



War Crimes Prosecution
Watch



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

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AFRICA

NORTH AFRICA

Libya

Oil facility damaged during clashes in western Libyan town (ABC News) By Sam Magdy
April 23, 2022

Clashes between government-allied militias in western Libya caused damage to a sprawling oil facility, the state-run oil company said Saturday, the latest blow to the energy sector in the chaos-stricken Mediterranean nation.

The fighting erupted Friday in the coastal town of Zawiya between two rival militias allied with the government of Prime Minister Abdul Hamid Dbeibah, which is based in the capital of Tripoli.

The National Oil Corp. said the fighting damaged at least 29 sites, including storage tanks, at the Zawiya refinery complex. It said an assessment was continuing to determine the extent of the damage. The refinery is a major source of domestic fuel raising fears of an energy crisis amid the heat of the summer.

The National Commission for Human Rights, a local group, condemned the clashes, which pitted the so-called Stability Support Authority against the self-styled Criminal Investigation Department in Zawiya.

It was not clear what caused the clashes.

Dbeibah vowed to hold these responsible for the clashes accountable without naming the two involved militias. A rival administration, led by powerful figure Fathi Bashagha, voiced concern and called on armed groups to stop fighting which left unknown number of people dead.

Tensions have soared in Libya, especially in the western region, since the east-based parliament appointed Bashagha in February to lead a transitional government after the country failed to hold elections last year. Occasional fighting between militias also occurred in the capital.

Bashagha has yet to be seated in the capital as Dbeibah remained defiant against efforts to replace his government, insisting that he will hand over power only to an elected government.

Tribal leaders and protesters in the southern region also shut down oil facilities, including Libya's largest oil field, demanding Dbeibah step down. The region is controlled by forces of east-based commander Khalifa Hifter.

The blockade came as oil prices skyrocketed since Russia's war on Ukraine. Brent crude, the international pricing standard, traded at more than \$106 per barrel Friday.

The developments have raised fears that the country could return to civil war amid the ongoing standoff between the two rival governments. The oil-rich North African country has been wrecked by conflict since the NATO-backed uprising toppled and killed longtime dictator Moammar Gadhafi in 2011. The country has fragmented for years between rival administrations in the east and west, each backed by armed groups and foreign governments.

Libya: Landmines, Other War Hazards, Killing Civilians (Human Rights Watch)

April 27, 2022

At least 130 people, mostly civilians, have been killed by landmines and abandoned or unexploded ordnance in Libya since the armed group called the Libyan Arab Armed Forces (LAAF) withdrew from Tripoli's southern suburbs in June 2020, Human Rights Watch said today.

Fighters affiliated with the group, commanded by Khalifa Hiftar, and foreign fighters from Russia emplaced banned antipersonnel mines, including victim-activated improvised explosive devices (IEDs) and booby traps in Tripoli's southern suburbs, as they withdrew. The Libyan government and its international supporters should intensify efforts to clear landmines and unexploded ordnance around Tripoli, the capital.

"Forces allied with Khalifa Hiftar laid landmines and improvised explosive devices that have killed and maimed several hundred civilians including children and hinder southern Tripoli residents from returning home," said Hanan Salah, Libya director at Human Rights Watch. "Antipersonnel mines are banned because they indiscriminately kill civilians both during fighting and long after the conflict ends."

From April 2019 to June 2020, fighters under Hiftar and affiliated forces, including the Wagner Group, a Russian government-linked private military security contractor, fought against armed groups of the former Tripoli-based Government of National Accord (GNA), which was also supported by foreign fighters. The fighting left behind enormous amounts of explosive remnants of war, including unexploded and abandoned ordnance in all of Tripoli's southern districts.

During a March 2022 visit to Tripoli, Human Rights Watch met with the Defense Ministry's Libyan Mine Action Center, which coordinates humanitarian mine action efforts, Libyan and international civic groups working on mine action, United Nations officials, and demining specialists from the Ministry of Interior Criminal Investigations Department. Researchers also talked with officials from the Ain Zara district and El-Fernaj, among the conflict's hardest-hit areas.

Since 2019, landmines and other explosive ordnance have contaminated 720 million square meters in the southern Tripoli districts, which have caused injuries, deaths, and displacement of thousands of Tripoli residents, the mine action center said. In addition to the deaths, about 200 people have been injured.

Officials from the government, the UN, and civic groups said that impediments to clearing contaminated areas included fragmented governance and insufficient coordination among government agencies and humanitarian groups. Efforts have also been hindered by the lack of a centralized data-gathering system, inadequate capacities among some deminers, and funding shortfalls for equipment and training.

Human Rights Watch also interviewed civilians displaced by the fighting in Ain Zara, Salaheddin, and Gasr Bin Ghashir districts, who were unable to return home due to the risk of landmines and other explosive ordnance.

On April 20, Human Rights Watch wrote to the Government of National Unity (GNU) and to the LAAF with its research findings. They have not replied.

Landmines and explosive remnants of war result not only in direct loss of life and property, but they also cause so-called reverberating harm that undermines basic human rights. This includes displacement, a reduced standard of living, and impaired access to shelter, health care, education, and basic services such as electricity. Survivors often require long-term medical assistance and specialized treatment.

The Human Rights Watch review of photographs, videos, and information provided by humanitarian mine groups identified 10 antipersonnel mines of Soviet and Russian origin and a number of victim-activated improvised explosive devices that were used in the Tripoli conflict. Four antipersonnel mines of Russian origin had not been previously documented in Libya.

The explosive devices of an improvised nature were assembled and used in a manner intended to be detonated by the presence, proximity, or contact of a person, and could injure or kill multiple people, Human Rights Watch said. The 1997 Mine Ban Treaty prohibits such victim-activated devices, including those made locally.

After Human Rights Watch documented landmine use by forces of the late Libyan leader Muammar Gaddafi in 2011, Hiftar and other armed group commanders pledged to never use landmines and to provide mine clearance, victim assistance, and education about mine dangers. Yet Human Rights Watch has continued to uncover new use of prohibited landmines.

Libya is not among the 164 countries that have joined the Mine Ban Treaty, which prohibits antipersonnel landmines and requires their clearance and victim assistance. The only other African nations not treaty members are Egypt and Morocco. In November 2020 Libya's former Government of National Accord told Mine Ban Treaty countries that it had established a working group to prepare for Libya's accession to the treaty. On March 28, Prime Minister Abdelhamid Dabeiba in the current Government of National Unity addressed the need for more support to clear explosive remnants but did not say when Libya would join the treaty.

The Landmine & Cluster Munition Monitor reported that the European Union and seven countries – United Kingdom, United States, France, Sweden, Japan, Netherlands, and Switzerland – in 2019 had provided US\$24 million to support demining efforts in Libya. Funded activities include mine clearance, risk education, and victim assistance. However, given the extent of unexploded ordnance in Libya, especially in the southern Tripoli suburbs, the local demand for demining far outstrips existing services. Foreign diplomats tracking the issue said the Libyan government has provided inadequate funds for clearance, risk awareness, and victim assistance.

Libya and international donors should prioritize survey, clearance, and mine risk education, Human Rights Watch said. The government should ensure vital mine clearance activities are funded and provide adequate payments for victims under the state compensation fund.

All parties to Libya's armed conflicts are obligated to abide by international humanitarian law, or the laws of war. In addition to the Mine Ban Treaty, the laws of war prohibit the use of weapons such as antipersonnel mines that cannot distinguish between military targets and civilians.

Individuals who carry out serious violations of the laws of war – including use of antipersonnel mines – with criminal intent are responsible for war crimes. Those who commit, order, assist, or have command responsibility for war crimes in Libya are subject to prosecution by domestic courts and the International Criminal Court (ICC). Individuals may also be held criminally liable for assisting in, facilitating, aiding, or abetting a war crime.

The ICC has a mandate over war crimes and other atrocity crimes committed in Libya since February 15, 2011. ICC Prosecutor Karim Khan, in his November 2021 report on Libya to the UN Security Council, said that his office continued “to gather evidence related to alleged crimes committed during the April 2019 attack on Tripoli,” but did not announce any concrete investigations.

“So far, no commanders or Libyan and foreign fighters responsible for serious abuses during the 2019-2020 Tripoli war have been held to account,” Salah said. “International action is needed for credible prosecutions to happen.”

Human Rights Watch is co-founder and chair of the International Campaign to Ban Landmines, 1997 Nobel Peace Co-Laureate. It contributes to the Campaign's annual Landmine and Cluster Munition Monitor report.

UN extends Libya mission after US-Russia clash (Toronto Star) By Edith M. Lederer
April 27, 2022

The U.N. Security Council voted unanimously Friday to extend the U.N. political mission in Libya for three months, with the United States and Britain accusing Russia of blocking a longer and more substantive mandate that would include promoting reconciliation of the country's rival governments now claiming power.

Russia's U.N. Ambassador Vassily Nebenzia said Moscow insisted on a three-month extension to pressure U.N. Secretary-General Antonio Guterres to urgently appoint a new special representative to head the mission, known as UNSMIL. The former U.N. special envoy, Jan Kubis, resigned on Nov. 23 after 10 months on the job.

Nebenzia said in the absence of a new envoy, the U.N. mission "has been unable to provide substantial support for the political process in Libya for more than six months." He blamed some unidentified members of the Security Council who he claimed "are not ready to accept a scenario where UNSMIL is guided by an African representative," saying their opposition is "non-constructive" and "a manifestation of neo-colonialism."

Britain's U.N. Ambassador Barbara Woodward, who oversaw negotiations on the resolution, said after the vote that "Russia has once again isolated itself by not joining consensus with the 14 other members of the council" who supported a one-year substantive mandate.

U.S. deputy ambassador Jeffrey DeLaurentis said a short mandate "severely complicates" the U.N.'s ability to recruit a new head of for the mission and "creates uncertainty for the Libyan people and their leaders over the Security Council's commitment to Libya."

DeLaurentis also criticized Russia for eliminating "critical language on reconciliation and security sector reform" which the council's three African members were pushing to include in the resolution adopted Friday.

The oil-rich North African nation plunged into turmoil after a NATO-backed uprising in 2011 toppled dictator Moammar Gadhafi, who was later killed. It then became divided between rival governments — one in the east, backed by military commander Khalifa Hifter, and a U.N.-supported administration in the capital Tripoli. Each side is supported by different militias and foreign powers.

In April 2019, Hifter and his forces, backed by Egypt and the United Arab Emirates, launched an offensive to try and capture Tripoli. His campaign collapsed after Turkey stepped up its military support of the U.N.-supported government with hundreds of troops and thousands of Syrian mercenaries. An October 2020 cease-fire agreement led to an agreement on a transitional government in early February 2021, and elections scheduled for last Dec. 24 which weren't held.

The country's east-based House of Representatives named a new prime minister, former interior minister Fathi Bashagha, to lead a new interim government in February. The lawmakers claimed the mandate of interim Prime Minister Abdul Hamid Dbeibah, who is based in the capital, Tripoli, expired when the election failed to take place. But Dbeibah insists he will remain prime minister until elections are held.

Week-long talks between the rival sides in the Egyptian capital ended on April 19 without an agreement on constitutional arrangements for elections.

After Kubis resigned, Guterres appointed American diplomat Stephanie Williams, a fluent Arabic speaker who served as deputy U.N. special representative in Libya from 2018-2020 as his special adviser and sent her to Tripoli. She oversaw the agreements on the cease-fire and transitional government and told reporters after the recent meeting of the rivals in Cairo that they agreed to reconvene in May.

U.N. deputy spokesman Farhan Haq replied that he expects Williams, whose contract is set to expire, to continue in her role "until we have any further notice to give you."

Gabon's U.N. Ambassador Michel Biang read a statement on behalf of his country, Ghana and Kenya, saying the widening divisions in Libya are unfolding "at a crucial juncture" that demands unified Security Council action to make progress toward a sustainable peace "that the Libyan people are craving for."

The three African council members called on Libya's rival parties to settle their differences politically, "bearing in mind that the military option will not provide a sustainable solution to the root causes of this crisis."

They denounced foreign interference in Libya, demanded the synchronized withdrawal of all foreign fighters and mercenaries, and called on the U.N., the African Union and international partners to support a national dialogue and reconciliation in the country.

Biang stressed that since the situation in Libya mainly affects the country's African neighbors, Africans should be involved in

the search for a solution and the next U.N. special envoy should be an African.

Norway's deputy U.N. ambassador Trine Heimerback said the council's failure to agree on a substantive mandate "not only sends an unfortunate signal to the Libyan people but also to the whole region," stressing UNSMIL's "pivotal role in supporting Libya's political process" and contribution to the country's stability.

Justice must prevail over alleged Libya war crimes, ICC Prosecutor tells Security Council (UN News)

April 28, 2022

Outlining a new four-pronged investigation strategy to the Security Council on Thursday, the prosecutor of the International Criminal Court (ICC) pledged his commitment to delivering justice against crimes committed in Libya.

"This situation cannot be a never-ending story", said Karim Khan, Prosecutor of the International Criminal Court. "Justice delayed may not always be justice denied, but justice that can still be arrived at."

In his key prosecutorial role for under a year, Mr. Khan is having to reckon with multiple alleged perpetrators of crimes against humanity, and war crimes, together with three unexecuted warrants of arrest, amid a politically divided nation that continues to suffer from widespread impunity, stemming from the overthrow of long-term ruler, Muammar Gaddafi, in 2011.

The internationally-recognized Government in Tripoli, is still at odds with a rival administration and parliamentary authority in the east, while a "deepening crackdown" on civil society is having a "chilling effect on human rights defenders", according to the UN rights office, OHCHR, in a report last month.

New impetus

Presenting the 23rd report on the Libyan file, Mr. Khan said survivors and the families of victims are waiting for justice, and the report contains benchmarks for the first time to help move cases forward.

"Our new approach prioritises the voices of survivors", he said. "To do so we must move closer to them. We cannot conduct investigations, we cannot build trust, while working at arms-length from those affected"

He said the first pillar of the new approach is to prioritise the referrals made by the Council, by allocating additional resources and focusing on enhancing financial investigation, together with increasing capacity in investigating sexual and gender-based crimes.

To accelerate investigations, his team is also harnessing the power of new technology, including artificial intelligence and machine learning to support the transcription and translation of Arabic language documentary, video and audio files.

The second is a commitment to empower witnesses and survivors to participate in the Office's work. The Hague, where the Court is based, is far from Libya. It is not possible to establish meaningful relationships with victims, by engaging at arms' length. It is vital to work shoulder-to-shoulder with the affected communities, he told ambassadors.

More on-site investigation "We need to be more on the ground," he said, adding that the Office is establishing an enhanced field presence.

The third is to strengthen engagement with Libyan authorities, focusing on supporting national accountability efforts based on the principle of complementarity.

Where national authorities can take forward genuine proceedings, his Office should be there to support, he said.

Focus on justice

But, if Libyan authorities appear unable to carry out investigations or prosecutions of crimes under the jurisdiction of the Court, his Office will continue to do its work. He said he will visit Libya in the coming reporting period to deepen the Court's relationships with the Libyan authorities.

The fourth new approach, he said, was to increase avenues for accountability by enhancing cooperation with third States, international and regional organisations.

He said he does not want his Office to be only a recipient of cooperation from relevant national authorities, but a positive contributor to national accountability processes. This must be "a two-way street", the ICC Prosecutor urged.

Transit and 'torture': Rescued migrants recount Libya horrors (France 24)

May 3, 2022

On a medical ship off the Italian coast, rescued migrants are colouring in a map of Africa, where many started their perilous journeys toward Europe.

The countries are brightly coloured in yellow, green, purple and red. Libya however, a common transit country from sub-Saharan Africa into Italy, is black.

For many of the migrants, the country evokes painful memories: abuse, torture and trafficking.

Libya has been singled out as a dangerous country for migrants, and a UN report last year revealed "crimes against humanity" inflicted on the most vulnerable.

For some aboard the Geo Barents ship run by medical charity Doctors Without Borders (MSF), the dangers are all too familiar.

"I was tied up, beaten, electrocuted," said 25-year-old Eritrean refugee John, who gave only one name.

He explained how he fled authoritarian Eritrea in 2018, crossing through Ethiopia and Sudan before arriving in the southeastern Libyan city of Al Kufra four years ago.

"I was abducted from Al Kufra and sold to traffickers. And then to others," he told AFP.

He eventually escaped, boarding a dinghy headed for Italy, from which he was rescued in April by the Geo Barents.

He like others has received medical care on board the ship, where migrants also spend time doing activities like the map colouring exercise.

John colours Libya in black to signify the pain he experienced during his time there.

"There is no government in this country," he said. "No laws."

- 'Lots of beatings' -

John is one of the tens of thousands of migrants who attempt the dangerous and often deadly crossing from Libya to Italy every year. More than 31,000 made the journey by sea last year, according to UN figures.

Many stream to Libya from elsewhere in Africa, boarding precarious vessels to cross the Mediterranean toward Italy. AFP could not independently verify details of John's account, but MSF doctors on the Geo Barents say many migrants arrive with chilling reminders of their time in Libya.

Doctors use the scars to piece together what happened to the migrants Alexandros Kottis AFP "We see a lot of them with actual physical evidence of violence, injuries that cause long-term problems," MSF doctor Mohammed Fadlalla told AFP.

"We commonly see bullet wounds, burns, evidence of electrocution, lots of beatings."

Many migrants land in the hands of traffickers in Libya who demand hefty sums in exchange for their freedom. Attempts to escape can be a death sentence.

The Geo Barents helps those lucky enough to flee, trawling the waters of the central Mediterranean near Italy and Libya in search of migrant boats.

It stops in Italian or international waters -- never Libyan waters -- and takes in migrants in need, sometimes for as long as two weeks, before they are sent to Italy.

Fadlalla said medics on the ship often use scars or bruises to piece together what happened to the migrants -- a kaleidoscope of trauma used to compile accounts of human rights violations.

Others need extensive mental and emotional support.

"A lot of these survivors who have suffered this torture have psychological difficulties as well," said Fadlalla.

"Fear, difficulty sleeping, flashbacks, anxiety, depression."

- 'Robbed, beaten' -

Libya, wracked by conflict since the 2011 overthrow of dictator Moamer Kadhafi, has gained a notorious reputation for migrants on the dangerous route to Europe.

A UN fact-finding mission last year found some of the abuses faced by migrants there could be classified as "crimes against humanity".

"Violations against migrants are committed on a large scale by state and non-state actors, with a high level of organisation and with the encouragement of the state," one of the UN experts, Chaloka Beyani, wrote.

Lawyer Jelja Sane, who specialises in refugee law and human rights, condemned European governments for intercepting migrant boats coming from Libya, urging them to offer safe and legal routes.

"The evidence of the plight of refugees and migrants in Libya can no longer be ignored," said Sane, from London's Doughty Street Chambers.

And for those who have been tortured, access to "full rehabilitation services, as required by international law", should be offered, she said.

Senegalese migrant Eladj Ndiaye still bears the evidence of such abuse.

The 19-year-old has scars on his scalp and under his lip from when he was beaten with a glass bottle by his captors. They held him for several weeks in Libya, he said.

"Everywhere in Libya you are robbed, you are beaten," he added.

Despite the known risks -- and mounting evidence of abuses -- migrants continue to trek toward Europe.

Eritrean refugee John knew what he could face, but went anyway.

"We know it's dangerous. But we want to join Italy," he said.

Amnesty accuses Libya state-backed militia of abuses (France 24)

May 4, 2022

Amnesty International on Wednesday accused a powerful government-backed Libyan armed group of abuses against migrants and Tripoli residents.

In a statement, it accused the Stability Support Authority (SSA) of "unlawful killings, arbitrary detentions, interception and subsequent arbitrary detention of migrants and refugees, torture, forced labour, and other shocking human rights violations".

Amnesty said the group had been emboldened by a climate of "entrenched impunity".

The SSA, created under a decree by former prime minister Fayez al-Sarraj in January last year, is led by Abdel Ghani al-Kikli, one of the most powerful men in the North African country's capital.

Amnesty said al-Kikli, known as "Gheniwa", had been appointed despite a "well-documented history of crimes under international law and other serious human rights violations committed by militias under his command".

Libya plunged into violent lawlessness in 2011 with the NATO-backed revolt that toppled longtime dictator Moamer Kadhafi. Armed groups have vied for control of territory as a string of interim governments have come and gone.

Many such groups have been integrated into the state, partly in order to access a share of the country's vast oil wealth, and rights organisations have often accused them of abuses.

Since March the country has again found itself with two rival governments.

Amnesty said it had written to Libyan authorities last month to demand that al-Kikli and his former deputy Lotfi al-Harari be removed from "positions that would allow them to commit further violations, interfere in investigations or grant them immunity".

It said it had not received any response.

Harari now heads the Tripoli-based Internal Security Agency, another militia Amnesty accused of "crimes and human rights violations".

"Legitimizing abusive militia leaders and putting them on state payroll with no questions asked only empowers them to continue trampling on the rights of more people with complete impunity," said Amnesty's regional director Diana Eltahawy.

Last month Amnesty said armed groups affiliated with eastern Libya strongman Khalifa Haftar were detaining at least nine "peaceful protesters," reflecting how rights have been "brutally crushed" in areas under the control of Haftar-affiliated forces.

United Nations investigators said in March that serious rights violations including possible crimes against humanity were continuing with impunity across much of Libya, blocking the country's transition to peace and democracy.

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

UNHCR, States vow to step up support for solutions for those displaced by Central African crises (ReliefWeb)

April 28, 2022

A new declaration calling for more concerted action to help nearly 1.4 million displaced Central Africans has been signed after a key regional conference organized by the Government of Cameroon and UNHCR, the UN Refugee Agency.

Speaking at the three-day ministerial conference in Yaounde, which ended Wednesday, UN High Commissioner for Refugees Filippo Grandi said the aim of the conference was "to create a positive regional dynamic in the search for solutions for Central Africans refugees."

"This must be done in a large alliance of governments, aid communities, businesses, development actors, civil society, private sector groups and, crucially, the refugees themselves, in particular women," he added.

The Yaounde Declaration marks the first step towards the establishment of a regional coordination mechanism for advancing solutions to one of Africa's largest displacement crises.

Since 2013, the CAR has experienced successive crises affecting six neighboring countries that today host around 700,000 refugees. Cameroon has received the largest number of refugees (345,000), followed by the Democratic Republic of the Congo (212,000), the Republic of Chad (119,000), the Republic of Congo (29,000), Sudan (28,000) and South Sudan (2,500).

Speaking of the challenges of hosting large numbers of refugees, Prime Minister Joseph Dion Ngute of Cameroon said that despite the efforts States were making, the economic context was difficult. Hence, "the necessity to pool efforts in a framework of a regional approach to define global and concerted solutions to obtain better results."

The parties to the Declaration agreed to "establish a regional cooperation framework to strengthen protection and the search for solutions for persons forcibly displaced by the Central African crisis with the support of the international community."

In reference to the 2019 peace accord and the recommendations of the March 2022 Republican Dialogue, in which refugees and internally displaced people participated, the signatories of the Declaration further committed to "support the ongoing reconciliation process in the Central African Republic and urge for the effective participation of forcibly displaced persons and returnees."

Represented by Ministers and senior government officials, the countries of asylum committed to enhancing refugee protection and promoting their socio-economic inclusion while they wait for conditions to improve so that they can return home.

These solutions include the removal of legal barriers to employment opportunities, training, and access to social services. In the declaration, the signatories agreed to integrate refugees in national registration systems, “facilitate the issuance of civil documentation and to ensure their recognition by public and private services and financial institutions.”

Despite the challenges, opportunities for return exist. Over 100,000 Central African refugees have already returned home spontaneously, while between 2017 and 2021, UNHCR facilitated the voluntary repatriation of 27,000 refugees. In addition, 60,000 internally displaced people have also been able to return.

However, as these efforts have occurred in isolation, the Conference agreed to establish a coordination mechanism for solutions with support from UNHCR, which has three such regional instruments in place: for the Afghan crisis; in Central America and Mexico; and in the East and Horn of Africa.

Virginie Baikoua, CAR’s Minister for Humanitarian Action, thanked partners for their support and reassured them of her country’s determination to restore peace and stability. Organized under the aegis of the President of the Republic of Cameroon, the Regional Ministerial Conference on Solutions in the Context of Forced Displacement Related to the Central African Crisis brought together 300 participants: donors, the UN, development and humanitarian partners, the private sector, as well as refugees. Representatives from the European Union and the Economic Community of Central African States indicated their support.

Before attending the conference, Grandi met Central African refugees in Yaounde, who welcomed the focus on their situation. A community leader told him that the refugees want to be considered as development facilitators, not a burden.

Central African Republic: Abuses by Russia-Linked Forces (Human Rights Watch)

May 3, 2022

Forces in the Central African Republic, whom witnesses identified as Russian, appear to have summarily executed, tortured, and beaten civilians since 2019, Human Rights Watch said today. National authorities, the country’s Special Criminal Court (SCC), or the International Criminal Court (ICC), should investigate these incidents as well as other credible allegations of abuse by Russia-linked forces with a view to criminal prosecution.

Several Western governments, and United Nations experts and special rapporteurs have found evidence that the forces linked to Russia operating in the Central African Republic include a significant number of members of the Wagner Group, a Russian private military security contractor with apparent links to the Russian government. On April 15, the United Nations announced it would investigate the circumstances in which at least 10 people were killed in the northeast, with some initial reports alleging Russian forces may have been involved.

“There is compelling evidence that Russian-identified forces supporting the Central African Republic’s government have committed grave abuses against civilians with complete impunity,” said Ida Sawyer, crisis and conflict director at Human Rights Watch. “The failure of the Central African Republic government and its partners to forcefully denounce these abuses, and to identify and prosecute those responsible, will most likely only fuel further crimes in Africa and beyond.”

Between February 2019 and November 2021, Human Rights Watch interviewed 21 people in person and 19 others by phone, including 10 victims and 15 witnesses, about abuses they said were committed by men with white skin speaking Russian, a language the witnesses recognized. Witnesses said that the men were carrying military-grade weapons and wearing beige khaki clothes, scarves to cover their faces, military boots, gloves, and sunglasses.

In August 2018 the Central African Republic and Russian authorities signed an agreement under which “primarily former military officers” from Russia, also called “specialists”, would train Central African Republic forces. Russia-linked forces in the Central African Republic do not wear a designated uniform with official insignia or other distinguishing features.

Twelve people spoke about an incident on the morning of July 21, 2021, in which apparent Russian-speaking forces killed at least 12 unarmed men near the town of Bossangoa. Human Rights Watch obtained the names of those killed from the United Nations and others who knew the victims. Bossangoa officials said the Central African authorities concluded that 13 people were killed in the attack.

Witnesses said that men speaking Russian set up a roadblock, stopped the men, beat, and shot them dead, and then put at least eight of the bodies in a shallow hole next to the road. On August 2 the government said that it would set up a special commission of inquiry to establish responsibility and take appropriate measures. On October 27, in a joint statement, 16 UN Working Group experts and special rapporteurs referred to the special commission finding earlier that month that “Russian instructors” had committed human rights and laws of war violations. However, the commission has not published its findings.

Human Rights Watch also spoke with six men who said that Central African army forces accused them and fifteen other men of being rebels and unlawfully detained them for several days or weeks between June and August 2021 in inhuman conditions in an open hole at a national army base in Alindao, in Basse Kotto province, in the south. They said both national army and Russian-speaking forces beat five of the men and that both forces may have executed two who were rebel combatants. Human Rights Watch was unable to independently verify the allegations of extrajudicial executions.

Human Rights Watch also documented cases of detention and torture by Russia-linked forces in Bambari in 2019.

The UN says the first training conducted by “Russian instructors” of Central African forces concluded on March 31, 2018, since when Russia-linked forces have remained in the country. Reports of abuse by these forces first surfaced in media reports in February 2019, and the UN later reported on abuses by these forces in 2020 and 2021. In July 2018 three Russian journalists making a documentary in the country on the presence of the Wagner Group were murdered, but their killers have not been found.

Former Prime Minister Henri-Marie Dondra, who stepped down in early February 2022, has said that “there is no contract” between his country and “a Russian private security company.... only a military cooperation agreement with Russia.” The current Russian security adviser to President Faustin-Archange Touadera also told Human Rights Watch in November that Russia-linked forces in the Central African Republic had no connection to the Wagner Group. On May 1, Russian foreign minister Sergei Lavrov in an interview with an Italian news channel acknowledged that the Wagner Group “provides security services” to the Malian government and that “this private military company has [also] been invited by the Libyan authorities on a commercial basis, like in Mali.”

However, the European Union, France, and the United States, as well as the UN Panel of Experts on the Central African Republic, and UN Working Group experts and special rapporteurs have all reported that the Wagner Group is operating in the country.

The EU has concluded that its personnel are an integral part of the Russian authorities’ presence in the country, saying that as of late November 2021, “most” Central African Republic army units were “operating under [the] direct command or supervision [of] Wagner Group mercenaries.”

The US Treasury Department describes the Wagner Group as a “Russian Ministry of Defense proxy force” which it says is “believed to be manage[d] and financ[ed]” by a Russian oligarch reportedly close to Russian President Vladimir Putin. The Treasury Department has imposed sanctions on eight “entities and individuals” it says are working to advance Russia’s influence in the Central African Republic.

The EU has also sanctioned a number of other individuals involved in the Wagner Group’s activities, including in current operations in the Central African Republic, Libya, and Syria. Media organizations have also reported that the Group is active in Mali, and in the current fighting in Ukraine, for which the UK has also sanctioned the group. In February 2022 the African Union’s Commissioner for Political Affairs, Peace and Security said he wanted to “completely exclude mercenaries from our continent”.

On April 26, Human Rights Watch wrote to the Central African government and to the Russian foreign minister to present its findings and request information relating to any status of forces agreement between Russia and the Central African Republic and to the presence of Wagner operatives in the country. Human Rights Watch also asked the Central African government about the special commission’s findings. There has been no reply.

National judicial authorities, the country’s Special Criminal Court, a hybrid war crimes court based in Bangui, and the ICC all have jurisdiction over serious crimes committed in the country. Credible allegations of abuse, including potential war crimes, by Russia-linked forces or private security personnel in the country should be investigated and prosecuted, Human Rights Watch said. Russia should fully cooperate with such an investigation.

“The Central African government has every right to request international security assistance, but it can’t allow foreign forces to kill and otherwise abuse civilians with impunity,” Sawyer said. “To demonstrate its respect for the rule of law, and to put an end to these abuses, the government should immediately investigate and prosecute all forces, including Russia-linked forces, responsible for murder, unlawful detention, and torture.”

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Sudan & South Sudan

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

Sudan Revolutionary Front - 'There Is No Stability Without the Extradition of Criminals' (All Africa)

April 21, 2022

The chairman of the Sudan Revolutionary Front (SRF), El Hadi Idris, has renewed his party's commitment in extraditing violators of human rights to the "International Criminal Court or the Special Court on the Crimes of the War in Darfur", as per the criminal extradition clause in the Juba Peace Agreement.

In an interview with Radio Dabanga, the chairman stated, "there is no value to Juba Peace Agreement, without adhering to its extradition clause". He went on to add, "there is no transitional justice, democratic transition, or stability without extradition".

El Hadi, who was the former leader of the Sudan Liberation Movement-Transitional Council, succeeding Minni Minawi as chairman of the SRF in 2019, stated that the "dialogue around extradition needed to be continued among other parties".

Analysis-Under Military's Watch, Sudan's Former Ruling Party Making a Comeback (US News/Reuters)

By Khalid Abdelaziz and Nafisa Eltahir

April 22, 2022

Since Sudan's military staged a coup six months ago many former allies of toppled autocrat Omar al-Bashir have been allowed to rejoin the civil service while others have been freed from jail in an apparent push to form a government and reassure donors.

The rehabilitation of the Islamist National Congress Party (NCP), which ruled Sudan under Bashir before he was ousted by a popular uprising in 2019, comes amid a worsening economic crisis and ongoing street protests demanding a return to civilian rule.

At a news conference on Monday, members of several Islamist factions, including the NCP, inaugurated a "Broad Islamist Current" to signal their formal return to politics.

Meanwhile, officials heading up a taskforce appointed to dismantle Bashir's system of wealth and patronage have been imprisoned.

Pro-democracy groups that helped overthrow Bashir but were forced out of a power-sharing arrangement by the coup fear a return of the autocratic rule they have struggled to consign to history.

Important regional powers including Egypt and Gulf states have sought to roll back the influence of the Muslim Brotherhood internationally and might be uneasy at the revival of Sudanese Islamist networks. But they may still see Sudan's military as their best ally in a fragile and strategically located country.

"Sudan has an existential crisis," said Amani al-Taweel of the Egyptian state-controlled Al Ahram Center think-tank. "Everyone is concerned because of the threat to the Red Sea, the Sahel, and Sudan's ability to become a centre for terrorism."

Domestically, Islamists remain discredited by their dominant role under Bashir, so the move to rehabilitate them could prove unpopular.

But diplomats and analysts see the military's outreach as a step to assemble a civilian political base in an attempt to build a case for badly-needed foreign financial support suspended after the coup.

Western states and international lenders have said a credible civilian government is a prerequisite for restarting financial support, but the military has yet to name a prime minister.

On April 15, General Abdel Fattah al-Burhan, who led the coup, hinted at softening Sudan's state of emergency and other steps demanded by Western countries and Sudanese political parties. But pro-democracy groups accused Burhan of insincerity, noting arrests of protesters the same day.

'Unholy Alliance'

After Bashir seized power via military coup in 1989, Sudan became a hub for political Islam, though radical Islamist influence receded as he sought to mend international relations.

The Muslim Brotherhood-linked NCP remained in power through civil war and economic decline until his overthrow.

Protesters, who have continued to stage anti-military rallies during the Muslim fasting month of Ramadan, suspect Islamists of trying to team up with the military to regain power.

"The coup and its supporters are uniting now in an unholy alliance...to return our country to tyranny and corruption, and misery and suffering," Omer Eldigair, leader of the pro-democracy Sudanese Congress Party, said this month.

