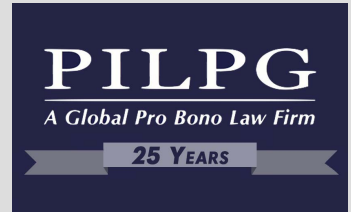




SCHOOL OF LAW  
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War Crimes Prosecution  
Watch



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## AFRICA

## NORTH AFRICA

## Libya

**Political Risks and Hobbesian Warfare Complicate Libyan Gas Supply for Europe (Forbes)** By Ariel Cohen  
February 11, 2022

**Since 2011, Libya has been suffering from a Hobbesian state of the war of all against all. Chaos, violence, and warfare massively impaired the north African energy giant's oil and gas supplies. In 2010 Libya was producing nearly 2 million barrels of oil per day (bpd). Today exact numbers are hard to come by due to the proliferation of black market trading and unreliable reporting, but estimates are between 700,000 and 1 million bpd, despite the country's reserves exceeding 48 billion barrels. In 2021 Libya was only able to export 4.3 billion cubic meters (bcm) of the 17 bcm it produced.**

As Europe's natural gas stability is in question, geographically proximate Libya, a potential solution, remains plagued by chaos and corruption.

The crisis is deepening, as the Army High Command praised the decision of the Parliament in Tripoli to elect Fathi Bashagha as Prime Minister of the country's new government while the current PM, Abdul al-Hamid Dabiba, declared it illegitimate and threatened not to step down until the next elections take place.

Europe is the primary market for Libyan hydrocarbons and could benefit from by Libyan gas. However, the current infrastructure in place, such as the Greenstream 32-inch pipeline, is relatively small. It is a transnational undersea pipeline that delivers gas from Wafa field near the Algerian border deep in the desert, and from Bahr Essalam field to Sicily, Italy is relatively small. At the peak, it supplied almost 12 bcm/a.

As the demand for oil and gas is going up, and Libya continues to have valuable petroleum due to its high quality and low cost of extraction, as well as 40% of the natural gas reserves in Africa - with an increase in infrastructure and stability, Libya, together with Algeria, Azerbaijan, the EastMed pipeline, and LNG imports, could serve as a partial answer for the European gas deficit and crisis.

The political instability that has rocked Libya since 2011 started with the ill-thought-through NATO operation to remove the dictator Muammar Qaddafi. Far from an angel, the flamboyant Qaddafi was a terrorism supporter taking responsibility for the bombing of Pan Am flight 103 that exploded over Lockerbie, Scotland, killing 270 in 1988. Qaddafi was an oppressive tyrant, but his fall created a power vacuum that has thrown the country in turmoil.

However, the NATO operation that removed him involved massive bombings and land warfare that led to a total collapse of the central government and oil and gas production. As a result, tribal warfare and competing centers of power have emerged.

As the Libyan government is split and met with constant conflict, they struggle to provide guarantees for the functioning of the oil and gas infrastructure. Its first shutdown was in 2011 -2012 due to the Libyan civil war. An additional protest followed this in late 2014 - Amazigh (Berber) protesters took over the port of Mellitah and effectively shut down the Greenstream pipeline. At the time of the closure, the pipeline's capacity was down to 15.9 million cubic meters per day. Other pipelines out of Libya also suffered outages in October 2021. Es Sider pipeline production fell by 72% after a leak was discovered.

In December 2014 and January 2016, militia forces headed by Ibrahim Jedran attacked the country's largest oil export port, Sidra. These attacks have seriously affected the country's production and export of oil. The Libyan public opinion was disturbed that the production and administration of petroleum were in the hands of the militia forces. Haftar took over the oil fields again in January 2022, slashing production margins.

The political chaos has also opened the doors for Libya to serve as the last stop on a major Sub-Saharan trafficking route to Europe, leading to a vast amount of gang activity, gross human rights abuses, and hundreds of lives lost to accidents or accidents violence.

Libya's Hobbesian political maelstrom has attracted the international actors for years, specifically key players such as US, most of the EU, Turkey, and Qatar, and the UAE, France, Russia, and Egypt finding themselves supporting opposite ends of power.

Turkey and Qatar have demonstrated their support for the prime minister and presidential council in Tripoli, where the UAE, Russia, and Egypt support the parliament in Tobruk. Both sides of this conflict have received aid and arms from their international partners.

Turkey and the UAE have both openly defied the international arms embargo and sold military-grade equipment to their respective sides, thus further continuing the conflict.

A key figure in the conflict is "Field Marshal" Khalifa Haftar, who was once a CIA asset. The general is based on Tobruk and receives support from the Libyan parliament.

Haftar is a powermonger that has attempted to establish himself as the new Qaddafi. For example, between April 2019 and June 2020, Haftar mobilized the Libyan National Army (LNA) to advance a 14-month offensive was launched against the internationally recognized government in Tripoli. An additional attack followed this in 2021 – both were unsuccessful. More recently, in January of 2022, Haftar was reported to be responsible for oil blockade in eastern oil fields, further hindering production.

The US Congress is in the process of passing the Libya Stabilization Act, which cleared the house in September of 2021. It has since been referred to the Committee on Foreign Relations and awaits approval in the Senate. If passed, the legislation would provide legal authority to a 2016 Executive Order imposing property- and visa-blocking sanctions on persons contributing to the violence in Libya, including Haftar. Later in 2020, the US Treasury passed an economic sanctions act to block any funds, goods, or services to Haftar and his associates. The United States has blacklisted Haftar for his continued human rights abuses, torture, and forced disappearances as he continues his quest for power.

The EU, which bears the moral responsibility for the future of Libya and has an abiding economic and migration control interests there, is failing to put meaningful sanctions against Haftar. European companies maintain economic relations with Haftar's close associates, using front companies to trade hydrocarbons in the black market. Haftar's oil export revenue solidifies his military grip.

According to Jason Pack, author of *Libya and the Global Enduring Disorder*, neither Haftar nor any of the other Eastern warlords have ever been able to smuggle crude (as opposed to refined product). He maintains that the international community's collective action has been upheld in this one regard — preventing smuggled crude oil from being sold outside of the legally-mandated NOC channels.

To address the shortcomings in international policy toward Libya, on January 27, 2022, Congress passed measures that could help Libyans in their struggle with the ongoing political gridlock and violence. Amendments were introduced to the National Defense Authorization Act for Fiscal Year 2022, which would require an overview and increase in sanctions placed on countries violating the arms embargo.

Haftar and the warring government factions constitute a significant obstacle to peace and security in Libya. Its oil and gas development are necessary for the prosperity of its much-suffering people. As such, the US, its European and Middle Eastern allies, and other actors should work diligently to stabilize the country and allow a consensus government to emerge.

The international community has a moral obligation and economic interest to restore Libya to peace. Surprisingly so far, the EU members refrain from imposing biting personal sanctions on General Haftar, his right hand Kheiri al Tamimi and their entourage despite the catastrophe in Libya — and against their own interests. Working together to prevent further conflict and thus stabilize the oil and gas production will serve to benefit the Libyan people and Europe as they look for alternatives to Russian gas. In the long term, Libyan gas and oil are high quality and inexpensive to produce. If Libya were to stabilize, both the United States and Europe could benefit long-term.

## **2 Turkish journalists to serve prison sentences for reporting on intel officer's killing in Libya (Stockholm Center for Freedom)**

February 15, 2022

### **Journalists Barış Pehlivan and Murat Ağirel were arrested on Tuesday to serve sentences handed down over their reports on a Turkish intelligence officer killed in Libya, Turkish media reported.**

The two journalists turned themselves in Tuesday morning at the Çağlayan Courthouse in Istanbul. In a Twitter post Ağirel said everything he wrote was true and that the authorities were pressuring him into silence.

Speaking to journalists in front of the courthouse, Ağirel said their arrest was upsetting and indicated that the judicial system in Turkey was under political pressure. "We will continue our search for justice," he said. "We are journalists, and we stand by our pen. We will appeal to the Constitutional Court and later to the European Court of Human Rights [ECtHR]."

Pehlivan said goodbye on Twitter, adding that he was going to prison for the third time.

Criticizing the arrest of the journalists, the Media and Law Studies Association (MLSA) tweeted that journalism was not a crime.

Ağirel and Pehlivan were among five journalists who were sentenced to prison in September 2020 by the İstanbul 34th High Criminal Court on charges of "disclosing information related to national security" and "disclosing documents pertaining to intelligence operations."

Pehlivan was sentenced to three years, nine months, while Ağirel received a four-year, eight-month sentence.

Their sentences were upheld by the 3rd Criminal Chamber of the İstanbul Regional Court of Justice on February 2.

The journalists published reports and tweeted about the secretly held funeral of a National Intelligence Organization (MİT) agent killed during a mission in Libya.

Journalist Barış Terkoğlu was acquitted of the charges along with Eren Ekinci, an employee of the municipality where the intelligence officer's funeral took place, who was accused of providing pictures to the journalists of the funeral of the deceased intelligence officer.

The charges against the journalists center on articles and social media posts published shortly after President Recep Tayyip Erdoğan said in February 2020 that Turkey had "several martyrs" in Libya.

According to the indictment, Ağirel was the first to reveal the identity of the intelligence officer, sharing his name and photos on

Twitter and referencing Erdoğan's comments.

Turkey had provided military support and training in Libya to the internationally recognized Government of National Accord (GNA), helping it fend off a 14-month assault on Tripoli by eastern Libyan forces led by military commander Khalifa Haftar.

Turkey, which is among the top jailers of journalists in the world, was ranked 153rd out of 180 countries in the Reporters Without Borders 2021 World Press Freedom Index announced in April.

**EXPLAINER: Why is Libya sliding back to political division? (ABC News)** By Sam Magdy

February 18, 2022

**A year ago, Libya looked to be on a fragile path toward democracy, after more than a decade of civil war. Now, it appears to be sliding back toward strife and division.**

After tentative steps towards unity, the country is once again being pulled apart, with two rival prime ministers claiming power.

The first signs of serious trouble emerged late last year, when presidential elections scheduled for Dec. 24 were postponed indefinitely. Underlying the delay was disagreement over eligible candidates and the ground rules for holding the vote.

The election had been intended to replace a transitional government formed a year ago and headed by Prime Minister Abdul Hamid Dbeibah. On Feb. 10, the parliament appointed Fathi Bashagha, a former interior minister, to form a new government. It said elections should be held within 14 months.

Dbeibah refused to step aside, vowing to hold on to power until elections take place.

For many Libyans and observers, it looks like a return to parallel governments is imminent, with the possibility of more fighting. Libya has been wrecked by conflict since the NATO-backed Arab Spring uprising toppled autocratic ruler Moammar Gadhafi in 2011. The country was for years split between rival administrations in the east and west, each supported by militias and foreign governments.

Attempts by the international community to help unify the country were thwarted as powerful Libyan parties and their foreign backers refuse to compromise. Elections were delayed after a failure to reach a consensus on election laws or even on who should be eligible to run. A series of U.N. envoys to the country left office frustrated at Libyan parties' unwillingness to cede power and funds accumulated during the war.

Bashagha and Dbeibah could both portray the situation as a struggle "between legitimate and illegitimate," said Wolfram Lacher, a Libya expert with the Berlin-based SWP research institute.

"In reality, it is a struggle between two sides that both seek to exercise power indefinitely and without accountability," he said.

Here's a look at the main players in the country:

## TWO PRIME MINISTERS

Both Bashagha and Dbeibah hail from Misrata, a city in western Libya. Its well-armed militias were crucial in the U.S.-backed fight against the Islamic State group in 2016, and most recently in fending off a 2019 offensive on the capital of Tripoli by east-based forces of commander Khalifa Hifter.

Bashagha, 59, is a former air force pilot and businessman. He served as interior minister in the U.N.-supported administration in Tripoli from 2018 until March 2021, when U.N.-led talks led to the formation of the transitional government.

He has positioned himself as one of the most powerful figures in western Libya, though he has clashed with some local militias. He has cultivated ties with Turkey, France, and the U.S., but also with Egypt and Russia — his nominal rivals during the offensive on Tripoli.

Bashagha sought to lead the transitional government, but was beaten by Dbeibah in a U.N.-brokered process marred by allegations of corruption. He had also planned to run for president, hoping to compete against Hifter, Dbeibah and Gadhafi's son, Seif al-Islam, before the December race was called off.

Dbeibah, who has a university degree in engineering from Canada, is a relative political novice. He is believed to rely on the wealth of a relative, Ali Dbeibah, one of the richest people in Libya, who was a politician in Gadhafi's time.

After the 2011 uprising, the Dbeibahs allied themselves with a powerful militia known as the Misrata brigades.



As head of the transitional government, Dbeibah, 59, has made some political enemies. He had pledged not to run for president, but then went back on his promise and announced his candidacy, alienating some of his most powerful supporters. Dbeibah was often at odds with powerful parliament speaker Aguila Saleh and Hifter.

#### DIVISIVE STRONGMAN IN THE EAST

Hifter was a senior military officer under Gadhafi but defected in the 1980s during Libya's war with Chad. He later spent more than two decades in Washington, during which he is widely believed to have worked with the CIA.

He returned and joined the 2011 anti-Gadhafi uprising. In 2014, his self-styled Libyan Arab Armed Forces battled extremists and other rival factions across eastern and southern Libya. They now control Libya's east and much of the south, including vital oil fields and terminals.

In April 2019, he tried to capture Tripoli. His 14-month military campaign failed, leading to U.N.-mediated cease-fire and political talks that formed Dbeibah's interim government.

Hifter, a dual U.S. and Libyan citizen, has the support of Egypt and the United Arab Emirates, as well as France and Russia. His rivals are aided mainly by Turkey and Qatar.

He announced his bid for the presidency, building his campaign on his ability to bring security and stability to areas he controls. Hifter's critics accuse him of seeking to establish autocratic rule.

Hifter's forces welcomed the appointment of Bashagha, forming an alliance against Dbeibah.

But such a partnership could prove costly for the designated prime minister. It will likely complicate his efforts to preside over genuine law enforcement and security sector reform, said Jalel Harchaoui, a Libya researcher.

Bashagha also faces other challenges, said Harchaoui. He needs to find a way to work with Sadiq al-Kabir, the governor of the Central Bank of Libya, which recently announced steps towards unifying its branches in the east and west. The bank is the repository for billions of dollars annually in revenue from Libya's large oil deposits, as well as foreign reserves.

Another major concern for Bashagha is the deep mistrust of Hifter shared by many in the west.

"The crisis may well worsen if those questions are not handled tactfully," said the analyst.

When Seif al-Islam Gadhafi emerged after years in hiding in mid-November to announce his bid for the presidency, he sent shockwaves across Libya.

The one-time heir apparent was released from a militia-run prison in 2017, but is still wanted by the International Criminal Court on charges of crimes against humanity during the 2011 uprising. He has slowly engineered a political return, capitalizing on the dysfunction created by war. He depends largely on links to tribes across the country, and reconciled with militias that were once his fiercest foes. His candidacy proved threatening enough to unite otherwise rival factions against him.

Harchaoui said that recent developments have sidelined Seif al-Islam despite his apparent popularity, because he does not command the loyalty of enough armed men.

"The opinion of the populace is largely ignored, and the electoral process is in very poor shape," he said. "In this kind of environment, Seif is barely relevant."

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## CENTRAL AFRICA

### Central African Republic

## **Central African Republic: UN expert to conduct visit to assess human rights (United Nations Human Rights Office of the High Commissioner)**

February 10, 2022

### **The UN Independent Expert on the situation of human rights in the Central African Republic (CAR), Yao Agbetse, will conduct an official visit to the country from 11 to 18 February 2022.**

During his mission, the expert will meet government officials and institutions, representatives of civil society and the UN system, as well as members of the diplomatic community.

The independent expert will review findings from his visit at the Human Rights Council in March 2022.

## **Central African Republic: All stakeholders must act to end impunity, says UN expert (United Nations Human Rights Office of the High Commissioner)]**

February 18, 2022

### **A UN human rights expert today urged all necessary steps be taken to end impunity in the Central African Republic to ensure lasting peace in the country, and expressed the need to strengthen efforts to provide more holistic responses to victims.**

Following a seven-day official visit to the country, the UN Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, called on authorities to provide the transitional justice institutions, particularly the Truth, Justice, Reparation and Reconciliation Commission (CVJRR), and the Special Criminal Court with adequate resources.

"It is important that these institutions be provided with adequate resources to carry out their missions," Agbetse said in a statement (French only). "In this regard, prompt and substantial assistance from international partners is essential. The CVJRR must be provided with a headquarters without delay in order to carry out its activities, and its independence must be assured."

During the visit, the UN expert met State authorities, justice institutions, UN agencies and bodies, representatives of the diplomatic corps, Central African and international civil society organizations, media and humanitarian workers.

Agbetse said he received testimonies reporting abuses committed against civilians by all parties to the conflict, including Russian security contractors deployed under an agreement between the Governments of CAR and the Russian Federation. He cited instances of sexual violence, acts of intimidation, destruction of homes, threats, racketeering, as well as acts of torture, cruel, humiliating, inhuman and degrading treatment.

"It is urgent that appropriate measures be taken, in the short term, to put an end to these violations of the rights of the civilian population," he said.

The Independent Expert said he was informed that while the armed groups' capacity to cause harm had been greatly reduced, they continued to pose threats to the population. They continue to make day and night raids on villages and collect taxes on the roads.

He expressed concerns about the use of explosive devices in the west of the country, particularly in the localities of Kaga-Bandoro, Baboua, Niem-Yéléwa, and Boda. It is urgent that the international community support that the UN Multidimensional Integrated Stabilization Mission (MINUSCA) and the humanitarian community in demining these areas, the UN expert added.

Agbetse urged the authorities to make education, technical and agricultural education, and vocational training a priority to promote the participation of youth in the decision-making process.

He also called on the international community to continue to support the timely organization of local elections in 2022. "All actors, including political parties and the media, should refrain from hate speech, avoid inciting violence, and avoid using manipulation and disinformation," he said. "The necessary measures for free, transparent and peaceful elections must be taken now with the participation of women (quota of at least 35 percent) and youth."

## **US and France attack actions of Russian mercenaries in CAR (Washington Post) By Edith M. Lederer**

February 22, 2022

### **The U.S. and France criticized mercenaries in the Central African Republic from the Russian security company Wagner, accusing them on Tuesday of executing civilians, attacking U.N. peacekeepers and targeting predominantly Muslim communities in their**

## **military operations.**

Russia never mentioned mercenaries or Wagner in responding, but said that “Russian specialists” are working “successfully” in the African nation at the request of its government, including training the military.

The exchange came at a U.N. Security Council meeting during which outgoing U.N. special representative Mankeur Ndiaye said that “the Central African people are still awaiting the dividends of peace.”

He also never mentioned Wagner, but he called on government authorities to take immediate and tangible measures to prevent human rights violations committed by defense and security forces “and other security personnel.”

The mineral-rich but impoverished Central African Republic has faced deadly intercommunal fighting since 2013, when predominantly Muslim Seleka rebels seized power and forced President Francois Bozize from office. Mostly Christian militias later fought back, also targeting civilians in the streets. Untold thousands were killed, and most of the capital’s Muslims fled in fear.

A peace deal between the government and 14 rebel groups was signed in February 2019, but violence erupted after the constitutional court rejected Bozize’s candidacy to run for president in December 2020. President Faustin Archange Touadera won a second term with 53% of the vote, but he continues to face opposition from a rebel coalition linked to Bozize.

Despite the declaration of an electoral cease-fire in October, Ndiaye said, “the security situation continues to be concerning.” He noted there are military operations under way against armed groups and the rebel coalition, and retaliation against national security forces and the civilian population as well.

He deplored violations of human rights and humanitarian rights that he said continue to be committed by all parties. He said that includes excessive use of force, the targeting of some communities, sexual abuse, and the recruitment and use of children by armed groups.

U.S. Ambassador Linda Thomas-Greenfield said that Central African Republic security forces and Wagner contractors — “referred to as ‘other security personnel’” in Secretary-General Antonio Guterres’ latest report to the Security Council — “perpetrated over 40% of all violations documented” between October and February.

Both Thomas-Greenfield and French Ambassador Nicolas De Riviere singled out an attack in Aigbando on Jan. 16-17.

She said credible sources reported that Wagner forces in the town “massacred more than 30 unarmed civilians.” He said more than a dozen civilians were executed by Wagner’s mercenaries who then laid mines around the village to prevent the U.N. peacekeeping force from investigating.

“This is not an isolated incident,” De Riviere said. “This violence is systematic, it is deliberate, it is part of a method of provoking terror to control certain territories and make money from them.” He said some of the government’s armed forces were also attacked by Wagner, and he called on authorities to prosecute all perpetrators of violence, “whoever they may be.”

Thomas-Greenfield said government forces “working with the Kremlin-supported Wagner Group perpetrated 17 violations” of the status of forces agreement between the government’s military and U.N. peacekeepers in the past four months. She said that was “totally unacceptable.” She said the United States is also “deeply concerned” at reports that the armed forces and Wagner continue to target predominantly Muslim communities, which “poses grave risks to the country’s delicate social fabric, and it contributes to further destabilization.”

The United States urges the government to cooperate with the U.N. peacekeeping force and other partners to investigate all allegations and hold those responsible accountable, she said. Russia’s deputy U.N. ambassador, Anna Evstigneeva, responded to the accusations, alluding to the crisis in Ukraine and Russia’s demand that NATO ban membership for Ukraine, which the alliance has rejected.

“In light of recent global events, including some developments in Africa, we are struck by the hypocrisy of some of our colleagues’ statements,” Evstigneeva told the council. “While underscoring sovereign right of states to choose partners and alliances, our Western colleagues may go hysterical if they do not like partners that a state has chosen, and cry that a sovereign state in question allegedly has no right to embark on such partnerships.”

She also accused council members of repeating “unverified information about alleged cases of human rights violations and crimes” in Central African Republic and asked why they didn’t demand investigations into U.S. airstrikes in Kabul in which dozens of people died.

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## **Sudan & South Sudan**

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

### **Security Council extends Darfur sanctions experts until March 2023 (Sudan Tribune)**

February 16, 2022

#### **The Security Council Tuesday extended until March 2023 the mandate of independent experts tasked with assisting the Sudan Sanctions Committee.**

The 15-member body unanimously adopted resolution 2620 (2022) extending the Panel of Experts until 12 March 2023, and requested its five members to provide an interim report on its activities by 12 August 2022; a final report by 13 January 2023.

Appointed in 2005, the experts operate under the direction of the Security Council Committee sanction committee concerning arms embargo on Darfur region, travel ban and assets freeze.

Tasked with the monitoring of violations in Darfur by all the parties, the panel in its latest report showed the continuation of intercommunal violence and attacks on IDPs camps involving government militiamen that committed war crimes.

Also, despite the signing of a peace agreement in October 2020, the signatory groups continue their mercenary activities in Libya and introduce weapons in Western Sudan, in violation of resolution 1951 (2005).

The transitional government in Sudan, last year requested the review of sanctions in Darfur and termination of the panel of experts.

In line with a request made by the Security Council, the Secretary-General on July 31, 2021, provided a report recommending four key benchmarks and related targets, namely progress on political and economic governance issues; transitional security arrangements in Darfur; the National Plan for Civilian Protection; and transitional justice and accountability.

Discussions on draft resolution 2620 were complicated by the ongoing political crisis and the coup d'état of October 25, 2021.

Following the adoption, the representative of the United States said the "Robust monitoring and reporting must continue" and the independent experts play a crucial n this respect.

The American diplomat underscored the need for a unified international effort to help Sudan restore civilian rule and to condemn ongoing cycles of violence and attacks by armed groups. China's representative said the Sudanese authorities continue to be affected by sanctions. He further expressed regret that calls for benchmark-setting in 2021 remain unimplemented,

For his part, the Russian representative and Security Council President for February underlined that existing measures are hindering authorities in Sudan and must be adjusted and modified until their removal.

"They cannot and should not be used as a political tool," she further said in her national capacity.

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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**

### **Peace envoys taken hostage in DR Congo (Business Ghana)**

February 18, 2022

**An attempt to persuade a rebel militia in eastern Democratic Republic Congo to lay down its arms has ended with three peace envoys - all former warlords - being taken hostage.**

President Félix Tshisekedi sent Thomas Lubanga, Germain Katanga and Floribert Ndjabu to negotiate with Codeco militiamen who have been accused of multiple atrocities in recent months.

But a spokesman for the group told the French news agency that the Congolese army fired shells during the meeting, and the envoys had been seized. Attempts to reach them by phone have failed.

Codeco claims to represent the interests of the Lendu ethnic group in the fighting that has bedeviled eastern DR Congo for many years.

Lubanga and Katanga served prison sentences of 14 years and 12 years respectively after the International Criminal Court (ICC) found them guilty of committing war crimes in eastern DR Congo

Ndjabu was jailed for 15 years over the killing of nine UN peacekeepers.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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

**Nigeria air attack kills children in Niger: Official (Al Jazeera)**

February 20, 2022

**The Nigerian military has killed and wounded children in an air attack in neighbouring Niger, according to a local governor in Niger, state television and an aid agency.**

The attack took place in the village of Nachade in the region of Maradi, Niger, on Friday, a few kilometres from the border with Nigeria, said Chaibou Aboubacar, the governor of Maradi.

“There was a mistake with the Nigerian strikes on the border that resulted in victims on our territory in the village of Nachade,” said the official.

“The victims are 12 children, seven of them dead and five wounded.”

According to the governor, “the parents were attending a ceremony and the children were probably playing when the strikes” hit them.

Four children died instantly and three others succumbed “to their injuries while being transported to hospital”, he said.

He did not say how he knew that Nigerian forces carried out the attack. Niger’s state television also said it was carried out by Nigerian forces, without providing evidence.

Medical charity Doctors Without Borders (Medecins Sans Frontieres, or MSF), which cared for some of the wounded, confirmed the strike. It said that 12 people died, including four children. Local inhabitants told MSF that Nigerian forces were pursuing targets who had fled a border town.

Investigation was under way “As a matter of policy, the Nigerian Air Force does not make any incursions into areas outside Nigeria’s territorial boundaries. That’s our policy,” Major General Jimmy Akpor, Nigeria’s director of defence information, said. He said an investigation was under way.

The specific reason for the strike was not clear but banditry is known to be widespread in the region.

In April 2021, the Brussels-based International Crisis Group (ICG) said it feared a third centre for hardliner armed groups could emerge in this region of Maradi, exploiting the actions of Nigerian gangs and conflicts between local communities.

Niger already faces hardliner fronts. The Nigerian group Boko Haram and the Islamic State in West Africa (ISWAP), its dissident branch, are operating in the southeast while groups affiliated with ISIL (ISIS) and al-Qaeda are at work in the west.

According to the UN High Commissioner for Refugees (UNHCR), Maradi is host to 100,000 Nigerian refugees who have fled the relentless attacks in their country.

**15m out-of-school children potential Boko Haram terrorists –Obasanjo (Sun News)** By Okwe Obi  
February 22, 2022

**Former President Olusegun Obasanjo has warned that the country’s estimated 15 million out-of-school children are potential Boko Haram insurgents, in the next 15 years, if allowed to continue to roam the streets aimlessly.**

He stated this, yesterday, in Abuja at the 2022 Murtala Muhammed Foundation Annual Lecture, entitled: “Beyond Boko Haram: Addressing insurgency, banditry and kidnapping across Nigeria.” He said his voyage to Maiduguri, the Borno State capital, to understudy the activities of Boko Haram insurgents in 2011, revealed that their anger and actions stemmed from lack of education, unemployment and poverty.

He advised the government to get out-of-school children educated and create jobs for them rather than waste resources on the provision of unsustainable palliatives.

“The issue of banditry and armed robbery started immediately after the civil war because people could have access to weapons. And then of course, we have not come out of it since then. It has been growing from bad to worse.

“The population of Nigeria today standing in over 215 million. And 15 million children which should be in school are not in school. It does not matter how we deal with Boko Haram, bandits, kidnapping and adoption today, either by stick or carrot, those 15 million children that should be in school that are not in school are the potential Boko Haram of 15 years from now.

