cell, she wasn't thinking about justice. What she thought was simply, "Hamdillah, I'm still alive."

On Aug. 25, 2015, a single tweet by the German Federal Office for Migration and Refugees bound the immediate future of the country with that of hundreds of thousands of Syrians fleeing their own. The tweet announced that, specifically in the case of Syrians, Germany was suspending the requirement under the Dublin Regulation that individuals seeking asylum in the European Union must be processed in the country where they first arrived. This meant, in effect, that Germany was open to those Syrians who had risked crossing the Mediterranean Sea by raft. Six days later at a news conference, Chancellor Angela Merkel, who would justify the decision on humanitarian and moral grounds, encouraged the German people to embrace the policy by declaring, "We can do this."

By the end of 2015, nearly 400,000 Syrians had arrived in Germany, adding to the 125,000 who arrived in 2014 and the nearly 50,000 in 2013. The prosecutors quickly understood that Merkel's policy would change everything. If they wanted to investigate war crimes in Syria, they now had over half a million Syrians in Germany.

Critically, Germany, particularly Berlin, had also welcomed key Syrian figures, many of whom the German government had helped relocate (as far back as 2011) — longtime opposition leaders, activists and human rights lawyers. They were keen to use whatever legal means were available to hold the regime and any others who had committed crimes in Syria accountable. Central among them were the lawyers Anwar al-Bunni, who founded the Syrian Center for Legal Studies and Research, and Mazen Darwish, who founded the Syrian Center for Media and Freedom of Expression. The regime had detained and tortured each of them, and their family members, in Syria. Al-Bunni, 62, chain-smokes and chain-drinks coffee — somehow, despite all he has endured, perpetually smiling. The more reserved Darwish, 47, smokes even more than al-Bunni does. They arrived in Berlin in 2014 and 2015 and went right to work.

Bridging the Syrians and the federal prosecutors was the Berlin-based European Center for Constitutional and Human Rights,

founded by the German human rights lawyer Wolfgang Kaleck in 2007. “Universal jurisdiction is in the DNA of E.C.C.H.R.,” Kaleck says. He had already tested the limits of Germany’s commitment to prosecuting international crimes by filing a complaint against Donald Rumsfeld and other U.S. officials, not once but twice, based on revelations about American soldiers torturing prisoners at Abu Ghraib in Iraq and Guantánamo Bay. (The federal prosecutor declined to pursue charges the first time on the grounds that the United States had its own tribunals that could hold any wrongdoers accountable; the second time was because it was unlikely that Germany would be able to properly investigate.) Kaleck’s group had already been meeting with Syrians arriving in Europe and, where appropriate, sharing their testimonies about their detention with the prosecutors.

Neither al-Bunni nor Darwish prioritized accountability for those who had personally tortured them or justice for themselves as individuals. They wanted to go after the top of the regime — those who were still disappearing Syrians and terrorizing Syrians collectively. The German lawyer Patrick Kroker, who joined Kaleck’s organization in 2015 to oversee the Syria file in its International Crimes and Accountability program, agreed.

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Until that point, though, the federal prosecutor hadn’t publicly indicated a willingness to investigate high-level perpetrators outside Germany, known as a “global enforcer” approach, instead having taken a more conservative “no safe haven” stance, looking at (usually lower-level) suspects who were actually in the country. But then it became public that the prosecutors had direct access to the Caesar photos, which purported to provide evidence of grave crimes committed at specific mukhabarat facilities. Access to the original files meant the prosecutors could do their own verification and forensic analysis of them, eventually deeming them credible under evidentiary standards of criminal law. The Syrian attorneys and the E.C.C.H.R. began working to tie the photos to the highest levels of the Syrian regime by spending the next year finding and screening Syrians, now strewn across Europe as refugees, who had been detained and tortured at those specific branches, with the assistance of colleagues who were also themselves refugees. Their goal was to present a detailed complaint to the federal prosecutors against key regime figures, because in Germany, such a complaint can trigger a duty for the federal prosecutors to carry out a comprehensive investigation.

That work culminated in 2017, when the E.C.C.H.R., al-Bunni and Darwish and the Caesar Files Group filed the first of four complaints with the federal prosecutor. In 2018, Germany issued an arrest warrant for Jamil Hassan, head of Syrian Air Force Intelligence (arguably the most powerful of the mukhabarat bodies). When Kaleck called Darwish to tell him the news, Darwish, in the supermarket at the time, began to cause such a scene screaming and dancing that his wife quickly escorted him outside as shoppers looked on. Germany requested Hassan’s extradition from Lebanon, where he was reportedly receiving medical care. Though Lebanon denied that Hassan was in the country and the warrant went unexecuted, it was a shot across the bow. (Other warrants against other Syrian regime members have also been issued.)

Buoyed by that momentum, the Syrian lawyers and the E.C.C.H.R. continued to crisscross Europe with the goal of filing similar complaints in other nations. On one of those trips in February 2018, al-Bunni and Kroker interviewed a Syrian in Scandinavia who knew the name of the person who ordered their torture: “Anwar Raslan.” It was the first time Kroker had heard the name. But al-Bunni knew him: Raslan arrested al-Bunni in 2006 by kidnapping him off the street. Al-Bunni had also seen Raslan since coming to Germany. To Kroker’s astonishment, al-Bunni casually said, “He’s in Berlin.”

Raslan, a trained lawyer and a colonel who oversaw investigations at Branch 251 of the mukhabarat, was already on German prosecutors’ radar. With fears of Germany becoming a safe haven for war criminals turned refugees, the prosecutors had begun investigating another Syrian refugee and in the course of that investigation were given Raslan’s name as someone who could provide useful information. But Raslan’s demeanor raised prosecutors’ suspicions. When he openly acknowledged that before his defection he was a senior leader at Branch 251, which was represented in the Caesar photos, he became a target.

As they investigated Raslan, they interviewed another mukhabarat defector, Eyad al-Gharib. He, too, worked at Branch 251. Based on his self-incriminating statements, the prosecutors had to treat al-Gharib as a suspect. In October 2019, they indicted both men on charges of crimes against humanity. German prosecutors accused Raslan of overseeing the torture of some 4,000 people over a period of around 500 days early in the uprising, leading to the death of at least 58 prisoners. They charged al-Gharib with complicity to torture in at least 30 cases.

By 2019, Hawash had been in Germany for six years. She had tried to move to northern Syria, like other activists, via the shared border with Turkey. But at the airport in Istanbul, she was denied entry (while her German journalist friend was welcomed), because, as a Palestinian, she had no passport. She was stateless, a loose end of a history that linked Germany’s own Nazi war crimes, the founding of Israel and Palestinian dispossession. As Hawash recalls it, the customs officer, who barely spoke English, barked an explanation, pointing to each of them in turn: “You are German. I am Turkish. She is nothing.” Convinced that citizenship was not a luxury, she asked Germany for asylum, receiving it within months.

She learned German and went about building the life she had wanted in Syria, earning a master’s degree in disarmament and

arms control. She helped found a nongovernmental organization that produces policy-oriented research on Syrian civil society, and so she was aware of the ongoing work of the Syrian lawyers. But she never thought what happened to her was significant enough to share. It was only when she saw in the German press that a trial would occur, centered on the same branch where she was detained, that she changed her mind.

With German law allowing victims or their surviving family to join criminal cases as joint plaintiffs, the E.C.C.H.R. and the Syrian lawyers had turned to finding Syrians to participate in the trial. “The main objective was to have survivors and their interests represented,” Kroker says, “to bridge the gap between what the federal prosecutor in Germany is doing and what people might want.”

Hawash arranged to meet Kroker. At that meeting, Kroker immediately understood that Hawash wouldn’t need as much explanation or convincing as other potential plaintiffs. For her part, Hawash felt that with Kroker, “it was clear that it’s not about him,” she says. “It’s about me.”

But Kroker did have personal reasons for doing this work. He remembers a car ride with his grandfather when he was 8. His grandfather stopped the car, turned to him and said, “Whatever happens, I want you to know I never killed anyone or hurt anyone personally.” Kroker only made sense of the incident years later. “My grandfather had been high up in the Hitler Youth. But he wasn’t young,” Kroker says, explaining his grandfather’s role as “poisoning minds.” “I think I know emotionally why I am doing this. It’s intergenerational trauma — perpetrators’ trauma. Or guilt.”

The trial was in its 16th month by the time Hawash arrived to testify in Koblenz last summer. Overseeing the case was a judicial panel headed by Judge Anne Kerber. Kerber had exhibited a remarkable fluency about Syrian geography, Damascus streets and mukhabarat branches, as had the prosecutors, even though none of them had ever been there. In Kerber’s questioning of witnesses who had experienced torture, her manner was as calm, patient and empathetic as it was stern, procedural and even short when she would reprimand any of the lawyers. Like most German judges, Kerber had no previous experience in cases of war crimes or crimes against humanity; this trial was in her court simply because al-Gharib had been apprehended in her state.

The court had already heard from a wide range of witnesses, including victims, experts, forensic doctors and other Syrians who had been part of the mukhabarat apparatus but were not involved in the torture. What emerged was a picture of a nightmarish constellation of dungeonlike prisons, each its own fief yet also part of a greater coordinated whole. They imprisoned people who were taken extrajudicially for a variety of reasons — simply being from a part of the country considered rebellious, peacefully demonstrating, delivering humanitarian aid to besieged Syrians, being the wrong ethnicity or sect. Most were tortured while interrogated, though securing information, other than the names of other Syrians who might be critical of the government, seemed at best secondary to punishing and terrorizing people.

Former detainees independently yet consistently described several shared experiences. Most were held in their undergarments in overcrowded underground cells, where they could only fit if they all stood or if they sat with knees drawn to chest. They slept in shifts on their sides like sardines. There was no natural light to count the days, and they were usually forced to drink from a hose in the cell’s toilet. When food was tossed into their cells, it was often stale and never sufficient. Many reported children being held with them. When they weren’t being interrogated themselves, they were forced to hear others cry in agony.

The methods also seemed to be standard, with names like *dulab* (tire), *shabh* (ghost), flying carpet and “the German chair,” where prisoners are strapped to the back of a chair and stretched to breaking point, a method that reportedly came to Syria with the Nazi war criminal Alois Brunner, who lived out his years in Damascus. The mukhabarat delivered blows with metal poles and used fingernail removal and electric shocks. They sexually assaulted both male and female detainees and threatened that relatives would be brought before detainees to be violated in front of them.

Some witnesses cried while giving their testimony. An elderly man who testified in the weeks before Hawash told the court that he started to wonder: “Are those who tortured me human beings?” He recounted befriending a cockroach in his cell, in recognition that “she” had never done anything to him, unlike the “beasts” outside his cell.

Witnesses also talked about their lives after release, marred by long-lasting physical pain, anxiety, depression and insomnia. At the end of their testimonies, many asked to speak. They wanted to thank the court.

The differences between Raslan and al-Gharib, as defendants, seemed notable. Raslan, 58, was in a position of authority at Branch 251. The lower-ranking al-Gharib, 45, went to work for the mukhabarat without finishing high school and, by his own admission, transported detainees to Branch 251. Al-Gharib took years to arrive in Germany, traveling over sea and land, spending two years in limbo in Greece. Raslan arrived quickly and by plane, on a visa supported by the Syrian opposition, who hoped Raslan might hand over useful information. As they sat side by side in court, the differences were accentuated. Al-Gharib slouched with the hood of his sweatshirt pulled down over his eyes, often using an open folder to block his face; Raslan sat upright and undisguised, attentively taking notes.

In Germany, defendants aren't required to enter a plea. But at the trial's start, Raslan gave a written statement arguing that he had done nothing wrong, that while others mistreated prisoners, he was unable to stop it. He claimed to have helped individual prisoners and to have been eventually demoted to doing office work. Much of this would be contradicted in the trial, not only by experts and photographic and written documentation but also by former detainees who were brought before Raslan and recognized him.

Al-Gharib gave no such statement. His counsel maintained that his indictment, which was based on his own voluntary interview during the Raslan investigation, was inadmissible because he had been summoned as a witness, not a suspect. But about nine months into the trial, after the Caesar photos were shown as evidence, he did submit a letter, read aloud in court. Al-Gharib wrote that he had been moved to tears and thanked Caesar for making the photographs public. He claimed that he looked for his own missing and imprisoned family members among them. He explained that as a Sunni, he was already suspect with his superiors and had no choice but to follow orders or be killed. While he could have fled the country immediately, it would have meant leaving behind his family — which includes a sick daughter — so he waited for when they could flee together. He thanked the court and the lawyers, but especially the witnesses. He condemned the regime. He never mentioned his own role.

The Prosecution of Syrian Officials in Germany

The first conviction. Eyad al-Gharib was the first Syrian official to be sentenced, to four and a half years, for aiding and abetting crimes against humanity. He had arrested and transported to anti-Assad protesters an interrogation center known for torture.

A landmark trial. In the first trial in the world to prosecute state-sponsored torture in Syria, Anwar Raslan, an officer accused of overseeing the torture and killings of several people, was found guilty of crimes against humanity and sentenced to life in prison.

Al-Gharib's counsel chose not to present a defense, so the court never heard any evidence of duress, but in delivering its verdict last February, it dismissed the idea that he had no choice but to obey orders. Finding al-Gharib guilty of crimes against humanity in 30 cases of aiding and abetting torture and aggravated deprivation of liberty, it sentenced him to four and a half years in prison. In determining his sentence, which could have been as long as 15 years, the court cited favorable factors, including his relatively early defection. But it cited as aggravating circumstances his voluntary employment with the mukhabarat for 15 years before 2011. Al-Gharib is appealing, mostly on procedural grounds regarding his statement's admissibility.

Al-Gharib's conviction stirred controversy among Syrians, stoked partly by his relatives in Germany, who publicly contested his prosecution. On Facebook and Clubhouse, Syrians voiced criticisms: How was it a priority or even fair to prosecute al-Gharib and Raslan — who each eventually defected from the regime — when those at the highest levels were still in power, still killing Syrians? Also, both men are Sunnis, like a majority of Syrians, and Sunnis represented the highest numbers of the harmed, while the regime's core leadership is, like al-Assad, mostly Alawite.

In response, other Syrians argued that while a defection might mitigate punishment — which the German court considered in al-Gharib's case — it didn't absolve individuals of the crimes they did commit. As for the sectarian argument, people responded that the suffering caused to the victims by these violations was what mattered, not the sect of the person who meted it out. Moreover, the regime was by no means exclusively Alawite.

Al-Bunni, too, has come in for criticism for overpromising what Koblenz can deliver. But it's not that he sees the glass as half full, he says: "It's only a quarter full. But I have the ability to make it half, to make it three-quarters full. I don't want to leave it three-quarters empty and be in despair."

If al-Bunni is operating from a place of optimism, Darwish is about the pragmatic. "All the trials are not justice," he says. "It's our alternative strategy to keep the question of justice on the table and to not permit the regime, the princes of war, the U.N., the regional powers and the main players to reach a political agreement that doesn't preserve the rights of victims."

But for those whose loved ones are still vanished, playing the long strategic game can't satisfy their sense of urgency. On several occasions, the political refugee and activist Wafa Mustafa, 31, traveled from Berlin to Koblenz to keep vigil outside the courthouse. With her were the framed pictures of some of the taken, including her father, disappeared since 2013. At the start of the trial, she was hopeful, seeing it as a step toward justice and accountability. Now she's less sure. "Before, for years, we said, 'We want freedom, justice and democracy.' But we didn't question what that means, what justice is," she says. "The only thing I am sure of is that I don't really know what justice is. But I know what justice isn't."

What it isn't, she says, is trials as a replacement for a comprehensive solution in Syria. "What's going on in Syria is still going; simply, my dad is still detained," she says. "I definitely want everyone who committed crimes to be prosecuted. But, sorry, I want my dad back, alive and safe."

On the day of her testimony last summer, Hawash wore a mustard-colored blouse, black pants and a black blazer, an outfit she chose specifically because there was nothing special about it. Around her neck was the custom-made gold peace pendant she had worn every day since 2007. Her usually close-cropped hair needed a trim, but she had chosen to wait until after she testified. You get your hair fixed for happy occasions.