Bringing back the Islamists alongside ex-rebels and other pro-military factions could stoke political tension and has already contributed to bureaucratic paralysis, said Suliman Baldo, director of the Sudan Transparency and Policy Tracker.

A top NCP official did not respond to requests for comment.

A senior official source denied that there was any alliance with Islamists, saying the military is seeking to achieve a "broad national consensus" excluding the NCP.

Burhan said on April 15 that some reinstatements would be reviewed and leaders of the taskforce which ordered the dismissals and confiscation of NCP-linked assets could be released. Rehabilitation

But the unofficial rehabilitation of the NCP appears to have accelerated.

A special court in recent months has returned scores of bureaucrats to the central bank, judiciary, public prosecutor, prime minister's office, foreign ministry and state media, among others.

Foreign Ministry sources say some returning diplomats have been assigned to lead missions abroad, while the civilian-appointed head of the state broadcaster was replaced last week.

In March, about 1,000 accounts frozen by the taskforce were unfrozen, before being refrozen two weeks later under central bank orders seen by Reuters.

NCP leader Ibrahim Ghandour, acquitted of crimes against the state and freed from jail earlier this month, has repeated military leaders' description of the Oct. 25 coup as a "corrective" measure.

"What we are looking forward to now is agreeing on a system and civilian government for the transitional period to take us towards free and fair elections," Ghandour told Al Jazeera, raising opponents' concerns that NCP members and their allies are eyeing polls expected next year. Ghandour could not be reached for comment.

Although the NCP was outlawed in 2019 after Bashir's fall, opponents have voiced fear that Islamists could soon be back in influential positions in the machinery of state and possibly running in elections in a different guise.

Nasredeem Abdulbari, who served as justice minister in the transitional government before the coup, said the military had been ambivalent towards Islamists and had done little to weed them out from the security services.

"They wanted us (the transitional government) to do the same - let everyone remain in their positions and start from there, and for us that was impossible because you cannot build a new state if you don't dismantle the old regime," he told Reuters.

Bashir remains in detention, though footage of him walking around a hospital where he was moved on grounds he was too ill for prison has stirred anger on social media.

Darfur: Why are Sudan's Janjaweed on the attack again? (BBC)

By Mohanad Hashim

April 26, 2022

A major city in Sudan's Darfur region has been under fierce attack - days after thousands of people arrived there seeking safety after their own town was set ablaze by horse-riding Arab militias known as Janjaweed.

"For the first time in Geneina's history, the hospital has been completely evacuated. All health institutions in the city are closed," the country's Central Committee for Sudanese Doctors says on Twitter.

Even during the height of the Darfur conflict that started in 2003 - a war that has left about 300,000 people dead and more than two million homeless - Geneina's hospital in West Darfur kept operating.

An aid worker in Geneina told the BBC that he and his colleagues were staying at a safe house and gunfire could be heard across the city.

Many families who already live in camps in the south of the city after fleeing from the Janjaweed in the past are panicking and leaving their makeshift accommodation.

The recent violence began 80km (50 miles) east of Geneina in Kreinik on Friday and more than 200 have been killed in clashes.

What sparked the clashes?

The fighting was caused by a dispute between Arab nomads and members of the Massalit community, who have clashed over land for decades.

It began after two Arab nomads were killed near Kreinik, a town that has become home to many displaced ethnic black Massalit communities over the last two decades - people who were driven from their rural villages by Janjaweed raids.

In retaliation for the nomads' deaths, early on Friday morning Arab fighters raided Kreinik, leaving nine people dead and 16 injured.

Then on Sunday, a more co-ordinated attack was launched, this time backed by Sudan's Rapid Support Force (RSF), a paramilitary force that grew out of the Janjaweed.

The attackers arrived in 4x4 vehicles mounted with machine guns, known as "technicals", motorbikes, camels and horses, a statement issued by the Kreinik Voluntary Youth group said.

An unverified video shared on social media shows a large group of Arab fighters on pick-up trucks and motorcycles as they set on their way to attack. Men in RSF fatigues could be seen in the clip.

The town was set alight and local sources said schools and clinics were not spared - six teachers were killed in the raid.

A hospital supported by the medical charity Médecins Sans Frontières (MSF) was targeted.

"Three people, including two medical workers, were killed. The hospital's pharmacy was also looted," MSF said in a statement.

Why didn't the security forces stop the attack?

For many years, UN peacekeepers were trying to keep the peace, but they withdrew at the end of 2020 after their mandate expired - their presence resented across the divides. But even when they were deployed, they would not have been able to stop an attack of this ferocity.

Maintaining peace and security in Darfur is now supposed to be carried out by a joint force made up of the police, army, the RSF and the rebel groups which signed a peace deal in 2020. But behind the scenes - they are all have competing ambitions and in no way represent a united front.

For example, the police have many non-Arab Massalit members and the RSF has many former Janjaweed members - some of whom have been caught up in the recent fighting. The local unit tasked with protecting Kreinik withdrew from its positions before the attack, according to local activists.

Why did the fighting spread to Geneina?

The Janjaweed and RSF were chasing a group of fighters from Kreinik to Geneina - and it led to the rampaging of the hospital and general chaos as ethnic tensions flared.

Geneina is the traditional capital of the Massalit kingdom - a symbol of black power in Darfur, so is viewed with disdain by the Janjaweed, who have been accused of ethnic cleansing in Darfur.

Conflict first erupted in Darfur in 2003 when mostly non-Arabs took up arms against the government, complaining about discrimination and a lack of development.

The government retaliated by mobilising Janjaweed to fight the rebels, unleashing violence that caused global outrage that led to the deployment of peacekeepers and international arrest warrants.

It is the third time Geneina has come under attack since 2019 - a time of change for the country as Omar al-Bashir was ousted as president after nearly 30 years in power. In March this year violent clashes left dozens dead and injured as well as several villages burnt in the Jebel Moon area to the north of Geneina.

Darfur is rich in gold - and there are accusations Janjaweed incursions are part of attempts to gain control of more land for prospecting.

Adam Rajal - a spokesman for the IDPs Co-ordination Committee, a group that liaises between all the camps for those who have fled their home since 2003 - suggests it is also an attempt to dismantle the camps.

He implies that perpetrators of alleged war crimes in Darfur are worried by the fate of a former Janjaweed leader whose trial has recently begun at the International Criminal Court (ICC).

Ali Muhammad Ali Abd-al-Rahman, also known as Ali Kushayb, denies charges of committing crimes against humanity. He is the first person to be tried by the ICC over the conflict - and Bashir too is wanted by the court for war crimes and genocide, which he denies.

"The target is to depopulate towns and dismantle the camps... these IDP camps are the most visible proof of the crimes of genocide, ethnic cleansing, crimes against humanity and the war crimes perpetrated by the previous regime," says Mr Rajal.

Why is the RSF so powerful?

The governor of Darfur's regional government Minni Minawi, a former rebel leader, has accused the authorities in Khartoum of not doing enough to rein in the RSF.

But the paramilitary force wields a lot of power in the junta, and its leader Lt-Gen Mohamed Hamdan "Hemeti" Dagolo, is Sudan's deputy leader.

Originally a Chadian Arab, he grew up in Darfur - and has expanded the RSF's membership to include fighters from across the country.

Observers say he is also using the inter-communal violence in Darfur to further his political ambitions.

The Janjaweed has long been accused of recruiting Arab fighters from Chad and other Sahel countries - encouraging them to bring their families as part of attempts to change the political constituency in Darfur.

Gen Hemeti has never commented on the allegations or on the recent violence in West Darfur, but in his public statements he calls for Darfur's diverse communities to live in peace.

Sudan: Tigrayan Ethiopian Blue Helmets in Sudan Apply for Asylum, Says Official (AllAfrica)

April 27, 2022

A group of some 550 Ethiopian United Nations peacekeepers working in Sudan have claimed asylum due to their Tigrayan background, an official working in the area of refugee response told Reuters newswire.

The blue helmets fear that they will be persecuted, after the Ethiopian Federal government launched an offensive in Tigray in November 2020, causing thousands to flee the region. Reports of arbitrary detention, extrajudicial killings and rape against Tigrayans have been documented by human rights groups.

Rights groups warn of 'war crimes' and 'ethnic cleansing' in Ethiopia's Tigray

UN reports record number of civilians killed in airstrikes across Ethiopia's Tigray region The soldiers, who number between 525 and 550, were stationed in Abyei, the contested area on the border between Sudan and South Sudan, according to the official who requested anonymity.

The Tigrayan blue helmets are currently in Kadugli, South Kordofan; UNHCR is planning to move them to a camp for Eritreans in Sudan's Gadaref state.

Fear, false imprisonment for being Tigrayan

After war broke out in late 2020, thousands of civilians and soldiers were rounded up and imprisoned in poor conditions without charges levied against them.

The federal government has asserted that the Tigrayan war is against the rebel Tigrayan forces loyal to the Tigray People's Liberation Front (TPLF), which controls the region, not Tigrayans themselves.

However, the state-sponsored rights commission said in 2021 that thousands of Tigrayans were detained, including the elderly, as well as nursing mothers and babies.

TPLF were once the main party in national politics.

This is not the first time Tigrayan peacekeepers serving in UN missions in neighbouring Sudan have sought asylum.

At Long Last, the First International Criminal Court Trials on War Crimes in Darfur (Australian Outlook) By David Dorward

April 28, 2022

Sudan came to independence in 1955, at the time the largest country in Africa. Yet it had never been a unitary state. Instead, power was concentrated in a small political elite in the capital, Khartoum. Over decades of British colonial rule, Sudan had been administered as three quite distinct cultural regions. First, various Muslims groups who saw themselves as "Arabs," living along the Red Sea and the lower Nile Valley. Second, the diverse non-Muslim Nilotic African tribes in the South. A third region could be found in the West, in what had been the precolonial sultanate of Darfur, the Fur and other African Muslim peoples.

Despite its strategic location on the Red Sea, Sudan remained a backwater until the discovery of oil in the south in 1978. Sudan became a prime example of the "resource curse," as oil revenue fuelled power struggles, ethnic clashes, and corruption.

General Omar al-Bashir and the National Islamic Front, led by Hassan al-Turabi, came to power in a coup in 1989. They established a repressive regime based on oil-revenue patronage and Islam as a vehicle for Sudanese nationalism. The Islamisation policy increased tensions and eventually led to war against the non-Muslim peoples of southern Sudan.

The civil war with the south spilled over into Darfur, where drought had led to clashes between Fur farmers and nomadic "Arab" camel herders over access to pasture and watering sites. The al-Bashir regime supported the migratory Arab pastoralists in divide-and-rule ethnic politics. By 2003, opposition in Darfur had mobilised behind two competing rebel groups, the Sudan Liberation Movement (SLM), supported by Muammar Gaddafi of Libya, and the Justice and Equity Movement (JEM), with a more radical agenda for greater local autonomy, human-rights, and revenue-sharing within Sudan. Both were fighting for a seat at the oil revenue negotiating table, a direct challenge to the central government in distant Khartoum.

In January 2005, a peace accord, brokered by the United States, the United Nations (UN), and the African Union, agreed to divided oil revenue equally between the central government in Khartoum and a semi-autonomous regional government in southern Sudan. However, the agreement marginalised Darfur, denying the region a direct share of oil revenue.

The al-Bashir government armed local "Arab" militias, the Janjaweed, in their attempts to suppress the Darfur rebellion. Various international human rights organisations documented accusations of ethnic cleansing by both the Janjaweed and government forces. Civilian casualties numbered in the hundreds of thousands.

The oil agreement broke down, and protracted civil war eventually led to the independence of South Sudan in 2011. The relationship has been marked by ongoing disputes over oil-revenue sharing — 75 percent of the oil comes from South Sudan but is piped northward through Sudan to a port on the Red Sea.

The Sudan is not a party to the 1998 Rome Statute establishing the ICC, but in 2005, the UN Security Council referred several prominent Sudanese to the ICC for alleged war crimes and crimes against humanity during the war in Darfur. While a number of those initially accused, including members of the rebel Sudan Liberation Movement (SLM), have subsequently died, the ICC has outstanding warrants against five individuals.

First, and most prominent is Omar al-Bashir, former president of Sudan. In 2009, he became the first head of state to be charged with genocide. Second is Ahmed Harun, formerly security chief and governor of Southern Kordofan state. Third, Abdel Raheem Mohammed Hussein, former defence and interior minister during the worst period of the atrocities in Darfur. Fourth, Ali Mohammed Ali Add-Rahman, also known as Ali Kushayh, the former leader of the pro-government Janjaweed militia. Finally, Abdallah Banda Abakaer, the leader of rebel Justice and Equity Movement (JEM) in Dakar, who was charged

with war crimes over a 2007 attack on a UN-African Union peacekeeping mission.

In 2018 and 2019, peaceful protest movements erupted across Sudan over rising costs of living, political oppression, corruption, and demands for government reform. On 11 April 2019, the al-Bashir government was overthrown in a coup by military officers seeking to retain their power and privileges. The military refused to negotiate with protest leaders and on 3 June 2019, fired on protesters outside the military headquarters in Khartoum. Following international protests, a power-sharing agreement led to the formation of a civilian-led transitional government, pending a proposed national election. Al-Bashir and 27 former officials were set to stand trial over the 1989 coup. The transitional government signed the Juba Peace Agreement with both the Justice and Equity Movement (JEM) and the Sudan Liberation Movement (SLM), bringing them into the transitional government, and proposed a special court on crimes in Darfur and cooperation with ICC. The military were accused of plotting several coups and refused to cooperate. However, a key factor in military opposition to the transitional government was undoubtedly the move to reclaim public assets distributed as patronage under al-Bashir.

On 25 October 2021, army chief General Abdel Fattah al-Burhan staged yet another coup, detaining members of the transitional government and establishing an overarching military Sovereign Council. Many former al-Bashir functionaries were restored to office, sporadic state-sponsored violence resumed in Darfur, and reforms, such as efforts to reclaim public assets, were abandoned. Many of the former Janjaweed militia responsible for atrocities in Darfur were recruited into the feared Rapid Support Forces commanded by strongman General Mohamed Hamdan Dagalo, the deputy leader of the military government. Nevertheless, the United States agreed to lift sanctions against Sudan after it agreed to normalise relations with Israel in 2021. Popular protests have continued and been met with brutal armed oppression. Ordinary people continue to suffer, and annual inflation hit 300 percent in February 2022.

The ICC does not try individuals in absentia. While the military Sovereign Council signed a memorandum of understanding in June 2021 giving the ICC access to Sudan, it has effectively stalled the transfer of al-Bashir and his two former ministers to the ICC. Many in the current military government fear ICC trials may implicate them in crimes against humanity.

The former JEM rebel leader, Abdallah Banda Abakaer, had a pretrial hearing in 2014, but subsequently disappeared and remains at large. Only Ali Mohammed Ali Add-Rahman (Ali Kushayh), the former leader of the pro-government Janjaweed militia who was living in exile in the Central African Republic, has surrendered himself to the ICC, doing so in June 2020. He feared extradition to Sudan, a trial under the transitional government, and a potential death penalty. His pretrial hearing was in May 2021. After the military coup in October, he filed an appeal, which was rejected in November. His trial, the first ICC trial for crimes in Darfur, commenced on 5 April 2022 in The Hague. He has pleaded not guilty to all 31 counts of war crimes and crimes against humanity, initially claiming “mistaken identity.”

The evidence against Ali Kushayh in an open court may increase pressure on the military junta in Sudan to hand over the others they hold in custody, but that is unlikely.

West Darfur: Health workers, children, among 200 killed in ‘senseless and brutal attacks’ (UN News)

April 28, 2022

Nearly 200 civilians were killed over the past six days alone in renewed clashes between the Arab Rzeigat and African Masalit communities, around the town of Kereneik.

Two health facilities were also attacked, and thousands of displaced people have sought refuge in the town’s military compound.

Respect health workers, facilities

The two health workers were killed when armed gunmen attacked two hospitals in Kereneik and the state capital, El Geneina, this past weekend.

WHO said these attacks were a major violation of international law, and called for the neutrality of health workers, health facilities and patients, to be respected.

The UN agency added that during the holy month of Ramadan, parties to the conflict should respect the core values of mercy, respect, trust and solidarity.

“Healthcare workers providing life-saving care to injured civilians are already overwhelmed and should not be at risk of intimidation or attack,” said Dr. Al-Mandhari.

‘Children are not a target’

At least 21 children, including an 11-month-old baby, were reportedly killed in the violence, the UN Children's Fund (UNICEF) said on Thursday.

Adele Khodr, UNICEF Regional Director for the Middle East and North Africa, underlined that "children are not a target" in hostilities.

"The killing of children is a grave violation of their rights. Nothing justifies killing children. We renew our appeal for peace and call on the authorities in Sudan to protect children in Darfur and across Sudan from harm and violence at all times," she said.

Investigate the attacks

Meanwhile, the UN High Commissioner for Human Rights has called for an investigation into the attacks and urged the Sudanese authorities to take urgent steps to prevent further outbreaks of communal violence in West Darfur.

Michelle Bachelet was appalled by reports of the killings, injuries and displacement, according to a statement issued on Wednesday. "I am concerned that this region continues to see repeated, serious incidents of intercommunal violence, with mass casualties. While initial measures taken by the authorities to calm tensions are welcome, I urge the authorities to address the underlying causes of violence in this region and fulfil their responsibility to protect the population," she said.

Ms. Bachelet called for immediate action, including to assist the wounded and to facilitate humanitarian assistance for the displaced.

"I call on the Sudanese authorities to conduct prompt, thorough, impartial and independent investigations into these attacks and hold all those responsible to account in accordance with international human rights law. The victims and their families have a right to effective remedies," she said.

The human rights situation in Sudan has continued to deteriorate since the military coup in October 2021, according to her Office.

The High Commissioner urged the Sudanese authorities to take credible steps to create an environment conducive to an inclusive political settlement that would put the democratic transition back on track.

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Democratic Republic of the Congo

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Congo-Kinshasa: In Kasai, Justice Against All Odds (All Africa)

By Joseph Mbuyi
April 21, 2022

In the Democratic Republic of Congo, this is the third war crimes trial of former members of the Kamuina Nsapu militia. On April 19, seven former members of this rebel movement were convicted for war crimes committed in 2017 in Kasai Central province. The military court showed the same determination to go to the affected communities, this time in particularly trying conditions.

People who travel this stretch of road call it the "stations of the cross". It connects Kananga, capital of Kasai Central province, to the town of Bana ba Ntumba. It took the delegation from Kananga garrison military court, lawyers, seven defendants and their military guards two days to travel only 180 kilometres in a large Russian-made Camaz military truck. They left on Saturday, April 9, and arrived on April 11 at midnight. It was a real ordeal, owing to the dilapidated state of the road, but that did not discourage the judicial convoy. From April 12 to 19, the town of Bana ba Ntumba, southwest of Kananga, hosted the mobile court hearings in the war crimes trial of former members of the Kamuina Nsapu militia, after a first hearing in Kananga on April 8.

The violence in question occurred in May 2017, during deadly clashes between the Kamuina Nsapu movement and the DRC

armed forces. Kamuina Nsapu was a nebulous group of militias established in the different territories and provinces of the Kasai, which claimed to be part of this movement but were not necessarily all linked from an organizational point of view.

In this trial in the territory of Dimbelenge, on the edge of Kasai Central, there are 255 civil parties. The seven defendants present - two others are still at large - are being prosecuted for the war crimes of murder, beheading and torture, as well as participation in an insurrectional movement, criminal association, and terrorism. The attacks affected several villages, including the locality of Bana ba Ntumba, where the court decided to go.

Death penalty

The population of this large town lives mostly from the land. Most of the local youth are artisanal diggers in search of diamonds. There are not many buildings with metal roofs, except for the Catholic church.

The defendants present - Ngalumulume Mbombo wa Mesu alias Sadam, Martin Lumpungu Kasongo alias Tshidibuelele, Kabalenge Kabalenge, Evariste Tshibaka Mukengeshayi, Jean Muenyi Badipu, Mupenda Tshielela alias Kester, and Pierre Katanga Sewudi Mbelu - all pleaded not-guilty. At the hearing, a video of the execution of a victim was shown in which one of the defendants, Martin Lumpungu, appeared to be in command of the militiamen, calling them to order. In his closing arguments, the first prosecutor, Lieutenant-Colonel Papy Yumembuli, requested the death penalty for all the defendants. The civil parties demanded damages equivalent to \$22,000 for the harm suffered.

The tension was palpable in Bana Ba Ntumba, and on the morning of April 19, the military tribunal decided to render its judgment that evening, although it had been announced for the following day. The population rushed to attend the historic judgment. The judges found no mitigating circumstances, and consequently sentenced the seven men "to death", announced the president of the tribunal, Lieutenant-Colonel Jean-Claude Nawej (the death penalty exists in the DRC, but is not applied). The two absent defendants received the same sentence, in absentia. This met with joy for some and sadness for others: tears for the families of the convicted, and jubilation in the other ranks.

Three trials in a year

The defence lawyers immediately appealed. "The court found the statements of the alleged victims enough to convict the defendants, even though there was insufficient evidence. That is why the defendants have appealed and hope this judgment will be overturned," explained lawyer Alidort Mampuya. But the civil parties said the defendants deserved an exemplary punishment. "Never again," said one of the lawyers for the victims' families. "The judge, who was independent, only said what was right."

As if remembering the sad times they lived through and ready to attack the convicts, a group of young people followed the delegation to the edge of the town. But it set off, for more long hours of muddy track, in which it would probably get bogged down. This was the second trial in Kasai Central on the 2017 violence. The first war crimes trial was held in the province in March 2021, in which a former Kamuina Nsapu leader was convicted and sentenced to life imprisonment. In October 2021, another trial of Kamuina Nsapu militiamen took place in the neighbouring province of Kasai. Two former members of the movement were convicted, one of whom was sentenced to death.

AU, UN endorse new regional peace bid in DR Congo (The East African)

By Aggrey Mutambo

April 26, 2022

The African Union and the United Nations have backed an eastern Africa initiative to bring peace to the Democratic Republic of Congo (DRC), boosting chances for a local solution to the conflict.

Both the continental body (AU) and the UN say they support the latest bid by the East African Community (EAC) to bring armed groups to dialogue with the government in Kinshasa, as well as formation of a regional force to counter rebel groups who will refuse to negotiate for a political solution.

Moussa Faki Mahamat, the Chairperson of the AU Commission, said on Tuesday he supports the initiative that came out of the Second Heads of State Conclave on the Democratic Republic of Congo (DRC), in Nairobi, "particularly the decision to immediately deploy a regional force to restore peace and stability in the DRC."

"Furthermore, the Chairperson welcomes the convened 1078th meeting of the AU Peace and Security Council of 19 April 2022 on the outcome of the 10th Regional Oversight Mechanism Summit held in February 2022 in Kinshasa...

"and reaffirms AU's continued commitment, to the full implementation of the Peace, Security and Cooperation Framework Agreement for the DRC and the Region, as one of the guarantors of the Agreement," he said.

The Agreement is a 2013 document signed by DRC and all its neighbours—Angola, Burundi, Central African Republic, Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda, Zambia. They vowed to support institutional rebuilding in the DRC, including a decentralised but consolidated state authority, as well as a promise not to harbour rebel groups and war crimes suspects involved in conflicts in the DRC.

Most of that agreement has not been implemented.

But last week, Kenya's President Uhuru Kenyatta, the current chairman of the EAC, hosted a meeting with leaders who vowed to "immediately" create a regional force to deal with all armed groups who refuse dialogue. The actual troop contributors were not immediately named.

But first, the meeting—attended by Presidents Kenyatta of Kenya, Yoweri Museveni of Uganda, Felix Tshisekedi of DRC and Evariste Ndayishimiye of Burundi, and Rwandan Foreign Minister Vincent Biruta who represented President Paul Kagame—agreed to have armed groups hold dialogue with the government of DRC. Kenya offered to facilitate the travel and stay of the armed groups' representatives in Nairobi.

"Towards this end, the meeting directed that planning for such a force commence with immediate effect with the full consultation of relevant authorities in the region," said a joint communique issued after their meeting in Nairobi on Thursday.

"All armed groups in the DRC participate unconditionally in the political process to resolve their grievances. Failure to do so, all Congolese armed groups would be considered as negative forces and handled militarily by the region," the communique said.

On Saturday, Antonio Guterres, the UN Secretary General, said the UN "fully supports the initiative by the east African Countries to bring peace in eastern Democratic Republic of the Congo and the neighbouring countries." He spoke following a phone call with President Kenyatta last week.

Although both sides began talks on Saturday in Nairobi, there were clashes between a faction of the M23 group and government forces (FARDC), leading to the government to refuse dialogue with the group until they cease violence.

A dispatch from the meeting said the government accused the M-23 rebels based in Uganda of launching attacks in Bukasa, North Kivu.

"Consequently, the delegation revealed to the meeting that they have instructions to withdraw from any dialogue with the M-23 (Uganda).

"He nevertheless clarified the readiness to continue with the dialogue attended by other armed groups, other than the M-23 group based in Uganda. The allegations were quickly rebuffed by the representative of M-23 based in Uganda who in turn accused the Government of provocation," a dispatch said on Saturday.

At least 15 armed groups have been in dialogue with the government since last Friday. They include Gumino, Raia Mutomboki, FPDC, Twiraneho, UPSP and the three factions of the M23 group, which had earlier signed a peace deal with the government but which claim the deal was never honoured.

Nonetheless, the Kenyan government says gathering alone is a good step.

"The goodwill and enthusiasm demonstrated during today's deliberations will be given further impetus by the arrival of nine (9) more groups on 25th April 2022," said Macharia Kamau, Kenya's Principal Secretary in the Foreign Affairs Ministry.

"There is big optimism that the parties to the dialogue will contour with the proven dedication and commitment and that guarantees progress towards a durable solution."

Hundreds of abuses under DR Congo 'siege' measure (Borneo Bulletin)

April 28, 2022

Troops in eastern DR Congo have committed hundreds of abuses since the authorities declared a "state of siege" in the troubled region nearly a year ago, a United Nations (UN) document said.

Government forces are responsible for "at least 231 violations" of rights in one area of the region since the emergency measures were imposed last May 1, the UN Joint Human Right Office in DR Congo (UNJHRO) said.

The violations include "attacks on protected people and places," "abduction, recruitment and use of children," as well as sexual violence and torture, said the document seen by AFP. They were carried out in the territory of Masisi in North Kivu province

over the first nine months of the measure, it said.

The document comprises a diplomatic note called a “note verbale” that was sent to the DRC’s Ministry of Defence.

It was handed over in February, along with a 25-page annex.

Some of the abuses are “violations of international humanitarian law, constituting war crimes”, UNJHRO said.

Eastern Democratic Republic of Congo has been in the grip of armed groups for more than a quarter of a century, many of them a legacy of two regional wars.

The government in Kinshasa imposed the state of siege in North Kivu and neighbouring Ituri province in a bid to strengthen a flagging military crackdown on these groups.

Under the measure, senior civilian officials have been replaced by military or police officers. But violence in the two provinces remains unabated and rights activists fear important safety nets about accountability have been stripped away.

UNJHRO said the abuses were documented in Masisi territory, in North Kivu province, between May 6 last year and February 9, 2022.

It pointed the finger at members of the army’s 3410th regiment, which was stationed in the area at the time.

The bureau said it regretted that “no action has been undertaken to stop these violations... and hand over the suspected perpetrators to justice.”

Security sources in North Kivu told AFP that the 3410th regiment is currently deployed near the border with Uganda, where the armed forces are fighting M23 rebels. The region’s armed forces spokesman, Lieutenant-Colonel Guillaume Ndjike, told AFP that he was not aware of any accusations against the regiment.

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

ISWAP claims Nigeria bombing, says about 30 killed or hurt (Al Jazeera)

April 21, 2022

The Islamic State in West Africa Province (ISWAP) armed group has claimed responsibility for an explosion that it said killed or injured 30 people at a market where alcohol was sold in Nigeria’s Taraba state, marking an expansion of the area where the ISIL affiliate operates in the country.

The explosion took place on Tuesday in the rural town of Iware and local police initially said three people were killed and 19 injured. They could not immediately be reached on Thursday to comment on the ISWAP claim or casualty count.

In a statement posted late on Wednesday on a Telegram messaging channel used by ISWAP, the group described those who detonated the bomb in the market as “soldiers of the caliphate in central Nigeria”.

The statement said the attack had struck “a gathering of infidel Christians” and expressed satisfaction that the drinking spot had been damaged. It did not break down the casualty figure into dead and injured.

Northeast Nigeria has been in the grip of rebellions for more than a decade, but Taraba, located at the eastern end of Nigeria’s central region, has not witnessed such attacks before.

Across Nigeria, Africa’s most populous nation, there has been a rise in crime and violence, exacerbated by the economic hardship caused by the COVID-19 pandemic.

Armed robberies are rife and kidnappings for ransom have become increasingly common, while the country’s northwest has been hit by mass abductions of children from schools as well as indiscriminate attacks on towns and villages by armed gangs.

The worst and longest-running security crisis, however, remains the one in the northeast, where Boko Haram and ISWAP, which broke out of the former, have killed, abducted and looted on a massive scale while fighting against the Nigerian military.

BREAKING: Boko Haram Terrorists Storm Yobe Town, Kill Hotel Guests, Set School Ablaze (Within Nigeria)

By Afolabi

April 21, 2022

Rampaging Boko Haram fighters on Wednesday stormed Geidam, a town in Yobe state, and unleashed terror on it.

The sect members reportedly parked their motorcycles in a nearby community and entered the town secretly on foot through the east on Wednesday night without firing a single shot.

According to Daily Trust the insurgents set Government Science and Technical School Geidam ablaze, killing one person at the school quarters.

The gunmen also stormed ‘Kwari’, a popular brothel in Geidam, where they slaughtered 10 persons, both men and women, a resident who pleaded anonymity told the media outlet

“They took us by surprise this time around; they entered in silence without firing shots or using vehicles.” “Upon their entrance, they asked some of the residents to recite verses of the Qur’an before they either allowed them leave or get killed.”

Meanwhile, some residents are currently fleeing the town to avoid being trapped as was the case last year when the insurgents spent days in the community.

The Executive Chairman of Geidam Local Government, Ali Kolo, could not be reached for comments as of the time of filing this report, but his deputy, Musa Muhammed, confirmed the attack

Nigerian president says train attackers using hostages as shields (Al Jazeera)

May 3, 2022

Armed gangs who kidnapped dozens of passengers in an attack on a train in northern Nigeria are using civilians as human shields, making it difficult for the military to carry out a rescue mission, President Muhammadu Buhari said.

More than 150 people are still missing after the March 28 attack, according to the Nigerian Railway Corporation. Families of the abducted say there is no evidence of rescue efforts from the government.

In a statement on Monday, Buhari said the government, which has been criticised for not doing enough to rescue the passengers, was trying to avoid a “tragic outcome” in any rescue operation.

“They [the kidnappers] are using civilians as human shields, thereby making it difficult to confront them directly,” he said.

“It’s a delicate situation ... Any rescue operation that results in the death of any hostage cannot be deemed a success.”

Abductions have become a near-daily occurrence in northwest Nigeria, where armed gangs, locally known as bandits, abduct people for ransom.

The brutal nature of the attacks has increased insecurity fears in a country also grappling with the armed group Boko Haram

and its factions in the northeast and rising criminality around the country.

Seven dead in attack on Chibok community in northeast Nigeria (Al Jazeera)

May 4, 2022

Rebel fighters have killed at least seven people in an attack in northeast Borno State in Nigeria, witnesses have told The Associated Press.

The rebels attacked Kautukari village in the Chibok area of Borno on Tuesday evening, residents said on Wednesday. The attack happened at the same time that UN Secretary-General Antonio Guterres was in the state to meet with survivors of violence by the armed group Boko Haram.

The Chibok area is 115km (71 miles) from Maiduguri, the state capital, where Guterres met with former fighters being reintegrated into society and thousands of people displaced by the armed groups.

Chibok first came to the limelight when Boko Haram abducted more than 200 schoolgirls from the community's school in April 2014, leading to the viral #BringBackOurGirls campaign.

"They came in large number with superior firepower (and) took over the community," said Hassan Chibok, a community leader. Troops from a nearby military base were deployed to repel the attack but "the damage had been done," Chibok said, adding that "casualties are up to 10."

Another resident, Yana Galang, said at least seven people were killed in the latest violence before the Nigerian military intervened.

Nigerian police did not immediately respond to a request for confirmation of the attack.

Since 2009, Nigeria, Africa's most populous country, has been grappling with attacks in the northeast by armed groups like Boko Haram and its offshoot, the Islamic State West Africa Province (ISWAP). The groups are fighting to establish Sharia law and to stop Western education.

More than 35,000 people have died and millions have been displaced by the violence, according to the UN Development Program.

Nigerian President Muhammadu Buhari said earlier this week that the war against the groups is "approaching its conclusion", citing continued military attacks and the mass defection of thousands of the fighters, some of whom analysts say are laying down their arms because of infighting within the group.

The violence however continues in border communities and areas closer to the Lake Chad region, the stronghold of the Islamic State-linked group, ISWAP.

"Things are getting worse" in Kautukari village and adjoining areas closer to the forest, said community leader Chibok, saying the fighters' presence near the forest is a contributing factor.

UN chief asks for safe return conditions for Nigeria's displaced (Al Jazeera)

May 4, 2022

United Nations Secretary-General Antonio Guterres has called for the safe and "dignified" return of people displaced by conflict in northeast Nigeria, as local authorities close camps and urge people to go back to their communities.

More than 40,000 people have been killed and some 2.2 million people displaced by more than a decade of fighting in the region between the military and Boko Haram and its offshoot Islamic State West Africa Province (ISWAP).

During a Tuesday visit to a camp for displaced people in Borno state capital Maiduguri, the birthplace of Boko Haram, Guterres praised the local governor's development efforts.

Nigerian authorities are planning to close all camps for displaced people in Borno by 2026 – but aid agencies are concerned about security and conditions on the ground in some of the communities to which the displaced will return.