“I believe that it is not too late to start giving them education. We can say to ourselves that we do not want Boko Haram of now in 2035. And if we do not do anything about the 15 million children that should be in school that are not in school, then we are already nurturing the Boko Haram of tomorrow.” Harping on the country’s leadership structure, he demanded that younger people be given the opportunity to be at the helm of affairs, while his likes, should sit back and provide counselling on nation building.

“You also talked about intergenerational collaboration. Kayode Fayemi, you talked about being in secondary school when Murtala-Obasanjo were in government. If people of Murtala-Obasanjo’s age still have to compete with you as governor then something is wrong.”

Keynote speaker and Ekiti State Governor, Kayode Fayemi said the military should be motivated with modern gadgets to fight and put an end to Boko Haram activities.

“If an all-encompassing social compact has become an urgent imperative in our quest to look beyond Boko Haram towards an all-round national rebirth, it must go without saying that we have to pay special attention to employment

**18 Civilians Feared Killed Near Niger’s Border With Mali (The Defense Post)**  
February 22, 2022

**Eighteen civilians have been killed in two suspected jihadist attacks in the west of Niger near the Sahel nation’s border with Mali, the government said Tuesday.**

The attack happened on Sunday when unidentified “armed bandits” on motorbikes attacked a truck traveling between villages in the Tillaberi region, which lies in a flashpoint zone where the frontiers of Niger, Burkina Faso, and Mali converge, it said.

The interior ministry, in a statement, said “the provisional toll of the attack is 18 people killed, eight injured” with five of those injured admitted to hospital in serious condition.

The truck was then set on fire, the ministry said, adding that a search was underway to find the attackers.

A local resident confirmed the death toll saying that 14 were killed in the attack on the truck.

“Three people who surprised the attackers in a hiding place in the bush, then another person in the attack on the village of Tizigorou”, the individual told AFP, claiming to have lost “a nephew” in the attacks.

A local lawmaker, who gave a far lower toll earlier in the day, said that the vehicle targeted by the attackers had been returning from Niger’s capital Niamey on Sunday afternoon carrying passengers from four local villages as well as their cargo.

Witnesses reported that the attackers “killed nearly all of the men onboard, before taking their supplies and burning the truck,” the lawmaker said.

Jihadist Threat Armed groups carried out numerous attacks on civilians in the region in 2021, including a November 2 massacre of at least 69 members of a self-defense militia.

In October 2021, motorcycle-riding assailants killed ten people in a mosque near Tizigorou during evening prayers.

Last Wednesday an improvised explosive device killed five Nigerien soldiers in the southwest of the Sahel country, according to the defense ministry.

The blast occurred in the Gotheye district of Tillaberi.

Western Niger has for years faced jihadist attacks, despite the efforts of international forces deployed to the wider Sahel region to fight the Islamist insurgents.

Niger, the world’s poorest country according to the UN’s Human Development Index, has to contend with two jihadist insurgencies.

It has faced groups such as the Islamic State in the Greater Sahara (ISGS) in the west, as well as Boko Haram and the Islamic State West Africa Province (ISWAP) in the southeast, near the border with Nigeria.

Niger’s neighbor Mali has been struggling to contain a brutal jihadist insurgency that first emerged in 2012, before spreading to Burkina Faso and Niger.

Thousands of soldiers and civilians have been killed and two million people have been displaced by the Sahel-wide conflict, of which Mali remains the epicenter.

France announced a military pullout last week due to a dispute with Mali’s military junta, which seized power in 2020 and has since defied international calls to swiftly restore civil rule.

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## **Mali**

**Islamic State-linked jihadists kill at least 40 civilians in Mali amid turf war (The Guardian) By**

[AUTHOR]

February 18, 2022

**<https://www.theguardian.com/world/2022/feb/19/islamic-state-linked-jihadists-kill-dozens-civilians-mali-amid-turf-war>**

There were “at least 40 civilian deaths in three different sites” during a week of bloodshed in the Tessit area near the borders of

Burkina Faso and Niger, a civilian official in the area told AFP.

The official said the death toll was provisional because information was patchy and coming in slowly from the remote and dangerous area.

While the focus is on Ukraine, Russia's presence in the Sahel is steadily growing [Read more](#)

"These civilians had been accused by one [jihadist] group of complicity with the other group," the official said.

Two Tessit residents, based in the regional capital Gao and the national capital Bamako, confirmed the scale of the violence after speaking with witnesses who had fled the carnage.

A spokesman for a group of armed northern militias reported a similar death toll.

The latest bloodshed comes in a week when France and its European partners announced they would start withdrawing their forces after more than nine years fighting a jihadist insurgency.

Tessit is in the "three borders" area, a hotspot of jihadist violence.

The Islamic State in the Greater Sahara (EIGS) and the Sahel's largest jihadist alliance, the al-Qaida-aligned GSIM group, are particularly active in the area.

As well as attacking local and foreign troops, they have been fighting each other for territory since 2020.

Three local sources, including the northern militia spokesman, said GSIM fighters went to several villages near Tessit, including Keygourouten, Bakal and Tadjalalt, between 8-10 February.

Accusing the local shopkeepers of supplying EIGS, the GSIM fighters ransacked a health centre, a pharmacy, a water tower and a shop, as well as stealing an ambulance.

The GSIM fighters also ordered the residents to leave. Between 150 and 200 households fled to Niger and surrounding towns.

Then on Monday and Tuesday, EIGS fighters arrived in the same villages.

"They accused the men of being accomplices of GSIM. They killed the old men and the young men," the official in the Tessit area said.

Thirty were executed in Tadjalalt, the official said.

It is a common scenario, the official added, saying that "when a [jihadist] group passes through a village, the one that comes later accuses the residents of being accomplices".

Mali's ruling junta, which seized power in a coup in 2020 after rising public outrage about elected leaders' inability to stem the jihadist bloodshed, has yet to speak about the Tessit violence.

**Mali security improves, freedom of expression worsens: UN expert (eNCA)** By Florent Vergnes  
February 22, 2022

### **Security in Mali has improved but freedom of expression has worsened, an independent UN expert said Tuesday, in the latest assessment of the coup-torn Sahel country.**

Alioune Tine, a specialist on human rights in Mali for the UN, said that for the first time since 2018 he had "noted a tangible improvement in the security situation".

The estimated number of displaced people declined from 400,000 in September to 350,000 in December, he said in a video conference from Dakar.

There has also been a drop in the overall number of rights violations recorded by the UN since the end of 2021.

Tine warned that the improvements did not "obscure the serious challenges that remain", particularly the presence of jihadist groups that continue to "attack, kill and kidnap" civilians.

According to local sources, some 40 civilians were killed in mid-February by the Islamic State in the Greater Sahara (EIGS, affiliated to the Islamic State group) in the Tessit region, on Mali's border with Burkina Faso and Niger.



Eight Malian soldiers and "around 60" jihadists died in fighting in the same area on Friday, Bamako said.

Tine said during his visit to Mali this month, stopping in Mopti, Timbuktu and Bamako, he had heard from a swathe of residents that freedom of expression was in decline.

"All were unanimous that it was increasingly difficult to express a dissenting opinion without running the risk of being jailed or lynched on social media," he said.

As part of a proclaimed crackdown on corruption, the junta has arrested several politicians including a former prime minister, Soumeylou Boubeye Maiga.

Tine expressed "deep concern about the narrowing of civic space", warning that "self-censorship for fear of reprisals from the Malian transitional authorities and their sympathisers" was widespread.

"Real threats weigh on the activity of human rights defenders," he said.

Investigations into rights violations, including those carried out by the army, are increasingly rare, Tine warned.

Mali has been ruled by the military since disgruntled soldiers overthrew President Ibrahim Boubacar Keita in August 2020.

Mali is wrestling with the Economic Community of West African States (ECOWAS) over the duration of its "transition" back to civilian rule.

Mali's West African neighbours have imposed stringent sanctions on Bamako for failing to meet its pledge to hold elections by the end of February.

On Monday, the military-dominated parliament agreed that the transition period could last up to five years.

That delay has been deemed "unacceptable" by ECOWAS.

France said earlier this month that it would withdraw its forces present in Mali after a decade-long fight against jihadists in the region.

Tine also warned of a "social time bomb... on the horizon" as jihadist groups forced the closure of schools.

The number of affected students increased from 400,000 in January 2021 to 500,000 in December of last year, according to UN figures.

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## Liberia

### **Gender Equality Is Not A Personal And Political Preference; It's A Human Right (Modern Ghana) By**

Kristi Pelzel

February 11, 2022

#### **Many girls do not want to go through the trauma of reporting their assault. Rape victims are forced to testify in a public court filled with males.**

The President of Liberia, George Weah, declared rape a national emergency in 2020, creating an SGBV (Sexual and Gender-Based Violence) taskforce, buying a DNA machine, and funding the programme, but then it all fell apart.

To bring attention to this issue, Liberian citizens created a video posted on Twitter. The video is made up of three clips. The first level shows former Chief Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, speaking to a group of girls about the crimes they have experienced and how it's not their fault.

In the second level, Weah speaks to a group of boys about respecting women. Lastly, girls talk about their experiences being raped in the third level. A message is displayed at the end of each level, saying "Break the silence" and "End rape."

Yet, Weah says afterward, “How can we have a rape problem? The women are not even dying.”

In another report, a witness stated, after the creation of the SGBV taskforce, “The Liberian National Police, Liberia Security Department and the Armed Forces of Liberia have been dumping rape victims in a truck with other people assumed to be “vagabonds”, which is illegal, and throwing them into a gated compound. According to the International Rescue Committee, this compound is controlled by the police officers, making it very unsafe for these victims.”

Many girls do not want to go through the trauma of reporting their assault. According to the organisation ELIM, “Evidence shows that many women do not report cases of sexual violence due to inefficiencies within Liberia's judicial system in dealing with such cases.

“In particular, survivors of sexual violence often face high barriers to reporting the crime and accessing justice due to limited access to medical services and justice institutions, social stigmatisation and rejection, fear of further violence, and lack of knowledge about their rights.”

As President Weah has proudly claimed, the reported incidents of rape might have decreased, but that's because women and families stopped reporting it. After all, they know the system doesn't work.

Rape victims are forced to testify in a public court filled with males, which is traumatising for these women.

Providing justice and care to victims of sexual and gender-based violence (SGBV) is an essential part of promoting economic and social development. When we violate women, we do it as a family, as a community, as a country, and as the world.

How can people who don't live in Liberia help?

Thanks to connectivity and advancements in low-barrier access to technology, citizens no longer have to live in the political vacuums of their societies. The world can unite behind issues that locals bring up for more extensive discussions. However, a tactic used by the Weah administration aims to suppress these issues from reaching larger audiences and having to be held accountable for rapes, deaths, and shame fostered under his watch.

In 2019, unknown assailants attacked Joy FM, a radio station based in Monrovia, cutting a cable connected to the transmitter, according to Media Foundation for West Africa (2020).

In 2021, journalist Aryee Davis allegedly fled her home in Paynesville, a suburb of Liberia's capital, Monrovia, due to threats by an agent that worked for a local news outlet GrainCost TV, an incident that GrainCoast TV denies.

FrontPageAfrica (FPA), Liberia's leading online newspaper, was shut down because of an advertiser's announcement published in the newspaper (2020, MFWA).

“Press freedom in Liberia has taken a nosedive,” James Harding Giahvue, a Liberian journalist noted.

The former UN goodwill ambassador, President Weah, signed into law on February 28, 2019, a bill to amend sections 11:11, 11.12, and 11.14 of the criminal code, which prescribed prison terms for a range of speech offences.

Liberians must access the internet and social media platforms to keep people, politicians, and perpetrators accountable and honest.

Netblocks reported in 2021 that, “The disruptions affecting the ordinary operation of the social media platforms have raised concerns of a state order to restrict the Save The State protests in the Liberian capital Monrovia.”

Despite these barriers, citizens find ways to use technology to bring attention to their respective struggles. Liberia needs more of this so that the world can be privy to the issues at hand.

And suppose you take the growing issues of rape and death-by-gender and lay that beside the open letter written in 2022 by Rev. Caleb S G Dormah, Pastor of Metro Harvest- the Church Without Walls, calling for attention to the 250,000 at-risk youths living in the streets of Liberia, estimated to double by 2023. In that case, the president needs to start being honest.

Rev. Dormah asks, “Do we go back to business as usual where drug lords run the streets freely filling the pockets of high government officials for protection?”

President Weah's position comes with complex and severe life and death responsibility to protect and improve the people's lives in his country. The world is watching.

**Liberia: Finnish Court Releases Sierra Leonean Rebel Leader Gibril Massaquoi Ahead of Verdict**

**Sierra Leonean rebel leader, Gibril Massaquoi, who is standing trial in Finland for alleged war crimes and crimes against humanity in Liberia, has been released from prison ahead of the verdict in his case, expected in coming months.**

Massaquoi's charges include rape, ritual murder and recruitment of child soldiers, which prosecutors say he committed during Liberia's second civil war—charges he denies.

"Massaquoi has been imprisoned for approximately two years, which can be considered an exceptionally long period," the Pirkanmaa District Court said in a statement on Wednesday.

The Court added: "Moreover, an exceptionally long period of almost 20 years has already elapsed since the alleged acts."

Presiding Judge Juhani Paiho said in a WhatsApp message that his Court acted on the instructions of the Finnish Supreme Court.

"The Supreme Court in Finland has previously issued rulings that the general rule is that the accused should be released to await the verdict. He has been in detention for two years now. Possible crimes were committed almost 20 years ago. It was considered to be unfair to continue his detention taking into consideration human rights aspects... also we have to follow guidelines from our Supreme Court."

The release of Massaquoi, 51, from prison will frustrate human rights campaigners. But Judge Paiho clarified that the decision to release him in no way reflected a decision on the part of the judges as to Massaquoi's guilt or innocence. "This decision does not prejudice the coming verdict," he said.

Judge Paiho said that Massaquoi is under no surveillance "He is not. So far, there has been no reason to have a risk of flight. Of course we can never say for sure. This was the assessment of the Court as a whole."

Massaquoi served as an informant for the UN-backed Special Court for Sierra Leone, which prosecuted and sentenced former Liberian President Charles Taylor to 50 years in prison for aiding and abetting the rebels in the Sierra Leonean civil war, which killed an estimated 50,000 people.

The court found that Taylor supported the rebel group the Revolutionary United Front of Sierra Leone, with which Massaquoi he held several positions, including spokesman.

In exchange for his testimony Massaquoi was not prosecuted for his role in Sierra Leone and he and his family were relocated to Finland in 2008 in an arrangement with Special Court. But prosecutors there, working with two nonprofit NGOs – Swiss-based Civitas Maxima and its Liberian counterpart, Global Justice and Research Project – indicted him in March 2020. Massaquoi's trial formally began in Finland in February 2021.

The Court heard testimony from dozens of witnesses in Liberia and Sierra Leone. There were two phases of the hearings in Liberia, and one in Sierra Leone, where proceedings were delayed when two judges contracted typhoid. The court then recessed and returned to Finland to hear additional witnesses.

Among the witnesses the court heard in Liberia were Massaquoi's alleged victims, some of whom displayed scars on their bodies they claimed Massaquoi caused either personally or through orders to his soldiers.

Massaquoi is facing trial under Finnish law. He is the first Sierra Leonean to stand such charges for an alleged role in Liberia's two civil wars between December 1989-August 2003.

Liberia is yet to legislate a court to try those accused of committing war crimes and crimes against humanity during the wars despite recommendations from the former Truth and Reconciliation Commission, local campaigners, the UN and international donor countries that it do so.

In October 2018, the US House of Representatives passed a resolution directing the country to establish the court and implement the TRC's recommendations.

A year later, over two-thirds of Liberia's House of Representatives also approved a resolution for the court.

In June 2021, the Liberian National Bar Association led a group of civil society organizations to formally present a bill to the Legislature on the matter.

But the Senate dashed hopes that the Legislature would approve the court when it, also in June 2021, urged President Weah to set

up a transitional justice commission to review the TRC's recommendations—a decision that angered justice campaigners, who said the move was a delay tactic that showed the Senate was not interested in ensuring accountability for war-time atrocities. One of the Senate's most powerful members, Prince Johnson, would likely be among the first to be tried in a Liberian court.

President George Weah backed the Senate's action. Justice campaigners claim it was to keep the votes of Johnson.

"I have taken due note of the advisement contained in the comprehensive report of the Honourable Senate aimed at bringing to closure the issues of reconciliation and justice arising from the Liberian Civil Conflict," Weah said in a communication to the Senate in August 2021.

Weah, who backflipped on his earlier endorsement of a war crimes court before he became president, assured the body he would act on its suggestions. "I would like to assure you that I shall give these recommendations timely and due considerations," he said.

The four judge panel in the Massaquoi trial is set to issue its verdict in March or April.

**Liberia: Female Genital Mutilation Practices Suspended for Three Years (FRONT PAGE AFRICA)** By Francis G. Boayue  
February 22, 2022

### **The head of the Traditional Council of Liberia, Chief Zanzan Karwor, on Monday suspended the practice of female genital mutilation (FGM) for three years.**

Chief Karwor announced the suspension during the official launch of the Ministry of Gender, Children and Social Protection National Anti-Sexual Gender-based Violence (SGBV) Call Center and the turnover of 15 motorbikes and four cars to be used by the Anti-Sexual Gender-Based Violence (SGBV) taskforce headed by the Ministry of Justice.

According to Chief Karwor, due to the appeal of Liberia's international partners and other civil society and women groupings, he has talked to his traditional people and they all have agreed to suspend the practice of partial or total removal of female genital organs in the sande traditional practice for three years.

"On behalf of the traditional people whom I'm heading, due to the appeal of Liberia's international partners and others, I have talked to my traditional colleagues and they all have agreed to suspend the removal of female genital organs in the sandy traditional practice temporarily for three years," he said.

He further called on the Gender Ministry to build a training center for the Zoe across all 15 counties to empower them through the sewing traditional clothes, among others, that will divert their devotion from traditional practices to more sustainable means of making ends meet.

He said the taskforce which was established by the Justice and Gender Ministries to fight against all forms of SGBV related issues should include the traditional council comprising the Zoe.

For her part, Vice President Jewel Howard-Taylor launched the Anti-SGBV national call center number, 111 which is aimed at addressing sexual gender based violence issues in Liberia and solicit the need for the building of traditional school across Liberia that will teach kids the Liberian culture.

Gender Minister, Williametta Saydee-Tarr, said that the national taskforce set up by President Weah when he announced rape as a national emergency and with the effort of the ministry of gender and other gender actors in the fight against gender-based violence on Monday kickoff the Anti-SGBV taskforce and national Anti-SGBV call center.

"I am pleased today to announce to you that the National SGBV Taskforce which is being chaired by the ministry of gender has purchased 15 motorbikes and four cars that will be presented to the taskforce and use in the ten zones in Montserrado and ghettos area," she said.

**Liberia: NPFL General on TRC "Most Notorious" List Dies; Angry Victims Say He Escaped Justice (FRONT PAGE AFRICA)** By Eric Opa Doue  
February 22, 2022

### **James Diggs broke down in tears when he heard the news of the death of Melvin Sogbandi. Sogbandi led "Strike Force Marine", one of the deadliest divisions of Charles Taylor's National Patriotic Front of Liberia (NPFL) during the civil war.**

Now 64 and blind, Mr. Diggs cannot forget when, he says, Sogbandi terrorized people here. Mr. Diggs says Sogbandi made him and others walk for days with loads on their heads.

“No one dare say ‘I am tired’ or you got killed and eaten by the rebels,” according to Mr. Diggs.

“I experienced so, so bad, bad things, because they beat me, they did all kinds of things to me,” Mr. Diggs says. “They put me in the kitchen, they put fire under it and the smoke left small to kill me.”

The former NPFL General died on January 31 at the Fidelity Hospital, in Monrovia, aged 53. Sogbandi was listed number 88 on the Truth and Reconciliation Commission’s “Most Notorious Perpetrators” list for allegedly committing human rights violations of killing, torture, massacre and looting.

Diggs lost his sight five years after the end of the war. He now lives here in a town called SOS, one of the former rebel bases, with his wife and two of his ten children.

Rose Korkollie says her brother was killed by Sogbandi’s forces. Unlike Mr. Diggs Madame Korkollie, 67, and living with her grandchildren in District 2, says she is glad Sogbandi is dead. She says his early death is a reward for all the atrocities she says he and his men committed.

“Bad can always pay bad, good can always pay good,” Madame Korkollie says. “The way they themselves they do bad, bad thing to us and even make for our brother to die that kind of nasty way. The things they used to do to people, the place where he was thinking he was never going to go, that’s the place he laying down.”

Alphonso Gargar was a boy aged 10 when he says Sogbandi’s rebels killed and ate one of his small friends right before his eyes. Gargar, now in his late 30s and a motorist in District 2 still carries rage. He says he would set Sogbandi’s corpse ablaze if he had the opportunity.

The TRC found Sogbandi had been involved in a June 1993 massacre of 600 people at Harbel in Margibi County. The Report also found he gave orders for the killing of 26 unarmed civilians in Gbah, Bomi County in January 2000.

Sogbandi is the second alleged war criminal to have died in Liberia in less than a month. Former General Alhaji G. V. Kromah, head of the United Liberation Movement of Liberia for Democracy (or ULIMO) faction died on January 18 at the age of 68. According to the Liberia Truth and Reconciliation Commission (TRC), Kromah’s ULIMO is responsible for over 11,500 different forms of abuses and atrocities committed during the war. Neither man faced justice for their alleged crimes. Kromah and Sogbandi join a growing list of ex-warlords who have died without facing justice. Some of them include former-Vice President Moses Blah, Edward Mlehn, Christopher Vambo, alias Gen. Mosquito, George Dweh and Gen. Charles Julu.

The recent deaths of suspected war criminals are a disappointment to those pursuing justice for the victims of the civil war says Hassan Bility of the Global Justice Research Project (GJRP). Mr. Bility says government should take the lead in passing a bill to establish a War and Economic Crimes Court to prosecute those accused of committing human rights violations during the wars in Liberia.

“I really blame the Liberian Government, the Executive and the legislative branches of government. They are responsible for policy, they should have been able to implement these,” Mr. Bility says. “But the whole thing has been politicized to the extent that the implementation has become difficult.”

Mr. Bility says that all those accused of war crimes in Liberia might die without being prosecuted. Despite pressure from national justice advocates, donor governments and the UN, two successive governments – that of Ellen Johnson Sirleaf and George M. Weah- have ignored calls for a court.

In June 2021, the Liberian National Bar Association led a group of civil society organizations to formally present a bill to the Legislature for the court but it has yet to come up for discussion in the House chamber. The Speaker of the House of Representatives has the sole authority to decide what appears on the House agenda, according to the body’s rules, but current Speaker, Bhofal Chambers, a one-time advocate for the court, has yet to do so. That failure has provoked criticism from advocates for the court.

Campaigns for the court seem to have been overshadowed by politics as Liberia braces for next year’s presidential election. President Weah, seeking re-election, has enjoyed the support of some former rebel leaders—notably, Senator Prince Johnson of vote-rich Nimba County. Senator Johnson tops the TRC’s list of most notorious perpetrators.

President Weah will be looking forward to being re-endorsed by Mr. Johnson during the election, although the latter’s popularity has dwindled in recent elections.

The Legislature has the constitutional power to set up the court, even if the President vetoes its action. It can override his veto.

Although Liberia’s Legislature is indecisive about setting up the court, the US House of Representatives approved a resolution for

the court and the full implementation of the TRC recommendations in 2018—an action that was viewed in the human rights community as the clearest indication yet of the U.S. support for accountability for war-time atrocities.

International prosecutors have given up on Liberia holding the accused to account and have been prosecuting alleged war criminals in their jurisdictions. Alieu Kosiah, a ULIMO commander, was convicted in a Swiss Criminal Court in 2021. Another ULIMO Commander, Mohammed Jabbateh was sentenced to 30 years in prison by a Philadelphia court in 2017. The same court convicted Thomas Woewiyu, Charles Taylor’s number two, in 2018. He died of Covid before being sentenced. Sierra Leonean commander Gibril Massaquoi of the Taylor-allied Revolutionary United Front is awaiting a verdict on charges of war crimes in Liberia by a Finnish court. Kunti K. also of ULIMO will face trial in France later this year.

Former Liberia Peace Council (LPC) leader George Boley was deported from the U.S. over his role in the civil war. Boley was subsequently elected as member of Liberia’s House of Representatives. Men like Kromah and Sogbandi did not risk traveling overseas in recent years where they may have been forced to face justice.

Victims like Madame Korkollie and Mr. Diggs and others here will never have the sense of justice that victims of Jabbateh, Woewuyu and Kosiah have had. Justice advocates like Billity say this gives a greater urgency to the need for a court now.

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## EAST AFRICA

### Uganda

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

#### **Uganda: Ensure Justice for Detained, Tortured Author (African Business)**

February 11, 2022

**Ugandan authorities should urgently investigate reports that military officers tortured the exiled satirical writer and government critic Kakwenza Rukirabashaija while he was forcibly disappeared for 14 days, Human Rights Watch said today. The authorities should unconditionally drop any charges against the author and ensure that all security officials implicated in his torture and enforced disappearance are held to account.**

On December 28, 2021, military officers broke into Rukirabashaija’s home in Kampala, beat and blindfolded him, confiscated his phone, and drove off with him to an unknown location where he was kept for 14 days without access to family or lawyers. On January 11, 2022, the police charged Rukirabashaija with “offensive communication” over his tweets criticizing President Yoweri Museveni and his son, Muhoozi Kainerugaba. On February 9, two days after a court denied his application to have his passport returned, Rukirabashaija said he had fled the country to seek medical treatment for the injuries caused by the torture.

“It is intolerable that Ugandan security forces are still torturing and ill-treating detainees,” said Oryem Nyeko, Uganda researcher at Human Rights Watch. “Instead of prosecuting their critics over tweets, the Ugandan authorities should be investigating this and many other serious allegations of torture by state security in recent years.”

Rukirabashaija told Human Rights Watch that the military officers beat him, forced him to dance to music for hours, plucked his body with pliers, and injected him with unknown substances. The officers interrogated him about his relationship with staff members of the European Union, the United States Embassy, and the British Council, and his book *Banana Republic*, which recounts his previous arrests and detention by the military in April and September 2020. He said the officers forced him to record an apology to Museveni and Kainerugaba on video.

On January 4, a court issued an order for his unconditional release, but the military ignored it. On January 10, the High Court granted Rukirabashaija’s wife, Eva Basiima, her application for habeas corpus and directed the government to produce him before the court. But rather than release him, the authorities charged him on January 11 with “offensive communication” under the 2011 Computer Misuse Act for tweets he posted between December 24 and 28 about Museveni and Kainerugaba. The court remanded Rukirabashaija to Kitalya prison, on the outskirts of Kampala.

On January 21, a court granted Rukirabashaija bail, but six men grabbed him as he walked out of the prison and drove him to the Makindye military barracks in Kampala.

Rukirabashaija told Human Rights Watch that at Makindye a doctor first examined him, and then he was taken to see Kainerugaba, who told him to stop writing. He was then driven home and told not to talk about what happened.

Ugandan officials have repeatedly used the Computer Misuse Act to muzzle freedom of expression online, especially if it involves criticism of senior government officials. Section 25 of the act provides that “offensive communication” applies to anyone who “willfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person.” Those found guilty could be required to pay a fine or serve up to one year in jail, or both.

The authorities have targeted other activists critical of the president and of those close to him under the same law. In August 2019, a court convicted a well-known academic and activist, Stella Nyanzi, and sentenced her to 18 months in prison for a poem she published on Facebook in 2018 criticizing President Museveni. A high court judge ruled in February 2020 that Nyanzi’s right to a fair trial was violated during those proceedings and revoked her sentence.

On February 5, 2021, plainclothes officers arrested Michael Muhima, a law student, at his home in Kampala over a tweet parodying the police spokesperson, Fred Enanga. The authorities later charged Muhima with “offensive communication.” Muhima was jailed and denied access to his family and lawyers for five days before being released on bail.

Ugandan law and international instruments prohibit arbitrary arrest, unlawful detention, and torture. The 1995 constitution guarantees the protection of personal liberty and provides that an arrested or detained person should be kept in a place authorized by law. The constitution further requires detainees to be brought before court within 48 hours of their arrest and are entitled to reasonable access to next-of-kin, lawyers, and medical treatment.

