



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch

Volume 16 - Issue 12
July 3, 2021

PILPG

A Global Pro Bono Law Firm

25 YEARS

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Editor-in-Chief
Natalie Davis

Technical Editor-in-Chief
Erica Hudson

Managing Editors
Matthew Pheneger
Alan Dowling

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.

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.

Contents

AFRICA

NORTH AFRICA

Libya

- **Widow of Anton Hammerl, killed in Libya, asks UN to investigate his death (Mail & Guardian)**

CENTRAL AFRICA

Central African Republic

Sudan & South Sudan

- **Sudan Pledges to Hand Darfur War Crimes Accused to The Hague (All Africa)**

Democratic Republic of the Congo

- **Dozens of Congo's rebels lay down weapons in the east (Reuters)**
- **DR Congo imposes curfew in Beni after weekend bombings (Al Jazeera)**

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

- **Former Côte d'Ivoire leader Gbagbo returns home after being acquitted of war crimes (Sydney News Today)**

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

- **Nigerian troops kill 12 Boko Haram militants in northeast region (ANI)**
- **ISS: Boko Haram and COVID-19: Lake Chad Basin's war on two fronts (ISS Africa)**
- **Africa: UK to Donate £12.6 Million to Fight Terrorism in Africa (All Africa)**

Mali

- **6 French soldiers wounded in Mali suicide car bomb blast (Arab News)**

Liberia

- **Swiss court gives Liberian rebel 20-year sentence for war crimes (Al Jazeera)**
- **Liberia warlord sentenced for war crimes, cannibalism (Chronicle)**

EAST AFRICA

Uganda

- **Ongwen appeals conviction (Daily Monitor)**
- **Prisons dismisses ADF's Mukulu death rumours (Daily Monitor)**

Kenya

Rwanda

- **Prosecutors request life sentence for 'Hotel Rwanda' hero**
- **Prosecutors Wind Down Witness-Tampering Case Tied to Rwanda Genocide**

Somalia

- **At least 30 killed in al Shabaab attack in Somalia - security official (Reuters)**

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnia's Constitutional Court Rejects Babic Appeal Over Prijedor Verdict (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

- **Hague Tribunal Archive Reveals Paramilitaries' Violent Strategies (BIRN)**

Domestic Prosecutions In The Former Yugoslavia

- **Bosnian Serb Commanders Trial Opens in Belgrade (Balkan Transitional Justice)**

Turkey

- **Turkey Is Waging a Brutal Campaign in Iraqi Kurdistan (Jacobin)**
- **500 Christian Families Forced to Flee Turkish Bombing in Iraqi Kurdistan (Morning Star)**

Kosovo Specialist Chambers

- **Wartime Victims of Sexual Violence Recognized as Legal Category by Kosovo Parliament (exitnews)**
- **War crimes trial of ex-Kosovo rebel leader for September (Macau News Agency)**

Azerbaijan

- **Former PoWs unveil new details about tortures in Armenian captivity (AzerNews)**
- **Azerbaijan puts Armenian colonel on int'l wanted list (AzerNews)**
- **Ombudsman issues ad-hoc report on Azerbaijani mine casualties (AzerNews)**

MIDDLE-EAST

Iraq

- **Iraqi military: Bomb explodes in Baghdad suburb, wounding 15 (Associated Press)**

Syria

- **TTerror attacks in northern Syria kill 4 civilians (Daily Sabah)**
- **U.S. targets Iran-backed militias in Iraq, Syria strikes (Washington Post)**

Yemen

Special Tribunal for Lebanon

- **There's A Call For The International Community To Fund The Special Tribunal For Lebanon (The 961)**

Israel & Palestine

- **NYT investigation finds Israel strikes in Gaza's Rimal possible 'war crime' (TRTWorld)**
- **After Gaza war, lawyer builds Palestinian case files (Arab News)**

Gulf Region

ASIA

Afghanistan

- **Ben Roberts-Smith denies Afghan man killed in Australian raid was handcuffed (The Guardian)**
- **In Afghanistan, minority Hazaras are being killed at school, at play, even at birth (Los Angeles Times)**

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- **Bangladesh war crimes prosecutor Zead-al Malum is dead (BD news 24)**

War Crimes Investigations in Myanmar

- **Bomb Explodes at Headquarters of Pro-Military Party in Myanmar (Radio Free Asia)**
- **Myanmar army 'tightens grip' on multibillion dollar jade trade: Report (Al Jazeera)**

AMERICAS

North & Central America

- **751 Unmarked Graves Found at Former Residential School for Indigenous Children in Saskatchewan (Democracy Now!)**

South America

- **Bolsonaro should be tried for crimes against humanity, Indigenous leaders say (NBC News)**

Venezuela

- **How a U.S. Congressman Took on the U.S. Blockade Against Venezuela (Counter Punch)**

TOPICS

Truth and Reconciliation Commission

- **TRC atrocities cases would be revived, NPA and Hawks confirm (Devdiscourse)**
- **Liberia: Senate Begins Public Hearing On Its Leadership Recommendations On The Truth & Reconciliation Report On Wednesday (Front Page Africa)**

Terrorism

- **Canada labels the Three Percenters a terrorist entity (The Washington Post)**
- **Police thwart multiple terrorist attacks on Tel Aviv Pride parade (The Jerusalem Post)**
- **Despite advances, terrorist threats continues to persist and diversify (UN News)**

Piracy

- **India-EU naval exercise to set stage for greater cooperation (The Tribune)**
- **France's Indo-Pacific strategy and avenues for deepening the Franco-Australian strategic partnership (The Strategist)**
- **Effective mechanisms required in domestic prosecution of International crimes — Hussein Thomasi (Modern Ghana)**

Gender-Based Violence

- **Guterres: Bring crimes of sexual violence in conflict out of 'the shadows', punish perpetrators.**
- **UN Watch Slams Palestinian Authority on Gender Violence and Antisemitism (Morocco World News)**
- **Human Rights Council Holds Separate Interactive Dialogues on Prevention of Genocide and on Violence Against Women (ReliefWeb)**

Commentary and Perspectives

WORTH READING

- **Zachary D. Kaufman: Addressing the Islamic State's Genocide Against the Yezidi at the Belgian Parliament (OpinioJuris)**

AFRICA

NORTH AFRICA

Libya

Widow of Anton Hammerl, killed in Libya, asks UN to investigate his death (Mail & Guardian) By

Eunice Stoltz

June 29, 2021

The wife of South African-born photojournalist Anton Hammerl has appealed to the United Nations to open an inquest into her husband's death a decade after he was killed by militia loyal to former Libyan leader Muammar Gaddafi.

Penny Sukhraj-Hammerl is asking the UN's Human Rights Council (UNHRC) to take decisive action in determining the truth about her husband's death in Libya in 2011.

Sukhraj-Hammerl will address the UNHRC on 30 June to have them acknowledge breaches of international humanitarian law and international law.

Hammerl was covering the conflict in Libya when he was shot near the town of Brega. His family was falsely led by the Libyan authorities to believe that he was alive for more than six weeks after his death. His remains have not been found and the circumstances of his death are not known.

The appeal, driven by the campaign Justice for Anton, is supported by international media organisations such as the International Federation of Journalists, South African National Editors' Forum(Sanef), Justice for Journalists Foundation and Reporters without Borders.

During a media briefing on Monday, Sukhraj-Hammerl called for truth and justice for her husband.

"There has been no investigation by Libya, or South Africa or Austria, or even the UK [United Kingdom], where Anton lived. There is a clear obligation from the Libyan authorities to investigate, but it is apparent, there is no will or investigative capacity for this to happen.

"Anton's killing was an injustice. We need accountability for what happened. We need the United Nations to seriously consider our case and act to end the injustice."

Represented by Doughty Street Chambers in London, Sukhraj-Hammerl submitted complaints to the UN special rapporteur on freedom of expression, the special rapporteur on extrajudicial, summary or arbitrary executions, and the UN Working Group on Enforced and Involuntary Disappearances.

Caoilfhionn Gallagher QC said two strategic legal systems will be brought to the fore during their appeal. The first includes locating Hammerl's remains.

Gallagher said a 2012 investigation of the forensic examination of DNA taken from a mass grave in Libya, believed to have been Hammerl's remains by local Libyan authorities, had gone "entirely cold."

The second key strategic aspect includes conducting an investigation into the circumstances around Hammerl's death.

"She [Sukhraj-Hammerl] is entitled as a matter of international law, to have an investigation into both his killing ... and the aftermath of the 45 days of cover-ups and lies when she was told that her husband was alive and held in detention," said Gallagher.

"A number of governments were misled by the Libyan authorities, which are also entitled to an investigation into the foot-dragging and lack of action that we've seen since 2011."

Freedom of information requests were also sent to the governments of the UK, South Africa and Austria, requesting documents pertaining to information provided by Libya at the time of Hammerl's death in 2011. According to Gallagher, there was widespread suspicion that Gaddafi forces may have been involved in serious violations of international humanitarian law, including war crimes, crimes against humanity", and that Hammerl at the time of his death became a victim of these crimes.

Sbu Ngalwa, chairperson of Sanef, said he has written to President Cyril Ramaphosa "to ask that the country assists in every way possible".

The department of international relations committed itself to follow up on the matter.

[\[back to contents\]](#)

CENTRAL AFRICA

Central African Republic

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

[\[back to contents\]](#)

Sudan & South Sudan

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

Sudan Pledges to Hand Darfur War Crimes Accused to The Hague (All Africa)
June 28, 2021

In a "unanimous decision" the Sudanese government has pledged to hand former officials indicted for war crimes in Darfur to the International Criminal Court (ICC). Sudan's Minister of Federal Governance, Buthaina Ibrahim Dinar, confirmed the decision on June 26, 2021. She said: "the unanimous decision is aimed at establishing peace and stability in the country".

The decision follows the recent visit by outgoing ICC Prosecutor Fatou Bensouda to Sudan and Darfur, during which she stressed the necessity of handing over to the ICC Ahmed Haroun - the country's former interior minister, who is accused of

war crimes and crimes against humanity, before the end of July 2021, so that he can be tried alongside Ali Abdelrahman (Kushayb) in The Hague.

[\[back to contents\]](#)

Democratic Republic of the Congo

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

Dozens of Congo's rebels lay down weapons in the east (Reuters)

June 23, 2021

Dozens of militia fighters in the Democratic Republic of Congo have laid down their weapons and surrendered, the first to do so since President Felix Tshisekedi announced martial law to tackle worsening security in two eastern provinces.

Around 140 men from various local armed groups sang and clapped as they handed themselves in to authorities during a ceremony in Congo's North Kivu province on Monday. Around 70 weather-beaten weapons, mostly rifles, were also turned in.

Congo's mineral-rich east has been convulsed with conflict since the official end to the country's second civil war in 2003. More than 120 armed groups are now fighting for control of the region's land and natural resources.

"Being in a rebellion means stealing, harassing the population and destroying the environment of the population," said 28-year-old Jean-Paul Ndagije, who fought with the Nyatura rebel group.

"That is why we bush commanders have decided to take our children out of the bush to embrace a better life."

Tshisekedi declared a state of siege in early May in response to a two-year surge in violence across the region.

But deadly attacks have increased since then, according to data collected by the Kivu Security Tracker, which maps unrest in the region.

"We will continue to track down these armed groups wherever they are entrenched," the military governor of North Kivu Constant Ndimba told reporters.

Some conflict analysts say increasing the army's power is unlikely to address the root causes of the bloodshed, pointing to a long history of problematic behaviour documented among troops.

In a blistering report published last week, the United Nations said that sexual violence perpetrated by government troops in Congo's east could amount to war crimes.

The report also accused Congolese troops of diverting weapons to armed groups and smuggling cocoa from abandoned farms into neighbouring Uganda.

While visiting the region last week, Tshisekedi said that a mafia had developed within the army and police, propped up by a "law of silence".

"There is a lot of scheming undermining our security forces," Tshisekedi said. "It developed at the same time as the mafia here, the same mafia in the army, in our institutions."

DR Congo imposes curfew in Beni after weekend bombings (Al Jazeera)

June 28, 2021

People in the Democratic Republic of the Congo's city of Beni have woken up to a curfew on Monday after three bombs rocked the east of the country, with authorities warning they had reports more attacks were being planned.

On Sunday morning, a makeshift bomb went off in a Catholic church in the city, injuring two women, followed just hours later by a suicide bombing outside a bar.

A day earlier, a bomb exploded next to a petrol station on the outskirts of Beni without causing any damage.

Beni is in the North Kivu province, one of two regions President Felix Tshisekedi placed under a “state of siege” on May 6 in a bid to clamp down on rebel violence in the region.

“I don’t want to see anyone in the street,” Beni Mayor Narcisse Muteba said late on Sunday as he announced the curfew.

“Everyone should go inside because we have information that something else is being planned.”

The church attack on Sunday marked the first time a Catholic building has been targeted in the area, which has been beset by rising violence from the Allied Democratic Forces (ADF) rebel group, which has carried out a string of massacres in the last 18 months.

“I want to see only police and soldiers in the streets,” Muteba, who is also a police colonel, said as he announced the curfew.

The attack at the church took place just an hour before a children’s confirmation ceremony was due to be held.

Traces of blood could be seen at the church entrance in the aftermath of the explosion, while shards of glass were scattered inside and the sound equipment destroyed.

“I had just entered the church, I hadn’t even managed to sit down, I heard ‘boom’ ... blood started flowing from my mouth,” Antoinette Kavira, one of the injured women, told the AFP news agency from her hospital bed.

“I lost four teeth and my arms were injured.”

The second victim was still in shock after being wounded in the leg.

Just hours later, the suicide bomb attack happened outside a bar.

The ADF is the deadliest of an estimated 122 armed groups that roam the mineral-rich east of the DRC, many of them a legacy of two regional wars that ran from 1996 to 2003.

It is historically a Ugandan group that has holed up in the eastern DRC since 1995. In March, the United States said the group was linked to ISIL (ISIS).

[\[back to contents\]](#)

WEST AFRICA

Côte d’Ivoire (Ivory Coast)

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

Former Côte d’Ivoire leader Gbagbo returns home after being acquitted of war crimes (Sydney News Today)

June 30, 2021

Koudou Gbagbo, who involved Côte d’Ivoire in the war, who refused to admit defeat in the election, is now playing the role of national healer.

Former President Koudou Gbagbo returned to Côte d’Ivoire on Thursday after the crimes against humanity were removed and his former bitter rivals welcomed him in the name of a settlement.

After refusing to accept the defeat in the election, Gbagbo was humiliated and left the country in 2011, causing conflict and

ending in arrest and dispatch to The Hague.

Gbagbo will land in the economic center of Abidjan at 1545 GMT on a commercial flight from Brussels since the International Criminal Court (ICC) acquitted it in 2019. The appeal against the ruling failed in March, due to his return, paving the way.

The 79-year-old Uatara facilitated his return, issued a diplomatic passport to his rivals, and promised him the rewards and status of the former president.

He then travels through the city to the Atvan district, where the old campaign headquarters of 2010 is located, according to a statement from the Côte d'Ivoire Popular Front (FPI) Party.

The party was discussing the size of the celebration with the government, but the government preferred more individual events.

The celebration had already begun in Abidjan prior to his return.

Gbagbo is also preparing to return to his hometown of Mama, who calls him his "father."

But not everyone is overjoyed at his return.

They also point out the 20-year imprisonment given in the absence of Gbagbo for "looting" the Central Bank of West African States during the conflict.

Gbagbo's tenure, first elected in 2010, was characterized by divisions and rebellions in the former French colonial state, which was once regarded as a sign of stability in West Africa.

His party claims he is back in peace. In March, he participated in a legislative election, ending a decade-long ballot box boycott.

However, attention was also paid to the growing threat of Muslims after jihadists killed four soldiers near the Burkina Faso border.

[back to contents]

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

Nigerian troops kill 12 Boko Haram militants in northeast region (ANI)

June 28, 2021

Twelve Boko Haram militants were killed on Sunday as Nigerian troops thwarted an attack by the extremist group on a military base in the northeastern state of Borno, said a spokesperson for the army.

Onyema Nwachukwa, the army spokesperson, said in a statement on Monday a group of Boko Haram militants on gun trucks and several motorcycles attacked on Sunday a military base at Bula Yobe area in Borno State, but were met with heavy fire from the troops.

"The troops sustained the fire fight and successfully neutralized 12 terrorists, with several others fleeing with gun shot wounds," Nwachukwu said.

However, two soldiers were killed in the encounter, while five soldiers sustained injuries and have been evacuated for treatment at a medical facility, he said.

According to the spokesperson, the operation was largely successful due to the proper coordination between the air component of operation Hadin Kai and the ground troops, adding that arms including gun trucks and other lethal weapons were recovered from the terrorists.

Boko Haram has been trying to establish an Islamist state in northeastern Nigeria since 2009. The terror group has also

extended its attacks to other countries in the Lake Chad Basin.

ISS: Boko Haram and COVID-19: Lake Chad Basin's war on two fronts (ISS Africa) By: Malik Samuel
June 29, 2021

Together with ongoing insecurity and humanitarian crises, the region faces vaccine shortages, hesitancy and fake doses.

For those living in Boko Haram-affected areas of the Lake Chad Basin region, the risk of COVID-19 is high. The long-standing humanitarian crisis, unequal access to vaccines, the emergence of COVID-19 variants, vaccine hesitancy and the risk of fake vaccines are all to blame.

There are growing concerns, confirmed by the World Health Organization (WHO), of the third wave of infections in Africa getting out of hand. At least 22 countries on the continent so far have experienced surges, with cases increasing by 52% by the third week of June.

The situation is made worse by the 12-year-old Boko Haram insurgency that's caused one of the worst humanitarian crises in the world. It has led to food insecurity and an increased risk of spreading diseases like cholera, typhoid, malaria, meningitis, measles and more.

Of the four Boko-Haram affected countries (Niger, Nigeria, Chad and Cameroon), Chad has the lowest national COVID-19 figures, and new cases are declining. The Hadjer-Lamis and Lac regions – the two areas of Chad affected by the Boko Haram crisis – have had fewer than 60 cases with three deaths and no active cases as of 11 June. However, ongoing insecurity means the risk remains significant. The impact of pandemic protocols also limits humanitarian workers' assistance to communities.

Nigeria's Borno State is hardest hit by both Boko Haram and COVID-19 cases and deaths.

In Lac, COVID-19 has affected people's ability to meet their basic needs because of a loss of income and humanitarian aid, and an increase in the price of commodities. In Hadjer-Lamis, severe acute malnutrition is above the WHO's 2% emergency threshold.

In Nigeria's Borno State, the Lake Chad Basin area hardest hit by Boko Haram, there are serious concerns about hunger levels rising to those seen in 2016. The state has both the highest number of confirmed COVID-19 cases and deaths among the three states in Nigeria most affected by Boko Haram as of 28 June.

These problems, coupled with increasing attacks by violent extremists, could weaken the fight against the virus. It may be difficult to convince people facing hunger to have a vaccine, and health workers could encounter security threats when trying to reach people in unsafe areas.

Apart from the complex humanitarian situation, there's also scepticism among local populations about COVID-19 vaccines. This is due to the earlier safety concerns around the jabs, a general lack of trust in governments, arrests and interception of counterfeit injections, and fake news, among others.

In Cameroon, only 11% of the 700 000 COVID-19 vaccine doses received had been used by 5 June.

The situation is worse in Cameroon. Only 11% of the 700 000 doses received had been used by 5 June. In Niger and Nigeria by comparison, more than 50% of their vaccines had been administered. Despite vaccine administration standing at more than 50% in Nigeria, there have been campaigns against the injections, notably from political and religious leaders. One of the country's most renowned pastors warned his congregants not to take the vaccine.

Niger is the only Lake Chad Basin country where most people have expressed confidence in the jab and a willingness to have it. According to a COVID-19 vaccines perception report by the Africa Centres for Disease Control and Prevention, 93% of those interviewed expressed willingness to accept the vaccine.

According to the report, Nigeriens may be less susceptible to believing misinformation. Unsurprisingly, they listed social media as one of the least trusted sources. Nigeriens are also more likely to have confidence in their government regarding COVID-19 vaccine approval – even more than institutions like the WHO.

Experts argue that vaccine inequality is particularly dangerous for Africa because of the market it creates for fake jabs. Both Cameroon and Nigeria have reported the circulation of counterfeit vaccines, further raising fears among people about having them.

Nigeriens are more likely to trust their government on COVID-19 vaccines – even more than the WHO.

The Lake Chad Basin countries have received about 5.2 million doses in total – Nigeria 4 000 000; Cameroon 700 000; Niger 355 000 and Chad 200 000. This covers less than 2% of the region's 266 million people, even at one dose per person. Only 50% of the vaccines had been administered by 17 June. Going further, only 0.83% of the Lake Chad Basin population had received one of two required doses, while 0.11% had been fully vaccinated.

The region's lack of vaccines is part of the larger problem facing Africa. With about 1.3 billion, the continent accounts for less than 2% of global vaccinations so far. One reason is Africa's reliance on the WHO-driven COVAX programme, which was, ironically, designed to promote vaccine equality. COVAX relies on India's Serum Institute, the world's largest manufacturer of vaccines. But jabs slated for poorer countries have been diverted for domestic use.

Africa has also been slow to deploy vaccines. There have been cases of injections being destroyed or returned because they were near expiry, and countries were ill-prepared to administer them rapidly. In the Lake Chad Basin, Nigeria returned some vaccines received in late March because they couldn't be used with an expiry date of 13 April.

Governments in the region and their partners should improve the logistical capacity to receive, deploy and administer vaccines even before they arrive. Those involved should draw from their experience in handling past epidemics like Ebola and polio.

Targeted sensitisation campaigns on the importance, safety and efficacy of vaccines will help tackle hesitancy. Scientists, health workers, traditional and religious leaders, community leaders and even celebrities in the region have an essential role to play.

Africa: UK to Donate £12.6 Million to Fight Terrorism in Africa (All Africa) By: Kabir Yusuf
June 29, 2021

Britain's foreign Secretary, Dominic Raab, made the announcement on Monday at a meeting of the Global Coalition against Daesh in Rome.

The UK government has promised £12.6 million to support efforts to combat terror in the Lake Chad Basin region covering Nigeria, Cameroon, Niger and Chad.

Britain's foreign Secretary, Dominic Raab, made the announcement on Monday at a meeting of the Global Coalition against Daesh in Rome.

"The funds will be used to support both the regionally-led military fight against Daesh, and projects encouraging its fighters to leave the terrorist group," Mr Raab said.

The coalition meeting comes a day before the seventh anniversary of the terror group's proclamation of its self-declared caliphate in Iraq and Syria, and two years since the caliphate's territorial defeat in Syria.

Foreign ministers from more than 45 countries reconvened in person to discuss "deepening cooperation" to combat Daesh and its affiliate terrorist groups, including emerging threats across the African continent.

Mr Raab urged the coalition partners to come together to tackle this "pressing threat and target the longer-term drivers of terrorism."

He added: "The UK is funding a new Conflict, Stability and Security Fund programme for the Lake Chad Basin region of West Africa, where Daesh's affiliate, known as Islamic State West Africa (ISWA), is responsible for significant violence."

According to him, this will support regional military efforts to counter the terrorist groups, as well as efforts to "safely demobilise" suspected low-level members of terrorist groups.

Two years after ISIS territorial defeat, Mr Raab said its hateful ideology has not gone away.

"Worryingly it continues to grow in Africa which is why we must work with our Coalition partners to fight its poisonous propaganda on all fronts," the foreign secretary said.

"We stand shoulder to shoulder with our African partners to tackle the growing threat from Daesh-linked groups across Africa, particularly in the Lake Chad Basin."

The Lake Chad Basin countries have experienced traumatic attacks from Boko Haram and other terrorist groups.

Members of Boko Haram and ISWAP reunited recently and pledged their allegiance to one Aba Ibrahim Al-Hashimiyil AlKhuraishi, whom they unanimously ordained as 'Khalifan Muslimai', translated as "The leader of all Muslims".