"Let's do what we have to do about humanitarian support to these camps," Guterres said.

"But let's try to find a solution for people, and that solution is to create the conditions, security conditions, development conditions for them to be able to go back home in safety and dignity."

Nigerian officials say they only return people to secure areas, with the goal of encouraging the resumption of farming and weaning people off humanitarian assistance.

Guterres also visited a rehabilitation camp for former armed fighters and called for more support for efforts to reintegrate them into society.

Thousands of Boko Haram fighters and their families have surrendered in recent months.

“I was amazed to see today in the centre [that] those that have been terrorists, they want to integrate in the society and contribute to society. And the policy that is in place here is a policy of reconciliation,” he said.

Before flying to Nigeria, Guterres went to meet displaced people and refugees in western Niger.

His regional tour is due to end on Wednesday.

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Mali

Attacks in Mali and Burkina Faso kill 21, wound dozens (Reuters)

April 25, 2022

Fifteen soldiers and six civilians were killed on Sunday in attacks in Mali and Burkina Faso, neighbouring West African countries struggling with deadly jihadist insurgencies, military and security sources said.

Suicide bombers drove cars packed with explosives into three military camps in central Mali before dawn, the military said in a statement. Six were killed and 15 wounded at the Sevare camp, and five were wounded at two other locations.

Across the border in northern Burkina Faso, simultaneous attacks on military detachments in Gaskinde and Pobe-Mengao in the early hours killed nine soldiers and six civilians, including two who were members of an armed self-defence group, the military said in a statement. About 30 were wounded in the two attacks.

Military juntas have snatched power in Mali and Burkina Faso in the last two years, promising to provide greater security than their democratically-elected predecessors.

But violent attacks on civilians and the army persist. The armed forces of both countries have been accused of abuses against civilians in their attempt to root out Islamist fighters from rural desert communities. [read more](#)

The trouble began in Mali in 2012 when Islamists took over the north. Forces from former colonial power France beat them back, but they regrouped and were soon carrying out attacks closer to the southern capital Bamako.

Within years, groups linked to al Qaeda and Islamic State spread and were wreaking havoc in Burkina Faso and Niger, despite international efforts led by France to stop them. Thousands have died and millions have been displaced.

The junta that toppled Mali's government in a 2020 military coup has sought the help of private fighters belonging to Russia's Wagner Group, accused of committing abuses in other countries and sanctioned by the European Union.

Mali and Russia have previously said they are not mercenaries but trainers helping local troops with equipment purchased from Russia.

The Russian government denies ties to the Wagner Group.

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Liberia

Liberia: Finnish Court Acquits Massaquoi of War Crimes Charges Citing “Reasonable Doubt” (Front Page Africa)

By Anthony Stephens
May 2, 2022

A court in Finland has acquitted Gibril Massaquoi, the former Revolutionary United Front commander in Sierra Leone, of all the charges in his year-long trial for war crimes and crimes against humanity during Liberia’s civil war between 1999-2003.

In an 850-page ruling judges of the District Court in the city of Tampere said prosecutors had failed to prove beyond a reasonable doubt that Massaquoi, 52, committed the crimes of rape, ritual murder, torture and recruitment of child soldiers during the war.

Kaarle Gummerus, Massaquoi’s lawyer, said his was “extremely relieved” by the judgement and is now waiting to see whether the prosecution decides to appeal the decision.

“We’ll wait a month to see what decision the prosecutor makes with this case and then we’ll be able to see what the next six months will be like,” he told AFP.

The ruling is a blow to the prosecution team and Finnish police investigators who spent years and more than a \$US million building the case.

Tom Laitinen, chief prosecutor in the trial, defended his team’s actions in a WhatsApp message.

“My initial reaction is that despite the outcome, the trial in itself is an achievement for us and for justice. The next step for us is to read the judgement thoroughly to see if we can share the conclusions of the court,” Laitinen said, referring to the voluminous verdict.

Laitinen said after digesting the ruling, the team will make a determination on the question of an appeal. Under Finnish law, the prosecution must lodge an appeal within a week of the verdict and then complete the appeal process within three weeks later.

Friday’s verdict came more than two months after the court released Massaquoi from pretrial detention—a decision that raised eyebrows within the human rights community and many saw as a sign the court would acquit.

The outcome is also a setback for the two human rights groups that brought the initial evidence against Massaquoi to Finnish investigators, Swiss based Civitas Maxima and its Liberian counterpart, the Global Justice and Research Project. The two groups have worked together to gather evidence in more than a dozen cases against accused Liberian warlords in six countries in the last decade including successful prosecutions of Charles Taylor’s number two Thomas Woewiyu and ULIMO commanders Alieu Kosiah and Mohammed Jabbateh.

This is the first case brought by the two groups that has ended in the acquittal. Defense teams in all cases have tried to undermine the credibility of the two organizations, particularly Hassan Bility, the Liberian justice activist who heads GJRP. The groups have been the targets of a disinformation campaign apparently coordinated by some of the people they have brought evidence against. This was the first trial in which Bility himself testified that he had been a victim of the accused.

The Massaquoi trial saw three witnesses come forward to claim that Bility had offered them bribes to testify. The witnesses provided no evidence and their claims were undermined when Milton Blahyi, another former warlord allegedly offered a bribe by Bility, rejected the accusation. It also emerged that Alan White, the chief prosecutor of the Special Court, had called all three witnesses prior to their testimony. Had Massaquoi been found guilty, the Special Court’s witness protection program and even some of its convictions, may have faced heavy scrutiny.

In a statement the two groups defended their actions.

“Civitas Maxima and the Global Justice and Research Project believe the testimonies of the victims. This has been a peculiar trial for both organisations: Hassan Bility, director of GJRP, had already given evidence during the Charles Taylor trial in January 2009 implicating Gibril Massaquoi in the acts of torture he suffered in 2002. He testified again about those events at the Gibril Massaquoi trial. Both Civitas Maxima and the GJRP firmly support Hassan Bility, who for years has tirelessly worked towards justice and accountability”.

Massaquoi was a top commander in the Sierra Leonean rebel group the Revolutionary United Front which was found to have committed widespread human rights violations, including murder and rape by the country's Truth and Reconciliation Commission.

Massaquoi was said to be a key informant in the conviction of former Liberian President Charles Taylor and other former RUF leaders in the UN-backed Special Court for Sierra Leone. Convicted of aiding and abetting the RUF in Sierra Leone's civil war, Taylor, is serving a 50-year sentence in a United Kingdom prison for his role. Massquauoi and some family members moved to Finland in 2008 under a deal with the Special Court that did not involve immunity from prosecution. He was arrested there in March 2020 after Civitas Maxima and GJRP presented what they said was evidence that he committed war crimes in Liberia to Finnish prosecutors. Massaquoi denied the charges. His trial formally began in February 2021 in Finland and the court spent 6 months in Liberia and Sierra Leone hearing testimony from dozens of witnesses.

The Liberian witnesses mostly linked Massaquoi to the crimes, including ordering the torching of houses full of civilians in villages in Lofa County and killings, torture and rape at Waterside Market in Monrovia.

The trial took a dramatic turn in September 2021 when the defense presented evidence that Billity and his team had bribed witnesses compelling the court to return to Liberia to hear from additional witnesses. The dates of the original indictment also need to be changed after it became clear the witnesses had been referencing events that took place in Liberia between June and August in 2003 when Massaquoi was in a UN monitored safe house in Freetown. The prosecution was compelled to make the difficult case that security at the safehouse was so lax that Massaquoi could have escaped and crossed into Liberia to commit war crimes on behalf of Taylor, the very man against whom he was informing to the Special Court.

In the end the inconsistencies were too great for the judges to rule that Massaquoi had committed the crimes beyond the legal burden of "a reasonable doubt".

Civitas Maxima and GJRP insisted the trial has made some impact on the transitional justice process, despite Massaquoi's acquittal.

"A complex case of intertwined conflicts with a former insider witness of an international court, the Massaquoi trial will surely become an important reference on the concrete challenges of universal jurisdiction," said the two groups in the statement. "And the Finnish experience will be an important case study for other countries who are committed to the principle."

Activists Say Trial Underscores Need for a National Court

The large cost of the trial was criticized by many people in Finland according to media reports there. The acquittal will likely bring more scrutiny to the government's decision to prosecute the case. Prosecution teams in other countries will be looking closely at the outcome.

In Liberia, it reignited the public debate about the need for the establishment of a war crimes court for Liberia, to prosecute those accused of bearing the greatest responsibility for the country's civil wars.

At the moment, the future of a bill establishing the court is under a cloud, with the Legislature, which has the sole constitutional authority to set up the court, unable to reach a decision on the matter.

The House of Representatives has asked its members to consult their constituents on the issue, while the Senate has asked President Weah to appoint a traditional justice commission to review recommendations of the Truth and Reconciliation Commission—a request rights activists have dismissed as an attempt to undermine the credibility of the report, as well as the Independent National Commission of Human Rights, which should ensure that the government implements the TRC recommendations.

President Weah has backpaddled over his earlier support for the court before he became president, asking the Legislature to advise him on the matter. Court supporters allege President Weah is resisting a court to appease Prince Johnson, the powerful Nimba senator who would be one of the first to be tried by a war crimes court for his alleged actions in the first war. Johnson's support in Nimba could be key to the president's re-election bid in 2023, although his (Johnson's) popularity has dwindled during recent elections.

Civitas Maxima and GJRP repeated their assertion that a Liberian war crimes court is essential to ensure Liberian citizens see justice delivered for the wars that left about 250,000 people dead and set Liberia's development back decades.

"The Gibril Massaquoi trial reminds us that national jurisdictions play a critical role in ensuring that war crimes and crimes against humanity are prosecuted, regardless of the nationality of the victims, and the time since these were allegedly committed."

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EAST AFRICA

Uganda

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

DPP Regrets Failure to Find Joan Kagezi Killers Seven Years After (Uganda Radio Network)

By Kukunda Judith
April 23, 2022

The Director of Public Prosecutions-DPP Jane Frances Abodo says that she has regrets over the unsolved murder of former Principal State Attorney Joan Kagezi.

Kagezi, the lead prosecutor in the trial of 15 men accused of a deadly twin bomb attack by the Al-Shabaab, was shot dead in March 2015 in Kiwatule, as she drove home.

Kagezi was in charge of the International Crime Division in the office of the DPP, handling crimes such as terrorism, war crimes, and trafficking in persons. She was also working with the Police in the prosecution of those accused of killings, robberies, and terrorism in the Busoga region and Kampala.

However, seven years later, no suspect has been charged. Some of the suspects who were arrested were released for lack of evidence.

Addressing Journalists on Friday ahead of the Joan Kagezi Memorial Symposium, Justice Abodo says that she regrets why the case has remained unsolved for seven years. She is however hopeful that her killers will be captured since investigations are ongoing.

//Cue in: "So I am...

Cue out ...helpless really helpless".//

Last year, President Museveni said Kagezi's killers were hiding abroad but the International Police-Interpol had not brought them into the country.

The Joan Kagezi 5th Memorial Week is scheduled to start from April 25-28 under the theme 'Human Trafficking Challenge: Addressing Emerging Trend.

According to Deputy DPP James Owere Odumbi, the event is meant to recognize Kagezi for her contribution to the fight against Transnational Organized Crime and Trafficking Persons in Uganda.

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Kenya

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Rwandan genocide suspect extradited from Sweden arrives in Rwanda (The Print)

April 27, 2022

Rwanda's National Prosecution Authority on Wednesday received a Rwandan man who was extradited from Sweden to face charges including genocide in Rwanda.

Jean Paul Micomyiza was arrested by Swedish authorities in November 2020 following an indictment by Rwandan prosecution.

Micomyiza is accused of genocide, complicity in genocide and crimes against humanity, the Rwanda National Public Prosecution Authority said in a press statement.

Born in Huye district in southern Rwanda, Micomyiza was a student at the National University of Rwanda during the genocide in 1994.

While at the university, Micomyiza allegedly was a member of a committee whose mission was to search and identify Tutsi civilians to be killed, thereby playing a big role in the genocide against Tutsi, the statement said.

The 50-year-old suspect had reportedly lived in Gothenburg city in Sweden for 15 years.

More than 1,000 Rwanda genocide suspects are still at large in regional countries and overseas, according to Rwanda's Genocide Fugitives Tracking Unit.

This year's commemorative activities, which began on April 7 across Rwanda, will last until July 4 to mark the 100-day calamity, during which more than 1 million people, mainly Tutsi and moderate Hutus were killed.

'Butcher of Gikongoro' to go on trial in France next week (The New Times)

By Glory Iribagiza

May 4, 2022

A French court, Cour d'assises de Paris, is set begin the trial of Laurent Bucyibaruta, the former Gikongoro prefet who's long been accused of playing a key role in the 1994 Genocide against the Tutsi.

His appearance before the Parisian court, due Monday, May 9, comes more than two decades after he was briefly held in France over genocide, complicity in genocide, direct and public incitement to commit genocide, as well as for crimes against humanity consisting of acts of extermination, murder, and rape.

Available records show that Bucyibaruta, 78, fled Rwanda in 1997, and had hitherto evaded justice with French authorities not acting on several arrest warrants.

In Gikongoro (present-day Nyamagabe District), where he became prefet (or governor) in July 1992 through 1994, he's most remembered for his December 1993 hate speech at a local market in which he appealed for financial support to procure weapons to eliminate the 'Tutsi enemy'.

The 'Butcher of Gikongoro' is also accused of planning and directing massacres at different places, including places of worship and schools, across Gikongoro.

Bucyibaruta was also an active member of the National Republican Movement for Democracy and Development (MRND), the ruling party at the time, and the head of the prefectural committee of the Interahamwe militia, the paramilitary faction of MRND mostly blamed for the Genocide.

The fugitive is accused of having ordered military police, Interahamwe and armed civilians to kill the Tutsi in areas he controlled.

Some of the killings he allegedly organised and directed include massacres at the parish of Cyanika and Kaduha on April 21, at

Gikongoro prison on April 22, and at a girls' school in Kibeho on May 7 – in 1994.

On April 10, Bucyibaruta is said to have tricked Tutsi refugees to converge at Murambi Technical School promising them safety and food, before they were later, on April 20 and 21, killed by gendarmes and Interahamwe militia.

Shortly after fleeing Rwanda in 1997, Bucyibaruta was arrested by French authorities in May 2000, but was released in December that year.

His imminent trial follows several unhonoured arrest warrants issued by Rwanda and the ICTR, the UN court which eventually referred his case to the French judiciary.

His trial was first announced just days after French President Emmanuel Macron's speech at the Kigali Genocide Memorial in Rwanda on May 27, 2021, in which he sought forgiveness from Genocide survivors for his country's "historical and political responsibility in Rwanda".

France, a close ally of the defeated genocidal regime in Kigali 28 years ago, has previously been accused of being reluctant to help bring to book Genocide fugitives on its soil.

Bucyibaruta's trial is scheduled to run through July 1.

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Ethiopia

Ethiopia: Tigray rebels withdraw from Afar (africanews)

April 27, 2022

Ethiopian rebels in the Tigray region said Tuesday they had withdrawn from areas they had occupied for nine months in neighbouring Afar.

This is one of the conditions set by the Ethiopian government for a truce announced in March.

Both the Ethiopian federal government and the Afar regional authorities are yet to respond to this.

Two TPLF spokesmen, Getachew Reda and Kindeya Gebrehiwot told AFP on Tuesday that the rebel troops had completely evacuated Afar.

"We have already withdrawn from all areas of Afar" occupied by the TPLF, Kindeya Gebrehiwot said.

The conflict in Tigray erupted in November 2020 when Ethiopian Prime Minister Abiy Ahmed sent the army to dislodge the TPLF, a party that administered the region and which he accused of attacking military bases.

The TPLF, which ruled Ethiopia for nearly 30 years until Mr. Abiy came to power in 2018, had been challenging the authority of the federal government for several months.

After initially conquering Tigray, the federal army was driven out in June 2021 by a TPLF counter-offensive, which then advanced into neighbouring regions and then towards Addis Ababa.

By December, the TPLF had finally retreated to Tigray but continued to occupy several areas in the border regions of Amhara and Afar.

"From the start, we never intended to stay" in Afar for long, "we went there to resolve security threats to Tigray", particularly "represented by Afar militias", Kindeya Gebrehiwot said Tuesday.

The recent truce has allowed several convoys to bring humanitarian aid by road to Tigray, a region subject to what the UN describes as a "de facto blockade", for which each side is responsible.

However, this aid is still far from sufficient to meet the enormous needs of the region of six million inhabitants.

"Kindeya Gebrehiwot, who was asked whether the withdrawal of the rebels from Afar would facilitate access to aid in Tigray,

said: "Humanitarian and political issues should be separated.

The TPLF had announced on 12 April its withdrawal from the first area of Afar and had affirmed in recent days, in an open letter to UN Secretary-General Antonio Guterres his "commitment to continue the withdrawal of Tigrayan forces from Afar territory.

Ethiopia rights body investigating uniformed fighters filmed abusing boy (Reuters)

By Hereward Holland

May 2, 2022

Ethiopia's state-appointed rights commission said on Monday it was investigating a video showing a group of fighters in Ethiopian army fatigues abusing and shooting a boy they accused of being from the embattled Tigray region.

The video, widely shared on social media since Friday, showed a group of men in Ethiopian army combat fatigues stoning, taunting and kicking a boy with a bloodied face, before shooting him in the stomach.

Badges on the chests of several fighters read "Ethiopian Army". Reuters was unable to confirm their identity independently.

"We are trying to gather information on the distressing incident," Daniel Bekele, the head of the Ethiopian Human Rights Commission (EHRC) told Reuters in a text message.

Neither Ethiopia government spokesperson Legesse Tulu, military spokesman Colonel Getnet Adane responded to requests for comment on the video.

In March the EHRC said all sides involved in the conflict in northern Ethiopia had committed human rights violations, including extrajudicial killings, which may constitute war crimes and crimes against humanity. [read more](#)

In the video, the fighters accuse the boy of being from the town of Abiy Addi in central Tigray, a region whose forces have been fighting the central government since November 2020.

Tigrayan leaders accuse Prime Minister Abiy Ahmed of wanting to centralise power at the expense of the regions; he accuses them of wanting to regain national power, which they lost when he was appointed in 2018.

"Don't kill him, let him suffer," said one man, as another adds: "He can't talk now, we were first supposed to get information from him."

"We should have buried him alive," another man said. One man hands a small girl a rock to throw at the boy's head, and later the men force bank notes into the boy's mouth as he lies bleeding from a head wound.

Reuters was not able to verify the time and location where the video was filmed or the actions it showed. The boy's fate was unclear.

In March, the EHRC said soldiers and regional security forces had shot dead ten civilians - Tigrayans and ethnic Gumuz - after an attack on a military convoy left 53 people dead. Some of the bodies were burned, and an eleventh Tigrayan man thrown onto the pyre alive, the commission said. The film of the flaming man trying to escape and being pushed back by uniformed security forces was posted on social media.

The government promised to punish those responsible but it is unclear if any action was taken.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Bosnia Indicts Ten for Yugoslav Troops' Deaths in Sarajevo (Balkan Transitional Justice)

By Haris Rovcanin

April 27, 2022

Bosnian prosecutors charged ten people, including Ejup Ganic, a member of Bosnia's wartime presidency, with involvement in the killings of retreating Yugoslav People's Army soldiers in Sarajevo in 1992.

The Bosnian state prosecution said on Wednesday that it has charged ten suspects including Ejup Ganic, who was a member of Bosnia's presidency during the war, with committing war crimes against prisoners of war and civilians in the controversial Dobrovoljacka Street case.

The ten suspects are charged with planning and carrying out an attack on May 3, 1992 in Dobrovoljacka Street in Sarajevo on an undefended convoy of Yugoslav People's Army soldiers and civilians employed with them. The convoy was being escorted by UN peacekeeping troops as it retreated from Sarajevo at the time of the attack.

Apart from Ganic, the other indictees are Zaim Backovic, Hamid Bahto, Hasan Efendic, Fikret Muslimovic, Jusuf Pusina, Bakir Alispahic, Enes Bezdob, Ismet Dahic and Mahir Zisko.

Alipasic was chief of police in Sarajevo at the time of the incident.

The prosecution alleges that they failed to prevent the killing and wounding of soldiers and civilians. They are also accused of failing to punish the perpetrators and helping them after the crime.

"Evidence has been collected concerning the murder of eight killed victims, whose identity has been determined, including civilians and medical personnel, the wounding of 24 people and the capture of several dozen soldiers and civilians who were tortured and abused," the prosecution said in a statement.

It said that together with the State Investigation and Protection Agency and Republika Srpska Interior Ministry, it carried out a thorough investigation during which several hundred witnesses were questioned, among who were surviving soldiers and civilians, representatives of families of those who were killed and injured victims.

Fourteen former military and political officials of Bosnia and Herzegovina were previously investigated over the on Dobrovoljacka Street attack, but the probe was dropped in January 2012.

A complaint against the discontinuation of the investigation was then lodged by families of the killed soldiers. As no decision was made on the complaint, they filed an appeal to the Constitutional Court of Bosnia and Herzegovina, which ordered the state prosecution in 2018 to decide on the complaint.

The state prosecution then reversed the order to discontinue the investigation and ordered the reopening of the Dobrovoljacka case.

Bosnian Army Ex-Commander Jailed over Killings of Serb Prisoners (Balkan Transitional Justice)

By Haris Rovcanin and Lamija Grebo

April 28, 2022

Sakib Mahmuljin, wartime commander of the Third Corps of the Bosnian Army, was jailed for eight years for failing to stop Middle Eastern volunteer fighters mistreating and murdering captured Serb soldiers, medical staff and civilians.

The appeals chamber of the Bosnian state court on Thursday sentenced the former commander of the Third Corps of the Bosnian Army, Sakib Mahmuljin to a combined sentence of eight years for war crimes in the Vozuca and Zavidovici areas in 1995.

The court found that, in his capacity as commander of the Third Corps and superior officer to the El Mujahideen unit of Middle Eastern volunteer fighters, Mahmuljin failed to prevent the murders and inhumane treatment of prisoners of war, medical staff and civilians.

The court also found that Mahmuljin knew or had the reason to know that members of the El Mujahideen unit were preparing

to commit the crimes.

Mahmuljin was given one year in prison for committing a war crime against the civilian population, one-and-a-half years for a war crime against the wounded and sick and six-and-a-half years for war crime against prisoners of war. The judges decided on a combined sentence of eight years.

According to the charges, members of the El Mujahideen unit, a detachment of fighters from Middle Eastern countries, killed at least 55 captured Bosnian Serb Army soldiers in the period from July to September 1995 and cut some of their heads off.

The El Mujahideen unit operated as part of the Bosnian Army's Third Corps, but Mahmuljin argued during the trial that he was not responsible for the crimes committed by the foreign fighters.

The court found that during the 'Spring 95-II' operation in July 1995, carried out by units of the Third Corps, among them the El Mujahideen unit, a number of Bosnian Serb Army troops surrendered near Kamenica in the Zavidovici municipality.

The prisoners were taken to the 13th Kilometre camp, where one of the prisoners was killed and his head cut off, while others were were injured.

The court also found that, as part of the 'Farz' operation in September 1995, members of the El Mujahideen unit abducted 63 captured soldiers and three civilians from the Fifth Battalion of the 328th Mountain Brigade of the Bosnian Army and they took them to the camp 13th Kilometre camp.

At the camp, 52 prisoners were killed with firearms and other weapons. Ten of the victims' bodies were found and identified, while others are still listed as missing.

According to the verdict, other military prisoners and civilians were beaten with sticks, rods and hoses, punched and given electric shocks.

One of the panel of judges, Stanisa Gluhajic, gave a brief explanation of the verdict, saying that it is not disputed that the events themselves happened during military operations during July and September 1995 in the Vozuca and Zavidovici areas, nor is it disputed that the perpetrators were members of the El Mujahideen unit, which was formally and legally part of the Bosnian Army's Third Corps.

Judge Gluhajic said that the only fact that needed to be established was whether Mahmuljin was legally the unit's superior and whether he had effective control which he could have used to prevent the crimes.

"The accused was the only relevant authority in relation to the members of the unit," Gluhajic concluded.

The trial started in March 2016 and Mahmuljin was initially found guilty and sentenced to ten years in prison in January 2021.

In September 2021, Mahmuljin's appeal was upheld and the first-instance judgment was quashed. A retrial then began in November last year.

Thursday's verdict is final and cannot be appealed.

Bosnian Serb Ex-Military Policeman Charged with Village Massacre (Balkan Insight)

By Lamija Grebo

April 29, 2022

Former Bosnian Serb Army military policeman Nikola Koprivica is accused of involvement in the killings of 44 Bosniaks in the village of Novoseoci near Sokolac during the war in September 1992.

The Bosnian state prosecution on Friday charged Nikola Koprivica, alias Nidza, with committing a crime against humanity, accusing him of participating in an attack on the Bosniak-inhabited village of Novoseoci in the Sokolac municipality on September 21 and 22, 1992 that left 44 people dead.

He took part in the attack as a Bosnian Serb Army military policeman, alongside other members of the military police force, the indictment says.

"After the attack, women and children were separated from the men, and the captured men were transported by military trucks to a landfill at Ivan Polje, a few kilometres from Novoseoci, where they were brought to the edge of the landfill, and shot and killed with gunfire," the prosecution's statement said.

Koprivica is accuse of personally participating in the killings by firing at the victims with an automatic weapon.

Of the 44 people who were killed, the youngest was 14 and the oldest was 77. The bodies of 43 victims have been exhumed, and the remains of one other person remain missing.

After the crime was committed, the local mosque was destroyed, and the rubble was thrown onto the bodies of the victims at the Ivan Polje landfill, the prosecution alleges.

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

Earlier this month, Koprivica was extradited to Bosnia from Canada, where he had been living for several years.

A court case is already ongoing for the killings in Novoseoci. Among those on trial are Dragomir Obradovic, former commander of the police's Public Security Station in Sokolac, Momcilo Pajic, former commander of the Military Police Company with the Second Romanija Motorised Brigade of the Bosnian Serb Army, and his deputy Aleksa Gordic.

Also on trial are Miladin Gasevic, former deputy commander of the Reconnaissance Company of the Second Romanija Motorised Brigade of the Bosnian Serb Army, as well as Momir and Branislav Kezunovic, Zeljko Gasevic and Jadranko Suka, all former members of the company.

Prosecutors Add More War Crime Charges Against Kosovo Ex-President (Balkan Transitional Justice)

By Perparim Isufi

May 3, 2022

Prosecutors in The Hague have filed an updated indictment including new charges of alleged crimes against civilians committed by wartime Kosovo Liberation Army guerrilla leaders including former Kosovo President Hashim Thaci.

The Kosovo Specialist Prosecutor's Office has added fresh war crime charges to the indictment of former Kosovo President Hashim Thaci and three other guerilla Kosovo Liberation Army leaders turned politicians who have been awaiting the trial in detention in The Hague since November 2020.

The updated indictment says that between July 1998 and September 1998 and around April 28 or 29, 1999, certain KLA members detained at least 12 persons without due process of law in the village of Budakova/Budakovo in Kosovo's southern municipality of Suhareka/Suva Reka.

"Detainees, who were held for varying periods of time, were physically restrained, and held in locked rooms and under armed guard. Immediately following detention in Budakova/Budakovo, at least one of the detainees was transferred to Semetishta/Semetiste and also detained there between around 19 to 20 August 1998," the updated indictment says.

"Detainees were hit all over their bodies. Detainees, including atleast one LDK [Democratic League of Kosovo political party] supporter, were interrogated about and accused of associating, collaborating, or assisting Serbs and Serbian authorities," it adds.

The updated indictment also says that in late June and July 1999, certain KLA members detained at least three people without due process of law at a guerrilla headquarters located in a former boarding school and dormitory in the eastern town of Gjilan/Gnjilane and subjected them to severe beatings and psychological abuse.

"Detainees were hit all over their bodies with sticks and batons, kicked, punched, and/or otherwise threatened with violence and death. Detainees could hear and see the severe abuse of other detainees. The detainees, who were of Serb ethnicity, were insulted and questioned about and accused of committing crimes against Kosovo Albanians," the updated indictment says.

Thaci is accused alongside the former leader of the opposition Democratic Party of Kosovo, Kadri Veseli, the head of the parliamentary group of the Vetevendosje Movement opposition party, Rexhep Selimi, and the chairman of the national council of the Social Democratic Initiative (NISMA) party, Jakup Krasniqi.

The indictment contains ten counts and lists their alleged offences as "war crimes of illegal or arbitrary arrest and detention, cruel treatment, torture, and murder, and the crimes against humanity of imprisonment, other inhumane acts, torture, murder, enforced disappearance of persons, and persecution".

It says that the crimes were committed "from at least March 1998 through September 1999". All four men were senior figures in the KLA during the war and Thaci was the guerrilla organisation's political leader.

Thaci, Veseli, Selimi, and Krasniqi are accused of being responsible for crimes committed by themselves and other former members of the KLA in various parts of Kosovo but also in northern Albania, "against hundreds of civilians and persons not

taking part in hostilities”.

Most of the crimes were committed in detention centres in 17 municipalities in Kosovo and two districts of Albania, Kukes and Has.

The Kosovo Specialist Chambers were set up to try crimes allegedly committed during and just after the Kosovo war from 1998 to 2000. They are part of Kosovo’s judicial system but located in the Netherlands and staffed by internationals.

They were set up under pressure from Kosovo’s Western allies, who feared that Kosovo’s justice system was not robust enough to try KLA cases and protect witnesses from interference.

The so-called ‘special court’ is widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Nine children killed in Turkish attacks in Rojava in four months: reports (Rudaw)

By Chenar Chalak

April 27, 2022

Nine children in northeast Syria (Rojava) have been killed and many others wounded due to attacks by Turkish armed forces since the beginning of the year, according to local media reports published on Wednesday, as Turkey continues to intensify its military offenses.

Turkey often targets Rojava, killing and injuring civilians and security forces, and has conducted several military operations in the area since 2016. It claims that the People’s Protection Units (YPG), the backbone of the SDF, is the Syrian offshoot of the Kurdistan Workers’ Party (PKK) – an armed group struggling for the increased rights of Kurds in Turkey and considered a terrorist organization by Ankara.

A human rights watchdog from Rojava’s Jazira region stated that the attacks are continuing and intensifying as a result of the silence and lack of action on behalf of the international community and rights groups. Human Rights Organization Jazeera, a rights group which calls itself independent and claims to have no political affiliation, also called for international recognition of Turkish occupation of Syrian land, and for the country to be held accountable.

"The hostile acts committed by Turkey and its transgression of Syrian land is a clear occupation, which must be recognized internationally and hold it accountable for all the war crimes it committed against the safe Syrian civilians inside their lands," Hawar News Agency (ANHA), a media outlet affiliated with Kurdish authorities in Rojava, cited Aveen Jumaa, head of the rights watchdog as saying.

The outlet also reported that nine children have been killed and 24 others wounded in suspected Turkish attacks on the districts of Ain Issa, Zirgan, and Tel Tamer in 2022, also reporting 21 women killed and wounded.

Jumaa added that international committees and rights groups condemn the violations committed in the area, but do not explicitly condemn the Turkish state "despite their actual participation in them."

Gire Spi (Tal Abyad) and the neighboring Sari Kani (Ras al-Ain) were controlled by the Kurdish-led Syrian Democratic Forces (SDF), until Turkey and its Syrian proxies invaded in October 2019. Both towns were Kurdish-majority, but most people of the ethnicity have fled to other areas under the control of the SDF.

Sari Kani and Gire Spi now lie at opposite ends of a resulting 'buffer zone' under the control of Turkish-backed militias.

A civilian was killed and others were injured in suspected Turkish bombardment targeting a several villages of Gire Spi town in northern Syria on Sunday.

Four shells, allegedly by Turkish forces, hit the city of Kobane on Friday, wounding at least two civilians.

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Kosovo Specialist Chambers

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Azerbaijan

Armenia ombudsperson in Geneva, presents war crimes of Azerbaijan (News.am)

April 26, 2022

The Human Rights Defender (Ombudsperson) of Armenia, Kristinne Grigoryan, on Monday participated in the discussion entitled "Security Sector Governance and the Reform - Ensuring Effective Security Sector Oversight" in Geneva, Switzerland. The discussion was organized by the Geneva Center for Security Sector Governance (DCAF).

The Defender made a speech within the panel entitled "Human Rights in the Armed Forces and the Role of Defense Institutions," the Human Rights Defender’s office informed Armenian News-NEWS.am.

Grigoryan presented the constitutional mandate and the toolkit of the Human Rights Defender of Armenia to protect human rights in the armed forces.

The ombudsperson presented the challenges and activities implemented by the Human Rights Defender’s Office during the COVID-19 and 44-day war in 2020, especially the fact finding activities on war crimes of Azerbaijan, torture, inhuman and degrading treatment of Armenian prisoners of war and captives.

Highlighting the importance of close cooperation between the National Assembly and the Human Rights Defender elected by the National Assembly, the Defender presented concrete recommendations jointly with the National Assembly.

Reference was also made to the international experience related to the Military Ombudsman Institute.

Thousands Rally In Armenia To Warn Against Concessions Over Nagorno-Karabakh (Radio Free Europe/Radio Liberty)

May 1, 2022

Thousands of opposition supporters rallied on May 1 in the Armenian capital, Yerevan, to warn the government against concessions to Azerbaijan over the breakaway region of Nagorno-Karabakh.

Opposition parties have accused Prime Minister Nikol Pashinian of plans to give away all of Karabakh to Azerbaijan after he told lawmakers last month that the "international community calls on Armenia to scale down demands on Karabakh."

On May 1, several thousand opposition supporters gathered in the capital's central Square of France, calling on Pashinian to resign. Many held placards that read "Karabakh."

Ishkhan Sagatelian, parliament vice speaker and opposition leader, said: "Any political status of Karabakh within Azerbaijan is unacceptable to us."