When state agents deprive a person of liberty, but then conceal information about their whereabouts and situation, this is an enforced disappearance, which is strictly prohibited in all circumstances under international law.

Ugandan law criminalizes torture under the Prevention and Prohibition of Torture Act of 2012, and the Human Rights (Enforcement) Act of 2019 provides for personal liability for public officers who commit human rights violations.

“Rukirabashaija’s arrest is only the latest in Uganda’s intensifying clampdown on commentary deemed critical of the government,” Nyeko said. “The authorities should end the criminalization of protected speech online and offline and address legitimate concerns raised by critics instead of persecuting them.”

### **UN court orders Uganda to pay DR Congo €285 million in war damages (RFI)**

February 12, 2022

**The UN's top court has ordered Uganda to pay the Democratic Republic of Congo 285 million euros over a war two decades ago. The sum represents just a fraction of what Kinshasa originally demanded.**

The ruling by the International Court of Justice (ICJ) on Wednesday comes as a blow to DR Congo after it sought a massive 9.6 billion euros in reparations over the devastating conflict that lasted from 1998 to 2003.

Judges said Kinshasa had failed to prove its African neighbour was directly responsible for any more than 15,000 of the hundreds of thousands of people believed to have died in the war.

"The court sets out the total amount of compensation awarded to the DRC, which is 325 million US dollars," said Joan Donoghue, the chief judge of the Hague-based court.

Breaking down the figure, the court said Uganda must pay 197 million euros for damage to persons, including deaths, injuries and sexual violence, and 35 million euros for damage to property.

It must also pay 52.5 million euros for damage to natural resources, including the looting of the metallic ore coltan, for deforestation, and the destruction of wildlife.

The judgment ends a long legal battle. In 2005 the ICJ ruled that Uganda had to pay reparations, but the two countries never settled on an amount and no money was ever paid.

Kinshasa then claimed more than 9.6 billion euros for the occupation of its volatile northeastern Ituri region.

'Wrongful acts'

Awarding DR Congo less than one-thirtieth of what it had demanded, the court acknowledged that Uganda was to blame for a "significant part" of the casualties in the war due to its "wrongful international acts".

But judges said there was "insufficient evidence to support the DRC's claim of 180,000 civilian deaths for which Uganda owes reparation" by being directly responsible.

"The court considers that the evidence presented to it suggests that the number of deaths for which Uganda owes reparations falls in the range of 10,000 to 15,000 persons," said Donoghue.

It relied on UN figures and expert reports for its figures, adding that "detailed proof of specific events that have occurred in a devastating war in remote areas almost two decades ago is not available".

At its height, the conflict drew in nine African countries, with Uganda and Rwanda backing rebel forces against the Kinshasa government as they jostled for control of the mineral-rich Ituri region.

Uganda's representatives rejected what they called "staggering" demands for the claim, telling the court last year that the 11 billion US dollars claimed by DR Congo was "disproportionate and economically ruinous".

"It essentially seeks to make Uganda responsible for everything that happened in the conflict," Uganda's Attorney General William Byaruhanga told the court.

Founded after World War II, the ICJ in The Hague rules in disputes between countries, mainly based on treaties. Its decisions are final and cannot be appealed.

Currently Congolese and Ugandan troops are back in the region, but this time in an unprecedented offensive against the Allied Democratic Forces, the region's deadliest militia, which the Islamic State group calls its affiliate.

In the latest suspected ADF rebel attack, three people were killed last Saturday in the Beni territory in neighbouring North Kivu province.

**Doctors Demand Unrestricted Access to Torture Victims in Custody (Soft Power News)** By Muhamadi Byemboijana  
February 13, 2022

**[Uganda Medical Association-UMA have asked the government to grant them unrestricted and timely access to torture victims in detention facilities to save their lives.]**

The Association officials were responding to recent incidents of alleged torture involving physical bodily harm of sarcastic Pen Award Author, Kakwenza Rukirabashaija and Samuel Masereka, the National Unity Platform-NUP party coordinator in Kasese.

Addressing journalists at Mulago National Referral Hospital on Saturday, Dr. Samuel Odong Oledo, the UMA President disclosed that several torture victims have lost their lives due to delayed referrals and sometimes denial of specialized medical care by security personnel.

He highlighted other prominent examples of torture in the recent past involving Members of Parliament, Muhammad Ssegirinya and Allan Ssewanyana, including other victims of pre and post-election violence in January 2021.

According to Dr. Oledo, sometimes security personnel intimidate doctors in line of duty not to dispense care to torture victims, a practice that undermines their ethical obligations under the Hippocratic Oath where they committed to saving lives.

The medical practitioners emphasized that torture of suspects and convicts does not only lead to physical trauma but also affects mental health leading to anxiety, depression, and sometimes psychotic problems.

They rallied other doctors to denounce, document, and report cases of torture to relevant authorities for action in the event that survivors show up at different health facilities to seek medical care.

Last week, opposition legislators from the National Unity Platform-NUP, Forum for Democratic Change-FDC, Uganda People's Congress-UPC, Democratic Party-DP, and Justice Forum-JEEMA walked out of plenary to protest the torture of citizens by security operatives, detention without trial, and missing supporters. The Leader of Opposition in Parliament Mathias Mpuuga, who led the walkout accused state actors of extrajudicial killings, arbitrary arrests, and detention as well as the disappearance of citizens in all parts of the country.

Torture in custody remains a problem in Uganda's democratic governance system despite the country enacting anti-torture



legislation. The Government has repeatedly denied any involvement in torture. Between 2012 and 2016, the Uganda Human Rights Commission-UHRC received over 1,000 cases of torture from suspects while in police custody.

Throughout the COVID-19 lockdown spanning 2020 and 2021, the Commission received 238 torture complaints involving (203 males and 35 females). Of this, 150 cases were recorded against the police, 83 against the Uganda People's Defense Forces-UPDF and three against prison authorities. URN.

### **Dominic Ongwen Returns To Court For Appeal Hearing (Taarifa)**

February 13, 2022

**Maj. Gen. Dominic Ongwen will next week appear before the International Criminal Court for his appeal hearing against his conviction for war crimes and crimes against humanity.**

The former commander of the elusive Lord's Resistance Army rebel group led by the fugitive Joseph Kony was sentenced by the ICC in May last year to 25 years in jail for murder, rape and sexual enslavement.

However, Ongwen had protested his innocence and cited his own history of being kidnapped while on his way to school by the LRA, and brutalised."

The appeal brought against the conviction is the largest ever considered by the chamber, raising complex and novel issues," the ICC said in a statement announcing the appeal hearings running from Monday to Friday.

Ongwen's lawyers have raised 90 grounds of appeal against the verdict and 11 against the sentence, alleging "legal, factual and procedural errors" by the court, the Hague-based ICC said.

The LRA was founded three decades ago by former Catholic altar boy and self-styled prophet Kony, who launched a bloody rebellion in northern Uganda against President Yoweri Museveni.

Its brutal campaign to set up a state based on the Bible's Ten Commandments left more than 100,000 people dead and 60,000 children abducted, eventually spreading to Sudan, the Democratic Republic of Congo, and the Central African Republic.

Ongwen handed himself in to the ICC in 2015 and was convicted of 61 charges. He was also the first person convicted by the ICC of the crime of forced pregnancy.

Judges said in their verdict that Ongwen personally ordered his soldiers to carry out massacres of more than 130 civilians at the Lukodi, Pajule, Odek, and Abok refugee camps between 2002 and 2005.

Civilians were locked in their homes and burned to death or beaten during the massacres, while mothers were made to transport the LRA's loot, forcing them to abandon their infant children by the roadside.

But the court held back from the maximum possible 30-year sentence for his crimes, saying that his traumatic past as a child soldier was a mitigating factor.

### **Torturers are Disobeying President Museveni – Archbishop Kaziimba (CHIMP Reports)** By Christopher

Kiiza

February 16, 2022

**The Archbishop of the Church of Uganda, Dr Stephen Kaziimba Mugalu has vehemently condemned torture and inhuman treatment of Ugandans opposing President Museveni's Government.**

Kaziimba said he was disappointed that Government critics are tortured even when President Museveni warned security forces against torturing criminal suspects.

"I want to appreciate His Excellency the President of the Republic of Uganda. In one of his first speeches this year, he said that those who are torturing people should stop. I am very disappointed by some people when I read the Newspapers that there are still some people who are torturing others. This is against what the President of Uganda wants," he said.

Kaziimba noted that those responsible for torturing Ugandans are "disobeying" the President, and called for thorough investigations into the matter.

"So, why doesn't the Government make thorough investigation? Who are those torturing Ugandans if it is true so that our celebrations today of Janan Luwum become meaningful. People who are torturing others are disobeying the President of Uganda,

and I want to pray that as we celebrate this day, human rights, peace and the rest should be respected,” he said.

Kaziimba, who on Wednesday was speaking at the commemoration of Janan Luwum Day at Kololo Independence Grounds, said Luwum is remembered as one with a voice to the voiceless and an advocate for human rights, adding “we need to think about protecting life and human rights.” The Archbishop noted that if any individual commits an offence, they should be charged in the Courts of law other than being arrested and subjected to immense torture.

Uganda is under the spotlight across the world over the torture of controversial novelist and Government critic, Kakwenza Rukirabasaija who was arrested and tortured by security forces for using social media to insult President Museveni and First Son and Commander Land Forces, Lt Gen Muhoozi Kainerugaba.

Security forces are also accused of torturing National Unity Platform (NUP) party Kasese District coordinator, Samuel Masereka.

NUP accuses security forces of abducting, torturing and killing its supporters.

The U.S Government and the European Union have condemned the acts by Uganda security forces and called on Government to hold to account the perpetrators.

Meanwhile, Kaziimba also condemned other vices that included; corruption, human trafficking, human organ trafficking among others.

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## Kenya

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

#### **Ruto faces spectre of the ICC – again (The Citizen)** Ruto faces spectre of the ICC – again (The Citizen)

February 14, 2022

**The 2013 presidential elections in Kenya fell victim to the International Criminal Court (ICC). The country was engulfed in an orgy of acrimony over the indictments for crimes against humanity of Jubilee presidential candidate Uhuru Kenyatta and his running mate William Ruto.**

Some have argued Central Kenya and the Rift Valley were whipped into an emotional, if irrational, primordial frenzy to vote to a man to protect “their own” from a “colonial court”.

That’s water under the bridge now. Mr Kenyatta is putting a full stop on his last term at State House, while Mr Ruto seeks to open a stanza on his first.

The ICC is again menacingly swinging the sword of Damocles over Mr Ruto’s head. Can Mr Ruto escape the guillotine a second time?

In 2015, the ICC terminated the case against Mr Kenyatta. The language of the withdrawal of the charges suggested that the court was unlikely to revisit Mr Kenyatta’s case unless he acted in an egregious manner, such as interfering with a witness, or there was new evidence.

I interpreted this language to mean that Mr Kenyatta’s case was permanently closed, barring extraordinary circumstances. In 2016, Mr Ruto’s was also withdrawn but with a strong caveat.

The ICC terminated the case without prejudice to re-prosecution in the future. The court pointedly ruled that the termination didn’t amount to an “acquittal” but only the “vacation of the charges and discharge of the accused”. This means the case is live but in limbo.

Unlike Mr Kenyatta’s, Mr Ruto’s ICC case can be resuscitated any time. The prosecutor has only to adduce new evidence to revive the case, or seek new charges.

That's why I wouldn't sleep easy if my name was Samoei arap Ruto, the same person who's the Deputy President of Kenya, and who's trying to succeed Mr Kenyatta.

Mr Ruto must sleep with one eye open. He may even be sleeping with both eyes open because of the tribulations of lawyer Paul Gicheru at the ICC. Mr Gicheru, after being sought in futility by the ICC for years over the corruption of witnesses, shocked the bejesus out of everyone when he appeared at The Hague and voluntarily surrendered to the court.

Mr Gicheru's act of legal self-immolation was completely unprovoked – and flummoxing.

Rational people, no matter how law-abiding, don't willingly take themselves to the slaughterhouse.

But perhaps I should credit Mr Gicheru with a conscience of which most people are bereft. Maybe he's a rare breed, or maybe there's more than meets the eye.

Specifically, Mr Gicheru is accused of very dastardly and repugnant crimes against what the ICC Statute calls "offences against the administration of justice". To wit, corruptly influencing witnesses through bribery, intimidation and even much worse.

If convicted, Mr Gicheru would face a serious jail term. Perhaps Mr Gicheru simply wants to face his demons, exorcise them and close that sadly malignant chapter of his life.

Mr Ruto is in a bit of legal hot soup. Mr Kenyatta's case collapsed because of insufficient evidence. But Mr Ruto's was terminated because of witness interference and political meddling.

I emphasise this distinction because the prosecutor alleges that evidence against Mr Gicheru "establishes that the lawyer and associated persons engaged in a concerted effort to identify, locate and contact witnesses to recant their evidence".

The prosecutor alleges, further, that Mr Gicheru said that Mr Ruto "wanted no stone left unturned" in uncovering every witness to corrupt, or stop, them from testifying against him.

He concludes that the "evidence establishes that the pattern of witness interference was conducted for the benefit of, and in coordination with, William Samoei Ruto".

In a word, Mr Ruto is in the direct crosshairs of the ICC. He could be indicted any time because of new evidence and, or, testimony of Mr Gicheru.

This is the million-dollar question. Why would Mr Gicheru turn himself in to take the bullet, no pun intended, all by his lonesome? He's playing Russian roulette. He most likely will be convicted.

Can he save himself by turning evidence against Mr Ruto, or will he throw himself at the mercy of the court for a lesser sentence by turning on Mr Ruto?

I see no scenario which would give Mr Ruto comfort. His fate lies squarely in the hands of Mr Gicheru. Will Mr Gicheru slay Mr Ruto?

Question – whether, how and when will the Gicheru ICC case impact Mr Ruto's drive for State House?

In 2013, the combined emotion and manipulation of the ethnic psychology drove Central Kenya and the Rift Valley to the polls. The key was that Mr Kenyatta and Mr Ruto weren't barred from running. Would Mr Ruto be barred from running if the ICC indicted him – again?

Secondly, if he wasn't barred, could he gin up the same sympathy that he, and Mr Kenyatta, marshalled from the ethnic duopoly? Or would he be met with opprobrium from Central Kenya given his calamitous falling out with Mr Kenyatta? Get your popcorn, amigos.

**Scale of killings under Jammeh 'quite serious' (The Point)** By Sanna Camara

February 16, 2022

**The scale of killings, disappearances and torture that occurred under the regime of ex-president Yahya Jammeh became a key theme of the just concluded cartoon exhibition by The Hague based Journalists for Justice (JFJ) and a Gambian based civil society group, Women Association for Victims Empowerment (WAVE).**

The Gambia's Truth, Reconciliation, and Reparations Commission established that some 240 persons were murdered by state agents under Jammeh's 22-year rule. Nearly 150 of them were killed between the years 2000 and 2010. They included 17 student

protesters, 66 West African migrants, journalist Deyda Hydera, 41 victims of HIV treatment, 39 from the witch-hunting exercise, among a host of other killings.

“In terms of scale, the things that occurred in The Gambia were quite serious. So it is possible to begin to think of the justice question for [these] things in the context of serious crimes [just] as others that occurred on the African continent,” said Mr. Kwamchetsi Makokha, programme advisor for Journalists for Justice.

Africa has had a history of two genocides in the past three to four decades: over one million died in Rwanda in the 90s where France was found to be culpable and over 30,000 in Darfur, Sudan, where an international investigation instituted by the International Criminal Court resulted in an arrest warrant for President Al Bashir.

According to the TRRC's final report, Jammeh's victims range from perceived security threats to political opponents; close associates he fell out with, ordinary citizens and journalists.

“The threshold of such crimes in a small country like The Gambia, along with over a thousand detentions, torture, and false imprisonment may sound small to many people outside The Gambia, but they are indeed quite serious in a country of less than two million people, living within a geographic size of 500 square kilometers,” argued Mr. Makokha.

The TRRC recommended the prosecution of the former president for crimes of murder, unlawful killings, rape, torture and enforced disappearances that he committed directly or indirectly while in power.

Now, how did Gambians use cartoon to caricature such a tyrant when other cartoonists around the world made very eloquent caricatures of the dictator's actions in The Gambia, showed yet another gap in the exhibition when no entries were received to fill up Gambian space at the Alliance Francais last week.

Other themes of the exhibition included Africa and the international criminal justice mechanisms; genocides, and the African justice system that existed pre-colonial (traditional justice mechanisms for such crimes).

“That has been a problem faced across the continent when Africans see the justice systems as crafted from outside the continent. We struggle with such situations in our advocacy for justice on the continent,” he said.

However, Africa also assesses the international justice system from a position of political weakness, according to Mr. Makokha, who was former spokesperson for Kenya's Chief Justice in Nairobi, now living in South Africa.

“This is because the global power structure is based on a country's access to nuclear weapons; people's voices depend on how much nuclear weapons they possess. This makes the UN Security Council the most undemocratic system in the world, in which Africa seems to have numbers in terms of constituting the Rome Statute and as a participant in the International Court of Justice.

“The Gambia's TRRC follows other transitional justice processes around the continent, such as the truth commission of South Africa; truth and justice commission of Kenya, truth and reconciliation commission in Rwanda and that of Sierra Leone.... A closer look at all these processes reveal a pattern, which as journalists and advocates for victims, we need to take a step back and ask, what is it that we are missing?”

“Our work is not meant to provide solutions; we are just providing a platform for Africans to talk to each other about where Africa stands in terms of justice. Hence the cartoon exhibition is an opportunity to generate a conversation around what justice means to us as Africans and what is it that we are missing,” he said.

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

**Official Website of the ICTR**

**Key suspect in Rwandan Genocide 'still residing' in France (TRT World) By [AUTHOR]**

February 13, 2022

**Aloys Ntiwiragabo, a Rwandan ex-general accused of taking part in orchestrating the Rwandan Genocide, has been residing in France for more than a decade.**

France has been hosting former Rwanda Major General Aloys Ntiwiragabo, a key suspect in the 1994 Rwandan Genocide.

The ex-general has been living in France for the last decade, Mediapart, the French investigative journal reported on Sunday.

France has been refusing to extradite or deport Ntiwiragabo, .

Ntiwiragabo has been residing in France without a residence permit, despite being the the subject of an Interpol wanted persons Red Notice, the journal said.

According to Mediapart, Ntiwiragabo had requested asylum from France but was denied for being held guilty of war crimes, and yet was not deported - nor extradited to Rwanda. Chief of military intelligence

Mediapart earlier reported that Ntiwiragabo had been living in Orleans, south of Paris. Rwanda had sent a letter to France requesting Ntiwiragabo's extradition in August 2020, at which point the country - along with Interpol and Rwanda - had already dropped an arrest warrant for him.

Ntiwiragabo is said to be one of the leaders who orchestrated the Rwandan Genocide. He had been Chief of Military Intelligence and Deputy Chief of Staff of the Army up until 1993. Accused of crimes against humanity, he is also the founder of the armed rebel group Democratic Forces for the Liberation of Rwanda (FDLR).

**International criminal justice bares its colonial fangs (Canadian Dimension)** By Robin Philpot

February 21, 2022

**The inhuman manner in which the United Nations International Criminal Tribunal for Rwanda (ICTR) treats Rwandans who have been acquitted or who have been freed after serving their sentences obliges us to reexamine totally the body created by the UN Security Council in late 1994 (it is now known as the International Residual Mechanism for Criminal Tribunals, also referred to as the IRMCT or the Mechanism).**

As in the time of penal colonies, the UN ships acquitted or freed Rwandans from one African country to another, where they are often held under house arrest with no travel documents, no hope of joining their families, and constantly in fear of being extradited to Rwanda or to some 'Devil's Island.'

How has this come to pass? Why has the UN not transferred them to The Hague where the UN International Court of Justice and the International Criminal Court are located? Has the UN created its own system of judicial apartheid?

The eight Rwandans in Niger—and others

Eight Rwandans—Zigiranyirazo Protais, Nzuwonemeye François-Xavier, Nteziryayo Alphonse, Muvunyi Tharcisse, Ntagerura André, Nsengiyumva Anatole, Mugiraneza Prosper, and Sagahutu Innocent—including three acquitted and five freed after serving sentences, have spent more than two months under house arrest in Niamey, Niger. They are now awaiting transfer back to Arusha, Tanzania, where they will join former Rwandan Foreign Affairs Minister Jérôme Bicomampaka, another acquitted man who had refused to leave Arusha, Tanzania, where he has resided since being taken into the care of the ICTR Registry.

The eight in Niger had agreed under pressure to be transferred from Arusha to Niamey (the capital and largest city of Niger) on December 5, 2021, with the promise of obtaining permanent residence status, travel and identity documents (which Rwanda refused to provide) and a semblance of freedom.

Some had spent up to 25 years in Arusha, awaiting trial or after being acquitted or freed. They were also waiting to get permission to join their families in France, Belgium, Canada, the United Kingdom, or Denmark. Their wait has been in vain. These countries that constantly lecture others about justice and human rights, are now refusing to respect the rulings of a tribunal they had backed both financially and diplomatically.

At the same time, five other Rwandans living in Mali and freed after serving sentences imposed by the ICTR were recently informed that their residency permit in Mali would not be renewed. They too have become stateless and vulnerable to extradition to Rwanda or to transfer to another country, not of their choice.

Victor's justice from the get-go

The loftiest of principles were invoked when the UN created the tribunal. Madeleine Albright, then United States Ambassador to the UN and future Secretary of State, declared that the new international court "will be no victor's tribunal. The only victor that will prevail in this endeavor will be the truth." Louise Arbour, chief prosecutor from 1996 to 1999, echoed her.

Yet it was victor's justice from the very beginning. The reason is that the regime of the Rwandan Patriotic Front (RPF), victor of the war in 1994, held, and still holds, the power to indict people simply because it controls the facts and the territory where the alleged crimes took place. The UN Security Council invested the chief prosecutor with the power to indict, arrest and prosecute suspects. Yet their power was more mirage than fact. To establish charges against people or prepare a defense, the prosecutor or defense counsel had to have the approval of the masters of Kigali.

The power given to those who determine who will be indicted should never be underestimated. In Rwanda, that power was effectively handed over to those who won the war. Inevitably, the only people indicted were the enemies of the victorious army. As Ramsay Clark pointed out, "it really is war by other means and it is very cruel."

The RPF government made it very easy for witnesses for the prosecution to appear before the tribunal in Arusha. This gave rise to many cases of perjury. Defense witnesses on the other hand were very reticent to appear in court or file affidavits for fear of reprisals against them and their families by the Rwandan authorities.

This made it virtually impossible to indict military leaders of the RPF. The most serious crime attributed to the party, and specifically to Paul Kagame, was the shooting down of the plane carrying the presidents of Rwanda and Burundi on April 6, 1994. Both presidents were killed. That assassination also killed the Arusha Peace Accord of August 1993 when the army of the RPF immediately resumed the war.

As early as 2000, Arbour's successor as chief prosecutor, Carla Del Ponte, declared that if it proved to be true that the RPF shot down the Rwandan president's plane, the history of the Rwandan genocide had to be rewritten.

No RPF member has ever been indicted and any attempts to investigate the RPF have been either thwarted or abandoned.

To her credit, Arbour confirmed in 2016 that the ICTR worked like a victor's tribunal. The Kagame government, she said to the *Globe and Mail*, "could turn on and off the co-operative tap at will, depending whether they were pleased or not with the work that was being done ... The office of the prosecutor was sitting right in the middle of the country, where allegedly some of the leadership elements had to be investigated ... That's not, frankly, very doable." The tribunal was "constantly in a conflictual position vis-à-vis President Kagame." She added that the nothing could be done "without the full co-operation of the [Rwandan] government."

Where do the acquitted and freed people go?

In the rush to create the tribunal in 1994-95, the planners, mainly Americans, failed to ask the most basic questions. This becomes evident in the case of the acquitted and freed Rwandans. Justice was obviously not the concern of those who set up the ICTR.

Where would those sentenced serve their time? The fact is that they have been sent to different African countries far away from their families. Then they have been transferred to other countries depending on the internal political situation of the host country. But never to The Hague, the headquarters of international justice.

What was to be done with the acquitted and wrongly accused? Did they even foresee the possibility? Where would they go? Who would provide the necessary identity documents? Who would indemnify them in case they were wrongly accused? Had the planners of the tribunal decided that there would be no acquittals?

Where would those freed after serving their sentences live?

Sacrificed to imperialist strategy

Twenty-eight years after the Rwandan tragedy, Canada, France, Belgium, the UK and the US maintain strong diplomatic and trade relations with the Rwandan regime. They turn a blind eye to all the devastating reports about its involvement in extra- and intra-territorial executions, disappearances, arbitrary imprisonment, and military incursions in other countries. Does the establishment of good relations with the victors of the 1994 war grant them the right to flout the decisions of the ICTR even though they had been its most ardent supporters? Or is this just further proof that international criminal justice is no more than an instrument to advance the interests of major imperial powers?

If any doubts persist, David Scheffer, former US Ambassador for War Crimes Issues, provides an insight into how the tribunal was perceived in Washington:

[T]he tribunal was a potent judicial tool, and I had enough support from President Clinton, Secretary of State Madeleine Albright, Secretary of Defense William Cohen, and other top officials in Washington to wield it like a battering ram in the execution of US and NATO policy. The problems raised by an international criminal court did not begin in the 1990s. Former US Attorney General Ramsay Clark observed:

There would be no UN had it been implied in any way in the Charter that there would be a criminal tribunal. If it had been put in directly, the meeting would have been over. People would have packed their bags in Washington before the San Francisco meeting and left. The United States would have been the first to leave. Power does not like to be judged and if it has the power, it won't be. A 'special' regime for Africans?

The late Boutros Boutros-Ghali, former UN Secretary-General, admitted that he was responsible for putting the ICTR in Arusha and not in The Hague. He also admitted that it was a mistake in a 2002 interview he granted me. It was an error agreed upon by the members of the Security Council who therefore bear responsibility for the error.

When asked what the tribunal would do with the defendants, the people sentenced, and the acquitted, Boutros-Ghali replied, "None of us, jurists included had given any thought to the parallel and paralegal aspects, such as political and material questions. So we convict somebody. Where is he to serve his sentence? Who is responsible for overseeing his imprisonment? Why? None of this has been studied seriously."

The acquitted and freed Rwandans are thus paying for a serious error and gaping flaws in the ICTR that have been known since the tribunal began its work. It has created a sort of judicial apartheid for Africans characterized by a new form of penal colonization.

It is never too late to repair past errors. Through the Mechanism, the UN must take charge of the Rwandans acquitted, freed or still serving their sentences.

The UN must protect them from the whims of the imperial powers and their allies and ensure they are in safety and stability.

Finally, the UN must also see to it that the countries where their families live respect the decisions rendered by the ICTR, and not just those they agree with. Selectivity is the opposite of equality, which is the mother of justice.

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## Somalia

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## Ethiopia

**Tigrayan soldiers accused of raping and killing civilians in Ethiopia's civil war (The Guardian)** By Lizzy Davies  
February 12, 2022

**Tigrayan soldiers killed civilians and gang-raped women and girls in Ethiopia's northern Amhara region, a human rights organisation has claimed, in the latest accusation of atrocities made against fighters engaged in the country's civil war.**

Troops with the Tigray People's Liberation Front (TPLF) shot dead at least 24 people in the town of Kobo in one day last September, according to Amnesty International. The organisation also accused Tigrayan forces of raping and sexually assaulting at least 30 women and girls as young as 14 in and around Chenna, a village north of the Amhara regional capital, Bahir Dar.

Most of the alleged atrocities took place in late August and September last year, the organisation said, when the TPLF was in control of parts of Amhara as it made gains against troops loyal to the Ethiopian federal government.

"Evidence is mounting of a pattern of Tigrayan forces committing war crimes and possible crimes against humanity in areas under their control in the Amhara region. This includes repeated incidents of widespread rape, summary killings and looting," said Sarah Jackson, Amnesty International's deputy director for east Africa.

an abandoned tank belonging to Tigrayan forces south of the town of Mehoni, Ethiopia. “The TPLF leadership must put an immediate end to the atrocities we have documented and remove from its forces anyone suspected of involvement in such crimes.”