She walked in the sunshine to the courthouse, which faces Koblenz's small memorial to the Nazis' victims. A sightseeing train drives tourists past it. She had managed to put aside questions of whether her testimony mattered to the trial. With millions of Syrians being denied any justice as a people, many individual Syrians had discounted their right, let alone acknowledged any need, to find some justice for themselves.

Her attorneys, Patrick Kroker and Sebastian Scharmer, waited to escort her through security, the former in blue high-top Chucks, the latter in black Doc Martens. As she entered the courtroom, Hawash couldn't help reflecting on how surreal it all felt: "Here I am in Germany, joining my government in prosecuting someone who tortured me in Syria."

Then she saw him. Raslan was standing in the courtroom, chatting with people around him, as if nothing were out of the ordinary. She noticed his clean clothes — a pair of jeans and a gray sweatshirt, its Polo logo visible. She saw that he was neither blindfolded nor bound, as she had been during her interrogations. He had clearly not been beaten either. She tensed up, thinking, At any minute, he could do something to me. But as she walked past one of her friends who was already seated in the gallery, Hawash saw her smile and reach toward her, grazing her fingertips. With that light touch, she felt anchored.

When Hawash took her seat at the witness table in front of the judges, with Kroker by her side, she kept her eyes on Kerber. Raslan was only a few feet away, and when she removed her mask, he studied her. Hawash had decided to testify in German because she didn't want to recreate the dynamics that defined her and Raslan in Syria — where she was a victim, and he had power. She was adamant: "I am not a victim today." Speaking in German also allowed her, not the translator, to choose her words.

Kerber began by prompting Hawash to introduce herself and state what happened to her. Hawash took a long drink of water and avoided looking at Raslan, focusing on Kerber, as if it were a one-on-one conversation.

At a regime checkpoint outside Damascus, she told the court, the mukhabarat confiscated her ID and possessions. If she wanted them back, they said, she must turn herself in at Branch 251. Without an ID in Syria, life is impossible. She agonized and even went into hiding, she said, terrified of entering the notorious facility. Finally, she had no choice but to go. She didn't mention torture. Only that at some point, the interrogation was no longer "friendly." Eventually she was let go, she said, without her ID. She was issued a one-way travel permit and told to leave Syria and never come back.

The judges' questioning then began, aimed at soliciting specifics regarding dates and times, about torture and whether she was sexually assaulted. As they had done with other witnesses, they referred to Hawash's statement to the police given the year before. Hawash bristled; did they doubt her?

Reluctantly, she recounted how her investigator became impatient with her, telling her he could better refresh her memory in another room. She was then bound, blindfolded and taken underground — she could tell from the dank smell. But she was generally allowed to see, and what she saw were implements of torture and walls filthy with dirt and blood. She testified to being beaten — sometimes seated, sometimes standing with her arms bound above her head and suspended from the ceiling — on her head, neck, ears and face. Under judges' questioning, she specified that her torturers applied electric devices to her knees and fingertips, then her shoulders and chest. She recalled how she had no sense of time: "I didn't know if it was day or night."

Yes, she answered the judges, she could hear others crying and screaming.

After an hour, Hawash asked for a break, and the court went into a 15-minute recess. Seeing that Hawash had nearly finished her bottle of water, Kerber asked a court aide to bring a new one. Hawash rose from the table, visibly flustered. Would people now see her differently? As someone weak? She hated Kerber for asking for details. As she made her way to the exit, her friends surrounded her, escorting her outdoors to the nearby riverfront.

The courtroom had begun to empty when the aide returned with the water. Kerber came down off the dais, took it and walked over to where Hawash had been seated, switching out the bottles herself.

When Hawash returned, she felt ready again. She had thought about it, and she realized that she didn't see others who were tortured as weak. She answered all the remaining questions, from the prosecutors, defense counsel and her own lawyers. In less than an hour, Kerber thanked her. It was over.

Before court was dismissed, Kerber added 10 counts of murder to Raslan's charges, based on testimony presented the previous month. As Kerber read out the names of the witnesses, Hawash was astounded to recognize many of them. How small is the

world? she thought. It turned and turned, and those who felt we had no power — you wanted to silence us. Those of us who survived, we are the ones judging you.

On Jan. 13, the day the verdict would be announced, spectators who wanted a coveted seat in the courtroom began lining up at 3 a.m. outside the courthouse doors, which wouldn't open until 8. In the darkness, with temperatures below freezing, people camped out with snacks and thermoses of hot coffee, happily sharing with strangers. Syrians had come from across Germany, Europe and beyond. There were several joyful reunions.

But any sense of excitement or satisfaction with what was expected to be a guilty verdict was tempered by frustration over just how small the day's justice would be and how blatantly ongoing the Syrian regime's impunity is. Shortly after 6 a.m., several Syrian women from Families for Freedom, an organization campaigning to end enforced disappearances and political detention, walked out of the line to the plaza in front of the courthouse, facing away from those waiting. With photos of their loved ones scattered behind them, and led by a co-founder of the organization, Fadwa Mahmoud, they stood silently, holding signs that demanded more. Mahmoud's read: "WHERE ARE THEY?"

The Syrians held vigil as camera crews filmed them. Two women pushed a window open from still-dark offices across the way and leaned out to take a picture. It was the court clerk and one of the judges, their faces illuminated by the light of their cellphones.

Once the doors opened, only a few were able to enter. After security checks, it would take another two hours to seat everyone in the small gallery. When Raslan was brought in, in handcuffs, people stood to see him. "What a sight!" someone said in Arabic. "U'bal m'almak," Mahmoud said. May your boss be next. Mazen Darwish, one of the Syrian lawyers who helped bring the case to fruition, sighed: "I wish it were in Damascus. How different it would be."

As the judges climbed the dais, everyone quieted down, waiting for Kerber to signal they could sit. Hawash was seated at the front with the other joint plaintiffs. Her hair was freshly cut in a high fade.

She had come back to Koblenz twice before. On Dec. 8, she gave her closing statement. In her prepared remarks, she told the court that she had participated for herself, but also out of a "sense of responsibility" toward all the others who had been through "a similar painful experience" — but who didn't have any legal recourse. She emphasized that she felt a "sense of duty" to those still detained, "those who do not know that we are standing here today and may never know."

She also returned on Jan. 6 to hear Raslan's final words, though she had few expectations. And he said nothing inconsistent with what he maintained all along. What she felt then, she says, is best expressed with a German word: Gleichgültig. Indifferent. But today, she thought, "is the last time I enter this room, and I will exit it different."

The judges took their seats. Kerber held in her hands the judgment that she would read out loud, pausing regularly to allow the Arabic interpreters to translate. It would take more than five hours, with a few 10-minute breaks and none for lunch. She announced the verdict and sentence first.

Finding in the form of killing, torture, serious deprivation of liberty, rape and sexual assault in combination with murder in 27 cases, the court sentenced him to life imprisonment. But the court allowed that the sentence could be suspended on probation after 15 years, taking into consideration that, among other things, Raslan had defected. He did not appear to react.

As it had in the al-Gharib verdict, the court stated that the evidence had clearly shown that the Syrian regime is engaged in widespread and systematic use of torture against its people, a finding that is of strategic importance to those hoping eventually to hold higher echelons of the regime accountable. While such a finding can't enjoin the German government or any German entity from engaging with the regime (by, say, opening an embassy or winning reconstruction contracts), it can, proponents argue, make it considerably more publicly fraught. After all, these are not the findings of Syrian activists or human rights advocates but of an impartial high-level German court, which in a public forum heard evidence that was subjected to the challenge of a defense and rigorous judicial inquiry.

"We cannot stop the momentum of normalization," admits Kroker, referring to what appears to be the likely international rehabilitation of al-Assad's regime. "But we can slow it down, or put a dent in it."

Speaking to the news media after the verdict, Jasper Klinge, the main prosecutor in the Raslan case, said, "We will do everything in our power to ensure that such crimes continue to be punished in the future, in close cooperation with our partners abroad." (The German government's next case, against a Syrian doctor accused of war crimes on the regime's behalf, would begin in Frankfurt the following week.)

In and around the courthouse, Syrians granted news interviews in Arabic, English and German, reflecting on what it all might mean. Al-Bunni had tears in his eyes but also said Raslan should never be given the chance to leave prison. Off camera, some wondered just what exactly Raslan was still taking notes on in court, while others laughed wryly at how his own lawyer bailed

after the first hour, overheard saying that his partner lawyer “would have to just go through with this on his own.”

Hawash didn't particularly care how much prison time Raslan received. What was important to her were the broader findings about the nature of the regime, she says, which she believes will lay the groundwork for the road ahead, no matter how long it takes.

But her composure crumbled later in the afternoon when, in Kerber's summation of the testimony, the judge recounted the specifics of the plaintiffs' detentions, by name. She cried silently as Kerber described the conditions of Hawash's torture in German, which were even more excruciating to her as the interpreter repeated them in Arabic. Sitting in the German courtroom where this victory was won, Hawash suffered flashbacks to her Syrian cell. In comparison to the day she testified, she felt even more exposed in the now-packed courtroom. She again feared being seen as weak.

But she knew now that she was not. It had been almost two years since she joined the case. “I can leave it here,” she said. “I can start something new.”

All she wanted now was to walk out of the building and call her parents. Syria's unraveling had flung her family far apart, but she was always thinking of them, especially that day. She wanted to hear her parents' voices and tell them, “It's done.”

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Yemen

UAE pledges to retaliate after three killed in Houthi attacks (Al-Jazeera)

January 17, 2022

Emirati officials condemn Houthi attacks in Abu Dhabi as 'heinous crimes', US says it will hold the group accountable.

The UAE has pledged reprisals after a drone attack claimed by Yemen's Houthi rebels triggered a fuel tank blast that killed three people in Abu Dhabi.

The United Arab Emirates is part of a Saudi-led military coalition that supports Yemen's government against the Iran-aligned Houthi rebels, who have repeatedly targeted Saudi Arabia with cross border attacks.

But Monday's attack is the first deadly assault on its own soil acknowledged by the UAE and claimed by the rebels, who said they had fired ballistic missiles and deployed armed drones.

Two Indians and a Pakistani working for oil giant ADNOC died as three petrol tanks exploded near a storage facility, while a fire also ignited in a construction area at Abu Dhabi airport in the heart of the UAE.

“Preliminary investigations indicate the detection of small flying objects, possibly belonging to drones, that fell in the two areas and may have caused the explosion and fire,” the police said in a statement carried by state news agency WAM, adding that they had opened an investigation.

Meanwhile, Yahya Saree, the military spokesman of the Houthis said the group had “carried out ... a successful military operation” against “important and sensitive Emirati sites and installations” using both ballistic missiles and drones.

He also urged civilians and foreign firms to “stay away from vital installations” in the UAE for “their own security”.

Emirati presidential adviser Anwar Gargash condemned the “heinous” attack.

“UAE authorities ... are dealing ... with the heinous Houthi attack on some civilian installations in Abu Dhabi,” he tweeted.

UAE Foreign Minister Abdullah bin Zayed Al-Nahyan also described the attack as a “heinous criminal escalation”.

“We condemn the Houthi terrorist militia's targeting of civilian areas and facilities on UAE soil today ... this sinful targeting will not go unpunished,” he said in a statement.

The UAE had largely scaled down its military presence in Yemen in 2019 but continues to hold sway through the Yemeni forces it armed and trained.

Al Jazeera's Hashem Ahelbarra, who has reported extensively on Yemen, said the Houthi attack was carried out as a "show of defiance to the Saudis and the Emiratis".

"The Houthis are saying despite more than seven years of massive campaigns against us, we are more powerful than before ... we have managed to further upgrade our military capabilities to the point that we can launch daring attacks inside Saudi Arabia and the UAE."

The Houthis have used bomb-laden drones to launch crude and imprecise attacks at Saudi Arabia and the UAE. The group has also launched missiles at Saudi airports, oil facilities and pipelines, as well as used booby-trapped boats for attacks on key shipping routes.

Yemen's government-aligned forces, aided by the UAE-backed Giants Brigades and with help from Saudi air raids, reclaimed the entire southern province of Shabwa from the Houthis earlier this month and made advances in nearby Marib province.

Reporting from Yemen's capital, Sanaa, Al Jazeera's Mohammed al-Attab quoted the Houthis' minister of information as saying that the "attack inside the United Arab Emirates is to teach them a lesson, in order to stop their involvement and participation in the Saudi-led coalition".

Saudi Arabia, Bahrain, Qatar and the Organisation of Islamic Cooperation all condemned the "terrorist" attack.

National Security Adviser Jake Sullivan said his country will hold the Houthi group accountable after they claimed responsibility for the incident, and US Secretary of State Antony Blinken condemned the attacks in a phone call with his Emirati counterpart Sheikh Abdullah bin Zayed.

The Houthis' latest statement comes two weeks after they seized a UAE-flagged ship off the Yemen coast, and released footage purporting to show military equipment on board.

The UAE said the Rwabee, whose 11 crew are now hostages, was a "civilian cargo vessel" and called the hijacking a "dangerous escalation" in the busy Red Sea shipping route.

The Houthis later rejected a UN Security Council demand for the ship's immediate release, saying it was "not carrying ... toys for children but weapons for extremists".

Yemen's years-long conflict has caused what the United Nations calls the world's worst humanitarian crisis, killing tens of thousands of people and leaving many on the brink of famine.

"The humanitarian crisis further continues to deteriorate," al-Attab said. "The Yemeni people continue to suffer from the shortage of fuel and lack of opportunities."

Around 20 killed in deadliest coalition strikes on Yemen's Sanaa since 2019 (Reuters)

January 18, 2022

Air strikes by the Saudi-led coalition fighting Yemen's Houthi group on the capital Sanaa killed at least 20 people overnight, including civilians, Houthi media and residents said, in one of its deadliest attacks since 2019.

Around 14 people were killed when coalition planes struck the home of a high-ranking Houthi military official, including his wife and son, according to neighbours and a medic.

The air strikes followed Monday's drone and missile attack on coalition partner the United Arab Emirates that was claimed by the Iran-aligned Houthis and killed three people.

The coalition also said it intercepted eight Houthi drones launched toward Saudi Arabia on Monday.

U.N. Secretary-General Antonio Guterres "expresses his concern and deplores" the coalition air strikes, his spokesman Stephane Dujarric said on Tuesday. Dujarric said on Monday that Guterres condemned the drone and missile attack on the UAE.

"The secretary-general again calls upon all parties to exercise maximum restraint and prevent further escalation and intensification of the conflict," Dujarric said on Tuesday.

The UAE on Tuesday requested that the U.N. Security Council discuss Monday's drone and missile attack. "We hope for a strong Security Council statement condemning this," said UAE Ambassador to the U.N. Lana Nusseibeh. Diplomats said the council would likely meet behind closed doors later this week.

Early on Tuesday, the coalition said it had begun air strikes against strongholds and camps in Sanaa belonging to the Houthi group, Saudi state media said.

Houthi media named the Houthi military official whose home was struck as Abdullah Qassim al-Junaid, the former head of the Houthis' aviation college.

The strike killed him, his wife, his 25-year-old son, other family members and other unidentified people, the medical source and residents told Reuters.

On Tuesday men at the aftermath combed through rubble, strewn with belongings, books and twisted metal, as well as debris from heavily damaged neighbouring houses.

At the scene Ahmad al-Ahdal said his uncle's house was hit after the strike on Junaid's home.

"My uncle went in with rescuers to extract the victims in Junaid's house," he said. "We have been unable to find him since then."

Junaid was among over 170 Houthi officials sentenced to death by firing squad in August by a court in the province of Marib, which remains under the control of the Saudi-backed, internationally recognised Yemeni government.

The court found the defendants, most of whom were tried in absentia, guilty of staging a military coup and committing war crimes, state media reported at the time.

Coalition strikes around the city overnight killed a total of about 20 people, the deputy foreign minister for the Houthi administration, which holds much of northern Yemen, said on Twitter.

The UAE armed and trained Yemeni forces that recently joined fighting against the Houthis in Yemen's energy-producing regions of Shabwa and Marib.

Monday's Houthi-claimed attack on two sites in Abu Dhabi set off explosions in fuel trucks and ignited a blaze near Abu Dhabi airport.

In response, the UAE said it reserved the right to respond to "terrorist attacks and criminal escalation".