"Pashinian has betrayed people's trust and must go," he told journalists at the rally, adding that the protest movement "will lead to the overthrow of the government in the nearest future."

Addressing the crowd, he announced that a large-scale campaign of civil disobedience will begin on May 2. He said opposition members will spend the night on the square.

"I call on everyone to begin strikes. I call on students not to attend classes. Traffic will be fully blocked in central Yerevan," he said.

On April 30, Armenia's National Security Service warned of "a real threat of mass unrest in the country."

Last month, during talks in Brussels, Pashinian and Azerbaijani President Ilham Aliyev agreed to start drafting a bilateral peace treaty to resolve the conflict around Nagorno-Karabakh and set up a joint commission on demarcating their common border.

Baku wants the peace deal to be based on five elements, including a mutual recognition of each other's territorial integrity. Pashinian has publicly stated that the elements are acceptable to Yerevan in principle, fueling Armenian opposition claims that he is ready to recognize Azerbaijani sovereignty over Nagorno-Karabakh.

Baku regained control of parts of the breakaway region in the 2020 war, as well as seven adjacent districts that had been under the control of ethnic Armenian forces since the end of a separatist war in 1994. Some 2,000 Russian troops have been deployed to monitor the current cease-fire.

Nagorno-Karabakh, which had been under ethnic Armenian control for nearly three decades, is internationally recognized as part of Azerbaijan.

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Russia

Mass graves near besieged Ukrainian city Mariupol are evidence of war crimes, say Ukrainian officials (CNN)

By Nathan Hodge, Julia Presniakova, Katie Polglase, Jennifer Hauser, Hira Humayun, and Julia Hollingsworth
April 22, 2022

Ukrainian officials say they have identified mass graves outside the city of Mariupol, which they say adds to mounting proof of Russian war crimes against Ukrainian civilians.

The claim is supported by photos collected and analyzed by US satellite imagery company Maxar Technologies that appears to show more than 200 new graves at a site on the northwestern edge of Manhush, a town around 12 miles (19 kilometers) to the west of Mariupol.

An estimated 100,000 people remain trapped in Mariupol which has been under constant bombardment since it was surrounded by Russian forces on March 1, according to Ukrainian officials. Ukrainian officials claim that more than 20,000 people in the city have died during the assault.

In a post Thursday on messaging app Telegram, Petro Andriushchenko, an adviser to the mayor of Mariupol, said Russian trucks had collected bodies from the port city, before "dumping them" in Manhush. "This is direct evidence of war crimes and attempts to cover them up."

A Maxar review of the satellite images from mid-March through to mid-April indicated the expansion of the grave site began between March 23 to 26, and continued into April. According to Maxar's analysis, there are more than 200 newly dug graves at a site on the northwestern edge of Manhush.

"According to recent media reports, Russian soldiers have been taking the bodies of people killed in Mariupol to this location," Maxar said in its analysis.

CNN cannot independently verify claims Russians have disposed of bodies in mass graves at that location. A firm death toll following weeks of heavy bombardment of Mariupol is not available.

However, journalists in Mariupol have documented the hasty burial of civilians in the besieged city, and images have surfaced on social media showing bodies apparently left for collection in the city.

Vadym Boichenko, the mayor of Mariupol, said Thursday that women, children and elderly had died on the streets of the city.

"Unfortunately, we have seen that the bodies of dead Mariupol residents have begun to disappear from the streets of our city," he said.

According to Boichenko, the mass graves are off a bypass road, near a cemetery. He said there was a field near the cemetery with 30 meter-long (98-foot-long) ditches.

"And there they bury them, bring the bodies of the dead by trucks and throw them into these ditches," he said.

Putin proclaims Mariupol liberated

Evidence of mass graves outside Mariupol surfaced as Russian President Vladimir Putin proclaimed the "liberation" of the southeastern port city by Russian forces -- even as he called off an attempt to storm the Azovstal steel plant, the final bastion of Ukrainian defenders inside the city, where civilians have also sheltered.

Mariupol has been under near constant attack since the early days of Putin's invasion, and much of the city has been destroyed by Russian shelling. Civilian structures targeted included a maternity hospital and a theater where up to 1,300 people were seeking refuge.

Though many have fled, an estimated 100,000 people still remain in Mariupol and its immediate surroundings, which are reported to be largely under Russian control.

Ukrainian officials, who maintain the city remains contested, have warned of a major humanitarian emergency in Mariupol as food and water run out, with electricity and gas cut -- but several attempts to establish evacuation corridors to allow civilians to escape have failed.

"Unfortunately, it is not possible today to evacuate civilians from Azovstal," Boichenko, the city's mayor, said Thursday. "Because we are asking for a stable ceasefire. Somewhere we need one day to be able to accommodate those residents who have been hiding there for 57 days in a row, and they are being bombed, bombed and bombed."

US Undersecretary of State for Political Affairs Victoria Nuland said Wednesday that there "was some hope that the Russians might allow" safe passage for civilians and wounded soldiers from Mariupol. However, she warned that such an arrangement "has fallen apart a number of times before" and ultimately it is up to the Russians to allow safe passage.

She also added that the siege of Mariupol speaks "to the brutality of this war" and the war crimes Vladimir Putin is committing.

Iryna Venediktova, Ukraine's prosecutor general, said earlier this month that her office is investigating 5,800 cases of alleged Russian war crimes, with "more and more" proceedings opening every day.

US President Joe Biden, meanwhile, has called the atrocities being uncovered in Ukraine a "genocide."

Russia has denied allegations of war crimes and claims its forces do not target civilians.

In Ukraine War, a Long Journey Begins in Prosecuting Rape (New York Times)

By Lara Jakes
April 29, 2022

U.N. officials and human rights investigators are rushing more resources to authorities in Ukraine to help prosecute sex crimes.

The rape happened in the hours after midnight on March 14, in a classroom of a school outside Kharkiv, in eastern Ukraine. Two days later, Yulia Gorbunova interviewed the victim and helped persuade her to report the attack, which could ultimately be prosecuted as a war crime committed by invading Russian forces.

Ms. Gorbunova, an investigator with Human Rights Watch, spoke with the victim several more times by phone and later in person to document her trauma and obtain photos of bruises and cuts that the woman said had been inflicted by a Russian soldier who had raped her repeatedly. The victim — mother to a 5-year-old daughter — submitted at least some of the evidence to local authorities in Kharkiv.

But this week, Ms. Gorbunova also brought the attack to the attention of Ukrainian war crimes prosecutors in Kyiv, the capital.

“They were very interested, because they said that it has been difficult to get survivors of sexual violence to come forward,” Ms. Gorbunova said in a telephone interview from Kyiv on Wednesday. She has been documenting human rights abuses in Ukraine since 2014, when Russia began supporting separatists in the eastern part of the country, and was alerted to the rape near Kharkiv by local activists.

She added: “I am not aware of any successful prosecution of cases of rape in the context of armed conflict, specifically in Ukraine.”

In the first two weeks of April, about 400 cases of sexual violence by Russian soldiers were reported to Ukraine’s ombudswoman for human rights, Lyudmyla Denisova. A U.N. mission has received at least 75 allegations of sexual violence against Ukrainians, including children, by Russian troops in Kyiv alone since Feb. 24, the start of Moscow’s invasion.

In coming days, senior U.N. officials and investigators will rush more resources to authorities in Ukraine to help prosecute sex crimes. But most rape victims never report their assault, fearful of retaliation and societal stigma. Finding clear evidence that sex crimes were committed as a tactic of war is rare, and cases are difficult to prove.

It could be years before charges are brought or trials are convened by the International Criminal Court in The Hague, which is investigating sex crimes by Russian soldiers and other atrocities committed in Ukraine since 2014.

“I can’t promise anything — I’m a prosecutor,” Karim Khan, who is heading the court’s investigation, said at an event on Tuesday at the U.S. Institute of Peace in Washington when asked about the likelihood of swift or conclusive justice for victims of sex crimes or gender-based violence in Ukraine.

“All I can promise is ethics, hard work, integrity, following the evidence and trying to use imaginative and creative ways to ensure that justice is not a phantom,” Mr. Khan said. The I.C.C., he said, is “a court of last resort.”

With that in mind, U.N. officials are looking for other ways to ensure that sex crimes do not go unpunished.

Six U.N. investigators with expertise in documenting gender-based attacks as potential crimes of war will soon join an international monitoring team in Ukraine, said Pramila Patten, the United Nations’ top official on sexual violence in conflict. They are part of a broader effort to not only help verify reports of sex crimes but also train Ukraine’s overwhelmed prosecutors to properly preserve evidence that is gathered, and to protect victims from further trauma during questioning.

“Today’s verification, today’s documentation is really tomorrow’s prosecution,” Ms. Patten said in an interview.

She added: “It is important that the Ukrainian authorities responsible for investigating get it right, in terms of ensuring that they do no harm; that they do not victimize the victims.”

The U.N. assistance is part of an agreement with the government in Kyiv that Ms. Patten said would be formally announced next week to hasten prosecutions by Ukraine courts — what officials believe is the quickest path to a trial in the war’s sexual assault cases.

The U.N. has not verified any of the reports of rape or other gender-based violence by Russian soldiers since the invasion. But, Ms. Patten said, “I cannot wait for verification to be completed to take action on reported cases, because for me, denying, downplaying, procrastinating or dismissing such serious allegation is the surest sign of the risk being repeated.”

She is appealing to other countries that are party to the international court to consider opening their own prosecutions into allegations of Russia’s sex crimes by claiming universal jurisdiction — the legal principle that some violations are so odious they are an affront to humanity at large, and therefore can be tried by any nation’s court system. Earlier this year, a German court convicted a Syrian intelligence officer of crimes against humanity, and sentenced him to life in prison, for overseeing a security center in Damascus where detainees were tortured, raped and otherwise abused.

The United States is not a party to the international court in The Hague and cannot prosecute abuse cases in American courts without a referral from the U.N. Security Council, which Russia would almost certainly veto.

As a permanent member of the Security Council, Moscow could also veto efforts to impose international sanctions against Russian individuals or organizations believed to have carried out sex crimes or violence against women in Ukraine. Ms. Patten

said economic penalties issued in recent years against officials who targeted female activists in Yemen, or failed to stop sexual abuse of detainees in Libya, have served as a warning to deter gender-based violence elsewhere.

An annual report released by Ms. Patten's office this month concluded that U.N. investigators had verified nearly 3,300 cases of conflict-related sexual violence worldwide in 2021 — an increase of about 800 cases from the year before.

"If this sexual violence is happening on the scale that it is happening, with the brutality and the fact that justice remains painfully slow, it's not for lack of a normative framework," Ms. Patten said. "It's because there is no political will" to stop or at least punish it, she said.

In Ukraine, much of the evidence compiled so far in sexual assault cases has been collected by investigators for nongovernment organizations, like Ms. Gorbunova, or journalists. Many victims who have reported their assaults have done so anonymously, Ms. Patten said, refusing to identify themselves in phone calls to government hotlines.

The Russian authorities have denied all responsibility for civilian killings, abuse and other atrocities in Ukraine since the invasion, and President Vladimir V. Putin has denounced evidence to the contrary as "fake."

In the rape outside Kharkiv, Ms. Gorbunova said it was not yet clear if the attack would rise to the level of a war crime, or if it was a case of one soldier's depravity.

The man held the woman captive at gunpoint in a cold classroom overnight while her daughter remained in the school's basement with relatives. After procuring some cigarettes, he left around dawn. The woman then walked to Kharkiv to get medical help.

Ms. Gorbunova was alerted to the case within hours and first spoke to the victim on March 16. They met weeks later, in early April, in Poland, where the woman, whom Ms. Gorbunova has not identified by name, was seeking medical assistance and counseling.

"We're trying to understand the scale of this abuse, and we are trying to understand whether it's being used as a weapon of war," Ms. Gorbunova said.

"Having said that, it sometimes can take a very long time — years — for survivors of sexual violence to come forward," she said. "And you know, the case that I documented — I know that this woman has been incredibly traumatized. And all she wants to do now is to move on."

Ukraine initiates more than 9,000 cases over Russia's military crimes (UkrinForum)

May 1, 2022

More than 9,000 cases have been initiated over Russian war crimes committed in Ukraine, and the process of bringing criminals to justice has already begun.

Ukraine's Prosecutor General Iryna Venediktova said this during a nationwide telethon on Ukrainian TV channels, Ukrinform reports.

"To date, we have 9,158 cases over war crimes. Every day we have grounds to initiate more and more new cases - the death of civilians, bombing, deportation of our people and children to the occupied territories or the territory of the aggressor state," Venediktova said.

According to her, the process of bringing to justice has already begun and a certain number of war criminals of the aggressor's army have been identified.

"In Kyiv, Sumy, Chernihiv regions, liberated from the occupation, we are launching the process of bringing to justice. We have already identified some war criminals. In Kyiv region, there are 15 people whom we are bringing to justice for torture, rape, and looting. Prosecution over the Chornobyl [NPP] seizure has also begun," Venediktova said.

On February 24, Russia launched a new phase of its eight-year war against Ukraine — a full-scale invasion. Russian troops have been shelling and destroying key infrastructure facilities, conducting massive shelling of residential areas of Ukrainian cities and villages using artillery, multiple rocket launchers and ballistic missiles.

PGO: 621 Russia war crimes main suspects identified (UkrinForum)

May 2, 2022

There are already 621 suspects in the main case of the Russian aggression against Ukraine, according to the Prosecutor General's Office of Ukraine.

"The main case of Russian aggression: 621 suspects - representatives of the military and political leadership of Russia. These

are ministers, deputies, military command, officials, heads of law enforcement agencies, instigators of war and Kremlin propagandists,” the Prosecutor General’s Office wrote on Telegram.

Overall, as of Monday morning, Ukrainian law enforcement registered 9,247 criminal proceedings into crimes of aggression and war crimes committed by the Russian Federation: 8,971 violations of the laws and customs of war, 49 crimes related to planning, preparing or waging an aggressive war, 12 crimes related to the propaganda of war, 215 other crimes.

In addition, 4,455 crimes against the national security of Ukraine have already been registered, including 2,875 crimes related to the encroachment on the territorial integrity and inviolability of Ukraine, 738 crimes related to treason, 60 crimes related to sabotage, and 782 other crimes.

On February 24, Russia launched a new phase of its eight-year war against Ukraine – a full-scale invasion. Russian troops have been shelling and destroying key infrastructure facilities, conducting massive shelling of residential areas of Ukrainian cities and villages using artillery, multiple rocket launchers and ballistic missiles.

Russian soldiers are raping Ukrainian men and boys as well as women, says UN war crimes investigator (Daily Mail)

By Chris Jewers
May 4, 2022

Russian soldiers allegedly raped Ukrainian men and boys as well as women, UN and Kyiv officials said on Tuesday, amid an on-going investigation into dozens of cases.

Speaking on Tuesday, UN special representative on sexual violence in war Pramila Patten warned cases already under investigation were just 'the tip of the iceberg.'

'I have received reports, not yet verified... about sexual violence cases against men and boys in Ukraine,' she said during a press conference in Kyiv, The Guardian reported.

She urged all survivors of rape to come forward and report any such crimes at the hands of Russian soldiers, while acknowledging how challenging it is to do so amid fears of reprisals or of Moscow's forces returning.

She continued to say the world has allowed sexual violence to be used as a 'cheap' weapon of war for too long.

'Cheap, because it is cost free. Very effective, because it does not only affect the victim, it affects whole families, the communities. It is biological warfare. It is psychological warfare,' she said.

Ms Patten warned that there are likely many cases that have yet to be reported. Those that are already under investigation so far 'only represent the tip of the iceberg,' she said.

The UN official also called on the international community to track down perpetrators and hold them to account.

Ukraine's prosecutor general Iryna Venediktova said on Wednesday that the first stage of investigations into Russian war crimes in the suburban town of Irpin had concluded, having spoken to 228 witnesses.

Earlier on Tuesday, Ms Venediktova called Russian President Vladimir Putin 'the main war criminal of the 21st century' and accused Russia of using rape as a tactic in its brutal invasion.

Visiting the devastated city of Irpin near Kyiv, Ms Venediktova said Ukraine was collecting information on allegations of rape, torture and other suspected war crimes by Russian forces which occupied the region for a month.

Venediktova said the allegations included the rape of women, men, children and an old woman. Asked whether rape was a deliberate Russian strategy in the war, she told a news conference: 'I am sure actually that it was strategy.'

'This is, of course, to scare civil society... to do everything to (force Ukraine to) capitulate,' she said on Tuesday.

She provided no specific details of the rape allegations, saying some of the victims remained in Ukraine and were afraid of speaking out for fear of Russian forces returning.

UN envoy Patten said she was in Kyiv due to the growing evidence of mass sexual violence carried out by Russian soldiers during the war in Ukraine, and because of the risk human traffickers pose to vulnerable Ukrainian refugees fleeing their homes.

Standing along-side Ukraine's deputy prime minister Olga Stefanishnina, Ms Patten urged all victims to come forward and to report Russian war crimes.

'It's hard for women and girls to report [rape] because of stigma amongst other reasons, but it's often even harder for men and boys to report,' she said.

'We have to create that safe space for all victims to report cases of sexual violence.'

Rapes carried out by Russian soldiers have been widely reported in towns that were occupied by Putin's forces in the early days of the invasion, and have since been liberated after Moscow's armies pulled back and re-focused their efforts in the east.

When Ukrainian forces, journalists and civilians re-entered Irpin and neighbouring Bucha, they discovered hundreds of bodies of civilians that had been raped, tortured and executed - some with their hands tied behind their backs.

Russia has previously denied targeting civilians and has rejected allegations that its forces have committed war crimes in Ukraine, despite mounting evidence.

Team of prosecutors have been gathering testimonies from those who experienced the Russian occupation, and have painted a picture of wide-spread sexual violence.

There have been accounts of gang-rapes, rapes at gunpoint and assaults in front of children. The Ombudsman for Human Rights in Ukraine, Lyudmyla Denisova, has said officials have documented cases of 25 women who were kept in basements and systematically raped in Bucha.

Venediktova said Putin bore responsibility for what happened in Ukraine as commander-in-chief of the Russian armed forces.

'Putin is the main war criminal of the 21st century,' she said, recalling Russian military interventions in the former Soviet republic of Georgia, Russia's Chechnya region, Syria and in Ukraine in 2014.

'If we speak about (the) crime of aggression, we all know who started this war, and this person is Vladimir Putin,' she said.

The Kremlin did not immediately respond to a Reuters request for comment on the accusations and has dismissed previous suggestions that Putin is a war criminal.

Kremlin spokesman Dmitry Peskov in March dismissed as 'unforgivable' a comment by U.S. President Joe Biden in which he said Putin was a war criminal.

Speaking on Monday, Ukraine's ambassador to Canada said Russia must be held accountable for its troops committing sex crimes, including against children.

Echoing Venediktova's comments, Yulia Kovaliv told a Canadian House of Commons committee that Russia is using sexual violence as a weapon of war and said rape and sexual assault must be investigated as war crimes.

She said Russia also has kidnapped Ukrainian children and taken them to Russian-occupied territories and now Russia itself. Ukraine is working with partners to find the children and bring them back.

'Russians, a few days ago, killed a young mother and taped her living child to her body and attached a mine between them,' the ambassador said. She said the mine detonated.

All of Russian society, and not just President Vladimir Putin 'and his proxies,' should bear responsibility for the war on Ukraine because more than 70% of Russians support the invasion, Kovaliv said.

Last month, a hotline for rape and sexual assault victims at the hands of Russian troops received 400 calls in just two weeks.

Denisova, said the line was so overwhelmed that the five psychologists who operate it 'cannot cope with the load'.

Victims include adults and children, both male and female, with some attacked while terrified relatives were forced to watch.

In Bucha, 25 victims aged 14 to 25 were 'systematically' raped while being held captive in a basement. Nine are now pregnant.

The line, set up with Unicef, received 400 calls between April 1 and April 14 as Russian began to withdraw from the Kyiv region, after a failed attempt to capture the capital. Mrs Denisova said: 'Our five psychologists cannot cope with this load.'

'I asked Unicef to almost double the number of psychologists, to ensure that the care is of good quality and that there is no burnout, including those psychologists who receive such appeals day and night. And these cases are very terrible.'

Ukrainian President Volodymyr Zelensky said earlier this month: 'Hundreds of cases of rape have been recorded, including

those of young girls and very young children. Even of a baby.'

Speaking to Lithuanian lawmakers in April, Ukrainian President Volodymyr Zelensky said: 'In areas freed from the occupiers, the recording and investigation of war crimes committed by Russia continues. New mass graves are found almost daily.'

'Testimonials are being collected. Thousands and thousands of victims. Hundreds of cases of torture. Bodies continue to be found in drains and cellars.'

'Hundreds of cases of rape have been recorded, including those of young girls and very young children. Even of a baby!'

His comments came after a Russian soldier was arrested after allegedly recording himself abusing a Ukrainian baby.

The International Criminal Court has also opened an investigation into Russia's actions in Ukraine.

War crimes in Bucha: What we know

Ukraine and Western countries have accused Russia of committing war crimes in Ukraine ever since hundreds of bodies were found around Kyiv following the withdrawal of Russian forces from the area.

A team of AFP journalists saw 20 bodies on Yablunska (Apple Tree) Street in Bucha on April 2, after Russian forces left the town.

In the weeks that followed, reporters spoke to dozens of witnesses, consulted death certificates and obtained a list of all the bodies found in the city - sometimes including details of how they died.

Here is what we know about the events in Bucha that sparked an international outcry and prompted the West to harshen its sanctions against Russia and boost military aid supplies to Ukraine.

Pleasant suburb devastated

Before the start of the Russian invasion on February 24, Bucha was a family-friendly suburb of Kyiv with around 37,000 inhabitants.

Surrounded by pine forest, it is located around 30 kilometres (19 miles) northwest of the capital.

Since the first days of the invasion, like Irpin and other areas around Kyiv, it saw fierce fighting.

The Russian army first arrived on February 27 but only fully took control on March 5, according to Human Rights Watch, a non-governmental organisation that carried out an investigation there.

Ukrainian authorities had carried out several civilian evacuations before this date.

It is estimated that around 4,000 inhabitants were left when Russian forces took over.

Following the withdrawal of Russian forces on March 31, the mayor of Bucha, Anatoliy Fedoruk announced on April 1 that the city had been 'liberated'.

First macabre discoveries

AFP journalists arrived in Bucha the following day. Looking around the devastated town, they discovered Yablunska Street, one of the longest thoroughfares in Bucha, with 20 bodies in civilian clothing scattered over several hundred metres.

One man had fallen onto his bike, another still had a shopping bag in his hand. Yet another man was seen with his hands tied behind his back.

At least two of them appeared to have head wounds.

The bodies looked like they had been on the ground for at least several days.

How many dead?

During the month-long occupation by Russian forces, two large mass graves were created to temporarily bury the bodies since the city's three cemeteries were inaccessible because of the fighting.

Following the withdrawal of Russian forces - some 400 bodies were found - either in the mass graves or buried in gardens or

sometimes lying out in the open, according to local police chief Vitaly Lobas.

Lobas on April 20 said 'around 25 percent' remained unidentified, and the majority had been shot dead.

AFP saw a mass grave behind a church on April 3. It contained more than 80 bodies, the police said.

There were similar scenes in other areas in the Kyiv region that were occupied by Russian forces.

In the region as a whole, more than 1,000 civilian bodies have been found, according to Ukraine's Deputy Prime Minister Olga Stefanishyna.

'War crimes'

On April 4, two days after pictures of the Yablunska dead first appeared in the media, President Volodymyr Zelensky visited the site.

'These are war crimes and it will be recognised by the world as genocide,' he said.

On April 13, International Criminal Court prosecutor Karim Khan said while visiting Bucha that a forensic team would be working there, and that Ukraine as a whole was a 'crime scene'.

Khan said on April 25 that investigators would work with a joint investigation team formed by Lithuania, Poland and Ukraine and supported by Eurojust, the EU's judicial cooperation agency, to facilitate the collection of evidence.

Human Rights Watch said its own investigation had uncovered evidence of 'summary executions, other unlawful killings, enforced disappearances, and torture, all of which would constitute war crimes and potential crimes against humanity'.

The UN High Commissioner for Human Rights has said that its investigators during a mission to Bucha on April 9 documented the death of 50 civilians, including by summary execution.

France has also sent a team of 18 experts from the forensic department of the national gendarmerie.

Russian denial

Just hours after the first images of the bodies on Yablunska Street were published, the Russian army said the scene had been staged, claiming that two bodies could be seen moving in a video.

An AFP team which photographed and filmed the two bodies in the same place and position as in the widely shared video was able to view it at a higher quality than the one used by the Russian army and found that the bodies were not moving.

Russian President Vladimir Putin accused Ukraine of 'crude and cynical provocations' while Russian foreign ministry spokeswoman Maria Zakharova said that Ukraine had either carried out the executions of civilians itself or positioned the bodies.

She accused Western media of 'complicity in this punitive action to kill civilians in Bucha'.

Satellite images released by the US company Maxar Technologies, combined with photos taken by AFP, show that several bodies were left out in the open for at least three weeks.

In radio communications between Russian soldiers intercepted by German intelligence and quoted by the Spiegel magazine on April 7, soldiers could be heard talking about the atrocities in Bucha.

In one communication, a soldier told another that he and his colleagues killed a man on a bicycle.

Hunting the guilty

Despite Russian denials, Ukraine and its Western allies, along with the United Nations, believe they have proof that Russian forces were responsible for the deaths of most of the civilians found dead in Bucha.

Since the very first days, Ukraine has blamed Russia's 64th motorised infantry brigade which was based in Bucha.

Ukrainian prosecutors on Thursday said they were investigating 10 of the brigade's servicemen for war crimes and declared them wanted suspects.

Putin on April 18 signed an official decree praising the brigade for its 'mass heroism and valour, tenacity and courage'.

He did not say where the brigade had been based.

A witness interviewed by AFP said that at the beginning of the Russian occupation she had seen mostly young Russian soldiers.

But, a couple of weeks in, she remembered 'brutal' older troops moving in.

'That's when the massacres started,' she said.

She said some may have been officers from Russia's FSB security service.

According to the communications intercepted by German intelligence, Russian mercenaries from the Wagner Group may also have been involved.

The Wagner Group has caused controversy through its involvement in Syria, Libya, the Central African Republic and the conflict in eastern Ukraine.

One of Russia's Most Heinous War Crimes in Ukraine Was Worse Than We Thought (Daily Beast)

By Allison Quinn

May 4, 2022

Russian forces killed twice as many people as originally thought in its March 16 bombing of a theater that served as a shelter in Ukraine's besieged port city of Mariupol.

That's according to an extensive investigation by the Associated Press out Wednesday, which puts the real death toll of the Donetsk Academic Regional Drama Theater bombing at about 600. Ukrainian authorities had initially said an estimated 300 people were killed.

The investigation also debunks Moscow's earlier claims that the theater had been serving as a Ukrainian military base at the time of the airstrike, with survivors confirming they never saw any Ukrainian soldiers on the premises.

Russian forces lobbed bombs on the building despite the word "children" being painted in huge, white letters on the pavement outside, large enough to be visible even by satellite.

Using testimony from 23 survivors, rescuers, and others familiar with the theater, as well as photos, video, and floor plans, the AP investigation paints a devastating picture of how many lives were lost in the bombing.

More than 1,000 civilians were inside the premises at the time, among them pregnant women and families with young kids, many of them trying to evacuate the city. Survivors said they didn't see any more than about 200 people escape—with the rest of them buried in the wreckage.

"All the people are still under the rubble, because the rubble is still there—no one dug them up. This is one big mass grave," a survivor named Oksana Syomina told the AP as she recalled the horror of seeing bloodied bodies.

The disturbing new details about the theater bombing—one of the most heinous of Russia's alleged war crimes since the invasion began on Feb. 24—come as Ukrainian authorities warn the decimated city may be the site of even more atrocities yet to be discovered.

Some of the most gut-wrenching glimpses inside the battered city have come from firsthand accounts of those who made it out. Ukrainian photographer Yevgeny Sosnovsky shared photos on Facebook this week of a diary kept by an 8-year-old boy who was trapped in the city during Russia's siege.

In heartbreaking detail, the diary pages reveal what the war looked like through the eyes of a child.

"I slept well, woke up, smiled, got up and read up to the 25th page. Also my grandfather died, I have a wound on my back, torn out skin, my sister has a head wound, and mama has flesh torn out of her arm and a hole in her leg," the boy wrote, titling the diary entry "War."

On another page, the boy notes that he's preparing to celebrate his birthday, alongside a doodle of a stick figure family wearing party hats and standing next to a big cake. On the next page, the boy drew pictures of dead bodies in the street, burning buildings, tanks, and men holding rifles.

"Two of my dogs died, and grandmother Galya, and my beloved city of Mariupol all throughout this time starting on the 24th,"

he wrote.

The grim snapshot of what remains of Mariupol after weeks of Russian bombardment comes as Russia reportedly prepares to hold a parade in the city to mark Victory Day on May 9, when the country celebrates the defeat of the Nazis in 1945. (President Vladimir Putin is widely expected to use the holiday this year to claim that Russian forces defeated “Nazis” in Ukraine with his “special military operation.”) Local Russian forces have reportedly been ordered to clear debris and dead bodies from the streets to help sell the Kremlin narrative that the city has been “liberated.”

Meanwhile, the last pocket of Ukrainian resistance in the city came under intense fire by Russian troops Wednesday. Ukrainian soldiers holed up in the Azovstal steel plant, along with some civilians, continue to fight in the hopes of fending off a full-blown Russian takeover of the city, most of which has been wiped off the face of the earth.

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Syria

Massacre in Tadamon: how two academics hunted down a Syrian war criminal (The Guardian)

By Martin Chulov

April 26, 2022

On a spring morning three years ago, a new recruit to a loyalist Syrian militia was handed a laptop belonging to one of Bashar al-Assad’s most feared security wings. He opened the screen and curiously clicked on a video file, a brave move given the consequences if anyone had caught him prying.

The footage was unsteady at first, before it closed in on a freshly dug pit in the ground between the bullet-pocked shells of two buildings. An intelligence officer he knew was knelt near the hole’s edge in military fatigues and a fishing hat, brandishing an assault rifle and barking orders.

The rookie militiaman froze in horror as the scene unfolded: a blindfolded man was led by the elbow and told to run towards the giant hole that he did not know lay in front of him. Nor did he anticipate the thud of bullets into his flailing body as he tumbled on to a pile of dead men beneath him. One by one, more unsuspecting detainees followed; some were told they were running from a nearby sniper, others were mocked and abused in their last moments of life. Many seemed to believe their killers were somehow leading them to safety.

When the killing was done, at least 41 men lay dead in the mass grave in the Damascus suburb of Tadamon, a battlefield at the time in the conflict between the Syrian leader and insurrectionists lined up against him. Alongside piled heaps of dirt that would soon be used to finish the job, the killers poured fuel on the remains and ignited them, laughing as they literally covered

up a war crime just several miles from Syria's seat of power. The video was date-stamped 16 April 2013.

A paralysing nausea took hold of the recruit, who instantly decided the footage needed to be seen elsewhere. That decision has led him, three years later, on a perilous journey from one of the darkest moments of Syria's recent history to the relative safety of Europe. It has also united him with a pair of academics who have spent years trying to get him – the prime source in an extraordinary investigation – to safety while identifying the man who directed the massacre and persuading him to admit his role.

It is the story of a war crime, captured in real time, by one of the Syrian regime's most notorious enforcers, branch 227 of the country's military intelligence service that also details the painstaking efforts to turn the tables on its perpetrators – including how two researchers in Amsterdam duped one of the most infamous security officers in Syria through an online alter ego and seduced him into spilling the sinister secrets of Assad's war.

Their work has cast an unprecedented light on crimes previously believed to have been widely committed by the regime at the height of the Syrian war but always denied or blamed on rebel groups and jihadists.

Nine years later, as war rages in Ukraine, a playbook of state terror on civilian populations rehearsed in Syria is being redeployed by Russian forces, as Vladimir Putin's so-called special military operation turns into a brutal occupation of parts of the east of the country. Military intelligence units there have been at the forefront of savagery, instilling fear into communities through mass detentions and killings of the type that characterised Assad's brutal attempts to claw back power.

Trained by Soviet and Stasi officers in the 1960s, Syria's security agencies learned well the art of intimidation. Often, the allegiance of those snatched at checkpoints was of little consequence; fear was the regime's most lethal means to cling to power and it used every means available to instil it. In this case, the victims were not insurrectionists but civilians who were unaligned to either side and had accepted Assad's protection. Their murders were widely seen in Tadamon as a message to the whole suburb: "Don't even consider opposing us."

In leaking the video, first to an opposition activist in France, and then to the researchers, Annsar Shahhoud and Prof Uğur Ümit Üngör, from the University of Amsterdam's Holocaust and Genocide Center, the source had to overcome the fear of being caught and probably killed and the distress of potentially being cast out from his family – prominent members of Assad's Alawite sect, which holds the main levers of power in what remains of Syria.

He would eventually learn that even as hundreds of people around the world worked to bring Assad to justice for war crimes, the video would end up being a standout piece of evidence in the case against the Syrian leader.

But first, Annsar and Uğur needed to find the man in the fishing hat, and they turned to the only thing they believed could help: an alter ego.

'Anna Sh'

Annsar had been a vocal critic of Assad since the outbreak of the Syrian war. Her family were members of a community that had largely retained good relations with Assad, but the conflict and the ensuing economic collapse strained alliances and Annsar increasingly found herself determined to hold Assad to account, no matter the personal price.

She moved to Beirut in 2013 and then to Amsterdam two years later, where she met Uğur in 2016. Both shared a drive to chronicle what they believed to be a genocide being committed in Syria. Piecing together the stories of survivors and their families was one way to do it. Speaking to the perpetrators themselves was another. Breaking the omertà code of the regime, however, was a task thought nearly impossible. But Annsar had a plan: she decided to turn to the internet, and find her way into the inner sanctum of the regime's security officials by pretending to be a fangirl who had fully embraced their cause.