Amnesty said it had approached the TPLF with the allegations, but had received no reply. The TPLF has previously denied allegations of killings and rape by its troops.

In phone interviews with 27 people, described by Amnesty as witnesses and survivors of the killings in Kobo, the organisation said it had been told that on 9 September, TPLF fighters summarily shot unarmed civilians, “seemingly in revenge for losses among their ranks at the hands of Amhara militias and armed farmers”.

One person quoted in the report described seeing the bloody aftermath of the killings the following day. “The first dead bodies we saw were by the school fence,” he is quoted as saying. “There were 20 bodies lying in their underwear and facing the fence and three more bodies in the school compound. Most were shot at the back of their heads and some in the back. Those who were shot at the back of their heads could not be recognised because their faces were partially blown off.”

Most of the alleged atrocities took place in late August and September last year, when Tigrayan forces made gains against troops loyal to the Ethiopian federal government. Photograph: AP The report, released on Wednesday, also contains allegations of 30 cases of rape and other sexual violence against ethnic Amhara women and girls. Fourteen of those interviewed by Amnesty in and around Chenna said they had been raped by multiple perpetrators, two in front of their children. Seven were under 18, the report noted, and 10 remained hospitalised three months later. The cases were not isolated, said the report. “Rather, they seem to be part of a pattern of similar violations repeatedly perpetrated by large numbers of Tigrayan fighters in different locations,” it said. “Moreover, such abuses are likely underreported due to stigma within the survivors’ communities, challenges in accessing the locations, and communication blackouts that restrict and delay the flow of information.”

Raging since November 2020, the conflict in northern Ethiopia has been marked by possible widespread human rights abuses on all sides, according to a joint investigation by the UN and the country’s human rights commission, which released its findings late last year. According to Amnesty, the majority of violations documented to date have been committed by Ethiopian and Eritrean government forces and associated militias against Tigrayan civilians, mostly in the Tigray region.

Last week, lawyers acting for Tigrayan civilians in a complaint filed to the African Commission on Human and Peoples’ Rights said that, while reports suggested abuses had been committed by different parties, Tigrayan civilians constituted “the overwhelming majority of victims”.

### **Senior UN Official Pushes Accountability for Ethiopia Atrocities (Human Rights Watch)** By Louis

Charbonneau

February 17, 2022

**The United Nations deputy secretary-general, Amina Mohammed, sent a strong message to warring parties in northern Ethiopia at a news conference last week: a lasting peace can only be achieved with justice and accountability for the atrocities that have been committed in Tigray and nearby regions.**

Mohammed made the remarks following a trip to Ethiopia, where she met with Prime Minister Abiy Ahmed and visited the country’s Tigray, Amhara, Afar, and Somali regions. In November 2020, the Ethiopian government launched military operations in Tigray against the region’s ruling party, the Tigray People’s Liberation Front (TPLF). During the fighting, Ethiopian and allied forces from the Amhara region, and government forces from neighboring Eritrea, have committed serious abuses including massacres, arbitrary detention, widespread sexual violence, and forced displacement of ethnic Tigrayans. Since July, the government imposed an effective siege on Tigray and unlawfully detained thousands of Tigrayans throughout the country.

Tigrayan forces have also committed war crimes, including summary executions, rape, and looting of civilians in the Amhara region and Eritrean refugees in Tigray.

Prior to Mohammed’s remarks, a UN press release had set a very different tone, suggesting a return to normalcy and emphasizing UN development support for Ethiopia.

A reporter asked Mohammed at the UN why there was no mention of atrocities or the treatment of international humanitarian staff during the conflict. Mohamed said she raised both issues and others during her trip, adding: “They cannot achieve any lasting peace without reconciling and being held to account for the atrocities across the country.” It is a crucial message the UN, African Union, and their member countries should take to heart.

In December, the UN Human Rights Council took a significant step towards accountability for war crimes and human rights abuses in Ethiopia by mandating an international investigation. This action stands in sharp contrast to the UN Security Council,



which has only issued two press statements and has not included Ethiopia on its official agenda.

It's crucial that the African Union mediator in the conflict, former Nigerian President Olusegun Obasanjo, keeps this in mind during peace negotiations. Ignoring accountability for the many abuses committed during the conflict would only cause grievances to fester and undermine hopes for a durable peace.

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## EUROPE

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

**Official Court Website [English translation]**

**Bosnia Convicts Ex-Military Policeman of Beating Prisoners (Balkan Transitional Justice)** By Marija Tausan  
February 21, 2022

**Former Bosnian Army military police officer Mehmed Alesevic was sentenced to five years in prison for seriously abusing civilian detainees in Buzim in 1994 and 1995.**

The Bosnian state court convicted Mehmed Alesevic, a former military police officer with the Bosnian Army's 505th Buzim Brigade, of seriously abusing civilian detainees during the army's conflict with the forces of the separatist Autonomous Province of Western Bosnia statelet during wartime.

Alesevic was found guilty of violently mistreating the detainees at an improvised prison in the former Radoc Hotel in Buzim between December 1994 and March 1995, acting alongside other military policemen.

The verdict said that he kicked and beat the detainees with batons and his fists on various parts of their bodies. A minor was among the victims.

One detainee died as the result of the beating, but as presiding judge Darko Samardzic explained, no causal relationship between his death and the defendant's actions was established.

Alesevic was acquitted of participation in the sexual abuse of two detainees. The judge said that the court was unable to determine beyond reasonable doubt that the defendant had forced one of the detainees into sexual intercourse.

Samardzic said that the five-year sentence would act as a deterrent to potential future perpetrators of such crimes.

"The chamber has taken into account the level of responsibility, the motives for committing the crime and the circumstances, as well as the defendant's family situation and attitude in court," he said.

The verdict can be appealed.

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

**Keeping Secrets: Montenegro's Yugoslav-Era Intelligence Files Stay Closed (Balkan Transitional Justice)** By Samir Kasojevic

February 21, 2022

**Montenegro has avoided opening up the archives of the Yugoslav UDBA intelligence service despite legislation that would make it possible, fearing that long-hidden secrets could cause major controversies that would divide society.**

Despite promises from politicians and demands from the European Union, Montenegro's Yugoslav-era state security files remain confidential, even though some other Balkan countries such as Albania, Croatia and Serbia have opened up some of their archives in a limited way.

But Montenegrin civic activists don't expect this to happen in their own country any time soon because there is no political will within the ruling majority.

"Montenegro needs to open the archives of the secret police, which would indicate the facts about the activities and personalities from the disputed events. They would thus be excluded from public life," Zoran Vujicic of Podgorica-based NGO Civic Alliance told BIRN.

"But it must not be a reason for revenge, and it must be in line with international standards," he added.

Vujicic cautioned however that the process requires a stable government, which politically turbulent Montenegro does not have at the moment.

The current coalition government came to power in December 2020, ending three decades of uninterrupted rule by the Democratic Party of Socialists, DPS. On taking office, it announced that it will deal with former officials of or collaborators with the Yugoslav-era intelligence service known as UDBA.

In December 2020, the coalition government promised a law on lustration to weed out officials guilty of past human rights violations, but on January 28 this year, it announced that the law could only be implemented in 2023.

#### Security Service ignores legal obligations

Since the fall of the Berlin Wall three decades ago, a host of eastern European states have opened the archives of their secret services and passed laws designed to bar from public life those associated with rights violations under their former Communist regimes, particularly members of the security apparatus and its informants.

There have been attempts to do the same in the former Yugoslavia, but these have yielded more controversy than a real success.

In 2016, Montenegrin opposition parties requested the opening up of secret files from the Communist era and from the 1990s war years. The DPS government was headed by veteran Montenegrin leader Milo Djukanovic then appointed retired intelligence officer Gojko Pejovic as general inspector at the National Security Agency, ANB.

Pejovic was appointed to assess the ANB's work by scrutinising secret files and operations. However, this did not lead to any progress in making any parts of the secret archives public.

Established in 1946, the Yugoslav-era State Security Administration, UDBA, had a wide range of powers and was primarily responsible for internal state security. Its main interest was dealing with so-called domestic enemies such as nationalists, separatists, or opponents of the Communist Party.

Because UDBA acted against wartime collaborators of Nazi Germany, Serb nationalists and Communist supporters of Soviet leader Joseph Stalin, revealing the material in its files could reopen old wounds in society, which is why successive authorities over the past three decades have shied away from doing this, analysts believe.

When UDBA was dissolved in 1990, Montenegrin officials promised that the state security files would be opened up, but this didn't happen.

The head of parliament's Council for Security and Defence, Milan Knezevic, said that Montenegro has been putting off opening up the archives for decades.

“Opening up the archives of the former UDBA and current National Security Agency should be normal in a democratic society. I believe that it is necessary to do this in Montenegro as well, but with clear legal rules that would avoid [political] manipulation and tendentious interpretations,” Knezevic told BIRN.

According to the Montenegrin law that regulates archives, all state institutions are required to submit old files to the state archives 30 years after the files are declared closed. As for security services material stored in the state archives, according to the law, it should be sent to the state archives 50 years after the files are closed. But Dragoslav Bojovic from the State Archives of Montenegro said that security services files have never been submitted.

“The National Security Agency has not submitted UDBA documentation that is more than 50 years old to the State Archives of Montenegro. The State Archives also didn’t have any requests from the public for access to such documents,” Bojovic told BIRN.

The National Security Agency didn’t respond BIRN’s questions about why it hasn’t respected legal procedures and submitted the relevant UDBA files to State Archives.

In its October 2021 report assessing Western Balkan countries’ cooperation in the fight against organized crime, the European Parliament noted that “links between organised crime, politics and businesses existed before the break-up of Yugoslavia and have continued since the 1990s”.

The report condemned the “apparent lack of will of the responsible authorities to open the former Yugoslav archives” and said that in particular, access should be granted to the files of UDBA and the Yugoslav People’s Army Secret Service, KOS.

Opening archives could further polarise society

On September 2014, Croatia handed all secret service documents dated between 1937 and 1990 to the state archives, allowing them to be seen by the public, under certain restrictions.

The documents come from UDBA, as well as from the secret services of the previous Kingdom of Yugoslavia and those of the country’s World War II-era fascist puppet regime, the Independent State of Croatia.

In 2017, Albania’s government opened up the archives of its Communist-era secret police, the Sigurimi, allowing people who were spied upon to get access to their files.

Knezevic warned that Montenegro has to be sensitive in opening up the UDBA archives, stressing that additional polarisation in this already-polarised country has to be avoided.

“We need to be guided by the old Eastern Bloc states’ bad experiences, so the opening of the file will not turn into the opening of a Pandora’s box,” Knezevic said.

Opening the Communist-era archives in some Eastern Bloc countries provoked controversies as thousands of people suffered discrimination because their names appeared somewhere in the documents. Some argued that secret service records could not be seen as reliable because they could have been fabricated and exaggerated by the officers who created them.

The Czech Republic threw open most of its files without investigating their veracity, while the files of East Germany’s secret police, the Stasi, were also opened to victims, historians and journalists, and a number of politicians and public figures’ careers were ruined.

In Serbia, while some documents from the Communist era have been declassified, those from the wars of the 1990s are still sealed. From February 2004 onwards, Serbia’s Security Information Agency, BIA, which holds all the state security documents, decided that it would only give the state archive certain files, most of them from Communist period after World War II.

Vujicic warned that the Montenegrin authorities have to be sensitive.

“The ruling majority has to be extremely careful as this could certainly further deepen the already deep divides in Montenegrin society,” he said.

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

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## Turkey

**Belgian law firm to take alleged crimes against humanity by Turkish officials to ICC (Stockholm Center for Freedom)** February 15, 2022

**Johan Vande Lanotte, a legal counsel from the Belgian-based law firm Van Steenbrugge Advocaten (VSA) and a professor of law at the University of Ghent, told Belgian media that lawyers from VSA are going to take evidence of crimes against humanity perpetrated by Turkish state officials to the International Criminal Court (ICC), Turkish Minute reported.**

Earlier in 2020, VSA set up the Turkey Tribunal, a civil society-led opinion tribunal established to adjudicate recent human rights violations in Turkey including torture, abductions, shortcomings in freedom of the press and freedom of expression and the right to a fair trial. The tribunal convened in Geneva on Sept. 21, 2021. After four days of hearing victims the panel of judges announced their verdict, saying that the torture and abductions perpetrated by Turkish state officials since July 2016 could amount to crimes against humanity in an application lodged with an appropriate international body.

Following up on that lead Lanotte, who was also the coordinator of the tribunal, said they would continue with applications to international bodies, most notably the ICC.

Speaking to the Mediahuis newspaper, the law professor said the ICC in The Hague was established to try those accused of war crimes and crimes against humanity.

There are many in President Recep Tayyip Erdoğan's Turkey who could be charged crimes against humanity, according to Lanotte.

"There is hardly any democracy. In terms of human rights, it is just an authoritarian regime. Moreover, Turkey abuses charges of terrorism or espionage to kidnap and torture dissidents," Lanotte was quoted as saying.

The VSA has reportedly collected nearly 800 testimonies of torture, 60 abductions and more than 2,000 cases of arbitrary detention.

In 2021 Johan Heymans, a lawyer from VSA, spoke to Turkish Minute and said that even though Turkey does not recognize the Rome Statute, which established the ICC, VSA lawyers would argue that some crimes against humanity committed by Turkish officials have taken place in countries that ratified the treaty.

The Turkey Tribunal rapporteurs are preparing to present a comprehensive report to the ICC in 2022, the tribunal website says, stressing that the ICC's jurisdiction is established in terms of crimes such as enforced disappearance, imprisonment and torture committed by Turkish state officials in countries party to the statute.

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## Kosovo Specialist Chambers

**Renovation of Nazi ally's Kosovo house criticized (NBC News)** February 11, 2022

**The renovation of a house in Kosovo that belonged to a minister in a pro-Nazi government during World War II has prompted an outcry, with Germany warning of historical "whitewashing" and the European Union and United Nations halting the project.**

The three floor red brick house in Mitrovica, built in the 1930s by Austrian architects, was the home of Xhafer Deva, who served as interior minister in the pro-German government in 1943 and 1944.

In a joint statement, the United Nations Development Programme (UNDP) in Kosovo and the European Union apologised for omitting the historical background of Deva when they announced the project to restore the house as a cultural heritage site.

Germany's ambassador to Kosovo, Joren Rohde, said he was very concerned about the restoration.

"Don't distort the truth about the Holocaust or war crimes committed by the Nazis and local collaborators," Rohde said on Twitter earlier this week, saying the project risked whitewashing history.

Hajrulla Ceku, Kosovo's Minister of Culture, defended the restoration project in a news conference the day after the E.U. and UNDP decision to halt work at the site.

"We are restoring the monument but not the history of Xhafer Deva," Ceku said. He did not confirm whether the Kosovo government would continue to work on the restoration.

At the time Deva was a minister, Kosovo was considered by Germany to be part of Albania.

Historians say security force units under Deva, who saw Nazis as allies to fight communists, committed atrocities including the massacre of suspected anti-fascist sympathisers. Some recent research says Deva may have helped protect Jews, however.

"He is a war criminal, he committed crimes against his political opponents but personally he never agreed to hand over lists of Kosovo Jews despite the persistence of Nazi authorities," says Durim Abdullahu, a history professor at Pristina state university.

After the war, Deva left Kosovo. He lived in several European countries before settling in California, where he died in 1978.

In Mitrovica, he is still celebrated. A few meters from the house, a wall in the main square is adorned with pictures of prominent people from the town, including Deva and the prime minister in the war-time government, Rexhep Mitrovica.

A Reuters witness found three streets named after Deva in Kosovo, including one in Pristina a few hundred meters from the German Embassy.

## Azerbaijan

**Azerbaijan seeks int'l justice for Garadaghli killings (AzerNews)** By Sabina Mammadli

February 19, 2022

**Human Rights Commissioner Sabina Aliyeva has urged the international community to give legal assessment to Armenia's aggression and ethnic cleansing policy against Azerbaijanis, including the genocide in Garadaghli village.**

In her appeal to international agencies on the 30th anniversary of the tragedy in Garadaghli village committed by Armenia against the Azerbaijani civilians, Aliyeva said: "Those who committed this crime against peace and humanity must be brought to the international legal responsibility."

Aliyeva recalled that the Armenian armed forces committed genocide against the civilians in Garadaghli village of Azerbaijan's Khojavand region on February 17, 1992. As a result of this bloody crime, Garadaghli village was occupied and burned, 118 civilians were taken hostage and 68 of them were brutally killed.

In 2020, a counter-offensive operation was launched to prevent another military aggression against Azerbaijan and to ensure the security of the civilian population. Azerbaijani territories occupied by Armenia for nearly 30 years were liberated in a short time, and the violated rights of compatriots were restored.

As a result of the war crimes committed by Armenia against Azerbaijan during these military operations, more than 100 civilians, including more than 10 children were killed, more than 450 people were wounded, 12,000 civilian objects, including more than 3,410 houses, 120 multifloored apartments, 512 civilian infrastructure, including apartment buildings and numerous schools, hospitals, and kindergartens, as well as our historic, religious, and cultural monuments were destroyed or severely damaged, she added.

It should be mentioned that in the 20th century, Armenians perpetrated systematic crimes and atrocities against Azerbaijanis to break the spirit of the nation and annihilate the Azerbaijani people of Nagorno-Karabakh. The Khojaly genocide is regarded as the culmination of Armenian mass murders.

Some 613 Azerbaijanis, including 63 children, 106 women and 70 elders were brutally murdered on the ground of national identity in Khojaly in 1992.

This heinous act was preceded by a slew of others. Armenians set fire to around 20 buildings in the Baghanis-Ayrim village of Gazakh region, killing eight Azerbaijanis. A family of five, including a 39-day-old newborn, were all burnt alive.

Between June and December 1991, Armenian troops murdered 12 and wounded 15 Azerbaijanis in Khojavand region's Garadaghli and Asgaran region's Meshali villages.

Armenian military detachments bombed buses on the Shusha-Jamilli, Aghdam-Khojavand, and Aghdam-Garadaghli routes in August and September of the same year, killing 17 Azerbaijanis and injuring over 90 others.

In October and November 1991, Armenians burned, destroyed, and plundered over 30 settlements in the mountainous area of Karabakh, including Tugh, Imarat-Garvand, Sirkhavand, Meshali, Jamilli, Umudlu, Garadaghli, Karkijahan, and other significant villages.

**HRD compiles new evidence of Azerbaijan's war crimes (PanArmenian)** February 22, 2022

**Human Rights Defender Arman Tatoyan said on Monday, February 21 that his staff has completed research on new evidence of Azerbaijani war crimes and crimes against humanity committed during the 44-day war unleashed against Nagorno-Karabakh (Artsakh) in fall 2020.**

Tatoyan said special reports will be sent to the Ministries of Foreign Affairs, prosecutor's offices and police of states with general jurisdiction.

"To clarify the scale of the work, I emphasize that only from objective evidence we have included 245 videos containing scenes of torture, murder and cruelty, as well as 120 photos – 365 items in total," the Ombudsman said.

The videos were translated from Azerbaijani or Russian, and then subtitles were added in English or Russian.

"We have shown that these crimes are the result of Azerbaijan's long-term policy of hatred and enmity against Armenians, the result of ethnic cleansing, and this threat has not gone away even today," Tatoyan said.

All the materials, he added, will also be sent to international organizations, such as the UN, Council of Europe, the European Union and others.

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## MIDDLE-EAST

### Iraq

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

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### Syria

## **France To Try Syria's War Criminals (Asharq Al-Awsat)** By Michel Bou Najem

February 11, 2022

### **France has made an important step in the fight against impunity for the perpetrators of international crimes committed in Syria and throughout the world.**

The National Assembly passed a bill to authorize the approval of the international judicial cooperation agreement between the French Government and the United Nations Organization, represented by the International, Impartial and Independent Mechanism (IIIM) for Syria. The bill was referred to the Senate for examination.

Parliamentary sources ruled out any difficulty in obtaining the approval of the Senate in the next few days, noting that the French Constitution stipulated that in case of disagreement, the last say would go to the National Assembly.

The French Foreign Ministry and the Ministry of Justice issued a joint statement, which noted that the agreement “will allow information to be transmitted from French courts to the Mechanism (MIII), which is not possible under current law.”

“It is thus in keeping with the priority France attaches to the fight against impunity for the perpetrators of international crimes,” it stated.

The statement read: “In 2015, the Foreign Ministry reported to the Paris State Prosecutor, on the basis of Article 40 of the Code of Criminal Procedure, atrocities likely to have been committed by the Syrian regime... The documents passed on enabled the Paris Prosecutor’s Office to open a preliminary investigation into “crimes against humanity”, relying in particular on photographs taken in military hospitals between 2011 and 2013 by “César”, a Syrian former military photographer. More than 40 investigations and judicial inquiries on Syria are currently underway in France.”

It added: “In a ruling of 24 November 2021, the Court of Cassation deemed it necessary for the definition of an offense comparable to that in French law (evidence of “an attack against a civilian population in fulfillment of a concerted plan”) to exist in Syrian law in order to recognize French courts’ extraterritorial competence with regard to international crimes.”

The statement noted that the relevant French ministries would closely monitor forthcoming judicial decisions.

“Depending on those decisions, our ministries stand ready to swiftly set out the changes, including legislative changes that should be made to enable France to continue resolutely fulfilling its steadfast commitment against impunity for international crimes,” it underlined.

## **Russian strikes on farms in Syria could be war crimes: report (Deutsche Welle)** By Cathrin Schaer

February 15, 2022

### **The Syrian Archive, a Berlin-based group that digitally monitors and documents human rights violations in Syria, released a report on Tuesday that indicates the use of new methods targeting anti-government rebels in the country, as well as civilians living under their rule.**

The report, obtained exclusively by DW, details the bombing of the Arshani water pumping station in northwestern Syria, near the last enclave of opposition fighters in Idlib. Russian planes are suspected to be behind the strikes. Russia has backed the forces of Syrian President Bashar Assad since the conflict started more than a decade ago.

The attack on the water pumping station, which took place on January 2 around midday, was widely reported at the time, but the Syrian Archive has since used open-source verification techniques and almost 100 pieces of visual evidence, including videos and pictures, to come up with a more complete picture of what happened that day.

The damaged water pump in Arshani village supplies about 225,000 people in Idlib. The area is home to around 2.8 million people, around half of whom fled fighting elsewhere but who don't want to live under the Assad regime.

About 1.7 million of them are internally displaced, and many live in tent cities that have sprung up around Idlib. Human Rights Watch has said that three-quarters of the population rely on regular humanitarian assistance because of damaged infrastructure and economic hardship.

'It's more than an attack'

Idlib is now mostly controlled by Islamist militia groups opposed to the Assad government. But in its report, the Syrian Archive showed that the water pumping station was far from any sites that could possibly be considered military targets.

"It's really in the middle of nowhere," said Hamoud, the Syrian Archive's primary researcher on the report. He preferred not to give his full name for security reasons.

In January, news agency Reuters and other media reported that eye witnesses said Russian warplanes had bombed the water station. The Syrian Archive cross-checked those reports with flight tracking data from various sources, all of which showed that a Russian plane, most likely a Russian Air Force Su-34, was in the area at the time of the attack.

Russia's Defense Ministry and the Russian Embassy in Syria did not respond to DW's request for a statement on the incident.

Two bombs were dropped, and one worker at the station was injured. According to DW's sources on the ground, the station has since been repaired and is working again.

It is likely that attacking infrastructure, like this water pump, is a tactic to pressure or force civilians to leave the area, Haneen, the Syrian Archive's project manager responsible for the report, told DW. She also did not give her full name for security reasons.

"It's more than an attack," Haneen said. "It has a significant negative impact on the possibility of life in such an area."

Haneen explained that such strikes worsen the already difficult humanitarian plight of Idlib's displaced people.

### Targeting chickens

January's bombing is not an isolated incident, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) recently confirmed.

"At the start of 2022, there has been an increase in airstrikes on infrastructure, including farms and water pumping stations," UNOCHA noted in one of its most recent situation reports.

In particular, poultry farms had been targeted by Russian warplanes, the Syrian Civil Defense group — more commonly known as the White Helmets — said in a January 5 field report.

From November 11 through January 4, there were aerial attacks on seven farms around Idlib, the organization wrote. Most were poultry farms, but one also had cows. As a result, eight civilians were killed and 11 others wounded. Tens of thousands of chickens also died.

Bombing these farms "poses a threat to the incomes of hundreds of families," the Syrian Civil Defense said in its report. Destroying agricultural facilities also leads to a general rise in prices for basic goods, the organization noted, something that the millions of displaced Syrians in the area, many of whom do not have jobs, can hardly afford.

### War crimes?

This is not the first time warplanes have targeted civilian infrastructure during the Syrian civil war. Human rights organizations, including Amnesty International and Human Rights Watch, recorded dozens of attacks on civilian infrastructure during a Syrian-Russian military campaign to retake opposition-held areas around Idlib beginning in April 2019.

That included attacks on schools, hospitals and even popular markets. In July 2019, a handful of attacks on water pumping stations and water tanks were also recorded.

An estimated 1,600 civilians were killed during the campaign, which only ended in March 2020, when Russia and Turkey, which supports opposition forces in the area, brokered a cease-fire for Idlib.

Attacks on civilian infrastructure appear to have increased again at the beginning of this year.

The bombing of the water station, and even the chicken farms, could potentially be prosecuted as war crimes in the future. International humanitarian law rules out deliberate attacks on civilian infrastructure in armed conflict zones — that includes water pumping stations.

### Tracking human rights violations

The same principle about not attacking civilian infrastructure could ostensibly apply to the farms in Idlib, said Anne Schroeter, a legal researcher and project coordinator at the European Center for Constitutional and Human Rights, or ECCHR, based in Berlin.

"[Those attacks] could constitute war crimes if the farms can be seen as civilian objects or infrastructure, and they were not used for military purposes," said Schroeter, adding that recent Saudi airstrikes on farms, factories and warehouses in Yemen have also been described as possible war crimes.



Although Tuesday's report by the Syrian Archive would be helpful in encouraging prosecuting authorities to take a closer look at a war crime, it's not enough to base a whole case on, said Schroeter.

"These kinds of reports are helpful, but they need to be accompanied with additional material, which in turn will depend on the framework the specific investigation takes place in," she added. The investigators at the Syrian Archive will now add their latest report to a database they are compiling, which already includes about 3.5 million videos.

"If this information can be used to prevent targeting like this in the future, it will be amazing," said project manager Haneen.

**Human rights lawyers attempt to bring Syria war crimes cases to ICC (The Guardian)** By Patrick Wintour  
February 16, 2022

**A groundbreaking attempt to make Iranian and Syrian military officials answerable for war crimes they may have committed in Syria is being launched, as part of an effort to have the cases brought before the international criminal court.**

The request includes evidence of Syrian victims forced to flee into Jordan due to attacks and intimidation by the Syrian government and Iran-backed militia groups. It is being brought by the US-based Iran Human Rights Documentation Center in conjunction with Haydee Dijkstra, a UK barrister.

The victims, including Syrian journalists, were targeted between 2011 and 2018 for their professional journalistic activities and for their actual and perceived opposition activities. They come from predominantly Sunni towns and cities in Syria that the Alawite Assad regime and Shia Islamic Republic of Iran, which backed numerous militia groups in Syria, perceived as opposed.

It marks the first time Iranian officials have been targeted in this way for their activity in Syria, and is part of a growing effort to make Syrian army officers and others legally accountable for their actions either at the ICC or in national European courts, including in Germany and France. Progress on the issue at the UN is largely impossible owing to the threat of a Russian veto.

Gissou Nia, a lawyer on the legal team making the request, said: "Up until now, little public attention has been paid to the legal responsibility of the Islamic Republic of Iran in the decade-long Syrian conflict, despite the significant intervention of Iranian officials in Syria and perpetration of atrocities.

"The Islamic Republic of Iran has provided a vast range of military and non-military support to achieve its objectives, chiefly to prevent the fall of disgraced Syrian president Bashar al-Assad at any cost. Unfortunately, that goal has been fought at the cost of hundreds of thousands of killed, injured and displaced Syrian civilians."