Yemen: Saudi-led airstrike on rebel-run prison kills at least 60 and wounds 200 (The Guardian) By Martin Chulov
January 22, 2022

An airstrike on a prison in northern Yemen killed at least 60 people and wounded 200 more, while a separate attack shut down the country's internet, as Saudi-led reprisals to a Houthi drone attack on the United Arab Emirates intensified.

The violence marked an especially deadly day in the seven-year war, leaving bystanders searching through rubble with their bare hands to rescue those trapped in two locations: a prison in the city of Sa'ada and a telecommunications centre in the port city of Hodeidah, where three children playing football nearby were reported to have been killed.

The prison in Sa'ada, which has been used as a detention centre for migrant workers transiting through Yemen, was the scene of even more devastation, with dozens of men reported buried in the rubble after jets struck at about 2.30am. By nightfall, workers were still trying to remove debris to reach those still trapped.

Overwhelmed nearby hospitals said they had been forced to turn away some of the injured.

"From what I hear from my colleague in Sa'ada there are many bodies still at the scene of the airstrike, many missing people," said Ahmed Mahat, the Médecins Sans Frontières head of mission in Yemen. "It is impossible to know how many people have been killed. It seems to have been a horrific act of violence. Al-Gumhourriyeh hospital in the city has so far received around 200 wounded and they say that they are so overwhelmed that they cannot take any more patients."

The downing of Yemen's internet marks another low in a conflict that rivals the Syrian war as the most devastating humanitarian disaster in the world.

“News of the Saudi air strike on a prison – a protected civilian site – and knocking out Yemen’s internet is both tragic and no surprise,” said Mary Ellen O’Connell, a professor at Notre Dame law school in the US. “President Biden indicated at his press conference (on 19 January) that he would not be making every effort to end the Yemen civil war. The war has been catastrophic for civilians. The US has a duty to end it, following principles of international law. That means ending support for Saudi attacks.”

The Saudi-led coalition denied targeting the detention centre, saying the facility hit was not a site restricted from strikes, the Saudi official news agency SPA reported on Saturday.

Yemen’s civil war began in 2014 when the Houthis descended from their base in Sa’ada to overrun the capital, Sana’a, prompting Saudi-led forces to intervene to prop up the government the following year.

Saudi jets have sharply stepped up attacks across Houthi-held parts of Yemen this week in the wake of a drone attack on Monday in Abu Dhabi that was claimed by the Houthi leadership. The strikes on an oil production plant and the nearby international airport killed three people and wounded six more, penetrating the UAE’s vaunted air defences for the first time.

Proxy forces backed by Abu Dhabi had earlier pushed back a Houthi advance towards the government-held city of Marib.

The UN security council on Friday condemned the Houthi attack. “The members of the security council condemned in the strongest terms the heinous terrorist attacks in Abu Dhabi, United Arab Emirates, on Monday, 17 January, as well as in other sites in Saudi Arabia,” the council said. “The members of the security council underlined the need to hold perpetrators, organisers, financiers and sponsors of these reprehensible acts of terrorism accountable and bring them to justice.”

In a separate statement, the council also condemned Friday’s Saudi strikes.

Yemen’s civil war has been a catastrophe for millions of its citizens who have fled their homes, with many close to famine. The UN has estimated the war had killed 377,000 people by the end of 2021, both directly and indirectly through hunger and disease.

Yemen: US-made weapon used in air strike that killed scores in escalation of Saudi-led coalition attacks (Amnesty International)

January 26, 2022

The Saudi-led coalition used a precision-guided munition made in the United States in last week’s air strike on a detention centre in Sa’adah, north-western Yemen, which, according to Doctors without Borders, killed at least 80 people and injured over 200, Amnesty International said today. The laser-guided bomb used in the attack, manufactured by US defence company Raytheon, is the latest piece in a wider web of evidence of the use of US-manufactured weapons in incidents that could amount to war crimes.

Over the past week, the Saudi-led coalition (SLC) has relentlessly pounded northern Yemen with air strikes – including the capital city, Sana’a – that have inflicted dozens of civilian casualties and destroyed infrastructure and services. The escalation followed Houthi strikes on 17 January that targeted an oil facility in Abu Dhabi, which killed three civilians.

“Horrible images that have trickled out of Yemen despite the four-day internet blackout are a jarring reminder of who is paying the terrible price for Western states’ lucrative arms sales to Saudi Arabia and its coalition allies,” said Lynn Maalouf, Amnesty International’s Deputy Director for the Middle East and North Africa.

“The USA and other arms-supplying states must immediately halt transfers of arms, equipment, and military assistance to all parties involved in the conflict in Yemen. The international community has a responsibility to close the gates to all arms sales that are fueling the needless suffering of civilians in the armed conflict.

“By knowingly supplying the means by which the SLC has repeatedly violated international human rights and humanitarian law, the USA – along with the UK and France – share responsibility for these violations.”

Amnesty International’s arms experts analysed photos of the remnants of the weapon used in the attack on the detention centre and identified the bomb as a GBU-12, a 500lb laser-guided bomb manufactured by Raytheon.

Since March 2015, Amnesty International’s researchers have investigated dozens of air strikes and repeatedly found and identified remnants of US-manufactured munitions. Amnesty International previously identified the use of the same US-made Raytheon bombs used on 21 January in a Saudi-led air strike carried out on 28 June 2019 on a residential home in Ta’iz governorate, Yemen, that killed six civilians – including three children.

In September 2021, the US House of Representatives passed a provision to its yearly defence bill ending US support for the SLC's offensive operations and air strikes in Yemen, yet it was removed from the final bill that later passed into law.

US President Joe Biden has abandoned promises made after first taking office in early 2021 to end US support for offensive operations in Yemen, including arms sales, and to “centre human rights in foreign policy” and ensure rights abusers “are held accountable.” Saudi Arabia and the UAE are apparent exceptions. Since November 2021, the Biden administration has approved sales of – and awarded US firms contracts for – missiles, aircraft, and an anti-ballistic defence system to Saudi Arabia, including a \$28 million deal for US maintenance of Saudi aircraft in mid-January.

Among these was the approved sale of \$650 million in missiles to Saudi Arabia, also from Raytheon, which Congress greenlit despite motions to block it. In December, the administration stated it “remains committed” to the proposed sales of \$23 billion in F-35 aircraft, MQ-9B, and munitions to the UAE – despite strong human rights concerns. Continuing to arm the SLC not only fails to meet the US's obligations under international law, it also violates US law. The Foreign Assistance Act and Leahy Laws both bar US arms sales and military aid to gross violators of human rights.

On 20 January, the Saudi-led coalition launched air strikes on the port city of Hudaydah, killing at least three children, according to Save the Children. Air strikes have also targeted a telecommunication building in Hudaydah, causing a nationwide internet blackout. Yemen was largely without internet access for four days, leaving friends and families out of touch and restricting people's ability to access or share information on the situation.

Under international humanitarian law, all parties to the conflict have a clear obligation to protect the lives of civilians caught up in the hostilities, including detainees. The deliberate targeting of civilian objects and extensive, unjustified destruction of property are war crimes.

The coalition has denied targeting the detention centre in Sa'adah that was hit in the 21 January air strike. The United Nations described the attack as the “worst civilian-casualty incident in the last three years in Yemen”.

Background

The conflict in Yemen has taken a devastating toll on civilians across the country. The people of Yemen have been exposed to unlawful practices by state and non-state armed groups alike, while violations of human rights and international humanitarian law, including war crimes, have been committed by all parties in the conflict throughout the nation.

The latest escalation in violence came after Huthi strikes on Abu Dhabi, UAE, on 17 January. On 23 January, a missile struck in southern Saudi Arabia, which reportedly injured two civilians.

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Special Tribunal for Lebanon

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

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Israel and Palestine

UNRWA Calls for the Immediate Release of Critically Ill Palestine Refugee Child Amal Naklieh (UNRWA)

January 13, 2022

Amal Muamar Nakhleh is a 17-year-old Palestine refugee from Jalazone camp. Amal was placed in administrative detention by the Israeli Security Forces (ISF) for six months on 21 January 2021. The administrative detention was then extended for four months in May 2021 and then again in September 2021 for an additional four months. When the current extension expires on 18 January 2022, Amal will have been in prison for a year and will be 18 years old, no longer a minor.

Neither Amal nor his family are aware of the charges against him and have been informed by the Israeli authorities that it is a "confidential administrative case." Amal's legal team stated that this is one of the most prolonged cases of administrative attention of a child that they have come across.

Amal was born three months prematurely and was diagnosed with a severe autoimmune disease: myasthenia gravis. This condition requires continuous medical treatment and monitoring. Just a few months prior to his detention, Amal underwent surgery to remove a cancerous mass.

Due to his health conditions, Amal cannot be vaccinated against COVID-19 and must take immune-suppressants, meaning that his life is at high risk if he contracts COVID-19. As is well known, prison settings are not appropriate for treating and monitoring autoimmune diseases, let alone providing adequate protection against COVID-19.

During the military court proceedings in the past few days – one of the few times Amal's family was allowed to see him in the past year – his family observed that Amal had difficulty talking and breathing, both of which are signs that his medical condition has deteriorated. During the court hearing, Amal informed the judge that he would start a hunger strike if his administrative detention were to be extended further. If he takes this step, Amal would be at grave risk due to his already fragile health condition. A decision on the extension of his administrative detention is scheduled to be taken this Tuesday, 18 January 2022.

The administrative detention imposed on Amal without charges and based on classified evidence is a form of arbitrary detention not permissible under public international law. It deprives him of the appropriate care required by his underlying medical condition, exposing him to increased risks of aggravation of his health.

Israel, as a party to the Convention on the Rights of the Child, shall ensure that the "arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time." In accordance with the Convention, "[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age" and that any detained child "shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."

UNRWA West Bank calls for the immediate release of Amal Nakhleh from administrative detention on urgent humanitarian grounds and is highly concerned about the ongoing arbitrary detention of a minor.

West Bank: Iconic Palestinian activist dies after being run over by Israeli forces (Middle East Eye)

By Shatha Hammad

January 17, 2022

Prominent Palestinian activist Suleiman al-Hathalin succumbed on Monday to wounds sustained when an Israeli police tow truck ran him over two weeks ago.

Hathalin was receiving treatment for serious wounds he sustained to the head, chest, abdomen and pelvis at al-Mizan hospital in Hebron in the occupied West Bank, where he was pronounced dead this morning.

The 75-year-old activist and community leader from Masafer Yatta, a collection of Palestinian hamlets in the South Hebron Hills, was run over by an Israeli tow truck on 5 January.

Police arrived in Umm al-Khair village in Masafer Yatta to seize unregistered and allegedly stolen vehicles.

After locals tried to stop the tow trucks, Israeli police fired live ammunition and tear gas to disperse the crowds.

Fouad al-Amour, an activist with the popular resistance committee in Masafer Yatta, told Middle East Eye at the time that Suleiman was "standing on the side of the road when the tow truck suddenly veered off the road and drove straight into him".

Amour said the tow truck belonged to a private company and was being operated by an Israeli civilian, whom people in the

village recognised as an Israeli settler from the area. The tow trucks and the police quickly fled the scene after the incident.

Hathalin, known locally as Haj Suleiman, is an iconic, anti-occupation activist from Hebron, who constantly led demonstrations against the occupation.

His family hails from the Arad area south of the West Bank. He has lived in Umm al-Khair since 1965, when he purchased a plot of land there.

Since the establishment of the Israel settlement Carmel on parts of Umm al-Khair in 1980, Hathalin has led protests against its expansion, which threatened the displacement of the village's residents.

The Palestinian Ministry of Foreign Affairs and Expatriates denounced the "criminal execution of Hathalin", saying it will take his case to the International Criminal Court and relevant UN bodies.

"This is another episode in a series of field executions carried out by the occupation forces that follows the directives of the political and military leadership of this occupying country," the ministry said.

"It is a reflection of the brutality and racism of the occupation in its suppression and abuse of defenceless Palestinian civilians participating in peaceful marches in defence of their lands in the face of settlements and settlers."

Israeli settlements on occupied Palestinian land, including the West Bank and East Jerusalem, is considered illegal under international law.

As of 2019, there are more than 688,000 settlers living in 150 settlements across the West Bank and East Jerusalem.

'War crime': Israel widely condemned for Sheikh Jarrah demolition (Middle East Eye)

January 19, 2022

International NGOs and Palestinian groups condemn East Jerusalem demolition as a violation of international law

Israel has been widely criticised for the overnight demolition of a Palestinian home in the Sheikh Jarrah neighbourhood of occupied East Jerusalem.

Palestinian groups and international rights organisations condemned the tearing down of the home of the Salhiya family, which left 18 people homeless including children, as a "war crime".

The demolition was carried out overnight on Wednesday by a large Israeli security operation, which violently raided the home of Mahmoud Salhiya before arresting him with a number of his relatives and supporters.

It followed an eviction order by Israel's Jerusalem municipality which argued that the Salhiyas have no right over the land.

Mahmoud says the family has owned the house and lived in it for generations since they were expelled by Zionist militia from Ein Karem in 1948 during the Palestinian Nakba, or catastrophe, when some 750,000 Palestinians were violently displaced to create the state of Israel.

Amid news of the demolition and footage of the aftermath of the house in ruins, Human Rights Watch (HRW) called the expulsion of the Salhiyas and the destruction of their home a "war crime".

"The Saliyehs were expelled from their home in Ein Karem during the Nakba in 1948 & are barred under Israeli law from reclaiming it," HRW's Israel and Palestine director Omar Shakir said in a statement shared on Twitter.

"These cruel acts turn the Salhiyehs into two-time refugees. This is what apartheid and persecution look like."

Ir Amim, a leading Israeli rights group, called the demolition "an inexcusable act and violation of [international law]".

"As the world is watching, they [Israeli authorities] chose instead to cynically dispossess a Palestinian family to build a special needs school on the ruins of their homes," the NGO said.

The Norwegian Refugee Council, an independent humanitarian organisation, echoed similar criticism.

"The eviction of the family marks a clear violation of international law, which prohibits forcible displacement in occupied territory," the council said in a tweet.

"As the occupying power in East Jerusalem, Israeli authorities have a duty to ensure the security and protection of the

Palestinian population.”

Call to protect homes On Monday, a delegation of European diplomats had visited the site of Salhiya’s home during a standoff with Israeli forces who were attempting to carry out the demolition.

Sven Kuehn von Burgsdorff, head of the European Union's mission to the Palestinian territories, said at the time that "in occupied territory, evictions are a violation of international humanitarian law."

Palestinian President Mahmoud Abbas also called Wednesday's demolition a "war crime" and urged the United States to "compel the government of the Israeli occupation to stop the policy of ethnic cleansing against the Palestinian people," according to a statement published by the official Wafa news agency.

The Palestinian movement Hamas called the incident a "dangerous escalation of the ongoing war of occupation against the city of Jerusalem and Jerusalemites".

Muhammad Hamadeh, the group’s representative in Jerusalem, called on residents to continue to protect their homes against demolitions, Turkey's Anadolu Agency reported.

"This crime will not break the determination of the steadfastness of our people in Jerusalem," Hamadeh said.

There's a Mass Palestinian Grave at a Popular Israeli Beach, Veterans Confess (Haaretz) By Adam Raz
January 20, 2022

The Israeli veterans of the 1948 battle at Tantura village finally come clean about the mass killing of Arabs that took place after the village's surrender

“They silenced it,” the former combat soldier Moshe Diamant says, trying to be spare with his words. “It mustn’t be told, it could cause a whole scandal. I don’t want to talk about it, but it happened. What can you do? It happened.”

Twenty-two years have passed since the furor erupted over the account of what occurred during the conquest by Israeli troops of the village of Tantura, north of Caesarea on the Mediterranean coast, in the War of Independence. The controversy sprang up in the wake of a master’s thesis written by an Israeli graduate student named Theodore Katz, that contained testimony about atrocities perpetrated by the Alexandroni Brigade against Arab prisoners of war. The thesis led to the publication of an article in the newspaper Maariv headlined “The Massacre at Tantura.” Ultimately, a libel suit filed against Katz by veterans of the brigade induced him to retract his account of a massacre.