"The problem was that the Assad regime is very difficult to study. You don't just walk into Damascus, waving your arms, saying well, 'Hey, I'm a sociologist from Amsterdam and I would like to ask some questions,'" said Uğur, in the grand dark wood drawing room of the Holocaust and Genocide Centre. "We came to the conclusion that, actually, we need a character – and that character should be a young Alawite woman."

Annsar established that Syria's spies and military officers tended to use Facebook, and despite their secretive work lives, they tended not to make their social media settings private. She decided on an alias, "Anna Sh", and asked a photographer friend to shoot an alluring glimpse of her face. She then turned her homepage into a glowing tribute to Assad and his family and set about trying to recruit friends.

Day and night for the next two years, she scoured Facebook looking for likely suspects. When she found a taker, she told them she was a researcher studying the Syrian regime for her thesis. Eventually, she got good at it. She learned the regime mood of the time and, together with Uğur, tailored jokes and talking points that might help with an approach. Soon, Anna Sh became

known among the security services as an understanding figure – and even a shoulder to cry on.

“They needed to talk to someone, they needed to share their experience,” she said. “We shared some stories with them. We listened to all the stories, not focusing only on their crimes.”

“Some of these people got attached to Anna,” Uğur continued. “And some of them started calling in the middle of the night.”

Over the next two years, Annsar lived and breathed her new persona. At times she recoiled from who she had become – someone who had got into the minds of her prey and could at times understand them on a raw human level that eclipsed the clinical boundaries of her research.

But the snap back to reality was usually sudden. Many of those she had spoken to had been active parts of a killing machine, others were willing parts of the cabal that enabled them. Her health took a toll, as did her social life and her sanity. The prize was worth it, however. If she could find the gunman in the video, she could start to bring justice to the families of those he killed. And, maybe, she could start what few others had managed in the decade-long conflict: begin a process that irrefutably linked the Syrian state to some of the war’s worst atrocities.

In March 2021, the breakthrough finally arrived. Anna Sh’s Facebook following had by then won the confidence of more than 500 of the regime’s most devoted officials. Among her trawls of their friends and photos, a distinctive moon face with a scar and facial hair stood out. He called himself Amgd Youssuf, and he looked very much like the gunman in the fishing hat that she had exhausted herself looking for. Soon afterwards, Annsar, or Anna Sh – by now it had become difficult to distinguish the two – received corroboration from a source inside Tadamon that the killer was a major in branch 227 of the Syrian military intelligence service.

“The relief was indescribable,” she said. “Here was someone who held the key to it all. And now I needed to make him talk.”

Annsar remembers well the moment she hit send on her friend request, and the excitement she felt when her prey accepted. After all this time, the bait had been set. Now she needed to reel him in. The first call was fleeting; Amjad was suspicious and ended the call quickly. But something in that initial conversation had whetted his curiosity. The hunter had become the hunted. Was it the thrill of talking to a strange woman, the need to interrogate someone who dared to approach him, or something else? Either way, when Amjad video-called three months later, Annsar pressed record, and “Anna” answered the call.

After all these years, there he was; stern at first, very much in character as a spy who controlled all his conversations and readily deployed stony silence as a weapon. He uttered few words, and when he did speak he mumbled, forcing his listener to strain to hear him. Anna Sh did all she could to disarm Amjad, grinning sheepishly, giggling and deferring to him as he peppered her with questions, all delivered on his terms. Gradually his frozen face begins to relax, and Anna won the floor. She asked him about Tadamon.

And then she asked a question that changed the tone of the whole conversation: “What it was like to go hungry, not to sleep, to fight, to kill – to fear for your parents, for your people. It’s a huge responsibility – you carried a lot on your shoulders.”

Amjad sat back in his chair, as if to acknowledge that somebody had finally understood his burden. From then on, he was in the interrogation seat. The conversation was no longer his. Anna had an answer for every one of his replies; building him up, putting him at ease and puffing his ego. Much like Jennifer Melfi was to Tony Soprano, she had become to him a therapist, a sounding board, a trusted woman that could get to know his mind without, it would seem, passing judgment.

“I don’t deny that I was excited talking to him,” said Annsar. “So I was smiling. Because wow, you’re talking to him. But to know their stories, we need to convince them that we are just researchers. So they open up. It’s not a result of one interview – it’s a result of four years undercover. Gradually, I learned to dissociate myself. I created this girl who is really admiring their deeds. It’s tough. After you close the laptop, you feel like it’s heavy stuff, but it’s needed. And I wanted to see him as a human.”

Throughout the summer of last year, Annsar and her alter ego, with Uğur often sitting just off screen, tried to persuade Amjad to talk. Getting inside the head of a killer was one thing, but gathering real information about why he did and extracting admissions was another. They trawled his Facebook profile for clues, and came across a photo of a younger brother, and poems Amjad had written after his death in early 2013, three months before the Tadamon massacre. Anna kept pestering him for another call, but he remained elusive. Then late one night in June, her Facebook messenger lit up. It was Amjad. Here was her chance to nail him down.

‘I killed a lot’

Amjad was more relaxed this time, dressed in a singlet with perhaps a drink or two on board. The floor was now his, or so he thought, and he began with small talk, trying to feel Anna out. She seized her moment and asked about his brother, and the

feared killer and enforcer started to weep. Anna switched to Melfi mode as he told her he had to stay in the military despite the risk of his mother being forced to grieve another son. “You did what you needed to do,” he said.

And then came Amjad’s first real admission. “I killed a lot,” he said. “I took revenge.”

As if to recognise the gravity of the moment, Amjad shut down the conversation and ended the call. Over the next few months he was difficult to find, responding only on chats and asking when Anna was returning to Syria. Who was this woman who had gotten under his skin? When would he get the chance to interrogate her on his own turf and terms?

Amjad started to play the role of the jealous boyfriend, asking who Anna was with, whether she drank and where she was.

Annsar, meanwhile, was starting to feel that her alter ego had reached the limit of her powers, and that Anna Sh needed a rest, just as she did. The character had spoken to up to 200 regime officials, some of them direct perpetrators in murders, and others part of a community that had aided and abetted Assad’s increasingly brutal attempts to cling on to power. They had started to speak among themselves about the mystery woman in all of their inboxes.

Late last year, after Annsar had spoken to a woman who accused Amjad of assaulting her, she had had enough. All this empathising with perpetrators had started to seep into her soul. So, too, was living a character.

“Annsar also deserves to live,” she said. “And then the question was, where is Annsar? Who is Annsar now? Lost in the research? Anna was able to pretend in life and as an Alawite, pretend for hours here in Amsterdam. And I think Anna went so far, it’s not only a digital identity. Where is the original person in all of this? Where is Annsar? So I decided to execute Anna.”

On a cold morning in January this year, Uğur and Annsar packed a small box with a printout of Anna’s Facebook profile, a sword used as a symbol by the Assad regime and some trinkets and drove to a nature reserve outside Amsterdam. There, they dug a hole and buried the character, with a startled dog walker the only other person to bear witness to the demise of a digital sleuth whose body of work would have made any real spy proud.

“I mean psychologists and therapists will tell you that if you have a particularly difficult period, you can mark that period with a ritual,” said Uğur. “So ritualising something actually helps you put it behind you. I thought, actually, good riddance.”

It was time for the two researchers to start focusing on the material they had collected and had not been able to process while so deeply immersed in the character they had just buried in a forest with a minute’s silence

“I laugh about her all the time,” reflected Annsar. “We always remember Anna.”

But there was one more thing they needed to do; confront Amjad with what they knew about him.

“Because how long do you want to go on courting a mukhabarat [intelligence] officer,” asked Uğur. “I think that the moment where he opened up about his brother, and that he committed revenge, that’s as close as you can get in this particular context.”

Over Facebook messenger, Annsar, using her real identity this time rather than “Anna”, sent Amjad a 14 second sequence of video.

“His first question was: ‘Is that me in the video?’ I said: ‘Yes it’s you.’ He said: ‘Yeah, it’s me. But what does this video tell? Nothing. I’m arresting someone, and that’s my job.’”

Realising the consequences of what he had just been shown, Amjad then railed against members of the National Defence Front, the militia that the rookie who had leaked the video had belonged to. He described them as thugs and killers and said he was not like them.

Then the subterfuge stopped, and Amjad defiantly embraced what he had done. “I’m proud of what I did”, he wrote in a message, before threatening to kill her and her family.

Neither Annsar nor Uğur have responded to Amjad since February and have blocked him from their social media accounts. However, he has tried to reach out several times. He is clearly nervous about what lies ahead, as well he may be. War crimes prosecutions in Germany have started to break the armour of impunity that has shrouded the Assad regime in Syria. Yet those court hearings do not contain the same overwhelming evidence as depicted in the Tadamon massacre video.

Before this story could be told, however, one man needed to get to safety – the person who had leaked the video to a friend in France, and then to Uğur and Annsar. Some time in the last six months, he started his dangerous journey.

The source’s escape

Leaving the regime in Syria is never easy. Anyone hoping to travel to other parts of the country, or especially abroad, faces a long process of questioning before being allowed to do so. Although Assad retains power, the area he controls has shrunk, and two powerful overlords, Iran and Russia, have veto over many state decisions. Opposition groups retain control of the north-west, and the Kurds have aegis in the north-east. Syria remains broken and unreconciled; a place where even family members can be suspected of being traitors in waiting.

And that is how it was when a young man set off from the Syrian capital for Aleppo in the past six months on the first leg of a journey that would take him to the opposition-held north, then to Turkey and onwards to Europe.

The drive to Aleppo was a nervous one. He had been allowed to leave, but would the dreaded intelligence units catch up with him before he made it beyond their clutches? On Aleppo's northern outskirts, a colonel from the 4th division of the Syrian army pocketed a \$1,500 (£1,187) bribe in return for allowing the man across the no man's land separating both sides. The journey was delayed a day, as a Captagon shipment was readied by the 4th division to cross the same route. Shortly after, a truck carrying dozens of kilos of the stimulant, made and distributed by the regime and exported across the Middle East, made its way to the opposition-held north.

The source soon followed. Several weeks later, Annsar met him in Turkey, where gaps in the story of Tadamon were filled in over weeks of discussions, and notes for a war crimes prosecution steadily put in order.

In February, Uğur and Annsar handed over the videos and their notes, comprising thousands of hours of interviews, to prosecutors in the Netherlands, Germany and France. In the same month in Germany, came the first ever prosecution of another Syrian military intelligence official, Anwar Raslan, for his role in overseeing the murder of at least 27 prisoners and torture of at least 4,000 others. He was convicted of crimes against humanity and has been imprisoned for life.

Annsar remains estranged from her family and in her words, is not the same person she was before she started this project. "But it was worth it," she said. "It was exhausting, but I hope our work will help bring justice."

Tadamon these days is a bustling part of the capital that looks like war never darkened its doorsteps. Much of the damage and the atrocities have been covered over by buildings, carparks, or piles of the flotsam and jetsam of conflict. Annsar and Uğur remain convinced that many more massacres took place there and have been piecing together locations and the names of those who went missing in the savage tussle for control of the suburb.

"The locals blame the regime," said Uğur. "They know who killed their loved ones. The strange thing is that the people who were killed in this video were not dissidents, they were onside with the regime. You can see they are not malnourished. They are straight from checkpoints, not dungeons. They were killed as a warning not to consider crossing sides. Their families deserve justice."

The source, meanwhile, is safe outside Syria. In fleeing his surroundings – the innermost circle of the Assad regime – he has condemned himself to a life of exile. "He is happy with his decision," said Annsar. "Sometimes people just want to do the right thing. If I've learned anything out of this, it's that there's good in people. That truth can still eventually see the light."

Top German court rejects Syrian's appeal in torture case (Toronto Star)

May 3, 2022

Germany's top court said Tuesday that it has rejected the appeal of a former member of Syria's secret police who was convicted last year of facilitating the torture of prisoners in his home country.

In a landmark ruling, a court in the western German city of Koblenz had convicted Eyad Al-Gharib of accessory to crimes against humanity and sentenced him to 4 1/2 years in prison. The verdict, which was the first time that a court outside Syria ruled in a case alleging Syrian government officials committed crimes against humanity, was welcomed by human rights activists and victims of President Bashar Assad's repression.

Al-Gharib, 45, had appealed the sentence, noting that his testimony to German investigators provided significant evidence for the subsequent conviction of a second, more senior Syrian former official.

The Federal Court of Justice said it found no legal errors in the verdict or sentence imposed by the Koblenz court, meaning that ruling cannot now be challenged.

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Special Tribunal for Lebanon

**Official Website of the Special Tribunal for Lebanon
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Israel and Palestine

Israel: Supreme Court rejects appeal for new probe into killing of boys on Gaza beach (Middle East Monitor)

April 25, 2022

Israel's Supreme Court rejected an appeal on Sunday to reopen an investigation into the killing of four Palestinian children by Israeli air strikes while they played on a beach in the Gaza Strip. The attack took place during Israel's 2014 military offensive on the besieged territory.

The decision has been slammed by the children's family and lawyers, who have said that it is another indication that the occupation state is incapable and unwilling to prosecute Israeli soldiers for war crimes and crimes against humanity.

In its ruling, the court upheld earlier decisions by Israeli military investigators and legal authorities which determined that the killing of the children from the Bakr family — all aged between 10 and 11 years — when they were playing football on the beach was a tragic mistake. "With all of the sorrow and heartache over the tragic and difficult outcome of the event in this petition, [we] did not find that the petitioners pointed to a flaw in the decision of the attorney general," the presiding judges all agreed. The ruling was signed by the court's president, Esther Hayut, and approved by two other justices.

The investigation by the Israeli military exonerated the soldier responsible, and claimed that the area where the children were playing "had long been known as a compound belonging to Hamas's Naval Police and Naval Force (including naval commandos), and which was utilised exclusively by militants."

This claim has long been disputed by the family and journalists who witnessed the killing. The hut around which the children were playing was in clear sight of nearby hotels where international journalists were staying. All of them reported that they saw no militants in that area at the time of the strike. They also confirmed that the area was easily accessible to both fishermen and local Palestinians who visit the beach to swim and relax, therefore making it a poor location to keep military supplies, as Israel claimed. Furthermore, the investigation found that the container which the Israeli report described actually contained no trace of military equipment.

In August 2018, it was revealed by the Intercept that a secret report by the Israeli military police said that the strikes on that fateful day were conducted without authorisation. According to the leaked report, the Israeli drone operators confessed that they contacted their superiors after they killed the first child, seeking authorisation for the second strike and clarification on what to do about the fleeing children who they allegedly mistook for militants. The report states, however, that "less than a

minute later, the drone operators decided to launch a second missile, killing three more children, despite never getting an answer to their question."

The killing of the Bakr boys was further evidence, critics insist, that Israel was targeting civilians and civilian areas indiscriminately in the numerous air attacks that it conducted on the Gaza Strip in 2014. Of the 2,250 Palestinians who were killed during the Israeli bombardment, 500 were children. A further 11,000 people were wounded.

As far as the family is concerned, Israel has acted as both "the criminal and the judge," said Zakaria Bakr, the dead children's uncle. "We are not surprised by the decision because even the so-called Supreme Court will only act in favour of the soldiers and protect them," he was reported as saying. He vowed to continue the struggle to get the case heard by an international court.

The appeal to the Supreme Court was filed by three human rights organisations: the Israeli group Adalah and the Gaza-based Al-Mezan and Palestinian Centre for Human Rights. In a joint statement, the groups said that, "The decision is further evidence that Israel is unable and unwilling to investigate and prosecute soldiers and commanders for war crimes against Palestinian civilians."

The Bakr family members delivered testimony to a preliminary inquiry by the International Criminal Court (ICC) into alleged Israeli crimes in the occupied Palestinian territories. Israel has rejected the ICC case, saying that its legal system is capable of investigating the military. Moreover, the occupation state has accused the ICC of "anti-Semitism" in looking at crimes said to be committed by Israeli soldiers.

Israel: Release Long Detained Gaza Aid Worker (Human Rights Watch)

April 25, 2022

Israeli authorities should immediately release Mohammad al-Halabi, a humanitarian worker from Gaza detained for nearly six years both before and during his trial, Human Rights Watch said today. The Israeli Supreme Court on February 17, 2022, renewed al-Halabi's detention for 90 days: its 23rd such renewal.

Israeli prosecutors have charged al-Halabi, the 45-year-old head of the Gaza office of the Christian charity World Vision, with diverting tens of millions of dollars to Palestinian armed groups. But after more than 160 hearings, the court has yet to convict him. The trial has been marred by severe due process violations, including keeping secret much of the supposed evidence against him. Audits by donor governments and independent firms World Vision hired have found no wrongdoing.

"It makes a mockery of due process and the most basic fair trial notions to hold someone for nearly six years in pretrial detention based largely on secret evidence," said Omar Shakir, Israel and Palestine director at Human Rights Watch. "The Israeli Supreme Court's 23 renewals of al-Halabi's detention are yet another marker of how they all too often rubber stamp government policy that tramples on Palestinians' rights."

Because al-Halabi's prolonged detention before and during proceedings so grossly violates the guarantees under international human rights law to a trial "within a reasonable time," he should be immediately released, Human Rights Watch said.

Israeli authorities arrested al-Halabi, a father of five, in June 2016 at the Erez Crossing between Gaza and Israel, as he was returning from a meeting at World Vision's office in Jerusalem. Al-Halabi's whereabouts were not revealed for weeks. In July 2016, Israeli authorities raided World Vision's Jerusalem office.

On August 4, 2016, Israeli authorities announced that al-Halabi had confessed to diverting up to US\$50 million to Hamas, some of it earmarked for militant activities. The allegations, which then-Prime Minister Netanyahu also referenced and made headlines globally, prompted major donors, including the Australian and German governments, to freeze their funding to World Vision's projects in Gaza. They also prompted World Vision, which operates in 100 countries, to suspend its work in Gaza, which included education and health care programs, and cancel the contracts of 120 employees.

World Vision's work in Gaza remains suspended. In addition, in late 2021, Israeli authorities designated six prominent Palestinian civil society organizations as "terrorist" and "illegal" based on supposed secret "evidence," a move that permits closing their offices, seizing their assets, and jailing their staff and supporters.

Since 2016, World Vision and al-Halabi have denied the accusations against them. World Vision has said its ten-year Gaza budget was only US\$22.5 million. A forensic audit of World Vision's program in Gaza by the auditing firm Deloitte and the US law firm DLA Piper found no missing funds, no criminal activity, and no evidence that al-Halabi worked for Hamas, according to an August 2021 investigation in the Guardian. The Australian government also reviewed its funding for World Vision in Gaza, more than 25 percent of the organization's budget there between 2014 and 2016, and found "nothing to suggest any diversion of government funds."

Israeli prosecutors charged al-Halabi with multiple offenses, including membership in Hamas and its armed wing and support of their activities. Most seriously, they have charged al-Halabi, who is a Gaza resident, with “assistance to an enemy in war,” which falls under the “treason” article of Israel’s Penal Code of 1977 (articles 97-103). However, the Israel attorney general’s guidelines say that this charge “will not be used” against “a resident of the occupied territories ... even if its legal basis may exist.”

After several closed-door hearings, al-Halabi first publicly appeared in January 2017 in the Beersheva District Court, where he alleged that he had been “tortured physically and emotionally.” His father, Khalil al-Halabi, told Human Rights Watch that he understood that Shin Bet interrogators forced al-Halabi to remain in painful stress positions, banged his head against the wall, deprived him of sleep and food, and denied him access to a lawyer during his first few weeks of detention. The UN Office of the High Commissioner for Human Rights has said that al-Halabi has been subjected to “cruel, degrading, and inhuman treatment that may amount to torture.”

Prosecutors have offered plea deals, including deals that would have led to him being sentenced to time already served and released in return for admitting guilt on a lesser charge, according to al-Halabi’s lawyer, Maher Hanna. Al-Halabi has maintained his innocence and refused.

The Australian public broadcaster ABC reported that during a March 2017 hearing, the district court judge encouraged al-Halabi to accept a plea bargain, warning that he had “little chance” of being found not guilty. ABC reported that the judge added: “You’ve read the numbers and the statistics. You know how these issues are handled.”

The journalist who reported on the story now works at Human Rights Watch.

Much of the supposed evidence against al-Halabi remains secret. The prosecution’s case reportedly relies heavily on a supposed confession that al-Halabi made to a fellow prisoner, who testified at al-Halabi’s trial behind closed doors. Hanna, al-Halabi’s lawyer, told Human Rights Watch that the government interfered with his ability to represent his client, including not allowing him to see some of the government’s evidence or to cross-examine some witnesses and restricting what he can publicly say about the proceedings. Toward the end of the trial, the court mandated that Hanna have two guards present whenever he reviews trial transcripts and other court materials, and that he should use a government-issued laptop when preparing documents for court, such as questions for witnesses and his closing argument.

Al-Halabi’s trial concluded in July 2021, with final summations put forward to the district court shortly thereafter. Al-Halabi currently awaits a verdict.

Israeli law limits detaining a defendant before and during trial to nine months. After that period, the Supreme Court must authorize extensions for renewable periods of up to three months each. The Court justified its latest extension of al-Halabi’s detention by pointing to the severity of the charges, concern that al-Halabi would evade justice if released, and the forthcoming district court verdict.

The court did not evaluate the evidence in the case and it rejected the defense’s offer to provide private security, electronic monitoring, and round-the-clock surveillance if al-Halabi were released on bail. The court conceded that detaining al-Halabi this long constituted “extensive and ongoing” violation of his liberty, but suggested that the complexity of the facts necessitated such a lengthy proceeding and said that al-Halabi’s testimony and other defense evidence took up about half the trial sessions.

Hanna, al-Halabi’s lawyer, disputes the notion that the defense contributed to the delays. He noted that, while disputes over procedural issues, appeals, and Covid-19 restrictions slowed the proceedings, there were sometimes no trial sessions for two or three months along with summer and holiday recesses, and that hearings were adjourned quickly. He said that most of al-Halabi’s testimony was in fact the government’s cross-examination and that he sought to expedite proceedings, but that the court often denied those requests.

The International Covenant on Civil and Political Rights, which Israel ratified in 1991, provides that everyone “shall be entitled to trial within a reasonable time or to release” (article 9) and to a “fair and public hearing” held “without undue delay” (article 14). Interpreting these provisions, the UN Human Rights Committee in 2014 has said that “detention in custody of persons awaiting shall be the exception rather than the rule” and that “extremely prolonged pretrial detention may also jeopardize the presumption of innocence.”

“Al-Halabi’s outrageously long prosecution combines many of the hallmarks of Israel’s rigged justice system against Palestinians, including mistreatment, secret evidence, and prolonged pre-trial detention to coerce pleas,” Shakir said. “The case underscores why other countries should push back when Israel hurls wild allegations against staff of civil society organizations that serve Palestinians.”

Palestine: ICC case filed over systematic targeting of Palestinian journalists (International Federation of Journalists)

April 26, 2022

Legal submissions alleging that Israel's systematic targeting of journalists working in Palestine and its failure to properly investigate killings of media workers amount to war crimes, have been submitted to the International Criminal Court (ICC).

The International Federation of Journalists (IFJ), the Palestinian Journalists' Syndicate (PJS) and the International Centre of Justice for Palestinians (ICJP) working with leading human rights lawyers from Bindmans LLP and Doughty Street Chambers submitted the formal complaint to the ICC in early April 2022.

The ICC's Prosecutor's Office (OPT) formally acknowledged receipt of the complaint on 25 April 2022. The complaint which alleges war crimes against journalists by Israel's security forces will now be considered by the OPT and could lead to a formal investigation and prosecution.

The complaint details the systematic targeting of Palestinian journalists on behalf of four named victims – Ahmed Abu Hussein, Yaser Murtaja, Muath Amarnah and Nedal Eshtayeh – who were killed or maimed by Israeli snipers while covering demonstrations in Gaza. All were wearing clearly marked PRESS vests at the time they were shot.

The complaint also details the targeting of media and bombing of the Al-Shorouk and Al-Jawhara Towers in Gaza City in May 2021 including the cases of Alam News, Al Hayat Newspapers, Mayadeen Media, Al Bawaba 24 and others.

The IFJ has repeatedly condemned the deliberate targeting of journalists and media facilities by Israel. At least 46 journalists have been killed since 2000 and no one has been held to account.

In December 2020, the IFJ and PJS submitted complaints to the UN Special Rapporteurs (UNSR) setting out how the systematic targeting of journalists working in Palestine and its failure to properly investigate killings of media workers violates the right to life and freedom of expression, is in breach of international humanitarian law, and may amount to war crimes.

The UNSR complaint also detailed the discrimination, violations of freedom of movement and restrictions on press accreditation suffered by Palestinian journalists.

With ongoing impunity, the targeting has continued. In May 2021, Israel bombed media facilities in Gaza. At least two journalists were killed and another 100 injured in separate incidents.

IFJ General Secretary Anthony Bellanger said:

“The targeting of journalists and media organisations in Palestine violates the right to life and freedom of expression. These crimes must be fully investigated. This systematic targeting must stop. We are proud to work with PJS, ICJP, Bindmans and Doughty Street Chambers to seek to ensure those responsible for crimes against journalists are held accountable.”

Legal Counsel for the group, Jennifer Robinson, and Tatyana Eatwell, of Doughty Street Chambers said:

“The cases communicated to the ICC Prosecutor are emblematic of the ongoing, systematic attacks and use of lethal force against journalists and media organisations in Palestine by the Israeli security services.

These journalists and media organisations were targeted and attacked in circumstances that give rise to strong grounds to suspect that war crimes and crimes against humanity have been committed.

In the light of the continuing impunity enjoyed by the perpetrators of these attacks, the victims now call upon the ICC Prosecutor to exercise his jurisdiction and authority to investigate and to act against impunity, and in doing so, to communicate to the international community at large that journalists working on the frontline in situations of armed conflict, crisis and political upheaval are not fair game. “

Tayab Ali, Director at ICJP and Partner at Bindmans LLP said:

“A free press is the cornerstone of a democracy. The targeting of journalists in conflict zones anywhere in the world is unacceptable and must bring severe consequences for those that try to hide their crimes and violations by killing or maiming journalists.

On 5 February 2021 the ICC Pre-Trial Chamber accepted that it has jurisdiction over the situation in Gaza, West Bank and East Jerusalem. We are confident that the ICC will investigate and prosecute the perpetrators of the crimes alleged in our complaint.

There could not be a more important time than now for the ICC and international community to send a clear signal to States, that further their own interests through war crimes, that they will not have impunity but will instead be swiftly held to account for their violations”.

Palestinian killed during Israeli raid on Jenin camp (AlJazeera)

April 27, 2022

Israeli forces have shot dead a Palestinian teenager during a raid on the Jenin area in the northern occupied West Bank.

The 18-year-old was identified as Ahmad Fathi Masad, a former prisoner from the village of Burqin, west of Jenin.

His killing in the Jenin refugee camp was reported just after dawn on Wednesday, and a funeral procession was held for him an hour later.

The Palestinian health ministry said he was killed with a bullet to his head. Three other Palestinian youth were also wounded by Israeli live fire and are in stable condition.

Armed confrontations broke out with Palestinian fighters in the camp.

The Israeli army said that it was “conducting counterterrorism activity” in Jenin, but did not comment on any casualties.

The Palestinian Islamic Jihad (PIJ) movement, which is active in the Jenin camp, said in a statement: “The blood of the martyr Ahmad and all the martyrs, will not go in vain.”

Israeli forces arrested at least 15 Palestinians in raids on other parts of Jenin and across the occupied West Bank on Wednesday.

Masad’s killing comes just a day after another Palestinian, 20-year-old Ahmad Ibrahim Owaidat, was killed during a raid on the Aqabet Jaber refugee camp in Jericho, in the eastern West Bank.

Israel has stepped up raids and arrests across the West Bank after four attacks in Israel left 14 people, including three police officers, dead.

At least 47 Palestinians have been killed by Israelis since the start of 2022.

Jenin has become the target of increasing Israeli military raids, arrests and targeted assassinations, in an attempt to crack down on growing Palestinian armed resistance there.

Fears are rampant of a possible large-scale Israeli invasion of the camp, where the armed wings of the PIJ and Fatah movements are active.

Israeli forces have killed 11 Palestinians over the past two weeks in the West Bank, including six from Jenin.

Last week, when the Jewish festival of Passover and the Muslim holy month of Ramadan overlapped, settler incursions under police protection led to daily confrontations with Palestinians at the Al-Aqsa Mosque compound, with many Palestinians injured and arrested.

Weeks of protests against the forced displacement of Palestinians in occupied East Jerusalem, and raids by Israeli forces on Al-Aqsa during Ramadan last year, escalated into a widespread uprising across Israel and the occupied Palestinian territories, and an 11-day assault on the Gaza Strip.

Palestinian remains in ‘critical condition’

One of the Palestinians injured during Friday’s Israeli raid on the Al-Aqsa Mosque compound, 21-year-old Walid al-Sharif, remains in a coma after he was hit in the head by a sponge-tipped bullet, according to his family.

“He remains in a coma since his arrest and is on artificial respirators. He is in a difficult condition,” Jameel Saadeh, the head of the legal department at the Palestinian Detainees’ Commission, told Al Jazeera.

Saadeh said al-Sharif remains in Israeli custody, and is being guarded by police at the Hadassah hospital in Ein Karem.

The Israeli police, however, told Al Jazeera that al-Sharif is not currently under police custody. They also labelled al-Sharif a “rioter” and said that he had not been injured with a sponge-tipped bullet.

“[Al-Sharif], a masked man who threw stones and rioted on the spot, was seriously injured when he fell to the floor on his head during his escape,” the Israeli police said. “The injured person has a previous medical background that may be relevant to the circumstances of his injury.”

Abdelrahman al-Sharif, Walid’s brother, who is a guard at the al-Aqsa Mosque Compound, said on Friday that his brother was in “very critical condition.”

“Oxygen is not getting to his brain, which has impacted his brain cells. He has fractures in his skull and severe internal bleeding in his brain,” said Abdelrahman.

“They cannot operate on him because it will affect him – all we ask from God is recovery.”

Hadassah hospital had said in a statement that al-Sharif had suffered a head injury and was in very critical condition.

The Israeli army is making millions by seizing Palestinian tractors (+972)

By Basil al-Adraa and Oren Ziv

May 1, 2022

Data shows the military, with settler backing, is intensifying its confiscation of Palestinian agricultural equipment while profiting from release fees.

In the dead of night on Dec. 1, 2021, Israeli soldiers marched into a small Palestinian village in the Jordan Valley in pursuit of an odd target: tractors. They woke up the families of Ras al-Ahmar, ordered them out of their homes, and confiscated their agricultural machinery. The village, located in the occupied West Bank, is home to some 180 residents, all farmers and livestock herders.

“It was 4 a.m.,” recalls the village mayor, Abdullah Bisharat, a few months after the incident. “They confiscated tractors, trailer carts, and water cisterns right at the start of the plowing season. About 3,000 dunams [740 acres] of unsown land went to waste. That night was a bitter blow to all the families.”

The Israeli army justified the confiscation with the excuse that the village lies inside a military “firing zone.” Almost 20 percent of the West Bank, however, has been declared firing zones by the occupation authorities. Around 38 Palestinian communities live within these areas and are at risk of expulsion.

Previously unpublished data from the Civil Administration — the arm of the Israeli military that governs the occupied territories — which was collated by the NGO Kerem Navot, suggests that confiscations of Palestinian agricultural and construction equipment (including tractors, cranes, construction materials, and water cisterns) have leapt nearly threefold over the past seven years. Confiscations of similar equipment from Israeli settlers in the West Bank, meanwhile, dropped by 42 percent over the same period.

The difference wasn’t always as stark. In 2014, the data shows that Palestinians and Israeli settlers lost similar quantities of equipment to the authorities: 262 individual items were confiscated from Palestinians, and 253 from settlers. By 2015 the new trend had set in: Palestinians lost 812 pieces of equipment that year, while Israeli settlers only lost 154.

Data obtained by Kerem Navot further shows that, between 2014 and 2020, the Civil Administration raised more than NIS 8 million [\$2.4 million] from release fees for the seized equipment, and profited some NIS 2.5 million [\$750,000] from selling equipment that owners were unable or unwilling to reclaim. In other words, the Civil Administration raked in over NIS 10 million from the confiscation of agricultural and construction equipment over that period.

To reclaim materials and equipment, Palestinians are typically requested to pay about NIS 6,000 [\$1,800] to NIS 8,000 [\$2,400] apiece — far exceeding the costs of the confiscation process itself, according to the army’s own records.

The acquisition of this data required two separate appeals under Israel’s Freedom of Information Law. “We requested the information from the Civil Administration a year ago, but they ignored our requests for months,” says Dror Etkes, the founder of Kerem Navot. “When we finally got the data, we understood why.”

Etkes continues: “The data shows the enormous gaps in enforcement against Israelis and against Palestinians with regards to construction in Area C,” referring to the 60 percent of the occupied West Bank which is under full Israeli civil and military control, and where firing zones also lie. “This is stuff anyone working on the ground sees every day — in the huge spike in demolition of Palestinian construction, and the jump in the number of illegal [Israeli settlement] outposts in recent years.

“The data faithfully reflects the nationalist radicalization of Israeli politics in recent years and the culture of apartheid, which is spreading across the Israeli authorities in the West Bank, beginning with the Civil Administration itself,” he adds.

‘It’s all part of a policy to drive us out’

The legal pretext for Israel’s confiscations is most often the offense of working in an area defined as “state land” or a “firing zone,” or doing any work outside of zoning plans that Israel has authorized for Palestinian communities under its full control – which it almost never does.

The seizures are not limited to Area C; Israel also confiscates Palestinian agricultural and construction equipment in Area B, where responsibility for civil matters, such as planning and construction, ostensibly falls under the Palestinian Authority. Here, Israel employs “Construction Ban 1/96,” which prohibits building near major roads, even in areas under Palestinian control.