Syria is not a party to the ICC's Rome Statute, but it is argued the ICC has jurisdiction because the victims fled into Jordan, which is a state party.

Evidence has been provided anonymously because of fears of reprisals but the identities of those making complaints will be known to the ICC, which now has to make a preliminary decision prior to launching an investigation. There is no deadline by which the ICC must decide.

The Syrian civilians, the claim suggests, felt forced to flee in the face of indiscriminate bombardments and shootings, extrajudicial killings, arbitrary arrest and detention, beatings and other abuses, search operations and violent repression of the right to free expression including civilian reporters and activists. It says Iran-backed militias, including Lebanese Hezbollah, the Liwa Fatemiyoun (an Afghan Shia militia led by Iran's Islamic Revolutionary Guard Corps) and Liwa Abu Fadl Al-Abbas attacked their towns and cities alongside armed forces of the Syrian government.

The evidence being submitted on Wednesday to the ICC documents how the Syrians were forced to leave their homes and their families, and have been unable to return to their country.

Article 7(1)(d) of the Rome Statute grants the court jurisdiction over the crime against humanity of "deportation or forcible transfer of population", meaning the "forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law".

In a previous case in 2018, the ICC found it had jurisdiction over the Rohingya people when they were forced to flee into Bangladesh refugee camps from Myanmar. Bangladesh, unlike Myanmar, is a party to the ICC.

**US occupying forces accused of war crimes in Hasakah as mass protests demand they leave Syria (Morning Star)** By Steve Sweeney  
February 17, 2022

**Syrian communists led a demonstration in the country's north-eastern Hasakah province on Wednesday calling for US occupying forces to leave, accusing them of committing war crimes.**

Thousands took to the streets denouncing the imperialist power for attacking educational facilities and also took aim at the Syrian Democratic Forces (SDF) which controls the area.

They are accused of depriving local students of an education as they oppose the official curriculum of the Syrian Ministry of Education in what is a long-running dispute.

But the Syrian Communist Party (SCP) demanded an end to the US occupation, saying that it has been deliberately targeting university buildings during a recent battle with Isis in the province.

At least 200 jihadists attempted to spring more than 3,000 Isis militants held in al Sinaa prison in Hasakah's Ghwayran district last month.

Their defeat led to calls by SDF commander Mazloun Abdi for an increase in US troop numbers to the region.

More recently, he insisted that there can be no political solution in the largely Kurdish Autonomous Area of North East Syria without Washington, a statement that has fuelled rumours of a serious division in the Kurdish movement.

The SCP was joined by students, teachers and civil society organisations along with Hasakah residents as they gathered at President Square under the banner: "Hands off our colleges, institutes and schools."

"We have come together here to denounce the violations of US occupation forces and their allies against the entire Syrian territories, the latest of which was the deliberate targeting of buildings at al-Furat University campus which amounts to a war crime," SCP spokesman Fawaz al-Dibs said.

The director of al-Furat University, Dr Jamal Abdullah, said that the US occupying forces must leave the country immediately, accusing them of supporting jihadist groups in Syria.

"We are sending a clear message to occupiers that neither their presence is desirable nor their claim of fighting terrorism is right, as they spearhead international terrorism," he said

"The US forces are war criminals and must be expelled from Syrian lands without delay," he said.

The US maintains around 700 troops in the country, according to official sources, and they are accused of plundering the country's natural resources, particularly oil and wheat.

President Bashar al-Assad has called for them to leave and accuses Washington of waging an economic war via the punitive Caesar Act sanctions which he says is designed to starve the Syrian people into submission.

The SDF was contacted for comment.

**I Helped Bring a Syrian War Criminal to Justice. But the Work Is Just Beginning (Time)** By Mazen

Darwish

February 17, 2022

**It was a cold morning in Berlin in February 2019 when Patrick Kroker, a lawyer at the European Center for Constitutional and Human Rights (ECCHR), called to ask me to his office. I arrived to find him there with two Syrian lawyers who have played central roles in our country's quest for justice: Anwar Al Bounni and Ibrahim El Kassem.**

Using the principle of universal jurisdiction, Germany can bring charges against the perpetrators of war crimes and crimes against humanity, even if the crimes happened outside of Germany. Raslan, a senior Syrian intelligence officer, led investigations at the notorious Branch 251 facility in Damascus. Following his arrest, he became the main defendant in the world's first criminal case dealing with state-led torture in Syria.

On Jan. 13, a court in the German town of Koblenz sentenced Raslan to life in prison for crimes against humanity, involving the systematic use of torture against thousands of peaceful pro-democracy protestors who rose up in 2011. The verdict against him marks a beginning for justice for the Syrian people. Understanding how it happened can help define a path to greater justice in the future.

Survivors of torture in Syria

That meeting in Berlin galvanized my organization, the Paris-based Syrian Center for Media and Freedom of Expression (SCM). For the first time in Syria's history, victims of atrocities would have the chance to confront a once powerful suspect before an independent judiciary. Survivors of torture under interrogation in Syrian jails had an opportunity to prove to the world the veracity of our stories of inconceivable suffering and death.

This was personal. I was detained three times in Syria: twice briefly in 2011, then in 2012 for three and a half years. My crimes were protesting against the government, and then documenting, through SCM's work, that government's violent crackdown.

We began our work on the case by contacting torture victims who had been arrested in 2011 and 2012 and detained in Branch 251. It was not difficult to reach them. We knew many of them personally. From 2011, SCM had documented more than 400,000 Syrian torture cases.

We connected victims willing to testify in the case with the ECCHR and the Open Society Justice Initiative, where lawyers organized victim representation in the proceedings against Raslan. Without the courage and determination of those survivors, nothing could have been achieved. These would have been merely abstract legal proceedings. But now we could build a vivid, legal narrative of torture and extrajudicial killings, which were, and still are, pillars upon which Syria's brutal regime has remained in power for more than five decades. My own chance to testify as a torture survivor came in September 2020.

Defectors from the Syrian security apparatus and former workers in military and civilian hospitals provided crucial inside information. They testified about intelligence structures, especially those of Branch 251, as well as chains of command. With their assistance, we supplied the courts with the names of scores of officials who worked at Branch 251 at the time the defendant was stationed there. Regime defectors provided the coordinates of four mass graves near Damascus, and the testimony of a man tasked with burying corpses from 2011 to 2017 corroborated this.

The Syrian bureaucracy has also documented its own crimes. A military defector codenamed "Caesar," and "Sami," a relative who assisted him, smuggled thousands of photos out of Syria showing mutilated, tortured, and emaciated corpses strewn across the floors of Syrian government detention centers. Leaked internal correspondence from the security services, especially those provided by Fathi Bayoud, founder of Zaman Alwsl, a Syrian news website, provided conclusive evidence of the systemic, heinous abuse of detainees from the moment of their arrest through to their death under torture, and their burial by the military police. They showed that this happened with the full knowledge of Syria's National Security Office, which reports directly to President Bashar al-Assad.

We provided the court with leaked hospital documents proving that torture and ill-treatment specifically at Branch 251 led to death. One document was a memo submitted to the head of Branch 251, documenting a dispute between his staff and forensic medicine officials at a military hospital, who were overwhelmed by the number of corpses they were receiving.

Justice for victims of the Syrian regime

Branch 251's register of deceased people included the name of the detainee Dr. Hayan Mahmoud, who had been missing since his arrest by the branch in 2012. His family filed a grievance against Raslan in the Koblenz court. They and some others were able to see a mid-level official responsible for their anguish held to account in a trial that was a foundational step in the fight against impunity for the grave crimes committed in Syria. Germany's application of universal jurisdiction succeeded in transferring the issue of accountability from the framework of human rights statements and ethical condemnations to a practical and applied remedy.

But the victory in Koblenz is deeply insufficient. Hundreds of thousands of Syrian families are still searching for the whereabouts or fate of their loved ones. Organizations like mine will continue to build cases against the Syrian officials responsible. At the time of Raslan's arrest, Kroker and I had been working to bring to justice one of Syria's most notorious war criminals, director of air force intelligence Major General Jamil Al Hassan. A German court issued a warrant for him in 2018, though Hassan remains out of reach in Syria.

The trial in Koblenz should prompt other countries to use their legal systems to deliver justice for the Syrian people. States should also establish Syria war crimes tribunals, especially for chemical weapons use, following the Nuremberg precedent. International pressure must continue, to find a political solution to the crisis in Syria, and to hold the Syrian regime to account for its crimes.

The regime continues to torture and kill countless Syrians. There cannot be sustainable peace in Syria, a safe return for refugees like myself, or a real defeat of terrorism, unless the perpetrators face justice. The road to Koblenz has been long, but it is only one step in the long journey toward justice for my country.

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# Yemen

## **Yemen: Civilian casualties double since end of human rights monitoring (Norwegian Refugee Council)**

February 10, 2022

**The number of civilians killed or injured in Yemen has almost doubled since UN human rights monitoring ended last October, new figures show. In the four months before the end of the human rights monitoring, 823 civilians were injured or killed in the war. In the four months that followed, it was 1,535 civilians, according to data from the Civilian Impact Monitoring Project. During the same period, 39 times more of the civilian casualties were caused by airstrikes.**

The UN Human Rights Council rejected the renewal of The Group of Eminent Experts mandate on Yemen last October. The group was the only international, independent and impartial mechanism to monitor human rights violations and other atrocities committed by all parties to the conflict.

“The removal of this crucial human rights investigative body took us back to unchecked, horrific violations,” said Erin Hutchinson, Country Director for the Norwegian Refugee Council (NRC) in Yemen. “Who is responsible for the deaths of these children and families? We will probably never know because there is no longer any independent, international and impartial monitoring of civilian deaths in Yemen.”

NRC is calling for an immediate renewal of the mandate of The Group of Eminent Experts or for a similar human rights monitoring mechanism to be put in place.

“The UN member states should urgently reinstate the monitoring body to ensure that parties to the conflict stop committing grave breaches of international humanitarian law with impunity,” Hutchinson said. “With no one to hold perpetrators accountable, civilians will continue to be killed by the thousands and the hardest hit by the escalation of the conflict.”

## **Saudi-led coalition bombs telecoms compound in Yemen's Sanaa -residents (Reuters)**

February 14, 2022

**Warplanes of the Saudi-led coalition fighting in Yemen struck again at telecommunications compound in the Houthi-held capital Sanaa on Monday, residents said, following an earlier round of attacks on the site around dawn.**

The coalition said earlier on Monday it had destroyed a Houthi system used to control drones, accusing the Iran-aligned movement of using telecommunications ministry headquarters to "launch hostile operations".

Houthi telecommunications minister Misfer Al-Numair denied that the facilities were being used for military purposes.

The coalition, battling the Houthis for nearly seven years, said it asked civilians in ministries to evacuate before the operation carried out in response to last week's drone attack on Saudi Arabia's Abha airport, which injured twelve people.

Residents and the Houthi-run Al Masirah television channel reported another attack on the Sanaa compound, which also houses the TeleYemen telecoms company building, on Monday evening.

A TeleYemen official told Reuters that employees had been evacuated. Internet and phone services were working, residents said.

Houthi forces have frequently fired drones and missiles at Saudi cities, and recently expanded attacks to coalition member the United Arab Emirates. The alliance has retaliated with air strikes inside Yemen.

The Saudi-led coalition intervened in Yemen in 2015 after the Houthis ousted the internationally recognised government from Sanaa. The movement says it is fighting a corrupt system and foreign aggression.

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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

**Triple West Bank assassination recalls darkest days of the Intifada (+972 Magazine)** By Jesse Rosenfeld, Oren Ziv and Ahmad Al-Bazz  
February 15, 2022

**A joint report with The Intercept and Local Call investigates how Israeli forces carried out what appears to be their first assassination in the West Bank in 15 years, after they killed three Palestinian militants in Nablus.**

Palestinians were stunned last week by a brazen midday Israeli military assault that killed three Palestinians on the streets of Nablus — an assassination the nature of which observers said they hadn't seen in the occupied West Bank in a decade and a half.

The Feb. 8 ambush targeted three fighters belonging to the Al-Aqsa Martyrs Brigade, a militant group, who were wanted for allegedly recently opening fire at the Israeli army and settlers in recent weeks, though no specifics were offered. The men were driving through Nablus's winding streets when Israeli security forces in cars with Palestinian license plates shot Ashraf al-Mubaslat, Adham Mabrouka, and Muhammad al-Dakhil dead, leaving local residents to deal with the gruesome fallout of the assault.

Israeli security forces claimed the killings, carried out by the Border Police's National Counter-Terrorism Unit, known colloquially as Yamam, were intended as an arrest raid, and that the officers fired in self-defense. A joint investigation by +972, The Intercept, and Local Call, however, points to a planned assassination in an area of Palestinian Authority control, a widely condemned tactic.

For Shawan Jabarin, the director general of Al-Haq, a West Bank-based Palestinian human rights group, the killings amount to war crimes. Al Haq — which was recently labeled a terror group by the Israeli government in an attempt, the group says, to halt its probes — collected witness testimonials from the scene of the Nablus shooting.

"It's an extrajudicial execution," said Jabarin. He said his group had found no evidence that the Palestinian fighters ever fired or attempted to fire a shot: "The three persons were known by the Israelis and they came merely to kill them."

The killings conjured bitter memories of the extrajudicial assassinations that marked the darkest days of the Second Intifada, the Palestinian uprising of 2000 to 2005, and the attendant Israeli reprisals. Across Palestinian society, a level of outrage not seen in recent months spurred a one-day general strike and checkpoint protests across the West Bank.

The families of those killed said the carnage was the horrific realization of threats made against them in recent months by Israel's internal security service, the Shin Bet.

Raed Al-Dakhil, 51, Muhammad Al-Dakhil's father, recalled during his son's funeral that one Shin Bet officer had called the family over a dozen times — issuing threats that culminated in a promise that Muhammad would be executed.

"The last [call] was two months ago," said Al-Dakhil. "He said they would send the Yamam unit to assassinate my son." The Shin Bet did not reply to requests for comment about its phone calls to family members of the fighters.

Adham Mabrouka's brother, Ahmad, described a similar experience of escalating threats from Shin Bet in the run-up to the killing. "When I met them face-to-face," he said of the Israeli security officers, "they threatened to harm the family and raid [our] house." By the last of what Ahmad Mabrouka said were at least 11 phone calls, a Shin Bet officer said Adham would be executed.

“They said if he didn’t hand himself over, it will get to the level of assassination and mentioned the Yamam unit,” recalled Mabrouka. “I realized he was going to die, but not in that way. He has 35 bullets in his body.”

Evidence from the scene A video, witness testimonies, and evidence collected by +972, The Intercept, and Local Call at the scene all point to an attack by Israeli security forces against the carload of Palestinians.

A video released on Monday shows a yellow Palestinian taxi on a hillside road cutting off the fighters in their silver Fiat. Another Palestinian-plated van carrying Israeli Border Police officers then swings around behind the Fiat to prevent it from reversing. A barrage of bullets from the taxi’s direction then pierces the Fiat’s windshield. After about 10 seconds, officers exit from the van and from the taxi; some of the Israeli security officers open fire at the driver side of the Fiat as others stand guard behind them.

Both vehicles carrying Israeli security forces came down a hill that intersected with the road where the attack was launched.

When +972, The Intercept, and Local Call visited the scene, the bullet holes pockmarking the apartment building doors on the far side of the road and signposts down the street all appeared to come from the Israeli positions — the locations of the Israelis’ vehicles and where officers stood around them. There are no apparent bullet holes or fragments next to or behind the border police officers’ locations in the video and no shell casings from around where the Fiat had been — indicating the Border Police officers were not fired upon.

A spokesperson from Israel’s Border Police confirmed that no shots were ever fired toward Israeli forces, but said that the Palestinians “were armed with loaded guns and about to open fire.”

According to two witnesses who declined to be identified due to fear of reprisal, it all started with a long burst of steady and consistent gunfire.

“I returned home from work. I heard gunshots. Not one or two separate [shots],” said a man who lives by the scene of the attack. He described a strong and continuous blast of automatic gunfire: “I told my wife and my children not to go out and do not come near the windows.”

A woman whose apartment overlooks the scene of the killing said: “I heard the shots and went to the window to see what happened. I was very frightened. The car was riddled with bullets.”

The testimonies collected by Al-Haq include one from an eyewitness who saw the assault from beginning to end. The account corroborates what appears to be happening in the video. They describe Israeli forces opening fire on the Fiat from the taxi’s open door, before even leaving the vehicle. The officers then got out and kept firing live rounds at the car in a second blast of gunfire. While the 92-second video stops before the officers approach the Fiat, Al-Haq’s witnesses say the Israeli forces then opened the door and shot inside to “confirm” the kills.

Orders to kill The assertion by Palestinians that the killings were planned assassinations was corroborated by Ilan Paz, a former head of the Civil Administration, the arm of the Israeli military that governs the 2.8 million Palestinians living in the West Bank.

Paz said he believes the clear goal of the operation was to kill the three Palestinians. “I do not think they told [the Yamam officers] to arrest them and, if things get dicey, they would be assassinated instead,” Paz said. “My assumption is they planned for an assassination.”

According to Paz, so-called targeted assassinations must receive approval from highest echelons of the security establishment, including the defense minister. Defense Minister Benny Gantz’s office did not respond to a request for comment.

Paz said, however, that it is unclear whether the security forces are officially reinstating extrajudicial killings as a policy in the West Bank. He does not think the Nablus killing arose from “a strategic decision of going in new, more aggressive directions. He said, of the assassination, “That does not necessarily mean that there is a new policy — it is an assessment of risks and opportunities.”

During the Second Intifada, when Palestinians launched an armed uprising against the occupation, Israeli security forces regularly carried out assassinations throughout the West Bank and Gaza. These targeted killings have continued in the Gaza Strip, against fighters from the Palestinian militant groups Hamas and Islamic Jihad, but Israel refrained from such overt attacks in the West Bank. Groups aligned with Fatah, the secular Palestinian movement that rules the west bank, have in particular been spared, including the Al-Aqsa Martyrs Brigade, which Israel considers a terrorist organization.

The Palestinian Authority, under Fatah leader President Mahmoud Abbas, re-established its security relationship with Israel at the end of the Second Intifada — an arrangement where Palestinian security forces tackle potential threats to Israel. Palestinian security forces only have jurisdiction over Palestinians and are required to return to the barracks when Israel carries out incursions in their territory.

For Hanan Ashrawi, a former Palestinian Authority cabinet minister and central committee member of the Palestine Liberation Organization, attacks like the one in Nablus are designed to flaunt Israeli impunity.

“They assume they can be judge, jury, and executioner,” she said. “They are creating another situation of instability and anger, but also anger at the [Palestinian] leadership that thinks security coordination must proceed while Israel continues to shoot and kill Palestinians at will.”

Hours later, under pressure, Abbas declared an end to Israeli-Palestinian Authority security coordination — a move that has been announced multiple times over the last several years, but never acted on. According to an officer in the Palestinian security forces who spoke on the condition of anonymity due to fear of reprisal, despite the president’s statement, there was no subsequent order to stop the coordination. The official, with a chuckle, said: “It was just another statement by politicians.”

**Palestinian Demands Israelis Who Conducted Intimate Body Search Stand Trial (Haaretz)** By Josh Breiner  
February 16, 2022

**A Palestinian woman who was allegedly illegally subjected to having her sexual organs searched filed an appeal on Sunday with the State Prosecutor’s Office challenging the decision to close the investigation against Shin Bet security service and Israeli army personnel involved in the 2015 incident.**

The search of her body occurred in the course of her arrest on suspicion of having links to Hamas. The investigation against three Shin Bet staff and three army officers was closed about 10 months ago due to lack of evidence, even though some of them admitted under questioning to the allegations.

In the course of her arrest, the Shin Bet officials and army officers were looking for her cellphone’s small rectangular SIM card, which contains information about the phone. They ordered a female military doctor and a female company clerk at the scene to stick their fingers into the woman’s vagina and anal area.

A team of investigators from the military police and the Justice Ministry’s police misconduct unit was assigned to the case, and in April of 2021, the case was closed. The Palestinian woman alleges that the acts constituted rape and sodomy and is demanding that all of those involved be charged with both crimes.

“In a situation in which there is no dispute that acts that constitute rape and sodomy were committed, [in which] there is sufficient evidence and when no one is punished, it’s outrageous and unbearable,” says the woman’s appeal, which was filed by the Public Committee Against Torture in Israel. “There’s no justice, no judge and all of the people in the security system are immune from prosecution even when they commit illegal and immoral acts.”

“The investigation focused on the identity of the person who was responsible for giving the specific directive relating to carrying out the search of the [woman’s] intimate organs, but it ignored the direct responsibility of those involved in committing the offense,” the appeal alleged.

The appeal also stated that the doctor and female soldiers admitted to sticking their fingers in the Palestinian woman’s private parts and that the company commander admitted giving the order.

“The claim that they committed the acts because they received the order from their superiors cannot serve as a defense in the commission of such serious and inhumane acts,” the appeal alleges, “because the order was clearly illegal and under no circumstances should have been followed.”

**Israel refuses to cooperate with UN probe into crimes committed during Gaza conflict (Middle East Eye)**

February 17, 2022

**Israeli air strikes on the besieged Gaza Strip killed at least 248 Palestinians last May, while 12 people were reported killed by rockets launched from Gaza by Hamas**

Israel will not cooperate with a United Nations commission looking into alleged Israeli war crimes committed against Palestinians during its May offensive on Gaza, a senior Israeli official has said.

Meirav Eilon Shahaar, Israel's ambassador to the UN and international organisations in Geneva, said in a scathing letter delivered on Thursday to the commission’s head, Navi Pillay, that the probe and its chairwoman were unfairly biased against Israel.

“It is obvious to my country, as it should be to any fair-minded observer, that there is simply no reason to believe that Israel will

receive reasonable, equitable and non-discriminatory treatment from the Council, or from this Commission of Inquiry [COI]," said Shahar.

"This COI is sure to be yet another sorry chapter in the efforts to demonize the State of Israel."

Last year, the UN Human Rights Council (UNHRC) agreed to launch an investigation with a broad mandate to probe all alleged violations Israel had committed against Palestinians following its May offensive on Gaza, which killed at least 248 Palestinians including more than 60 children.

Michelle Bachelet, the former UN high commissioner for human rights, told the UNHRC at the time that deadly Israeli strikes on Gaza might have constituted war crimes, while Hamas had also violated international humanitarian law by firing rockets.

Since then, a number of international rights groups, including Human Rights Watch, have said Israeli attacks appear to have constituted war crimes.

In her letter, Shahar charged that the probe "both reflects and compounds the moral bankruptcy of the Human Rights Council's obsessive bias against Israel, causing lasting harm to the very values of human rights and respect for the rule of law that it was intended to uphold".

Israel has repeatedly blamed Hamas for the civilian casualties, saying the group uses residential areas for cover while carrying out military activities.

But in reality, more than two million Palestinians are packed into Gaza, an area the size of the US city of Detroit. Under blockade by Israel since 2006, the area has been described as "the world's largest open-air prison".

Israel withdrew its troops from the Strip in 2005 but - citing security concerns - maintains tight control of Gaza's airspace, and land and sea borders, which has reduced its economy to a state of collapse.

Israel takes aim at Pillay In Thursday's letter, Shahar also took personal aim at Pillay, a former South African judge who served as UN High Commissioner for Human Rights from 2008-2014, succeeding Bachelet.

Shahar said Pillay had endorsed "the shameful libel" branding Israel an apartheid nation, and backed the Palestinian-led Boycott, Divestment and Sanctions (BDS) movement.

The BDS campaign is a non-violent initiative that encourages individuals, nations and organisations to censure Israel's consistent violations of international law and human rights standards through various boycotts.

During the past several years, the movement, increasingly popular among university students, has been attacked as antisemitic, with those making the accusations alleging that BDS unfairly singles out Israel's violations while ignoring abuses made by other countries.

Shahar also said the three members that make up the commission had "repeatedly taken public and hostile positions against Israel on the very subject matter that they are called upon to 'independently and impartially' investigate".

The Israeli envoy's letter comes two months after Pillay asked the Israeli government to "reconsider its position of non-cooperation", as expressed immediately the commission was created.

Pillay had said the commission would "need" to visit Israel and occupied Palestinian areas and requested a visit in the last week of March. She said the commission sought to travel, along with six to eight staffers.

Shahar's letter all but ensures the commission will not obtain such access or Israeli government cooperation.

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## **Gulf Region**



**'Most harmful thing' – how spyware is stifling human rights in Bahrain (The Guardian)** By Stephanie Kirchgaessner and Audrey Travère  
February 18, 2022

**Mohammed al-Tajer was caught off guard when his iPhone pinged last November with a warning that said his phone had been targeted by a nation state.**

The 55-year-old lawyer from Bahrain had been known among dissidents for his “fearless” defence of opposition leaders and protesters after the 2011 pro-democracy uprising in the tiny Gulf state, when a series of demonstrations and protests were violently suppressed by authorities with the help of Saudi forces.

Tajer had not been involved in human rights issues for five years, however – the last time he'd been rounded up and threatened with arrest by Bahraini authorities.

But a forensic examination of Tajer's phone by researchers at Citizen Lab at the University of Toronto has found that the lawyer's phone was hacked on multiple occasions in September 2021 by a government client of NSO Group, the Israeli spyware maker.

“I used to be head of Bahrain Human Rights Observatory, used to have human rights activities inside Bahrain or with the UN. But now I don't have any ongoing human rights activities,” Tajer, who is still in Bahrain, told Red Line for Gulf (RL4G), a non-profit collection of journalists and activists who are focused on digital security and freedom of expression in gulf states and worked with Citizen Lab on the recent investigation.

“The worst and most harmful thing is you feel you are not secure. That instead of your phone being your friend, it is now your enemy. You don't know what information is private, and what is already exposed to the state, this is painful.”

A separate investigation by the Pegasus Project – a media consortium investigating NSO Group which includes the Guardian and is coordinated by the French non-profit Forbidden Stories – has also identified 20 Bahraini officials who are close to the government and may have been targeted for surveillance. Their phone numbers were identified with the help of Ali Abdulemam of RL4G.

The mobile numbers – including those of loyalists close to Bahrain's ruling family – appeared on a leaked database that the Pegasus Project believes contains the phone numbers of individuals who were selected as possible surveillance targets by clients of NSO.

The mobile phone of a US state department official who was stationed in Bahrain at the time of her selection also appears on the leaked database. A state department spokesperson said the US condemns the harassment and arbitrary or unlawful surveillance of journalists, human rights activists, or other perceived regime critics.

“While we do not discuss security protocols, procedures, or capabilities, we can say that we are deeply concerned about the counterintelligence and security risks these types of commercial spyware pose to US government personnel,” the spokesperson said.

The Biden administration added NSO to a commerce department blacklist last year, citing evidence that the technology has been used by foreign governments to “maliciously target” embassy workers, journalists and activists, among others.

While the appearance of a person's mobile number is not evidence that the person was hacked, the Pegasus Project has previously published stories about dozens of individuals – including journalists and human rights activists – whose numbers appear on the list and whose phones were targeted or hacked by clients of NSO, according to security researchers at Amnesty International who forensically examined the devices.

The individuals who were selected as possible candidates for surveillance include 20 members of the Bahrain council of representatives, speaker Fawzia Zainal, who was appointed by the king and selected between January and March 2019, and Ahmed Sabah al-Salloum, an MP and member of the National Institution of Human Rights, an organisation that is funded by the government of Bahrain.

The Pegasus Project also identified two members of the royal family who were listed in the leaked database, including Khalid Bin Ahmed Khalifa, the former minister of foreign affairs. The individuals declined to comment on their appearance on the list.

An NSO spokesperson said: “The misuse of cyber intelligence tools is a serious matter and all credible allegations must be investigated, if and when the relevant information would be provided. The continued reporting of unsubstantiated allegations by uninformed sources is unfortunate and wrong.”

The series of revelations, security experts said, paint a picture of a state that appears poised to use surveillance technology against

its perceived enemies and friends alike.

When successfully deployed against a target, Pegasus can infiltrate a mobile phone, giving the user of the spyware full access to phone calls, text messages, encrypted messages and photographs. It can track a mobile phone user's location and turn the phone into a remote listening device.