For years, Katz’s findings were archived, and discussion of the episode took the form of a professional debate between historians. Until now. Now, at the age of 90 and up, a number of combat soldiers from the Israel Defense Forces’ brigade have admitted that a massacre did indeed take place in 1948 at Tantura – today’s popular Dor Beach, adjacent to Kibbutz Nahsholim. The former soldiers describe different scenes in different ways, and the number of villagers who were shot to death can’t be established. The numbers arising from the testimonies range from a handful who were killed, to many dozens. According to one testimony, provided by a resident of Zichron Yaakov who helped bury the victims, the number of dead exceeded 200, though this high figure does not have corroboration.

According to Diamant, speaking now, villagers were shot to death by a “savage” using a submachine gun, at the conclusion of the battle. He adds that in connection with the libel suit in 2000, the former soldiers tacitly understood that they would pretend that nothing unusual had occurred after the village’s conquest. “We didn’t know, we didn’t hear. Of course everyone knew. They all knew.”

Another combat soldier, Haim Levin, now relates that a member of the unit went over to a group of 15 or 20 POWs “and killed them all.” Levin says he was appalled, and he spoke to his buddies to try to find out what was going on. “You have no idea how many [of us] those guys have killed,” he was told.

Another combat soldier in the brigade, Micha Vitkon, talked about an officer “who in later years was a big man in the Defense Ministry. With his pistol he killed one Arab after another. He was a bit disturbed, and that was a symptom of his disturbance.” According to Vitkon, the soldier did what he did because the prisoners refused to divulge where they had hidden the remaining weapons in the village.

Another combat soldier described a different incident that occurred there: “It’s not nice to say this. They put them into a barrel and shot them in the barrel. I remember the blood in the barrel.” One of the soldiers summed up by saying that the his comrades-in-arms simply didn’t behave like human beings in the village – and then resumed his silence.

These and other testimonies appear in an impressive documentation project of the director Alon Schwarz. His documentary film "Tantura," which will be screened twice this weekend online as part of the Sundance Film festival in Utah, would seem to undo the version that took root following the libel suit and Katz's apology. Even though the testimonies of the soldiers in the film (some of them recorded by Katz, some by Schwarz) were given in broken sentences, in fragments of confessions, the overall picture is clear: Soldiers in the Alexandroni Brigade massacred unarmed men after the battle had concluded.

In fact, the testimony Katz collected was not presented to the court during the libel trial, which was settled midway through the proceedings. Listening to those recordings suggests that if the court had probed them at the time, Katz would not have been impelled to apologize. Often what the soldiers told him was only hinted at and partial, but together it added up to an unequivocal truth.

"What do you want?" asked Shlomo Ambar, who would rise to the rank of brigadier general and head of Civil Defense, the forerunner of today's Home Front Command. "For me to be a delicate soul and speak in poetry? I moved aside. That's all. Enough." Ambar, speaking in the film, made it clear that the events in the village had not been to his liking, "but because I didn't speak out then, there is no reason for me to talk about it today."

One of the grimmest testimonies in Schwarz's film is that of Amitzur Cohen, who talked about his first months as a combat soldier in the war: "I was a murderer. I didn't take prisoners." Cohen relates that if a squad of Arab soldiers was standing with their hands raised, he would shoot them all. How many Arabs did he kill outside the framework of the battles? "I didn't count. I had a machine gun with 250 bullets. I can't say how many."

The Alexandroni Brigade soldiers' testimonies join past written testimony provided by Yosef Ben-Eliezer. "I was one of the soldiers involved in the conquest of Tantura," Ben-Eliezer wrote, some two decades ago. "I was aware of the murder in the village. Some of the soldiers did the killing at their own independent initiative."

The testimonies and documents that Schwarz collected for his film indicate that after the massacre the victims were buried in a mass grave, which is now under the Dor Beach parking lot. The grave was dug especially for this purpose, and the burial went on for more than a week. At the end of May 1948, a week after the village was conquered, and two weeks after the declaration of statehood, one of the commanders who was posted at the site was reprimanded for not having dealt properly with the burial of the Arabs' bodies. On June 9, the commander of the adjacent base reported: "Yesterday I checked the mass grave in Tantura cemetery. Found everything in order."

In addition to the testimonies and documents, the film presents the conclusion of experts who compared aerial photographs of the village from before and after its conquest. A comparison of the photographs, and the use of three-dimensional imaging done with new tools, makes it possible not only to determine the exact location of the grave but also to estimate its dimensions: 35 meters long, 4 meters wide. "They took care to hide it," Katz says in the film, "in such a way that the coming generations would walk there without knowing what they were stepping on."

Disqualified

The confession of the Alexandroni Brigade troops casts a new light on the dismal attempt to silence Teddy Katz. In March 1998, while a graduate student at the University of Haifa, Katz submitted a master's thesis to the department of Middle Eastern history. Its title: "The Exodus of the Arabs from the Villages at the Foot of Southern Mount Carmel in 1948." Katz, then in his fifties, received a grade of 97. According to custom, the paper was deposited in the university's library, and the author intended to proceed to doctoral studies. But his plan went awry.

In January 2000, journalist Amir Gilat borrowed the study from the library and published an article about the massacre in Maariv. It touched off a firestorm. Besides the libel suit initiated by the Alexandroni veterans association, the university also went into a tizzy, and decided to set up a committee to reexamine the M.A. thesis. Even though the original reviewers found that Katz had completed the thesis with excellence, and even though the paper was based on dozens of documented testimonies – of Jewish soldiers and Arab refugees from Tantura – the new committee decided to disqualify the thesis.

Katz's paper is not fault-free, but probably the primary target of criticism is the University of Haifa, which accompanied the research and the writing in a deficient manner, and after approving it then reversed course and disowned its student. That made possible the years-long silencing and repression of the bloody events in Tantura. For Katz, one court hearing was all it took for him to sign a letter of apology in which he declared that there had not been a massacre in the village and that his thesis was flawed. The fact that just hours later he retracted this, and that his lawyer, Avigdor Feldman, was not present at the nighttime meeting in which Katz came under pressure to recant, was forgotten. The apology buried the findings the thesis had uncovered, and the details of the massacre were thereafter not subjected to comprehensive scrutiny.

The historians who addressed the episode – from Yoav Gelber to Benny Morris and Ilan Pappé – reached different and contradictory conclusions. Gelber, who played a key role in the struggle to discredit Katz's paper, asserted that a few dozen

Arabs had been killed in the battle itself, but that a massacre had not occurred. Morris, for his part, thought that it was impossible to determine unequivocally what happened, but wrote that after reading several of the testimonies and interviewing some of the Alexandroni veterans, he “came away with a deep sense of unease.” Pappé, who engaged in a highly publicized debate with Gelber over Katz’s thesis, determined that a massacre had been perpetrated in Tantura in the straightforward sense of the word. Now, with the appearance of the testimony in Schwarz’s film, the debate would seem to be decided.

In one of the more dramatic scenes in the documentary, Drora Pilpel, who was the judge in the libel suit against Katz, listens to a recording of one of Katz’s interviews. It was the first time she had encountered the testimony collected by Katz, whose speedy apology brought the trial to a quick end. “If it’s true, it’s a pity,” the retired judge tells the director after removing her headphones. “If he had things like this, he should have gone all the way to the end.”

The Tantura affair exemplifies the difficulty that soldiers in the 1948 war had in acknowledging the bad behavior that was on display in that war: acts of murder, violence against Arab residents, expulsion and looting. To listen to the soldiers’ testimony today, while considering the uniform stand they demonstrated when they sued Katz, is to grasp the potency of the conspiracy of silence and the consensus that there are things one doesn’t talk about. It’s to be hoped that from the perspective of years, such subjects will be more readily addressed. A possibly encouraging sign in this direction is the fact that the film about Tantura received funding from such mainstream bodies as the Hot cable network and the New Fund for Cinema and Television.

The grim events at Tantura will never be completely investigated, the full truth will not be known. However, there is one thing that can be asserted with a great deal of certainty: Under the parking lot of one of the most familiar and beloved Israeli resort sites on the Mediterranean, lie the remains of the victims of one of the glaring massacres of the War of Independence.

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Gulf Region

Human Rights Group Calls on Saudi Authorities to Free Journalists (albawaba)

January 15, 2022

A human rights organization has expressed concern over repression of press freedom and arbitrary detention of journalists in Saudi Arabia, as the Riyadh regime's crackdown on pro-democracy campaigners, scholars and opposition figures shows no sign of abating.

Sanad human rights organization, which monitors and exposes human rights violations in Saudi Arabia, announced that Saudi authorities continue to ignore all international warnings about violations of freedom of expression and media in the kingdom, and forge ahead with their repressive measures against writers and journalists.

Sanad added that Saudi Arabia is among the countries with the highest numbers of jailed journalists with respect to world press freedom indices, noting that around 14 Saudi journalists and citizen-journalists have gone “missing” in a wave of arrests in the country.

The organization then held Saudi officials fully responsible for heinous violations of human rights and various forms of freedom in the country, and demanded an urgent need to repression and abuse of journalists in the country.

Last November, Reporters Without Borders (RSF) called on Saudi authorities to immediately release Yemeni journalist Ali Abu Lahoum after he received a 15-year prison sentence.

“This ruling shows that the use of Internet and social media platforms by journalists and bloggers, which are intended to be a place where they should exchange information and discuss various matters, is still strictly controlled in the kingdom,” Sabreen al-Nawi, director of the Middle East Division at RSF said at the time.

It went on to say that the Yemeni journalist’s wife desperately tried to contact him several times, before she understood that

her husband had undergone a criminal interrogation without the presence of an attorney.

The organization said the verdict was issued against the Yemeni journalist on October 26, more than two months after he was detained.

Abu Lahoum, who has been residing in Saudi Arabia since 2015, was reportedly working in a commercial media organization in the country's southwestern region of Najran.

He had earlier worked as an executive director for the Saudi Arabic-language al-Wadi television station.

Ever since Crown Prince Mohammed bin Salman became Saudi Arabia's de facto leader in 2017, the kingdom has ramped up arrests of activists, bloggers, intellectuals, and others perceived as political opponents, showing almost zero tolerance for dissent even in the face of international condemnations of the crackdown.

Muslim scholars have been executed and women's rights campaigners have been put behind bars and tortured as freedoms of expression, association, and belief continue to be denied.

Torture Claims Filed Against New Interpol Leader From UAE (Republic World)

January 19, 2022

The French lawyer for a jailed human rights defender in the United Arab Emirates on Tuesday filed a torture complaint against the new president of Interpol, Maj. Gen. Ahmed Nasser al-Raisi, as the official made his first visit to the international police agency's headquarters in the French city of Lyon.

William Bourdon, a lawyer for the Emirati human rights defender and blogger Ahmed Mansour, said he filed the complaint against al-Raisi in a Paris court under the principle of universal jurisdiction. Mansour is serving a 10-year sentence in the UAE for charges of "insulting the status and prestige of the UAE" and its leaders in social media posts.

Separately, lawyers for two Britons who had accused al-Raisi of torture filed a criminal complaint Tuesday with investigative judges of the Specialized Judicial Unit for Crimes Against Humanity and War Crimes of the Paris Tribunal.

Al-Raisi was elected for a four-year term as Interpol president in November. He has been accused by human rights groups of involvement in torture and arbitrary detentions in the UAE. The UAE has denied allegations against al-Raisi.

Al-Raisi announced his trip to the Lyon headquarters in a Twitter post on Monday, saying "with the start of the new year, I begin today my first visit to Lyon, France, as the president of Interpol." Interpol Secretary General Jurgen Stock welcomed al-Raisi "on his first official visit as president" in his own Twitter post.

"Al-Raisi's presence on French territory triggers the universal jurisdiction of French courts and immunity can not be invoked," said Rodney Dixon, a lawyer for the two Britons, Matthew Hedges and Ali Issa Ahmad.

Hedges, a doctoral student, was imprisoned in the UAE for nearly seven months in 2018 on spying charges and said he had been subjected to torture and months of solitary confinement. Ahmad, a soccer fan, says he was tortured by the UAE security agency during the 2019 Asia Cup soccer tournament.

They filed a torture complaint against al-Raisi with the prosecutors of the Paris Tribunal in October. That complaint is pending, Dixon said. The criminal complaint that was filed Tuesday directly with the judges of the Tribunal — with al-Raisi on French territory — means that the French judges "should immediately open an investigation into claims against him," Dixon said.

"According to French law, an open investigation could lead to al-Raisi's detention for questioning while he is on French territory, either now or whenever he returns," Dixon said.

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Afghanistan

Democrats Dicker in Congress as Biden Flirts with Afghan Genocide (The Intercept) By Ryan Grim, Sara Sirota
January 19, 2022

As the Taliban was approaching Kabul this past summer, Afghanistan's independent central bank called an emergency meeting. Whatever happened next, the board members knew, at least one thing was certain: a shock to the country's economy was coming. The U.S. had spent nearly two decades building a sophisticated, professional central banking institution designed to help the country weather such shocks.

By law, the bank operated independently of the government and was essential to keeping the export-import economy and the local banking sector liquid. As an occupying power, the United States controlled Afghanistan's foreign currency reserves — over \$9 billion largely denominated in U.S. dollars — and doled it out to the central bank. One tranche of \$300 million was set to be delivered on August 14, but the central bankers learned the U.S. had ordered it halted, according to board member Shah Mehrabi, an economics professor at Montgomery College who continues to serve on the central bank's supreme council.

The bankers leaned on then-President Ashraf Ghani to lobby Secretary of State Tony Blinken to release the funds, and Blinken relented. But the next day, the Taliban entered Kabul. Mehrabi got a call from the comptroller general asking him what to do, and Mehrabi ordered him to count the currency and gold on reserve and lock the vault. Back in Washington, Blinken again halted the money. While the vault has since been open, and the central bank is continuing to operate, the transfers, which had been occurring at regular intervals, have not yet resumed. The Taliban barely fired a shot in taking over the country last summer, but the U.S., with the press of a button, has flattened it.

The economic fallout has been extreme, much as it would be if the U.S. Federal Reserve suddenly lost access to its own capital. The result has been bank closures, mass business failures, soaring unemployment, collapse of the currency against the dollar, soaring inflation, and death by starvation. Desperate Afghans have resorted to selling off their belongings for food or burning them to stay warm. A migration crisis is brewing. The Biden administration's sanctions have deepened the economic collapse, while the White House has also urged European partners and multilateral institutions like the World Bank and International Monetary Fund to similarly starve the nation of capital.

Congressional Democrats are divided over how to respond the Biden administration's continuing insistence on driving millions of people in Afghanistan to the brink of starvation and beyond, a policy that has produced a humanitarian catastrophe that threatens to morph into a U.S.-fueled genocide.

"These are not American taxpayer funds," said Mehrabi. "People are under the illusion that these are United States funds. These funds belong to Afghanistan. The central bank will have to be in a position to have access to its own reserves."

The lack of liquidity that is driving the famine has very little in the way of a policy motivation, beyond the Biden administration's insistence that the Taliban adopt an "inclusive government" that includes former opponents. In 2002, the Taliban offered to surrender and be involved in such an inclusive government, and former Afghan President Hamid Karzai initially accepted. But the U.S. forced him to reject the offer in favor of total war — a war the U.S. lost two decades later.

Yet Democrats in Congress have been muted in their criticism, and competing efforts — two letters have been circulated and sent to President Joe Biden so far, with at least two others currently in circulation, collecting signatures — to weigh in on the situation have complicated the ability to ramp up pressure. The strongest push has been a letter led by Congressional Progressive Caucus Chair Pramila Jayapal, D-Wash., and Reps. Sara Jacobs, D-Calif., and Chuy Garcia, D-Ill., that last month called on Biden to release the assets without condition, lift sanctions on the Afghan government, and stop blocking international aid. Releasing Afghan money unconditionally has also been advocated by the U.N. secretary general, the International Red Cross, and aid organizations who say no amount of aid can substitute for restarting the economy. "If you unfreeze the money, then you can put liquidity back into the marketplace, and the economy will start to come back up," said David Beasley, former Republican governor of South Carolina and now executive director of the U.N.'s World Food Programme. "If you don't, we're not going to need to feed twenty-two or twenty-three million people per month—we are going to need to be feeding thirty-five million people. . . . This country will absolutely collapse."