In September 2021, for example, work began on a playground in the village of Jaba’ near Jenin in the northern West Bank. The Civil Administration presented a stop-work order and confiscated the contractor’s excavator, claiming the playground was within 100 meters of the Ramallah bypass road, which Israel built within Area B in the 1990s.

“No one dares to bring in a tractor or any other kind of vehicle to plow the land,” says Bisharat. “People are going back to plowing with a donkey, like in the old days. It’s making life very difficult. It’s all part of a policy to drive us out.”

Palestinian farmers are especially dependent on tractors and pickup trucks for carrying water cisterns and hay bales for livestock. This is because the army, as a general rule, bans Palestinians from building access roads and water infrastructure in Area C, which contains most of the West Bank’s agricultural land. Confiscating this equipment, then, can paralyze an entire community.

In many cases, the Israeli army confiscates Palestinians’ agricultural equipment while work is ongoing. This is what happened to Mohammed Bani Odeh, a resident of the Jordan Valley, who was using an excavator to dig a trench for an irrigation pipe on his land, where he grows za’atar.

“As I was digging, soldiers showed up and said I was doing it illegally,” he recalls. “They confiscated the digger for ten days. I had to pay NIS 8,000 to get it back.”

Settlers report, the army seizes

The escalating confiscation campaign has been fueled in part by Israeli settler activism. Over the past two years, settlement regional councils have set up WhatsApp groups where residents can report whenever they spot any Palestinian construction work taking place. The Civil Administration has also set up a hotline for such reports, nicknamed “War Room C.”

A presentation by the Mateh Binyamin Regional Council, in the northern part of the West Bank, prepared for a conference on the issue in April 2021, claimed that hundreds of its residents take part in the reporting process, alongside civilian security coordinators (employed by the army in each settlement), inspectors, settler farmers, and others. One slide boasted of 600 reports made by settlers in 2020 alone, all within the regional council. The reports resulted in 60 confiscations.

Another pretext for confiscation is working on land that Israel expropriated as far back as the 1980s, often without the knowledge of the Palestinian farmers. Last month, in the Masafer Yatta area of the South Hebron Hills, two tractors were confiscated from one such plot of land. These areas, which Israel calls “state land,” are effectively apartheid areas, barred to Palestinians and allocated exclusively to Jewish settlers.

On other occasions, the confiscations are carried out without any legal pretext whatsoever, but rather simply in response to requests by settlers on the ground. This was the experience of Sa’id Alian, who owns land near the illegal outpost of Mitzpeh Yair. Last March, Alian and his wife were attacked by a group of masked settlers with metal pipes while they were having a picnic on their own land. Alian’s wife filmed the attack.

This year, when Alian needed to work in his olive grove, he made sure to notify the Civil Administration and the army, in the hope that this would protect him from similar attacks. The army responded by confiscating his excavator and his tractor, with no apparent pretext except acquiescing to the demands of the settlers’ in the illegal outpost nearby.

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Qatar 'covering up women being flogged for adultery cases ahead of World Cup' (Mirror)

By Amy Sharpe

April 30, 2022

Hundreds of discriminatory sex cases against women have been hushed up in Qatar ahead of the World Cup, it is claimed.

Human Rights Watch believes authorities suppressed coverage to improve its image.

Severe “zina” laws classify sex and pregnancy outside of marriage as a crime. Along with adultery, they are punishable by floggings and up to seven years in jail. Even rape victims can face prosecution if a suspect claims sex was consensual.

Human Rights Watch recorded 100 zina convictions a year before 2012, but coverage stopped following global criticism.

It has learned of convictions from last year and fears many more have been punished since Qatar won its World Cup bid in 2010.

Rothna Begum, the charity’s women’s rights researcher, said: “Prosecuting consensual relations and sentencing people to floggings looks bad and breaches international standards.

“Just because reporting stopped, it doesn’t mean cases stopped. I met women who reported rape and had been prosecuted for zina.

“Human Rights Watch believes there could be hundreds of cases.”

Some 173,000 female migrant domestic workers in Qatar are “disproportionately” affected by zina laws, the charity says.

It highlighted a case where a maid was raped by a man who broke into her quarters. He told police sex was consensual and the woman was prosecuted for zina.

Ms Begum warned that female fans and migrant workers travelling to the World Cup face being discriminated against.

Baroness Prosser, vice-chair of the All Party Parliamentary Group on Women, Peace and Security, said: “It’s shameful. Anybody with an ounce of sense and knowledge about how women are treated in Qatar knew it was not a good choice to host the World Cup.”

The claims came amid concern for worker rights in Qatar – and a week after the Mirror told how Nepalese migrant Sanjib Raya, 28, died of heart failure while working long days for £1 an hour.

A Qatari official rejected the charity’s claims, said “major strides” have been made to safeguard domestic workers and added: “Women visiting Qatar during the World Cup will be warmly welcomed to one of the safest countries in the world.”

Saudi Arabia's mass killing is an execution of human rights (The New Arab)

By Nadine Sayegh

April 30, 2022

The kingdom’s long list of human rights abuses and international law violations have only accelerated in 2022, culminating in a mass execution of 81 prisoners. The international community must do more to hold Riyadh accountable, writes Nadine Sayegh.

Since the start of the new year, Saudi Arabia has come under heavy scrutiny for a truly vast array of human rights abuses. With recent reports that the Saudi-led coalition killed at least 80 civilians in Yemen in an attack in January, seriously injuring another 150, human rights groups are currently campaigning to include prosecuting such violations of international law as part of the ongoing peace talks.

In addition, Saudi Arabia is also receiving heavy criticism for its administrative detention of 4 Uyghur Muslims (including one child) and the looming threat of deportation back to China where their ethnic group is persecuted.

“Deporting these four people – including a child – to China, where Uyghurs and other ethnic minorities are facing a horrific campaign of mass internment, persecution and torture, would be an outrageous violation of international law,” said Lynn Maalouf, Deputy Regional Director for MENA region at Amnesty International.

"From unjust imprisonment of numerous women's rights activists, wonton assassinations of journalists, to the mistreatment of their foreign labour force, it seems the oil-rich nation is continuously exempt from the standards to which the remaining of the world is held" But the Gulf Kingdom's rap sheet of human rights abuses doesn't end there. Recently, there has been public outcry in both Turkey and Saudi Arabia for halting the trial of the killers of Jamal Khashoggi, where 26 Saudi suspects were being tried in absentia in Ankara. The trial will now be transferred to Riyadh, where the prospect of justice is slim.

But what is arguably most indicative of the kingdom's insidious disregard for human rights is a less discussed event that took place locally.

Last month, one of the largest official mass executions in the past century took place largely unnoticed in Saudi Arabia. 81 people were executed in a single day, a greater number than the total number of executions that took place in the kingdom throughout the entirety of last year and almost triple that of those in 2020.

While some human rights organizations have spoken out against these executions, and what can legitimately be considered state-sponsored murder, for the most part Saudi Arabia has not received any significant condemnation - and certainly no active reaction. This is problematic on both the local and international scale, and has geopolitical ramifications.

Saudi Arabia is no stranger to criticism for violations of human rights - be it towards their own citizens or foreign workers. From unjust imprisonment of numerous women's rights activists, wonton assassinations of journalists, to the mistreatment of their foreign labour force, it seems the oil-rich nation is continuously exempt from the standards to which the remaining of the world is held.

The execution of these individuals in itself is controversial due to the contentious nature of the death penalty. Where the death penalty is in place and deemed applicable, it is as a general rule reserved for only the most heinous of crimes, and it is rarely carried out with such a wide scope.

Government statements indicate that the majority of those executed were indicted under charges of terrorism; the crimes range from specifically targeting police agencies to holding 'deviant beliefs,' to armed robbery and attempted murder, with little information or effort made to elaborate further.

However, the UN High Commissioner for Human Rights, Michelle Bachelet, amongst other reports, highlighted that while these people were sentenced to death, the most final of punishments, many of them were not given the right of due process. Furthermore, they were executed by beheading, one of the more brutal forms of the death penalty.

Of the 81 people executed, 41 were Shia Muslims who participated in the 2011-2012 uprisings demanding more political inclusion. One was a Syrian national and eight were Yemeni citizens. In fact, the majority of those executed were from groups already othered in Saudi society, who face systemic discrimination and therefore are likely to have faced clear biases against them by virtue of their identity.

Adding to the reports that these people did not receive an adequate and fair judicial process, their actual jurisdiction is contentious. At the very least, the eight non-nationals, and specifically members of the Yemeni Houthi group, should have been treated as prisoners of war. The Saudi Press Agency, the official news agency of the kingdom, naturally contradicts this stating, "[the] accused were provided with the right to an attorney and were guaranteed their full rights under Saudi law during the judicial process."

Human Rights Watch issued a report based on analysis of the obtained court proceedings of 5 of the 41 Shia men and found that, "All of their trials were marred with due process violations, including that in every case they had told the court that they suffered torture and ill-treatment during interrogations, and that their confessions were forcibly extracted."

The executed also included 37 Saudi nationals who were found guilty in a single case for attempting to assassinate security officers and targeting police stations and convoys, the Saudi official statement added.

"In fact, the majority of those executed were from groups already othered in Saudi society, who face systemic discrimination and therefore are likely to have faced clear biases against them by virtue of their identity" One case pertained to a man who was sentenced to crimes allegedly committed when he was just 14 years old. Saudi Arabia is one of only eight countries that has executed juvenile offenders since 1990, the others being China, Democratic Republic of Congo, Iran, Pakistan, Yemen, Nigeria, and the United States.

What is even more problematic still is that Saudi Arabia passed a law in 2020 citing that the death penalty would no longer apply to juvenile offenders, and claimed that this law would apply retroactively, meaning that current prisoners on death row for crimes committed as a juvenile would now be spared execution.

The man, Abdallah al-Huwaiti, was charged with armed robbery and murder, along with 5 other alleged accomplices, all of whom were minors. Reports highlight that these accomplices all testified to being subject to intense interrogation and torture, which generally leads to false confessions.

This too was the case for al-Huwaiti; Maya Foa, director of Reprieve said, "Abdullah al-Howaiti has now been sentenced to death not once, but twice, by a court that knows he was fourteen years old when he was arrested and tortured. How can this be when Saudi Arabia has claimed, so often and so vociferously, to have eliminated the death penalty for children?"

The Crown Prince of Saudi Mohammed bin Salman had stated the reform of the criminal justice system only to order the execution of these individuals one week later.

While it may be too late to spare those executed from their unfair fate, the importance of reporting and speaking about this subject, by human rights organisations and the media, is to raise awareness about the Saudi's state's unjust and disproportionate actions.

The organisations themselves do not carry enough weight to change domestic policy and have no jurisdiction to push for reform on their own. The Saudi citizens and residents are themselves subject to this harsh treatment and thus will not risk their own safety and that of their families, but this in no way indicates approval for these actions, rather a justified fear of speaking out.

This leaves only the international community to put pressure on their own governments to raise this issue, particularly those in the West. In the past few weeks the world has witnessed sanctions slapped onto Russia, as well as the Russian people, for a very similar reason. It is now time to also put pressure on other dictatorships to stop these arbitrary abuses on human life.

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Where the abused are abused: Welcome to Saudi Arabia's shelters for women and girls (Middle East Eye)

By Dania Akkad

May 3, 2022

Despite positive reforms for Saudi women, the kingdom's most vulnerable women and girls still find themselves in horrific conditions

First, there is darkness and only the sound of traffic. Then a fluorescent light flickers to reveal the inside of an abandoned security guard's hut down the street from a luxury mall, Aisha Alnjbany's home for the past four days.

"I want to ask followers a question," she says, peering at the screen. "A girl's family abandons her at an orphanage, a women's shelter, wherever. When you leave, is it right for them to expect you to go back to your family? Or does the full responsibility still remain with this government facility?"

Since the start of the year, Aisha, 22, has vlogged from the streets of Riyadh, telling her story and documenting her homelessness over more than 13 hours of footage on Instagram.

At age three, she says, her father left her at a state-run shelter where she spent the next 17 years. When she spoke out about conditions at the shelter, posting photos of locks and chains, using hashtags to draw attention to her case and saying she was imprisoned, she was sent to prison for a year and a half. And then, she was slapped with a 10-year travel ban and released onto the street.

"Are you doing this to me because I demanded my freedom and my rights?" she says.

Her videos have stirred discussion and support among Saudi female activists and observers who say they've never seen anything like this - a homeless Saudi woman publicising her own case. She is also perhaps the ultimate example of how the shelters, which are meant to protect the kingdom's most vulnerable women and girls, are failing.

"These are prisons," said Saudi activist and journalist Khulud al-Harithi in a Twitter space organised by London-based advocacy group ALQST in April, in which Aisha's case and others were raised. "It's as if they punish you because you've been abused and you don't have a family. They don't deserve to be called shelters."

'A climate of fear and repression' There are a variety of reasons a woman or a girl might end up in a state-run shelter in Saudi Arabia. They could be fleeing domestic violence. They may be suspected of committing a crime and be awaiting charges.

But they might also have "disobeyed" their male guardians or tried to run away from home or, like Aisha, be abandoned, said Rothna Begum, women's rights researcher for the Middle East and North Africa for Human Rights Watch.

“It could be that they protested or they defied the driving ban so they can end up spending some time there,” she said. “It could be that the families have dumped them at a police station and don't want anything to do with them and the police will take them there.”

Once inside, they are locked up until a male guardian, often the same person abusing them, agrees that they can leave; or until a woman agrees to marry and has a new guardian.

Alongside the headline-grabbing reforms for women in Saudi Arabia in the past few years, the shelters where girls and women have committed suicide, rioted for better conditions, attempted escape and been killed by relatives soon after their release, continue to operate without any reforms, say Saudi activists, human rights researchers and women who have stayed in the shelters.

Not only are these state-run shelters still operating, without change, as Saudi Crown Prince Mohammed Bin Salman's modernising project unfolds, but the situation for the kingdom's most vulnerable women, they say, is significantly worse in the wake of the high-profile arrest of women's rights activists in 2018.

Several of the arrested activists were among those who raised a popular petition with King Abdullah in 2014, asking, among other requests, for women to access shelters whenever they needed without having to be investigated by the state and to be able to leave whenever they wanted as well, without having to be in the custody of a male relative.

Unsuccessful in that pursuit, they worked on setting up a nonprofit alternative to the state-run shelters that was to be called Aminah, “safe” in Arabic. They had secured land with the help of a philanthropist, and officials with the Ministry of Social Affairs told organisers they were about to approve their application. Two months later, the activists were arrested.

One of the charges filed against the activists was that they tried to establish an association - which is unnamed - against Saudi regulations. Waleed al-Hathloul, the brother of Loujain al-Hathloul, who was among those picked up, wrote that he believed his sister's work on Aminah “was one of the main reasons” she was arrested.

For Saudi girls and women trying to flee abuse, the impact of the arrests wasn't just that Aminah was shelved, activists told MEE. A network of powerful Saudi women who used their positions and wealth to quietly support girls and women stuck between abusers and abusive shelters abruptly stopped offering help as well. And officials in state agencies who had once helped women off the books were summoned for questioning.

“This climate of fear and repression, it killed the urgency of seeking help for those survivors of violence or women being treated unfairly by the legal system,” said Hala Dosari, a prominent Saudi activist and scholar, and one of Aminah's organisers.

“You can't imagine how disheartened I am when I receive those emails that I used to receive before. I used to refer them to good sources for support. Now there is none, but I get all those emails the same.”

The implicit message to girls and women trying to escape abuse in their homes was to stay quiet. “They are not able to speak up. If you speak up, it's not about your case any more. It's about the image of a country. They might treat you exactly like an activist.”

Shelter life There are several types of state-run shelters in Saudi Arabia, including Dar al-Reaya (The House of Care), a collection of facilities across the kingdom which holds girls and women between the ages of 7 and 30 - and where Aisha was for 17 years.

According to the Ministry of Human Resources and Social Development, which runs Dar al-Reaya, there are only two types of girls and women who turn up at the shelter. There are Saudi girls “who have suffered from bad social and psychological circumstances that force them to stumble and deviate from the straight path” who require “good care, social correction and strengthening of religious faith”. And then there are delinquents.

Both types are to be set back on “the right path”, says the ministry. “If the girl becomes good, the family will be good, and accordingly the society.”

But activists and researchers who have spoken for years to former detainees say the facilities are not the safe havens or places of rehabilitation that the state paints them to be, but instead are lock-ups rife with abuse.

When you arrive, your phone is removed and there are instances of women and girls being strip-searched and even put into solitary confinement before entering the main ward.

According to an ALQST report released last year, women reported that they had been deprived of recreational activities and

were unable to continue their studies inside Dar al-Reaya. They also described harsh punishments, including being made to stand for six hours at a time.

The situation is particularly grim for victims of domestic violence. Rather than provide protection, activists and researchers say girls and women trying to escape abuse at home are encouraged to reconcile with their guardians or families and can have their detentions prolonged if they resist.

One woman held inside Dar al-Reaya told Begum that in the facility where she was held, girls and women detained for longer than a month who were resisting reconciliation could be given punishments, including regular floggings and solitary confinement, until they agreed to concede.

Similar punishments, the woman told Begum, were also meted out to detainees deemed to have committed a violation within the shelter, including failing to read the Koran daily or engaging in a sexual relationship with a fellow detainee.

A former inmate who was in Dar al-Reaya after her family filed a case against her for being absent when, in fact, she says she was reporting abuse, told Raseef22 that solitary confinement in the facility where she stayed was “a mattress in the middle of a bathroom” and that cameras were installed everywhere, even in the toilets.

If a male relative isn't available or doesn't agree to sign off on a woman or girl's release within a couple of months or after a woman turns 30, they are transferred to a Dar al-Theyafa, another type of state-run shelter where they can end up for much longer periods - and may never leave.

“One woman described it as being worse than Dar al-Reaya - which is quite hard to imagine, because when you are hearing about floggings and solitary confinement, how could it be worse?” Begum said. “But what I had heard was that Dar al-Theyafa was more depressing, and that was because it was women there for months and years, really long periods of time.”

As at Dar al-Reaya, the women - who may also have children with them - are restricted from leaving the facility and can only leave if their guardian agrees, or if they marry, which shelter workers frequently coerce the women to do, said Dosari.

“The officials and the social services think of this as making sure that the women are in a safe environment rather than being on her own,” she said.

The men who typically come forward seeking to marry women in the shelter find it challenging to marry in more straightforward circumstances, Begum said. They may be convicted criminals who have been in prison. Or they might be in search of a second or third wife.

Given the precarious situation of the women, said Begum, the men see them as an easier catch: “Well, I'm saving her from a life of being imprisoned. So she would be more willing to marry me,” she said.

It is not surprising that some women choose to return to their homes and or the abusers who sent them fleeing in the first place, said Dosari. “It's a very weak system. That's why most of the women are in a loop, basically. They cannot really get out of it,” she said.

Deterrent force Looking at the numbers alone, the percentage of Saudi girls and women held in state-run care facilities is very small. In 2016, the last time publicly available figures were released, 233 girls and women - out of a population of then over 13 million female Saudis - were held in seven facilities across the kingdom.

Two years later, a Ministry of Human Resources and Social Development official told Saudi news site Al Madina that another five would be rented, in part to provide space to detain women, now driving legally, when they broke traffic laws.

It is unclear whether the kingdom followed through on this plan, how many facilities are operating now and how many girls and women are currently detained in them. Data has not been released since 2016 and Saudi Arabia did not respond to MEE's request for comment for this story.

What the numbers fail to capture about the care homes, Saudi women told Middle East Eye, is the sheer power of their existence as a deterrent force in a kingdom that continues to be governed by discriminatory and repressive guardianship rules.

To flee or to speak out about one's abuse in the first place is very rare in Saudi society.

“People won't be like, ‘Oh, she left her house because her dad is abusing her. Shame on him.’ It will be like, ‘Look at that girl. She went. She left the house because she wanted to live an open life. She will be blamed for stuff that she never thought of,” said Thoraya*, a Saudi woman who spoke on condition of anonymity because she feared repercussions from the government for speaking publicly.

“You are the disobedient child. You are the disobedient wife. You are the woman. You should compromise. You should listen. You should lower your standards. You should give in more. You should be more forgiving.”

Thoraya said her father, who was well-educated and had a professional career, once threatened to send her to Dar al-Reaya. “I remember he said, ‘You marry this guy or I’m going to send you to that place’,” she said.

So the homes serve as a looming threat that keeps girls and women from a range of socioeconomic backgrounds and geographic locations in check under their guardians. Those who end up in them are truly desperate.

“Usually, the girls that are in those positions will never, ever have a voice to speak out. The girls going in there are the ones that are really beat up and abused. If they get out, they will have no means of talking to anyone,” Thoraya said.

Fleeing for freedom The shelters are just one piece of the kingdom’s guardianship system, a decades-old collection of laws, policies and practices which, like most Gulf countries, require women to get permission from a male guardian for a wide range of activities during their lifetime.

But they are a particularly important piece because they help maintain the system, enabling domestic abuse through their ineffective intervention, Begum said. “The authorities will enforce the male guardianship system by forcing women back into families or to new guardians, but always to keep them in that space,” she said.

The stark choice facing Saudi women and girls is reflected in a significant increase in those fleeing the kingdom in recent years, including in 2019, dubbed the year of the runaway, when several Saudi women broadcast their escapes publicly on social media in an effort to get to safety.

That January, Rahaf Mohammed barricaded herself in a Thai airport hotel room to avoid being taken back home before she was given refuge in Canada. Then in April, sisters Wafa and Maha al-Subaie pleaded for help from Georgia, where they had fled. In June, Dua and Dalal al-Showaiki asked followers to give them a hand after they escaped their family during a holiday in Turkey.

Of course, Saudis have always lived abroad, but what is different now is that so many that are leaving are seeking asylum. “To seek asylum, it means you’re desperate,” Dosari said. “This is something that never happened in Saudi.”

According to UN figures, the number of Saudis seeking asylum rose significantly in 2015, the year King Salman came to power. That year, 395 Saudis fled the country, but every year since - with the exception of 2020 and 2021 during the Covid pandemic - that figure has stayed consistently high.

“It’s a sad thing that we, as Saudi women, the first step we take to protect ourselves is to run away from our country and lose our citizenship,” said Saudi activist and journalist Khulud al-Harithi. “We are from a country where there are no wars or crises that could force a woman to seek asylum. So why do we have to lose our citizenship? What does the government stand by one citizen to the detriment of another just because she’s a woman?”

Dosari is often asked to write expert letters for asylum seekers, requests which have also jumped significantly. “I’m getting more and more of that,” she said. And asylum for Saudi women and girls, despite the clear continued impact of guardianship rules, is not guaranteed.

Bethany al-Hadairi, Saudi case manager at The Freedom Initiative and senior fellow on human trafficking at Human Rights Foundation, which are both in the US, said she knows of several recent Saudi asylum cases in which those applying have struggled to convince judges that returning to the kingdom would be dangerous.

The US, she said, already has one of the worst approval rates for Saudi asylum cases, but it has become even harder, particularly for women.

“I know of a couple of cases - people on their maybe second or third appeal at this point - who are just terrified to return but almost giving up,” said Hadairi. “It’s difficult to explain to a judge in the United States who expects a legal system to be straightforward and as it seems and as it is written. It’s just not the case on the ground [in Saudi].”

It’s been a struggle for Saudis to protect themselves from being returned to dangerous situations as a result of the Saudi public relations drive put in place following the murder of Saudi journalist Jamal Khashoggi, campaigns that “have real damages on the ground in Saudi as well as here for families that are trying to get protection in the US for asylum”.

And this, said Dosari, is the power and the impact of silencing the most vulnerable women and girls in the kingdom, who are locked in care homes, while the government is promoting the stories of women who attend concerts, drive cars and hold down jobs.

“There is no counternarrative that really tells you the truth. People aren’t willing to take the risk,” she said. “And it is a risk.”

Perhaps no one knows this better than Aisha Alnjbany who, even now, roams the streets of Riyadh, still speaking out and looking for refuge.

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ASIA

Afghanistan

Ben Roberts-Smith defamation witness backs war veteran’s version of events in Afghanistan mission (The Guardian)

By Ben Doherty
April 28, 2022

There were no people in the tunnel at Whiskey 108, a former SAS soldier has told the federal court, backing Ben Roberts-Smith’s version of events of a fiercely contested Australian military mission in Afghanistan.

The crude, hand-dug tunnel, hidden inside a compound known as Whiskey 108 in the village of Kakarak, in Afghanistan’s Uruzgan province, has become a critical contention in Roberts-Smith’s high-profile defamation trial.

A soldier anonymised as Person 35, called by Roberts-Smith, told the court he was the soldier who went into the tunnel to seek out any insurgents who might have been hiding within it.

He said there was nobody inside, backing Roberts-Smith’s version of events, which stands in direct contradiction to several other Australian soldiers who have testified two men found hiding in the tunnel were later found dead.

A simple, fundamental question has dominated weeks of a complex, sprawling trial: were there any people in the tunnel at Whiskey 108?

Roberts-Smith, a recipient of the Victoria Cross, is suing the Age, the Sydney Morning Herald and the Canberra Times for defamation over a series of reports he alleges were defamatory and portrayed him as committing war crimes, including murder.

The newspapers are pleading a defence of truth. Roberts-Smith denies any wrongdoing.

Australian SAS troops raided the Whiskey 108 compound, in the Taliban redoubt of Kakarak, in the late afternoon of 12 April 2009, after Australian army troops had fought a day-long engagement with insurgent fighters there.

An airstrike had bombed the compound just prior to the SAS incursion.

It is not contested two men were killed during that raid: a disabled man with a prosthetic leg and an elderly man. But irreconcilable versions of events have emerged about how they were killed.

The newspapers allege in their defence that the two men were discovered hiding in a small tunnel inside the compound, where ordnance was also found. The men were brought from the tunnel and taken into custody before, the newspapers allege, Person 5 ordered a junior soldier, Person 4, to execute the elderly man, a command obeyed with the acquiescence of Roberts-Smith.

Person 4 was a new soldier to the regiment and was allegedly being “blooded” – ordered to make his first kill on the battlefield.

The newspapers say the man with the prosthetic leg was murdered by Roberts-Smith, who, the court has been told by witnesses, “frog-marched” the man outside the compound and threw him to the ground before machine-gunning him to death.

The court has heard from a number of Australian soldiers on the raid that day – known as Persons 43, 40, and 42 – who were subpoenaed by the newspapers and have testified they saw men pulled from the tunnel.

Three other soldiers – Persons 14, 41, and 24 – have told the court they witnessed the disabled man’s execution. One soldier – Person 41 – has given evidence he heard Person 4 ordered to kill the elderly man, though the newspapers’ and the soldier’s versions differ slightly as to which soldier gave the order.

During his evidence last year, Roberts-Smith repeatedly told the court there were no people discovered in the tunnel and that the claims the men were unlawfully killed were false. “There were no people in the tunnel,” he told the court four times.

Roberts-Smith said he shot and killed the man with the prosthetic when he saw him running – carrying a weapon and posing a potential threat to Australian soldiers. Roberts-Smith said the man was an insurgent and a legitimate target killed within the laws of war.

In his evidence, Roberts-Smith said the elderly man, also an insurgent, was shot by another Australian soldier whose identity he, to this day, does not know. He credits the soldier with saving his life.

Roberts-Smith’s version of events has been backed by another soldier, Person 5, and now by Person 35.

On Wednesday, Person 35 told the court the tunnel was “just a rough-cut hole with earth steps down under the ground”. He said he removed his body armour and drew his pistol – his M4 rifle was too large to take into the hole – and put on night-vision goggles to go into the tunnel.

He told the court the initial entry was small, but, having turned left, the tunnel opened up into a larger underground room where ordnance, communications devices and documents were stored.

Roberts-Smith’s barrister, Arthur Moses SC, asked Person 35: “Did you locate or observe any individuals in the tunnel?”

“No,” Person 35 replied.

Previous evidence from five Australian soldiers called by the newspapers insisted Afghan men were found hiding in the tunnel, and brought out, unarmed, before being detained.

A soldier known as Person 42 told the court the men “were compliant ...they came out unarmed, they came out freely, relatively quickly once given commands – the ‘hands up’ order.”

The killing of the man with a prosthetic leg has become notorious in reportage of alleged Australian war crimes during the war in Afghanistan: the man’s leg was souvenired by another soldier and taken back to the SAS’s unofficial bar on base, the Fat Ladies’ Arms, where it was used as a macabre war trophy.

Dozens of pictures have circulated of Australian soldiers drinking from the leg. Person 35 told the court Wednesday he drank from the “novelty drinking vessel”.

The court has also heard previously Person 35 dressed up as a member of the Ku Klux Klan during parties at the SAS’s unofficial bar on base, the Fat Ladies’ Arms.

Person 35 also fought at the day-long Battle of Tizak on 2010, for which the SASR was awarded a Battle Honour, and Roberts-Smith the Victoria Cross.

The trial, before Justice Anthony Besanko, continues.

War Crimes Hearing Revisits U.S. Soldiers’ Abuse of Detainees (New York Times)

By Carol Rosenberg

May 1, 2022

Defense lawyers are delving into the early days of detainee abuse in wartime Afghanistan in pretrial hearings in the destroyer Cole case, with descriptions of a key informant being held hooded and nude, deprived of sleep, used as an ashtray, and made to clean up a fetid spill of human waste and diesel fuel with his bare hands.

“I laughed at him while he did it,” Damien M. Corsetti, a former Army private, testified last week in sorrowful tones of his role in the military intelligence campaign to prepare a Saudi prisoner, Ahmed Muhammed Haza al-Darbi, for interrogation at the Bagram Air Base detention facility in the summer of 2002.

Mr. Corsetti said he also subjected Mr. Darbi to periods of painful double wrist shackling in what were called “stress positions,” sometimes on his knees, sometimes with arms raised above his head. He smashed furniture near Mr. Darbi’s hooded head and saturated the hood in a mock waterboarding. It all took place inside an old Soviet MiG hangar where, when not being interrogated or held in isolation, prisoners were forced to sit silently on rugs the size of prayer mats in one of five cages named for Qaeda attacks: Tower 1, Tower 2, the Pentagon, Pennsylvania and the Cole.

Now it is up to an Army judge, Col. Lanny J. Acosta Jr., to decide whether to allow F.B.I. agents to testify to what Mr. Darbi told them at Bagram nearly 20 years ago at the eventual death penalty trial of Abd al-Rahim al-Nashiri. Mr. Nashiri, 57, is accused of plotting the bombing of the Navy destroyer Cole, which took place off Yemen in October 2000 and killed 17 U.S. sailors.

No trial date has been set as Colonel Acosta considers challenges to the evidence that prosecutors want to use. The hearings are set to continue on Monday with testimony from James E. Mitchell, a psychologist who as a C.I.A. contractor waterboarded war on terrorism detainees, including Mr. Nashiri. Defense lawyers called him as a witness to describe what was on a video that the C.I.A. made and then destroyed of Mr. Nashiri’s interrogations at a black site in Thailand in 2002.

Mr. Corsetti testified remotely, appearing in a video feed from a secret annex near the Pentagon that was built for the Guantánamo courtroom. He said his unit assigned him the role of menacing Mr. Darbi — using what the Army Field Manual called “fear-up, harsh techniques” — for about six weeks in the summer of 2002 for interrogations that would take place in the same building, not just by the military but also the F.B.I. and other intelligence agencies.

To keep Mr. Darbi awake, Mr. Corsetti said, he forced him to stand shackled at the wrists with his arms lashed above his head. Mr. Corsetti said that for a time, he also had Mr. Darbi kneel in front of him while he smoked — and used the prisoner’s uniform breast pocket as his ashtray. But Mr. Corsetti said the abuse that ultimately broke Mr. Darbi came when the Army private ordered him to scoop up a mixture of prisoners’ feces and urine, and fuel that had spilled from the prisoners’ toilet, a sliced-open 55-gallon drum.

“His hands were covered in waste by the end of it,” Mr. Corsetti said. “As a Saudi, it was very effective to make him do physical labor.”

At one point, a military prosecutor suggested that Mr. Corsetti was lying to get even with the Army, which court-martialed and then acquitted him in 2006. “I love my country, sir,” Mr. Corsetti told a defense lawyer. “I would never do that.”

Mr. Darbi, who was held at Guantánamo Bay for 15 years, will not be available to testify at the trial. He has already pleaded guilty to terrorism charges in a military commission and was returned in 2018 to his native Saudi Arabia, where he is serving a 13-year prison sentence. So the F.B.I. agents who questioned him in 2002 would be called in his place.

Mr. Corsetti described what he did as role-playing in team-planned preparation of prisoners for interrogations, and said he was following military orders. He testified last week that he and another guard were so troubled by some planning for sleep deprivation that they questioned whether it was lawful — and were advised by their commanders that U.S. military lawyers had approved it.

The lead prosecutor, Mark A. Miller, a Justice Department lawyer assigned to the Cole case, said that what happened to Mr. Darbi was “unpleasant” and “shouldn’t have been done,” but that it did not meet a legal definition of torture.

Moreover, he said, the F.B.I. agents who questioned Mr. Darbi at the Bagram detention facility continued to do so after the period of sleep deprivation had ended, and they described their conversations with the captive as consensual and even friendly. One agent treated the prisoner to Twinkies that an agent had received in a care package from home.

Even if the judge were to decide that Mr. Darbi was tortured, Mr. Miller said, the law governing military commissions prohibits only the use of evidence that was obtained using torture or cruel, inhuman or degrading treatment of a defendant, in this case Mr. Nashiri. Testimony about what a witness said under those circumstances can be admissible at a trial, he said.

Lt. Cmdr. Alaric A. Piette, Mr. Nashiri’s lawyer and a former member of the Navy SEALs, urged the judge to reject the testimony from the F.B.I. agents as “tainted by torture.” He said that other U.S. civilian and military courts would not allow the use of such testimony and argued that the war court should follow suit. “What the government is asking us to do as we build this justice system at Guantánamo Bay,” he said, “is to set aside what we know is abhorrent.”