“The situation in Bahrain is still pretty repressive,” said Bill Marczak, a senior researcher at Citizen Lab. “Since 2011 Bahrain has really made it a point to try and remove institutions that help people to organise.

“There is no space for dissent or activism, and spyware helps preserve this status quo. Because what they can do is keep an eye on what is going on in private, they can make sure there is nothing bubbling over in private.”

NSO has said its government clients are only meant to use Pegasus spyware to target serious criminals and terrorists. The company has strongly denied that the leaked database has any connection to the Israeli firm and said the phone numbers on the list are not targets of NSO customers. Bahrain's embassy in Washington did not respond to a request for comment.

Citizen Lab's analysis found that Tajer, the lawyer, was hacked with Pegasus spyware just one week after a previous report by the Toronto-based lab detailed nine other cases of Bahrain activists who were targeted with spyware. The researchers have also identified a journalist, who they have not named, who was also targeted with NSO spyware.

Sayed Ahmed Alwadaei, the director of advocacy at the UK-based Bahrain Institute for Rights and Democracy, said Bahrain had witnessed a decade of “systematic repression” since the events of 2011.

Intent on ensuring there would not be any other uprisings, Alwadaei said the government was seeking to keep all activists and political actors “within their control”.

“I guess this is really the new reality, that they want to ensure that this is not going to happen again,” Alwadaei said.

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## ASIA

### Afghanistan

**Dutch court puts Afghan ‘prison chief’ on trial for war crimes (Al Jazeera)** February 16, 2022

**[An elderly Afghan man has gone on trial in a Dutch court for alleged war crimes while in charge of a notorious jail for the Afghan communist regime in the 1980s.]**

The 76-year-old, identified as Abdul R, came to the Netherlands in 2001, later acquiring Dutch nationality, and was arrested in 2019.

Prosecutors say that from 1983 to 1990, he was the chief of Pul-e-Charkhi prison east of Kabul, where regime opponents were held without fair trial in “appalling conditions”.

The trial in The Hague is the latest in a series of efforts in European countries to bring people to account for crimes in conflict-torn countries, including Syria and Afghanistan.

“This trial is about a man, whom we believe committed a number of war crimes in Kabul,” prosecutor Mirjam Blom told the AFP news agency on Wednesday.

“We suspect that he, as commander and chief of political affairs, was working in the prison where inmates were arbitrarily robbed of their personal freedom and treated them inhumanely.”

## Mistaken identity

Appearing in court in a wheelchair, father-of-four Abdul R said he was the victim of a case of mistaken identity.

“I am not the person you are looking for,” he told the court, before refusing to answer questions, saying that he felt unwell and wanted to return to prison. “I don’t remember anything, not even my own name.”

## Pul-e-Charkhi

Notorious for its grim conditions, Pul-e-Charkhi has remained in use under various regimes until the Taliban freed prisoners from it last August.

The Dutch proceedings are made possible by the legal principle of “universal jurisdiction” – which allows countries to try people for crimes of exceptional gravity, including war crimes, even if they were committed in a different country.

It has so far mainly been used for cases involving the Syrian conflict, including the recent trial in Germany of a Syrian refugee doctor accused of torturing detainees in his homeland.

**Dutch prosecutors seek 12-year sentence for Afghan suspect (AP News)]** February 17, 2022

### **THE HAGUE, Netherlands (AP) — Dutch prosecutors urged judges Thursday to impose a 12-year prison sentence on a 76-year-old Afghan man they accuse of involvement in war crimes in a Kabul prison in the 1980s.**

As his trial opened Wednesday at The Hague District Court, the suspect, identified as Abdul Razzaq Rafief, told judges his prosecution was a case of mistaken identity. Police believe his surname when he lived in Afghanistan was Arief.

Dutch war crimes prosecutors are convinced they have the right man after interviewing about 25 witnesses around the world and tapping the phones of the suspect and his family before arresting him at his home in the southern Dutch city of Kerkrade in 2019.

“The punishment must be an effective warning to perpetrators of international crimes,” prosecutors said in a statement. “They need to know that wherever they go or stand, even if it’s far away, justice can catch them. Even if it takes years, sometimes even decades.”

Prosecutors told judges that the suspect was commander and Head of Political Affairs from 1983-1990 at the notorious Pul-e-Charkhi prison in Kabul, where political prisoners were detained in cramped, filthy cells and routinely tortured.

At the time, Soviet occupation troops and Afghan forces were fighting rebels backed by the United States and Pakistan. The Soviet forces left Afghanistan in 1989, but the Afghan government continued the fight until 1992.

The suspect is standing trial in the Netherlands, under Dutch law, because he successfully applied for asylum in 2001 — prosecutors say he used a false name when he arrived and was granted Dutch citizenship.

He is formally charged with being an accessory to inhuman treatment and deprivation of liberty, charges that carry a maximum sentence of 20 years to life.

The trial is not the first time Dutch courts have tackled war crimes committed in Afghanistan.

In 2008, the Supreme Court upheld the torture convictions by lower courts in The Hague of two high-ranking officers in Afghanistan’s military intelligence service.

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

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# **Bangladesh International Crimes Tribunal**

**War criminal Syed Mohammad Qaisar dies (The Daily Star) February 12, 2022**

## **War criminal and former Jatiya Party leader Syed Mohammad Qaisar died yesterday.**

The death-row convict breathed his last while receiving treatment at Bangabandhu Sheikh Mujib Medical University in the morning, his lawyer SM Shahjahan told The Daily Star.

He said Qaisar died naturally, as he was around 85 years old.

The lawyer said a review petition, filed by Qaisar against his death penalty in a war crimes case, is pending with the Appellate Division of the Supreme Court.

"Now the Appellate Division will declare his review petition abated and will exempt him from the case," he said.

Advocate Shahjahan said the apex court will pass necessary order after he informs the court about Qaisar's death.

Qaisar filed the petition with the Appellate Division on October 29, 2020, seeking review of its verdict that upheld his death sentence for committing crimes against humanity and war crimes during the country's Liberation War in 1971.

**Bangladesh pushes for killer Nur Chy's deportation from Canada (United News of Bangladesh) February 15, 2022**

## **Bangladesh has reiterated its long-standing request for the deportation of Nur Chowdhury, the self-confessed and convicted killer of Father of the Nation Bangabandhu Sheikh Mujibur Rahman.**

"This killer has been living in Canada as a fugitive for close to thirty years. Canada, being known as the proponent for promotion and protection of human rights, and the rule of law, the two countries can work together to agree on some modalities for the deportation of this heinous killer and flagrant violator of human rights," said Foreign Minister Dr AK Abdul Momen.

The Foreign Minister made the request in a message marking the 50th anniversary of diplomatic relations between Bangladesh and Canada. Bangladesh and Canada established diplomatic relations on February 14, 1972.

He expressed the hope and optimism that the existing excellent relations and partnership between Bangladesh and Canada will continue to flourish. "The two countries would work closely to take them to new heights in the spirit of mutual interest, friendship, and respect."

Dr Momen said Bangladesh looks forward to closer cooperation and partnership with Canada in defence and security issues, including elimination of any kind of extremism.

"Bangladesh is also committed to deepening and expanding the trade and investment relations with Canada and would work closely for the steady growth in this sector," he mentioned.

"As we celebrate 50 years, Canada looks forward to building on our solid foundation of friendship and cooperation to strengthen and diversify our partnership," said the Canadian High Commission in Dhaka in a separate message.

The Foreign Minister said they deeply appreciate Canada's support to the issues of the Forcibly Displaced Myanmar Nationals (FDMNs).

"Bangladesh expects Canada playing a more active role in ensuring that the perpetrators of genocide and crime against humanity in Rakhine State of Myanmar are brought to justice and a conducive environment in Rakhine State in Myanmar is created for a safe and dignified return of more than 1.1 million FDMNs (Rohingyas) from Bangladesh as soon as possible," he said.

Dr Momen recalled the support of the Canadian people and the then Canadian government led by the former Canadian Prime Minister Pierre Trudeau, extended to the glorious War of Independence.

Canada was also one of the first few countries to recognise Bangladesh immediately after its independence.

“I would like to recall that the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and the former Prime Minister Pierre Trudeau laid down the foundation of friendship between the two countries based on shared commitment to peace, pluralism, and dignity of people,” said the Foreign Minister.

The first official visit of Bangabandhu Sheikh Mujibur Rahman to Ottawa, Canada in 1973 ushered a new horizon of friendship and bonding for the people of the two countries, he said.

Since then, Dr Momen said, the partnership has been steadily growing. “I also like to recognize Canada's valuable support to Bangladesh's membership in the Commonwealth and the United Nations after the Independence.”

Dr Momen thanked Canada for its assistance in the reconstruction of the war-ravaged Bangladesh following the recognition and valuable support in the field of socio-economic development for the development of youth and women's economic empowerment.

He said Bangladesh has graduated now as a middle-income country and the country is known as a "Development Miracle".

“In our journey through this tremendous socio-economic development under Prime Minister Sheikh Hasina, Canadian support has also played a useful part. Today, Canada is Bangladesh's important development partner and a trusted and tested friend,” Dr Momen mentioned.

He said Bangladesh is working closely with Canada on several important global issues, including climate change, promoting global peace and security and many others.

“We thank Canada for its appreciation for Bangladesh's contribution to the UN Peacekeeping operation,” he said.

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## **War Crimes Investigation in Myanmar**

**Questions over who should represent Myanmar at ICJ (Mizzima) By Mizzima**

February 21, 2022

**As the case accusing Myanmar of genocide against the Rohingya returns to the United Nations International Court of Justice (ICJ) there are questions about whether the country's military rulers should be permitted to represent the country, reports AP.**

On Monday the ICJ will hold four days of public hearings into Myanmar's preliminary objections to the genocide case, bought by the African country of Gambia acting on behalf of an organisation of Muslim nations.

The case claims that the Myanmar military's campaign launched in Rakhine State in 2017 that drove more than 700,000 Rohingya to flee to Bangladesh was a breach of the genocide convention.

In previous appearances before the ICJ Myanmar's legal team was led by the then State Counsellor, Aung San Suu Kyi, who at the time, rejected all the accusations against the military. Now that the Myanmar military has seized power and removed Aung San Suu Kyi it wants Myanmar to be represented by its legal team.

Opponents of the military coup say Myanmar should be represented at the ICJ by the National Unity Government (NUG), a government in exile formed in response to the coup. According to AP the NUG has appointed their U.N. Ambassador, Kyaw Moe Tun as an “acting alternate agent.”

The NUG would also like to withdraw Aung San Suu Kyi's previous objections to the accusations made against the Myanmar military in the preliminary ICJ hearings. Her previous support of the military's actions in Rakhine State had drawn international condemnation.

**Domestic challenges rising for Myanmar military rulers (New Delhi Times) February 21, 2022**

**Fighting in Myanmar has intensified with the opening of another front for the Myanmar**

**military. Intermittent fighting between the military and the rebels in the Rakhine state has increased and it is predicted that the informal ceasefire brokered at the Japanese behest in November 2020 is coming to an end.**

Recently, the military government suspended internet in some townships of Myanmar's Rakhine state which was preceded by clashes with the rebel Arakan Army insurgents in the first week of February. Previously, some instances of exchange of fire had occurred in 2021, but the repeated escalation points to growing differences and diverging objectives.

Rakhine State has been a restive province of Myanmar. The continued fighting and tensions between the Myanmar military and the Arakan ethnic rebels have dragged on for a long period. The last time violence erupted vigorously in the region was in 2019 which dragged on till the informal ceasefire in 2020. For the Junta, keeping the Arakan ethnic fighters at bay is detrimental due to their proximity to major lines of communication and the proximity to the seafront along the western Bay of Bengal.

Since the coup, the military has been busy suppressing the widespread protests, insurgencies across the country and the formation of rebel strongholds in the ethnic regions. The rebels are basically tribal communities along with the opposition forces of the ousted National Unity Government resisting the rule of the Tatmadaw or Myanmar Armed Forces. Sensing the engagement of the military in other provinces and the blanket of peace offered by the informal insurgency, the Arakan Army has sought to consolidate its hold in the Rakhine region and completely replace the Myanmar Military. Also, it has not allowed the National Unity Government led resistance to grow strong as a faction in the region nor has it joined them. If the ceasefire ends as shooting incidents increase and the Junta diverts soldiers to suppress the Arakan Army, there will be heavy damage to the civilian infrastructure and loss of lives. The military is desperately trying to fight at all fronts so its actions will be planned to be executed swiftly with maximum strength, rather than a long-term occupational operation. This can prove to be more damaging for the people of the region.

Easier said than done, the decrease in the resources available to fight wars for the Junta rulers might propel them to introduce reforms in the state. Political negotiations are the only way the military gets trapped in a multi-front insurgency and loses control. The coup has ensured that global cooperation with the military government remains limited. Japanese envoy trying to broker peace and continuation of the ceasefire may be a possible scenario too. In the event of cooperation too, Japan will like to insist on reinstating a civilian government as well and reducing the harsh sentences on many civilian leaders including former leader Aung San Suu Kyi.

Political negotiations with resistance factions will also be on the lines of freedom for the jailed leaders and conducting elections soon. The upcoming elections of Myanmar are scheduled for August next year, although there is no civilian government currently. The ability of the military to fight with rising defections and loss of public support in large areas will also be a factor. However, in the case of non-commitment, the prospect of Myanmar descending into internal conflicts and a long insurgency is very likely.

**Myanmar junta argues genocide case cannot proceed (The Straits Times)** By Tan Hui Yee  
February 21, 2022

**Myanmar's military junta argued on Monday (Feb 21) that a case alleging genocide against the country's Rohingya minority has no grounds to proceed.**

Addressing the International Court of Justice in person at The Hague, the junta's minister of international cooperation, Mr Ko Ko Hlaing, said: "The government of Myanmar remains committed to addressing the problems in northern Rakhine state, which have a long history." He added that it was "determined to solve these complex problems through peaceful means of negotiation and reconciliation".

The junta's legal team contends that The Gambia, which in 2019 filed a lawsuit alleging that Myanmar breached the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, was acting as a proxy for the Organisation of Islamic Cooperation, which is not a party to the convention.

Monday's hearing was clouded by controversy over which should be the rightful party representing Myanmar amid the political crisis triggered by the military coup on Feb 1 last year. The junta is currently battling guerilla forces and ethnic armed groups opposing its power seizure. A parallel National Unity Government (NUG), composed partly of lawmakers ousted by the coup, is vying with the junta for international recognition.

Both the junta and the NUG had sought to represent Myanmar in this case, which centres on the military's crackdown in Rakhine state five years ago that triggered an exodus of more than 700,000 Muslim Rohingya.

Numerous survivors who fled to neighbouring Bangladesh later recounted tales of systematic rape, massacre and destruction of Rohingya villages.

According to the latest update by the United Nations Refugee Agency (UNHCR), more than 920,000 refugees remain in

Bangladesh, with about 767,000 having arrived after the crackdown began in August 2017.

In 2019, Myanmar's then civilian leader Aung San Suu Kyi - who along with other members of her government were detained and are now facing a host of charges - personally defended her country at the court, arguing that there was no genocidal intent in the treatment of the Rohingya. Notably, then, she avoided using the term "Rohingya", infuriating a community that has long been treated as outsiders in Myanmar.

In January 2020, the court granted Gambia's request for provisional measures requiring Myanmar to protect the Rohingya from genocidal acts and preserve evidence of genocidal acts. Mr Ko Ko Hlaing told the court on Monday that Myanmar has been "diligently" implementing the court's orders. Internally displaced persons (IDP) within Rakhine state were receiving Covid-19 vaccination "on par with other members of the population generally" and "projects for closing IDP camps and arranging the return of IDPs back to their normal lives are under way", he said. "These ongoing developments demonstrate the will of our government to find effective and constructive ways forward in Rakhine state," he added.

Monday's hearing is not about the merits of the genocide case but about Myanmar's preliminary objections to the ICJ's jurisdiction over it, which the civilian government filed last year shortly before the coup.

The NUG announced this month that it had withdrawn Myanmar's preliminary objection. Commenting on the ICJ's decision to go ahead with the hearing on the preliminary objection in the presence of a junta representative, NUG Foreign Minister Zin Mar Aung said on Monday at a press conference: "We understand that the court was following an administrative anomaly... We believe this hearing does not give any legitimacy to the junta."

But she added that the court risked being seen as "inadvertently undermining democracy in Myanmar".

She also said her government would continue engaging with the court, to bring justice to "our Rohingya sisters and brothers".

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## AMERICAS

### North & Central America

**What were members of Canada's special forces doing at the Freedom Convoy occupation? (Canadian Dimension)** By Yves Engler

February 15, 2022

**Reports that members of Canada's elite special operations force are supporting the right wing anti-vaccine mandate protests in Ottawa are troubling. The federal government has invested heavily in training these individuals and they likely have experience in combat situations.**

On Sunday, leading military reporter David Pugliese revealed in the Ottawa Citizen that two members of Canada's Joint Task Force 2 (JTF2), are under investigation for their involvement in the Ottawa protests. The serving members of the JTF2 join a longer list of Canadian Forces personnel being investigated for participating in the occupation of the nation's capital.

What is the JTF2 and what sort of training do its members receive? While shrouded in secrecy, here is what we know.

The most secretive and skilled unit of the Canadian Forces (CF), JTF2 engages in rescue operations, deep reconnaissance missions and international assassinations. Patterned after the British SAS (Special Air Service), it's considered among the world's elite special operations units.

JTF2 represents the cream of the CF's "assaulter" crop. After three years in the armed forces soldiers can inquire if they have what

it takes to apply to join JTF2. Those authorized by their unit's chain of command to try out must complete rigorous physical fitness and swim tests, as well as a selection interview and cognitive assessments. The select few who pass this stage undergo a demanding week of tests at heights, in water, and confined spaces. The high stress tactical settings are designed to assess an applicant's capacity to identify threats, use weapons, work in teams and make decisions under physical and mental duress. Individuals who pass this phase go through a seven-month special operations assaulter course. Only 10 to 20 percent of soldiers green-lighted to train for JTF2 make the grade.

Described as a counterterrorism unit, during its first quarter century JTF2 is not known to have fired a shot in any domestic terrorism operation. Rather, it has been employed in so-called "black ops" abroad. Canadian Institute of Strategic Studies director David Rudd said JTF2 are trained "to infiltrate into dangerous areas behind enemy lines, look for key targets and take them out. They don't go out to arrest people. They don't go out there to hand out food parcels. They go out to kill targets."

JTF2 often train and deploy with the US Delta Force and Navy Seals. "In recent years," noted a 2017 Washington Examiner story, "JTF-2 has worked very closely with US forces in operations around the globe."

JTF2 is highly secretive. Information about its exact size and budget is classified and not commented on by the Government of Canada. Indeed, the unit's secrecy is an important part of its utility. According to Major B.J. Brister, "deniability" is central to the appeal of special forces. A 2006 Senate Committee on National Security and Defence complained JTF2 operations were "shrouded in secrecy."

JTF2 has likely operated in Haiti, Bosnia, Rwanda, Kosovo, Congo, Peru, Iraq, Libya, Colombia, Afghanistan and elsewhere. On February 29, 2004, "about 30" JTF2 commandos took control of the airport from which Haitian president Jean-Bertrand Aristide was bundled ("kidnapped" in his words) onto a plane by US Marines and deposited in the Central African Republic. Amidst a February 2019 general strike that nearly toppled the Ottawa-backed Haitian president, heavily-armed individuals that were thought to be JTF2 were videoed patrolling the Port-au-Prince airport. The Haiti Information Project suggested that they helped family members of President Jovenel Moïse's corrupt, repressive and unpopular government flee the country.

After the 2003 US-led invasion of Iraq, JTF2 commandos reportedly worked alongside their British and US counterparts. While Ottawa refused to confirm it, the Pentagon and British Foreign Office told CBC JTF2 was instrumental in the March 2006 rescue of British and Canadian Christian Peace activists held hostage in Iraq.

More recently, JTF2 members have provided training, weaponry and combat support to Kurdish forces accused of ethnically cleansing areas of Iraq they captured. Despite being framed as a "training" mission, JTF2 repeatedly engaged in battle, even killing someone with a record breaking 3.5-kilometre sniper shot.

Through the 1990s JTF2 were deployed to the Balkans. In the book *We Were Invincible: Testimony of an Ex-Commando*, Denis Morisset recounts a joint JTF2-British SAS operation to assassinate an alleged war criminal and four of his bodyguards. According to a number of accounts, JTF2 killed Serbian snipers harassing United Nations soldiers. In *Canadian Spies and Spies in Canada*, historian Peter Boer writes, "on more than one occasion, when regular Canadian troops were under fire, two-man teams from JTF2 slipped into the surrounding countryside to hunt for enemy snipers." Morisset describes participating in a number of these assassination missions. After killing several Serbian snipers Morisset realized his victims only sought to frighten—not kill—UN forces.

Morisset has made numerous explosive claims about his time with JTF2. On the eve of the book's 2008 French language publication the CF claimed it was a threat to national security and arrested an individual who says he was part of the secretive unit during its first eight years. *We Were Invincible* is the only known insider's account of a force in which each member is compelled to sign a confidentiality agreement.

According to Morisset, he was deployed to the Colombian jungle to rescue NGO and church workers "because FARC guerrillas threatened the peace in the region." To the south, Morisset was dispatched to Peru in late 1996 after the Túpac Amaru guerrilla group took dozens of foreign diplomats (including Canadians) hostage at the Japanese embassy in Lima. JTF2 participated in the US-led rescue effort, which left all 14 guerrillas dead including many who were reportedly executed.

When Indonesian control over East Timor collapsed in the late 1990s, JTF2 were sent to that country. They paved the way for a larger US military contingent. Morisset writes that Canadian troops oversaw a small village where "the poor villagers were terrorized by our presence."

In the fall of 1996, JTF2 escorted the UN Secretary General's Special Envoy to the Great Lakes Region of Central Africa, Raymond Chrétien, to Kinshasa and General Maurice Baril into eastern Congo. Morisset provides a harrowing account of the JTF2 operation to bring Baril to meet Rwandan-backed rebel leader Laurent Kabila. The convoy came under fire, upon which US Apache and Blackhawk helicopters launched a counterattack on the Congolese. One Canadian died.

In their most sustained deployment to any country, JTF2 were alleged to be in Afghanistan continuously between 2001 and 2014.



Alongside their US and British counterparts, 40 JTF2 members participated in the invasion of the country in late 2001 (in fact, Morisset says he was deployed briefly to the Afghanistan-Pakistan border in 1998). The Canadians fought within the US force structure.

In their first six months of fighting, JTF2 members reportedly killed 115 Taliban or Al-Qaeda fighters and captured 107 Taliban leaders. They also handed over prisoners who would be sent to the US prison at Guantanamo Bay.

By early 2002, however, the British were questioning the tactics used by US and Canadian special forces. According to Pugliese in his book, *Shadow Wars: Special Forces in the New Battle Against Terrorism*, “the concern among the British was that the ongoing raids [by Canadians and Americans] were giving Afghans the impression that the coalition was just another invading foreign army that had no respect for the country’s culture or religion.”

On May 24, 2002, JTF2 members were part of a raid on Band Taimore, a village 80 kilometres west of Kandahar. In their search for Taliban and Al-Qaeda leaders, the foreign forces killed several innocent civilians, including children, and took many others into custody. Unsurprisingly, those living in the village were angered by the night attack.

According to documents CBC obtained through access to information requests, a JTF2 member said he felt his commanders “encouraged” them to commit war crimes in Afghanistan. The soldier, whose name was not released, claimed a fellow JTF2 member shot an Afghan with his hands raised in the act of surrender. The allegations of wrongdoing were first made to his superior officers in 2006 yet the military ombudsman didn’t begin investigating until approached directly by the soldier two years later. The JTF2 member told the ombudsperson’s office “that although he reported what he witnessed to his chain of command, he does not believe they are investigating, and are being ‘very nice to him.’”

After a three-and-a-half-year investigation, the CF’s National Investigation Service cleared the commanders, but they failed to release details of the allegations, including who was involved or when and where it happened. The public was supposed to simply trust the National Investigation Service.

The secrecy surrounding JTF2 has long threatened democracy. The news that JTF2 members are participating in protests in which some have called for the overthrow of the Canadian government is deeply troubling. Our elected representatives must ensure the investigation into this matter be comprehensive and that the results are quickly released to the public.

**Human rights lawyers attempt to bring Syria war crimes cases to ICC (the Guardian)** By Patrick Wintour  
February 16, 2022

**A groundbreaking attempt to make Iranian and Syrian military officials answerable for war crimes they may have committed in Syria is being launched, as part of an effort to have the cases brought before the international criminal court.**

The request includes evidence of Syrian victims forced to flee into Jordan due to attacks and intimidation by the Syrian government and Iran-backed militia groups. It is being brought by the US-based Iran Human Rights Documentation Center in conjunction with Haydee Dijkstra, a UK barrister.

The victims, including Syrian journalists, were targeted between 2011 and 2018 for their professional journalistic activities and for their actual and perceived opposition activities. They come from predominantly Sunni towns and cities in Syria that the Alawite Assad regime and Shia Islamic Republic of Iran, which backed numerous militia groups in Syria, perceived as opposed.

It marks the first time Iranian officials have been targeted in this way for their activity in Syria, and is part of a growing effort to make Syrian army officers and others legally accountable for their actions either at the ICC or in national European courts, including in Germany and France. Progress on the issue at the UN is largely impossible owing to the threat of a Russian veto.

Gissou Nia, a lawyer on the legal team making the request, said: “Up until now, little public attention has been paid to the legal responsibility of the Islamic Republic of Iran in the decade-long Syrian conflict, despite the significant intervention of Iranian officials in Syria and perpetration of atrocities.”

“The Islamic Republic of Iran has provided a vast range of military and non-military support to achieve its objectives, chiefly to prevent the fall of disgraced Syrian president Bashar al-Assad at any cost. Unfortunately, that goal has been fought at the cost of hundreds of thousands of killed, injured and displaced Syrian civilians.”

Syria is not a party to the ICC’s Rome Statute, but it is argued the ICC has jurisdiction because the victims fled into Jordan, which is a state party.

Evidence has been provided anonymously because of fears of reprisals but the identities of those making complaints will be known to the ICC, which now has to make a preliminary decision prior to launching an investigation. There is no deadline by which the

ICC must decide.

The Syrian civilians, the claim suggests, felt forced to flee in the face of indiscriminate bombardments and shootings, extrajudicial killings, arbitrary arrest and detention, beatings and other abuses, search operations and violent repression of the right to free expression including civilian reporters and activists. It says Iran-backed militias, including Lebanese Hezbollah, the Liwa Fatemiyoun (an Afghan Shia militia led by Iran's Islamic Revolutionary Guard Corps) and Liwa Abu Fadl Al-Abbas attacked their towns and cities alongside armed forces of the Syrian government.

The evidence being submitted on Wednesday to the ICC documents how the Syrians were forced to leave their homes and their families, and have been unable to return to their country.

Article 7(1)(d) of the Rome Statute grants the court jurisdiction over the crime against humanity of “deportation or forcible transfer of population”, meaning the “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law”.

In a previous case in 2018, the ICC found it had jurisdiction over the Rohingya people when they were forced to flee into Bangladesh refugee camps from Myanmar. Bangladesh, unlike Myanmar, is a party to the ICC.

**Chicago cop Jon Burge allegedly tortured suspects. Why couldn't the U.S. prosecute him? (the Washington Post)** By Mark Berlin  
February 18, 2022

**Last month, after serving nearly 20 years in prison, Keith Walker received a certificate of innocence from a Cook County judge in Illinois, after he argued that Chicago police detectives tortured him into giving a confession that Chicago prosecutors would later use to convict him. During the 1970s, '80s, and '90s, Chicago police detectives used similar techniques against more than 100 mostly African American men. Judges sentenced some of these men to death for crimes they didn't commit. Walker is now one of a growing number of Chicago survivors of techniques that included electrocution, suffocation and other acts defined as torture in international law whose convictions were overturned after they served decades in prison.**

In recent years, the city of Chicago has officially apologized for this pattern of abuse, acknowledging that it was torture, and compensated dozens of survivors for their treatment. But the United States lacks criminal laws that can be used to effectively prosecute torture. And that means that while Chicago has been forced to compensate victims in civil actions, no individual Chicago police detective has ever been held criminally accountable for the torture — and it is unlikely that any ever will be.