This comes barely a month after Boko Haram leader Abubakar Shekau reportedly killed himself after a violent confrontation with some renegade Islamic State of West Africa Province (ISWAP) top commanders.

[\[back to contents\]](#)

Mali

6 French soldiers wounded in Mali suicide car bomb blast (Arab News)

June 21, 2021

A suicide car bomber attacked French troops patrolling in central Mali on Monday, according to France's military, wounding six soldiers and four civilians including a child in the war-torn West African country.

The French soldiers, who were traveling in a vehicle, were on a reconnaissance mission near the town of Gossi to secure the area around a nearby forward operating base.

"Six French soldiers and four Malian civilians were injured by the explosion of the suicide vehicle," the French military said in a statement.

The army added that none of their lives were in danger. Speaking on condition of anonymity, a senior Malian military officer and a local elected official had earlier said that some soldiers were evacuated to the French army base in northern city Gao by helicopter.

The French military also said that it sent "alert units" including Tiger combat helicopters and Mirage 2000 fighter jets to the area of the attack to support ground troops.

Mali has been struggling to contain a brutal militant insurgency, which first emerged in the north in 2012 before spreading to the center of the country and neighboring Burkina Faso and Niger.

Thousands of soldiers and civilians have been killed in the conflict and hundreds of thousands have fled their homes.

Former colonial power France, which intervened in Mali in 2013 to beat back the extremists, currently has 5,100 soldiers deployed across the Sahel region.

French President Emmanuel Macron announced earlier this month that he would wind down the Barkhane force. France plans to refocus its energies on strengthening an international task force of special forces in Mali, known as Takuba.

[\[back to contents\]](#)

Liberia

Swiss court gives Liberian rebel 20-year sentence for war crimes (Al Jazeera)

June 18, 2021

A Swiss court has handed Liberian rebel commander Alieu Kosiah a 20-year prison sentence for war crimes during the country's civil war in the 1990s, a ruling welcomed by activists and human rights groups.

The 46-year-old was found guilty of 21 out of the 25 charges, including ordering or participating in the killing of 17 civilians and two unarmed soldiers, documents from the Swiss Federal Court in the southern city of Bellinzona showed on Friday.

He was also found guilty of rape, having deployed a child soldier, ordering lootings, inhuman and degrading treatment on civilians, and an act of cannibalism.

Characterised by the rampant use of child soldiers, Liberia's back-to-back civil wars – from 1989 to 1997 and 1999 to 2003 – killed some 250,000 people and displaced more than a million.

Kosiah was arrested in 2014 in Switzerland, where he had been living since 1999, for his alleged role in war crimes committed between 1993 and 1995 in Lofa County, northwest Liberia. A 2011 Swiss law allows prosecution for serious crimes committed anywhere, under the principle of universal jurisdiction.

The court said in a statement that the 20-year sentence was the maximum it was allowed to give under Swiss law.

“No mitigating circumstances were taken into account in the sentencing. A deportation from Switzerland was also ordered for a period of 15 years,” it said.

Kosiah was also ordered to pay compensation to seven plaintiffs, it added.

It was not immediately clear when the deportation would take place. Kosiah's sentence includes the 2,413 days, or about six-and-a-half years, that he has already served in pretrial detention, the court papers showed.

‘Deterrent for others’

Activists in the Liberian capital, Monrovia, celebrated the verdict.

“This will serve as a deterrent for others around the world. I think justice has taken its course,” said Dan Sayeh, a civil society campaigner.

Jefferson Knight, another activist in Liberia, said he hoped the sentence would add to growing pressure for the government to create a war crimes unit, as the country's Truth and Reconciliation Committee recommended years ago.

Kosiah had denied all the charges and told the court he was a minor when first recruited into the conflict. He was cleared on Friday of attempted murder of a civilian, accessory to the murder of a civilian, an order to loot and recruitment of a child soldier.

Human Rights Watch (HRW), a New York-based rights group, described Friday's ruling as a “landmark step for Liberians”.

“More than 20 years after the violations were committed, victims played a vital role in securing the first conviction for war crimes during Liberia's civil war,” Balkees Jarrah, associate international justice director at HRW, said in a statement.

“The verdict is a breakthrough for Liberian victims and the Swiss justice system in cracking the wall of impunity.”

Liberia's former strongman-turned-President Charles Taylor was convicted in 2012 of war crimes and crimes against humanity – but over atrocities committed in neighbouring Sierra Leone, not in his own country.

The verdict handed down to Kosiah marks the first time a Liberian has been convicted – either in the West African country or anywhere else – of war crimes committed during the conflict.

The case was also Switzerland's first war crimes trial in a civilian court.

Liberia warlord sentenced for war crimes, cannibalism (Chronicle)

June 21, 2021

A Liberian rebel commander was sentenced in Switzerland to 20 years in jail on Friday for rape, killings and an act of cannibalism, in one of the first ever convictions over the West African country's civil war.

The case was also Switzerland's first war crimes trial in a civilian court. It involved 46-year-old Alieu Kosiah who went by the nom de guerre “bluff boy” in the rebel faction ULIMO that fought former President Charles Taylor's army in the 1990s.

Kosiah faced 25 charges including one where he was accused of eating slices of a man's heart. He was convicted of that and all but four of the other counts, documents from the Swiss Federal Court showed.

He was arrested in 2014 in Switzerland, where he had been living as a permanent resident. A 2011 Swiss law allows prosecution for serious crimes committed anywhere, under the principle of universal jurisdiction.

A plaintiff in the case who testified that Kosiah ordered his brother's murder urged other Liberians to come forward as witnesses and secure more convictions.

"If you set an example, the other guys will be afraid," he said in a statement via the NGO Civitas Maxima that represented him. He asked not to be named in media reports for fear of reprisals. Liberia has ignored pressure to prosecute crimes from its back-to-back wars between 1989-2003, in which thousands of child soldiers became bound up in power tussles exacerbated by ethnic rivalry.

Human Rights Watch called Friday's sentencing a "landmark".

"Switzerland's efforts on this case should help mobilise wider accountability in Liberia as this shows that these crimes can be prosecuted. I see this as an opportunity," the group's Elise Keppler said.

Activists in the Liberian capital Monrovia celebrated the verdict. "This will serve as a deterrent for others around the world. I think justice has taken its course," said Dan Sayeh, a civil society campaigner.

Kosiah had denied all the charges and told the court he was a minor when first recruited into the conflict. His lawyer did not immediately respond to an emailed request for comment on the sentence.

Kosiah was cleared on Friday of attempted murder of a civilian, accessory to the murder of a civilian, an order to loot and recruitment of a child soldier.

The court said that the 20-year sentence was the maximum it was allowed to give under Swiss law.

"No mitigating circumstances were taken into account in the sentencing. A deportation from Switzerland was also ordered for a period of 15 years," it said. Kosiah was also ordered to pay compensation to seven plaintiffs, it added.

It was not immediately clear when the deportation would occur. The roughly 6-1/2 years that Kosiah has already served in pre-trial detention will count towards the sentence, the court papers showed.

Charles Taylor was sentenced for war crimes in 2012, but only for acts in neighbouring Sierra Leone. His son, Chuckie, was sentenced for torture in Liberia by a U.S. court in 2009.

[\[back to contents\]](#)

EAST AFRICA

Uganda

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

Ongwen appeals conviction (Daily Monitor) By Tobbias Jolly Owiny
June 18, 2021

The defence team of former Lord's Resistance Army (LRA) commander Dominic Ongwen has filed an appeal challenging his conviction by the International Criminal Court.

On February 4, Ongwen was convicted of 61 crimes, including murder, rape, torture, and forced marriage, committed in northern Uganda in 2003 and 2004.

Subsequently, the Hague-based court on May 6 sentenced the former child soldier to 25 years in jail for war crimes, and crimes against humanity committed in northern Uganda.

Ongwen, 45, is the first Ugandan and former LRA commander to be tried, convicted and sentenced by the court.

Mr Chrispus Ayena Odongo, the lead defence counsel, told Daily Monitor this week that the team is set for the appeal's briefing next month.

"We already filed the conviction appeal, and we are now going to file our brief and arguments on July 21, we are also appealing against his sentencing. So, the appeal is now cascaded into two, one is against his conviction and second against his sentencing," Mr Ayena said.

Why appeal?

He said they were able to raise some critical and technical legal components of the trial, which they think were messed up.

"Perhaps the case will collapse, altogether if the court of appeal agrees with us, meaning the conviction collapses too and the sentencing becomes mute and inconsequential," Mr Ayena said.

Upon filing the brief by the defence team, the court is expected to fix a date for oral argument by the former.

Mr Ayena said they were also preparing grounds to appeal against the sentencing through the same procedures.

"We are preparing to file an appeal for sentencing in the next two weeks for which we already filed a notice of appeal on the 4th last month," he said.

Judges Bertram Schmitt and Péter Kovács gave the 25-year sentence while their counterpart Raul Cano Pangalangan gave a dissenting opinion that would have sentenced Mr Ongwen to 30 years imprisonment.

The Chamber imposed individual sentences for each crime, taking the mitigating circumstance of Ongwen's childhood and abduction by the LRA into due account.

The Trial Chamber analysed one-by-one the gravity of each of the 61 crimes for which Ongwen was convicted, finding several aggravating circumstances applicable to some or even most crimes, the Court said.

Aggravating circumstances included particular cruelty, the multiplicity of victims, the victims being particularly defenceless, and discrimination on political grounds and discrimination against women, a press release from the ICC said.

Although the 1,077-paged court judgment is now being seen by victims as pivotal in the region's healing process from the physical and psychological wounds inflicted by the war, Ongwen's lawyers claim the ruling is 'utterly embarrassing' and worth an appeal.

Mr Ayena said the court did not only fail to evaluate evidence of the defence — including proof that Ongwen was "a prisoner" in an LRA camp during the attacks, but reluctantly declined to admit that there were no forced marriage in captivity but cohabitation.

"The judges should have admitted that what happened in the bush was not marriage but cohabitation. Court didn't prove that there were ceremonies through which two people went during which their parents exchanged gifts, to validate a marriage traditionally," he said.

Mr Ayena said much as Ongwen was entitled to a translation of all the documents into the Acholi language, especially those of all the charges against him as well as those of procedures of confirmation of charges, the court ignored it.

"Ongwen can only fully and meaningfully participate in his appeal with an Acholi translation of the judgment because he is a special needs person with mental disabilities, and requires adequate time and resources to communicate with and instruct his counsel," he said.

Mr Ayena said he was shocked that at some point the judges argued that since his counsel was a Luo speaker, he would translate for him "Am I a translator? I am not. In any case, I would be influencing him if I translated for him, this violated his right to a fair trial."

Mr Ayena argues that the evaluation of the evidence was badly handled and that several witnesses openly lied to the court and the judges deliberately ignored the defence over that.

Faulted

The defence team also faults the court for failing to admit Ongwen's defence of alibi when the accused in many instances claimed he was absent from the scene of the alleged crimes.

Defence of alibi loosely translated to 'I was not there, I was not at the scene of the crime at the time you allege that I participated in the crime.'

The law on defence of alibi is that once an accused raises it, the burden of proof shifts to the prosecution to bring the accused and fix him at the scene of the crime, meaning it is the prosecution to disprove the accused.

"In criminal law world over, even in the Rome Statute under Article 67, 1(i), the burden applies. The prosecution must prove each element of the crime beyond a reasonable doubt, which is the same for an affirmative defence for mental disease or duress," Mr Ayena said.

He said the LRA was not a formal army but was predicated on crude African spiritualism, which affected Ongwen's mental state so severely.

But the judges, during the ruling, rejected the defence's arguments that Ongwen was a victim, as he had been abducted by the LRA at the age of about nine and suffered psychological damage as a result.

"The chamber did not find evidence for the claim by the defence that he suffered from any mental disease or that he committed the crimes under duress," Judge Bertram Schmitt said.

Sentence procedure

During the sentencing procedure, presiding judge Bertram Schmitt said while handing down the sentence, the court gave weight to certain mitigating circumstances of Ongwen's childhood, his abduction by the LRA at a very young age and early stay with the rebel group. "The Chamber was confronted in the present case with a unique situation. It is confronted with a perpetrator who willfully and lucidly brought tremendous suffering upon his victims. However, it is also confronted with a perpetrator who had previously endured extreme suffering himself at the hands of the group of which he later became a prominent member and leader," he said.

Prisons dismisses ADF's Mukulu death rumours (Daily Monitor) By Anthony Wesaka and Fred Muzaale
June 21, 2021

The prisons authorities have said Jamil Mukulu, the alleged rebel leader of the Allied Democratic Forces (ADF), is alive contrary to weekend reports that he had died from their facility.

At the weekend, various social media platforms were awash with reports that the former rebel leader had passed on in prison.

"Mukulu is not dead, he may not be well but he is alive. How many people are unwell and if indeed he had died, I would have been the first one to make the announcement," Mr Frank Baine, the prisons spokesperson, said yesterday by telephone.

Mukulu's mother, Hajat Nakiyemba Lutakome, at the weekend cried out to government and Luzira prisons authorities to allow her visit her son and clear the death rumours surrounding him.

With tears flowing down her cheeks, Ms Nakiyemba told journalists at her home in Ntooke Village, Kayunga Sub-county in Kayunga District that she last saw her son in March 2020 when she went to visit him.

"Recently, I received information from a lady who claimed she was from Luzira prison of how my son had died. I have tried to get the truth in vain," she said.

"If my son is dead, let prison authorities dump his body anywhere in this village, I am sure people will recognise his body and bring it here for burial," she added.

But Mr Baine downplayed the concerns about Mukulu's sickness, saying it could have been created by his family to mount pressure on the prisons authorities so that they can be allowed to visit him.

"We have kept Mukulu for the last many years and when he falls sick, we treat. The condition he is in is like for any other prisoner. He is a diabetic candidate and once in a while, he gets bouts of pneumonia." Mr Baine said.

"He came with it to prison and I think the family wants to use media to mount pressure so that we allow them to visit him in prison but we are not about to adjust anything," he added.

Mukulu alongside 37 others are currently on remand at Luzira prison over allegations of launching a rebellion against the government and terrorising people in Rwenzori region in western Uganda before establishing his base in eastern DR Congo.

They face counts of terrorism, murder, aggravated robbery, one count of abetting terrorism and crimes against humanity.

[\[back to contents\]](#)

Kenya

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

[\[back to contents\]](#)

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Prosecutors request life sentence for 'Hotel Rwanda' hero By Ignatius Ssuuna
June 17, 2021

Rwandan prosecutors on Thursday requested a life sentence for the man who inspired the film "Hotel Rwanda" as he faces terrorism charges, while his family asserts that he faces mistreatment and an unfair trial.

Paul Rusesabagina, once praised for saving hundreds of ethnic Tutsis from Rwanda's 1994 genocide as a hotel manager, faces charges related to attacks by an armed group inside Rwanda in 2018 and 2019. The nine charges include the formation of an irregular armed group, membership in a terrorist group and financing terrorism. Prosecutors seek to link him to activities that killed at least nine people.

Rusesabagina, a Belgian citizen and U.S. resident, has denied the charges, arguing his case is politically motivated in response to his criticism of Rwanda's longtime President Paul Kagame.

Rusesabagina alleges that he was abducted last year while visiting Dubai and taken to Rwanda, where he was charged. But a court ruled that he was not kidnapped when he was tricked into boarding a chartered flight. Rwanda's government has asserted that Rusesabagina was going to Burundi to coordinate with armed groups based there and in neighboring Congo.

"My father Paul Rusesabagina is a political prisoner. He is accused of invented charges, and zero evidence against him has been presented in the Rwandan kangaroo court," daughter Carina Kanimba tweeted after the prosecution sought the life sentence.

The family also has said Rusesabagina was being denied access to food and water, but Rwanda's prison authority has denied it.

The case has received global attention. This month the Lantos Foundation for Human Rights and Justice said it had filed a formal submission in the U.S. recommending sanctions against Rwandan Justice Minister Johnston Busingye and the head of the Rwanda Investigation Bureau, Col. Jeannot Ruhunga, for their role in Rusesabagina's detention.

Rusesabagina stopped appearing in court in March, saying he doesn't expect justice after his request to postpone the trial to prepare his defense was rejected. His attorney, Felix Rudakemwa, has asserted that Rusesabagina's legal papers were confiscated by prison authorities.

Prosecutors Wind Down Witness-Tampering Case Tied to Rwanda Genocide By Molly Quell
June 21, 2021

The prosecution presented evidence before a United Nations tribunal Monday against

six people charged with witness tampering in a case dating back to the Rwandan genocide more than 25 years ago.

The International Residual Mechanism for Criminal Tribunals, commonly referred to as the Mechanism, heard final statements from the prosecution at the start of three days of closing arguments in a case against six people charged with bribing and intimidating witnesses.

“Willful interference of witnesses is punishable by this tribunal,” prosecutor Rashid Rashid told the court, partitioned into plexiglass cubicles to protect against the spread of Covid-19, during a hearing in Tanzania. The Mechanism took over from the International Criminal Tribunal for Rwanda, the U.N. tribunal created to investigate crimes committed in the landlocked central African country in 1994.

Six people – Maximilien Turinabo, Anselme Nzabonimpa, Jean de Dieu Ndagijimana, Marie Rose Fatuma, Dick Prudence Munyeshuli and Augustin Ngirabatware – have been charged with contempt of court for allegedly pressuring and paying witnesses to change their story during an appeal of Ngirabatware’s 2014 genocide conviction. All have pleaded not guilty.

The tribunal’s chief prosecutor Serge Brammertz said in a statement when the group was arrested in 2018 by Rwandan authorities that his office is determined “to stand against all efforts to interfere with witnesses and the proper administration of justice.”

“We are fully committed to safeguarding the integrity of all proceedings before the Mechanism, [International Criminal Tribunal for Rwanda] and [International Criminal Tribunal for the Former Yugoslavia], in particular by ensuring the protection of witnesses,” Brammertz said.

Ngirabatware, Rwanda’s former minister of planning, is currently serving a 30-year prison for genocide, direct and public incitement to commit genocide and rape during a three-month period in which some 800,000 people were killed. He was sentenced to 35 years in 2012, but the prison term was reduced after a 2014 appeal.

He wanted the original trial tossed out entirely and it was in the run-up to a hearing over that request that the group allegedly coerced witnesses to change their testimony.

The group includes Ngirabatware’s former sister-in-law, a defense investigator from the tribunal and several officials who served in the Rwandan government during the genocide. All of the defendants are represented by separate counsel.

Ultimately, four witnesses from Ngirabatware’s original trial recanted, signing letters saying they had lied on the stand in exchange for reduced sentences of their own or because they had been bribed or intimidated.

However, at a 2018 hearing, two of the witnesses retracted their retractions.

“My statement in 2010 was true and I maintain it...Everything about my retraction was imposed on me,” a witness identified as Anae told the court via their counsel.

Ngirabatware’s request for a retrial was ultimately denied.

In arguments Monday, Rashid detailed receipts of banking transactions that he said show a pattern of payments to witnesses. These documents were not shown to the press or the public.

“The core of this testimony is corroborated by electronic communications and by documents found on electronic devices seized from the accused,” the prosecutor said.

Geoff Roberts, the lawyer for one of the accused, Nzabonimpa, took the floor in the afternoon to argue that there was no evidence indicating his client had pressured any witnesses to change their testimony. Nzabonimpa, a former mayor, was a childhood school friend of Ngirabatware. According to the prosecution, he used his position of relative wealth and power to both pressure and bribe witnesses.

“The prosecution certainly loves a good story. But a good story is not enough,” Roberts told the tribunal judges.

Ngirabatware’s father-in-law, Felicien Kabuga, was arrested in Paris last year after two decades on the run. Once Rwanda’s richest man, he is accused of bankrolling the genocide.

In April 1994, violence broke out in Rwanda following the assassination of the country’s president, Juvenal Habyarimana. In the years leading up to the genocide, Rwanda was immersed in a bloody civil war between the Tutsis and the Hutus. The Mechanism, which also took over remaining cases from the International Criminal Tribunal for the Former Yugoslavia, splits its headquarters between the East African country of Tanzania and The Hague, Netherlands.

Hearings will continue in Tanzania on Tuesday and Wednesday.

[\[back to contents\]](#)

Somalia

At least 30 killed in al Shabaab attack in Somalia - security official (Reuters) June 28, 2021

An estimated 30 people died on Sunday when Somalia's Islamist al Shabaab group launched an attack in a town in the country's semi-autonomous state of Galmudug, a security official said.

The insurgents used car bombs in the assault on a military base in Galmudug's Wisil town, located in central Somalia, triggering a fight with government troops and armed locals, Major Mohamed Awale, a military officer in Galmudug told Reuters.

"They attacked the base with two car bombs and fierce fighting that lasted over an hour followed," he said.

"The car bombs damaged the military vehicles...residents were well armed and reinforced the base and chased the al Shabaab."

Thirty people, including 17 soldiers and 13 civilians, died in the fighting, Awale said.

The al Qaeda-allied al Shabaab has been fighting in Somalia for more than a decade to try to topple the country's central government and establish its own rule based on its strict interpretation of Islamic sharia law.

Fighters from the group frequently carry out gun and bomb assaults on a range of both civilian and military targets including busy traffic intersections, hotels and military bases.

During the attack that lasted about an hour, Abdullahi Mohamed, a resident in Wisil said he and others had "crept and slept on the ground," and added he had personally seen about 30 people injured in the assault.

The Somalia government condemned the attack and said 41 al Shabaab fighters had been killed in the fighting as both the military and armed residents pursued the assailants, according to a statement posted on the website of the Somalia state news agency, SONNA.

Those injured in the attack, the statement said, had been airlifted to the capital Mogadishu for treatment.

Al Shabaab claimed responsibility for the attack via a statement on its Radio Al Andalus and said its fighters had killed over 30 soldiers and injured over 40 others.

[\[back to contents\]](#)

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia's Constitutional Court Rejects Babic Appeal Over Prijedor Verdict (Balkan Transitional Justice) By Lamija Grebo

June 25, 2021

Bosnia's top court has rejected an appeal filed by Zoran Babic in September 2019 with the Constitutional Court against a verdict passed down in May that year in which he said his right to a fair defence had been violated.

Under the verdict, the Appeals Court of Bosnia and Herzegovina sentenced him to 13 years in prison for a "crime against humanity".

Previously, the Court of Bosnia and Herzegovina had sentenced Babic to 22 years for murders committed at Koricanske Stijene on Vlasic and 21 years for murders committed in the village of Carakovo, near Prijedor. He received a cumulative sentence of 35 years.

In this case, Babic, former member of the Interventions Squad of the Public Safety Station Prijedor, was tried together with Darko Mrdja and Radenko Marinovic for murders and other inhumane acts against the Bosniak population of Prijedor in 1992.

Mrdja received 15 years in prison. Taking into account the 17-year sentence pronounced by the International Criminal Tribunal for the former Yugoslavia, ICTY, this court issued a cumulative sentence of 20 years.

The Appeals Chamber acquitted Marinovic of charges.

As stated in the Constitutional Court's decision, in his appeal Babic wrote, among other things, that during the trial, one hearing was held in his absence, explaining that he failed to attend the hearing for medical reasons.

The Court said it could not accept this excuse as grounded, because the Court of Bosnia and Herzegovina had provided detailed explanations why the continuation of the trial in his absence did not represent a violation of the Law on Criminal Proceedings of Bosnia and Herzegovina or a violation of his fundamental rights.

Babic also wrote that during the first-instance trial he requested exemption from the trial chamber because of suspected partiality, as the same members had ruled in a previous proceeding against him.

"He pointed out that the same first-instance chamber previously conducted a court proceeding against the appellant for the criminal offence of crime against humanity, when the appellant was sentenced to imprisonment, so they [the judges] had in front of them a defendant about whom they had previously formed a certain negative opinion, unlike the two other defendants whom the trial chamber had not known from before," the decision recalled.

Under the Constitutional Court's decision, the allegations made in the appeal did not bring the subjective impartiality of the court into question.