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

Khmer Rouge Tribunal, helping Cambodians heal, nears end (Aljazeera)

By Lindsey Kennedy and Nathan Southern

April 28, 2022

After 19 years, hundreds of millions of dollars and just two successful convictions, the Khmer Rouge Tribunal in Phnom Penh is approaching its end.

The only case now ongoing for atrocities committed in Cambodia by Pol Pot's brutal regime is an appeal by Khieu Samphan, who was convicted in 2018. The country's youthful population is anxious to move on from a national identity characterised by a genocide it does not remember, while an ageing political elite is keen to limit chains of accountability before they edge too close to home.

Cambodia's National Assembly, where the ruling party has every seat, has voted unanimously to wind up the court's activities by the end of this year.

But despite the difficulties that dogged its progress – from funding to political obstruction to the death of defendants before verdicts could be reached or charges laid – the court forced the horrors of the Khmer Rouge out into the open and will have a profound effect on future fights for justice around the world.

Not only as an invaluable example for future study and prevention, as Youk Chhang, director of the Documentation Centre of Cambodia (DC-CAM) and a survivor of the Khmer Rouge, puts it. But also, as former chief of investigations for the tribunal Craig Etcheson explains, because it brought into sharp focus the immense challenge of pitting a slow-moving, technically-minded judicial establishment against an experienced, tenacious leader who is determined to politicise the process.

The Extraordinary Chambers in the Courts of Cambodia (ECCC), known informally as the Khmer Rouge Tribunal, was set up in 2003 by the Cambodian government and the United Nations but was designed to have judicial and political independence from both.

Its purpose was to identify and prosecute those responsible for atrocities committed by the Khmer Rouge, the ultra-Maoist political party led by Pol Pot, whose rebel forces seized control of Cambodia from 1975 to 1979. Allegations included mass murder, torture, forced marriages and the genocide of Cambodia's Cham and ethnic Vietnamese minorities. Pol Pot, Noun Chea, Leng Sary, Son Sen and other supporters pictured in Phnom Penh in their customary black outfits next to a Mercedes Benz during the Khmer Rouge regime Khmer Rouge leaders (L-R), Pol Pot, Nuon Chea, and Ieng Sary with other officials and Khmer Rouge guards. Pol Pot died before the court was convened, Ieng Sary died before a verdict was reached, while Nuon Chea died at 93 after being found guilty of genocide [File: Documentation Center of Cambodia Archives via EPA]

During the Khmer Rouge's brief time in power, Cambodia's educated, professional classes were eviscerated, the cities emptied, and the population redistributed to collective farms and rural construction projects. In just four years, approximately two million Cambodians were either killed or died of starvation, overwork and disease.

“What would ‘justice’ look like when we are talking about two million people killed, millions of families ripped apart, and an entire culture whiplashed to within inches of its very existence?” asked Etcheson. “My expectation would be that there is no kind of justice which would satisfy everyone in the wake of such catastrophic crimes.”

Yet many have tried.

Ever since senior Nazi commanders were tried (and hanged) at Nuremberg in 1946, international criminal tribunals have been set up to prosecute war criminals everywhere, from Japan to Rwanda and Iraq.

Some, like the International Criminal Tribunals for Yugoslavia and Sierra Leone, were run by the UN. Others, including atrocities committed in Uganda, Palestine and Myanmar, are being investigated by the International Criminal Court (ICC). Myanmar is also facing a genocide case at the International Court of Justice (ICJ). ‘Hybrid’ court

What makes the ECCC unusual is that it is a 'hybrid' court: a joint project between the UN and the Cambodian government.

The UN and Cambodian legal teams work in parallel, and judgements are made in accordance with Cambodia's laws. The idea was to give the court's verdicts legitimacy in Cambodia, avoiding the kind of accusations levelled at many UN and ICC courts in the past – that they are neo-colonial interventions imposing Western perspectives on sovereign states, for example – and ensuring that those prosecuted would actually go to jail.

It also placed greater emphasis on victim testimonies and community dialogue, improving on earlier models like Yugoslavia, where the UN-run court failed even to release transcripts and press releases in Serbian or any other local languages for the first six years of its operations.

But the hybrid model also meant the court has had to contend with the interests of a country rated 127 out of 128 for the rule of law. This includes sticking to cases sanctioned by the Cambodian side – and by extension, the country's all-powerful prime minister, Hun Sen, himself a former Khmer Rouge cadre. Hun Sen, in a blue suit, releases a white dove into the sky during a parade to mark Cambodia's liberation from the Khmer Rouge. Cambodia Prime Minister Hun Sen (right) releases a dove during celebrations to mark the liberation of Cambodia from the Khmer Rouge. He was a cadre in the ultra-Maoist movement but later joined forces with the Vietnamese to topple the regime [File: Mak Remissa/EPA]

In 2011, a group of UN lawyers protested against the decision to drop investigations into two military leaders, accusing senior judges of caving to government pressure and failing to "discharge their legal obligation to ascertain the truth". In the aftermath, UN co-investigating judge Siegfried Blunk resigned, citing attempted interference by Hun Sen's government.

Over the past two decades, the court has brought four cases involving nine individuals to trial.

The first case led to the successful prosecution of 'Comrade Duch' (his real name is Kaing Guek Eav), who ran the notorious prison S-21 – a former school building where more than 18,000 men, women and children were tortured into confessing to farcical acts of treason, before being sent for execution in the Killing Fields.

Under the second, Khmer Rouge Chairman Khieu Samphan and 'Brother Number Two' – Pol Pot's second-in-command – Nuon Chea were both convicted in 2018 on genocide charges.

By this time, most architects of the genocide were already dead or too infirm to stand trial.

Pol Pot had died long before, in 1998 and his military chief Ta Mok, nicknamed 'The Butcher' for his brutality, died in custody in 2006 before the trials began.

As proceedings dragged on, 'Brother Number Three' Ieng Sary died of heart failure before a verdict was delivered. His wife Ieng Thirith, who had served as minister of social affairs under the Khmer Rouge, developed Alzheimer's disease and was declared unfit for trial. Ao An, charged with crimes against humanity as head of the country's 'Central Zone', died at home in his village in Battambang in 2020, aged 87. Meanwhile, Nuon Chea appealed his conviction before dying in 2019, aged 93, while still awaiting the outcome. Relatives carry a portrait surrounded by fresh flowers of former Khmer Rouge's chief ideologist and No. 2 leader, Nuon Chea, during his funeral procession in 2019. Relatives carry a portrait of Nuon Chea, who was the right-hand man of Pol Pot and was found guilty of charges of genocide at the Khmer Rouge Tribunal. He died at the age of 93 [File: Chorn Chanren/AP Photo]

Frustrations mounted when the court dismissed charges against ex-navy commander Meas Muth in December 2021, bringing the third case to a close. Case 4, the last one left, has also fallen apart – charges were dropped against co-defendant Yim Tith in January 2022, and the prosecution has run out of appeals to bring to trial 74-year-old grandmother Im Cheam. Many feel that, even if she had been convicted, it would have been too late for any real justice to be done.

Im Cheam – who allegedly oversaw the deaths of half a million people – has lived out her days surrounded by grandchildren on her farm in Cambodia's rural northeast. Political pressure

Almost since its inception, the ECCC has had to contend with increasing pressure from the ruling Cambodian People's Party (CPP).

Hun Sen initially welcomed the court; prosecuting Pol Pot's clique for war crimes helped vindicate his leadership after years of being snubbed by an international community that refused to recognise his Vietnam-backed government and insisted on dealing with the Khmer Rouge until the Paris Peace Agreements were signed in 1991.

But Hun Sen's support was based on the expectation that the court would stick to investigating politically safe targets with no connection to the ruling party, and that just the most senior Khmer Rouge leaders would be brought to trial.

It is not surprising that Hun Sen, a Khmer Rouge commander himself before defecting to Vietnam in 1977, would strive to limit accountability to the very top of the chain of command. But in a country where many survivors live in the same village as former executioners, he may have genuinely feared that the threat of mass trials would undermine Cambodia's fragile peace.

When UN lawyers tried to broaden their scope, Cambodian judges in the ECCC pushed back and the political elite became less and less cooperative. As Etcheson points out, in the first two cases, the government cooperated fully in surrendering the accused to the court, while "notably failing" to do the same for the other two cases. Another tactic to undermine the tribunal was withholding the salaries of Cambodian tribunal staff in 2013, triggering a strike and temporarily bringing the court's activities to a halt.

The spectre of political interference has brought criticism, including from Human Rights Watch which described the two successful convictions in 2014 as "too little, too late" and dismissed the court as a "fundamentally flawed" failure. Others are frustrated with the duplicated costs of setting up parallel Cambodian and international systems in one court and rampant corruption in the Cambodian judiciary's hiring processes. Two female students stand at a door behind rusted barbed wire as they visit the Tuol Sleng Genocide Centre from where the Khmer Rouge sent thousands of Cambodians to their deaths. Cambodian students visit the Tuol Sleng Genocide Museum (S-21 prison) in Phnom Penh. Experts say the most important legacy of the Khmer Rouge Tribunal will be teaching Cambodians about the horrors of the past [File: Mak Remissa/EPA]

This included the expectation that those given well-paid jobs at the court would pay bribes to secure their position plus a portion of their salary to their bosses. Demanding that subordinate staff pay up to half of their salaries up the chain of command is a common practice in the Cambodian judiciary, government, military and police, as confirmed by multiple police and diplomatic sources who asked to remain anonymous. Confirming atrocities 'for perpetuity'

Despite these headaches, reaching verdicts has been "a transparent exercise," says former US Ambassador for War Crimes David Scheffer, who was appointed to advise the UN Assistance to the Khmer Rouge Trials in 2012. "Yes, one can find setbacks, but I think the court will stand the test of time."

While Scheffer acknowledges the court's "imperfections", he believes that without it, the Cambodian people would have lost the chance to hold any of the Khmer Rouge's top figures accountable.

While some may have ultimately evaded trial, he says, the process created a powerful historical record based on publicly presented, rigorously interrogated evidence that will "confirm the atrocities of the Pol Pot regime for perpetuity". Not only was this the final nail in the coffin for the Khmer Rouge's credibility back in the late 1990s, says Scheffer, but it should also make it impossible to whitewash their crimes in the future.

Crucially, the court has doubled as a form of truth and reconciliation commission, giving thousands of survivors the opportunity to tell their stories, be heard, and be believed. Engaging so many Cambodian people in this process was no small feat, says Kip Hale, a UN expert on atrocity crimes accountability, who formerly worked for the office of the co-prosecutor at the ECCC. Hundreds of thousands of people spent a day in court, and millions listened or watched on the radio and TV, he says. For Hale, that alone represents time and money well spent.

Or, as Youk Chhang says, "the court has given so much power to the Cambodian people and a sense of ownership over their history."

For Chhang, the true legacy of the court is its educational value for future generations. Indeed, the trove of evidence and testimony gathered by the court and DC-CAM provides a vital and easily accessible Cambodian-language resource of what happened under the Khmer Rouge.

Disagreement over the official narrative means it has received little attention in school history books and few students explore it in depth. Unless they hear stories directly from parents or grandparents, many young Cambodians have little understanding or interest in what really took place, says Darathtey Din, a communications and international affairs researcher from Phnom Penh.

While ambivalent about the impact and effectiveness of the court as a whole, Din feels that survivor testimonies play an important role in teaching people about the past and challenging tidy official narratives. "Our education system does not teach us to ask questions," she says. "I think the younger generation should question why some things are not being said."

As Youk Chhang explains, pursuing truth and justice is about more than reckoning with the past; it is about preventing history from repeating itself.

"People need to be reminded that this can happen," he said.

And it does happen, as people fleeing state-sponsored violence in countries from Myanmar to Ethiopia and Afghanistan can

attest. The ECCC may be coming to an end, but for survivors elsewhere, the nightmare is just beginning. The lessons learned from this tribunal may determine their access to justice in years to come.

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Bangladesh International Crimes Tribunal

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War Crimes Investigation in Myanmar

Can the Arakan Army achieve its confederacy dream (Frontier Myanmar)

By Kyaw Hsan Hlaing

May 2, 2022

More than a year since the military seized power in Myanmar, anti-coup resistance groups and their ethnic armed organisation allies continue to fight the junta with no victory in sight for either side. The military regime has been unable to crush the opposition or to take full control of administrative mechanisms in many parts of the country. But resistance groups have also been unable to overthrow the junta or fully expel it from their territory.

Few factors could break the impasse of the ongoing civil war more than the entrance of the Arakan Army – one of the country’s most powerful ethnic armed groups. The AA fought a brutal two-year war with the military before agreeing to an informal ceasefire months before the February 2021 coup. And while many continue to hope the group will throw its weight behind the broader pro-democracy movement, the question remains: which side can give the AA what it truly wants?

When the 2015 elections vaulted Daw Aung San Suu Kyi and the National League for Democracy into power, there were high hopes despite the 2008 military-drafted constitution requiring a power-sharing arrangement with the military. There were expectations that the NLD would counter the military’s influence and champion democracy, human rights, and self-determination for ethnic states. For many ethnic people, especially in Rakhine, those expectations were in tatters long before the coup.

Despite winning the most seats in Rakhine State, the NLD refused to allow the Arakan National Party (ANP) to choose the state’s chief minister, a move that would have represented a key commitment to federalist reform. In 2020, the NLD vetoed a constitutional amendment that would have codified such a policy, and in 2021 was poised to again impose its own chief ministers on states where it was less popular, including Rakhine.

Rakhine people also felt that the NLD explicitly sided with the military during the war with the AA, even as the United Nations special rapporteur accused the military of war crimes and crimes against humanity. The NLD administration agreed to impose what was at the time the world’s longest internet shutdown, labeled the AA a terrorist organisation, and canceled elections in large swathes of Rakhine State.

Having been burned by the NLD, the AA has embraced the “Way of Rakhita” – a struggle for liberation and sovereignty characterised by operating independently of Myanmar’s national politics.

In January 2019, the AA commander-in-chief Major General Twan Mrat Naing declared his commitment to achieving “confederation” status for the people of Rakhine, pointing to the Wa Self-Administered Division as an example. This is a step beyond the federalist system most other ethnic groups aspire to, as the United Wa State Army runs an almost entirely

autonomous enclave in Myanmar.

The AA has discouraged mass protests against the coup, and Rakhine State has remained relatively peaceful even as other parts of the country are gripped by violence. Intense fighting has broken out in Chin, Kayah, Kayin and Kachin states and Sagaing and Magway regions. The Assistance Association for Political Prisoners said military crackdowns have killed over 1,700 civilians, including many unarmed protesters who were slaughtered in major urban centres like Yangon, Mandalay and Bago.

Ethnic armed groups including the AA condemned the coup and violence against civilians. But while some major groups, like the Kachin Independence Army and Karen National Union, have fully joined with the resistance, the AA still hesitates to commit to open warfare against the junta.

Instead, the AA's political wing, the United League of Arakan, has taken advantage of the fact that the military has been distracted by uprisings across the country to consolidate its power. The group claimed in August last year that it had administrative control over two-thirds of the state, formalising its own taxation and judicial systems.

For the junta's part, it seems keen to avoid antagonising the AA while it deals with a nationwide revolt. As part of its appeasement strategy, the internet blackout was lifted and the AA was removed from the list of terrorist organisations after the coup. Many political prisoners linked to the AA were released, including Twan Mrat Naing's brother, Aung Mrat Kyaw. While the public in Rakhine welcomed these steps, many from the Bamar majority accused the AA of collaborating with the junta. From the perspective of many in Rakhine, however, the NLD and its supporters had spent the previous five years collaborating with the military at their expense.

The National Unity Government, the civilian cabinet appointed by lawmakers elected in the annulled 2020 polls, has also taken steps to entice the AA. The administration held informal talks with the armed group three times in the first year after the coup. But a source within the NUG told me the administration was unable to commit to granting the AA confederacy status in Rakhine State.

The NUG may be worried that other ethnic armed groups would demand similar treatment, precipitating a long-feared national disintegration into multiple ethnic micro-states. The NUG seems to be hoping to prioritise overthrowing the junta first, saving political commitments for later. But this strategy doesn't appeal to ethnic armed organisations, some of which supported pro-democracy movements in the past, only to feel betrayed when the NLD came to power.

While the AA may not be fully cooperating with the NUG, it is increasingly openly helping to train and arm certain resistance groups. On the AA's 13th anniversary, five anti-coup armed groups expressed their gratitude for the AA's support. The AA and its allies also expressed support for the Bamar People's Liberation Army, an anti-coup armed group founded by poet Maung Saungkha, who was once arrested for protesting against the internet shutdown in Rakhine. On April 26, the Mindat Township branch of the Chinland Defence Force released footage of recruits returning from training with the AA. Earlier this month, coup leader Min Aung Hlaing invited ethnic armed organisations to peace talks, offering to meet with representatives personally. He excluded the NUG and anti-coup armed groups known as People's Defence Forces, both of which have been labeled terrorist organisations.

It remains to be seen whether the AA will accept this invitation. While the group remains sceptical of military-led peacekeeping initiatives, it did send a delegation to attend the junta's Union Day celebrations and peace talks in February.

Since November of last year, sporadic small-scale clashes have broken out between the AA and the junta in Maungdaw Township, raising fears about the stability of the informal ceasefire. The military likely believed it would have crushed anti-coup resistance by now, allowing it to again shift focus to Rakhine State. But the unexpected level of opposition has left the junta with its hands full elsewhere.

As the AA expands its control over Rakhine, the military may not be willing to sit and watch as the entire state slips out of its grasp. But attempts to take back control of Rakhine could stretch the military beyond its capabilities, risking losing control of the country in the process. It's unlikely that the AA could achieve the confederacy status it desires through negotiations with the military, which has a long history of breaking promises. If the AA were to receive such a commitment from the junta, it would only mean anything if the group could defend its territory with armed force if necessary.

On multiple occasions, the AA has made it clear there is little room for compromise. During an online press conference on March 5, a spokesperson said if Rakhine cannot achieve the political status it wants within the union of Myanmar, "we will have to create it ourselves". He added that the AA will "continue to build our government and our future nation-state in partnership with the international community".

In an interview with the US Based Arakka Media on August 15 of last year, Twan Mrat Naing had a similarly clear message.

“We never had a price tag in attempting to wrestle back our lost sovereignty for the Arakan people,” he said. “There will not be in the future, either.”

This leaves the AA with two options. Throw its weight behind the NUG and other allied armed groups, but only with the guarantee of confederacy; or sit out the current conflict and continue reinforcing its administrative control and fortifying its defences, so that if and when fighting does return to Rakhine, it is well-positioned to limit damage and emerge victorious. With the NUG reluctant to grant confederacy status, and the AA hoping to avoid having Rakhine ravaged by war yet again, it comes as little surprise that so far, the group is pursuing the second path.

ACFID published updated sanctions fact sheet showing Australian Government inaction on Myanmar (The National Tribune)

May 4, 2022

Since the Tatmadaw seized power on the 1st February 2021, the situation on the ground has significantly worsened. Civilians have suffered from collapsed infrastructure as a result of the COVID-19 pandemic, which in conjunction with weak governance has exacerbated nation-wide poverty, displacement and terror.

Myanmar’s military machine is fuelled by its control of conglomerates, Myanmar Economic Corporation, Myanmar Economic Holdings Limited, and Myanmar Oil and Gas Enterprise. These conglomerates export oil, gas and mining resources which have been put under sanction by the EU, UK, US and Canada, with Australia absent from this move to end support for Myanmar military.

Sanctions are an important measure for Australia to enact against Myanmar’s military. Imposing sanctions will erode the Tatmadaw’s economic viability, by severing the flow of money that is used to facilitate crimes against humanity. Australia, acting within a wider multilateral response, would be able to help bring the military junta to terms and end violence against civilians and minority populations.

“There will be a day of accountability for this regime and for the crimes that they are committing against their own citizens,” Scott Morrison recently stated in an address to Burmese people. ACFID calls for this day to be today.

Marc Purcell, ACFID CEO said: “ACFID stands with civil societies in Myanmar who are relying on sanctions to be imposed against the military junta, individual perpetrators and affiliated entities to bring atrocities to an end.”

“In response to Russia’s invasion of Ukraine, we have seen that Australia is capable of bringing these measures into effect in a swift and decisive manner.”

“However, Australia’s sanctions against the Tatmadaw have not been amended since the coup.” This raises an important question for the nation: why hasn’t Australia acted against the ruling junta?

In light of recent findings, this question becomes even more salient. The US Secretary of State has formally recognised that Tatmadaw generals have and still are, committing genocide against Rohingya people in Rakhine State. This comes after an address by Antony Blinken in March, acknowledging that crimes against humanity have been systemically executed against the Rohingya population by the military junta. This formal acknowledgement of genocide calls Australia’s response into examination.

Following stride with the EU, UK, US and Canada, ACFID’s updated analysis shows these countries have leveraged Magnitsky legislation to sanction a total of 196 individuals and 172 entities. Australia must consult civil society in Myanmar to impose more sanctions against human rights abusers. This can take effect immediately through an amendment of the Autonomous Sanctions Regulations 2011, which has the ability to target both individuals and entities.

As a leader in the Indo-Pacific region, Australia must do more to address the autocratic regime in Myanmar that is repressing human rights, and ending the lives of innocent civilians. As the invasion of Ukraine has made evident, Australia stands for freedom and against violations to the rule of law, moral principles that must be acted on to address the deteriorating situation in Myanmar.

Finding a pathway out of genocide for the Rohingya (East Asia Forum)

By Cecilia Jacob

May 4, 2020

On 21 March 2022, US Secretary of State Antony Blinken announced that the United States has determined that the acts committed against the Rohingya minority in 2017 constitute genocide and crimes against humanity. This determination draws attention to the systematic and large-scale atrocities committed under the Myanmar military (the Tatmadaw) and strengthens international pressure on the military

regime that staged a coup in February 2021.

In 2017, the Tatmadaw, air force, police force and armed civilians engaged in a systematic campaign of violence against the Rohingya. This included arbitrary arrest, torture, sexual violence, killing and forced displacement. Over 700,000 Rohingya were forced to flee and at least 362 villages were partially or completely destroyed.

Genocide is a term given to the systematic and widespread targeting and killing of a population with the 'intent to destroy, in whole or in part, a national, ethnic, racial, or religious group'. Since it acceded to the Genocide Convention in 1988, the US government has only recognised eight situations as genocide, including this most recent determination. US President Joe Biden has labelled Russian President Vladimir Putin a war criminal on multiple occasions. Recently, Biden accused Putin of committing genocide in Ukraine. Although not an official determination, the Myanmar case is of interest beyond Myanmar given the proactive stance of the current US administration in calling out states for mass atrocities.

From a legal standpoint, the benchmark for determining genocide is higher than for crimes against humanity and war crimes, as proving intent as part of an organised policy of extermination requires demanding evidence. Yet the crime of genocide has a particular resonance given its association with exceptional cases of brutality such as the Holocaust and the Rwandan genocide.

The determination that a mass atrocity situation constitutes genocide is rare and implies political and moral responsibility for the United States to act — a key reason for restraint in making this determination. But what these actions should entail is indeterminate.

The United States will need to manage expectations that arise from its determination. Expectations are particularly strong from the population of Myanmar. Civilian protesters against the February 2021 military coup have invoked the Responsibility to Protect doctrine in calling for international assistance. The coup was led by the same general, Min Aung Hlaing, who was responsible for the 2017 Rohingya genocide — a link that will not go unnoticed by the active civilian opposition groups in Myanmar.

The US position, a response to calls from civil society and experts and its own investigations, will encourage members of the international community to take a stronger stance in calling out the Myanmar regime's abuses. The US response to date, as with its Western counterparts, has been limited to sanctions, arms embargoes, humanitarian assistance and pressing for accountability. Unlike the situations in Ukraine and Syria, Washington has not provided military support to the armed opposition that would likely escalate the conflict and destabilise the country.

The genocide determination is unlikely to change that. But the United States followed its statement with a series of measures to pressure the military regime in Myanmar, including stepping up sanctions to cut arms supplies.

It has committed nearly US\$1 million in new funding for the UN Independent Investigative Mechanism for Myanmar, which has already concluded that crimes against humanity falling within its mandate have likely been committed in Myanmar. By boosting capacity to investigate international crimes committed by the Tatmadaw, the additional funding will help provide concrete evidence required for legal proceedings against Myanmar's military leaders.

Current proceedings underway to hold Myanmar's top generals accountable include a case brought by The Gambia at the International Court of Justice charging Myanmar's military leaders with genocide and ongoing investigations into allegations of war crimes at the International Criminal Court. Another case is underway in Argentina's domestic courts under the principle of universal jurisdiction to try Myanmar's military for genocide against the Rohingya.

Despite the progress made through formal accountability mechanisms, the situation for civilians in Myanmar is dire. The civilian opposition-led National Unity Government has called for a 'People's Defensive War', which has resulted in nationwide conflict between the military and armed civilian opposition groups, with some support from ethnic armed organisations. Navigating this terrain to find a 'pathway out of genocide' as Blinken advocates will not be straightforward.

Rohingya testimonies of the brutality and terror they experienced at the hands of the Tatmadaw are conscious-shocking. Despite the lessons of 2017, the international response to the 2021 coup has been lukewarm, failing again to prevent ongoing human rights abuses.

The US determination is a landmark moment. The United States has taken a clear moral stance by calling out the brutality committed by Myanmar's military for what it is — genocide and crimes against humanity. Other countries should follow the example set by it and other states such as The Gambia and Argentina.

The pathway out of genocide will require coordinated international measures to cut off the Myanmar military regime from funding, weapons, legitimacy and political support. Achieving this in a geopolitically divided international arena — when the world's attention remains fixed on Russia and Ukraine — is a significant challenge.

AMERICAS

North & Central America

U.S. looks to assist war crimes prosecutions targeting Russian leaders (Washington Post)

By Missy Ryan

April 25, 2022

The Biden administration is compiling information about alleged war crimes in Ukraine that may be used to hold Russian leaders accountable, as federal prosecutors lay the groundwork for trials in European courts, or what could be the first trial for the senior officials of a major global power at the world criminal court.

While it is unlikely that President Vladimir Putin would end up at the International Criminal Court (ICC) in The Hague, even an indictment of the Russian leader or his aides would represent a landmark moment for efforts to hold senior officials accountable for atrocities committed under their watch, officials and analysts said.

"It would be an enormous development in the field, harking back to the World War II Nuremberg era," said Beth Van Schaack, the American ambassador at large for global criminal justice, in an interview. She likened the impact of a trial to the shock waves caused by the 1998 arrest of former Chilean dictator Augusto Pinochet on the orders of a Spanish judge.

Charging Putin, State Department officials argue, could prompt some Russian officials to reconsider their role in the war. Cities like Bucha, where the departure of Russian forces revealed a horrific scene of human suffering, including beheaded and booby-trapped corpses, have become synonymous with Russian brutality since the invasion began two months ago.

Van Schaack, who earlier in her career worked on tribunals set up to try crimes in Rwanda and the former Yugoslavia, heads a State Department team overseeing the effort to document Russian actions and assess whether they meet standards for crimes against humanity and genocide.

Already, the State Department has announced its determination that Russian troops have committed war crimes in Ukraine. The Biden administration is also supporting efforts by the Ukrainian prosecutor general, Iryna Venediktova, to investigate Russian actions in the war. Venediktova on Friday accused Russia of plotting the torture, rape and killing of civilians.

Clint Williamson, an attorney who served in Van Schaack's position from 2006 to 2009 and is now working on a joint American initiative with the European Union supporting the Ukrainian effort to pursue potential war crimes, said Venediktova's office is making progress.

As part of that effort, the United States is advising Ukrainian officials on how to put together a war crimes case, manage battlefield evidence and interview prisoners of war. Van Schaack said the federal government can also tap its vast intelligence apparatus to assist prosecutions, potentially circumventing the cumbersome declassification process by sharing commercially available satellite imagery that can mirror sensitive information. It is also possible the United States could assist foreign prosecutors in ways that fall short of providing evidence, pointing investigators in new directions based on intelligence.

Such information could also be shared with officials involved in parallel investigations outside of Ukraine, in countries including Poland and Sweden. Ukraine, Poland and Lithuania have launched a common investigatory effort, enabling easier information sharing and police cooperation. Officials caution, however, there are limits to what Kyiv can do at a moment when it is locked in a battle for the country's survival.

The Biden administration has welcomed an investigation by the ICC prosecutor into possible war crimes and crimes against humanity. Officials describe the ICC as a venue that could complement trials in Ukraine or other countries.

"Ukraine may want to manage these cases themselves, or they may say, 'Listen, we can't handle some of the big fish or defendants whose crimes were committed across the entire country. We'd rather handle crimes that are dealt with on a regional basis,'" Van Schaack said. "And that would be an appropriate way for the ICC to potentially step in."

While some countries have laws that protect sitting heads of state from prosecution, the ICC can conduct such trials. That makes the ICC "the only game in town" for a potential trial of Putin while he remains in power, according to Stephen Rapp, who served as envoy for global criminal justice during the Obama administration.

Even an indictment of a top Kremlin official would be significant, said Ryan Goodman, a professor at the New York University School of Law who served as a Pentagon attorney during the Obama administration. "It will be a watershed moment, both in the life of the international court and in the crisis growing out of Ukraine, if and when the prosecutor indicts senior Russian officials, including potentially Putin himself," he said.

How far the Biden administration goes in any investigation will depend on whether the United States decides to abandon its past opposition to ICC cases targeting individuals from countries that are not parties to the global court, like Russia and the United States. While the United States helped establish the ICC, there has been domestic opposition to any step that exposes American military personnel to international courts.

After the ICC authorized an investigation into crimes in Afghanistan, potentially involving U.S. troops for the first time, the Trump administration authorized sanctions against the ICC prosecutor and other officials. The State Department declined to comment on a potential change in position.

Officials say they doubt Putin could be tried at The Hague, at least while he remains in power. The court cannot conduct trials in absentia, and many ICC arrest warrants have remained outstanding for years. "Custody is key," Van Schaack said. "Putin could stay put within Russia, and effectively enjoy impunity because he is currently out of reach of any court that might want to exercise jurisdiction over him."

U.S. officials hope, however, that the specter of prosecution will lead other Russian officials to rethink their role in the war. Experts note that Ukraine has already captured a number of Russian officers who could now be subject to trial in Ukrainian or other courts. Van Schaack said it would be no simple matter to prove their responsibility for events carried out by the rank and file. "It's not a cakewalk," she said. "But the doctrine exists to do this."

Criteria for establishing such responsibility include whether senior officials discipline troops who commit crimes. Earlier this month, Putin awarded the unit accused of executing civilians in Bucha honors for "mass heroism and bravery, steadfastness and fortitude."

The Biden administration is also gathering information about potential transgressions by Ukraine. Kyiv has publicly paraded Russian prisoners of war in a way that appears to violate international humanitarian law. A recent assessment by the Organization for Security and Cooperation in Europe noted other potential Ukrainian violations of the rules of war.

Van Schaack said the same standards would apply to forces reporting to Putin and those under Ukrainian President Volodymyr Zelensky, noting this is "where the equivalency" ends "because when it comes to scale and degree and lethality and brutality, it's totally disproportionate in what we're seeing on the Russian side versus the Ukrainian side."

She drew a further distinction between the response by Ukrainian officials, who she said had condemned reported violations and promised to investigate. Russia, she said, has responded "with a web of denial and disinformation."

Rapp that the slow pace of justice should not delay prosecutors from filing charges. He noted an international tribunal indictment of former Yugoslav leader Slobodan Milosevic about 45 days into ethnic cleansing in Kosovo, while a NATO air campaign was ongoing.

"Unless we're serious and prosecute those who are the true authors of these crimes and send a signal that there is no escaping this in this life, it may take a long time, but you're never going to have a good night's sleep, then these crimes are going to recur," he said.

Canada's House backs a motion recognizing Russia's actions in Ukraine as genocide (NPR)

By Rachel Treisman

April 28, 2022

Lawmakers in Canada's House of Commons unanimously adopted a motion on Wednesday recognizing that Russia is committing acts of genocide against the Ukrainian people.

The declaration is non-binding, and doesn't require the Canadian government to take any action. But Heather McPherson, the

member of parliament who proposed it, says she hopes the motion will push the government to do more to hold Russia accountable.

Those steps could include implementing sanctions against oligarchs more quickly and directing more federal funding to the International Criminal Court for its investigations into possible Russian war crimes in Ukraine, as McPherson told the Canadian Broadcasting Corporation.

"From my perspective as a parliamentarian in the House of Commons, this is a tool to urge our government to do more," she said. "This is a tool to say that the conflict in Ukraine is not over, that the support we've been providing has not been enough and we need to do more for the people of Ukraine."

McPherson - who serves as the New Democratic Party's leader on foreign affairs in the House - shared the text of the motion on social media.

It says that "there is clear and ample evidence of systematic and massive war crimes and crimes against humanity being committed against the people of Ukraine by the Armed Forces of the Russian Federation, directed by President Vladimir Putin and others within the Russian Parliament."

The motion goes on to list alleged Russian war crimes, including willful killing of Ukrainian civilians and the desecration of corpses, forcible transfer of Ukrainian children to Russian territory and widespread instances of physical harm, mental harm and rape.

CPAC, Canada's version of CSPAN, tweeted a video of McPherson reading the motion out loud. The chambers were silent when the deputy speaker asked whether anyone was opposed, and filled with applause after he said it had passed.

The world has seen evidence of alleged Russian atrocities committed in Ukraine - including photographs of civilian bodies lying in the streets in Bucha after the withdrawal of Russian troops - though Russia has denied committing war crimes.

President Biden described Russia's actions as "genocide" earlier this month (as did Canadian Prime Minister Justin Trudeau).

Still, terms like "genocide" and "war crimes" carry specific legal definitions that must be proven before an international criminal court. As one expert told Morning Edition, proving genocide in Ukraine may be hard, but not impossible.

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South America

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Venezuela

Venezuela seeks to take over ICC investigation into killings (ABC)

By Michael Corder

April 21, 2022

Venezuela has asked the International Criminal Court to defer to authorities in the Latin American nation its investigation into allegations of torture and extrajudicial killings committed by security forces under President Nicolás Maduro's rule, the court's prosecutor announced Thursday.