The number of Democrats on the letter, 48, was robust but still far short of a majority of the caucus. Five days earlier, a letter

organized by Reps. Tom Malinowski, D-N.J.; Jason Crow, D-Colo.; and Peter Meijer, R-Mich., insisted the Taliban meet significant conditions before the U.S. would release its stranglehold on the economy, and advised funneling money through the United Nations to pay teachers at schools still enrolling girls directly, rather than letting the Taliban-led government administer it or allowing the independent central bank to play a role.

They've since begun working on a second letter, obtained by The Intercept, that is currently in circulation, calling for the Afghan funds to be routed to the United Nations and distributed as humanitarian aid, despite the fact that their own diagnosis of the problem suggests that their solution is fantastically inadequate. "The crux of the problem is liquidity," the letter reads, accurately. "Afghan banks have imposed withdrawal limits due to limited access to dollars. Afghan businesses have begun hoarding hard currency and prices are rising daily, including for flour, rice, bread, and other necessities."

"We urge you to release a substantial portion of the frozen assets, including to support teacher and civil servant pay through UN agencies, while designating a private bank to perform central bank functions," the letter suggests, ignoring the fact that the U.S. spent 20 years building a central bank in Afghanistan — which the Taliban have allowed to continue operating with full independence, according to board member Mehrabi.

This week, the confused Democratic posture toward Biden and Afghanistan was on full display, as an additional draft letter, also promoting a conditions-based approach, circulated and got more than 30 representatives and four senators to sign as of Friday evening. That fourth letter, led by Reps. Jim McGovern, D-Mass., and Jamie Raskin, D-Md., shared many signers with the Jayapal letter (including McGovern and Raskin). The legislators in the overlap had put themselves in a confused position: calling first for the assets to be unfrozen unconditionally, then for their release only under certain conditions.

The confusion emanates from McGovern's role on the letter. As McGovern is known as a human rights champion, many members assumed the letter was a strong one given his lead involvement, according to some who signed.

According to a copy of the letter that was shared with The Intercept, these conditions included "opening all girls' schools, admitting women to universities, and allowing their employment; protecting the rights of religious and ethnic minorities, as required under the United Nations Charter; ending violence against citizens as attested to by human rights organizations, and establishing a more inclusive government, among others."

According to aid organizations, the Taliban have largely allowed girls to continue in school and women to continue at work — though the latter has become difficult under the country's worsening economic strangulation, particularly for those who are dying.

Reached for comment on the conditions-based letter, the lead authors, McGovern and Raskin, backed away from it.

Raskin told The Intercept in an email Tuesday night: "Because of valid concerns raised about a condition-based approach to the release of frozen Afghan assets, this letter will not go out in its present form on the House side."

Another signer of the defunct letter, Rep. Alexandria Ocasio-Cortez, D-N.Y., said that she was reviewing it with her staff and that she opposes conditioning sanctions relief. Aaron Fritschner, a press secretary for signer Rep. Don Beyer, D-Va., told The Intercept in an email today: "He would prefer that it be done without conditions but having it unfrozen with conditions would be better than not having it unfrozen at all."

At least one of the progressive signers, Rep. Betty McCollum, D-Minn., was unflinching in her support for conditioning release of the central bank assets, despite a record of opposition to the types of sanctions and conditioned asset seizures the draft letter effectively endorsed. "The idea that \$9 billion in frozen Afghan government assets should be handed over to the Taliban regime without conditions and have it guarantee a humanitarian benefit for starving women and children is completely unrealistic," Bill Harper, McCollum's chief of staff, told The Intercept in an email Tuesday night. Less than a month earlier, McCollum had signed Jayapal's December letter that did not call for criteria to be met.

"Punitive economic policies will not weaken Taliban leaders, who will be shielded from the direst consequences, while the overwhelming impact of these measures will fall on innocent Afghans who have already suffered decades of war and poverty," the Jayapal letter read. "It is also important to clarify that the overwhelming majority of reserves returned to the central bank of Afghanistan will be used primarily to purchase imports by Afghanistan's private sector, which comprises the dominant share of Afghanistan's economy."

On the Senate side, a press secretary for Sen. Chris Van Hollen, D-Md., referred to the letter as a "discussion draft" and would not say whether the conditions language will stay in place. Other signers on the Friday draft letter included Democratic Reps. Rashida Tlaib, Mich.; Jamaal Bowman, N.Y.; Mark Pocan, Wis.; Mondaire Jones, N.Y.; Carolyn Maloney, N.Y.; Raúl Grijalva, Ariz.; and Steven Cohen, Tenn.; as well as Sens. Jeff Merkley, Ore., and Elizabeth Warren, Mass. The remainder were Reps. Earl Blumenauer, Ore.; André Carson, Ind.; Gerry Connolly, Va.; Veronica Escobar, Texas; Anna Eshoo, Calif.; Al Green, Texas; Hank Johnson, Ga.; Kai Kahele, Hawaii; Bill Keating, Mass.; John Larson, Conn.; Andy Levin, Mich.; Alan Lowenthal,

Calif.; Doris Matsui, Calif.; Jerry McNerney, Calif.; Seth Moulton, Mass.; Elizabeth Holmes Norton, D.C.; Donald Payne, N.J.; Tom Suozzi, N.Y.; Eric Swalwell, Calif.; and Peter Welch, Vt.; and Illinois Sen. Richard Durbin.

Other Democrats who haven't signed any of the letters thus far are also split. Rep. Bill Pascrell, D-N.J., told The Intercept Wednesday that he favors releasing the money without conditions. He said that his colleagues are having a hard time getting on board with the policy because they just don't want to touch Afghanistan as an issue.

"A lot of people think that this would be wasted money, just like we wasted our time in Afghanistan. I don't believe that at all," he said. "All of these folks who were saying, we abandoned them, wait till you see what their reaction is when we try to provide some assistance."

Rep. Stephen Lynch, D-Mass., said that he was concerned about corruption in Afghanistan. "The corruption there is just rampant and we don't want to be funding our enemies or enemies of the Afghan people," he said. When pressed on whether the human toll could be so great that he'd be willing to reconsider, Lynch said, "Well, it can happen because we withhold money or because we misdirect it, those deaths are going to occur."

Told the money would be released to an independent central bank, he said he didn't believe it was genuinely independent. "I think every nickel that goes in there, we have to be very careful. If we had an individual, independent bank to process that, that would be a different situation. But no, I think there's the very real danger that any dollar we put into Afghanistan is gonna go directly to the Taliban," he said. Rep. Lauren Boebert, R-Colo., told The Intercept she disagreed with Biden's handling of the withdrawal from Afghanistan but agreed with his seizure of the assets. "I'm not for funding terrorists," she said.

If America continues on its current trajectory, the United Nations warns, more than 20 million people face starvation. Mehrabi, the Montgomery College professor and Afghan central bank official, stressed that if American policymakers wanted to avoid this mass starvation and assuage their corruption concerns, they could closely monitor the money. An electronic record of the transaction would enable the U.S. to watch it move to local banks and overseas to pay for imports. Mehrabi said that he had previously advised releasing \$150 million per month to engage in Afghani purchases aimed at stabilizing the currency, and that allowing some of the money to flow would restore confidence and go a long way to combating inflation and the currency depreciation, the twin drives of the crisis. "The main function of the central bank is to bring price stability," he said, adding that there are international auditing firms that still operate in Afghanistan and could monitor the flows if the U.S. didn't trust their own ability to watch the electronic records.

He stressed that the money would not go to the Taliban. The new government, he said, has consistently respected the law on the books that makes the central bank independent of the government. There are quarterly meetings with Afghan government officials, he said, but there is no interference.

The notion of creating a new central bank was both absurd and unrealistic, he said, given that there is already a highly professionalized one built by the U.S. While some employees of the bank fled, he said, many stayed. "They are all experienced. Allow the civil servants to do their job. If they don't do it, you can cut them off," he said. "There's no risk in releasing. Show that merchants can pay for their essential imports so we can avoid the gyrations in currency and price rises."

A heavily cash-dependent economy, Afghanistan also needs access to its paper currency, but it does not have the capacity to print money on its own. The central bank had contracted to have it printed by a Polish firm, said Mehrabi, but the firm has declined to deliver \$3 billion in Afghanis. Mehrabi said the bank also appealed to Qatar, but Qatar similarly declined to facilitate the transaction. Both entities cited fears of U.S. sanctions.

The irony, he said, is that the resulting crisis has triggered the United States to offer a round of \$300 million in humanitarian aid routed through the United Nations, and so Democrats will still face images of cash flying into Afghanistan. And, he added, "those are taxpayer funds."

The War in Afghanistan and Canadian Media Propaganda (Counter Punch) By Luke Beirne
January 21, 2022

On August 30, 2021, the United States withdrew from Afghanistan, signalling the end of a twenty-year occupation. Since this withdrawal, the Canadian media has relentlessly pursued justification for the war. Criticism has been entirely restricted to critiques of the withdrawal and of the "failure" of the mission. This is a continuation of the Canadian media's inability to effectively critique the military machine.

The American-led invasion of Afghanistan resulted in the deaths of hundreds of thousands and the displacement of nearly six million people. Rather than criticizing the consequences of withdrawal, the war itself should be the subject of criticism. It was an imperialist endeavor ever-marked by atrocity and bloodshed.

On November 11, amidst a wave of propaganda pieces, CBC published an article titled 'We Did Our Best': Canadian veterans of Afghanistan reflect on a year of loss. This article opens by stating that: "The rapid and shocking fall of Afghanistan to Taliban forces this summer has forced Canadian soldiers who served and sacrificed there during Canada's 13-year involvement in the conflict to re-confront the meaning of their role in the country." One soldier quoted states that "We did our best to provide the space for a possible future to emerge, and that just didn't pan out."

Such an approach is grounded in the notion that the war in Afghanistan was noble. This has been the framework for all coverage. For instance, a CBC article post-withdrawal stated that "For those closest to international efforts to build a civil society in Afghanistan, the events of the past month have been a bitter pill to swallow." Another CBC article quoted a soldier who stated that "Over there, you can't be anything other than what they say you are. You can't be a man who is openly gay or you die. They don't even believe that women are humans." And, "You look at history, not one civilization has been able to come in there and tame the Afghan people and it's not about that. It's about helping them help themselves."

Purely colonial logic allows the myth of benevolent conquest to prevail. When Canada joined the invasion of Afghanistan, on October 7, 2001, politicians supported this across the board on the grounds that it was necessary to defend "freedom and democracy" and fight the war on terror. This narrative framed coverage of the war throughout and persists to this day. Now, the idea being forwarded is that military conquest allowed Afghanistan to "civilize." Criticism of the withdrawal process suggests that continued military occupation would enable the civilizing process to continue. This is colonial logic and follows a tradition stemming back hundreds of years.

It should go without saying that the war in Afghanistan was in no way fought for the sake of women's rights. It is not even possible to meaningfully critique gender-based oppression while glorifying imperialism and neo-colonialism. The media has also consistently suggested that withdrawal has driven "a mounting humanitarian catastrophe." The fact that the invasion itself was a major humanitarian catastrophe is ignored.

The war in Afghanistan was not about freedom, democracy, or the Afghan people. It was part of a campaign of imperialist aggression spearheaded by the United States and supported by the pan-European sphere of accumulation. Conquering and occupying non-European territories has allowed the for intensive extraction and wealth accumulation. This campaign has been status-quo since the end of the Second World War, when the United States by-passed former powers to secure a position of global dominance. It is a process which continues to accelerate.

Since the 9/11 attacks, America has launched at least 91,340 airstrikes, which alone have killed between 22,679 and 48,308 civilians. The vast majority of these deaths occurred in Afghanistan and Iraq. Despite attempts to sanitize it, this kind of drone warfare is particularly horrific. Stephen Graham writes that psychologists in Palestine, for instance, have noticed "a whole generation of Gazan children suffering deep psychological trauma because of the continual exposure to the buzzing sounds of drones high above, machines that can spit lethal violence upon them and their families at any time." This is terrorism.

The war on terror has been marked by Western powers using terror to control and subjugate. Paranoia instilled in populations has allowed states to effortlessly breach human rights, enforce authoritarian measures, and undertake massive military campaigns across the globe. When desirable, these anti-terror measures are applied to Indigenous peoples and others who threaten the state's colonial regime at home. The media has contributed immensely to this by continuously bolstering and justifying state ideology.

On October 7, 2021, exactly twenty years after Canada joined the invasion, the Immigration and Refugee Board held a tribunal regarding the Canada's attempts to permanently ban Chelsea Manning from entering the country. Manning's supposed crime is leaking secret documents detailing war crimes, such as unlawful killings, torture, and human rights abuse in Iraq and Afghanistan. The decision will be made sometime this year. It is undeniable that Canada is guilty of such war crimes. Among other things, it wilfully turned prisoners over to allies knowing that they would be tortured. The Canadian state's attempts to ban Manning are an attempt to maintain control of the war narrative and mitigate critique.

The Canadian media, particularly CBC, serves as state propaganda. This does not necessarily mean that it receives direct instruction from state bodies. Instead, the overall structure ensures that state perspectives dominate coverage and commentary. Given the evidence of systemic war crimes that emerged when Australia's role in Afghanistan was examined, it is no surprise that Canada has no interest in examining the mission critically. Controlling the narrative also enables the state to continue to exert colonial dominance internally and externally.

Ignoring the nature of such coverage contributes to ongoing colonialist and imperialist efforts at home and abroad. It is the duty of independent media to undertake rigorous analysis of the claims made by corporate and state outlets. Demonstrating that there is more credence to less-circulated perspectives can help unsettle the foundations of state dominance, conceptually and materially. This allows for stronger resistance to future wars and ongoing colonial practices.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

**Official Website of the Extraordinary Chambers [English]
Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)
Cambodia Tribunal Monitor**

ECCC tribunal exit strategy put in force (Khmer Times) By Son Minea
January 14, 2022

An addendum to the agreement between the United Nations and the government on the Extraordinary Chambers in the Courts of Cambodia (ECCC) has come into force following approval by the United Nations General Assembly, promulgation by King Norodom Sihamoni and signing of the Instrument of Ratification by the government and the UN's legal counsel.

The additional agreement is on the provision of transition and termination of the ECCC (Khmer Rouge Tribunal) and enters into force after signing by the Cambodian government and the UN.

The ECCC has yet to announce the final verdict in the last case 002/02 of Khieu Samphan but it is expected by the end of this year.

The Khmer Rouge Tribunal on Wednesday announced the enactment of the supplementary agreement, entitled "Addendum to the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers".

The addendum came into force after the signing of the agreement by Bin Chhin, standing Deputy Prime Minister in charge of the Office of the Council of Ministers, with Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel.

The ECCC yesterday said that the addendum confers the Extraordinary Chambers with a residual mandate, including supervising the enforcement of sentences; witness and victim protection; maintenance, preservation and management of the ECCC archives; and dissemination of information to the public as well as monitoring of the enforcement of reparations awarded to Civil Parties as required, among other functions.

The residual functions will commence upon the completion of judicial proceedings for an initial period of three years.

Only three former Khmer Rouge leaders were sentenced to life in prison. They are former head of state Khieu Samphan; former deputy secretary of the Communist Party of Kampuchea Nuon Chea; and Kaing Guek Eav alias Duch, former chief of Tuol Sleng Prison.

The family of former Khmer Rouge navy commander Meas Muth, on December 17, offered a lukewarm reaction to the decision of the Supreme Court Chamber of the UN-backed Khmer Rouge Tribunal to reject an international co-prosecutor's request to send Case 003 to trial.

The ECCC also dismissed the International Co-Prosecutor's request to send Case 004 against Yim Tith to trial on December 28, 2021.

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Bangladesh International Crimes Tribunal

RAB: Reforms, not sanctions, should take precedence (The Independent) By Philip Sarker

January 20, 2022

It was the May of 2020, Md. Syed Khan, a youth in his late 20s, short, slender and hailing from the southernmost corner of Bangladesh, found himself held captive with 40 others of his fellow countrymen in an abandoned building in the middle of the desert city of Mizdah, Libya. Syed was one of the 90,000 hapless people that would dare to leave the comfort of home and cross the Mediterranean waters in 2020, hoping for a change of fortune in Europe. He, however, was not prepared for what awaited him on his odyssey. As the members of a local militia took the migrants hostage for ransom, clashes broke out at one point and a top trafficker was killed by some hostages of Sudanese origin. The family of the murdered trafficker's retaliated, mercilessly, by killing 26 Bangladeshis in indiscriminate gunshots. Mr. Syed, fortunately, managed to survive.