Deciding on Babic's appeal, the Constitutional Court determined that his right to a fair trial had not been violated, "when the disputed verdicts are explained and clear, when the way the factual status and assessment of evidence were carried out does not give an impression of arbitrariness, when nothing indicates the violation of the right to a fair court and fair proceeding as a whole, and when the decision was not based on unlawful evidence, nor was the appellant deprived of the right to defence".

The Constitutional Court's decision is final and binding.

[\[back to contents\]](#)

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

Hague Tribunal Archive Reveals Paramilitaries' Violent Strategies (BIRN) By Iva Vukusic

June 24, 2021

It has been three-and-a-half years since the International Criminal Tribunal for the former Yugoslavia, ICTY in The Hague closed, and the successor institution, the International Residual Mechanism for Criminal Tribunals is now finalising its last trial.

The case against Jovica Stanisic and Franko Simatovic, both former Serbian State Security officials, whose first-instance verdict will be handed down on June 30, deals extensively with the role of Serbian paramilitaries in the break-up of Yugoslavia.

Other trials, throughout the two decades of the ICTY's operations, probed how these units were set up, who commanded, trained and funded them, and what were the patterns of their violent engagement.

While much has been already uncovered by academic and journalistic research, differences between various units and patterns of paramilitary violence at the local level – from Vukovar in Croatia, to Sanski Most, Kljuc, Doboje, Bosanski Samac, Visegrad and Zvornik in Bosnia and Herzegovina, to Podujevo/Podujeva or Cuska/Qyshk in Kosovo – remain unclear. Beyond Arkan's Tigers and the Scorpions, whose actions are more widely known, the perpetration of violence by others is still opaque.

The extensive records, and millions of pages of transcripts, witness statements and other documents from trials held in The Hague can help explain the similarities and differences between victimisation by paramilitary units, of innocent civilians in these towns and villages.

What happened in two Bosnian towns, Bosanski Samac and Visegrad, shows that paramilitary units supporting the Bosnian Serbs in pursuit of their political goals were different from one another, and perpetrated different kinds of violence.

The research this article is based on was conducted over a period of four years, as part of a larger project funded by the Dutch Research Council about Serbian paramilitaries during the break-up of Yugoslavia.

It involved analysing a number of ICTY cases, ranging from those involving political leaders like Slobodan Milosevic, Goran Hadzic, Milan Babic and Radovan Karadzic, military commanders like Ratko Mladic, police officials such as Mico Stanisic and Stojan Zupljanin and paramilitary leaders like Milan Lukic. As a work of historical analysis, its findings were based on the evidence material, and not judicial proclamations of guilt.

Open and covert paramilitary violence

Bosanski Samac and Visegrad are two examples of the vastly different ways in which violence was perpetrated by various paramilitary units. The violence in Samac was different than in Visegrad – the latter was perpetrated in public, often in broad daylight and in open, public spaces, and done by men whom the victims often personally knew.

In Samac, the violence was more hidden from public view, and often perpetrated by men who were not locals. The takeover of both towns took place in the spring of 1992, in the early days of the Bosnian Serb armed scramble for territory, and non-Serb residents were subjected to arbitrary arrests and detention, beatings, sexual abuse and humiliation. Many were killed, and had their property looted.

In Samac, like elsewhere in Bosnia and Herzegovina, paramilitaries were just one violent actor perpetrating violence against civilians. Much of the violence there took place in the police station building and around it, the local school and gym, as well as the village of Crkvina, where 16 detainees were killed in early May 1992.

One survivor of the violence in Samac who testified in a number of ICTY trials was former Bosniak politician Sulejman Tihic. He was arrested, beaten and abused at the police station in the town and in other locations such as Sremska Mitrovica in Serbia.

According to Tihic's testimony in the Stanisic and Simatovic case, the men who entered the town and captured the municipal and police station buildings were "masters of life and death" in Samac.

Tihic stated that "one could see that these were people who knew how to wage war, who knew how to handle weapons, as opposed to the locals, who carried weapons as if they were wooden beams, or sticks". Simply, "you could see that these other people were professionals, warriors, who knew their business".

Violence experienced by civilians in Visegrad was particularly brutal and public. Well-known incidents like the two fires in June 1992, at Pionirska Street and Bikavac, resulted in the deaths of around 120 civilians, many of them children. Those killings were perpetrated by Milan Lukic and his men who called themselves the Avengers.

Milan, and his cousin Sredoje, are arguably some of the most well-known paramilitary perpetrators ever prosecuted in The Hague. While not charged specifically in the Lukic case at the ICTY, widespread rape and sexual abuse of women and girls, as well as abductions of civilians in the Sjeverin and Strpci cases are also connected to this paramilitary group.

In mid-June 1992, the first fire was set in the house owned by Adem Omeragic on Pionirska street. The people who were killed were civilians fleeing the violence from the nearby Koritnik village, and before they were killed they were robbed, threatened and abused.

The same pattern was repeated two weeks later in the Bikavac area of Visegrad, in the house of Meho Aljic. Witness VG-58, whose identity was protected by the use of the pseudonym, remembered hearing something “like the screams of cats”. It was terrible, the witness recalled in court.

The only person who survived the second fire was Zehra Turjacanin, whose harrowing testimony in the Lukic trial provided crucial insights into the brutal crime. She recalled the house appearing to be prepared in advance for burning the civilians alive. Those civilians included her family members.

Turjacanin was badly burned as she fled, and in the ICTY records there is ample evidence of her injuries, including a video made not long after, when her wounds and pain are easy to see.

In 2009 judge Patrick Robinson, when reading the Trial Chamber judgment sentencing Milan Lukic to life imprisonment, and Sredoje Lukic to thirty years, stated: “In the all too long, sad and wretched history of man’s inhumanity to man, the Pionirska street and Bikavac fires must rank high”.

A larger pattern of persecution

Evidence presented in trials unambiguously shows that paramilitary activity was part of a larger pattern of persecution of non-Serbs in an effort to achieve an ethnically homogeneous state. Paramilitary violence went hand in hand with the expulsion, the camps, and the abuse and targeting of non-Serb civilians by the Bosnian Serb military and police.

Who exactly was behind all these different paramilitary units acting in Bosnia and Herzegovina on behalf of the Bosnian Serbs was discussed in detail in numerous trials, from Serbian and then Yugoslav President Slobodan Milosevic to Bosnian Serb officials Momcilo Krajisnik, Mico Stanisic and Stojan Zupljanin; to Radovan Karadzic, Jovica Stanisic and Franko Simatovic.

Due to the death of the accused, the Milosevic trial ended without a judgment, while many Bosnian Serb officials were convicted, and some – like Karadzic and Mladic – sentenced to life imprisonment. Jovica Stanisic and Franko Simatovic will hear the trial judgment on June 30 2021. This case in particular, which was heard again after it was sent to retrial for complicated legal reasons, focuses on the ties between the regime in Serbia and the units in the field. By the time it finalises the appeal process, the case will have run for close to two decades.

In these criminal trials, the public had the opportunity to hear prosecution and defense witnesses, survivors of paramilitary violence, eyewitnesses, insider witnesses such as former paramilitary members or state officials, various experts analysing the military, police, demographic, and forensic aspects of each case.

While much of this evidence remains classified and inaccessible to the public, especially in the Jovica Stanisic and Franko Simatovic case, this vast documentation does provide important opportunities to ask and answer questions about the nature and purpose of paramilitary violence in the 1990s.

What the ICTY’s records reveal is that paramilitaries active in the violent breakup of Yugoslavia were not all the same. Vast differences originated in how the units were set up, by whom and for which purpose, who the members and commanders were, how the units were trained and deployed, and where and how they engaged. While it is tempting to treat them all the same, an informed, historical view demands much more nuance.

After all, the evidence suggests, units attacking Bosanski Samac were not locals, and they were younger, more capable, and led by men with connections in high places, including intelligence agencies.

They were mobile, moving through towns and villages in order to capture them, setting themselves up in police stations where they would beat, and kill, largely away from public view. They targeted mostly men, and they perpetrated violence to fulfil a goal – to control territory.

The Avengers, on the other hand, terrorised the residents of Visegrad in broad daylight, roaming around town in stolen cars, music blasting, looking for people to torment and kill. For these perpetrators, men, women and children were all equally desirable victims.

As locals, they knew who they were victimising intimately, and they seem to have enjoyed it. These kinds of groups attracted disgruntled men who used the breakdown of the rule of law to act out violent resentments against neighbors.

All of these units inflicted damage – they murdered individuals, broke apart families, and destroyed lives. How they did that reveals that unit affiliation, structure and membership were important in determining the kind of violence that they ended up perpetrating.

[[back to contents](#)]

Domestic Prosecutions In The Former Yugoslavia

Bosnian Serb Commanders Trial Opens in Belgrade (Balkan Transitional Justice) By Milica Stojanovic
June 28, 2021

The trial of the former commander of Bosnian Serb Army's Sana Brigade, Branko Basara, who is accused of war crimes against Bosnian civilians in the Sanski Most area from April to September 1992, opened at Belgrade Higher Court on Monday.

Basara is indicted on 21 accounts, accused of bearing responsibility for killings, forcible relocations, imprisonment and attacking the civilian population in the settlements of Mahala, Muhici, Otoka, Brisevo, Stara Rijeka, Stari Majdan, Hrustovo, Vrhpolje, Lukavice, Begici and Kenjari. The indictment names a total of around 200 victims.

Basara pleaded not guilty, insisting that his brigade was only involved in fighting in Mahala and Hrustovo and in the Golaja forest in the Sanski Most area.

“In the other villages, we did not participate, we did make arrests or take people away – I have no idea who did that,” Basara told the court.

Basara confirmed that his unit attacked both settlements, claiming it was a disarmament operation ordered by the command of the Bosnian Serb Army's First Krajina Corp.

He also claimed that in Mahala and Hrustovo, he gave time to civilians to leave before the fighting started.

One of crimes in the indictment happened on May 31, 1992 after Bosnian Serb forces entered the hamlet of Begici and took its civilian residents to Vrhpolje Bridge.

The indictment alleges that Basara then participated in the murders of civilians by ordering them to jump off the bridge, and while they were falling into the water, his troops they shot at and killed them.

Sixteen people's remains were later exhumed from the Vrhpolje Bridge I and II mass grave sites.

Basara claimed he was not in that exact area at the time of the killings. He said that he heard shots, but that some unknown unit killed the civilians.

According to Basara, the unit left before he got to the site. This is also what he told the Hague Tribunal in April 2015 when he testified as a defence witness at Bosnian Serb military chief Ratko Mladic's trial.

Basara was originally indicted together with Nedeljko Ancic, the commander of the Sanski Most Territorial Defence force, but the case against Ancic was dismissed on Monday because court medical experts said that he is permanently incapable of participating in the process.

Court expert commission head Zoran Stojkovic told the court that Ancic is over 90 years old, that he has health issues, has had a stroke, is not capable of moving without a wheelchair and has lost sight in one eye.

Basara meanwhile claimed that he does not know Anicic.

Basara and Anicic were indicted originally in Bosnia and Herzegovina in 2014. The case was transferred to Serbia in 2020 and they were indicted in Serbia in March this year.

[[back to contents](#)]

Turkey

Turkey Is Waging a Brutal Campaign in Iraqi Kurdistan (Jacobin) By Elif Sarican

June 18, 2021

On April 24, 2021, the anniversary of the beginning of the Armenian genocide, the Turkish state launched a military attack in Iraqi territory against Kurdish forces.

For over a month, aerial bombardment has been carried out against civilian targets. Border villages have been targeted, alongside the Maxmur refugee camp, which is home to thousands of Kurdish refugees who fled the Turkish state's village destruction campaign in North Kurdistan during the 1990s.

Since the early 2000s, the more than 10,000 people of Maxmur have been democratically self-organizing. Their assemblies were one of the first to practice democratic confederalism — known internationally from Rojava (an autonomous region in northeast Syria) — which is a system based on the principles of direct democracy, ecology, and women's liberation.

Every woman in the camp is part of the autonomously organized women's assembly and actively participates in the transformation of a society displaced by war and destruction. The Turkish state labels this terrorism, and governments such as the United States and the United Kingdom follow suit.

The Turkish military is simultaneously engaging in systematic ecological destruction, bombing and cutting down forests in South Kurdistan, attacking water infrastructure in Rojava, and blocking the water flow down the Euphrates and Tigris rivers into Northern Syria. Millions of people have been left without a reliable water source as a result.

This attack is a continuation of the Turkish state's policy of illegal invasion, occupation, and expansion into Kurdistan. In fact, it's only the latest of many attacks that in recent years have killed thousands and displaced hundreds of thousands.

We witnessed the Turkish state's war crimes and human rights abuses in the city of Afrîn in 2018, and in Serê Kaniyê in 2019. These same methods are being employed in South Kurdistan at this very moment.

The Turkish state's tactics are well known by now: torture, chemical weapons, bombing of hospitals and water infrastructure, and using rape as a weapon of war. These are actions widely reported in the invasions of both Afrîn and Serê Kaniyê. Since being occupied, Afrîn has one of the highest rates of kidnap, rape, and torture of women in the region.

The Turkish state plans to build military bases in Zap, Metina, and Avasin in Iraqi Kurdish-majority areas. In 2019, President Recep Tayyip Erdoğan declared before the United Nations General Assembly that Turkey intends to militarily enforce a border zone on its southern edge, replacing the existing majority-Kurdish population with Syrian refugees — essentially carrying out ethnic cleansing against Kurds in the region.

It is clear from both the statements and actions of the Turkish government that the aim of this military campaign is to bring back the borders set out in the National Pact at the end of the Ottoman Empire, under which areas of Iraq and Syria would be annexed.

Erdoğan proclaims that the borders allocated to Turkey after World War I — which left millions of Kurds stateless — were a serious compromise for Turkey, and one that must be resolved. It's hard to know whether this is comic or tragic.

Developments in recent days show that Turkey is trying to stoke an intra-Kurdish war by escalating tensions between the Kurdish freedom movement and the KDP, the ruling Kurdish party of the Kurdistan Regional Government of northern Iraq. Only last week, the KDP prevented a peace delegation from Europe from entering Iraq, deporting them back to Europe. Meanwhile, police in Germany prevented another delegation of seventeen politicians and activists from traveling altogether.

These delegations were intending to observe the situation and report directly from the ground. Along with recent military clashes between the Kurdish freedom movement and the KRG Peshmerga, these are extremely worrying developments.

The Turkish state will continue its violence and ethnic cleansing in all regions of Kurdistan unless there is an appropriate, serious response from the international community. The aim of the Turkish state is to wipe out Kurdish culture, kill Kurdish people, and crush any attempts by Kurds to establish true self-determination.

It is not just Kurds who are the target, but the very attempt to build a peaceful and democratic society in the region, in collaboration across ethnic and religious communities such as Yazidis, Arabs, Syriacs, Assyrians, and Turkmen. Just as these attempts have been under attack in Syria for years, so too are they now being targeted in Iraq.

What the Turkish state considers a great, existential threat is the realization of the political ideas of Abdullah Öcalan, a man who remains imprisoned on Imrali island, held in isolation by the Turkish state for over two decades. Denying a chance for peace and democracy in the Middle East is the Turkish state's greatest political ambition.

All who believe in a just world must condemn this invasion, and take a stand for freedom and justice. The freedom of Abdullah Öcalan is paramount to a peaceful solution in Kurdistan and the wider region.

500 Christian Families Forced to Flee Turkish Bombing in Iraqi Kurdistan (Morning Star) By Steve Sweeney
June 18, 2021

At least 500 Christian families have been displaced since Turkey began its illegal invasion of mountainous Duhok province in Iraq's semi-autonomous Kurdistan region, officials said today.

Among those targeted in Turkey's Operation Claw Lightning, which began on April 23, is the village of Navkandalan in the Zakho district.

According to the Rudaw news agency, a media outlet with close ties to the region's ruling Barzani family, Christians are demanding weapons from the Kurdistan Regional Government (KRG) to protect themselves.

Village chief Basim Gabriel urged world powers to intervene, after the Christian population of Navkandalan fell from 70 to 40 as a result of Turkey's two-month aerial bombardment and ground assault.

"We don't stay in conflict zones. The conflict is now intense. We urge the United Nations to find a solution. We, as Christians, don't want to evacuate our village," he said.

Officials from Zakho cathedral said that 11 Christian villages have been evacuated as a result of Turkey's military operations, with some 500 families forcibly displaced.

Last month, Turkish forces destroyed a church and several buildings in the village of Miska in Duhok's Amedi district, with air strikes causing most of the residents to flee in terror.

According to a recent report from the Christian Peacemakers Team, which has been active on the ground, at least 1,500 villagers have been displaced since Turkey began bombing.

Government officials have warned of an environmental catastrophe, with at least 610 acres of land and green space badly damaged.

Turkey has been accused of stealing logs from the region and transporting them across its border. President Recep Tayyip Erdogan stands accused of war crimes after three people were killed in an air strike on the UN-administered Makhmour refugee camp last week.

He has constantly threatened to act against the settlement in northern Iraq, which he labels "an incubator of terrorism" because some of the region's residents support the Kurdistan Workers Party (PKK).

[\[back to contents\]](#)

Kosovo Specialist Chambers

Wartime Victims of Sexual Violence Recognized as Legal Category by Kosovo Parliament (exitnews) By Die Morina van Uijtregt
June 18, 2021

Yesterday, the Assembly of Kosovo passed a proposal for the recognition of wartime victims of sexual violence as a legal category within the Commission for Human Rights and Gender Equality. The proposal was put forth by Tinka Kurti, an MP of the ruling Vetevendosje and Vice Chair of the Commission.

“The greatest contribution of this category is the recognition of the pain of their sacrifice. It is precisely the denial of this pain that has been a hardship in itself. Legal recognition of this category has been a great contribution,” Kurti said when her proposal was put forward to a vote in Parliament.

The Commission will be officially renamed to include Wartime victims of sexual violence in its title. From now on, it will be recognized as the Commission for Human Rights, Gender Equality, Missing Persons, Wartime Victims of Sexual Violence and Petitions.

Kurti said that she initially talked about the idea with MP Vasfije Krasniqi Goodman, a Kosovo survivor of wartime sexual violence who was the first to speak out about her experience.

In 2018, Krasniqi Goodman became the first woman to break the silence by not hiding her identity when sharing publicly on TV how she was raped by two Serbian policemen during the war. She was only 16 at the time when she was raped.

The two policemen were acquitted by Kosovo’s Supreme Court in 2014.

About 20,000 Kosovo Albanians are believed to have been raped by Serbian forces during the Kosovo War. Thousands of victims still live in silence, fearing stigmatization.

When Krasniqi Goodman spoke publicly about her experience, she received massive public support and her testimony was seen as an encouragement for other victims to share their story.

“Heroines”, a monument in honor of victims of wartime sexual violence, was unveiled in Prishtina in 2015.

War crimes trial of ex-Kosovo rebel leader for September (Macau News Agency) June 20, 2021

The war crimes trial of former Kosovo rebel leader Salih Mustafa will take place in September, the court trying him announced Saturday.

Mustafa, a former commander with the Kosovo Liberation Army (KLA), will be the first person tried by the Kosovo Specialist Chambers, which has also charged the former president of Kosovo, Hashim Thaci.

Mustafa has been charged with the murder of a prisoner, the torture and cruel treatment of at least six imprisoned civilians, as well as arbitrary detention during the 1998-99 conflict.

His trial is due to start on September 15 with the first witnesses heard on September 20.

The Kosovo conflict, when the territory broke away from Serbian control, claimed 13,000 lives.

The Kosovo Specialist Chambers, based in The Hague, was set up in 2015 to probe alleged atrocities by the KLA, whose guerrillas fought for the independence of Kosovo from Serbia.

It operates under Kosovar law but is made up of international judges handling alleged crimes committed during the conflict, mainly against Serbs, Roma and opponents of the Kosovo separatist forces.

[[back to contents](#)]

Azerbaijan

Former PoWs unveil new details about tortures in Armenian captivity (AzerNews) By Vafa Ismayilova
June 17, 2021

A group of former Azerbaijani POWs, who suffered severe torture in the Armenian captivity during the first Karabakh war in the early 1990s, have unveiled new details about the extreme physical pain inflicted on them, Trend reported on June 16.

They made the remarks during the ongoing trial of Armenian war criminals Ludvik (Ludwig) Mkrtichyan and Alyosha Khosrovyan, who have been arrested on charges of torturing Azerbaijani captives during the first Karabakh war.

Former Azerbaijani captive Zaur Rzayev said that Mkrtichyan tortured captives with a red-hot ramrod from a machine gun in the Shusha prison.

The former POW said that he had been severely wounded in Aghdam, after which he was taken hostage.

"They brought me to the prison. There I was wounded in the shoulder. Mkrtichyan burned my wound with a burning cigarette. When I drank water, they beat me with rebar and a shovel. Mkrtichyan beat my wound with a shovel," he testified.

He stressed that 30 to 40 Azerbaijani captives, who were forced to build a pig farm and a poultry farm, were tortured and insulted in the Azerbaijani language by Mkrtichyan.

"Mkrtichyan beat the Azerbaijani captives with the butt of a machine gun and an iron bar," Rzayev said.

He added that the captives were starved to death and they had no power to work.

"Mkrtichyan beat me with the butt of a machine gun, demanding to work faster. We were beaten in turn. A group of five people tortured us every week. They left, new ones came. I still have scars of numerous blows on my head," he stressed.

Another captive Habib Kazimov said the Armenians forced the Azerbaijani captives to eat soil in Shusha city.

"I had a head injury and was taken hostage in 1993. I was taken to the Shusha prison. There they learned that I was from Sumgayit and began to severely torture me for the Sumgayit events. I was beaten until I lost consciousness, then I was taken to a hospital in Khankandi and returned to the Shusha prison," he said.

Kazimov stressed that "Mkrtichyan and Khosrovyan beat me with rebar. They beat an Azerbaijani captive named Sardar to death in 1994. We were forced to chop wood. They wanted to kill me".

He said that he had been in Armenian captivity for 21 months and was tortured almost constantly.

"I was tortured in the Shusha prison. Mkrtichyan and Khosrovyan were terrorists. Mkrtichyan, knowing that I was from Sumgayit, tortured me with particular cruelty. They starved me. There was an opening ceremony of a monument to an Armenian citizen in Shusha city. During the opening ceremony, the Armenians began to beat us in the presence of children and adolescents," Kazimov said.

He added that "they also brought 13-14-year-old Armenians, telling them to torture us. They hit me in my legs and kidneys. Mkrtichyan forced us to eat soil in Shusha".

Former POW Famil Aliyev said that the Armenians forced the captives to dig up the remains of Azerbaijanis from the graves in a cemetery in Aghdam region.

Aliyev, who was captured in 1994, stressed that the Armenians shot the already dead soldiers.

"They pulled out gold teeth from the dead. If we refused to dig the graves up, they beat us with reinforcement bars, iron rods. Mkrtichyan and Khosrovyan severely tortured us," he said.

Aliyev then recalled how he was taken to the Shusha prison.

"First I was taken to Aghdam and from there to Khankandi. In the morning I was transported to the Shusha prison, where I spent seven months. Mkrtichyan and Khosrovyan used to extinguish cigarettes on my chest," he said.

Aliyev said that one of the Armenians who severely tortured the captives in the Shusha prison was his neighbor in Baku.

"That Armenian was my neighbor for a long time in Ahmadli settlement in Baku, we lived with him in the same yard. But he also tortured Azerbaijanis in the Shusha prison. Among the captives, there were both military personnel and civilians. The Armenians tortured everyone, even women," he said.

Aliyev said that when he was released from captivity, I weighed 57 kilograms.

"Even my parents didn't recognize me. In captivity, they beat me with rebar. An Armenian nurse came and stitched me with an ordinary sewing needle. The Armenians pulled out my nails there," he added.

The next court hearing on the criminal case of Armenian war criminals Mkrtichyan and Khosrovyan, who tortured Azerbaijani

prisoners and committed other crimes, is scheduled for June 23.

The investigation launched by the Military Prosecutor's Office into the criminal case initiated under various Criminal Code articles established war crimes, crimes against peace and humanity and against Azerbaijanis on the formerly Armenian-occupied Azerbaijani territories, committed by the Armenian armed forces and the separatist armed groups, and also the facts of hostage-taking, torture and ill-treatment of persons protected by international humanitarian law.