If judges accept the request, it would effectively halt the global court's first probe into crimes in a Latin American country and allow Venezuelan law enforcement authorities to investigate.

However, ICC Prosecutor Karim Khan indicated he wants to press ahead with the investigation he announced in November and said he will soon ask judges to approve a continuation of his probe.

It will likely take the court's judges months to rule on the Venezuelan request. Khan said he may, if necessary, ask the judges for authority to carry out investigations pending their decision.

The announcement comes just weeks after Khan announced his office would open an office in Venezuela and welcomed the commitment of the Venezuelan government to explore cooperation and technical assistance as part of efforts to investigate alleged crimes against humanity.

The ICC is a court of last resort that investigates alleged war crimes, crimes against humanity and other grave offenses when nations are unable or unwilling to do so - a system known as complementarity.

When Khan announced the opening of his investigation, he also signed a memorandum of understanding with Caracas on the "promotion of cooperation and complementarity." At the time, Venezuela said it believed it - and not the ICC - should investigate alleged abuses.

Khan said Venezuelan authorities had not provided any fresh reasoning to back up their request to take over the investigation.

Khan's predecessor, Fatou Bensouda, had indicated there was a reasonable basis to conclude that crimes against humanity had been committed in Venezuela, echoing earlier findings of the United Nations' own human rights council. But she left the decision to open any probe to her successor Khan, a British lawyer who took the reins of the ICC last year.

When Khan announced the opening of his investigation, rights groups hailed it as a significant step forward in the search for justice.

"This is a turning point," Jose Miguel Vivanco, the Americas director for Human Rights Watch, said at the time. "Not only does it provide hope to the many victims of Maduro's government but it also is a reality check that Maduro himself could be held accountable for crimes committed by his security forces and others with total impunity."

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Gender-Based Violence

In Ukraine War, a Long Journey Begins in Prosecuting Rape (NY Times)

By Lara Jakes

April 29, 2022

U.N. officials and human rights investigators are rushing more resources to authorities in Ukraine to help prosecute sex crimes.

The rape happened in the hours after midnight on March 14, in a classroom of a school outside Kharkiv, in eastern Ukraine. Two days later, Yulia Gorbunova interviewed the victim and helped persuade her to report the attack, which could ultimately be prosecuted as a war crime committed by invading Russian forces.

Ms. Gorbunova, an investigator with Human Rights Watch, spoke with the victim several more times by phone and later in person to document her trauma and obtain photos of bruises and cuts that the woman said had been inflicted by a Russian soldier who had raped her repeatedly. The victim - mother to a 5-year-old daughter - submitted at least some of the evidence to local authorities in Kharkiv.

But this week, Ms. Gorbunova also brought the attack to the attention of Ukrainian war crimes prosecutors in Kyiv, the capital.

"They were very interested, because they said that it has been difficult to get survivors of sexual violence to come forward" Ms. Gorbunova said in a telephone interview from Kyiv on Wednesday. She has been documenting human rights abuses in Ukraine since 2014, when Russia began supporting separatists in the eastern part of the country, and was alerted to the rape near Kharkiv by local activists.

She added: "I am not aware of any successful prosecution of cases of rape in the context of armed conflict, specifically in Ukraine."

In the first two weeks of April, about 400 cases of sexual violence by Russian soldiers were reported to Ukraine's ombudswoman for human rights, Lyudmyla Denisova. A U.N. mission has received at least 75 allegations of sexual violence against Ukrainians, including children, by Russian troops in Kyiv alone since Feb. 24, the start of Moscow's invasion.

In coming days, senior U.N. officials and investigators will rush more resources to authorities in Ukraine to help prosecute sex crimes. But most rape victims never report their assault, fearful of retaliation and societal stigma. Finding clear evidence that sex crimes were committed as a tactic of war is rare, and cases are difficult to prove.

It could be years before charges are brought or trials are convened by the International Criminal Court in The Hague, which is investigating sex crimes by Russian soldiers and other atrocities committed in Ukraine since 2014.

"I can't promise anything - I'm a prosecutor," Karim Khan, who is heading the court's investigation, said at an event on Tuesday at the U.S. Institute of Peace in Washington when asked about the likelihood of swift or conclusive justice for victims of sex crimes or gender-based violence in Ukraine.

"All I can promise is ethics, hard work, integrity, following the evidence and trying to use imaginative and creative ways to ensure that justice is not a phantom," Mr. Khan said. The I.C.C., he said, is "a court of last resort."

With that in mind, U.N. officials are looking for other ways to ensure that sex crimes do not go unpunished.

Six U.N. investigators with expertise in documenting gender-based attacks as potential crimes of war will soon join an international monitoring team in Ukraine, said Pramila Patten, the United Nations' top official on sexual violence in conflict. They are part of a broader effort to not only help verify reports of sex crimes but also train Ukraine's overwhelmed prosecutors to properly preserve evidence that is gathered, and to protect victims from further trauma during questioning.

"Today's verification, today's documentation is really tomorrow's prosecution," Ms. Patten said in an interview.

She added: "It is important that the Ukrainian authorities responsible for investigating get it right, in terms of ensuring that they do no harm; that they do not victimize the victims."

The U.N. assistance is part of an agreement with the government in Kyiv that Ms. Patten said would be formally announced next week to hasten prosecutions by Ukraine courts - what officials believe is the quickest path to a trial in the war's sexual assault cases.

The U.N. has not verified any of the reports of rape or other gender-based violence by Russian soldiers since the invasion. But, Ms. Patten said, "I cannot wait for verification to be completed to take action on reported cases, because for me, denying, downplaying, procrastinating or dismissing such serious allegation is the surest sign of the risk being repeated."

She is appealing to other countries that are party to the international court to consider opening their own prosecutions into allegations of Russia's sex crimes by claiming universal jurisdiction - the legal principle that some violations are so odious they are an affront to humanity at large, and therefore can be tried by any nation's court system. Earlier this year, a German court convicted a Syrian intelligence officer of crimes against humanity, and sentenced him to life in prison, for overseeing a security center in Damascus where detainees were tortured, raped and otherwise abused.

The United States is not a party to the international court in The Hague and cannot prosecute abuse cases in American courts without a referral from the U.N. Security Council, which Russia would almost certainly veto.

As a permanent member of the Security Council, Moscow could also veto efforts to impose international sanctions against Russian individuals or organizations believed to have carried out sex crimes or violence against women in Ukraine. Ms. Patten said economic penalties issued in recent years against officials who targeted female activists in Yemen, or failed to stop sexual abuse of detainees in Libya, have served as a warning to deter gender-based violence elsewhere.

An annual report released by Ms. Patten's office this month concluded that U.N. investigators had verified nearly 3,300 cases of conflict-related sexual violence worldwide in 2021 — an increase of about 800 cases from the year before.

"If this sexual violence is happening on the scale that it is happening, with the brutality and the fact that justice remains painfully slow, it's not for lack of a normative framework," Ms. Patten said. "It's because there is no political will" to stop or at least punish it, she said.

In Ukraine, much of the evidence compiled so far in sexual assault cases has been collected by investigators for nongovernment organizations, like Ms. Gorbunova, or journalists. Many victims who have reported their assaults have done so anonymously, Ms. Patten said, refusing to identify themselves in phone calls to government hotlines.

The Russian authorities have denied all responsibility for civilian killings, abuse and other atrocities in Ukraine since the invasion, and President Vladimir V. Putin has denounced evidence to the contrary as "fake."

In the rape outside Kharkiv, Ms. Gorbunova said it was not yet clear if the attack would rise to the level of a war crime, or if it was a case of one soldier's depravity.

The man held the woman captive at gunpoint in a cold classroom overnight while her daughter remained in the school's basement with relatives. After procuring some cigarettes, he left around dawn. The woman then walked to Kharkiv to get medical help.

Ms. Gorbunova was alerted to the case within hours and first spoke to the victim on March 16. They met weeks later, in early April, in Poland, where the woman, whom Ms. Gorbunova has not identified by name, was seeking medical assistance and counseling.

"We're trying to understand the scale of this abuse, and we are trying to understand whether it's being used as a weapon of war" Ms. Gorbunova said.

"Having said that, it sometimes can take a very long time - years - for survivors of sexual violence to come forward," she said. "And you know, the case that I documented - I know that this woman has been incredibly traumatized. And all she wants to do now is to move on."

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Commentary and Perspectives

How Does Inviting Autocrats to the White House Make Asia More Free? (Human Rights Watch)

By John Sifton

April 22, 2022

The Biden administration on April 16 announced that the White House will host a special summit with members of the Association of Southeast Asian Nations (ASEAN) on May 12.

Invitees include Philippine President Rodrigo Duterte, an unrepentant and undiplomatic architect of mass killings in the name of a "war on drugs" under investigation by the International Criminal Court. ("I don't care about human rights," he said last year.) A bevy of other autocratic leaders are also invited, including Cambodian Prime Minister Hun Sen, a former Khmer Rouge commander turned kleptocrat who has been in power for over 36 years. The invitation was first made by US Secretary of State Antony Blinken in a December 14 speech in Jakarta, but dates were not finalized until now.

The summit stands in jarring juxtaposition to last year's "Summit for Democracy," and the administration's rhetoric about human rights and democracy, including in Blinken's speech inviting ASEAN to the US.

"Freedom is about the ability to write your future and have a say in what happens in your community and your country, no matter who you are or who you know," Blinken said in December. The administration is hoping to foster a "free and open Indo-Pacific."

ASEAN countries are neither free nor open.

Myanmar is led by a coup-installed junta and a military with a long track record of unfettered brutality. While the US and other ASEAN members have decided the country can only send a "non-political" representative, the invitation is still a stunning twist coming only weeks after the administration formally determined that the military committed crimes against humanity and genocide against Muslim Rohingya. It has only been a little over a year since the military's February 2021 coup and jailing of Aung San Suu Kyi and other civilian officials. The country's senior military leadership and much of its military-owned industries are under US sanctions.

Vietnam, a one-party authoritarian state, does not hold democratic elections and has imprisoned hundreds of critics, dissidents, and journalists. Laos is a similarly repressive one-party state. Brunei's absolute monarch, Sultan Hassanal Bolkiah, exercises exclusive and unchecked authority and has been in power since 1967. The country has no elections, free media, or meaningful rights protections.

Thailand, once a genuine democracy, suffered a military coup in 2014 led by Gen. Prayut Chan-ocha, which led to rule by a junta, then the adoption of a new constitution entrenching military rule and allowing engineered elections in 2019 that Prayut, predictably, won. Authorities have arrested democracy activists and critics of the monarchy, dissolved a major opposition party, and suppressed youth-led democracy protests, often violently. There have been numerous cases of torture as well as enforced disappearances.

Cambodia's leader, Hun Sen, who has manipulated or stolen outright every election since 1993, has now largely eliminated the political opposition and independent media. Over 60 political prisoners are jailed on bogus criminal charges.

Singapore too has an overwhelmingly repressive government. (The Biden administration did not invite them to the Summit for Democracy.) Citizens face severe restrictions on free expression, association, and peaceful assembly through overly broad criminal laws and regulations, including aggressive internet content laws, that are regularly enforced.

And even Indonesia and Malaysia, the standout ASEAN democracies, are seeing worsening conditions for women, religious minorities, and LGBT people, and increasing use of overbroad criminal defamation, sedition, and other laws to prosecute critics.

The administration needs to adopt more coherent principles for supporting nations in Asia without sacrificing the promotion of human rights. A key problem in the Biden administration's Asia rhetoric is that it too often conflates human freedoms and rights with the "freedoms" and "rights" of governments not to be coerced by other governments (i.e., by the Chinese government). When Blinken in December cited a "rules-based order" in Asia meant to "protect the right of all countries to choose their own path, free from coercion, free from intimidation," he was not talking about human freedoms. He was dressing up "countering the Chinese government" in the language of liberty.

During the summit in May, the president should speak publicly about human rights and freedoms-including by noting the United States' own poor record-and he and other US officials should prominently raise key rights concerns with attendees

during informal bilateral meetings at the summit, known as "pull asides."

On Myanmar, Biden should press ASEAN members to abandon their failed ASEAN "consensus" approach to diplomacy with the junta and instead join a coordinated international effort to increase pressure to convince the junta to steer toward reform, including by increasing restrictions on the junta's foreign currency revenues and capacities to purchase weapons. Biden should also encourage stronger bilateral diplomatic efforts by individual ASEAN members who can most effectively communicate with the junta: Indonesia, Malaysia, Singapore, and Thailand.

Human rights, justice, rule of law, and individual freedoms are forces which, as much as allyships and partnerships, serve as bulwarks to the increasingly repressive forces of the Chinese and Russian governments. Overlooking abuses by supposed allies only undermines the international human rights system further and makes the world less safe.

Why Cozying Up to Russia Gets South Africa Nowhere (Human Rights Watch)

By Louis Charbonneau

April 25, 2022

South Africa unleashed a storm of criticism in March in response to its draft UN General Assembly resolution on the humanitarian situation in Ukraine, which failed to mention Russia's responsibility for the crisis. Many countries - and many observers in SA - saw it as SA trying to curry favour with Russia at the expense of the dire humanitarian needs in Ukraine.

The resolution was intended to supplant a rival text drafted by France and Mexico, the final version of which explicitly blamed Russia for the humanitarian crisis in Ukraine. The SA text broadly referred to "parties" to the conflict.

The perception among Western countries and Ukraine of SA's draft resolution as a hostile and provocative act was compounded by President Cyril Ramaphosa's earlier echoing of Russian talking points, blaming Nato for the Russian invasion of Ukraine. SA then confirmed its reluctance to criticise Moscow by abstaining from a UN General Assembly vote on April 7 to suspend Russia from the UN Human Rights Council.

On March 24 SA's UN ambassador, Mathu Joyini, defended the SA strategy on Ukraine to the General Assembly, arguing that "an impartial humanitarian resolution should focus purely on addressing the humanitarian needs of those affected"

It is no secret that the SA government has long had a soft spot for the anti-Western views of countries such as Russia and China, and has been critical of what it views as "Western imperialism". The ANC has not forgotten the support it received from the Soviet Union during its struggle against apartheid. When SA was on the UN Security Council from 2019-2020 it voted with Russia and China against the West on a number of occasions. Like other African countries SA has consistently supported Russia and China's efforts at the UN to condemn the use of unilateral sanctions by Western governments as a foreign policy tool.

Despite SA's failure to blame Russia for the humanitarian crisis key provisions in SA's draft were unacceptable to Moscow — a guarantee of Ukraine's territorial integrity and a call for an immediate cessation of hostilities. Several diplomats told me confidentially that Russia had made clear that it would not vote for the SA humanitarian resolution. In the end UN delegations rejected the SA text and overwhelmingly voted for the French-Mexican draft, which Ukraine itself presented to the General Assembly.

It appears Pretoria's goal in offering a text many viewed as weak was to lock Russia into making a public commitment to steps that would end Ukraine's humanitarian crisis. The idea was that more "naming and shaming" of Russia was unnecessary and unhelpful. SA wanted to get as many UN member states on board as possible— especially Russia - and was willing to dilute the resolution to achieve that goal. As its draft said: "Political issues that may lead to member states not agreeing to a text should be addressed elsewhere."

But this strategy was almost certain to fail. Russia's track record for living up to its commitments could not be worse — remember Putin's repeated denials of plans to invade Ukraine? And rather than drawing attention to Russia's daily violations of international humanitarian and human rights law — such as indiscriminate attacks on residential buildings, hospitals and schools — SA's soft approach risks giving Russia a chance to play the victim.

If playing good cop could get Moscow to end its violations of international humanitarian and human rights law, then that is what UN negotiators should do. If not, SA and the other UN delegations should use the limited tools they have at the UN to create a public record about Russia's possible war crimes.

That is one of the values of documents like the French-Mexican resolution. It may not change Russia's strategy in Ukraine, but it is likely to have a long shelf life. The paper trail of resolutions and public documents can be useful to the International Criminal Court as it investigates possible war crimes and other violations in Ukraine.

Western countries, on the other hand, should ensure African countries are meaningfully included early on in negotiations on resolutions. African diplomats complain that they are all too often handed precooked draft resolutions, and Western governments are not interested in their input. If that was the case with the Ukraine humanitarian resolution, then the approach resulted in underwhelming support among African governments.

About half of the 38 states that abstained were African — including SA. (Only one African state — Eritrea — joined Russia, Belarus, Syria, and North Korea in voting against it.)

While many African states are still affected by the tragic twin legacies of colonialism and apartheid, Russia's invasion of Ukraine reeks of neocolonialism. This was a point made eloquently by Kenya's UN ambassador, Martin Kimani, in February as Russia was making its final preparations to invade Ukraine. "Multilateralism lies on its deathbed tonight," Kimani told an emergency meeting of the UN Security Council. "It has been assaulted today as it has been by other powerful states in the recent past."

African and Western governments should find a way to bridge their differences to make clear to Russia that rampant violations of international law will have consequences. But they should say it - together. Anything less will encourage Russia and others to disregard international humanitarian and human rights law and kill civilians with impunity.

European Leaders Should Raise Human Rights Concerns with Modi (Human Rights Watch)

By Måns Molander

May 3, 2022

Speaking in New Delhi on April 25, European Commission President Ursula von der Leyen referred to India as a "vibrant democracy," sharing common values and interests with the European Union. But these cliches, repeated by rote by European leaders seeking closer trade and political ties with India, do not reflect the reality of growing abuses and discriminatory policies under Prime Minister Narendra Modi's rule./p>

As European governments prepare to receive Modi beginning May 2, senior officials from Germany, France, Denmark, Finland, Iceland, Norway, and Sweden should reconsider Europe's "quiet diplomacy" on human rights violations in India. This approach has had no evident impact and has also led to growing sentiment that Europe is willing to overlook the plight of affected communities in India because it needs India as an ally against China and Russia.

As von der Leyen delivered her flattering speech in Delhi, residents in the mainly Muslim neighborhood of Jahangirpuri, about 25 kilometers from the conference site, were still reeling from unlawful demolitions of their shops by the city's civic body run by Modi's Hindu nationalist Bharatiya Janata Party (BJP).

On April 20, the authorities deployed bulldozers to summarily demolish property mostly owned by Muslims in response to communal clashes four days earlier. The clashes were sparked by a religious procession of armed Hindu men shouting anti-Muslim slogans in front of the local mosque. Although the authorities tried to justify the demolitions by claiming the structures were illegal, the destruction appeared intended as a collective punishment for Muslims who allegedly threw stones at the Hindu procession.

Such illegal demolitions of primarily Muslim property have been a recurring sight in India in April as religious tensions mounted in BJP-run states. "Houses that were involved in stone pelting will be turned into rubble," the BJP home minister in Madhya Pradesh state had warned after communal clashes there.

The bulldozers are just the latest symbol of the erosion of rule of law in India and escalating violence against minority populations. Prime Minister Modi's government continues to adopt laws and policies that systematically discriminate against minorities. BJP leaders routinely make divisive remarks, and several have condoned or even incited violence against Muslims. The prejudices embedded in the government have infiltrated independent institutions, such as the police and the courts, and provoked Hindu mobs to threaten, harass, and attack religious minorities, which they do with impunity.

Over 100 former Indian civil servants, including senior diplomats, recently wrote to Prime Minister Modi, saying: "What is alarming now is the subordination of the fundamental principles of our Constitution and of the rule of law to the forces of majoritarianism, in which the state appears to be fully complicit." The Indian authorities have also cracked down heavily on civil society, prosecuting human rights activists, journalists, academics, students, peaceful protesters, and other critics in politically motivated cases using counterterrorism and sedition laws. The Modi government has shut down foreign funding for thousands of civic groups, particularly those that work on human rights or the rights of vulnerable communities.

The Indian government is also using technology to curtail human rights as part of its broadening crackdown on freedom of

expression, association, and peaceful assembly. Indian authorities have been implicated in using the Israeli-produced spyware Pegasus to target activists, journalists and political opponents.

Over the last few years, United Nations-appointed independent human rights experts have repeatedly raised concerns over India's regression in human rights. But India's Western partners, including the EU and its member states, have failed to echo those concerns, ignoring requests by human rights groups and the European Parliament.

A rare exception came in April, when US Secretary of State Antony Blinken publicly made reference to "concerning developments in India, including a rise in human rights abuses by some government, police and prison officials: On April 25, the congressionally mandated US Commission on International Religious Freedom stated that "religious freedom conditions in India significantly worsened" in the last year and for the third year in a row. The commission recommended that the State Department designate India a "country of particular concern" for "engaging in and tolerating systematic, ongoing, and egregious violations of religious freedom."

When European leaders meet Modi to discuss greater ties in trade and technology, and seek India's partnership in a rule-based global order and condemnation of Russia's invasion of Ukraine, they should not forget the lives destroyed by the bulldozers or those of the journalists, activists and critics unjustly held behind bars or repeatedly threatened by BJP supporters.

They should call on the Indian government to live up to its obligations and commitments and protect the human rights and dignity of all its people, not just some of them. Repeating empty slogans and forsaking scrutiny of government abuses will not help that happen.

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Aiding and Abetting

RUSSIA: Patriarch Kirill should be prosecuted by the ICC, according to a NGO report (eureporter)

By Willy Fautré and Patricia Duval

April 23, 2022

Human Rights Without Frontiers, a Brussels-based NGO, appeals to the Prosecutor of the International Criminal Court, Karim A. A. Khan QC, to hold personally accountable and prosecute Vladimir Mikhailovitch Goundiaiev, known as Patriarch Kirill of Moscow and All Russia,

for inspiring, inciting, justifying, aiding and abetting war crimes (Art. 8 of the Rome Statute) and crimes against humanity (Art. 7) perpetrated and being perpetrated by the Russian armed forces in Ukraine.

The International Criminal Court (ICC) is currently busy documenting and evidencing war crimes and crimes against humanity committed in Ukraine, and identifying the perpetrators to be held accountable for the said crimes.

The prosecution of Patriarch Kirill falls within Article 25 of the Rome Statute - Individual criminal responsibility - which provides:

1. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: (...)

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

On 7 April 2022, the European Parliament adopted a Resolution about "the increasing repression in Russia, including the case of Alexei Navalny," in which it condemned the role of Moscow Patriarch Kirill in Russia's war against Ukraine.:

"Condemns the role of Moscow Patriarch Kirill, head of the Russian Orthodox Church, in providing theological cover for Russia's aggression against Ukraine; praises the courage of the 300 priests of the Russian Orthodox Church who signed a letter condemning the aggression and expressed their grief over the ordeal of the Ukrainian people, calling for an end to the war." [I]

I -HOW DID PATRIARCH KIRILL AID, ABET OR ASSIST IN THE COMMISSION OF THE SAID CRIMES?

On 24 February 2022, President Putin of the Russian Federation ordered its army to simultaneously cross the northern, eastern and southern borders of Ukraine, a sovereign State, against the will of its people and government.

We have collected a number of public statements made by Patriarch Kirill before and during the Russian "special operation" in Ukraine, by which he abetted Ukraine's invasion and the ensuing war crimes and crimes against humanity.

On 23 February 2022, one day before the invasion of Ukraine, Patriarch Kirill of Moscow and All Russia congratulated Russian President Vladimir Putin on Defender of the Fatherland Day, according to the message published on the website of the Russian Orthodox Church:

"I cordially congratulate you on Defender of the Fatherland Day... I wish you good health, peace of mind and abundant help from the Lord in your high and responsible service to the people of Russia."

"The Russian Orthodox Church has always sought a significant contribution to the patriotic education of compatriots, which sees in military service an active manifestation of evangelical love for neighbors, an example of loyalty to the high moral ideals of truth and good."^[ii]

On 27 February 2022, after the invasion of Ukraine started, during a sermon^[iii] delivered at the Cathedral of Christ the Savior in Moscow, the Patriarch blessed the Russian soldiers fighting for the Russian World and Holy Russia in Ukraine:

"May the Lord preserve the Russian land... A land which now includes Russia and Ukraine and Belarus and other tribes and peoples." The Patriarch castigated those who fight against the historical unity of Russia and Ukraine, targeting them as the "evil forces".

He prayed God that the enemies of Holy Russia be defeated:

"God forbid that the present political situation in fraternal Ukraine so close to us should be aimed at making the evil forces that have always strived against the unity of Russia and the Russian Church, gain the upper hand," he said.

By labelling the Ukrainian defenders as the "forces of evil" Patriarch Kirill gave his blessing and canonical justification for Putin's "special operation" in Ukraine and the ensuing massacres.

In Patriarch Kirill's argumentation, the reason why Ukrainians are to be considered forces of evil is that they allegedly support the decadent mores imported from the West.

On 6 March 2022, he gave a homily on Forgiveness Sunday^[iv] where he addressed Russia's military operation in Ukraine in the following terms:

For eight years there have been attempts to destroy what exists in the Donbass. And in the Donbass there is rejection, a fundamental rejection of the so-called values that are offered today by those who claim world power. Today there is such a test for the loyalty of this government, a kind of pass to that "happy" world, the world of excess consumption, the world of visible "freedom". Do you know what this test is? The test is very simple and at the same time terrible - this is a gay parade. The demands on many to hold a gay parade are a test of loyalty to that very powerful world; and we know that if people or countries reject these demands, then they do not enter into that world, they become strangers to it.

He further explained that the Russian World and Holy Russia will never tolerate on their soil those who adhere or tolerate such a decadent civilization:

"We do not condemn anyone, we do not invite anyone to ascend the cross, we just say to ourselves: we will be faithful to the word of God, we will be faithful to His law, we will be faithful to the law of love and justice, and if we see a violation of this law, we will never put up with those who destroy this law, including blurring the line between holiness and sin, and even more so with those who propagandize sin," the Patriarch said.

He went on: "All of the above indicates that we have entered into a struggle that has not a physical, but a metaphysical significance."

The Patriarch therefore considers that the territory of Donbass and other Ukrainian areas "belonging" to "Holy Rus"^{v]} should be purified from their enemies, i.e. the supporters of Western decadent values.

Going further in his homily of March 6, the Patriarch of Holy Russia called for a fight "for human salvation":

"Therefore, what is happening today in the sphere of international relations has not only political significance. We are talking

about something different and much more important than politics. We are talking about human salvation, about where humanity will end up, on which side of God the Savior, who comes into the world as the Judge and Creator, on the right or on the left."

In particular, the people of Donbass have been fighting to protect their faith:

"Today, our brothers in the Donbass, Orthodox people, are undoubtedly suffering, and we cannot but be with them, first of all in prayer. It is necessary to pray that the Lord would help them to preserve the Orthodox faith, not to succumb to temptations and temptations."

All in all, Patriarch Kirill has backed Putin's purifying "operation" in Ukraine by equating it to a spiritual purification of Ukraine, a religious cleansing operation and religious crusade.

The proximity between the Russian Orthodox Church (ROC) and the Kremlin is however not only physical, as they are only a few hundred meters from each other, but it is also political, geopolitical and spiritual.

In a long article titled "The Law, the Rights and the Rules," and published in The Diplomat Magazine on July 4, 2021, Sergey Lavrov, Russian Minister of Foreign affairs, criticized the "aggressive LGBT propaganda" by the "enlightened Europe", the US interference in church affairs, "openly seeking to drive a wedge into the Orthodox world, whose values are viewed as a powerful spiritual obstacle for the liberal concept of boundless permissiveness".[vi]

Quite often, Patriarch Kirill has presented President Putin as the sole defender of Christianity in the world and even as the savior of Christians in Syria after he had sent his troops to save Bashar al-Assad and his regime.[vii]

II - BACKGROUND

The Russian World: Collusion between President Putin and the ROC

The rapprochement between the Russian Orthodox Church (ROC) and the Russian State started in the early 1990s, on the ashes of Communism after seventy years of anticlerical policy. In 1989, at the time of Gorbachev Perestroika, Vladimir Mikhaïovitch Goundiaïev, his civil name before becoming Patriarch Kirill, was appointed President of the Department of External Ecclesiastical Relations of Moscow Patriarchate.

He held this function for twenty years and was able to implement his project of restoring the former glory of the Church by extending its influence not only in Russian society and politics, but also on the international scene.

He then built a network of influence which attracted the attention of Vladimir Putin when he came in power in 2000. For Putin, the Patriarchate's sphere of influence appeared to be the only thing left of the former Russian Empire.

In his eyes, Kirill was the only powerful actor in the country to be able to address the Russian World (Russki Mir) which he would try to reconquer later through the use of weapons. A kind of deal was made. Vladimir Putin would support the restoration of the glory of the Church and the construction of innumerable church buildings while Kirill would give him his diplomatic relays and the support of the Russian people.

In the 2000 Russian National Security Concept, the Putin Administration explained:

"Assurance of the Russian Federation's national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life and preserving the cultural heritage of all Russia's peoples. There must be a state policy to maintain the population's spiritual and moral welfare, prohibit the use of airtime to promote violence or base instincts, and counter the adverse impact of foreign religious organizations and missionaries."[viii]

The Spiritual Security concept in its internal dimension meant the protection of the ROC, especially against religious minorities newly arrived in Russia and perceived as competitors to the ROC. In its external dimension, "spiritual security" required the building of a civilizational sphere of influence - of the Russian cultural (spiritual) space, the Russkiy mir'.

In 2007, the Russki Mir Foundation was established by a Decree of Vladimir Putin to "reconnect the Russian community abroad with their homeland, forging new and stronger links through cultural and social programs, exchanges and assistance in relocation". The foundation functions actively abroad, for example through "Russian Centers", which are designed to spread the Russian language and culture "as important elements of world civilization".[ix]

In November 2007, Foreign Minister Lavrov presented certain aspects considering the cooperation between the Ministry of Foreign Affairs (MFA) and the Church at a press conference held after the tenth meeting of the Working Group on MFA-Russian Orthodox Church Interaction. According to Lavrov, "Orthodox values formed the basis of Russian culture and Russian statehood" and "the Church engages in tackling the same tasks as does diplomacy".[x]

In 2009, the Russki Mir foundation and the ROC signed a cooperation agreement aiming to "strengthen the spiritual unity of the Russian World". At the 2009 third assembly of the Russki Mir foundation, the Patriarch defined the core of Holy Rus (Holy Russia) as Russia, Ukraine and Belarus. Patriarch Kirill added that the ROC also regards Moldova as a part of the Russian World. [xi]

At a reception for Orthodox Easter in Moscow on 18 April 2017, Foreign Minister Sergey Lavrov reiterated that "Russian diplomacy invariably receives the support of the Russian Orthodox Church. We highly appreciate the ROC's contribution to strengthening the country's moral authority, to creating an unbiased image of our country, to unifying the Russian world, and promoting the Russian language and culture."

According to the Ukrainian Crisis Media Center "These organizations [the Russian centers in Ukraine] are involved in the promotion of historical and territorial revisionism, Russian disinformation narratives and hatred towards the Ukrainian state, polarizing society and, according to the Security Service of Ukraine, often serving as a façade for the activities of the intelligence services." [xii]

Call for Spiritual Expansionism and Eradication of the "Forces of Evil"

In 2009, after the invasion of Georgia in 2008 and before the annexation of Crimea in 2014, Patriarch Kirill emphasized in one of his speeches how spiritual connections are of greater value than national borders. [xiii]

Spiritual expansionism and hailing Russia as the Third Rome and the heir to "Byzantium's fallen Orthodox greatness" have for ever been promoted by both the Kremlin and the ROC. [xiv]

On the same lines, Patriarch Kirill of Moscow and All Russia declared three years ago, on 31 January 2019:

"Ukraine is not on the periphery of our Church. We call Kyiv the Mother of all Russian cities. Kyiv is our Jerusalem. Russian Orthodoxy started there. It is impossible for us to abandon this historical and spiritual relationship". [xv]

With homilies widely promoted in Russia, Patriarch Kirill laid the spiritual foundation justifying the aggression of Ukraine and blessed all those who would carry out this holy mission, and the war crimes and the crimes against humanity it involved.

III - CONCLUSION

All the above indicates that Patriarch Kirill of Moscow and All Russia has inspired, incited, justified, aided and abetted the war crimes (Art. 8) and crimes against humanity (Art. 7) committed by the Russian armed forces in Ukraine.

In its decision Bemba et al. of 19 October 2016, the International Criminal Court found:

1. With regard to the notion of 'abet', the Oxford Dictionary defines it as to 'encourage or assist (someone) to do something wrong, in particular to commit a crime'. In the Chamber's understanding, the notion of 'abet' describes the moral or psychological assistance of the accessory to the principal perpetrator, taking the form of encouragement of or even sympathy for the commission of the particular offence. The encouragement or support shown need not be explicit. Under certain circumstances, even the act of being present at the crime scene (or in its vicinity) as a 'silent spectator' can be construed as tacit approval or encouragement of the crime. [xvi]

Human Rights Without Frontiers welcomes the opening of an investigation on possible crimes committed in Ukraine under the Rome Statute. We welcome the investigation to identify the perpetrators, including possibly going up the command chain to President Vladimir Putin.

We kindly request to the Prosecutor that the above facts be included in the investigation in order to establish the possible liability of Patriarch Kirill for aiding and abetting the perpetrators.

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WORTH READING

Nation States Must Comply With Their Responsibility to Protect Ukraine Against the Russian

Federation's Ongoing War Crimes

By Kiran Nasir Gore, Charles H. Camp, and Lilia Chu

May 2, 2022

The UN Charter, signed in 1945, reflects the international community's collective transnationalist view that unilateral tactics, coercion, and sheer force would no longer be tolerated to compel submission to individual ambitions and desires. In the years since, the principles of the UN Charter to promote peace and respect for human rights have increasingly been understood as a responsibility on the part of the global community to protect against the horrors of genocide and other human rights abuses—a duty known as the "Responsibility to Protect" or "R2P." Today, the Responsibility to Protect doctrine presents a call to action. It is imperative for States to intervene to protect Ukraine and its civilians from the Russian Federation's unprovoked invasion and use of weapons in civilian populated areas.

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