Kamal Hossain alias Haji Kamal (55), a ringleader of human trafficking, Khabiruddin, Helaluddin and other trafficker involved in the incident was later arrested by Bangladeshi elite paramilitary unit - RAB. Detecting and dismantling human trafficking rackets are one of the areas of concentration for RAB. The elite force has conducted 333 operations in various human trafficking cases, arrested 1,238 people and rescued a total of 1,280 individuals since 2004.

Geographically, Bangladesh is positioned at the crossroads of three drug-producing regions: The Golden Triangle to the East, the Golden Wedge to the North, and the Golden Crescent to the West, across India and hence used as the primary transit location for Southeast Asian drug trafficking to Europe. Bangladesh perceives the heightening of the security threats regarding drug-trafficking as one of the major Transnational Organized Crimes (TOC). In response, therefore, Bangladesh initiated the 'war on drugs' campaign in 2018 to desecrate surging trade of "Yaba". Notably, it is estimated from government sources that more than 1.5 lac drug traffickers were brought to book in these operations. In this regard, RAB's crackdowns on narcotics ring cartels also played a significant part for Bangladesh to operationalize its 'war on drugs'.

RAB's vigilance as the 'lead agency' has been a major contributor to the unprecedented calm and stability in the South-western Sundarbans region. Owing to the difficulties of the terrain, it was much difficult to conduct surveillance and operations in this region. Hence, a number of pirate gangs had historically been enjoying a free-pass in this region. In 2018, the last remaining pirate gangs finally surrendered at Bagerhat Stadium and the government proclaimed the Sundarbans as 'pirate-free' zone. On account of RAB's endless efforts, 328 members and 32 bandits with 462 weapons surrendered from 31 May 2016 to 1 November 2018 in Sundarbans. Besides, more than four hundred members of at least 50 illegal gangs have been rehabilitated into normal lives in the riverine and Bay of Bengal coastal areas.

After 9/11, when the world faced staggering challenges stemming from extremism, the US government built out a massive security administration infrastructure, including creation of the Department of Homeland Security and ratification of the patriotic act. Thousands of miles apart, Bangladesh also experienced an unprecedented uptick in terrorist activities including 2001 Bagerhat bombing, Tangail shrine bombing, 2004 Dhaka grenade attack, to name a few. Similar to US response, Bangladesh also introduced the Armed Police Battalion (Amendment) Act, 2003 by amending the Armed Forces Battalion Ordinance 1979, which subsequently, brought into fore RAB as began in 2004.

As RAB expanded, Bangladesh's counter-terrorism strengths expanded with it. In Bangladesh, RAB has been striving to enforce the government's "zero-tolerance policy" against terrorism, which precisely aligns with the United States' war on terror' campaign. RAB has been proved to be highly effective in combating extremism by apprehending innumerable high-profile terrorists including Bangla Bhai (the military commander of the Al Qaeda-affiliated Jagrata Muslim Janata Bangladesh), Mufti Hannan (the leader of a radical Islamist organization called Harkat-ul-Jihad), and others. The elite force has conducted 333 operations in various human trafficking cases, arrested 1,238 people and rescued a total of 1,280 individuals. RAB also besieged Atia Mahal, a militant shelter in Sylhet which helped to earn success in a nerve-racking mission called 'Operation Twilight'. The elite force also fought with courage to end Bangladesh's worst hostage crisis; the attack on the Holey Artisan Bakery in Dhaka. Notably, former RAB Intelligence Wing commander Lt Col. Abul Kalam Azad was killed in a bomb blast while raiding an extremist stronghold in Sylhet. That is how RAB works side by side with other security services in Bangladesh, even if it means risking the lives of its officers.

The Country Reports on Terrorism 2020 (CRT) of the United States has highly lauded Bangladesh as it has strengthened its

law-and-order situation and diminished the threat of terrorism through the active backing of security services. On top of that, in recent Global Terrorism Index, Bangladesh ranked well ahead of the United States and many of its strategic allies.

The recent US sanctions on RAB and seven of its current and former officials on the grounds of human rights violations has come as a major setback to the reputation of this paramilitary force. Despite being a partner of US in the movement against both violent terrorism and narcotics trafficking in Bangladesh, RAB receives a bolt from the blue setback in its operation. However, a deep insight reveals that reports of Amnesty International, Human Rights Watch graphically depicts stances of human rights breaches by security officials of several nations each year which has recently more deteriorating records than RAB. But all of these countries have not been sanctioned by the US. Then, the question arises - what are the motifs of this indiscriminate sanction to its previous partner on War on Terror? More recently, experts, therefore, opines that US sanctions were motivated by geopolitical interests to keep Dhaka under pressure to avoid its tilt towards China.

As this elite force actions deals with hardcore criminals, who could not be dealt with normal legal process some executions took place when RAB is in the line of duty or engaged in gunfights during a raid. But the prevailing myth among foreign counterparts that in Bangladesh there is only impunity for security forces is absolutely absurd. They might have not looked at the Narayanganj 7 murder case where in 2017 the High Court gave death penalty of 15, including three top ex-RAB officials, expelled an Awami League leader and other involved ex-RAB members were sentenced to different terms in the verdict for their involvement in conspiracy, abduction and killing. They also may be unaware of the fact that in Bangladesh to ensure transparency, discipline, accountability of the activities of the RAB members, Internal Enquiry Cell (IEC) was formed with the initiative of the United states-based organization under section 14 of the Armed Police Battalions Ordinance, 1979. Since its inception, 182 people have been dismissed from service of severe crimes out of 18 sentenced to jail. A total of 416 people have been given major penalties, including 43 for dismissal and compulsory retirement for various offences. Therefore, it seems practice of accountability still prevails.

Undeniably, unlike other paramilitary organizations of many countries, RAB is not above controversy. But, on the basis of few sporadic occurrences the US should not label RAB a human rights offender. If individuals of an organization do anything wrong, the culpability should not fall on the shoulders of the organization or necessarily not imply that the organization itself supports or defends wrongdoings. Imposing sanctions never could be a solution rather it would intensifies the crimes arising out of Rohingya issue, as well as threats of other internal and foreign crimes, could no longer be controlled, and the region's security would be disrupted and fragile. If the US truly cares about the RAB's human rights transgressions, instead of implementing sanctions, the US should engage more closely with RAB to reform it, guiding and equipping them to take the route that the US believe can preserve human rights and simultaneously fight extremism.

High Court order violated in removing war criminal's name from school (Weekly Blitz) By Jalal Uddin Laskar
January 21, 2022

Defying order passed by the High Court Division of Bangladesh Supreme Court, a government school in country's Habiganj district still remains in the name of convicted war criminal Syed SM Kaiser. According to information, more than three decades ago, several controversial locals named a government school located at Chhatiyain area in Madhabpur upazilla under Habiganj district after the name of Syed SM Kaiser, a war criminal handed death penalty by the International War Crime Tribunal in Bangladesh. Kaiser had opposed to Bangladesh's war of independence in 1971 and took part in murder and rape of locals, including hundreds of Hindu families in the locality. He was one of the diehard supporters of Pakistani occupation force's cruelty and genocide on Bangalis and rape and murder of Hindus.

According to official documents, Chhatiyain government primary school in Habiganj district was established in 1987 and named as Chhatiyain Government Primary School. On January 14, 1991, this school obtained status of a government school and all the teachers started receiving salaries as per government rules. In 2013, this school obtained status of a government school.

Porimol Roy, headmaster of the school said he joined this educational institution in 2017. Within days of his joining, the managing committee of this school adopted a resolution to renamed the school and drop the name of war criminal Syed SM Kaiser from it. Accordingly, a copy of the resolution was submitted with the Upazilla Education Officer. Although five years have passed, authorities concerned did not take any initiatives in renaming the school and drop the name of the war criminal SM Kaiser from it for reason unknown.

Porimol Roy further said that the resolution was forwarded to the ministries concerned but no action has yet been taken. Meanwhile, 4/5 months ago, the office of the Upazilla Education Officer sought the copy of the resolution and it was immediately submitted. But no action has yet been taken.

It may be mentioned here that, naming any educational institution, roads, bridges, and installations after the name of war criminals is outlawed by an order passed by the High Court of the Bangladesh Supreme Court. The High Court Division had instructed to remove the names of war criminals from such installations and establishments and replaces those with the names of freedom fighters. Despite such orders, name of Chhatiyain government school in Habiganj district still remains in the name of notorious war criminal Syed SM Kaiser, which is a direct violation of the apex court's order.

It may be mentioned here that, war criminal Syed SM Kaiser owns commercial, industrial and residential properties in the locality as well as in Dhaka city worth billions of takas. Such properties also are not yet confiscated by the state.

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War Crimes Investigation in Myanmar

Oil giants Total, Chevron to leave Myanmar citing human rights (Al Jazeera)

January 21, 2022

Energy giants TotalEnergies and Chevron Corp have said they are exiting Myanmar due to the "worsening" human rights situation and deteriorating rule of law after the country's military seized power in a coup last year.

The announcement on Friday followed a call by France's Total a day earlier to slap targeted international sanctions on Myanmar's oil and gas sector to place all revenues in escrow – a move aimed at cutting off the army's biggest source of foreign currency funding after it overthrew Myanmar's elected government in February 2021.

Total, Chevron and other firms were part of a joint venture running the offshore Yadana gasfield and the MGTC transportation system that carries gas from the field to Myanmar's border with Thailand.

"While our Company considers that its presence in a country allows it to promote its values, including outside its direct sphere of operations, the situation, in terms of human rights and more generally the rule of law, which have kept worsening in Myanmar since the coup of February 2021, has led us to reassess the situation and no longer allows TotalEnergies to make a sufficiently positive contribution in the country," Total said in a statement. The French energy giant added that it is withdrawing from the joint ventures "without any financial compensation for TotalEnergies".

Human rights group Human Rights Watch applauded Friday's announcement, posting on Twitter: "Total's welcome move reflects the importance of avoiding complicity in the Myanmar junta's atrocities. The next step is to ensure that gas revenues don't continue to fund those atrocities."

In December, HRW urged Total to support sanctions that would stop revenues from natural gas flowing to entities controlled by Myanmar's military.

Global Witness, which works on freedoms and environmental justice, welcomed the oil companies' withdrawal and urged the United States and France to back sanctions on Myanmar's oil and gas industry.

The announcement from Total and Chevron "lays to rest a major obstacle for policy makers who have for too long parroted the talking points of the fossil fuel lobby in their refusal to back sanctions on Myanmar's oil and gas sector," Paul Donowitz, Strategy Lead for Myanmar at Global Witness said in a statement. "It is well past time that the US, France and others listen to the voices of civil society in Myanmar and end the lucrative gas payments that are helping fund the brutal military junta."

Civil society organisations and institutional investors in Total have also pressured the French energy giant to discontinue its partnership with entities controlled by Myanmar's military.

Last year's coup has faced continued resistance in Myanmar with people across the country taking to the streets to call for the return of the democratically elected government. HRW has documented myriad human rights abuses committed by Myanmar's military against protesters, activists, journalists, and the political opposition. Those abuses, which HRW says amount to "crimes against humanity", include the killing of more than 1,400 people.

Karenni Police Want Regime Tried in ICC for Killing Civilians (BNI Multimedia Group)

January 24, 2022

Karenni police officers who joined the protest movement against the Burmese dictatorship are demanding that the regime be tried at the International Criminal Court (ICC) for its crimes against humanity.

“The military junta must be indicted for its human rights violations against the country’s civilian population,” said Karenni State police officer Bo Bo. Together with the Karenni State Consultative Council (KSCC) and Human Rights Department of the National Unity Government (NUG), they’ll try bring the regime to justice, he said.

Bo Bo explained that they have collected evidence of the junta’s war crimes and hopes to present it to the ICC.

Next month, the regime will deliver its preliminary objections at the International Court of Justice in The Hague against Gambia’s genocide charges related with the army’s 2017 clearance campaign against the Rohingya in Rakhine State.

On Monday, January 17, the military killed two Karenni girls, ages 12 and 15, and a 52-year-old man and injured three other women in an airstrike on the Rekeebu camp for internally displaced persons in Hpruso Township. The day before, the military killed volunteers Maung John Ahko Steno, 14, Maung Ree Chek, 16, and Maung Bossko 17, in another airstrike in Nam Maekhong in western Demawso Township where many have fled the fighting.

Most people from Rekeebu camp fled fighting in the Mo So area, where the army murdered at least 35 villagers and burned their bodies as they tried to escape violence near the village on Christmas Eve.

According to the Karenni Civil Society Network, more than 170,000 people have been uprooted by the military’s offensives and fighting with civilian resistance groups in Karenni State and southern Shan State. The regime has killed at least 182 civilians since overthrowing the government in a bloodless coup last February.

Since mid-January, the military has blocked the delivery of food and other essential rations to Loikaw. This raises fears that the remaining residents of the besieged capital of Karenni State will soon starve if the situation continues.

“We call on international non-governmental organisations and humanitarian aid agencies to immediately start relief efforts for Karenni State,” Aung San Myint, second secretary of the Karenni National Progressive Party (KNPP) told Kantarawaddy Times. KNPP is the political wing of the Karenni Army that is fighting the military.

Local aid groups can provide only one-third of the rations needed by those affected by the conflict, said Banyar from KSCC. “If we do not get help from UN, our people will definitely face a humanitarian crisis,” he said. The committee was formed by political parties, armed groups, and civil groups opposed to the regime and allied with NUG.

The Karenni Human Rights Group said the regime has continuously violated the Geneva Conventions, which Burma ratified in 1992, by committing war crimes and crimes against humanity during its war against Karenni resistance groups and the people of Karenni and Shan states.

UN Security Council Should Act on Myanmar Atrocities (Human Rights Watch) By Louis Charbonneau

January 25, 2022

United Nations Security Council member countries should abandon their timid approach to the Myanmar military’s mounting atrocities and replace mealy-mouthed statements with tough action.

A year ago, on February 1, 2021, Myanmar’s military ousted the democratically elected civilian government, jailed many politicians, and unleashed a wave of violence against protesters opposing the coup, killing nearly 1,500. Renewed attacks on ethnic minority areas have resulted in numerous war crimes.

Three-and-a-half years earlier, the same military launched a campaign of atrocities against Rohingya Muslims including murder, rape, torture, and the widespread burning of villages. A UN-backed investigation said the attacks against the Rohingya may amount to genocide.

Between the 2017 campaign against the Rohingya and the 2021 coup, the Security Council did little more than issue a handful of statements on Myanmar, failing to put forth a single resolution. This approach surely gave Myanmar’s military confidence that any new wave of repression would largely be met with silence.

Calls for the Security Council to hold a public meeting to discuss the violence since last year’s coup have gone unheeded, as has a campaign by dozens of organizations urging the council to impose a global arms embargo on Myanmar and targeted

sanctions on the junta leaders and military companies.

The United States, Britain, and the European Union have issued unilateral sanctions on Myanmar. But none has presented a draft resolution for the Security Council to negotiate. Why? Fears of a Chinese and Russian veto.

But a veto threat hasn't stopped them before. Russia, usually backed by China, has vetoed 16 resolutions regarding Syria's armed conflict since 2011. US and EU persistence has sent a strong message that the international community is determined to hold parties to the conflict accountable for serious abuses.

In June, the UN General Assembly passed a resolution calling on all governments to suspend arms transfers to Myanmar.

A Security Council resolution imposing a legally binding UN arms embargo is urgently needed. If Russia and China want to side with Myanmar's murderous military against the country's people, nothing can stop them. But Security Council action is long overdue.

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AMERICAS

North & Central America

The war in Afghanistan and Canadian media propaganda (NB Media Co-Op) by Luke Beirne
January 25, 2022

On August 30, 2021, the United States withdrew from Afghanistan, signaling the end of a twenty-year occupation. Since this withdrawal, the Canadian media has relentlessly pursued justification for the war. Criticism has been entirely restricted to critiques of the withdrawal and of the "failure" of the mission. This is a continuation of the Canadian media's inability to effectively critique the military machine.