Mkrtychyan and Khosrovyan are charged under Azerbaijani Criminal Code Articles 113 (torture), 115.2 (violation of laws and customs of war), 279.1 (creation of armed formations or groups not provided for by law), 318.2 (illegal crossing of Azerbaijan's state border) and other articles.

The Prosecutor-General's Office earlier stated that under President Ilham Aliyev's instructions those responsible for war crimes and crimes against humanity will be identified and brought to justice regardless of the time of the crime.

Azerbaijan puts Armenian colonel on int'l wanted list (AzerNews) By Vafa Ismayilova
June 21, 2021

Azerbaijan has put on the international wanted list an Armenian colonel, who was involved in mining Lachin and Kalbajar regions liberated from the occupation in 2020, the Prosecutor-General's Office reported on June 18.

The Ganja Military Prosecutor's Office launched a criminal case under the relevant Azerbaijani Criminal Code articles.

"By the relevant court ruling, an arrest was chosen as a measure of restraint against [Director of Tigran Mets Military Training School] Colonel Koryun Gumashyan under Azerbaijani Criminal Code Articles 120.2.1 (premeditated murder by a group of accomplices), 120.2.7 (murder of two or more persons), 120.2.12 (murder with intent to national, racial, religious hatred or enmity) and other articles and he was put on the international wanted list," the Prosecutor-General's Office said.

The law-enforcement agency recalled that earlier numerous Armenian mass media outlets and social networking platforms circulated the video footage where Armenian Colonel Gumashyan in an interview with Yerevan-based Noyan Tapan news agency and an Armenian TV channel on June 6, 2021, admitted that the Armenian armed forces mined in chains about 500-600 hectares of land in Kalbajar and Lachin regions and that they planted 17 trucks of anti-tank and anti-personnel mines.

The statement stressed that the Prosecutor-General's Office investigated the case and suspicions arose that Gumashyan carried out provocative activities by colluding and entering into criminal relations with others under investigation, committed massacres against Azerbaijani citizens and planted 17 trucks of anti-tank and anti-personnel mines in Azerbaijan's Lachin and Kalbajar regions to intentionally kill the people.

The Prosecutor-General's Office said that the lack of any denial and official reaction by the Armenian military and political leadership to Gumashyan's remarks indicated the existence of the aforesaid cases.

"At the same time, our compatriots' recent killing and receiving injuries of varying severity in anti-tank and anti-personnel mine blasts in liberated Lachin and Kalbajar regions once again confirm that the stated facts are true," the statement added.

It underlined that the Prosecutor-General's Office continues to take all possible measures to bring to justice in line with international legal norms persons guilty of the said and other similar crimes.

Azerbaijan also put on the international wanted list the heads of Armenian companies illegally transporting weapons to Karabakh in the past 20 years.

The Prosecutor-General's Office earlier stated that under President Ilham Aliyev's instructions those responsible for war crimes and crimes against humanity will be identified and brought to justice regardless of the time of the crime.

Ombudsman issues ad-hoc report on Azerbaijani mine casualties (AzerNews) By Vafa Ismayilova
June 22, 2021

Azerbaijani Human Rights Commissioner Sabina Aliyeva has released an Ad-Hoc Report addressed to international organizations on human casualties caused by Armenian-planted landmines on Azerbaijan's liberated territories during and after the occupation period, the ombudsman office reported on June 21.

The report provides information on a large number of casualties caused by landmines planted by the enemy forces and sabotage groups in both during and post-conflict periods along with the consequences of Armenia's ethnic cleansing and occupation policy against Azerbaijan.

It maintains legal justifications for the violations of international law, as well as the norms and principles of international humanitarian law by Armenia.

The report aims to inform the international community about the facts of planting landmines and other explosive devices by Armenia in 20 percent of Azerbaijani territories, which were held under the occupation for a long time, and violations of the norms and principles of international humanitarian law by refusing to provide all minefield maps by Armenia.

In the report, the ombudsman expressed her concerns about Armenia's ongoing refusal to provide all landmine maps, ignoring international law and international humanitarian law and human rights, which prevents the return of IDPs, who have been displaced from their homes for 30 years, to their homes and daily lives.

She also calls on international organizations to join efforts to put an end to such violent acts that may lead to the death of innocent people, loss of health, and the emergence of new hotbeds of conflict.

Meanwhile, Trend quoted Aliyeva as saying that Armenia should be held accountable before international law.

"I would like to emphatically declare that the leadership of Armenia, which grossly violated international humanitarian law after the victorious end of hostilities by Azerbaijan under victorious Commander-in-Chief [President Ilham Aliyev's] leadership, should be held accountable [for all war crimes], including for encroachment on the life, health, and rights of children," she said.

She regretted that since the end of the second Karabakh war, over 140 Azerbaijanis have been killed by Armenian-planted anti-personnel and anti-tank mines in the country's formerly occupied territories.

Aliyeva stressed that Azerbaijani servicemen, who carried out humanitarian tasks such as searching for bodies in areas where active hostilities were taking place also became victims of mines.

"Immediately after the explosion of a mine in Azerbaijan's liberated Kalbajar region on June 4, which killed three civilians, including two journalists, and wounded several civilians, Colonel of the Armenian armed forces Gumashyan admitted that he and his soldiers planted 17 trucks of mines in Lachin and in Kalbajar. His confessions once again prove the war crimes committed by the Armenian leadership," Aliyeva said.

The rights commissioner underscored great concern in Azerbaijani society following Gumashyan's remarks.

"This is a clear violation of international humanitarian law with an outright admission of the crime, and those responsible must be brought to justice immediately," she noted.

Aliyeva reiterated that on June 12, 2021, Armenia provided Azerbaijan with mine maps for Aghdam region in exchange for the handover of 15 Armenian detainees back to Yerevan.

The rights commissioner also commented on a video report that Rossiya Segodnya and RT TV channel editor-in-chief Margarita Simonyan's children had sung an Armenian nationalist song calling for the murder of Turks.

"I want to note that this video is not the first fact that reflects feelings of hatred and ethnic enmity towards Azerbaijanis, which are instilled in children in Armenian society. We have repeatedly encountered the use of hate speech by minors against Azerbaijanis on social networks and the media, as well as with the involvement of minors of Armenian descent in hostilities during the second Karabakh war. Such parenting methods only increase the atmosphere of tension, confrontation, and revenge," Aliyeva said.

She expressed concern that Simonyan "has chosen this style of raising her young children, as well as that Dashnak terrorist Arakel Mkhtaryan is presented as an exemplary person, and this is a very serious threat to peace in the region".

Armenia deliberately and constantly planted mines on Azerbaijani territories, in violation of the 1949 Geneva Convention, thereby being a major threat to regional peace, security and cooperation.

Azerbaijan has made numerous appeals to international organizations and lodged an intergovernmental complaint to the European Court of Human Rights (ECHR) over Armenia's refusal to provide maps of mines in the formerly occupied territories.

The clashes between Armenia and Azerbaijan resumed in autumn 2020 after Armenia's forces deployed in the occupied Azerbaijani lands targeted Azerbaijani civilian settlements and military positions, causing casualties among civilians and the military. In the early hours of September 27, Azerbaijan launched a counter-offensive operation that lasted six weeks. The operation resulted in the liberation of Azerbaijan's occupied lands.

A Russia-brokered ceasefire deal that Azerbaijan and Armenia signed on November 10, 2020, brought an end to the 44-day war between the two countries. The Azerbaijani army declared a victory against the Armenian troops. The signed agreement obliged Armenia to withdraw its troops from the Azerbaijani lands that it had occupied.

[\[back to contents\]](#)

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

Iraqi military: Bomb explodes in Baghdad suburb, wounding 15 (Associated Press) By Samya Kullab
June 30, 2021

A bomb exploded in a busy Baghdad market on Wednesday, wounding at least 15 people, Iraq's military said.

The blast occurred when an improvised explosive device placed under a kiosk detonated in the Maridi market area of Sadr City, a suburb in the eastern part of the capital. The military said the wounded had minor injuries and most left hospital soon after receiving treatment.

Slippers were seen among the debris of the explosion as police cordoned off the area. A metal door was perforated by shrapnel.

There was no immediate claim of responsibility but the Islamic State group has claimed similar attacks in the area before.

Security forces launched an investigation to determine the perpetrators, the statement said.

It was the second time this year that a bomb hit a market in the densely populated neighborhood. In April, at least four people were killed in a car bomb attack in Sadr City. That blast was caused by an explosive device attached to a parked car at the market.

Large bomb attacks, once an almost daily occurrence in Baghdad, have slowed in recent years since IS was defeated in 2017.

But attacks persist. In January, over 30 people were killed in a twin suicide bombing in a busy commercial area in central Baghdad. It was the most deadly bombing in three years to strike Iraq's capital.

Roadside bombs continue to target primarily Iraqi security forces outside the capital, especially across northern Iraq where IS militants are known to have hideouts.

[\[back to contents\]](#)

Syria

Terror attacks in northern Syria kill 4 civilians (Daily Sabah)
June 27, 2021

Terrorist attacks in Syria's opposition-controlled northern regions killed four civilians and wounded five over the weekend.

A roadside bomb exploded in the northern Syrian district of Afrin on Saturday, killing at least three people and injuring three others.

The explosive device detonated when a civilian vehicle struck it in the Azaz neighborhood of Afrin, which Turkish security forces cleared of terrorists during a cross-border operation in 2018.

"3 people, including a little girl, were killed this afternoon, and 3 others were injured, after a detonated car bomb explosion in the center of Afrin City in the north of Aleppo. The White Helmets teams worked to help the injured and secure the area," the White Helmets civil defense group wrote on Twitter Saturday.

Soon after the explosion, security forces arrived at the scene and began investigating the incident, with a focus on the possibility of involvement by the YPG/PKK terrorist group, as such subversive activities have been carried out by them in the past.

Citing the terror incident, Turkey's Defense Ministry said that the attack was carried out by the YPG/PKK.

"Terrorist group YPG/PKK has carried out another bomb attack on innocent civilians in Afrin," the ministry said on Twitter.

The ministry also vowed to continue to fight against the "YPG/PKK that attacks civilians."

Afrin was largely cleared of YPG/PKK terrorists in 2018 by Turkey's anti-terror offensive Operation Olive Branch, but the terrorist group still targets the region to disrupt the peace established by Turkish forces.

Moreover, a similar incident took place on Sunday when a bomb-laden vehicle exploded in the al-Bab district, killing one civilian and wounding two.

Although al-Bab was cleared off terrorists during Operation Euphrates Shield, the YPG continues to conduct frequent attacks.

The YPG terrorist group seized control of large swathes of land in the northern parts of the war-torn country with the Bashar Assad regime's blessing when clashes intensified in 2012. Since then, frequent attacks carried out in Turkish-controlled parts of northern Syria disturb the peaceful environment and the daily life of locals.

Ankara considers the YPG, which was backed by the U.S.-led anti-Daesh coalition on the pretext of fighting the Daesh terrorist group on the ground, a grave national security threat.

Syria's war has killed more than 387,000 people and displaced millions since starting in 2011 with the brutal repression of anti-regime protests.

Meanwhile, a U.K. minister from Foreign Office is set to pay a three-day visit to Turkey, an official statement said Saturday.

According to the statement issued by the Turkish Foreign Ministry, U.K. minister for European Neighborhood and the Americas Wendy Morton, "will be visiting Ankara and Hatay, which hosts the U.N. cross-border aid operations to Syria" on June 27-29.

U.S. targets Iran-backed militias in Iraq, Syria strikes (Washington Post) By Alex Horton, Louisa Loveluck and John Hudson
June 28, 2021

U.S. forces launched airstrikes on facilities on both sides of the Iraq-Syria border, the Pentagon said Sunday, in response to recent drone attacks on U.S. troops in the region carried out by Iran-backed militias.

Two militia locations in Syria were attacked, along with one in Iraq, Pentagon spokesman John Kirby said in a statement, which described the strikes as defensive in nature. He said that the locations were used by the Kataib Hezbollah and Kataib Sayyid al-Shuhada groups, which are both linked to Iran.

Officials have said militias employing small, explosive-laden drones to attack regional U.S. personnel are one of the chief concerns for the U.S. military mission there. Kataib Sayyid al-Shuhada said in a statement that four of its militiamen were killed in the attack on the Iraqi side of the border. Photographs suggested that the youngest among them was in his early 20s.

Separately, Syrian state media said, without providing evidence, that U.S. strikes hit residential buildings near the border

around 1 a.m. local time, killing one child and wounding three residents. TV channel Al-Ikhbaria did not report the reason for the strikes offered by the Pentagon, but added that U.S. forces have struck the area many times.

At least five drone attacks on U.S. personnel have occurred in the region this year, according to a U.S. defense official who spoke on the condition of anonymity because of the sensitivity of the issue. One of the sites hit Sunday was used in the launch and recovery of armed unmanned aircraft. Another was a logistics hub, the official added.

“President Biden has been clear that he will act to protect U.S. personnel,” Kirby said. “Given the ongoing series of attacks by Iran-backed groups targeting U.S. interests in Iraq, the President directed further military action to disrupt and deter such attacks.” Iraqi officials have lobbied their U.S. counterparts to avoid retaliatory strikes on Iraqi soil, arguing that they would complicate the already delicate politics surrounding the fate of the rest of the U.S.-led coalition force still stationed in Iraq.

That force has halved in size to about 2,500 U.S. troops since the start of last year, when President Donald Trump’s decision to assassinate leading Iranian military strategist Qasem Soleimani and senior Iraqi militia leader Abu Mahdi al-Muhandis outside Baghdad Airport sent shock waves through the region and caused Iraq’s parliament to urge the expulsion of all U.S. troops.

Despite significant pressure to produce a timetable for the U.S.-dominated force’s final departure, Iraqi military officials argue that its intelligence and aerial support are still crucial elements in maintaining pressure on Islamic State remnants in Iraq. Sunday’s strikes are in response to increasingly brazen and sophisticated attacks by Iran-backed militias on U.S.-linked forces that in recent years have relied more on rockets than drones. Officials in Washington say these are probably linked to Kataib Hezbollah, a group the United States has bombed on several occasions in Iraq.

Increasingly, militiamen are now turning to small, fixed-wing drones that fly too low to be detected by defensive systems, military officials and diplomats have said. A common strategy is to attach explosives to the drones and crash them into targets, defense officials have said. An April attack on a CIA hangar at the Irbil airport highlighted the uniquely frustrating problem of small unmanned aircraft sorties. A drone was detected within 10 miles of the site, officials have said, but it was lost after careening into a civilian flight path. Although no casualties were reported, the attack deeply concerned White House and Pentagon officials because of the covert nature of the facility and the sophistication of the strike.

A similar attack on an Iraqi air base in May raised worries that further attacks may trigger a cycle of retaliation among U.S. forces and Iran-backed forces that operate in the region. The U.S. assassination of Soleimani and Muhandis prompted Iranian ballistic missile attacks on U.S. troops in western Iraq, which led to scores of injuries but no deaths. A U.S. contractor died after a smaller attack on the same air base in March.

The strikes come as the United States and Iran continue tense negotiations aimed at reviving a 2015 nuclear accord that limits its uranium enrichment. Iran is seeking the lifting of U.S.-imposed sanctions. The Biden administration wants Iran to return to its deal compliance and hold talks to curb Tehran’s support for proxy forces in the Middle East, as well as its development of ballistic missiles.

The Pentagon has monitored the escalation of small-drone warfare after the Islamic State flew terrifying sorties of hobbyist drone aircraft against Iraqi troops in the battle to retake territory from the group.

Marine Gen. Frank McKenzie, the top U.S. military commander in the Middle East, told reporters on a Syria trip last month that the Pentagon is looking for ways to cut command-and-control links between a drone and its operator, improve radar sensors to quickly identify the threat as it approaches and find effective ways to bring down the aircraft.

“We’re open to all kinds of things,” he said, according to the Associated Press. “Still, I don’t think we’re where we want to be.”

The Biden administration in February ordered airstrikes against Iranian proxies in Syria, killing an undisclosed number of militants.

[\[back to contents\]](#)

Yemen

[\[back to contents\]](#)

Special Tribunal for Lebanon

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

There's A Call For The International Community To Fund The Special Tribunal For Lebanon (The 961) By Hussein Yassine
June 22,2021

Civil society organizations have issued an open request for the international community to support the Special Tribunal for Lebanon (STL) and help it complete its mission.

In a letter addressed to countries and donors around the world, the organizations called for the funding of the STL, stressing their commitment to unveiling the truth and achieving justice and accountability regarding the assassinations that Lebanon had witnessed, as well as the August 4 Beirut explosion.

"There are still thousands of victims in Lebanon who have not known justice, while many cases remain pending and the culture of impunity continues," the letter read.

It called upon the international community to reaffirm its commitment to the pursuit of justice by providing the necessary resources for the STL to fulfill its mandate.

The letter also addressed the STL, urging it to resume its work quickly and efficiently, deeming it "the only way currently available to achieve any justice in Lebanon," and warning of the "devastating" impact of the suspension of its work on the people awaiting justice.

"While those affected by the assassinations and other attacks that took place in various parts of Lebanon – as well as those affected by the Beirut explosion – continue to demand justice, the international community should not squander their hopes of uncovering the truth and achieving justice and accountability."

The call was jointly issued by Adyan Foundation, Forum for Memory and Future, Lebanese Center for Defending Public Interest, Let's Work for the Missing, Permanent Peace Movement, Umam Documentation and Research, Lebanese Institute for Democracy and Human Rights (LIFE), and several other organizations.

The initiative comes after the STL announced the cancelation of the Salim Ayyash trial due to a funding shortage, with a recent report indicating that it might close down after July if the financial problem persists.

[[back to contents](#)]

Israel and Palestine

NYT investigation finds Israel strikes in Gaza's Rimal possible 'war crime' (TRTWorld)
June 24, 2021

A series of Israeli air strikes that left dozens of people dead in a Gaza neighbourhood were conducted "without warning" and "with limited intelligence about what they were attacking," an investigation has determined.

The New York Times video probe, which relies in part on Anadolu Agency footage, examines Israeli air strikes that targeted

the upscale Rimal neighbourhood using some of the Israeli military's largest bombs.

The strikes flattened three apartment buildings in the early morning hours of May 16, resulting in 44 deaths in what marked the single deadliest incident of Israel's 11-day air campaign.

Israel says the strikes targeted an underground Hamas command centre, and while "there is no evidence Israel struck or directly targeted the apartment buildings," experts told the US newspaper the types of strikes that were documented "can easily lead to catastrophe and could be a war crime."

The Israeli military told the Times that while they targeted the Hamas command centre, they did not know its exact location, nor its size.

It did not provide evidence of the alleged command centre, and Hamas denied it exists.

International law

Bomb fragments presented to the newspaper by Gaza police indicate the bombs dropped on al Wahda street in Rimal where the apartments were located were American-made 2,000-pound GBU-31 Mark 84 bombs outfitted with GPS equipment that allows for precision targeting.

At least four were likely dropped by the Israeli Air Force "within feet" of the apartment buildings, the investigation found.

The Israeli military maintains that all of the bombs hit their designated targets but that does not mean the strikes were in compliance with international law.

Israel's 11-day assault killed more than 250 Palestinians, including 66 children.

Thirteen people were killed in Israel due to Palestinian rocket fire, including two children.

After Gaza war, lawyer builds Palestinian case files (Arab News) By AFP
June 29, 2021

Overlooking war-battered Gaza from the tenth floor of a tower block, Palestinian human rights lawyer Raji Sourani has a new bundle of files — on victims of last month's war with Israel.

For years, he has been building cases in the Israeli-blockaded enclave to be submitted to the International Criminal Court. The 66-year-old lawyer has already filed dozens of cases with The Hague-based court since 2015, after the Palestinian Authority ratified the court's Rome Statute. The cases represent Palestinian victims of war crimes committed by Israel, according to the lawyer. For Sourani, the ICC chief prosecutor's announcement in March of a full investigation into the situation in the Israeli-occupied territories was a day of hope. Israel dismisses the ICC as a "political body" and says that it is carrying out its own probe into alleged war crimes perpetrators. Sourani, who founded the Gaza-based Palestinian Center for Human Rights in 1995, said an ICC investigation will allow victims to restore their "dignity" and see "proper justice." "We are dreamers, because I mean, if you look around us, the fact is it's so sad, so bad. It's totally unbalanced," he said, weighing up his legal struggle against the might of the Israeli state apparatus. Sourani and his team of 60 document everything they can to try to prove the Jewish state deliberately targets civilians in its battle against Gaza's rulers, the Islamist movement Hamas. The Israeli army blames Hamas for deliberately placing military targets in densely populated areas. His list is long; from the Israeli blockade since 2007 to victims' accounts of the 2014 Gaza war, to the suppression of the 2018 "Great March of Return" protests when Palestinians demanded the right to go back to homes their families fled or were expelled from during the Jewish state's creation in 1948. Now, he has added the latest Hamas-Israel conflict. Photographs of destroyed buildings, detailed lists of victims, reports on missiles used by the Israeli army, mapping of bombed locations; his painstaking work is stored in dozens of filing cabinets. The lawyer, who studied in Egypt and Lebanon, said the last conflict was lopsided. Israel is "the mighty army in the Middle East, the one challenging Iran, Hezbollah, and bombing Syria," he said, waving to the devastation its bombardment wreaked on Gaza, a crowded territory of two million people. The May 10-21 conflict killed 260, including some fighters, according to Gaza authorities. In Israel, 13 people were killed, including a soldier, by rockets fired from Gaza, the police and army said. The Israeli army, which calls Hamas a "terrorist" organization, denies targeting civilians and insists it does all it can to avoid "collateral damage." Not enough, according to Sourani. "Wars are between armies," he said. "Civilians must be avoided." Sourani listed family after family killed in Israeli strikes. "Is Hamas the Shorouk Tower, the Hanadi Tower, the Jala Tower?" he asked angrily, naming commercial and residential tower blocks reduced to piles of smoking rubble because Israel claimed they housed Hamas bases. "What have the water pipelines to do with Hamas? What has the electricity, the sewerage system, to do with Hamas?" he said, referring to infrastructure impacted in the conflict. To those who argue Israel has the right to self-defense against Hamas rockets, the lawyer points to a power imbalance: One side has fighter jets, while the other side is a population under blockade. "Gaza is the largest open-air prison," said Sourani. "They want to send us to the Stone

Age.” Sourani said that when he spent three years in Israeli jails, he used “every minute” to study Hebrew and humanitarian law. “I have lived my whole life under occupation. No one can say that the Israeli occupation is just,” he said. In his book-lined office sits a bust of Robert F. Kennedy — a human rights award in memory of the late US senator’s belief that individual moral courage can overcome injustice. Sourani, who received the award in 1991 along with Israeli lawyer Avigdor Feldman, is proud of the honor — but said he was disappointed that Joe Biden, then US vice president, had also received it in 2016. “We want people who defend what Robert Kennedy said — justice for all,” he said, criticizing Biden over his insistence on Israel’s right to self-defense. “We don’t want to see anything more than the rule of law, justice and dignity for the victims we represent,” he said. “We have no personal wish for revenge, but I think Palestinians are entitled to justice and dignity.”

[\[back to contents\]](#)

Gulf Region

[\[back to contents\]](#)

ASIA

Afghanistan

Ben Roberts-Smith denies Afghan man killed in Australian raid was handcuffed (The Guardian) By Ben Doherty
June 18, 2021

An Afghan man killed during an Australian SAS raid on a village had blood all over his wrist – except for a clear straight “stripe” where there was no blood – indicating he was wearing handcuffs when he was shot, it was put to Ben Roberts-Smith in dramatic photographic evidence before the federal court.

Roberts-Smith spent Friday – his sixth straight day – in the witness box, being cross-examined over allegations he committed war crimes, including murdering unarmed civilians after they had been captured.

A recipient of Australia’s highest military honour, the Victoria Cross, Roberts-Smith is suing three newspapers he says defamed him by accusing him of breaking “the moral and legal rules of military engagement” in committing those war crimes.