Since World War II, countries have agreed to a number of international treaties that codify a set of actions as violations of human rights deemed so egregious as to “shock the conscience of humanity” and compel international cooperation to combat them. These include torture, war crimes, genocide and crimes against humanity, and most countries have ratified most of these treaties.

Prosecutors working for international courts, such as the Netherlands-based International Criminal Court, can bring charges against individuals for international crimes. But the legal circumstances under which they can do so are limited, so the treaties that establish these prohibitions are designed to rely primarily on domestic courts. These treaties (such as the 1948 Genocide Convention and the 1949 Geneva Conventions) obligate countries that join them to criminalize the relevant offenses in domestic law. That way, their own criminal courts can prosecute individuals for these crimes.

In keeping with its treaty commitments, the United States has passed federal criminal legislation allowing it to prosecute some international crimes, such as war crimes and genocide. But the U.S. government has not criminalized acts of torture committed in the United States — even though the United States has been a party to the Convention against Torture, an international treaty that defines torture and obligates state parties to criminalize it, since 1994. The current U.S. criminal statute for torture applies only to conduct that occurs abroad.

Criminalizing human rights violations in national law makes it easier to prosecute abuses committed or directed by government officials, including police officers, immigration agents or even political leaders, my research finds. In theory, countries may prosecute torture using ordinary criminal statutes, such as those for assault, that cover similar conduct. But legal loopholes make that hard.

For example, criminal statutes for assault may fail to cover some common torture techniques, such as deprivation of food or sleep. The Convention against Torture contains a relatively precise definition of torture that is meant to close such loopholes. Most countries that have criminalized torture base their national laws on that definition.

When Illinois prosecutors looked into prosecuting Chicago police detectives for torture years after the abuses occurred, they found

that without a state torture law, the three-year statutes of limitations for the relevant ordinary offenses under Illinois law had run out. Likewise, the statute of limitations for relevant offenses at the federal level is five years. Presumably, if Congress and the president had enacted domestic torture legislation, it would have included a much longer or even no statute of limitations, as with other federal offenses that the government deems the most serious, such as terrorism or sexual abuse.

Codifying special categories of crime can also help deter such crimes. Research suggests that by raising the perceived likelihood of successful prosecutions, explicit criminalization can persuade some would-be perpetrators that violations are not worth the potential costs.

Recognizing these special categories of offense and clarifying their scope can also alter the perceptions of individual police officers, victims and members of the public about the moral or legal acceptability of conduct, such as coercive interrogations, that they may have previously considered routine or as not quite torture.

Finally, explicitly criminalizing an offense such as torture creates a bureaucratic basis for collecting and analyzing data about it. Criminal laws against hate crimes and femicide offer examples of how criminalization improves policymakers' ability to study a problem.

The United States also lacks a federal statute criminalizing crimes against humanity, a category of offense that refers to specific acts of violence or persecution committed against civilians as part of a "state or organizational policy." The allied victors of World War II — the United States, Britain, France, and the Soviet Union — first used the concept after the war to prosecute Nazi leaders at Nuremberg.

Some legal scholars, including the last surviving Nuremberg prosecutor, have argued that the Trump administration's family separation policy could have constituted a crime against humanity, since it appears that executive officials, as a matter of policy, knowingly and intentionally inflicted severe psychological trauma on children to deter future unauthorized migration. The absence of a U.S. law that would explicitly apply criminal liability to acts of official policy makes it more difficult to hold such officials accountable, since existing legal doctrines establish a high threshold for criminal liability of policymakers for official acts.

Last year, the American Bar Association passed a resolution calling for U.S. legislation to fill these gaps. One lawmaker from Chicago, Rep. Danny K. Davis (D-Ill.), has introduced legislation to criminalize torture as defined in international law. Sen. Richard J. Durbin (D-Ill.), the chair of the Senate Judiciary Committee, has for years sought to pass the Crimes against Humanity Act, which would incorporate the offense into U.S. federal law.

Neither chamber of Congress has ever advanced such measures to a floor vote. Adopting such legislation probably would increase the United States' ability to prevent and prosecute human rights violations.

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### Terrorism

**Decapitating terrorist organisations won't end terror (International Politics & Society)** By Mohammad Abu Rumman  
February 18, 2022

**At the start of February 2022, the US celebrated the killing of Islamic State (IS) leader Abu Ibrahim al-Qurashi in Syria. The ensuing euphoria, however, failed to disguise the fact that this operation was merely a modest setback for jihadist groups. It was probably more important for US President Joe Biden, who may hope – in anticipation of the midterm elections in November – that such actions will boost his popularity. After all, didn't his predecessor Donald Trump celebrate the killing of the then IS leader Abu Bakr al-Baghdadi two years ago, and Barack Obama before him that of Osama bin Laden?**

A brief look at the career of al-Qurashi shows clearly what is happening in the ongoing field of terrorism and counter-terrorism. The emir, on whose head the US administration had placed a bounty of millions of dollars, was once an ordinary unknown officer in the Iraqi army. He comes from a village in the Tal Afar district, which lies in north-western Iraq in the border region with Syria. His father was a muezzin at the local mosque. Al-Qurashi's life – like that of most IS leadership figures – only started to derail when the Americans invaded Iraq. Al-Qurashi joined al-Qaida and was then arrested. After his release, he rose up the ranks of the IS and eventually became a 'hidden caliph'.

Let us imagine that the invasion of Iraq never happened, and all the ensuing sectarian violence, with thousands dead and millions displaced, never took place. Instead, a political solution was found for Iraq. Would this officer's life have been so profoundly transformed then? And even if he had become radicalised, would this not have remained at worst an internal Iraqi issue?

Decapitating the IS doesn't work The example of al-Qurashi is hardly different from the career of dozens of other Islamist leaders. They all have a turning point in common that arrived with the devastating crises in the Arab and Islamic world. Their rise as terrorist leaders was the result of state failure, misguided security policies, conflicts between opposing ethnic, religious and sectarian groups, as well as failed development policies and adverse socio-economic conditions. The ensuing violence became a global threat as the international political community responded with military interventions, drones, and bounty campaigns – a game that seems to be far from over.

The spiritual father of the IS in Iraq, Abu Musab al-Zarqawi, was killed by an American air strike in 2006. A whole series of other leaders followed, all more or less equally dangerous. In 2011, Osama bin Laden was killed in a US military operation at his hideout in Pakistan. Numerous other terrorist leaders were killed in similar fashion both before and after that. But has the danger from extremism and terrorism diminished as a result?

In Iraq and Syria, the IS may be less dangerous today than it was in its heyday. It is certainly no longer able to attract tens of thousands of fighters from all over the world. That time of magic, and the associated opportunities for propaganda, recruitment, and terrorist attacks, are in the past. But the IS has not disappeared from Iraq and Syria either and still feeds on the crises there – notwithstanding the US's declaration that the militia has been defeated. Nothing could illustrate this better than the complex and daring operation against a prison in Kurdish-controlled Hassakeh in Syria carried out by the IS just a few days before its leader

was eliminated. It ended with the deaths of hundreds of IS fighters and dozens of Kurdish militiamen – but only after nearly a week of fighting.

How the IS has globalised The IS may be under pressure in Iraq and Syria, but it is not in the process of disappearing. Rather, it has become a global brand, maintaining dozens of bases around the world. In Africa in particular, it has been able to spread like a bushfire in recent years. Africa is rife with religious and ethnic conflicts. Many states are fragile. Their land areas are often so large that IS offshoots have safe areas where they can retreat and spread out. Their conduct there is sometimes even worse than in the original caliphate in Iraq and Syria.

Since 2019, there have been dozens of terrorist attacks in about 15 African countries, with thousands of deaths. IS jihadists are active in central, western, and eastern Africa, from the Sahara to Congo, Uganda, and Mozambique. There are also cells in North Africa.

So far, the African terrorism problem is confined to the continent and is linked to regional crises. But the more joint international action is taken against it, and the more the local crises become entrenched, the greater is the concern that the African variant of IS terrorism could be exported around the world.

A foothold in Asia Just as the IS has succeeded in spreading its ideology in Africa, this has also happened in East Asia, especially against the backdrop of splits within the Taliban in Pakistan and Afghanistan. Since the withdrawal of NATO troops from Afghanistan, there have already been large-scale attacks carried out by the IS offshoot 'Khorasan'. Among other recruitment sources, this organisation has received an influx of jihadists who have had to flee Iraq and Syria with their families and whose countries of origin no longer want to take them back. But fighters from Central Asia are also flocking to it.

For now, the 'Khorasan' is still fighting against the Taliban, who want to rule Afghanistan and to prove to the world that they are capable of doing so. To that end, they are also trying to avoid the scenario from their first rule, when they offered shelter to al-Qaida and suffered a huge backlash following the attacks of 11 September 2001.

To be successful, then, the fight against terrorism must first and foremost address the root causes of the respective crises. The billions of dollars spent on military operations and bounties should be used for projects to strengthen state institutions, political integration, and economic development. Governments should be supported through projects that aim to build up their societies, integrate citizens into public life, and strengthen democracy and civil culture.

**Pakistan's Narco-Terrorism in J&K Has Already Had Disastrous Consequences (The Wire India)** By Vaishali Basu Sharma  
February 22, 2022

**In the past few years there has been a phenomenal increase in the amount of narcotics trafficked and consumed in India.**

What was earlier a largely metropolitan habit, is fast catching up in tier two cities of India. In Jammu and Kashmir (J&K) a pre-existing chronic issue of drug abuse has now acquired epidemic proportions, with growing use of heroin. Heroin usage and trafficking has serious ramifications for terrorism in J&K.

Narco-terrorism is not a new phenomena. It is a known fact that Pakistani elements have always provided separatists with funding acquired from narcotics trade. That Pakistani security establishment sells heroin to pay for the country's covert military operations was admitted by former prime minister Nawaz Sharif in a 1994 interview to The Washington Post.

Till now, this pattern was isolated to parts of the north east and Punjab. Recent encounters and searches by security forces in J&K exposed large consignments of narcotics with militants. The pattern however has undergone a change and heroin is now directly being sent across the Line of Control. On February 7, the Border Security Force (BSF) killed three Pakistani militants who were carrying 36 kg of heroin worth over Rs 180 crore in the international market, along with arms and ammunition in Samba district.

This was the fourth such bid foiled by BSF this year. Around the same time, J&K police arrested two militants with contraband worth Rs 18 crore in north Kashmir's Baramulla district.

Calling attention to the drugs menace in J&K, Director General of Police Dilbag Singh recently said that it was a new and deadlier challenge because narcotics will provide oxygen to terrorism. In an earlier statement he had said that Pakistan is "repeating the same dirty game that they played in Punjab, first giving arms training and later spoiling the youth with drugs."

Sedulous investigation into suspicious payments like those made by the J&K Affectees Relief Trust (JKART), a front organisation set up by Hizbul Mujahideen, which has transferred Rs 80 crores through hawala over a span of many years to fund terrorist activities in the state, has made hawala transactions if not unfeasible but more exacting.

Law enforcement agencies in Kashmir are unanimous in their conclusion that for the purposes of terrorist financing, Pakistan-based terrorist groups are now resorting to sending in narcotics into the region. One kilogram of heroin originating in Afghanistan, coming via Pakistan costs approximately Rs 5 lakh in South Asia and fetches nearly Rs 5 crore in the international market.

A portion of the drugs coming from Pakistan is sold in Kashmir, and the rest is transported into other parts of India. An examination of the heroin seizures in what were mostly operations against militants leaves little doubt that narco-terror is now an established practice in Kashmir. In 2020, nearly 36.08 kg of pure heroin was recovered from different parts of the valley.

Through 2021, the size of the consignments have gone up dramatically. In April 2021, within a week, security forces recovered two heroin consignments each of approximate value Rs 50 crore, while foiling infiltration bids along the Kupwara sector.

In October 2021, the Army recovered around 30 kgs of drugs in the Uri sector, specifically Baramulla district. The bags containing the contraband had Pakistani markings. Heroin seized from Handwara in June 2020 was found to be connected with funding of Lashkar-e-Taiba (LeT). Composite seizures of drugs and arms by security forces in J&K indicates a well established nexus between drug traffickers and militants.

The 3,000 kg consignment of heroin worth Rs 21,000 crore caught in Gujarat's Mundra Port in September 2021, has shocked the security establishment. This kind of narcotics push is not possible without systematic state support to drug syndicates by Pakistan.

Since the August 2021 takeover of Afghanistan by the Taliban there has been a 37% increase in the illicit cultivation of the opium crop and narcotics prices have tripled. Despite this,, in south Kashmir drugs are sold in bulk and at cheap rates to attract peddlers, letting them earn more than the Pakistani entities who bring in the substance.

Pulwama and Shopian are at the epicentres of Kashmir's narco-terror racket. Along with Srinagar, these areas have a relatively higher income than the rest of Kashmir, and are easier to target by peddlers.

There is evidence to the effect that the enduring conflict situation has impacted the psychological health of a vast number of Kashmiris. One study found that almost 45% of Kashmir's adult population (1.8 million) is suffering from some form of mental distress.

Psychological problems often remain undetected and do not figure in post-conflict reconstruction efforts. The symptoms of depression are beginning to manifest themselves in growing use of drugs as a way to cope with mental health issues. In December 2021, Greater Kashmir reported that nearly 80% of drug users are in fact abusing heroin through needles. "It is one of the costliest drugs and just devastates not just the one abusing it but his family and the entire social fabric," says Dr Yasir Hussain Rather who heads the Drug De-Addiction Centre at SMHS Hospital.

Frequent curfews after the reading down of Article 370 and thereafter the COVID-19 induced lockdowns combined to create a menacing drug abuse situation in the state that is being exploited to the hilt by narco traffickers. Since the halt of trade via the LoC in 2019, narco-trade has become the preferred means to finance terrorism and unrest in Kashmir. Narco-terrorism has plausibly grown in the Kashmir valley because Pakistan-backed terror operatives have an existing network of over ground workers in border areas who have been acting as couriers of arms/ammunition and fake Indian currency notes.

India's borders have always been vulnerable to narcotics for trans-shipment. Growing domestic consumption and easy access to narcotics is exposing the youth of Kashmir to a dangerous mix of drug addiction and violent extremism. Along with counter-terrorism J&K also needs a viable counter-narcotics policy, which is not subdued by the former. The cost of narco terrorism can be very high unless it is addressed along with security angle, at the societal level.

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## **Piracy**

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## **Gender-Based Violence**

## **Ethiopia: Tigrayan forces murder, rape and pillage in attacks on civilians in Amhara towns (Amnesty International)**

February 16, 2021

**Fighters affiliated with the Tigrayan People's Liberation Front (TPLF) deliberately killed dozens of people, gang-raped dozens of women and girls – some as young as 14 – and looted private and public property in two areas of northern Ethiopia's Amhara region, Amnesty International said in a new report released today.**

The atrocities were perpetrated in and around Chenna and Kobo in late August and early September 2021, shortly after Tigrayan forces took control of the areas in July. The attacks were often characterized by additional acts of violence and brutality, death threats, and the use of ethnic slurs and derogatory remarks. In Kobo, Tigrayan forces were apparently lashing out at the civilian population in retaliation for increased resistance from local militias and armed residents.

“Tigrayan forces have shown utter disregard for fundamental rules of international humanitarian law which all warring parties must follow. Evidence is mounting of a pattern of Tigrayan forces committing war crimes and possible crimes against humanity in areas under their control in the Amhara region from July 2021 onwards. This includes repeated incidents of widespread rape, summary killings and looting, including from hospitals,” said Sarah Jackson, Deputy Regional Director for East Africa, the Horn and the Great Lakes at Amnesty International.

“The TPLF leadership must put an immediate end to the atrocities we have documented and remove from its forces anyone suspected of involvement in such crimes.”

Summary killings in Kobo In Kobo, a town in the north-east of the Amhara region, Tigrayan fighters deliberately killed unarmed civilians, seemingly in revenge for losses among their ranks at the hands of Amhara militias and armed farmers. Amnesty International interviewed 27 witnesses and survivors, including some who helped to collect and bury the bodies.

Ten Kobo residents told Amnesty International that in the afternoon of 9 September 2021, Tigrayan fighters summarily killed their relatives and neighbours outside their homes. “First they shot my brother Taddese... He died on the spot. My other brother and my brother-in-law tried to move away and were both shot in the back and killed... they shot me in my left shoulder... I stayed down, pretending to be dead,” a survivor told Amnesty International.

Twelve other Kobo residents said that they found the bodies of local residents and labourers who had been killed execution-style – shot in the head, chest or back, some with their hands tied behind their backs.

“The first dead bodies we saw were by the school fence. There were 20 bodies lying in their underwear and facing the fence and three more bodies in the school compound. Most were shot at the back of their heads and some in the back. Those who were shot at the back of their heads could not be recognized because their faces were partially blown off,” one male resident said.

Satellite imagery analysis by Amnesty International's Crisis Evidence Lab shows evidence of new burial sites on the grounds of St. George's Church and St. Michael's Church, where residents said they had buried those killed on 9 September.

Deliberate killings of civilians – or of captured, surrendered, or wounded fighters – constitute war crimes and possibly crimes against humanity.

Sexual violence in Chenna From July 2021 onwards, in and around Chenna, a village north of Bahir Dar, the capital of the Amhara region, Tigrayan forces raped dozens of women and girls as young as 14, often in the victims' own homes after having forced them to provide food and cook for them.

The sexual violence was accompanied by shocking levels of brutality, including beatings, death threats, and ethnic slurs. Fourteen of the 30 survivors interviewed by Amnesty International said that they were gang-raped by multiple Tigrayan fighters, and some were raped in front of their children. Seven of the survivors were girls under the age of 18.

Lucy, a 14-year-old seventh-grade student, and her mother were both raped by Tigrayan fighters in their home in Did-Bahr. She told Amnesty International: “I was at home with my mother and my grandmother when two young men with rifles came to our home in the morning at about 11. One of them wore military clothes and the other wore civilian clothes. They spoke a mix of Tigrinya and some Amharic. They said ‘Our families were raped and now it is our turn to rape you.’ One of them raped me in the courtyard and the other raped my mother inside the house. My mother is very sick now, she is very depressed and desperate. We don't speak about what happened; it is impossible.”

Salam, a 29-year-old woman, described how four Tigrayan fighters locked her older parents in a separate room and then gang-

raped her over a 15-hour period.

Many of the survivors suffered severe and long-term physical and psychological damage, including 10 who remained hospitalized three months after they were raped. Doctors who provided medical care to rape survivors told Amnesty International that two rape survivors had to be treated for lacerations likely caused by having the bayonets of rifles inserted into their genitals.

Amnesty International has previously documented similar patterns of Tigrayan fighters raping Amhara women and girls in Nifas Mewcha, and has received credible reports of rape from other areas of the Amhara region. Such atrocities constitute war crimes and, potentially, crimes against humanity.

Looting of civilian property In both Kobo and the Chenna area, residents told Amnesty International that Tigrayan fighters stole possessions from their homes and shops and looted and vandalized public properties, including medical clinics and schools.

The looting and damage to medical facilities made it impossible for rape survivors and other residents in need of medical care to obtain treatment locally, forcing them to wait until they could reach hospitals in Debark, Gondar and Bahir Dar weeks later. For rape survivors, this was far too late to receive crucial post-rape care, some of which needs to be administered within 72 hours.

“These atrocities yet again drive home the need for swift action by the international community to investigate abuses by all sides, bring those responsible to account and ensure that survivors can realise their rights,” said Sarah Jackson.

“For too long, the international community has been failing victims and survivors of crimes under international law in Ethiopia. The United Nations and African Union must deploy relevant investigation teams to the region. The international commission of human rights experts on Ethiopia, established by the UN Human Rights Council in December, must also be permitted to start its work and be granted access to the country as soon as possible.”

Background The conflict in Tigray broke out in November 2020 and spread to other regions of northern Ethiopia from July 2021. Amnesty International has documented a range of violations by all parties to the conflict, including massacres, extrajudicial executions and other unlawful killings, sexual and other gender-based violence and arbitrary detentions by Ethiopian government forces and allied militias and by Eritrean forces acting alongside them.

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## Commentary and Perspectives

**Biden Doubles Down on a Failed Yemen Policy (Human Rights Watch)** By Tara Sepehri Far  
February 15, 2022

**When running for office, President Biden promised to “make sure America does not check its values at the door to sell arms or buy oil.” In the context of the Yemen conflict, fulfilling this promise may not be easy, but it is clear: In Biden’s own words, America must “end U.S. support for Saudi Arabia’s war in Yemen.” Unfortunately, the administration’s response to the recent escalation in the conflict has been to revert to the same failed playbook as previous administrations, risking further complicity in the Saudi Arabia and United Arab Emirates (UAE) coalition’s violations.**

The Yemen conflict has devastated the lives of millions of people in Yemen over the past seven years, but the recent uptick in hostilities makes clear the deadly cost of broken promises. U.S. policymakers should take bold actions aimed at stopping the ongoing violations and support accountability in Yemen. In 2015, Saudi Arabia and the UAE began a military campaign against the Houthi armed group in response to the group’s takeover of Yemen’s capital, Sanaa, in September 2014. Now, as the conflict enters its seventh year, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that it has caused the deaths of nearly a quarter-million people. In addition, more than half the population faces acute levels of food insecurity. Early in the conflict, the U.S. began providing weapons, logistics and intelligence support to the Saudi- and UAE-led coalition. For years, Human Rights Watch and other groups have documented serious abuses on both sides. These include more than 90 unlawful and indiscriminate airstrikes by the coalition against civilians that could amount to war crimes. Some of the attacks included the use of U.S. weapons. Though U.S. law prohibits selling arms to abusive governments, consecutive administrations have authorized at least \$36 billion in arms sales to the Saudi and UAE governments, based on publicly available data. In doing so, the U.S. has chosen to ignore or enable serious international law violations, including possible war crimes, committed during the conflict. Meanwhile, all parties have continued to commit violations. Longstanding concerns about a lack of



accountability for serious crimes intensified in October when members of the UN Human Rights Council, under pressure from Saudi Arabia and the UAE, narrowly voted to end the mandate of the UN Group of Eminent Experts on Yemen, the only independent, international body documenting serious violations and abuses of international human rights law and international humanitarian law by all parties to the conflict. But the absence of accountability has led to more of the same. In a recent escalation in January, Houthi forces launched a missile and drone attack on Abu Dhabi, in part striking civilian airports, in response to the UAE-backed Yemeni forces pushing Houthi forces out of territory in Shabwah governorate. The attack killed three people and injured six others. In retaliation, the coalition launched airstrikes across Yemen, several of which appear to be disproportionate, including the bombing of a prison in Sanaa that killed over 80 people, according to MSF. In response to the recent escalation, the Biden administration apparently has doubled down on support to the coalition, announcing the sale of additional fighter aircraft to the UAE. Biden said the administration is considering redesignating the Houthis a “Foreign Terrorist Organization.” Biden had reversed this designation, imposed in the waning days of the Trump administration and opposed by humanitarian and human rights groups on the grounds that it threatens humanitarian aid on which millions of Yemenis rely to survive. In addition to potentially violating U.S. law, continuing arms sales to the coalition puts the U.S. at risk of complicity in possible war crimes. The sales also fly in the face of justice and accountability for previous violations given the coalition’s dreadfully flawed investigations of its own strikes. But it isn’t too late for the Biden administration to prioritize human rights and accountability in Yemen. Human Rights Watch and other Yemeni and international groups have called upon the U.S. and its allies to halt arm sales to the coalition. If the Biden administration cannot or will not act, Congress needs to step in. Specifically, Congress should publicly and privately communicate to the administration that arms sales to the coalition should stop and that the Houthis should not be redesignated a “terrorist” group. The administration also should prioritize re-establishing a UN accountability mechanism to hold all parties in Yemen accountable for violations of international law, with a focus on criminal accountability for rights violations and possible war crimes. By taking these bold but essential steps now, the U.S. can finally recognize the war in Yemen for what it is: a conflict with all parties committing serious violations and, as the UN has said, one of the world’s worst humanitarian crises. The U.S. needs to do its part to help put an end to the prolonged suffering of millions of Yemenis.

**One Year After Military Coup, Myanmar Heads Nowhere (Jurist)** By Nava Thakuria  
February 16, 2022

**It’s been one full year since Myanmar has come once again under military rule. Since the February 1, 2021 coup, the poverty-stricken Southeast Asian nation has attracted international media attention, but for the wrong reasons. The country, with a 60 million population of varied ethnicities, continues to witness public protests against the junta, counter military operations forcing hundreds of thousands of villagers to leave their places and live in makeshift shelters with minor children, having all kinds of difficulties ranging from hunger to illness to safety and security.**

Regular incidents of killing of protesters, comprising the party workers of Daw Aung San Suu Kyi-led National League for Democracy (NLD) and other outfits, detention and arrests of anti-junta agitators, including media persons, threatening of lawsuits by the military personnel against the anti-Tatmadaw front-runners, and other ways of harassing the common citizens (including the burning of villages) have become the order of the day in this Buddhist majority country (also known as Burma to the western world). Many prominent political leaders, including President U Win Myint (who is around 70 years old) and State Counselor Suu Kyi (76), have been put behind bars. The pro-democracy icon has been punished by the military courts (where civilian courts have little relevance) with many years of imprisonment against unfounded corruption charges. More trials are probably waiting for Nobel Peace Laureate Suu Kyi, as the Min Aung Hlaing-led junta believes that she possesses the potential to emerge as their political enemy number one. Suu Kyi, who still enjoys wide support among the Burmese people irrespective of their ethnicity, was earlier put under house arrest for almost 15 years by the Than Shwe-led military regime. She was released in 2010, and later the determined lady established her prominence in electoral politics and a semi-democratic regime was installed in Naypyitaw, the new capital of Myanmar, even though she was barred from becoming President following restrictions in the military-drafted constitution. Within the last 12 months, as claimed by various agitating groups, Myanmar has witnessed the killing of over 1,500 civilians, including children and women, by security personnel across the country. The military crackdown has resulted in the arbitrary detention and arrest of over 12,000 individuals (nearly 9,000 remain in junta detention centres to date, where at least 290 died in detention, seemingly after torture). More than 150,000 toddlers became homeless after fleeing their villages with ill-fated parents. Many of them left for neighbouring countries like Thailand and India. It excludes another few hundreds of thousands of Rohingya children, who had to flee their native places after the Burmese military’s crackdown before Covid-19 (also the coup) hit the country, and they mostly arrived in southern Bangladesh. Unconfirmed reports claim that nearly 1,000 personnel belonging to Tatmadaw also lost their lives during the offensive of the People’s Defence Forces (a term referring to the group of anti-junta armed agitators) in different localities. Incidents of armed clashes continue to grow with more intensity across the country. The military even launched indiscriminate aerial offensives and continued arson in the populous villages. Lately, United Nations Secretary-General Antonio Guterres commented that he stands in solidarity with the people of Myanmar and for a return to an inclusive, democratic society. The multiple vulnerabilities of all people across Myanmar and its regional implications require an urgent response, said Guterres, adding that humanitarian access to people in need is critically important for the UN and its partners to continue to deliver on the ground. Moreover, armed forces and all stakeholders must respect human rights and

fundamental freedoms, asserted the UN chief. Earlier, on December 6, 2021, the UN General Assembly unanimously adopted the recommendations made by the UN Credentials Committee to defer the decision on who would represent Myanmar at the UN. It dishonoured the credentials of the Myanmar military regime and rejected the junta's appeal, allowing U Kyaw Moe Tun, the current Permanent Representative of Myanmar, to continue representing the country at the influential global forum. The Burmese Generals, who grabbed political power last year, claiming fraudulence in the November 2020 general elections (where Suu Kyi-led NLD emerged victorious and was about to resume functioning as a new government from 1 February, just before it was ousted), initially declared emergency and then promised to bring back a multiparty democracy with fresh elections by 2023. Simultaneously, the Generals tried to attain recognition from various powerful and democratic nations around the world. On the ground, a National Unity Government, formed by Parliamentarians (mostly NLD lawmakers) continues trying to garner public support and assurance from the international community. Not to speak of other outside political forums, the Association of Southeast Asian Nations (ASEAN) has failed to support the Unity Government. Shockingly, the chair of ASEAN (Cambodian Prime Minister Hun Sen) even recently visited Myanmar and met with its dictator Min Aung Hlaing. Hun Sen's official visit to Myanmar and his meeting with the Burmese dictator attracted strong reactions from the pro-democracy forums in the region. Charles Santiago, Chairman of ASEAN Parliamentarians for Human Rights (APHR), asserted that the "joint statement released by Hun Sen with Min Aung Hlaing was a misguided and dangerous attempt to deceptively portray a breakthrough. It is a brazen attempt by these two coup leaders to hijack ASEAN for their own authoritarian purposes, undermining the Myanmar peoples' fight for democracy and human rights," added the Malaysian Parliamentarian. Speaking to Asia Sentinel, an exiled Burmese activist pointed out that Hun Sen "should know better, having lived through the Khmer Rouge genocide, than to act as an accomplice to the Myanmar junta that is accused of genocide, crimes against humanity, and war crimes." Khin Omar, founder of Progressive Voice questioned, "Has Hun Sen forgotten the millions of Cambodian people who suffered through their own genocide?" She also added that Hun Sen and the junta's attempt to deceive the world that they are making progress to resolve the situation is blatantly dishonest, and Myanmar's people are not fooled by it. "Hun Sen's hijacking of ASEAN through its chairmanship should not facilitate the continuation of the junta's own killing fields against the people of Myanmar. This is unacceptable," asserted Khin Omar. She also emphasized revamping the Myanmar National Human Rights Commission, which is still functioning under the control of military Generals. Days back, the Women's League of Burma expressed concern over the arrest of Thin Thin Aung, one of its founder members, who also once raised multimedia organ Mizzima News along with her husband Soe Myint. Some 125 journalists were also detained from different parts of Myanmar and over 40 are still behind bars. At least three Burmese journalists (photojournalist Ko Soe Naing, reporter Sai Win Aung and editor Pu Tui Dim) have lost lives because of the military atrocities in the recent past, informed Mizzima editor Myint. The ant-junta agitators, on various occasions, have been urging the international community to impose a complete arms embargo on the military rulers along with the restriction on aviation support to them. They also appealed to various democratic nations like Japan, Australia, India, Malaysia, South Korea, etc to cease financial trades with the Burmese junta. Some other nations like China and Thailand, which have invested in Myanmar oil and natural gas sector, are also approached by them to rethink their business interests with the junta. Moreover, the pro-democracy activists appealed to the USA and France to ensure sanctions on Myanmar's oil & gas revenues. Myanmar's powerful western neighbor, India, has not made any strong comments against the junta, except for New Delhi recently making a statement saying that it is disturbed by the developments in Myanmar and also the imprisonment of Suu Kyi. Meanwhile, many families from the Chin province of Myanmar crossed over to Mizoram in the far-eastern part of India. Mizoram has already given shelter to over 60,000 Chin refugees in various hilly localities, and the local government in Aizawl continues to support them in humanitarian causes.