The American-led invasion of Afghanistan resulted in the deaths of hundreds of thousands and the displacement of nearly six million people. Rather than criticizing the consequences of withdrawal, the war itself should be the subject of criticism. It was an imperialist endeavor ever-marked by atrocity and bloodshed.

On November 11, amidst a wave of propaganda pieces, CBC published an article titled 'We Did Our Best': Canadian veterans of Afghanistan reflect on a year of loss. This article opens by stating that: "The rapid and shocking fall of Afghanistan to Taliban forces this summer has forced Canadian soldiers who served and sacrificed there during Canada's 13-year involvement in the conflict to re-confront the meaning of their role in the country." One soldier quoted states that "We did our best to provide the space for a possible future to emerge, and that just didn't pan out."

Such an approach is grounded in the notion that the war in Afghanistan was noble. This has been the framework for all coverage. For instance, a CBC article post-withdrawal stated that "For those closest to international efforts to build a civil society in Afghanistan, the events of the past month have been a bitter pill to swallow." Another CBC article quoted a soldier who stated that "Over there, you can't be anything other than what they say you are. You can't be a man who is openly gay or you die. They don't even believe that women are humans." And, "You look at history, not one civilization has been able to come in there and tame the Afghan people and it's not about that. It's about helping them help themselves."

Purely colonial logic allows the myth of benevolent conquest to prevail. When Canada joined the invasion of Afghanistan, on October 7, 2001, politicians supported this across the board on the grounds that it was necessary to defend "freedom and democracy" and fight the war on terror. This narrative framed coverage of the war throughout and persists to this day. Now, the idea being forwarded is that military conquest allowed Afghanistan to "civilize." Criticism of the withdrawal process

suggests that continued military occupation would enable the civilizing process to continue. This is colonial logic and follows a tradition stemming back hundreds of years.

It should go without saying that the war in Afghanistan was in no way fought for the sake of women's rights. It is not even possible to meaningfully critique gender-based oppression while glorifying imperialism and neo-colonialism. The media has also consistently suggested that withdrawal has driven "a mounting humanitarian catastrophe." The fact that the invasion itself was a major humanitarian catastrophe is ignored.

The war in Afghanistan was not about freedom, democracy, or the Afghan people. It was part of a campaign of imperialist aggression spearheaded by the United States and supported by the pan-European sphere of accumulation. Conquering and occupying non-European territories has allowed for intensive extraction and wealth accumulation. This campaign has been status-quo since the end of the Second World War, when the United States by-passed former powers to secure a position of global dominance. It is a process which continues to accelerate.

Since the 9/11 attacks, America has launched at least 91,340 airstrikes, which alone have killed between 22,679 and 48,308 civilians. The vast majority of these deaths occurred in Afghanistan and Iraq. Despite attempts to sanitize it, this kind of drone warfare is particularly horrific. Stephen Graham writes that psychologists in Palestine, for instance, have noticed "a whole generation of Gazan children suffering deep psychological trauma because of the continual exposure to the buzzing sounds of drones high above, machines that can spit lethal violence upon them and their families at any time." This is terrorism.

The war on terror has been marked by Western powers using terror to control and subjugate. Paranoia instilled in populations has allowed states to effortlessly breach human rights, enforce authoritarian measures, and undertake massive military campaigns across the globe. When desirable, these anti-terror measures are applied to Indigenous peoples and others who threaten the state's colonial regime at home. The media has contributed immensely to this by continuously bolstering and justifying state ideology.

On October 7, 2021, exactly twenty years after Canada joined the invasion, the Immigration and Refugee Board held a tribunal regarding Canada's attempts to permanently ban Chelsea Manning from entering the country. Manning's supposed crime is leaking secret documents detailing war crimes, such as unlawful killings, torture, and human rights abuse in Iraq and Afghanistan. The decision will be made sometime this year. It is undeniable that Canada is guilty of such war crimes. Among other things, it wilfully turned prisoners over to allies knowing that they would be tortured. The Canadian state's attempts to ban Manning are an attempt to maintain control of the war narrative and mitigate critique.

The Canadian media, particularly CBC, serves as state propaganda. This does not necessarily mean that it receives direct instruction from state bodies. Instead, the overall structure ensures that state perspectives dominate coverage and commentary. Given the evidence of systemic war crimes that emerged when Australia's role in Afghanistan was examined, it is no surprise that Canada has no interest in examining the mission critically. Controlling the narrative also enables the state to continue to exert colonial dominance internally and externally.

Ignoring the nature of such coverage contributes to ongoing colonialist and imperialist efforts at home and abroad. It is the duty of independent media to undertake rigorous analysis of the claims made by corporate and state outlets. Demonstrating that there is more credence to less-circulated perspectives can help unsettle the foundations of state dominance, conceptually and materially. This allows for stronger resistance to future wars and ongoing colonial practices.

Julian Assange Can Now Seek Appeal Against US Extradition to Top UK Court (truthout) By Marjorie Cohn
January 25, 2022

On January 24, 2022, the British High Court of Justice allowed WikiLeaks publisher Julian Assange to ask the U.K. Supreme Court to hear his appeal of the extradition order. In December 2021, the High Court had overturned U.K. District Judge Vanessa Baraitser's January 2021 ruling denying the U.S. request for extradition.

Following a three-week evidentiary hearing, Baraitser concluded that if extradited to the United States for trial, Assange was very likely to commit suicide because of his mental state and the harsh conditions of confinement under which he would be held.

During that hearing, the Biden administration didn't provide the judge with any assurances that Assange would not be held in near-isolation in U.S. prisons. It was only after Baraitser denied extradition that the U.S. government came forward with "assurances" that Assange wouldn't be subject to special administrative measures (SAMs) or be held in the ADX supermax prison in Florence, Colorado. But those so-called assurances contained a loophole. They would be null and void if Assange were to commit a "future act" that "met the test" for the imposition of SAMs.

The late timing of the U.S. assurances precluded Assange's defense from arguing that they were unreliable. Nevertheless, the

High Court accepted the Biden administration's 11th-hour assurances and ruled that Assange could be extradited to the United States.

Assange is facing 175 years in prison for charges under the Espionage Act that stem from the 2010 WikiLeaks publication of evidence of U.S. war crimes in Iraq, Afghanistan and Guantánamo. The Obama administration considered charging Assange for those revelations but declined to do so for fear of running afoul of the First Amendment's freedom of the press. Donald Trump did indict Assange, however. But instead of dismissing the case, Joe Biden is vigorously fighting to extradite Assange and pursue the charges that Trump filed.

Assange asked the High Court to allow him to appeal the case to the U.K. Supreme Court. Although the High Court denied Assange's application for permission to appeal directly to the Supreme Court, the High Court certified that Assange had raised a "point of law of general public importance;" that is, the propriety of the timing of the U.S. assurances. This means that it's a proper issue for the Supreme Court to review. The High Court wrote that although the matter of assurances is at the heart of many extradition cases, the Supreme Court has not resolved the issue. Therefore, Assange can now petition the Supreme Court to hear his appeal.

"The High Court certified that we had raised a point of law of general public importance and that the Supreme Court has good grounds to hear this appeal," Assange's fiancée Stella Moris said in a statement outside the courthouse after the High Court's ruling. "The situation now is that the Supreme Court has to decide whether it will hear the appeal, but make no mistake, we won today in court."

Assange has been held in London's maximum security Belmarsh Prison since 2019. While claiming victory from the High Court ruling, Moris cautioned that Assange continues to suffer in harsh confinement. "But let's not forget that every time we win, as long as this case isn't dropped, as long as Julian isn't freed, Julian continues to suffer," she said. "He is suffering profoundly, day after day, week after week, year after year. Julian has to be freed, and we hope that this will soon end."

If Assange is extradited, he will probably continue to suffer in confinement. The High Court refused to certify the two other appeal points Assange raised involving inhuman or degrading treatment that could be imposed on him in U.S. prisons, which would violate the European Convention on Human Rights. Prolonged solitary confinement may amount to torture under international law.

Although Amnesty International welcomed the High Court's decision to certify the issue of the timing of the U.S. assurances, it stated in a press release, "we are concerned the High Court has dodged its responsibility to ensure that matters of public importance are fully examined by the judiciary. The courts must ensure that people are not at risk of torture or other ill-treatment. This was at the heart of the two other issues the High Court has now effectively vetoed."

More than 26 peace and justice organizations and 2,500 activists signed a statement calling for the immediate release of Assange and praising him for contributing to global peace. Alice Walker, co-chair of Assange Defense (on whose advisory board I sit), said,

He fought for justice by exposing how the United States conducted horrific wars of conquest in Iraq and Afghanistan. Millions died in these wars, mostly civilians. Assange believed that knowledge of U.S. war crimes belonged to us, the people, to decide for ourselves what should happen in our name. And now it's time for us to fight for him.

British Labour Member of Parliament Jeremy Corbyn stated, "Journalism is not a crime," contrasting Assange's confinement with the freedom of the war criminals he exposed. "Wikileaks exposed crimes of U.S. empire in Afghanistan, Iraq, and beyond. The perpetrators of these crimes walk free, often still prominent public figures in the U.S., U.K., and elsewhere," Corbyn added. "They should be held accountable for the lives they destroyed and the futures they stole."

If the U.K. Supreme Court refuses to consider Assange's appeal or they consider it and rule against him, Assange could file a cross-appeal in the High Court. He could then request that the High Court review the issues he lost in Baraitser's court.

Assange would argue to the High Court that his extradition cannot proceed because it is for a political offense; he is being prosecuted for ulterior political motives and not in good faith; and extradition would constitute inhuman and degrading treatment, and he would be denied the rights to a fair trial and freedom of expression, which would violate the European Convention on Human Rights. As a last resort, he could appeal to the European Court of Human Rights.

Meanwhile, Assange will file his appeal in the Supreme Court within 14 days.

US charged with war crimes in Syria prison siege (WSWS) By Bill Van Auken
January, 26, 2022

The Pentagon's proxy ground force in Syria, the Syrian Democratic Forces (SDF)

militia, claimed to have retaken a jail in the northeastern city of Hasaka Wednesday following a week-long siege that saw extensive US bombing and the deployment of hundreds of American troops.

In announcing their purported victory, neither the predominantly Kurdish SDF nor their controllers in the US military offered any information on the fate of between 700 and 850 children held at the detention facility together with alleged supporters of the Islamic State (ISIS).

Reports from the city indicated that hundreds were killed in the fighting, which began last Thursday after ISIS fighters seized control of the prison following an inmate riot and the demolishing of its gates with explosive-rigged vehicles. Many more have been wounded, and thousands of families were forced to flee the fighting and the US bombing raids carried out against urban neighborhoods.

The World Health Organization reported that as many as 5,000 families had fled their homes under bitter winter conditions to government-held areas.

Syria's state media agency Sana quoted the country's Foreign Ministry as denouncing the actions of the US and its puppet Kurdish-led militia as tantamount to "war crimes." It demanded the immediate withdrawal of both US troops from northeastern Syria and the Turkish military from the northwest of the country.

Sana reported Wednesday that SDF forces had brought in heavy equipment to demolish at least 10 houses in the Ghweiran neighborhood of Hasaka city near the prison, while airstrikes by Apache attack helicopters and other US warplanes demolished other homes and public buildings.

Approximately 200 US troops were reportedly deployed in the fighting, backed by American tanks and Bradley fighting vehicles.

The aid agency Save the Children said it had received reports that children were among the hundreds killed and wounded in the siege. The SDF had charged that ISIS fighters were using the child detainees as "human shields," a time-worn alibi of the Pentagon for the slaughter of unarmed civilians.

Letta Taylor, from Human Rights Watch, told the Washington Post that she had spoken directly to inmates from Canada and Australia during the siege. "They sound desperate," she said. "They say they've had no food or water for days; describe dead and wounded everywhere."

A similar account was provided by a 17-year-old boy from Australia, who was able to send out messages to his family. "There's a lot of people dead in front of me, I'm scared I might die any time because I'm bleeding, please help me," he said.

His voice notes to his family, obtained by the Telegraph, continued: "I've seen a lot of bodies of kids, eight years, 10 years, 12 years. My friends got killed here. I'm by myself, I'm very scared, there's a lot of people dead, a lot of people injured ... People are screaming next to me, people are scared. I really need help, I really want to come back home. Please help me." The boy said he had been wounded in the head and the hand during a US Apache helicopter attack on the prison.

This grossly disproportionate armed violence—the use of Apache helicopters and heavy bombardments to pursue fugitive prisoners—is of a piece with the entire criminal enterprise carried out by US imperialism in Syria under the pretext of combatting ISIS.

The scope of these crimes has been partially uncovered with publication of the so-called "Civilian Causality Files" obtained by Azmat Khan, an assistant professor at the Columbia Graduate School of Journalism, exposing the killing of thousands of civilians in US airstrikes and the systematic coverups conducted by the Pentagon.

Among the latest of these revelations, published in the New York Times last week, concerns a March 2017 Special Operations bombing of a Syrian dam on the Euphrates River in eastern Syria, which had been on a Pentagon "no-strike list." Only the failure of a "bunker-buster" bomb to explode and the desperate intervention of Syrian engineers prevented the collapse of the dam, which would have unleashed a wall of water killing tens of thousands downstream. Workers involved in this rescue effort were then assassinated in a follow-up drone strike.

The siege of the Hasaka detention center has called attention to the barbaric treatment meted out by Washington and its local allies to thousands of men, women and children who survived the massive bombing campaign unleashed by the US military to crush the last ISIS strongholds in Syria in 2019.

A report issued last May by the United Nations human rights office condemned the "traumatic" and illegal culling of boys over the age of 12—and some younger—from their mothers and their imprisonment at the Hasaka facility under conditions that the

UN defined as tantamount to torture.

A UN Special Rapporteur denounced the “abhorrent conditions including inadequate shelter, no bedding provision, unmanaged overcrowding, no access to sunlight, insufficient latrine access and virtually no shower access.”

The report added: “Malnourishment is rife. Boys held in these facilities suffer from scabies and other skin conditions, they are vulnerable to HIV, Tuberculosis and COVID-19 exposure. Boys in these detention facilities endure untreated war injuries, missing limbs, and severe trauma. These conditions meet the threshold for torture, inhuman and degrading treatment under international law, and no child should have to endure them.”

The report also indicted the governments of Western Europe, the United States and Australia, which have rejected all appeals for the repatriation of their citizens, including the child prisoners who were brought to Syria by their parents.

In addition to the child prisoners at the Hasaka detention facility, tens of thousands of others captured during the US-led war are held elsewhere in make-shift jails in Syria, while an estimated 60,000 women and children are held in squalid camps, suffering from hunger, disease and routine violence.

The US has approximately 900 Special Operations troops deployed in northeastern Syria, with supplementary forces brought in periodically from among the 30,000 US military personnel based throughout the Middle East. Under an order issued by the Trump administration and continued under Biden, these troops have seized control of key Syrian oil fields, where crude is being pumped out under barrels of guns and then shipped via military convoys into neighboring Iraq. The principal aim of this theft—itsself a war crime—is to deny the Assad government critical resources needed for Syria’s recovery from more than a decade of war.

Washington is continuing its illegal occupation of Syria not to combat ISIS—its own Frankenstein’s monster—or “terrorism,” but to counter the influence of Russia and Iran, which provided crucial military support to the Syrian government of President Bashar al-Assad against US-backed Islamist militias, and China, which is cementing economic ties with Damascus.

It is more than a coincidence that the eruption of the biggest US military operations in Syria since 2019 coincided with the rabidly aggressive war provocations against Russia over Ukraine. Moreover, they follow by barely a week the signing of an agreement between Damascus and Beijing to incorporate Syria into China’s Belt and Road Initiative.

Even as it shifts the focus of US militarism toward the preparation of war with Russia and China, Washington continues its strategic aim of asserting US imperialist hegemony over the oil-rich Middle East.

This finds expression in not only the fighting in Syria, but also the turn toward greater US involvement in the near-genocidal Saudi-led war in Yemen, which, according to UN estimates, had killed upwards of 377,000 people, both directly and indirectly, by the end of 2021.