The evidence before court on Friday centred on one of the key allegations against the former SAS corporal, the death of a farmer called Ali Jan in Darwan in September 2012.

The court has heard two starkly conflicting versions of events.

The newspapers have alleged Ali Jan was among three Afghan civilians taken into custody, and handcuffed inside a compound in Darwan.

After Ali Jan laughed twice at Roberts-Smith while being interrogated, Roberts-Smith is alleged to have marched him outside to the edge of a small cliff where he forced Ali Jan to kneel and then “kicked him hard in the midriff causing him to fall back

over the cliff and land in the dry creek bed below”.

“The impact of the fall to the dry creek below was so significant that it knocked Ali Jan’s teeth out of his mouth.”

Ali Jan was then shot on Roberts-Smith’s orders, the newspapers allege.

Roberts-Smith has vociferously denied this account, telling the court the man purported to be Ali Jan was a ‘spotter’ – a forward scout who reports soldiers’ movements back to insurgents – who was discovered hiding in a cornfield by Person 11 as he climbed an embankment from the creekbed, immediately opening fire upon the insurgent.

Roberts-Smith said he climbed the embankment – using one hand to pull himself up – to assist Person 11 in the firefight and also fired at the man, who was about two metres away.

The man was killed and, Roberts-Smith said, found to be in possession of a radio.

Nicholas Owens SC, appearing for the newspapers, showed Roberts-Smith pictures of the man’s body, taken after he had died, showing large amounts of blood covering his arm and wrist, except for a thin “stripe” of clean skin that had no blood on it.

Owens said that was “consistent with this man wearing flexicuffs” when he was shot, indicating he had been brought into custody, was unarmed and could not legally be killed.

“This man was wearing flexicuffs when he was shot wasn’t he?” Owens said.

Advertisement

“No he wasn’t,” Roberts-Smith said.

Owens said the flexicuffs around the man’s wrists “left that stripe free from blood around his wrist”.

“No.”

Owens showed Roberts-Smith another photo showing significant injury to the man’s chest and arms.

“When this man was shot, his arms were handcuffed behind his back weren’t they?”

“No they weren’t.”

Further photos showed significant injuries to the man’s mouth.

“This man suffered that injury when he hit his mouth falling down into the creekbed didn’t he?”

“No.”

Owens put it to Roberts-Smith that he kicked Ali Jan in the chest, causing him to fall down the steep 10-metre incline into the dry creekbed.

It was put that Roberts-Smith and Person 11 then walked down a narrow path into the creekbed, saw that Ali Jan was seriously injured, but alive, and then one or both shot him dead.

“At that point the man’s handcuffs were removed, an ICOM (radio) was placed on his body, Person 4 (another SAS soldier) performed SSE (sensitive site exploitation) and took photos of him,” Owens said.

“You, Person 11 and Person 4 all discussed how to cover up the killing.” The body was then dragged into the cornfield.

Roberts-Smith replied: “That’s false.”

Person 4 is slated to give evidence in the trial, called by the newspapers. Person 11 is listed as a witness for Roberts-Smith.

In a series of fractious interchanges, Owens accused Roberts-Smith of giving “deliberately and knowingly false sworn answers” to questions about the actions of other soldiers in Afghanistan, as well as his own knowledge of their actions.

“I deny that.”

The court also heard detailed exchanges over the killing of a man outside a compound called Whiskey 108 in 2009. The man had a prosthetic leg that was later souvenired by another soldier and used as a drinking vessel at the SAS’s unofficial on-base

bar, the Fat Ladies' Arms.

Roberts-Smith has given evidence the man was a Taliban insurgent armed with a rifle and was a legitimate target, killed legally under the rules of engagement.

He said he "saw the insurgent moving across in front of him ... running ... with his shoulders hunched over" and carrying his weapon in one hand. In a split second decision he opened fire and killed the man.

In court documents, the newspapers allege Roberts-Smith carried the man, who was unarmed, outside the compound, before throwing him to the ground and shooting him "10 to 15 times" with a machine gun.

The debate in court on Friday was over where the man was shot, whether Roberts-Smith had moved the body to disguise the illegality of the killing, and whether the man was a legitimate target or a "person under control", who could not be killed.

Roberts-Smith is expected to be back in the witness box for most of next week.

Roberts-Smith, one of the most decorated soldiers in Australian military history, is suing the Age, the Sydney Morning Herald and the Canberra Times for defamation over a series of reports published in 2018. He alleges the reports are defamatory because they portray him as someone who "broke the moral and legal rules of military engagement" and committed war crimes, including murder.

The 42-year-old has consistently denied the allegations, saying they are "false", "baseless" and "completely without any foundation in truth". The newspapers are defending their reporting as true.

In Afghanistan, minority Hazaras are being killed at school, at play, even at birth (Los Angeles Times) By Kathy Gannon June 18, 2021

Just running errands in the mainly Hazara neighborhoods of west Kabul can be dangerous. Earlier this month, Adila Khiari and her two daughters went out to buy new curtains. Soon after, her son heard that a minibus had been bombed – the fourth to be blown up in just 48 hours.

When his mother didn't answer her phone, he frantically searched hospitals in the Afghan capital. He found his sister Hosnia in critical condition with burns over 50% of her body. Then he found his mother and other sister, Mina, both dead. Three days later, Hosnia died as well.

In all, 18 people were killed in the two-day string of bombings against minivans in Kabul's Dasht-e-Barchi district. It was the latest in a campaign of violence targeting Afghanistan's minority Hazara community – one that Hazaras fear will only get worse after the final withdrawal of American and NATO troops this summer.

Hundreds of Afghans are killed or injured every month in violence connected to the country's constant war. But Hazaras, who make up around 9% of the population of 36 million people, stand alone in being intentionally targeted because of their ethnicity – distinct from the other ethnic groups, such as Tajik and Uzbek and the Pashtun majority – and their religion. Most Hazaras are Shiite Muslims, despised by Sunni Muslim radicals like the Islamic State group and discriminated against by many in the Sunni majority country.

After the collapse of the Taliban 20 years ago, the Hazaras embraced hopes for a new democracy in Afghanistan. Long the country's poorest community, they began to improve their lot, advancing in various fields, including education and sports.

Now many Hazaras are moving to take up arms to protect themselves in what they expect will be a war for control among Afghanistan's many factions.

Inside the Nabi Rasool Akram Mosque compound, protected by sandbags stacked against its ornate doors and 10-foot walls, Qatradullah Broman was among the Hazaras attending the funeral of Adila and Mina.

The government doesn't care about Hazaras and has failed to protect them, he said. "Anyone who can afford to leave, they are leaving. Those who can't are staying here to die," Broman said. "I see a very dark future for our people."

There is plenty for Hazaras to fear.

Since it emerged in 2014 and 2015, a vicious Islamic State affiliate has declared war on Afghanistan's Shiites and has claimed responsibility for many of the recent attacks on the Hazaras.

But Hazaras are also deeply suspicious of the government for not protecting them. Some worry that government-linked warlords, who also demonize their community, are behind some of the attacks.

Former government advisor Torek Farhadi told the Associated Press that within the political leadership, “from the top down,” there is a “sorry culture” of discrimination against Hazaras.

“The government, in a cynical calculation, has decided Hazara lives are cheap,” he said.

Since 2015, attacks have killed at least 1,200 Hazaras and injured 2,300, said Wadood Pedram, executive director of the Kabul-based Human Rights and Eradication of Violence Organization. Hazaras have been preyed on at schools, weddings, mosques, sports clubs, even at birth.

Last year, gunmen attacked a maternity hospital in the mainly Hazara districts of west Kabul. When the shooting ended, 24 people were dead, including newborns and their mothers. Last month, a triple bombing at the Syed Al-Shahada school in the same area killed nearly 100 people, mostly Hazara schoolgirls. Just over a week ago, when militants attacked a compound of landmine-clearing workers, shooting and killing at least 10, witnesses said the attackers tried to pick Hazaras out of the workers to kill.

Some of these attacks, targeting civilians, hospitals and children, could rise to the level of war crimes, said Patricia Gossman, associate director for Asia at Human Rights Watch.

Pedram’s organization has petitioned the U.N. Human Rights Commission to investigate the killing of Hazaras as genocide or a crime against humanity. It and other rights groups also helped the International Criminal Court in 2019 compile suspected war crimes cases in Afghanistan.

“The world doesn’t speak about our deaths. The world is silent. Are we not human?” said Mustafa Waheed, an elderly Hazara weeping at the burial of Mina and her mother.

A black velvet cloth inscribed in gold with Quranic verses was draped over the two bodies.

Family and friends carried them on wooden beds, then placed them in their graves. Mina’s father fell to the ground crying.

“The U.S. can go into space, but they can’t find out who is doing this?” Waheed said. “They can see an ant move from space, but they can’t see who is killing Hazaras?”

In the face of the killings, talk has turned to arming Hazara youth to defend the community, particularly in the districts that the community dominates in western Kabul. Some Hazaras say the May 8 attack on the Syed al-Shahada school was a turning point.

It is a significant reversal for a community that showed such hope in a new Afghanistan. After the fall of the Taliban, many Hazara militias gave up their weapons under a government disarmament program, even as other factions were reluctant.

“We used to think the pen and the book were our greatest weapon, but now we realize it is the gun we need,” said Ghulam Reza Berati, a prominent Hazara religious leader. Fathers of the girls killed in the school attack are being told to invest in weapons, said Berati, who helped bury many of the girls.

Sitting on the carpets of west Kabul’s Wali Asar Mosque, Berati said Hazaras are disappointed in the democracy brought by the U.S.-led coalition. Hazaras have largely been excluded from positions of prominence, he said.

Hazaras worry about continuing Islamic State attacks and about the potential return of the Taliban to power after the American withdrawal. But they also worry about the many heavily armed warlords who are part of the government. Some of them carried out violence against Hazaras in the past, and Hazaras fear they will do so again if post-withdrawal Afghanistan slides into a repeat of the brutal interfactional civil war of the early 1990s.

One warlord who is still prominent in Kabul, Abdul Rasool Sayyaf, led a Pashtun militia that massacred Hazara civilians during a ferocious 1993 battle with Hazara militias in Kabul’s mainly Hazara neighborhood of Afshar.

Rajab Ali Urzгани became a sort of folk hero in his community as one of the youngest Hazara commanders during the Battle of Afshar — only 14 at the time.

Now 41 and still known by his nom de guerre, Mangol, he returned to Afshar earlier this month with the AP to visit the site. He stopped to give a prayer for the dead at a mass grave, where nearly 80 men, women and children were killed in the bloodshed and are buried. A black Shiite banner flies at the entrance.

Mangol held out little hope for peace in Afghanistan following the U.S. and NATO withdrawal. “When the foreigners withdraw, the war will happen 1,000%,” he said. “The war will happen like in the past with the different groups, and we will defend our family and our dignity.”

[\[back to contents\]](#)

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

[\[back to contents\]](#)

Bangladesh International Crimes Tribunal

Bangladesh war crimes prosecutor Zead-al Malum is dead (BD news 24)

June 27, 2021

He breathed his last at the Combined Military Hospital in Dhaka just before Saturday night, his niece and lawyer Maksuda Akter Laily said.

Sultan Mahmud Simon, Malum’s colleague in the ICT prosecution team, said plans about Malum’s funerals and burial will be revealed later.

Malum was admitted to Bangladesh Specialised Hospital in Shyamoli after he fell ill on May 25.

He was transferred to the CMH when his condition deteriorated, said Supreme Court lawyer Hasan Tarique Chowdhury Sohel.

Malum was actively involved with leftist politics.

“Comrade Zead-al Malum breathed his last at CMH sometime ago,” Mujahidul Islam Selim, president of the Communist Party of Bangladesh, wrote on Facebook.

The government appointed Malum prosecutor to the tribunal after its formation in 2010.

He played a key role in the prosecution of former Jamaat-e-Islami chiefs Ghulam Azam and Matiur Rahman Nizami, Secretary General Ali Ahsan Mohammad Mujahid, and BNP leader Salahuddin Quader Chowdhury, among others.

Malum had worked as president of Bangladesh Students’ Union when he studied at Dhaka University.

Later, he had served as president of Bangladesh Khetmojur Samiti and a CPB unit for farm labourers.

Born in Tangail’s Karotia, Malum was a vice-president of Ganatantrik Ainjibi Samiti.

[\[back to contents\]](#)

War Crimes Investigation in Myanmar

Bomb Explodes at Headquarters of Pro-Military Party in Myanmar (Radio Free Asia)

June 18, 2021

Six bombs exploded in three different locations in Myanmar's largest city Yangon today, including at the headquarters of a political party backed by the country's military, witnesses told RFA.

A Yangon rescue official told Reuters that two of the bombs killed two people and injured five others.

Bomb attacks have occurred frequently as people across Myanmar continue to resist the military junta that deposed the country's democratically elected government led by Aung San Suu Kyi's National League for Democracy (NLD) party on Feb. 1, citing unsupported election fraud claims.

Anti-junta forces have attacked targets associated with the military in what the junta describes as acts of terrorism by those aligned with the NLD.

One of the six blasts in Yangon Friday occurred near a bus stop in front of the offices of the Union Solidarity and Development Party (USDP), an army proxy party that fared badly in 2020 elections and supported the coup, witnesses said.

Witnesses told RFA's Myanmar Service that a car bomb exploded near a military vehicle parked in front of the office, in Yangon's Tamwe township.

"It was very loud. I was near my sisters, and even the houses shook a little. We found out that some people were injured. I also heard the sound of ambulances," a woman living nearby, who declined to be named, told RFA.

Several other Tamwe residents told RFA that the military vehicle had been parked near the bus stop in front of the USDP offices since June 14, during an anti-junta protest by youth on the occasion of Cuban revolutionary leader Che Guevara's birth anniversary.

The residents said they had seen at least 10 soldiers on board the military vehicle previously, but they did not know if there were any soldiers on it during the bombing.

They said they believed that there were casualties because ambulances arrived at the scene.

RFA is still investigating whether anyone was injured in the blast.

Two other bombs went off on a nearby Yangon street on Friday, injuring two civilians, according to residents. The Reuters report said that according to Win Thu, vice chairman of the Yangon Rescue Committee, the first of the two explosions killed a soldier and the second killed a passenger riding in a taxi. The explosions also injured five members of the security forces and the taxi driver.

Another Yangon resident told RFA that four more bombs exploded near the town hall in Hlaing Thayar township in the western part of the city.

Junta statement denied

In the country's central Magway region, people who witnessed the burning of Kin Ma village on Tuesday told RFA that the junta misrepresented events in statements and a video it had released.

RFA reported Wednesday that four elderly villagers were killed when a fire tore through Kin Ma, destroying about 250 houses and sending 1,000 people fleeing to safety in nearby mountains.

According to a statement by the junta on Wednesday, security forces patrolling the village were ambushed by gunmen who had taken a position inside the houses, and it was the gunmen who started the fire as they fled.

Junta-controlled TV said troops were trying to clear "terrorists" from Kin Ma and found the village burning. The report said troops helped extinguish the fire. On Thursday, the junta said that reports that conflicted with their version of events were

untrue. They blamed a local people's defense force (PDF), one of the many fighting forces that have sprung up across Myanmar to fight junta troops after the coup, for starting the fire at the house of USDP member Kyaw Htay. Witnesses told RFA that the junta's statement was false.

"There's a school in the eastern part of the village. The fire started in the house behind the school. It was not a USDP member's house. She is one of my neighbors and I knew her," a Kin Ma resident who lived near the house told RFA.

"Before you reach the eastern part of the village, there is a little creek, and the soldiers first had a shootout there with the local PDF. There was a lot of gunfire and the soldiers set fire to a small hut nearby," she said.

The witness said that when the PDF retreated, the junta soldiers entered the village.

"After they entered the village, they were cursing and challenging the PDF members to fight. The PDF leader was near the school and another shootout broke out. He was no match for them because they were so many. After that they set fire to the first house they came upon," she said.

Another resident said many others witnessed the military torching houses.

"The video we saw did not show that the villagers set fire to their own village. We don't have electricity or phone lines in Kin Ma, but the video put out by the junta clearly shows lampposts and electric wires," the second Kin Ma resident said.

"The military never dares to speak the truth. They never tell the truth. We have many eyewitness accounts of their arson attack," said the second resident. It was not immediately clear to RFA which video the second villager was referring to.

The day after the fire, the villagers returned to their burnt houses in the village and cleared the debris and then fled again when soldiers came back, the witnesses said.

Another Kin Ma resident told RFA Friday that people there are now homeless and in need of shelter and medical assistance.

"The problem is getting food, clothes and medicine. It's because this village is almost completely destroyed. A few have returned but they... are still very scared. There are currently not many people living in the village," the third villager said.

The junta has said that NLD party members, extremists and some of the members of the media have deliberately accused security forces of setting the fire in an attempt to mislead the public and the international community.

RFA was unable to reach the junta's Deputy Information Minister Maj. Gen. Zaw Min Tun for comment.

The parallel National Unity Government (NUG) said Thursday that the incident showed that the military's leader Sr. Gen. Min Aung Hlaing and the armed forces under his command are unwilling to comply with international calls to stop violence.

The U.S. embassy in Yangon Thursday condemned the burning of Kin Ma on Twitter Thursday.

"These horrific acts are consistent w/ past atrocities committed against ppl of all ethnicities & religions. The military cont to demonstrate a complete disregard for human life," the embassy said.

Two dozen die in detention

Data compiled by RFA and by the Thailand-based Assistance Association for Political Prisoners (AAPP) show that since the Feb. 1 coup, 24 people have died while in custody of the junta forces, who continue to arrest NLD members, their supporters, and civilians.

The latest two victims are Chit Ko and Sein Win from Kun Site village in the central Mandalay region's Myingyan township, whose bodies were discovered Wednesday near the village. Sources said the police and the military took the bodies away.

The two men were tortured to death during interrogations, the AAPP said in its daily coup briefing on Friday.

The two were part of a group of 38 betel growers arrested and detained at the Myingyan No. 2 police station on Tuesday after two unidentified men in Kun Site stabbed the township's former USDP chairman Myint Kyaw.

A resident of Myingyan who declined to be named for security reasons told RFA that the police did not return the bodies to the community.

"The village abbot went to ask for the dead bodies. Police said the bodies had already been buried," said the Myingyan resident.

“The others arrested along with Win Sein and Chit Ko said they did not know what happened because the two were not killed in front of them. I want the world to know about the unlawful arrests and inhumane torture of the military,” the Myingyan resident said.

Another resident who declined to be named told RFA that the stabbers remain at large.

“The guilty people admitted what they did and ran away. Chit Ko and Win Sein were taken to the police station for interrogation. The bodies can now be confirmed as theirs, but the bodies were not given back. The army has taken them away,” the second Myingyan villager said.

Myint Kyaw, the USDP member who was stabbed, is currently undergoing treatment at Mandalay hospital, residents said. Chit Ko was the son of the village NLD party chairman. Sources said his father went into hiding as the troops are currently stationed in the village.

“The actions of the military are not acceptable under both domestic and international law. The killing of innocent people should no longer be tolerated by the international community,” an AAPP member told RFA.

“The junta has openly committed crimes against humanity and war crimes. The international community as well as the people should make efforts to bring the military regime to justice.”

Chit Ko and Sein Win are the latest of seven people who died at interrogation centers within a day of their arrest since Feb. 1.

Aung Myo Min, the NUG’s human rights minister, said that torture violated international human rights.

“No one should ever be tortured... Unlawful persecution and torture to the point of death are unacceptable. If there is a violation, the perpetrator has to be prosecuted accordingly as a deterrent so that such incidents can be prevented from happening again,” said the minister.

As of Friday 870 people have been killed and 4,983 have been arrested and are still detained since Feb. 1, according to AAPP figures.

Myanmar army ‘tightens grip’ on multibillion dollar jade trade: Report (Al Jazeera) By Ted Regencia
June 29, 2021

Myanmar’s military has further tightened its grip on the country’s jade trade, using the industry to finance the February 1 coup that plunged the country into turmoil, a new report released on Tuesday says, naming the son of army chief Senior General Min Aung Hlaing as among those who directly profited from the enterprise.

Global Witness said corruption within the country’s jade sector “reaches into the very top ranks of the military”, and the February 1 coup had only enhanced its ties to the multibillion-dollar industry whose business mostly goes to China.

“Our revelations about the military’s increased control of the multibillion-dollar jade trade is emblematic of the Tatmadaw’s broader capture of valuable sectors of the country’s economy, which funds their abuses, fuels conflict and helped enable their recent illegal power grab,” said Keel Dietz, Myanmar policy adviser at the watchdog, which exposes links between human rights abuses and the environment.

The report warned that the coup could turn the jade industry into a “slush fund” for the military and source of political patronage to prop up the military regime, unless sanctions and other forms of punitive measures are taken.

With an estimated strength of more than 400,000, Myanmar’s military, also known as Tatmadaw, has been the most influential political player in the country since its independence in 1948. Except for brief periods of democratic leadership, the generals have governed the country for decades.

For years, the military has also been accused of committing atrocities against its own people, including the 2017 violence on the Rohingya that forced hundreds of thousands of the mostly Muslim minority group to flee to Bangladesh. The United Nations and rights groups have described the attack as constituting war crimes and crimes against humanity.

More recently, it resumed a separate armed conflict with ethnic rebels beginning in early 2020 displacing tens of thousands more people internally, before it snatched power from the elected National League for Democracy (NLD) government of Aung San Suu Kyi in February.

Since the coup, it has launched a crackdown against opposition politicians and activists as well as common people protesting against the power grab. According to the advocacy group Assistance Association for Political Prisoners (AAPP), state forces

have already killed 883 people, while about 5,000 others have been arrested or sentenced.

The coup only aggravated the nexus of corruption and violence that marks the military's role in the jade industry, the report said. It warned that the takeover could "further open the floodgates of military corruption" and plunge the jade mining region "further into lawlessness", while also enriching military officials and their families.

Sons of generals

The 2021 Global Witness report further develops an earlier 2015 expose, in which it first established the links of a number of senior generals to the industry. Among the companies still active in the jade trade is Kyaing International Gems, which is partly owned by the son of General Than Shwe, the strongman who governed Myanmar for almost 20 years until 2011.

In the latest report, General Min Aung Hlaing's son, Aung Pyae Sone, has also been found to be involved in the industry, Dietz, a co-author of the investigation, told Al Jazeera in a separate interview.

Dietz said Aung Pyae Sone plays a role in the military's control of dynamite imports into Hpakant, the heart of the jade mining industry in Myanmar. The use of dynamite is essential for extracting jade, as the current form of mechanised mining involves blasting open huge pit mines using the explosive before machines are sent in to pick through the rubble.

"The Tatmadaw controls the main routes into Hpakant, so dynamite traders must pay a bribe to the Northern Commander for permission" to transport the explosive shipment, Dietz said.

"The Northern Commander then pays these bribes upward to Aung Pyae Sone," he said of the highest military commander's son, a Myanmar business tycoon who was recently placed under US sanctions alongside his sister, Khin Thiri Thet Mon.

Dietz said the involvement of Min Aung Hlaing's family in the jade industry may not come as a surprise "but it speaks to the way in which this lucrative industry has helped sustain the power and influence of military elites and perpetuated conflict across the country, even as the NLD attempted to reform the industry".

"Min Aung Hlaing is a man who has presided over some of the worst crimes against humanity the world has seen in recent years, and now he has led a coup that has plunged Myanmar into a crisis that risks returning the country to the darkest days of military rule," Dietz said.

Resisting reform

For years, military officials, as well as companies they controlled and their business allies, have been ignoring licensing rules in the country, continuing to operate while resisting efforts by the recently removed civilian government of Aung San Suu Kyi to implement reforms.

In 2016, the NLD suspended all new jade licensing, promising changes in the troubled sector.

At that time, the military conglomerate Myanmar Economic Holdings Limited (MEHL) was the single largest jade and gemstone mining permit-holder. The company, which controlled 1,100 active permits at that time, acquired 639 of them during the first few months of 2016 in a "frantic resource grab" just before the NLD officially took power. But even with the suspension of new licences, abuses within the system lingered, allowing the industry to continue operating within an "ill-defined and underenforced" legal framework, the report said.