**The UN Shouldn't Let the Olympics' Celebration of Uyghur Repression Go Unchallenged (Human Rights Watch)** By Sophie Richardson  
February 17, 2022

**The honor of carrying the Olympic flame and lighting the cauldron at the Games' opening ceremonies is typically reserved for people hosts wish to hold up as embodiments of excellence. But the Chinese government and the organizers of the 2022 Winter Olympics saw it differently, opting for Dinigeer Yilamujiang to fulfill this role. She is a member of the Uyghur community against which the government is committing crimes against humanity. There is no doubt about Yilamujiang's athletic skills – but there is also no doubt about the government's message.**

As these Games end they are hopelessly tarnished, not only by the Chinese government's atrocities but also its grotesque gestures to flaunt impunity. The heat and light of a torch for Uyghurs should be lit in Geneva as the United Nations Human Rights Council goes into session on February 28. The Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR), the two U.N. bodies centrally responsible for protecting and promoting human rights worldwide, have been aware of Beijing's campaign against Uyghurs and other Turkic Muslim communities for several years. Journalists, diplomats, and human rights researchers have documented mass arbitrary detention, torture, family separations, cultural persecution, and other human rights violations since 2017. U.N. human rights experts and Human Rights Council member states have been sounding the alarm and calling for U.N.-backed investigations. The U.N. high commissioner for human rights, Michelle Bachelet, first requested unfettered access to Xinjiang, often referred to as the Uyghur region, in 2018 to initiate the kind of investigation her office has

undertaken around the world. Beijing is having none of it. It has repeatedly lied about the scope and scale of abuses, rejected the premises of an independent investigation, and bullied or bought the support of other governments in thwarting growing international concern. Chinese diplomats rehash the tired argument that such scrutiny violates its national sovereignty – yet at the same time they backed a U.N.-initiated investigation focused on Israel, and another examining systemic racism in policing globally. The Chinese government has not accepted a visit from a U.N. high commissioner since 2005. Without access to the country – routinely denied by governments that the U.N. has linked to crimes against humanity, from Myanmar to Syria – the Office of the High Commissioner set about gathering information remotely and drafting a report detailing human rights violations against Uyghurs. Last September, Bachelet said her office was completing that assessment. In December, her spokesperson said the report would be issued within “a few weeks.” Yet the report remains locked away inside U.N. headquarters. If the Chinese government had expectations that the report would not be released during the Beijing Games, it should not have any now that the Games have ended. Beijing’s impunity should be challenged throughout the U.N. system, including by fulfilling the unprecedented 2020 call of 50 U.N. human rights experts to establish a standing mandate to continually monitor and report on human rights across China. It can also come through national prosecutors in other countries initiating investigations into alleged international crimes by Chinese authorities. It has come through sanctions on Chinese government officials, including former Xinjiang Communist Party secretary Chen Quanguo, and entities including the Xinjiang Production and Construction Corps, a military-economic body unique to the region and deeply enmeshed in repression. It will also come as United States law now requires importers to show that their goods were not made with Uyghur forced labor, and as some companies quietly move supply chains out of the region because they cannot carry out proper audits. The European Union is about to propose legislation that would introduce due diligence requirements for companies to prevent and address human rights abuses, including forced labor, throughout their supply chains. But the challenge to Beijing’s crimes against humanity should also come from High Commissioner Bachelet. Her failure to urgently pursue relief for millions of Uyghurs – and many others across China suffering under government repression – emboldens Beijing as it literally parades this mistreatment before a global audience and expects applause. With President Xi Jinping set to further cement his power at a series of high-level meetings in 2022 culminating in the Communist Party congress, the challenge for the U.N. of holding a powerful state accountable only deepens. Bachelet’s legacy – and that of the U.N. – is on the line.

**Independent investigation into Kazakhstan killings, torture a priority (Human Rights Watch)** By Hugh Williamson  
February 21, 2022

**Kazakhstan’s government has said repeatedly that it is investigating the recent violence and unrest that led to the deaths of at least 227 people, including 19 security force members, thousands of arrests, and reports of torture and mistreatment. It is in the government’s interest for the grave human rights abuses during these “January events” to be properly investigated and those responsible held to account. Without genuine efforts to bring justice for victims, President Kassym-Jomart Tokayev’s national reform plans will remain hollow promises.**

However, the government’s announced steps fall far short of the necessary independent investigation expected by many of Kazakhstan’s partners and the United Nations. Over a month ago, nine top UN human rights experts called on Kazakhstan to ensure an “independent and human rights-based investigation of State use of force against protesters” takes place. Nothing of the sort has been established. It is important for Kazakhstan’s partners, particularly in Europe and the US, to engage with Kazakhstan at this challenging time. Yet it is also vital for them to make clear that such an investigation remains essential for the government’s credibility. The authorities have stressed that “the investigation into the armed unrest must be impartial and conducted in line with the law.” The government has flagged criminal investigations by the General Prosecutor’s Office and monitoring by the human rights Ombudsperson and the National Preventative Mechanism (NPM) on torture prevention. The prosecutor’s office says around 780 people are in custody facing criminal charges, and that it has begun 170 criminal investigations into torture and abuse of power. The Ombudsperson and the NPM are also doing useful work, given their limited independence from the country’s executive branch, to uphold the rights of those detained, including via prison visits. However, the work of these bodies falls short of what’s needed on two counts. None of them even claim to be mounting a systematic investigation, especially into the exact circumstances that led to the killing of 227 people – one of the worst death tolls from violence in post-independence Central Asia. Research by Human Rights Watch shows that Kazakh security forces used unnecessary lethal force on at least four occasions between January 4-6, shooting dead at least 10 people who posed no imminent threat to life. These killings need to be systematically examined. Second, even if evidence of abuse is presented to Kazakh authorities, they have a very poor record of acting on such evidence to bring those responsible, particularly police or security forces, to account. For example, following the killing of 14 people in Zhanaozen in 2011, there was no independent investigation and little justice for victims and their families despite credible evidence of torture and unfair trials. Many worry that the pattern is being repeated. The government has praised the work of voluntary public commissions led by respected lawyers. Two of the more prominent commissions are doing important work, but their mandates and available resources are limited. The Aqiqat (“truth”) commission led by Aiman Umarova is focused on gathering witness testimony on the January events and representing the interests of detainees. The Amanat (“trust”) commission led by Abzal Kuspan is working with the prosecutor’s office and is focused on visiting pre-trial detention centers and

on securing improved conditions for dozens of detainees. Independent civil society groups, including the new Alliance network, are gathering important information about mistreatment in detention and the names of those killed. These findings could be presented to a much-needed independent investigation. Such an investigation needs to be adequately resourced, genuinely independent and transparent, and have access to government information. Its mandate should explicitly allow it to examine the circumstances around deaths in the context of the protests and violence, the possible responsibility of police forces or others for these violations, and allegations of torture and other abuses. Its findings should be made public. The Kazakhstan government should commit to receiving and considering the conclusions of the investigation, providing a remedy for the violations, and holding those responsible to account. Given the authorities' history of failure to bring accountability or justice for serious human rights abuses, the government should invite international experts to be part of the investigation. Such a hybrid national-international investigation may offer the best opportunity for these efforts to be successful. Should the government fail to conduct an effective investigation that meets international standards, Organization for Security and Cooperation in Europe (OSCE) participating states should invoke the Moscow Mechanism, an OSCE investigation procedure, and UN Human Rights Council members should take action. The Kazakhstan government has an opportunity to endorse the creation of such a hybrid investigation, for instance by bringing or supporting a resolution at the Human Rights Council mandating such a step. Kazakhstan rejoined the Council this year for a three-year term. Endorsing such an investigation would be important for the sake of Kazakhstan's credibility at home and in the Human Rights Council. And it would be a signal that the government not only talks about protecting human rights but takes action to do so.

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## **Aiding and Abetting**

**Telenor board members and Norwegian authorities may be 'aiding and abetting crimes against humanity' in Myanmar, says top judge (Myanmar Now) February 12, 2020**

**As Telenor Group pushes through the sale of their Myanmar subsidiary to a military-linked consortium, there is growing concern in Myanmar and Norway over the possibility that the junta will gain access to the personal data of the network's 18 million Myanmar customers.**

In an interview with Myanmar Now, Norwegian judge Hanne Sophie Greve warns that Telenor and Norwegian authorities could be liable for complicity in crimes against humanity, in a worse case scenario.

She said that Telenor should either sell to a responsible buyer, that is not related to the military in Myanmar, or close down their network if a responsible buyer cannot be found.

Since the coup, Telenor has complied with more than 200 data requests from the military junta, with each request consisting of multiple phone numbers.

Telenor told Myanmar Now, "Violating or not complying with directives issued under the existing legal framework, would have severe and completely unacceptable consequences for our employees."

But Greve argues that it is the responsibility of the company's leadership and owners, which includes the Norwegian government, to under no circumstances contribute to possible crimes against humanity in Myanmar.

Greve has worked extensively on international law. She has previously served, inter alia, as an Expert in the UN Commission of Experts for the Former Yugoslavia (the War Crimes Commission), as Judge at the European Court of Human Rights, and has also worked with Myanmar refugees in Thailand at the UN High Commissioner for Refugees.

What are your concerns related to Telenor Group's sale of its Myanmar unit?

My main concern, of course, is the approximately 18 million customers and their data. I think that it may be feared that the behaviour of the junta in Myanmar today amounts to crimes against humanity. For this reason, I do believe that anyone who assists the military in Myanmar in getting access to data related to perhaps 18 million customers of Telenor may actually be aiding and abetting crimes against humanity.

What do you think Telenor should be doing differently?

In my opinion the first thing that should be done under the circumstances is to ensure that no one inside Myanmar has access to any information about the customers of Telenor in Myanmar. Thereby Telenor would ensure that no one can be pressured, nobody can be asked to release such information. That, in my opinion, is the very first step.

The second step should be to have the sale, well, I want it cancelled, but at least to be postponed, so that it could be very carefully considered, if this could be aiding and abetting crimes against humanity.

I think that it would be advisable for Telenor to ask the chief public prosecutor in Norway to give an opinion about the possible consequences of the sale. Telenor should await that opinion. I cannot imagine that the answer will be that releasing 18 million customers' information cannot be aiding and abetting, if the military's behaviour in Myanmar already, or tomorrow, amounts to crimes against humanity. So, I hope that eventually there will be no sale. Not this week, not by the 15th February and not in the future, either. But, at least, let us have it postponed. But, immediately, freeze all, absolutely all information about all the customers in Myanmar.

The Norwegian government's line seems to be that, although Telenor is a majority state owned company, they don't interfere in company affairs and that this is completely up to the board. Do you think it's acceptable that the Norwegian government is taking a hands-off approach when the sale, as you state, could amount to aiding and abetting?

In my opinion, the government cannot wash its hands in this case. That is to say, the issue is far too serious. I certainly agree that in everyday matters, small matters, ordinary sales, it is not for the government to intervene. Then it's for the board to decide. But, when it comes to potential crimes against humanity, this is no more the case, in my opinion. Not at all. For this reason, the last few days, pressure is mounting on the government, and on the minister who is dealing with company matters, to act in the case. I know that the Norwegian government in principle and in general is very, very concerned about the situation in Myanmar. That's the approach by the government. It cannot be combined with staying hands off when it comes to a potential sale to people who might share the information with the junta in Myanmar.

If the sale goes ahead and is found to be aiding and abetting crimes against humanity, who could be accountable?

Well, first of all, God forbid they go ahead with the sale. But, if that very, very unfortunate situation would occur— Norway is bound by the Rome Statute of the International Criminal Court, which means that crimes against humanity, even if Myanmar is not a party to that Statute, could lead to a complaint against at least Telenor, or perhaps even, in a worst-case scenario, against Norwegian authorities for not having stopped the sale.

So in your opinion, could Norwegian authorities who have authority over the state's majority shareholdings in Telenor Myanmar, also be complicit in crimes against humanity if they continues to take a hands off approach and the sale proceeds?

Worst case scenario, yes. The first question is whether crimes against humanity are committed by the junta in Myanmar today or in the near future. Presupposing that this is the case, which unfortunately, I think it may well be, then that might be the final result. They have got every chance to stop the sale. They have been warned. They are fully aware of the sensitivity of telecommunications data. Today I am a judge in Norway. The country has very strict rules. If the police or the prosecutor would like to have information about my telephone calls, they can get it in relation to criminal cases, if, and only if, a court agrees. So, Telenor is fully aware of the sensitivity of all the information they have. They know perfectly well that this is extremely sensitive. The company cannot give up its property rights, so to speak, to this information and not give up the company's obligation to protect the information. They may perhaps sell to anyone, but without the information. In my opinion, financial issues can no more be invoked at this stage.

Under international criminal law, is there a risk that the current members of the Telenor Group board could be complicit in crimes against humanity if they proceed with the sale?

Yes, absolutely. Absolutely. The top administration and the board are the ones primarily responsible in this case. It's for the board to prevent Telenor from aiding and abetting crimes against humanity.

According to Myanmar Now sources, the military-linked company Shwe Byain Phyu will own the majority of Telenor Myanmar following its sale to M1 Group. Telenor continues to say they will not comment on market speculation and they have refused to tell Myanmar Now the name of the legal entity they intend to sell to, and the jurisdiction. What is your view of these circumstances of the sale?

If I have a bomb in my hand, I don't give it over to you and say, 'I don't care what happens.' They cannot under the circumstances, see it as something that's beyond their control. That's to say, if the buyer is a very accountable and decent company that is known to behave very properly, and if that particular company in five years' time would change entirely and behave very badly, that would not be the responsibility of Telenor. But, if Telenor sells to someone who has a reputation for not being accountable, or has links to the present military junta, that is a different issue. And that is the case as it stands. It is for Telenor to produce the evidence that the buyer is acceptable, that is that there can be no suspicion that the buyer will share the personal data of the

network's 18 million Myanmar customers with the military.

Telenor has been saying that the reason for selling is that they would not be consistent with their values if they stayed in Myanmar. So therefore, they need to leave. They have also claimed that if they continued operating in Myanmar, they would have to activate lawful interception, which could breach the EU sanctions. So they are implying that leaving Myanmar, by selling to M1 Group, is the best scenario for human rights. How would you respond to that?

That, in my opinion, is a false claim. The best option, if they can't find a decent buyer, is to close down entirely. Not to sell at all. Close it down. That's all. Telenor cannot say that human rights matter only as long as the company operates inside Myanmar. Human rights are equally important in connection with a sale. I have been debating it with Telenor on TV in Norway, and they're saying just what you said, we have to leave because of human rights etc. I say I truly appreciate that you want to leave under the circumstances. But you have to ensure that human rights are not violated by the way you leave. That's an absolute obligation under the guidelines for business and human rights made by the UN, and the OECD. Companies have an obligation to protect their customers throughout. The sale is part of it. They have to ensure human rights in the process of selling and they have to ensure that the buyer is not someone who will give the information to the junta in Myanmar.

Since the military coup on the first of February last year, Telenor has fulfilled at least 200 directives from the military junta to handover personal data of customers, with each directive exposing multiple phone numbers. Telenor's response to this is that if they would have denied those requests, that would put their staff in danger, so they had no choice. How would you respond to that?

The responsibility in cases like this rests with the leadership. Given the situation inside Myanmar, the decision not to handover information has to be made from outside. It has to be ensured that no one working for Telenor inside Myanmar will be in a position to release any information given the circumstances. That is a responsibility for the leadership.

Now there are many people in Myanmar who are scared of what will happen if the proposed Telenor sale goes through. As a judge and also as a Norwegian citizen, what would be your message to them?

We will make every effort to see that there shall be no harm. I can promise nothing, but I shall save no effort to try to see to it. And I know that many, many people in Norway are deeply concerned at the moment.

**Inside Ain Zara, where Europe's unwanted are disappeared (Aljazeera)** By Federica Marsi  
February 23, 2022

**Yasin has lost count of how many times he has been shot at – but he does remember the last time.**

On January 10, Libyan militias and security forces opened fire as they moved in to disperse a months-long sit-in by more than 2,000 asylum seekers outside a United Nations compound in Tripoli, many of whom had been violently evicted from their homes in October during raids in the western town of Gargaresh.

"It would have been better to die than to be arrested," Yasin, who has asked to go by a nickname for his own safety, told Al Jazeera by voice message.

The refugee from Sudan's war-torn western region of Darfur was among the 600 people apprehended in front of the Community Day Centre run by the UN refugee agency (UNHCR) and taken to Ain Zara detention centre, also in the Libyan capital.

Three detainees speaking to Al Jazeera on condition of anonymity recounted being beaten daily by the guards, deprived of adequate food and water and held indefinitely with no prospect of release in sight.

"It's normal to be beaten in here. Everyone has been beaten," Yasin told Al Jazeera. "They treat you as if you are not human."

Pictures and videos sent via Whatsapp show dozens of people crammed in one room, where they say they are left from 5pm until about midday the next day with no food or water.

"You are left alone with your hunger," Yasin said.

When food comes, it consists of small portions of pasta, day after day. The little drinking water must also be saved for basic hygiene purposes as the bathroom shared by dozens rarely has running water. Those who found no other space to lay their blankets are obliged to sleep along the corridor, steps from overflowing latrines.

A group of asylum seekers last week staged a four-day hunger strike to protest against what they say are inhuman living conditions. Several people became too weak to stand and lay on the floor during open-air time.

At least eight of them were brought away by security guards and militia officers controlling the centre, according to the testimonies of the three asylum seekers. Their fate is unknown.

Yasin said medics from the non-governmental organisation Doctors Without Borders (MSF) who entered the facility to provide medical assistance on the fourth day of the hunger strike, pleaded with them to eat to stay alive. MSF has declined to comment for the purpose of this article.

Crossing at sea

More than 12,000 people are estimated to be held in 27 prisons across Libya, according to statistics provided by Libyan authorities to the UN's Support Mission in Libya.

Detention is often what awaits people who attempt to cross the Mediterranean and are intercepted by the Libyan coastguard, a quasi-military organisation linked to militias that receives training and equipment from the European Union. According to UNHCR data, only 702 people were released from disembarkation points in the first six months of 2021, out of about 15,000 disembarked.

Yasin, who is in his early 30s, has spent most of his life in displacement. He first attempted to cross to Europe by sea in August 2020 but the Libyan coastguard intercepted the dinghy, which was not in distress but moving towards international waters.

The boat was brought back and its passengers disembarked in the port city of Zuwara, where the Sudanese refugee spent three months in a detention centre not unlike Ain Zara. When a group of them managed to break a window in a bid to escape, the guards opened fire, killing at least one person, according to Yasin. "This was our friend Nazar, who we lost in that prison by gunshot," he texted, alongside a picture of a young man smiling in a green hoodie.

The second attempt to reach Italian shores was in May 2021. When the boat that was carrying him was intercepted and brought back to Tripoli, Yasin knew what awaited him. Bullets whizzed past him as he ran from his captors. Eventually, he reached Gargaresh, a known hub for refugees and migrants about 12km (7.5 miles) west of Tripoli. He rented an apartment with dozens of other asylum seekers, surviving on occasional work.

On October 1, raids in Gargaresh killed at least one asylum seeker as authorities used "excessive and disproportionate force," according to a UN report (PDF). More than 5,000 people, including at least 1,000 women and children, were detained. The interior ministry, which led the crackdown, described the raid as a security campaign against undocumented migration and drug trafficking but made no mention of any traffickers or smugglers being arrested.

Yasin was among those who escaped and headed to the UNHCR Community Day Centre to seek protection. The UNHCR said at the time it had suspended operations at the Community Day Centre, citing unrest it attributed to "a number of individuals in the group preventing others from accessing the site for help".

After camping outside the premises for more than 100 days, Yasin was caught up in the January 10 raid and brought to Ain Zara.

While he cannot recall how many times he has heard the rattling of gunfire, he does keep count of the times he has taken a shower. "In over a month that I have been here, I have managed to shower only once," he said.

Refugees registered with the UNHCR, like Yasin, have asked the agency to provide protection and resettlement to a safe place. Between 2017 and June 2021, only 6,388 refugees have been transferred out of Libya. The majority are returned to sub-Saharan Africa, including Niger and Rwanda.

Yasin said he dreams to one day exit the "darkness" that has been his existence.

"I didn't get any humanity, peace, freedom, justice, equality and happiness in my life," he said.

Rescues or pushbacks?

The EU has spent more than 57.2 million euros (\$64.8m) on Libya's border management with the declared objective of "sav[ing] the lives of those making dangerous journeys by sea or land", according to a fact sheet published by the European Commission in June 2021.

But human rights watchdogs say saving lives is not the primary objective behind the support to Libyan authorities. "These operations are aimed at keeping migrants out of Europe," Matteo de Bellis, researcher on asylum and migration at Amnesty International, told Al Jazeera.

The cooperation between European states and the Libyan coastguard began in 2016 and intensified the next year with the signing of two agreements – the Memorandum of Understanding (MoU) between Italy and Libya and the Malta declaration – that laid the

foundations for the provision of assets, training and coordination assistance.

Additional technical assistance by Italy and the EU enabled Libya to declare its own Search And Rescue (SAR) zone, through a communiqué to the International Maritime Organization (IMO), in December 2017.

The following year, arrivals in Europe dropped seven-fold, according to data collected by the UNHCR. Interceptions and returns to Libya increased drastically, with 47 percent of all individuals who left Libya by boat being returned to the country (15,235 individuals in total).

At the same time, the risk of death at sea doubled from 2 percent in 2017 to 4 percent in 2018, with 3,311 individuals reported dead or missing off the Libyan coast in 2018.

The developments in Libya also coincided with an increase in legal and political attacks on charity and privately-run rescue ships since mid-2017 that led to a near-complete seizure of all rescue-at-sea activities by charity or privately-run rescue boats.

According to Amnesty International, the Libyan SAR zone was established to bypass the principle of non-refoulement, which prohibits the return of people to countries where they face torture or other cruel, inhuman or degrading treatment.

“EU states gave Libya not only the tools to capture people at sea, but also the responsibility to decide where to take them, so EU leaders can pretend they have nothing to do with the arbitrary detention and torture that those people will suffer,” de Bellis said.

Libya is not a signatory to the 1951 Refugee Convention or the 1967 protocol and does not have a national asylum system in place. It considers refugees, asylum seekers and migrants without official documentation as “illegal” migrants, liable to arrest and detention, without any judicial review process.

In June 2019, then-EU Migration Commissioner Dimitris Avramopoulos said the bloc’s “priority has always been and continues to be to prevent people from risking their lives on dangerous journeys”.

He added that the EU was working with Libyan authorities “to establish a standardised process with the aim to ensure migrants rescued by the Libyan coast guard are disembarked and taken to centres that meet international humanitarian standards.”

Testimonies and reports from UN and non-governmental agencies, however, point to ongoing and systematic human rights abuses. Last month, UN Secretary-General Antonio Guterres said he was “gravely concerned” about the situation in Libya, including for the “several thousand migrants and refugees arbitrarily detained in detention centres”.

The UNHCR, which has limited access to detention facilities run by the Directorate for Combatting Illegal Migration under the Ministry of Interior, welcomed on February 15 the release from Ain Zara of 64 vulnerable refugees, including women and children.

“UNHCR has offered to work with the Libyan authorities together with other UN agencies in developing an action plan to address the overall situation of refugees and migrants in a humane and rights-based manner,” Caroline Gluck, UNHCR spokesperson in Libya, told Al Jazeera.

“This could form the basis of a longer-term national response on migration and refugee protection management, in line with international law.”

Peter Stano, EU lead spokesperson for foreign affairs and security policy, told Al Jazeera the conditions in which people are being held in Libya are “unacceptable”.

While the EU provides assistance inside detention centres through medical consultations and items such as hygiene kits, clothes and blankets, Stano said its money is not used to fund or facilitate the construction of detention centres.

“The current arbitrary detention system must end,” he added. “[We are] working with UN Agencies and International NGOs to ... promote alternatives to detention and the establishment of safe spaces to address the needs of the most vulnerable.”

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**WORTH READING**



**Introductory Note to the Judgment on Foreign Soldiers' Immunity for War Crimes Committed Abroad**  
**Tom Syring**

February 11, 2022

On January 28, 2021, the German Federal Court of Justice, or Bundesgerichtshof (BGH), Germany's highest court of ordinary jurisdiction, delivered its judgment in Case 3 StR 564/19 pertaining to questions of universal jurisdiction over international crimes and the extent to which foreign soldiers would be barred from prosecution in Germany based on claims of (functional) immunity for war crimes committed abroad. The decision strikes at the heart of a debate where such exceptions to immunity (*ratione materiae*) are yet to be uniformly agreed upon at an international level. It also comes on the verge of a number of related judgments that are pending both in German and other European courts. In the present case, the BGH held that according to the general rules of international law, criminal prosecution in Germany for war crimes committed abroad would not be precluded based on the notion of functional immunity, "when the acts have been committed by a foreign, lower-ranking defendant in the exercise of foreign sovereign activity." Neither the BGH nor Germany's supreme guardian of the "Basic Law," the Federal Constitutional Court, or Bundesverfassungsgericht (BVerfG), has previously pronounced itself on questions of functional immunity in criminal proceedings.

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Grotian Moment: The International War Crimes Trial Blog:  
<http://law.case.edu/grotian-moment-blog/>

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