The Pentagon revealed that its forces participated Monday in the defense of the United Arab Emirates against a missile attack in retaliation for a Saudi bombing raid against a prison that killed nearly 100 and wounded hundreds more last week. The UAE joined Saudi Arabia in the bloody onslaught launched in 2015 with the aim of suppressing Yemen’s Houthi rebels and installing a puppet regime controlled by Riyadh.

The Biden administration recently approved a \$650 million sale of missiles to Saudi Arabia—like the Raytheon-made weapon used in last week’s massacre—while signing off on a \$24 billion arms package for the UAE.

Meanwhile, Biden has signaled that he may reimpose the US designation of the Houthi rebels as a terrorist organization, a move that has bipartisan support in the US Congress. The effect would be to further starve the majority of Yemenis living in Houthi-controlled areas, triggering a mass famine that could kill millions.

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Piracy

Nigeria: UN Applauds Nigeria for Piracy Conviction (All Africa) By Nasir Ayitogo
January 20, 2022

The United Nations (UN) has commended Nigeria for being the first country in Africa to successfully secure conviction for piracy, a statement by the Office of the National Security Adviser (NSA), has said.

Spokesperson of the NSA, Zakari Usman, made this known on Thursday in a statement sent to PREMIUM TIMES.

According to him, the Executive Director of the UN Office on Drugs and Crime (UNODC), Ghada Fathi-Wali, made the remark in New York.

He said Nigeria's leadership role and commitment towards curbing maritime crimes could be attributed to the successful collaboration between Nigeria and UNODC.

He added that the Global Maritime Crime Programme and the Strategic Vision for Africa launched in 2021 has encouraged the organisation to extend its partnership beyond national governments to regional organisations.

Nigeria's Suppression of Piracy and Other Maritime Offences Act, 2019 (POMO Act) aims to "prevent and suppress piracy, armed robbery and any other unlawful act against a ship, aircraft and any other maritime craft, including fixed and floating platforms."

It also gives effect to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA).

As of December, 2021, Nigeria was the only country in Africa to pass the anti-piracy law.

"Following the first-ever successful prosecution of piracy in Africa by Nigeria, the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Ghada Fathi Wali, has applauded Nigeria for its leadership role and commitment towards curbing maritime crimes," the statement said.

UN Commends Nigeria over First-ever Successful Conviction of Piracy in Africa

ABUJA, FCT, 20 JANUARY 2022- Following the first-ever successful prosecution of piracy in Africa by Nigeria, the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Ghada Fathi Wali, has applauded Nigeria for its leadership role and commitment towards curbing maritime crimes.

Wali gave the commendation in New York and noted that the successful collaboration between Nigeria and UNODC, as evidenced by the Global Maritime Crime Programme and the Strategic Vision for Africa launched in 2021, has encouraged the organisation to extend its partnership beyond national governments to regional organisations.

Indeed, one of the gaps identified by the Federal Government of Nigeria in the fight against maritime crimes was the weak legal and institutional framework for prosecuting offenders. In response, President Muhammadu Buhari, on the 24th of June 2019, assented to the Suppression of Piracy and other Maritime Offences (POMO) Bill.

By the POMO Act, Nigeria became the first country in the West and Central African sub-regions to promulgate a stand-alone law against piracy. The Act also domesticates, as required, the United Nations Convention on the Law of the Sea (UNCLOS), 1982 and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), 1988.

In July 2021, under the POMO Act, the Federal Government secured the successful prosecution of 10 pirates for the first time anywhere in Africa. But besides creating a legal and institutional framework for prosecuting maritime crimes, the Federal Government has also prioritised the provision of maritime intelligence facilities.

For instance, President Muhammadu Buhari commissioned a state-of-the-art Falcon Eye Maritime Intelligence Facility at the Naval Headquarters in Abuja last year.

The set up and operationalisation of the project was facilitated by the Office of the National Security Adviser (ONSA) as part of efforts to boost Nigeria's overall maritime security architecture, in accordance with the National Security Strategy (NSS, 2019), under which kidnapping of oil workers, sea robbery/piracy, incessant problems of crude oil theft, illegal bunkering, hostage-taking and maritime terrorism are classified as national security threats.

The commendation by UNODC, therefore, places enormous responsibility on Nigeria to continue to lead innovative efforts towards the fight against maritime crimes in the Gulf of Guinea and across the continent, especially in the areas of intelligence sharing and coordinated legal strategy.

The Office of the National Security Adviser is committed to ongoing national, regional and international collaboration to strengthen legal, administrative and operational efforts in line with national maritime security objectives. All Stakeholders are, therefore, encouraged to continue to set high standard in the prevention and prosecution of maritime crimes.

Signed: Zakari Usman, Head, Strategic Communication, Office of the National Security Adviser

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Gender-Based Violence

Security Council Open Debate on Women, Peace and Security - Protecting Participation: Addressing violence targeting women in peace and security processes - Statement by Michelle Bachelet, UN High

Distinguished President of the Security Council,

Excellencies,

This Council has played a vital role in the drive to ensure that peace is built by, and for, women.

Yet between 1992 and 2019, only 13 per cent of negotiators, 6 per cent of mediators and 6 per cent of signatories in major peace processes worldwide were women.

And that was before the pandemic struck – and before a wave of intensifying conflicts, undemocratic political transitions and disastrous humanitarian crises took hold in many societies, further reducing women's rights.

The situation that now faces women human rights defenders, and prospects for women's full – not tokenistic – participation in shaping and building peace – are vastly worse.

This harms all of us. Women's safe and meaningful participation is necessary to ensure a fuller range of action to bind society together, and address not only the root causes of conflict but also its full impact – including gender-based violence and the use of sexual violence as a weapon of war.

Implementing Resolution 1325 requires consistent policies for public recognition, effective protection and vastly increased strategic, flexible, sustainable and targeted financing for women's civil society organizations, including women human rights defenders. And it requires action to end the violence that so frequently targets women and girls who seek to lead movements for change.

In reality, barely 1 per cent of funding in fragile or conflict-affected countries goes to women's rights organizations. The enabling environment that lies at the heart of the women, peace and security agenda is also largely absent.

In 2020, my Office verified 35 killings of women human rights defenders, journalists and trade unionists in seven conflict-affected countries where data could be retrieved. This number, which is certainly an undercount, surpassed the confirmed numbers of killings in 2018 and 2019.

We have also documented patterns of attacks against women working on gender equality, sexual and reproductive health and rights, corruption, labour rights and environmental and land issues. In every region, we have seen women subjected to arrests and detention; intimidation; sexual violence; and harassment via smear campaigns. Intimidation and reprisals by State and non-State actors against people who cooperate with the UN also remain high, including in countries on the Council's agenda.

These human rights violations significantly undermine global efforts to prevent conflict and sustain peace – because they deter women from participation and leadership.

Excellencies,

In Afghanistan, the de facto Cabinet and other key fora, at national and provincial levels, exclude women. This heavily undermines their capacity to ensure a durably peaceful future in which all have an equal stake. Facing a humanitarian disaster of unprecedented proportions, the country needs all its people to come together. Instead, denial of the fundamental rights of women and girls is massively damaging the economy and the country as a whole.

In recent months, many Afghan women human rights defenders, journalists, lawyers and judges have been forced to flee or to go into hiding – often after repeated threats. Many have lost all sources of income. Afghan women have been excluded from decision-making that affects their lives and families, and prevented from fully exercising their right to participate in all spheres of civic and public life.

I urge the Security Council to ensure that perpetrators of human rights violations and abuses in Afghanistan – including against women and girls – are held to account, to enable conditions for sustainable peace. I ask all States to use their influence with the Taliban to encourage respect for fundamental human rights.

I further call on States to create safe pathways and resettlement programmes for Afghan women human rights defenders, and to immediately halt the deportation of Afghan women who seek protection.

It is also vital to maintain a strong human rights presence and focus for all UN engagement in Afghanistan, with strong advocacy and tangible support for women human rights defenders and peacebuilders, and for women's human rights.

Excellencies,

In the Sahel region, critical deficits in women's empowerment are clearly a factor in the complex development, security and humanitarian crisis. Several countries in the region are at the very bottom of UNDP's Gender Equality Index. Extremely violent armed group attacks also increase the threat of abductions, violence, exploitation and abuse of women and girls, as well as local closures of schools, particularly for girls.

I was therefore encouraged, during my recent mission to the region, to hear senior members of the G5 Sahel joint forces emphasising the importance of increased integration of women in political, security and development policies to address the crisis. OHCHR will continue to support implementation of the G5 Sahel Joint Force Compliance Framework to address these issues – including obstacles to women's direct participation in the security forces. Ensuring women's presence in the armed forces will be helpful on many levels, including fostering public trust.

In Myanmar, women human rights defenders have long been a force for peace and inclusivity – including at the forefront of resistance against military rule. But many women's civil society groups have been forced to shut down amid the violence that has gripped the country since February last year. Women medical workers, media workers, protestors, participants in civil disobedience, activists on social media and those providing food and shelter to people in need have been targeted for assault and arbitrary detention. Women and girls appear to number over 2,100 of the estimated 10,533 people detained by the State Administration Council and its affiliated armed elements between February and November last year.

In contrast, Colombia's 2016 Peace Agreement was a global landmark in terms of women's participation and the inclusion of gender-specific measures. The Truth Commission and the Special Jurisdiction for Peace have also promoted women's participation, and the Search Unit for Persons Deemed as Missing has recognized women's essential role in the search for missing people.

Nonetheless, implementation of gender-specific measures on issues such as land reform, political participation, security guarantees – including for women human rights defenders – and other points of the agreement should be strengthened. I also recommend greater efforts in Colombia to combat continued conflict-related sexual violence and to guarantee that victims of such crimes are treated with dignity and have access to adequate protection, justice and reparation. This work will serve the cause of justice – and therefore, peace.

Excellencies,

At the heart of Resolution 1325 and subsequent resolutions by this Council is the need for strategies that create inclusive and safe participation channels for women from all backgrounds, movements and communities. Protection of their work, lives and rights is central to this effort.

The international community must stand united and push back against attempts to attack, silence and criminalize women's rights to defend rights, participate in decision-making and express dissenting opinions.

We also need to do more and better to provide safe spaces for women human rights defenders to interact with the Council and its subsidiary bodies, without fear of retribution.

I am encouraged to see some States working to mitigate reprisals against women peacebuilders who engage with the Council – including tailored contingency plans in coordination with UN peace operations on the ground. I also applaud States that provide support to women briefers who face retribution as a result of their cooperation with this Council, including technical, financial and advocacy assistance.

It would be valuable for the Security Council to consider harmonising approaches to ensure the safe involvement of women in peace processes, as well as their participation in the Council's work. Going forward, peace operation mandates could explicitly include provisions for protection of all civil society actors and UN interlocutors from threats and reprisals, particularly women peacebuilders – as is already the case for UNMISS.

Strengthening the timely, disaggregated collection of data on women's participation and protection in peace processes is also essential to more effective monitoring of results.

In recent years, OHCHR has been strengthening the gender perspective of UN investigative bodies, providing training and guidance, and deploying dedicated gender and gender-based violence experts. For example, the October 2021 report of the Fact-Finding Mission on Libya documents the disproportionate effect of the conflict – and proliferation of militias – on women, including the emblematic killings of a woman political leader and a woman journalist. It also highlights repeated attempts to silence prominent women through violence, including through online incitement to violence, and the resulting chilling impact on women's engagement in civic space. These investigative efforts – including through the deployment of dedicated capacities – require more consistent and more effective financial resources.

Excellencies,

Decisions on peace that do not reflect women's voices, realities and rights are not sustainable. There must be clear advocacy for and significant investment in women human rights defenders and peacebuilders – removing obstacles such as the digital divide; expanding financial support; and significantly increasing accountability for attacks and intimidation. The work of addressing discrimination, inequality, denials of women's civic space and gender-based violence should also be viewed as a priority for building peace.

Thank you

Victory in court for indigenous women raped during Guatemala's civil war (The Guardian) January 24, 2022

Indigenous women raped by paramilitaries during Guatemala's brutal civil war have triumphed in court, when their aggressors were sentenced to 30 years each in prison.

In a verdict hailed as a vindication for survivors who have spent years fighting for justice, a tribunal convicted five former paramilitary patrolmen of crimes against humanity for the rape of five Maya Achi women in the early 1980s.

"We are very happy, very satisfied with the outcome," said Brisna Caxaj, a sociologist and gender programme coordinator for Impunity Watch Guatemala, who accompanied the women during the trial.

"The tribunal recognised the use of sexual violence during the armed conflict because it was systematic, and it also established how the army used the [paramilitaries] to commit those crimes," Caxaj told the Guardian.

The verdict is also slightly bittersweet. A group of 36 Maya Achi survivors initiated the legal proceedings that eventually led to Monday's verdict, but three of the women died in the intervening period, including one just last week.

Pedrina López, one of the five women whose cases were directly included in the trial, was only 12 years old when she was raped in Rabinal, 80km north of Guatemala City. She testified during the trial and took the stand again Monday morning to call for justice.

"What happened never leaves us," López told the courtroom on Monday morning prior to the verdict. "My body has been left with everything that happened."

López also called for paramilitaries to return the remains of her parents, who were taken away and forcibly disappeared. Other Maya Achi survivors of sexual violence witnessed massacres of relatives, including children.

Guatemala's 1960-1996 civil war left an estimated 200,000 people dead and 45,000 people disappeared. Many of the worst atrocities occurred in the early 1980s.

The 36-year armed conflict was between leftist guerrilla groups and the military, but the military's counterinsurgency campaign, which included paramilitaries, was also deployed against indigenous civilians.

Achi women await the verdict of a court on the case of five paramilitaries accused of sexually assaulting 36 indigenous women during Guatemala's civil war. More than 80% of victims of atrocities were indigenous Maya civilians, according to a United Nations-backed truth commission, which also documented more than 600 massacres carried out by the military and paramilitaries.

State actors committed acts of genocide in some regions of the country, including the Achi region, the truth commission concluded. A domestic court concurred in 2018, and high-ranking former military officials are facing trial for genocide.

"Sexual violence was part of the war," the three-judge tribunal affirmed in its verdict on Monday, noting sexual violence was generalised and systemic against Achi women, who were also subjected to domestic slavery.

Nearly six years ago, two former military officers were convicted of crimes against humanity for the systemic rape and enslavement of 11 Maya Q'eqchi' women in the 1980s in eastern Guatemala. That landmark case helped Achi survivors advance their own.

In 2019, however, a judge originally on the Achi women's case acquitted three paramilitary patrolmen and provisionally acquitted another three, releasing them all from custody.

The men are also indigenous and some are from the same villages as the female survivors. The army recruited, often forcibly, local men into paramilitary "civil defence patrols" during the civil war.

“The women were challenged by relatives of the accused, and they faced taunts and insults when the men got out,” said Lucia Xiloj, one of three indigenous female lawyers who represents the Achi women joint plaintiffs.

“They have faced so many difficulties,” she told the Guardian, noting the women faced stigma in court as well as back home.

The conviction is a victory for the women, and their communities will see they were heard and believed, said Xiloj.

“The tribunal highlighted in its arguments the importance of the testimonies of the women,” she said. “It vindicates all those years of struggle during their search for justice.”

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Commentary and Perspectives

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WORTH READING

Women’s law-making and contestations of “marriage” in African conflict situations

Annie Bunting, Heather Tasker, and Emily Lockhart

January 17, 2022

International criminal law has developed significantly over the past 20 years since the establishment of the ad hoc Tribunals and International Criminal Court. Much scholarly attention has focused on the politics and jurisprudence of these courts, with particular focus on the prosecution of sexual and gender-based violence. This article adds to the literature with comparative, qualitative research with survivors of conflict-related forced marriage in Liberia, Sierra Leone, and Uganda, revealing context-specific understandings of marriage, consent and harm. We argue women exercise “tactic agency” in captivity in ways that are, taken together, “lawmaking” in their contestations over the socio-legal categories of marriage. Their contestations of marriage impact the norms within rebel groups as well as the development of new crimes against humanity in international criminal law. Building on the empirical findings, we argue that prosecution of crimes against humanity and reparation programs ought to be flexible and responsive enough to capture the varied experiences of women and girls abducted in war for purposes of sexual exploitation.

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