Instead of loosening the military's grip, the rules only paved the way for the military to take control of Myanmar's jade mines even during the five years of civilian control.

And now that the military is completely back in power, any possibility for real reform in the near-term "is now dead", Global Witness said.

Among the companies identified as part of the MEHL conglomerate are Myanmar Ruby Enterprise, Myanmar Imperial Jade Co Ltd, and Cancri (Gems and Jewellery) Co Ltd. Shortly after the military coup, the US imposed sanctions on the three companies.

Shrouded in secrecy

Until recently, the extent of the military's involvement in the jade mining industry was shrouded in secrecy, Myanmar activist and poet Me Me Khant told Al Jazeera.

Since the Global Witness report in 2015, there has been more awareness of the "exploitations in the jade sector", she said.

“The human cost of the military’s profiteering in the jade sector is immense. Hundreds die each year from landslides because of corruption, lack of regulation, and simply lawless exploitation,” Me Me Khant said, citing as an example the 2020 landslide that killed about 175 miners in Hpakant.

There have also been other problems reported, including drug addiction and prevalence of HIV/AIDS among the miners, she added.

Trade in arms

While Myanmar’s military dominates the jade industry, the Global Witness investigation also found that a growing number of ethnic armed groups and militias are also involved in the trade.

Those involved included the Kachin Independence Organization/Army (KIO/A), the United Wa State Party/Army (UWSP/A) – the ethnic groups’ political parties and their armed wings – as well as the Arakan Army (AA), it said.

“The Tatmadaw, armed militias, and ethnic armed groups such as the KIA, UWSA and AA literally found common ground to dig up jade ever faster and more destructively, even as they were in conflict elsewhere in the country,” said Dietz.

“Bitter foes stepped up their cooperation with Myanmar’s military to extract as much jade as they could before licences expired, at times teaming up to mine together illegally in expired plots.”

Jade money from Hpakant is then channelled into the trade in arms, heightening violent conflict in northern Myanmar, the report found.

The UWSA has been particularly identified as fulfilling part of its jade-related tax obligations to the KIA “by providing weapons produced in its own factories”, and the KIA then selling the weapons to the AA, the report said.

The AA also cooperated with the KIA to collect jade payments to support its war against the military in Rakhine and Chin states, the report said. No clear proof has been found, however, that shows the Myanmar military is using jade money to also directly buy weapons, Dietz told Al Jazeera.

“But in the end all money is fungible.”

‘Highly illicit’ In its latest investigation, Global Witness estimated that up to 90 percent of Myanmar’s jade is smuggled out of the country, almost all into China, “underscoring the highly illicit nature of the industry”.

An estimated 50 to 80 percent of jade was smuggled before the licensing suspension, with the transactions done without ever entering the formal system in Myanmar.

“Kachin State’s resources have thus been plundered, with little of the benefit going to the Kachin people or the state, where jade revenues could be used to support critical needs like health care and education,” the report said.

As a citizen of Myanmar fighting the country’s military rulers, activist Me Me Khant urged the international community to impose sanctions on the top military leader and the companies involved in the jade and other gem mining industry.

She also urged the international community to persuade China to ditch the jade trade with Myanmar.

“There needs to be massive public awareness campaigns done around the issue to discourage consumers, especially those within China,” she said.

But as long as the military dictatorship is there, the probability of cutting the illegal jade trade would not be possible, said Dietz of Global Witness.

“The priority for the international community right now should be bringing an end to the coup and helping ensure a democratic and legitimate government is returned to power,” he said.

Global Witness is also calling on the international community to immediately ban the import of all jade and gemstones mined in Myanmar.

In the long term, the international community must support a future legitimate government in removing the military and other armed groups from the jade industry, placing natural resource governance at the heart of peace talks.

“There will be no peace or democracy as long as men with guns control the vast wealth generated by one of Myanmar’s greatest natural treasures,” Dietz said.

[\[back to contents\]](#)

AMERICAS

North & Central America

751 Unmarked Graves Found at Former Residential School for Indigenous Children in Saskatchewan (Democracy Now!) June 25, 2021

In Canada, at least 751 unmarked graves have been found at a former boarding school for First Nations children in Saskatchewan. The graves were found near the site of the now-demolished Marieval Indian Residential School. This is Cowessess First Nation Chief Cadmus Delorme speaking at a press conference Thursday.

Cadmus Delorme: “We all must put down our ignorance and accidental racism of not addressing the truth that this country has with Indigenous people. We are not asking for pity, but we are asking for understanding. ... We didn’t remove these headstones. Removing headstones is a crime in this country. And we are treating this like a crime scene at the moment.”

The graves were found just weeks after the bodies of 215 Indigenous children on the grounds of the Kamloops Residential School in British Columbia were discovered. Some 150,000 Indigenous children attended Canadian government-funded boarding schools, which were established in the 19th century and run by the Catholic Church. Many children were ripped from their families and sent to the schools, which were found to be rife with abuse and neglect. Canada’s 2015 Truth and Reconciliation Commission said the schools were committing “cultural genocide.” Public pressure is now mounting to hold the Catholic Church accountable for its atrocities and to remove monuments to Canadian leaders involved in the genocide of First Nations people.

[\[back to contents\]](#)

South America

Bolsonaro should be tried for crimes against humanity, Indigenous leaders say (NBC News) By Katie Surma June 24, 2021

On a Tuesday afternoon in late March 2020, Zezico Rodrigues Guajajara was killed by gunmen as he was driving a motorbike near his home village in Maranhao, Brazil.

On a Tuesday afternoon in late March 2020, Zezico Rodrigues Guajajara was killed by gunmen as he was driving a motorbike near his home village in Maranhao, Brazil.

A member of the Guajajara tribe, he had worked for years to protect land in the Amazon belonging to his ancestors and other uncontacted, or isolated, tribes. For Zezico, fending off illegal incursions had become increasingly dangerous as emboldened logging and mining groups targeted him and other Indigenous environmental activists. He was the fifth Guajajara to be killed in a five-month period and one of over two dozen forest protectors killed in Brazil since 2019.

Indigenous chiefs and human rights organizations have accused Brazilian President Jair Bolsonaro of enabling such killings through state policies that they say encourage the destruction of the Amazon for profit while failing to protect Indigenous people's rights. They have asked the International Criminal Court to investigate whether the far-right leader's actions — including weakening dozens of environmental protections and encouraging private development of the Amazon, leading to the displacement of Indigenous people and contributing to climate change — constitute crimes against humanity.

"Bolsonaro has been campaigning against Indigenous people and their rights since the first day he took office," said Marcio Astrini, head of the environmental protection organization Climate Observatory. "In acts and speeches, he's incentivizing land grabbers, illegal loggers and illegal miners to invade Indigenous areas, causing violence and deforestation. He is putting Indigenous communities and lives at risk."

Astrini supports the investigation request and said the international court's action is needed to stop Brazil's government from facilitating illegal activity in the Amazon.

Brazil's Embassy in Washington and its Ministry of Foreign Affairs did not respond to requests for comment. In response to questions from Inside Climate News and NBC News for a previous article, the Brazilian Embassy said Bolsonaro had "consistently championed" Indigenous people's well-being and the preservation of the Amazon.

In public comments, Bolsonaro has staunchly defended Brazil's right to develop the rainforest, citing the country's sovereignty, and he has accused foreign leaders of wanting to impede Brazil's lucrative agricultural and commodity export industries. His supporters also point out that Brazil has historically contributed very little to climate change compared to developed countries like the United States.

The International Criminal Court's Office of the Prosecutor, which is weighing the investigation request, did not respond to a request for comment. The request for the court to launch an investigation into Bolsonaro is the latest turn in a growing debate over whether mass environmental damage should be prosecuted as an international crime.

Bolsonaro's rampant deforestation of the Amazon, and the threat posed by climate change, have prompted world leaders like Pope Francis and French President Emmanuel Macron to support a campaign for a new international crime called "ecocide," which would outlaw widespread environmental destruction. Supporters cite Bolsonaro's actions in the Amazon as a prime example of ecocide happening in real time.

The campaign for an ecocide crime is still in the early stages, though, and for now, the International Criminal Court's jurisdiction is limited to genocide, war crimes, crimes against humanity and crimes of aggression. When it comes to environmental crimes, the court can only prosecute those that occur during wartime. That means the Brazilian activists' request for the court to investigate Bolsonaro could be a long shot, legal experts say, especially because national governments have long had control over natural resources within their borders.

But there are also signs that give the activists hope. Some legal analysts think Karim Asad Ahmad Khan, who took over as the court's new prosecutor on June 16, may consider authorizing the court's first investigation related to environmental destruction. That's because Bolsonaro's alleged crimes are so closely related to the Amazon's deforestation. Activists and environmentalists hope a decision will come during Khan's first weeks in office, which coincides with the start of the Amazon's dry season, when the rainforest is susceptible to fires.

Whatever Khan decides, the Bolsonaro case presents the international court with a novel way to advance legal thinking about environmental destruction and how deforestation can be linked to crimes against humanity, defined legally as widespread or systematic attacks against civilians.

Almir Narayamoga Suruí and Raoni Metuktire, the two Brazilian Indigenous chiefs who requested the international investigation, were not available for interviews, but they said in their request that the stakes for the Amazon are high. The rainforest captures carbon dioxide, a greenhouse gas, making it a core part of humanity's fight against climate change. Since Bolsonaro took office in January 2019, over 7,700 square miles of the Amazon have been destroyed, an area nearly as large as New Jersey.

Scientists have warned that Bolsonaro's policies could push the rainforest to an irreversible tipping point, where the rainforest can no longer regenerate itself, which could cause cascading environmental disasters.

"The Amazon rainforest plays an essential role in global climate regulation," Suruí and Metuktire said in their request. "A point of no return must be avoided at all costs."

The push for accountability Suruí and Metuktire filed their request, known as an Article 15 Communication, with the International Criminal Court in January. The request detailed Bolsonaro's environmental and Indigenous policies and those policies' ecological harms, and alleged that the policies have led to murders, forced displacement and the persecution of

Brazil's Indigenous population. They argued in the 68-page document that further destruction of the Amazon, 60 percent of which is in Brazil, poses a threat to humankind.

The chiefs' request followed an earlier Article 15 Communication, submitted in November 2019 by Brazil's Human Rights Advocacy Collective and the Dom Paulo Evaristo Arns Commission for Human Rights, accusing Bolsonaro of crimes against humanity and genocide for the destruction of the Amazon and harm to Indigenous people. The court has not responded to that request.

Both of the requests for investigations argue that the livelihoods, culture and survival of Indigenous groups are directly linked to the natural environment. Policies that encourage mass ecological harm are effectively an attack on tribes, the activists and tribal leaders say. They then extend that argument to the rest of humanity, in light of the climate crisis and the Amazon's key role in storing carbon.

While neither request alleges that Bolsonaro had knowledge of, or was personally involved in, any of the alleged murders or other crimes, they say he and other officials bear ultimate responsibility because their policies and rhetoric encouraged the attacks on Indigenous groups.

Bolsonaro's environmental record From his inauguration through last September, Bolsonaro oversaw at least 57 legislative acts that weaken environmental protections, according to a study published in the science journal *Biological Conservation*, and a slew of budget cuts and restructurings of key agencies that protect and monitor the environment.

The requests to the International Criminal Court note that Bolsonaro has staffed key environmental agencies with former federal police and military officers. "The goal, according to Bolsonaro, is to 'put an end to the ideological framework of the sector, led by NGOs and entities concerned with the environment,'" Suruí and Metuktire said.

Under Bolsonaro's administration, enforcement of laws protecting the environment has plummeted, Suruí and Metuktire said. Environmental fines in Brazil decreased 72 percent even as deforestation rates rose to a 12-year high.

His environmental minister, Ricardo Salles, was the main architect of the remaking of Brazil's regulatory framework, according to the requests. In May 2020, Salles was captured on video advising Bolsonaro to take advantage of the media's fixation on the Covid-19 pandemic to "push through" environmental rollbacks. Salles resigned on Wednesday, weeks after Brazil's federal police opened an investigation into his alleged involvement in illegal timber exports. Salles has denied the allegations. His office did not respond to requests for comment.

The impact on Indigenous people Suruí and Metuktire's plea comes nearly 50 years after the release of a damning government report that detailed thousands of atrocities — including torture, murder and land theft — carried out with impunity by Brazilian officials against Indigenous peoples during the country's 1964 to 1982 military dictatorship.

The mentality of that regime, namely that Indigenous people should assimilate and have no land rights, has become ascendant under Bolsonaro, Indigenous groups and lawyers say.

"It's a completely wrong mentality, but that's Bolsonaro. He comes from this school that believes Indigenous peoples aren't peoples," said Ana Valéria Araújo, a Brazilian attorney who has represented Indigenous groups for over 30 years and is now the executive director of the nonprofit *Fundo Brazil*. "He sees them as obstacles to development and when there's an obstacle, you have to remove it."

Bolsonaro has a history of making anti-Indigenous statements. He has compared isolated Indigenous peoples to animals in a zoo, and in 2020 said that "Indians are undoubtedly changing. ...They are increasingly becoming human beings just like us." In 1998, he lamented that Brazil wasn't as efficient as the United States, which "exterminated the Indians." And as president, his administration opened investigations into Indigenous leaders, including Suruí, who have spoken out against his policies, accusing them of defaming him.

Human rights advocates see a direct line between Bolsonaro's statements and his policies. After he took office, he fulfilled a campaign promise to halt a process of demarcating and protecting Indigenous territories and installed a former federal police officer known to have close ties to the agriculture industry as head of the National Indian Foundation. The government also stopped enforcing environmental and criminal laws that protect Indigenous groups from illegal incursions and exploitation of their land, tribal leaders and human rights activists allege.

These policy changes, coupled with environmental rollbacks, effectively opened up parts of the Amazon long inhabited by Indigenous groups, including uncontacted and isolated tribes, to mining, logging and agriculture. That flood of development activity has led to violence and the destruction of protected Indigenous lands, according to the Article 15 requests.

In 2019, when Bolsonaro took office, there were at least 256 cases of property damage, illegal occupation and exploitation of

Indigenous land, up from 109 incidents in 2018, according to the Missionary Council for Indigenous Peoples.

In 2019, the murder rate of Indigenous people reached an 11-year high. In one case, detailed in the January request, Emyra Wajãpi, the leader of the Wajãpi people, was stabbed to death by miners who illegally invaded her village. United Nations High Commissioner for Human Rights Michelle Bachelet said the murder was a "worrying symptom of the growing problem of encroachment on Indigenous lands — especially forests — by miners, loggers and farmers in Brazil."

In public comments shortly after the murder, Bolsonaro reiterated his desire to legalize mining in Indigenous areas.

A deterrent effect To his supporters, Bolsonaro's decisive 2018 electoral victory gave him a mandate to carry out his campaign agenda: to enact market-friendly policies, limit the rights of Indigenous groups, repeal environmental regulations and, in his words, "authorize industrial, hydraulic and mining in protected areas." They also question why Brazil, a developing country, should sacrifice monetizing its natural resources when other nations got rich doing the same thing.

In response to the criticism that he is mismanaging the Amazon, Bolsonaro has said Brazil's "sovereignty is nonnegotiable," calling the criticisms evidence of a "misplaced colonialist mindset." And Bolsonaro isn't the first to open up the Amazon. Administrations across political parties have taken steps to develop the rainforest and curtail environmental protections.

But lawyers and human rights activists say sovereign authority doesn't make it right or lawful to undermine the rights of Indigenous peoples.

"No one disputes the sovereignty of the president to carry out a policy, but this policy must respect the rights of Indigenous peoples," William Bourdon, a French lawyer who filed the January request, said in an email. "The right to sovereignty cannot be equated with the right to freely dispose of the lands of Indigenous peoples, much less to have the right of life and death over them."

In asking the "court of last resort" to investigate their president, Suruí and Metuktire said in their request that Brazil's justice system is unwilling to carry out a meaningful investigation into the alleged crimes.

Legal experts agree. Ana Carolina Alfinito, a legal adviser with the nonprofit group Amazon Watch, said it's unlikely that Bolsonaro would face an internal investigation in Brazil; the country's chief prosecutor is one of his allies. So she and other environmental activists see an international probe as their last and best hope.

"We'll never have true justice for his crimes if the International Criminal Court doesn't act," she said.

Should the international court step into the environmental arena, either through the adoption of an ecocide crime or by taking up a case like Bolsonaro's, environmentalists and lawyers say that just the prospect of court action could have a deterrent effect on polluting businesses, financial institutions and politicians like Bolsonaro.

"When you destroy an environment, you ultimately destroy your home, culture and people," said Valérie Cabanes, a French lawyer who helped prepare Suruí and Metuktire's request. "We are part of nature and we can't guarantee our fundamental human rights if we don't protect the rights of nature to exist, regenerate and thrive."

[\[back to contents\]](#)

Venezuela

How a U.S. Congressman Took on the U.S. Blockade Against Venezuela (Counter Punch) By Celina Della Croce
June 28, 2021

On a cold winter day in February 2019, activists gathered in downtown Northampton, Massachusetts, to denounce the attempted U.S.-backed coup in Venezuela. More than two years later, in the wake of ongoing rallies and discussions with Democratic Rep. Jim McGovern of Massachusetts, activists gained some ground as the congressman tweeted an open letter to President Joe Biden on June 14 in which he called on the president to end "all secondary and sectoral sanctions"

against Venezuela. The letter stated:

“While U.S. officials debate the sanctions policy in Washington, for people in Venezuela the ongoing crisis is a life-and-death matter. ... I have never believed that sanctions should be used to punish whole populations for the actions of their leaders or to bludgeon an adversary into submission. ... I believe it is time for a course correction on U.S. policy toward Venezuela. It is time to stop using the well-being of the Venezuelan people as a bargaining chip. Your administration must find other ways to pursue its foreign policy goals.”

These sanctions killed more than 40,000 people from 2017 to 2018 alone and put at least 300,000 others at risk of dying because they could not access essential medicines for over a year for treatable conditions such as diabetes, cancer, HIV, and kidney disease. In 2018, the Venezuelan Pharmaceutical Federation reported 85 percent shortages of medicine (compared to 55 percent in 2014). During the pandemic, the situation has only become more dire despite the country’s robust measures to break the chain of infection.

As activists pointed out in meetings and rallies at Rep. McGovern’s office, it is widely recognized that U.S. sanctions are a violation of the standards of the Geneva Convention (1949) and a crime against humanity as defined by the United Nations International Law Commission (1947).

Rep. McGovern’s Twitter feed is already alive with debate over his letter, with people both thanking him for his bold stance and attacking him with a list of unfounded accusations, among them being out of touch with his constituents. But his stance on the sanctions came from his constituents and local activists, including Venezuelan American citizens.

On March 24, 2021, Rep. McGovern joined constituents at a rally held outside his Northampton office organized by a coalition of local organizations to call for all sanctions to be lifted, among other demands. In the words of Héctor Figarella, a local Venezuelan American activist, member of the Anti-Imperialist Action Committee and Latin America Solidarity Coalition, and speaker at the rally:

“Sanctions have become a new type of warfare: a very cruel, inhumane, and immoral kind of warfare that our government, the United States government, is currently engaging [in] across the globe. ... You no longer have to drop bombs to kill people; that’s no longer necessary. That’s what we call a hybrid war. Its purpose is to demoralize, starve, [and] kill the local population; to subjugate it, to create regime change. ... Venezuela only wants to be respected, to determine their own path... without foreign intervention... without economic sabotage, and to choose their own leader.”

Figarella, who migrated to the United States in 1989, has felt the direct impact of the sanctions. He watched his family’s situation improve under former Venezuelan President Hugo Chávez’s administration (1999–2013) and has watched them suffer under the weight of the U.S. sanctions, from President Barack Obama’s 2015 executive order to the even more severe sanctions policies imposed by the Trump administration, which have continued under the Biden administration. “Sanctions imposed by the U.S. government on Venezuela killed my father. Because he couldn’t find anticoagulants, he developed blood clots that led to his death,” he told the crowd, a story that he has repeated many times in meetings and rallies over the years. “[That is] something you could easily walk up to a CVS and get right here. Sanctions killed my uncle because the medications that he needed to save his life could not be imported because of the killer sanctions. My family’s story is not unique. ... Every day, people die as a consequence of U.S.-imposed sanctions.”

On June 21—the same day that Figarella and other activists met with Rep. McGovern’s office to thank the congressman and discuss next steps to gain support for his June 14 letter, and exactly two weeks after Venezuela was blocked from purchasing COVID-19 vaccines as a result of the sanctions on June 7—Figarella’s aunt died from COVID-19 in Ciudad Bolívar, Venezuela.

Rep. McGovern has a long history of standing on the side of human rights, from opposing the brutal state violence in El Salvador in the 1980s to fighting hunger in the United States to condemning the 2019 coup in Bolivia—also at the behest of his constituents—to, most recently, standing against the genocidal blanket sanctions in Venezuela. Though activists in his district insist that all sanctions must be lifted, that U.S. refiner Citgo Petroleum Corporation’s assets must be returned to the Venezuelan state-owned oil company Petróleos de Venezuela SA, and that the U.S. must cease recognition of so-called interim President Juan Guaidó, the congressman’s call to lift the broad and most brutal sanctions is nonetheless a tremendous step forward for human rights. “Venezuela has an oil- and import-dependent economy, and even targeted sanctions limit the government’s ability to purchase necessary goods for the general population,” organizers wrote in a letter to Rep. McGovern on March 19.

After hearing activists’ stories, demands, and perspectives at the March 24 rally, the congressman told the crowd:

“The bottom line is I think we do agree that our policy toward Venezuela [is] one [that] has been harmful to the Venezuelan people; it has resulted in needless death; it has resulted in people not getting the medical supplies that quite frankly can keep them alive. ... We have an obligation to speak out about human rights halfway down the block or halfway around the globe,

and the bottom line is that there are people in countries all over the world, there are people in this country, who are counting on you, who are counting on me and others, to not be silent when they get oppressed.”

As Rep. McGovern indicated, further action is unlikely to happen without public pressure. “I... want people to understand the value of activism,” he said to the crowd. “I wouldn’t be here today, I wouldn’t be saying [I plan] to raise this with the Biden people tomorrow when I talk to them if you hadn’t come here today.”

On May 28, after two months of reaching out to Rep. McGovern via phone and email, organizers once again rallied at the congressman’s office asking him to come through on his word. On June 14, the congressman released the open letter to Biden (dated May 28). Now it is up to his colleagues and President Biden to follow suit, and up to the public to hold them to their word and to the values they preach.

[\[back to contents\]](#)

TOPICS

Truth and Reconciliation Commission

TRC atrocities cases would be revived, NPA and Hawks confirm (Devdiscourse) June 28, 2021

Perpetrators of heinous apartheid-era atrocities that came to light in the late 90s' Truth and Reconciliation Commission (TRC) will soon have to face the full might of the law.

At the weekend, the National Prosecuting Authority (NPA) and the Directorate for Priority Crime Investigation (DPCI/Hawks) confirmed that these cases would be revived. Advertisement

The former has established a dedicated capacity to ensure that those who are responsible for the crimes be held accountable in a fair and transparent process.

"To ensure that justice is delivered, and to bolster the NPA's capacity to prosecute these TRC cases, the NDPP transferred the cases to the relevant Directors of Prosecutions (DPP) in the regions where the crimes were committed, with support from a National Office capacity. "This approach increased the number of experienced prosecutors available to handle these complex cases."

In the past 12 months, the number of cases has increased from 4 to 53. The move comes after last week's judgment of the Supreme Court of Appeal (SCA) in the Rodrigues matter. A full bench of the SCA dismissed an application of stay of prosecution, citing a delay before the accused was indicted.

The NPA and Hawks in a joint statement said the SCA ruling was important. An earlier Joburg High Court judgment directed the National Director of Public Prosecutions to enquire into improper influence brought to bear on the NPA.

"This is a complex and complicated matter and the NDPP has been engaging with the Minister of Justice to determine the most effective course of action," they said.

"The judgment is an important step towards honouring those who gave their lives for our constitutional democracy.

"It aligns with both the Hawks and NPA's commitment to end impunity as it enables the NPA to move ahead to prosecute Rodrigues and other perpetrators of apartheid-era crimes where there is sufficient evidence, and where prosecutions have not taken place, for various reasons." This judgment reads the statement, bolsters the NPA's determination under the current NDPP, Adv Shamila Batohi and unwavering commitment of National Hawks Head, Lieutenant General Godfrey Lebeya, to revive these investigations and initiate prosecutions.

The two agencies said South Africans in general, and families of victims in particular, need to understand why these crimes were not prosecuted in the past.

"This will also provide important lessons regarding the need to ensure a robust framework to protect the independence of the NPA.

"The NPA acknowledges that the unmerited delay of prosecutions of these cases amounts to the denial of justice to the victims of apartheid-era atrocities.

"The NPA, as lawyers for the people and defenders of those who suffered from injustice, has established dedicated capacity to ensure that those who are responsible for atrocities can be held accountable in a fair and transparent process."

To bolster the NPA's capacity to prosecute the TRC cases, the NDPP transferred the cases to the relevant Directors of Prosecutions (DPP) in the regions where the crimes were committed, with support from a National Office capacity.

The two agencies have adopted a TRC investigation strategy that will see the creation of a dedicated and sustainable capacity to investigate and prosecute the crimes.

The NPA is in the process of setting up a specialist unit to deal exclusively with these matters and will be appointing former experienced prosecutors in offices that require additional capacity. A dedicated national office capacity will provide specialised advice, coordination, and monitoring and support

In April, the Hawks appointed 34-members; competent and highly skilled former police detectives to probe these matters.

The investigations will be conducted on a full-time basis by the team.

"Our collective efforts are starting to pay off and a further 59 cases have been identified," they said.

"The inquests into the deaths in detention of Neil Aggett and Ernest Dipale, which were reopened have reached an advanced stage. The NPA has also obtained Ministerial approval to open another inquest. Moreover, work is being done on other matters which would enable consideration for those cases to be reopened as well," reads the statement.

Cases under consideration all date back to the early 1960s.

The agencies, however, acknowledge that the challenges posed to the investigations cannot be underestimated.

"The work to the investigation, without fear, favour or prejudice on all other remaining cases is continuing. The capacity of the team will be enhanced as the need arises. The DPCI shall have built sufficient capacity to carry out any processes that may be left pending," said General Lebeza. Despite these challenges, the two said they would remain focused on ensuring accountability for the crimes.

"The victims deserve nothing less," he said.

Batochi said: "Time is not on our side. We have a small window to address this; loved ones need to see justice being done; justice will not be served until we act decisively against those that the NPA was once powerless to hold to account."

Liberia: Senate Begins Public Hearing On Its Leadership Recommendations On The Truth & Reconciliation Report On Wednesday (Front Page Africa) June 29, 2021

President of the Liberian National Bar Association, Cllr. Tiawon Gongloe and Cllr. Sayma Syrenius Cephus, Solicitor General of the Republic of Liberia will on Wednesday appear before the Liberian Senate to give their legal opinion on the recommendations made by the Senate based on President George Weah's request for advice on the implementation of the recommendations of the Truth and Reconciliation Report.

Cllr. Pearl Brown Bull, a former Commissioner of the TRC who dissented to the final Report and Mr. Hassan Bility, Executive Director of Global Justice and Research Project are also scheduled to appear on Thursday.

Accordingly, the Senate disclosed that the invitees will appear to provide their views and expert opinions on the recommendations of the Leadership as it relates to the setting up of a Transitional Justice Commission (TJC) to perform the below task, which should include, but not limited to the following:

To determine whether the TRC fully complied with its statutory mandate, such as face to face meeting between perpetrators of

crimes and other offenses and their respective victims;

To determine why the TRC Recommendations have not been fully and timely implemented; To examine the effect of the August 2003 Act of the Legislature, which granted general amnesty to all participants in the Liberian civil crisis;

To analyze credibility/legitimacy issues surrounding the Final Report of the TRC in respect of the fact that two (2) of the Commissioners did not sign the Final Report, but instead presented a dissenting report;

To examine the effect of the ratification/accession of Liberia to the Rome Statute in 2004 (after the end of the Liberian civil crisis) on the establishment of a War Crimes Court;

To consider the separation of the establishment of a War Crimes Court, which has international dimension, from the establishment of an Economic Crimes Court, which already exists within Liberia's Judiciary and for which prosecution can take place using domestic laws;

To consider the effect of the Constitution of the Republic of Liberia and other legal implications of prosecuting war crimes at a War Crimes Court, when domestic laws and criminal courts for the same offenses exist and to also consider the Constitutional implications of appeals from decisions of the War Crimes Court, as the Constitution provides that the Supreme Court is the final arbiter of all legal proceedings and every person has absolute and unfettered right of appeal to the Supreme Court; To review the works and recommendations of the TRC, where necessary, and make additional recommendations when necessary, such as how far back in Liberia's history should the Transitional Justice process go; and

To plan and implement programs and activities to solicit the opinion of the majority of Liberians on the issue of retributive justice versus restorative justice (War Crimes Court, South African style Truth and Reconciliation Commission, etc.)

According to the Senate Press and Public Affairs Department, the Hearing will commence at 12 Noon in the Senate Chamber Annex and the Health protocols put into place will be strictly observed.

[back to contents]

Terrorism

Canada labels the Three Percenters a terrorist entity (The Washington Post) By Amanda Coletta June 25, 2021

Canada on Friday declared the Three Percenters a terrorist entity, saying that it had "ample reason" to believe the U.S.-based right-wing, anti-government, self-styled militia group is active in Canada and that officials have been monitoring its movements with "growing concern."

Public Safety Minister Bill Blair said at a news conference that Three Percenters have been linked to bomb plots targeting U.S. government buildings and Muslim communities, as well as a 2020 scheme to kidnap Michigan Gov. Gretchen Whitmer (D) that involved "the acquiring and detonating of explosives to divert police attention."

The announcement comes a few weeks after four self-described members of the Three Percenters from California were arrested and charged with conspiracy and aiding and abetting the obstruction of a joint session of Congress after allegedly participating in the riot at the U.S. Capitol by a pro-Trump mob on Jan. 6.

It also comes several months after Canada declared as a terrorist entity the Proud Boys, a far-right, male-only group of self-described "Western chauvinists" with a history of street violence.

The United States has not labeled either a terrorist group.

"We will continue to use every tool at our disposal to protect our country and our interests and to keep Canadians safe here at home and around the world," Blair said.

Designation as a terrorist entity comes with financial and legal repercussions. Police can seize the property of a group or its members. Banks can seize their assets. Members of groups may be denied entry to Canada, and knowingly providing assistance to a terrorist entity to facilitate or carry out attacks is a crime.

The Three Percenters formed in 2008. The group's name is a reference to the debunked claim that only 3 percent of colonists fought against the British during the American Revolution. A national U.S. chapter condemned the riot at the Capitol and said it was dissolving in February because of damage to the movement.

Canada also added to the list the Aryan Strikeforce, a British-based neo-Nazi group that it said aims to "start a race war and eradicate ethnic minorities," and the Islamic State in the Democratic Republic of the Congo.

Blair said that both the Three Percenters and the Aryan Strikeforce "have publicized their interest in recruiting within law enforcement, former law enforcement and people with military training."

James Mason, an American neo-Nazi, was also added to the list, the second time an individual has been listed. The government said that his writings have "served as the ideological grounding" for neo-Nazi groups, including the Atomwaffen Division, and that he has coached their members on propagandizing murder and genocide.

Nearly three months after Canada declared the Proud Boys a terrorist entity, the Canadian chapter of the group claimed it had "officially dissolved." Blair said he believed that the listing had "a very significant impact" on its ability to raise money and to recruit, but he also acknowledged that its ideology has not "suddenly gone away."

Police thwart multiple terrorist attacks on Tel Aviv Pride parade (The Jerusalem Post) By: Tzvi Joffre
June 26, 2021

Israel Police announced that it had thwarted multiple terrorist threats and attempts to disrupt the Tel Aviv Pride parade, as thousands of people headed to the city to celebrate on Friday. The police said that it had arrested two residents of the Palestinian Authority next to the parade who were in Israel illegally. They were carrying a knife and were taken to a police station for questioning.

Police detectives also detained a resident of Tel Aviv who was heading to the parade after he was found to be carrying a number of weapons, including a taser, nunchucks and steel chains, among others. In total, some 50 people were arrested by police for attempting to cause harm or commit violence at the parade.

The suspects will be brought to court for hearings to extend their arrests.

Later in the day, police arrested a couple who were protesting the event and attempted to force their way into the parade. The two attacked a police officer and were transferred for questioning at a police station.

The Hazon movement, which has been largely inactive for over a year, returned on Friday in order to protest the parade with a person paragliding with a parachute reading "Father + Mother = Family."

Later in the afternoon the police announced that they arrested three suspects for illegally operating a motorized paraglider near where the parade participants were supposed to gather. It is unclear if the suspects arrested were the same Hazon activists who were protesting the parade.

Rabbi Dror Aryeh, one of the leaders in the movement, spoke against the parade, saying that "those who didn't want us on the ground, will get us in the air. We will get to as many people as possible with our message; it is our right to protest legitimately and legally against these abomination parades."

Aryeh claimed that many of the residents of the cities where parades take place are against them, but are "scared" of the LGBTQ+ community. "We are their voice," the rabbi said.

THE ANTI-LGBTQ+ Noam Party was founded by members of Hazon, a hardline national-religious organization that campaigns against reform Jews and the LGBTQ+ community.

Hazon entered the public eye in 2019 after the organization displayed a large banner on a hotel near the entrance to Jerusalem reading, "A father and a mother = a family. The courage to be normal."

This banner was part of a much larger campaign started by Hazon, a movement that describes itself as dedicated to "returning the Jewish character to the national agenda in Israel." The campaign was centered on using the time before the election to pressure politicians to agree to a religious Jewish agenda for the state.

The campaign targeted a variety of topics, including work and public transport on Shabbat, the Women of the Wall movement, and the silencing of right-wing and religious movements. Hazon describes all of these things as "not normal" in almost all of its publications.

Despite advances, terrorist threats continues to persist and diversify (UN News) June 28, 2021

By exploiting social grievances and gender stereotypes, “the fight against terrorism has itself caused damage”, inspiring lone actors and co-opting other groups, Secretary-General António Guterres told the Second High-level Conference of Heads of Counter-Terrorism.

Recounting “especially alarming” advances of Al-Qaida and ISIL terrorist fighters in Africa, he upheld the importance of supporting the continent as “a global priority”.

‘Dire’ situation

The top UN Official expressed deep concern over foreign terrorist fighters and underscored the need to hold them accountable.

He also drew attention to the fate of the tens of thousands of relatives, women and children who are associated with them, urging Member States for their repatriation, particularly the children “who remain stranded in conflict zones”.

Amidst some “slow and not comprehensive” progress, Mr. Guterres said, “the situation is dire”.

Turning consensus into action At the same time, years of increasing polarization and a normalization of hate speech have benefitted terrorist groups.

“The threat stemming from white supremacist...and other ethnically or racially motivated movements is increasingly transnational”, stated the UN chief.

And terrorist groups are exploiting the COVID-19 pandemic.

“We need consistent, coordinated and comprehensive efforts across countries, sectors and disciplines, anchored in human rights and the rule of law”, he said, urging the General Assembly to “re-affirm the consensus” behind the UN Global Counter-terrorism Strategy to enhance national, regional and international efforts and adopt on Wednesday “a forward-looking resolution for its review”.

Resistance building To counter terrorism, the UN chief outlined a set of overarching priorities, which began with building resilience.

“Strong, just and accountable institutions” as reflected in Sustainable Development Goal 16 for inclusive access to justice “are a pre-requisite for States to deny terrorists the space to operate, bring them to justice and provide security to their populations”, was his first priority.

While putting victims at the centre of all efforts, he also noted that to help break the cycle of violence, after serving their sentences, those found guilty should, when possible, be rehabilitated and reintegrated back into society.

Reset human rights The Secretary-General’s second point was for a “human-rights reset for counter-terrorism”.

“We know that when counter-terrorism is used to infringe upon the rights and freedoms of people, the result is more alienation within communities and stronger terrorist narratives”, he said, maintaining that this must be addressed by “protecting and promoting human rights, including gender equality”.

He also highlighted that misogyny, and women’s and girls’ subjugation, is “a common element” of terrorist networks, which requires “pluralist and independent civic space” to counter it.

Technological threats Finally, counter-terrorism must “rise to the challenges and opportunities of transformative technologies”, according to the UN chief.

To this end, technological innovation must be nurtured while mitigating its risks.

“New technologies need to be harnessed responsibly for counter-terrorism, within the framework of the rule of law and human rights”, he said.

Fighting on and offline

Highlighting that social media is being used to accelerate hate speech and violent ideologies, he pointed out that since the pandemic, there has also been a spike in cyberattacks and cybercrime.

As capabilities and actions have not kept pace with risks, Member States have the ultimate responsibility to prevent technologies from falling into terrorist hands, he said.

In closing, the Secretary-General urged States to develop the capacity to collect, use and exchange electronic evidence of terrorist activity “online and offline”.

Technology in our hands The head of the UN Office of Counter-Terrorism (OCT) spoke about terrorist challenges in an age of transformative technologies.

“We need urgently to look ahead on how to adjust our counter-terrorism efforts to respond to new realities and emerging threats”, Vladimir Voronkov told the meeting.

As digitally-enabled technologies transform societies and economies, they present both opportunities and risks.

“We have the means and...responsibility to work together to ensure safe and effective use of technology and prevent its use for terrorist purposes”, concluded the OCT chief.

Global solidarity needed General Assembly President Volkan Bozkır noted that the initial hope was that the COVID-19 pandemic would deter terrorist groups and lockdowns restrict their movements, “it seems that terrorist groups, have quickly adapted to this new landscape”.

He called for global solidarity against the rise of xenophobia, racism and intolerance, stressing: “We must be vigilant, and stop hate speech, when it is first uttered – both in person, and online. That is an individual, collective, national, and international responsibility”.

[\[back to contents\]](#)

Piracy

India-EU naval exercise to set stage for greater cooperation (The Tribune) June 21, 2021

The joint naval exercise between warships of the European Union (EU) and India conducted in the Gulf of Aden on June 18 and 19 will be the precursor of strengthened operational cooperation at sea, said a statement by the EU.

One frigate from the Indian Navy and three from EU’s Somalia anti-piracy force under Operation Atalanta played out the scenario of an anti-piracy operation that included cross-deck helicopter landings, live firing, a night-time joint patrol and a “naval parade” in the high seas off the coast of Somalia.

The EU intends involving India in its CRIMARIO II (Critical Maritime Routes in the Indian Ocean) initiative to secure sea lines of communication vital for international trade and prosperity. While CRIMARIO I (2015 – 2019), was for the Western Indian Ocean region, CRIMARIO II will expand its geographical scope to South and Southeast Asia.

However, India will not play a prominent role in the EU’s attempt to strengthen its strategic trade position in the Indo-Pacific, given recent regional pacts such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP).

India does not figure among the priority countries named by the EU which are Indonesia, Vietnam, South Korea, Singapore, Australia and New Zealand.

The EU statement noted that the current dynamics in the Indo-Pacific have given rise to intense geopolitical competition that have increased tensions on trade and supply chains as well as in political and security areas.

The Strategy for cooperation in the Indo-Pacific announced in April has renewed the EU’s commitment to the Indo-Pacific which, like India, describes it as the region from the east coast of Africa to the Pacific island states. This will include partnerships in security and defence, malicious cyber activities, terrorism, and organised crime.

The EU statement noted that both sides are committed to a free, open, inclusive and rules-based order in the Indo-Pacific region. This convergence led to the first EU-India dialogue on maritime security earlier this year. The Indian Navy has also

been providing escort to World Food Programme chartered vessels, coordinated by EU's Operation Atalanta.

France's Indo-Pacific strategy and avenues for deepening the Franco-Australian strategic partnership (The Strategist) By Nicolas Regaud

June 25, 2021

France's strategy in the Indo-Pacific takes place in a context of regional political, economic and strategic re-engagement that dates back to the early 1990s. This has enabled France to develop a policy of partnerships legitimising its place and role as a power that's both global and a riparian Indo-Pacific state. Until the mid-2010s, it took place in a permissive context in which the US appeared to be the undisputed dominant power of a vast region from the Eastern Pacific to the Arabian Gulf. It was essentially the rise of China and the assertive policy led by Xi Jinping, combined with the erosion of American dominance and leadership, that led France to develop a real strategy in the Indo-Pacific. The policy's implementation relied upon strengthening cooperation with France's major strategic partners in the region, in particular Australia, India and Japan, as well as on its overseas territories in the Indian and Pacific oceans./p>

The broad outlines of this strategy have many points in common with those developed by France's major partners, particularly with regard to free access to contested global commons and the rejection of any hegemonism, but it's nearly unique in its insistence on the importance of multilateralism, from the fight against climate change to France's refusal to direct its strategy 'against' a state. Indeed, as the EU stated in March 2019, China is seen as a cooperative partner, a competitor and a systemic rival when promoting alternative governance models. But what differentiates the European and French approaches is that France has a significant territorial, human and military presence in the Indo-Pacific, which increases the stakes and France's potential for action.

The political statutes of the départements (Réunion and Mayotte) and the overseas collectivities (New Caledonia, French Polynesia, Wallis and Futuna Islands) are different: the former are inalienable parts of the national territory, while the latter have very broad autonomy, to possibly evolve until independence as far as New Caledonia is concerned. Consequently, the policy led by Paris can't be articulated in exactly the same way, even if the desire to promote the integration of those territories into their regional areas is common to all.

French policy in the Indo-Pacific is therefore partially contingent on the evolution of its territories on the statutory level and their will and capacity to be relays for regional action in Paris. Their low economic, energy and food autonomy is unlikely to change in the short or medium term, while their defence and security remain the exclusive responsibility of mainland France. On the military level, France's pre-positioned capabilities are just sufficient to ensure the missions of sovereignty and in its regional cooperation activities, Paris seeking to compensate for its limits, notably by the development of long-distance air and naval projection capacities.

It's certainly in terms of its economic presence and official development assistance (ODA) commitment that the French strategy suffers from the most significant limitations, which may nevertheless be offset by a growing commitment from the EU. The EU strategy for cooperation in the Indo-Pacific region, which should be released in September 2021, may ease that pressure. Indeed, in a context of multiple and heavy external commitments (in Europe, Africa and the Near and Middle East), France can't engage more in the Indo-Pacific other than through strategic partnerships allowing it to pool efforts at all levels (political, military, economic) to meet China's and global challenges (climate change, environmental protection, health, terrorism, piracy, cybersecurity and so on).

By proposing the construction of an 'Indo-Pacific axis' to his Indian and Australian partners, President Emmanuel Macron aimed to highlight the potential for trilateral cooperation in the region, in particular in the Indian Ocean, taking into account the French overseas territories and their fragile neighbourhoods. One of the main tools at France's disposal is to contribute to the construction of a regional political and security architecture to better respond to challenges by promoting the development of the capacities of vulnerable countries, particularly in the regions surrounding its overseas territories.

Among the avenues for progress, Australia could consider taking up observer status at the Indian Ocean Commission, as that subregional cooperation platform is likely to play an increasing role in development, environmental protection and maritime security. Australia could also share its experience gained from the Pacific Fusion Centre, with a view to the centre's possible duplication in the southwest Indian Ocean, and consider having a liaison officer at the Madagascar-based Regional Maritime Information Fusion Center (a body supported by the Indian Ocean Commission and responsible for maritime domain awareness in the Western Indian Ocean).

France became a full member of the Indian Ocean Rim Association in December 2020, so exchanges with France could

develop in that context, so that the association becomes a place of exchange and cooperation on climate and security issues. Finally, in its development assistance policy, Australia could consider increasing ODA directed to East African states bordering the Indian Ocean, while the strengthening of France's development assistance in the South Pacific could possibly involve the conclusion of a partnership agreement between the French Development Agency and the Australian Department of Foreign Affairs and Trade.

Effective mechanisms required in domestic prosecution of International crimes – Hussein Thomasi (Modern Ghana) June 26, 2021

Solicitor General of Gambia, Mr Hussein Thomasi has lamented that domestic prosecution of international crimes in Africa is quite problematic, hence effective prosecution at the domestic level requires qualified investigators and prosecutors as well as judges and most significantly an appropriate tribunal for the conduct of such prosecutions.

Though a number of countries have established mechanisms for the domestic prosecution of international crimes, he said there were still lapses.

He said Bosnia and the Democratic Republic of Congo have implemented some cases with success. We have also witnessed similar efforts in Cote D'Ivoire and Uganda with the establishment of the Ugandan International Crimes Division.

"These developments have very significant lessons to be learnt with the establishment and implementation of such mechanisms. Five years after its adoption in Malabo, the statute has not been ratified by any member State. Whilst the idea of the Malabo Protocol is laudable, we should be mindful of creating an impunity and accountability gap on the continent for international crimes," he said.

He made these remarks in a speech he read on behalf of the Gambian Attorney General & Minister Of Justice, Mr. Dawda A. Jallow at the opening ceremony of the regional conference on domestication of atrocity prevention norms at the state level held on Monday, 21 June, 2021 at the Senegambia Hotel in Gambia.

According to Solicitor General Mr Hussein Thomasi, this conference has taken place at an appropriate moment when considerations are currently underway concerning the appropriate mechanism to deploy for the prosecution of crimes that have occurred given that most of the offences disclosed are not known under our criminal law.

Adding that adequate recommendation at the end of the conference will help the continent with the appropriate mechanism.

However, he noted that the Extraordinary African Chambers that was established by the African Union and the Government of Senegal tried and convicted Hissene Habre, former Chadian leader of international crimes. The Court was inaugurated in February 2013 with the mandate to try persons of international crimes committed in Chad from 7th June 1982 to 1st December 1990, the period when Hissene Habre ruled Chad.

Emphasising that, the Hissene Habre trial is a typical example of an African solution to an African problem.

"The trial of Hissene Habre has strengthened the case for a regional Court in Africa to deal with international crimes. A trial described in some quarters (New York times) as a milestone for justice in Africa", he said.

Mr Serigne Ka, ECOWAS Commission Representative, in his goodwill message highlighted the importance of the conference, after the ECOWAS Mediation and Security Council meeting held on 15th June 2021 in Accra, which noted that the humanitarian situation in the ECOWAS region continues to look bleak, as the perennial conflicts in the region, including insurgencies, the persistent threat of terrorism in the "front-line" countries, the "farmers-herders" conflicts and communal clashes, continue to worsen the humanitarian situation.

In a nutshell, the situation of human security is not at its best in the region. Indeed, human and drug trafficking as well as the proliferation of small arms and light weapons continue to undermine the peace and security architecture of the region, adding to the mounting kidnapping incidents which remain a major security challenge in some Member States.

Meanwhile, the Gulf of Guinea has recorded the highest incidents of piracy and related maritime criminality in the world, whereas the developments in Mali, if not carefully and strategically handled, could add an aggravating element to the crisis facing the region.

"In view of the foregoing, the Responsibility to Protect, by both the ECOWAS Member States and the Commission cannot be overemphasised. In this regard, Articles 8 and 9 of the 2010 Monrovia Declaration on two decades of the peace process in West Africa stipulate that:

ECOWAS must strengthen its capabilities to engage in the prevention, management and settlement of local conflicts of low intensity, by developing mechanisms to strengthen the regional architecture of peace and security;

ECOWAS needs to strengthen the capacity of Member States to manage and resolve local conflicts of low intensity by developing national mechanisms to strengthen the national peace and security architecture".

In this context, he explained that the ECOWAS Commission has refocused its early warning mechanism to take into consideration the concept of Human Security while working towards establishing the national early warning systems in each ECOWAS Member State.

On his part, the ambassador of Denmark to Ghana, His Excellency Tom Nørring in his address acknowledged the important contribution by the host government and the speaker, Solicitor General Mr Hussein Thomasi.

Saying, Gambia has set new standards by bringing the atrocities committed by the military in Myanmar before the International Court of Justice (ICJ).

"While this ICJ case for technical reasons is limited to the crime of genocide and to one specific victim group (that of the Rohingya), the lawsuit sends an important message about accountability".

Concluding, he expressed his gratitude to the Kofi Annan International Peacekeeping Training Centre(KAIPTC) for organising such a conference and for their unflinching support to the Danish government in the area of peace and security.

[\[back to contents\]](#)

Gender-Based Violence

Guterres: Bring crimes of sexual violence in conflict out of ‘the shadows’, punish perpetrators. (UN News)
June 17, 2021

Already a “cruel tactic of war, torture, terror and repression”, Secretary-General António Guterres pointed to the turmoil caused by the COVID-19 pandemic that “has made it even more difficult to hold perpetrators of sexual violence to account”.

“Even as we respond to the pandemic, we must investigate every case, and maintain essential services for every survivor”, he said.

Tackle the root causes

Even as COVID-19 has triggered new obstacles for survivors to report crimes and access support services, the UN chief said that recovery must also include tackling “the root causes of sexual and gender-based violence”.

“We cannot allow this already underreported crime to slip further into the shadows. Perpetrators must be punished”, he said.

He concluded his message for the day by saying: “Let’s resolve to uphold the rights and meet the needs of all survivors, as we work to prevent and end these horrific crimes”.

Commemoration

Prior to the annual commemoration on 19 June, a virtual event was co-hosted by the Offices of the Special Representatives on Sexual Violence in Conflict (SVC) and Children and Armed Conflict (CAAC), along with the Argentinian Mission, to foster measures for an enabling environment that encourages survivors to safely come forward and seek redress.

Against the backdrop of a global pandemic that has laid bare intersecting inequalities that plague our societies, compounded by conflict, displacement and institutional fragility, the event framed “the only solution for these overlapping ills”, as an injection of political resolve and resources, equal to the scale of the challenge.

Key focus areas

CAAC Special Representative Virginia Gamba expressed concern for the children born of rape during conflict who face

“distinct, sometimes life-threatening and enduring risks”.

To better protect children sexually abused “by, in and for armed conflict”, she stressed the importance of focusing on key areas, such as strengthening accountability measures to end cultures of impunity and ultimately prevent recurrences.

She underscored the need to recognize as “essential services”, the work of monitoring and reporting teams, and protection advisors for women and children, as priorities that must be adequately funded.

Finally, Ms. Gamba said there was an “urgent necessity to increase human and financial resources to reach child survivors, hear their stories and “secure the support they desperately need”.

Sparking ‘decisive change’

The Special Representative expressed her strong hope that this seventh annual commemoration would “spark decisive change” and that all children survivors of conflict-related sexual violence will be able to receive “tailored, gender-sensitive, age-appropriated services”.

“The post-pandemic world can only be built back better by including those affected the most. This is an imperative for societies if they wish to thrive and for peace to last”, concluded Ms. Gamba.

UN Watch Slams Palestinian Authority on Gender Violence and Antisemitism (Morocco World News) By Michael Sauers
June 28, 2021

UN Watch released a report in conjunction with the UN’s 47th session of the Human Rights Council (HRC) that slammed the Palestinian Authority (PA) for promoting gender-based violence and antisemitism. The 47th session of the HRC takes place from June 21 to July 13.

The UN has published the report as an official document supporting the claims made during the council meeting.

The report outlines a number of problems facing the Palestinian Authority, beginning with the issue of ‘wide-spread’ gender-based violence in Palestine.

In addition, the NGO condemns “the perpetuation of a false narrative that somehow blames Israel.”

The UN Watch adds that PA news broadcasting has encouraged “wife-beating” on television programs. Citing a 2016 report of the Special Rapporteur on the violence against women, the UN Watch states that Palestinian women “suffer under a system of violence emanating from tradition and culture.”

According to the concluding statement on gender-based violence, the UN Watch report states that honor killings “remain socially accepted and underreported due to the stigma suffered by victims.”

In relation to antisemitism, the UN Watch argues that the Palestinian education system “continues to promote antisemitism and incite terrorism, including in schools of the UN Relief and Works Agency (UNRWA).”

The document does not cite external sources for evidence but instead refers to internal UN reports that concern Palestine.

“In August 2019, the Committee on Elimination of Racial Discrimination criticized the existence of hate speech in ‘school curricula and textbooks’,” notes the report. Adding that the textbooks and curricula “fuels hatred and may incite violence, particularly hate speech against Israelis.” The report ends by noting that the “problematic material” has yet to be removed from Palestinian textbooks.

In the report’s entirety, Israel’s wrongdoings were never mentioned, and it primarily focuses on the Palestinian Authority.

Two reports titled “Remedies for the Protection Gap in the Mandate of the Special Rapporteur on Palestine” and “ Hamas Rocket Fire is a Double War Crime” are forthcoming.

Human Rights Council Holds Separate Interactive Dialogues on Prevention of Genocide and on Violence Against Women (ReliefWeb) June 29, 2021

The Human Rights Council this morning held separate interactive dialogues with the Special Adviser to the Secretary-General on the Prevention of Genocide and with the Special Rapporteur on violence against women.

Alice Wairimu Nderitu, Special Adviser to the Secretary-General on the Prevention of Genocide, said part of her mandate as Special Adviser was to provide early warning and to collect existing information on massive and serious violations of human rights and international humanitarian law, including against ethnic, religious and national minorities, which if not prevented or halted, might lead to genocide.

Genocide and other atrocity crimes were preventable if all put aside narrow political interests and worked together. Prevention was a collective responsibility, she emphasised. She spoke about situations of concern in various countries and territories.

In the ensuing dialogue, speakers emphasised that the Council and its mechanisms had an important monitoring and early warning role in preventing mass atrocities, encouraging the High Commissioner for Human Rights to actively inform the Council when a heightened risk of genocide was detected. The Office of the Special Adviser was encouraged to provide regular updates about its initiatives on hate speech, the responsibility of social media companies, and the role of religious leaders and actors. Speakers also highlighted specific ongoing national situations within which States were committing violations that may amount to genocide, in particular against religious and ethnic minorities - noting that the Council may have been failing to act in violations where mass rape, torture, surveillance, internment and forced labour were taking place.

Speaking were the European Union, Denmark on behalf of a group of countries, Netherlands on behalf of a group of countries, Cuba, France, Switzerland, Indonesia, Israel, Luxembourg, Iraq, Armenia, China, Morocco, Netherlands, Venezuela, United States, Romania, Azerbaijan, Ireland, Pakistan, United Kingdom, Ukraine, Russian Federation, Montenegro, Tunisia, Bangladesh, Malawi, Cambodia, and Iran.

The following civil society organizations also took the floor: Centre for Global Nonkilling, Justiça Global, Stichting Global Human Rights Defence, Conselho Indigenista Missionário CIMI, British Humanist Association, Minority Rights Group, Universal Rights Group, Christian Solidarity Worldwide, International Bar Association, and Lawyers' Rights Watch Canada.

China and the United Kingdom spoke in point of order.

The Council then began an interactive dialogue with the Special Rapporteur on violence against women.

Dubravka Šimonović, Special Rapporteur on violence against women, said her thematic report was on rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, both in peacetime and during conflict, with a focus on States' responsibility to prevent it, and to change the prevalent rape culture, the culture of impunity for perpetrators, and stigmatisation and lack of access to justice for victims. The report supported a review and harmonisation of national criminal laws and practices with international standards on rape. It was accompanied by the Framework for Model Legislation on Rape. Based on international standards, criminal law provisions should protect all persons, without discrimination, including men, boys and gender-diverse persons. They should also cover all types of penetration, however slight, of a sexual nature with any bodily part or object. The criminalization of rape should include rape between spouses or intimate partners. The Special Rapporteur added that intercourse without consent should be criminalised as rape in all definitions.

Speakers said a definition of rape in line with international standards, criminalising all forms of this crime, including marital rape as well as rape of men and boys, should only be the first step of many. Many speakers outlined a wide variety of laws, legal provisions, national policies, strategies and campaigns aimed at preventing rape and ensuring accountability, agreeing that it was the duty of the State to ensure their implementation. COVID-19 measures often led to the confinement of women and girls with their abusers, creating a pandemic within a pandemic - such measures needed special provisions to ensure their protection. Speakers congratulated the Special Rapporteur on her six-year tenure, noting that her report rightly highlighted legal loopholes which may exist due to legislative vagueness linked to persistent patriarchal stereotypes and cultural traits.

Speaking were the European Union, Netherlands on behalf of a group of countries, Sweden on behalf of a group of countries, Pakistan on behalf of the Organization of Islamic Cooperation, Chile on behalf of a group of countries, Egypt on behalf of the Group of Arab States, Chile on behalf of a group of countries, Liechtenstein, Paraguay, Costa Rica, Canada, France, Ecuador, Israel, Indonesia, Libya, Australia, Sovereign Order of Malta, Brazil, Luxembourg, Switzerland, Cuba, Republic of Korea, Spain, Angola, Senegal, Fiji, Iraq, United Arab Emirates, Armenia, Syria, Burkina Faso, China, Malta, India, Maldives, Morocco, Algeria, Venezuela, United States, Egypt, Greece, Nepal, Saudi Arabia, Namibia, Malaysia, and South Africa.

The webcast of the Human Rights Council meetings can be found [here](#). All meeting summaries can be found [here](#). Documents and reports related to the Human Rights Council's forty-seventh regular session can be found [here](#).

The Council will next meet at 3 p.m. to hold an interactive dialogue with the Special Rapporteur on the independence of judges and lawyers, followed by an interactive dialogue with the Working Group on the issue of human rights and transnational corporations and other business enterprises. The interactive dialogue with the Special Rapporteur on violence against women will resume at 10 a.m. on Tuesday, 29 June.

Interactive Dialogue with the Special Adviser to the Secretary-General on the Prevention of Genocide

ALICE WAIRIMU NDERITU, Special Adviser to the Secretary-General on the Prevention of Genocide, said part of her mandate as Special Adviser was to provide early warning and to collect existing information on massive and serious violations of human rights and international humanitarian law, including against ethnic, religious and national minorities, which if not prevented or halted, might lead to genocide. The international community could not repeat the same failures and their devastating impacts, such as the conflict in Syria, which had raged for over 10 years with ongoing gross violations against civilians. In Myanmar, root causes needed to be addressed, including guaranteeing definite citizenship and other rights to the Rohingya community in Myanmar, and ensuring accountability for past crimes in order to deter more atrocity crimes from being committed. In Yemen, she was growing increasingly concerned about the protection situation of civilians as the conflict continued in the absence of a nationwide ceasefire. On Afghanistan, she echoed recent calls for the international community to do more to support Afghanistan and prevent a reversal on the important gains made on the rights of women and minority communities over the past several years.

Ms. Wairimu Nderitu said she had previously called on the Ethiopian authorities to establish national mechanisms for accountability of alleged human rights violations and other crimes committed, to address the root causes of ethnic violence and build national cohesion and reconciliation. The Central African Republic had witnessed increasing human rights violations by armed groups, government forces and bilaterally deployed security personnel, which could contribute to risks of atrocity crimes. In the Democratic Republic of the Congo, armed groups and intercommunal violence continued to threaten populations in eastern provinces. In South Sudan, there was persistent localised violence across many areas of the country amid limited progress in implementing the terms of the peace agreement. Concerning Israel and the Occupied Palestinian Territories, Ms. Wairimu Nderitu expressed support for the Council resolution establishing an international commission of inquiry, adding that the situation remained very volatile and tensions could trigger renewed violence. She welcomed the resolution recently adopted by the Human Rights Council on Sri Lanka which strengthened avenues for accountability and reconciliation.

Turning to Bosnia and Herzegovina, the Special Adviser said she had expressed concern, during a recent visit to the country, at persistent instances of genocide and war crimes denial and glorification of war criminals. In Brazil, Ecuador and other countries, she called on governments to protect communities at risk and ensure accountability for the crimes committed. The discrimination and hate speech against displaced populations, such as in the context of Venezuela, remained a great concern for her office. She highlighted the fundamental role of transitional justice in Colombia to ensure that peace could prevail, and the need for an immediate response to the violence against human rights activists and former combatants. Her office maintained a general concern on the impact of racism and discrimination in the overall global north, which could ignite social polarisation increasing the risk of atrocity crimes when and where elements of resilience were weak, notably as regards the migrant and refugee populations. Genocide and other atrocity crimes were preventable if all put aside narrow political interests and worked together. Prevention was a collective responsibility, she emphasised.

Discussion

Speakers emphasised that the Council and its mechanisms had an important monitoring and early warning role in preventing mass atrocities, encouraging the High Commissioner to actively inform the Council when a heightened risk of genocide was detected. The Special Adviser was encouraged to provide regular updates on hate speech, the responsibility of social media companies, and the role of religious leaders and actors. One speaker said that ongoing unilateral coercive measures such as blockades qualified as acts of genocide. What role did the education and memorialisation of previous instances of genocide play in the work of the Special Adviser? The international community had the responsibility to conduct a comprehensive, impartial, and in-depth investigation into historical crimes of genocide committed by countries in the global north over hundreds of years in colonial contexts. Silence perpetuated the wounds, keeping alive the memories of suffering and carnage: justice delayed was justice denied.

Some speakers said that the responsibility to protect principle was used selectively to justify military intervention in some countries, while ignoring ongoing crimes of genocide committed in others. Other speakers emphasised their commitment to the responsibility to protect principle, welcoming the recent intersessional panel discussion on the topic and calling on the international community to include the aspect of sexual and gender-based violence in all procedures. In the time of climate change and pandemic, it was time for humanity to understand that they formed a unity with a common future and for States to ratify the Genocide Convention. Afro-descendants across the world were often not considered to even be a people, still suffering the effects of one of the most serious crimes committed against humanity, African slavery, with some still living in countries that conducted genocidal policies against Afro-descendants. Speakers also highlighted specific ongoing national situations within which States were committing violations that may amount to genocide, in particular against religious and ethnic minorities - noting that the Council may have been failing to act in violations where mass rape, torture, surveillance, internment and forced labour were taking place.

Concluding Remarks

ALICE WAIRIMU NDERITU, Special Adviser to the Secretary-General on the Prevention of Genocide, noted that her office was continuing inter-agency consultations to better align the work of United Nations agencies in Geneva and New York. Reiterating her commitment to strengthening the atrocity prevention component of her mandate, she said that civil society's contributions, engagement with special mechanisms, and participation in the Universal Periodic Review were key to identify and address atrocities, war crimes and genocide, and risks thereof. Human rights education was extremely important, notably to address genocide denial and glorification of war criminals.

Interactive Dialogue with the Special Rapporteur on Violence against Women

The Council has before it the reports of the Special Rapporteur on violence against women (A/HRC/47/26) on rape as a grave, systematic and widespread human rights violation, and (A/HRC/47/26/Add.1) on a framework for legislation on rape (model rape law)

Presentation of the Reports

DUBRAVKA ŠIMONOVIC, Special Rapporteur on violence against women, said her thematic report was on rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, both in peacetime and during conflict, with a focus on States' responsibility to prevent it, and to change the prevalent rape culture, the culture of impunity for perpetrators, and stigmatisation and lack of access to justice for victims. The report supported a review and harmonisation of national criminal laws and practices with international standards on rape. It was accompanied by the Framework for Model Legislation on Rape. Stressing that rape was a specific form of sexual violence, she said that, to be efficient, its criminalisation required the examination of all its constitutive elements at the international level, and noted that many of those standards were also applicable to other forms of sexual violence. Drawing from 206 responses provided to a questionnaire, the Special Rapporteur remarked that States criminalised rape using different definitions (based on force or on lack of consent), protecting different persons (only women or all persons), including or excluding marital rape, covering different types of penetrations, prescribing different aggravating and mitigating circumstances, setting different lengths of sentences, prescribing ex officio or ex parte prosecution of rape, and providing or not providing statutes of limitation for its prosecution.

In many States, provisions on rape covered only women victims and only vaginal penetration. Based on international standards, criminal law provisions should protect all persons, without discrimination, including men, boys and gender-diverse persons. They should also cover all types of penetration, however slight, of a sexual nature with any bodily part or object. The criminalisation of rape should include rape between spouses or intimate partners. The Special Rapporteur added that intercourse without consent should be criminalised as rape in all definitions. The victim's testimony, supported by a physical and psychological assessment of harm and assessed alongside existing evidence, should not require further corroboration to be considered as proof. There should be no statutes of limitation for initiating legal proceedings on rape during conflict or in peacetime. States should provide for extraterritorial jurisdiction, so courts could prosecute rape cases committed by their nationals outside their territory, which was particularly relevant to prevent impunity of cases involving international or uniformed personnel connected to the United Nations.

Discussion

Some speakers said stigma against transgender women in all their diversity was prevalent and many transgender women were at heightened risk of and exposure to violence, killings, and other human rights violations and abuses. They encouraged governments to proactively work with transgender-led and competent organizations in raising awareness and enhancing understanding about the human rights of transgender persons. A definition of rape in line with international standards, criminalising all forms of this crime, including marital rape as well as the rape of men and boys, should only be the first step of many. Spotlighting the challenges faced by indigenous women and girls in particular, speakers said gender-based violence was one of the most pervasive, deadly and deeply rooted human rights violations of our time. Urging a survival-based approach, speakers stressed that rape violated a range of human rights, and touted their educational approach, which sought to inculcate pupils with the notion that their body was their possession and that "no means no".

Shame, the feeling of injustice and revictimization, impunity, and fear were evils that perpetrators of this crime would never know, as speakers called for concrete actions such as fostering positive masculinity to change mentalities and behaviours by destroying stereotypes and gender inequalities. This need to improve education in the fight to change societal norms was noted by multiple speakers. Some countries denied or even beautified their histories of aggression and omitted past crimes, including mass rape and the recruitment of comfort women. Many speakers outlined a wide variety of laws, legal provisions, national policies, strategies and campaigns aimed at preventing rape and ensuring accountability, agreeing that it was the duty of the State to ensure their implementation. COVID-19 measures often led to the confinement of women and girls with their abusers, creating a pandemic within a pandemic - such measures needed special provisions to ensure their protection.

Speakers congratulated the Special Rapporteur on her six-year tenure, noting that her report rightly highlighted legal loopholes which may exist due to legislative vagueness linked to persistent patriarchal stereotypes and cultural traits.

Interim Remarks

DUBRAVKA ŠIMONOVIĆ, Special Rapporteur on Violence against Women, recalled that she had submitted a report to the General Assembly that dealt specifically with COVID-19 and gender-based violence. The pandemic had made pre-existing shortcomings more evident. Regarding objections to her use of the notion of consent, she pointed out that it was included in General Comment No. 35 of the Committee on the Elimination of Discrimination against Women. The Special Rapporteur suggested that perhaps the development of an Optional Protocol to the Convention on the Elimination of Discrimination against Women that dealt with violence against women should be considered.

[\[back to contents\]](#)

Commentary and Perspectives

[\[back to contents\]](#)

WORTH READING

Addressing the Islamic State's Genocide Against the Yezidi at the Belgian Parliament (OpinioJuris)

By Zachary D. Kaufman
June 24, 2021

On June 15 and 16, 2021, the Belgian Parliament held a hearing about the Islamic State's genocide against the Yezidis in Iraq and Syria. Professor Zachary D. Kaufman testified, as did, among others, Nobel Peace Prize laureate Nadia Murad, a survivor of the genocide. This piece discusses the Islamic State's genocide against the Yezidis, Belgium's interest in that genocide, the Belgian Parliament's resolution on the topic, transitional justice options for the genocide, and Professor Kaufman's recommendations to the parliament.

[\[back to contents\]](#)

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

Faculty Advisor
Jim Johnson

Editor-in-Chief
Natalie Davis

Managing Editors

Matthew Pheneger

Alan Dowling

Technical Editor-in-Chief

Erica Hudson

Senior Technical Editors

Bailey Kadian

Associate Technical Editors

Lexi Stovsky

Kayla Briskey

Matthew Koutsky

Katarina Johnston

Emerging Issues Advisor

Judge Rosemelle Mutoka

Contact: warcrimewatch@pilpg.org

Africa

Libya

Katarina Johnston, Associate Editor

Alan Dowling, Senior Editor

Central African Republic

David Codispoti, Associate Editor

Alan Dowling, Senior Editor

Sudan & South Sudan

Katarina Johnston, Associate Editor

Alan Dowling, Senior Editor

Democratic Republic of the Congo

David Codispoti, Associate Editor **Alan Dowling, Senior Editor**

Côte d'Ivoire (Ivory Coast)

Zachary Tomi, Associate Editor

Alan Dowling, Senior Editor

Lake Chad Region

Zachary Tomi, Associate Editor

Alan Dowling, Senior Editor

Mali

Taylor Mehalko, Associate Editor

Alan Dowling, Senior Editor

Liberia

Taylor Mehalko, Associate Editor

Alan Dowling, Senior Editor

Uganda

**Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor**

Kenya

**Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor**

Rwanda (International Criminal Tribunal for Rwanda)

**Austin Milliren, Associate Editor
Francesca Bergeret, Senior Editor**

Somalia

**Austin Milliren, Associate Editor
Francesca Bergeret, Senior Editor**

Europe

Court of Bosnia and Herzegovina, War Crimes Section

**Alicia Mallo, Associate Editor
Natalie Davis, Senior Editor**

International Criminal Tribunal for the Former Yugoslavia

**Zheng Li, Associate Editor
Natalie Davis, Senior Editor**

Domestic Prosecutions in the Former Yugoslavia

**Alicia Mallo, Associate Editor
Natalie Davis, Senior Editor**

Turkey

**Kyle Dunnell, Associate Editor
Natalie Davis, Senior Editor**

Kosovo Specialist Chambers

**Zheng Li, Associate Editor
Natalie Davis, Senior Editor**

Azerbaijan

**Kyle Dunnell, Associate Editor
Natalie Davis, Senior Editor**

Middle-East

Iraq

**Matthew Perry, Associate Editor
Maryam Assar, Senior Editor**

Syria

**Matthew Perry, Associate Editor
Maryam Assar, Senior Editor**

Yemen

**Alireza Nourani-Dagiri, Associate Editor
Maryam Assar, Senior Editor**

Special Tribunal for Lebanon

**Matthew Mullins, Associate Editor
Maryam Assar, Senior Editor**

Israel and Palestine

Alireza Nourani-Dagiri, Associate Editor

Maryam Assar, Senior Editor

Gulf Region

Matthew Mullins, Associate Editor

Maryam Assar, Senior Editor

Asia

Afghanistan

Frankie Collins, Associate Editor

Estefania Sixto Seijas, Senior Editor

Extraordinary Chambers in the Courts of Cambodia

Estefania Sixto Seijas, Senior Editor

Bangladesh

Estefania Sixto Seijas, Senior Editor

War Crimes Investigations in Myanmar

Frankie Collins, Associate Editor

Estefania Sixto Seijas, Senior Editor

Americas

North and Central America

Sam Rodis, Associate Editor

Maryam Assar, Senior Editor

South America

Maryam Assar, Senior Editor

Venezuela

Sam Rodis, Associate Editor

Maryam Assar, Senior Editor

Topics

Truth and Reconciliation Commissions

Francesca Bergeret, Senior Editor

Terrorism

Kayla Briskey, Associate Editor

Francesca Bergeret, Senior Editor

Piracy

Matthew Koutsky, Associate Editor

Francesca Bergeret, Senior Editor

Gender-Based Violence

Francesca Bergeret, Senior Editor

Commentary and Perspectives

Alan Dowling, Associate Editor

Francesca Bergeret, Senior Editor

Worth Reading

Maryam Assar, Associate Editor

Natalie Davis, Senior Editor

**War Crimes Prosecution Watch is prepared by the
International Justice Practice of the Public International Law & Policy Group
and the Frederick K. Cox International Law Center of
Case Western Reserve University School of Law
and is made possible by grants from the Carnegie Corporation of New York
and the Open Society Institute.**

Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:
<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:
<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.