



War Crimes Prosecution  
Watch

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

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## **AFRICA**

# NORTH AFRICA

## Libya

### **Second phase of clearing mines and war remnants process started in Sirte areas (Libya Observer)**

By "LibyaMohammed"

February 14, 2021

**The Mines and Remnants of War Clearance Unit has started the second phase of the process of clearing mines and war remnants in the vicinity of the city of Sirte, from Abu Grain to Al-Khamseen Gate west of Sirte.**

The Unit also confirmed the completion of the first phase of the process from the entire coastal road to the Al-Khamseen Gate, in cooperation with the Criminal Investigation Department in Misrata.

### **In Libya ten years after uprising 'abusive militias evade justice and instead reap rewards': Amnesty (Marsad)**

February 16, 2021

**Ten years after the overthrow of Muammar Gaddafi, justice has yet to be delivered to victims of war crimes and serious human rights violations including unlawful killings, enforced disappearances, torture, forced displacement and abductions committed by militias and armed groups, Amnesty International said today.**

The charity is demanding that the Libyan authorities offer "accountability and redress for violations committed both since Gaddafi's fall and under his rule".

The protests that began in February 2011 were met with violence and quickly escalated into a full-fledged armed conflict, which following an air campaign by NATO, led to Gaddafi's demise.

"For a decade, accountability and justice in Libya were sacrificed in the name of peace and stability. Neither were achieved. Instead, those responsible for violations have enjoyed impunity and have even been integrated into state institutions and treated with deference," said Diana Eltahawy, Deputy Director for the Middle East and North Africa at Amnesty International.

"Unless those responsible for violations are brought to justice, rather than rewarded with positions of power, the violence, chaos, systematic human rights abuses and endless suffering of civilians that have characterized post-Gaddafi Libya will continue unabated."

"We call on parties to the conflict in Libya and the incoming unity government to ensure that those suspected of committing crimes under international law are not appointed to positions where they can continue to commit abuses and entrench impunity. Individuals who have been accused of war crimes should be suspended from positions of authority pending the outcome of independent, effective investigations," Eltahawy added.

#### Conflict and instability

In January, the Presidential Council of the Tripoli-based Government of National Accord (GNA) appointed Abu Salim Central Security Force militia leader, Abdel Ghani al-Kikli, also known as Gheniwa, as head of a new entity called the "Stability Support Authority," which reports directly to the presidency.

Gheniwa, Amnesty says, is one of the most powerful militia leaders in Tripoli since 2011 in the neighbourhood of Abu Salim.

In his new role, Gheniwa and his agency will have broad – and vague – powers including law enforcement responsibilities, such as arresting individuals in "national security" cases.

Amnesty International has documented war crimes and other serious human rights violations by forces under his command over the past 10 years.

In 2013 and 2014, Amnesty International researchers found that detainees held by Gheniwa-controlled security forces had been subjected to abductions, torture and other ill-treatment, in some cases leading to deaths in custody.

The United Nations Support Mission in Libya (UNSMIL) had similar findings, including concerning deaths in custody due to torture, while the Panel of Experts on Libya also reported attacks against civilians by these forces.

Gheniwa's militia has reportedly committed unlawful killings, abductions and torture, including sexual violence against women detainees.

The GNA in 2016 had integrated the militia under its Ministry of Interior, prompting critics to accuse the GNA of legitimising the group's violence.

"Accountability must be a central component of the political process in Libya. All parties to the conflict must remove those reasonably suspected of war crimes and human rights abuses from their ranks and fully cooperate with the UN Fact-Finding Mission. The international community must also ensure that the Mission has the sufficient resources, administrative support and time to complete its work," said Diana Eltahawy.

#### Widespread impunity

Haitham al-Tajouri, who headed the Tripoli Revolutionaries Brigade (TRB) militia, which has been involved in arbitrary detention, enforced disappearances and torture, was appointed as Gheniwa's deputy in January 2021.

In Tripoli, the Special Deterrence Forces (al-Radaa), under the command of Abdel Raouf Kara, were integrated into the Ministry of Interior in 2018 and then moved under the Presidential Council in September 2020 by the GNA. Amnesty International and the UN, have documented al-Radaa's involvement in kidnappings, enforced disappearances, torture, unlawful killings, forced labour, attacks on the right to freedom of expression and the targeting of women and the LGBTQ+ community.

In September 2020, the GNA also promoted Emad al-Trabulsi, who led the "Public Security" militia, to deputy head of intelligence, despite the militia's involvement in crimes against migrants and refugees, including enforced disappearances.

Successive governments have also failed to bring to justice members of Misrata-based militias responsible for war crimes including attacks against civilians such as the 2011 attack on the town of Tawergha, in which around 40,000 people were forcibly displaced.

Misrata-based militias have also subjected its residents to widespread arbitrary arrests, unlawful killings, torture, sometimes leading to detainees' death, and enforced disappearances.

In June 2020, with the backing of the GNA, the UN Human Rights Council passed a resolution to establish a Fact-Finding Mission to investigate violations and abuses of international human rights law and violations of international humanitarian law committed by all parties to the conflict in Libya.

Libya's judicial system remains dysfunctional and ineffective, with judges and prosecutors risking assassination and abductions for doing their jobs, Amnesty reveals, and the same can be said for accountability.

**UN mission condemns attack on revolution commemoration in Sabha (Libya Observer)** By Safa Alharathy  
February 18, 2021

**The United Nations Support Mission in Libya (UNSMIL) has strongly condemned the mortar attack that hit the Mansheya area in Sabha yesterday during the celebration of the 10th anniversary of the revolution.**

In a statement on Twitter, the UNSMIL called on authorities to ensure an independent, impartial and prompt investigation into the attack.

The UN mission described the incident as a "heinous attack" against civilians that took the life of a child and injured 29 others, including two children, calling for the perpetrators to be brought to justice.

**Haftar's attorneys aim for acquittal from Libya war crimes (Libya Observer)** By Abdulkader Assad  
February 20, 2021

**The Chairman of the Libyan American Alliance (LAA) Esam Omeish said Khalifa Haftar's defense lawyers' firm, Harvey & Binnall, responded to the lawsuits filed at a**

## **Virginia court against the Libyan-American man.**

Omeish said the law firm responded with a document that says Haftar was a Libyan and US citizen and had properties in Virginia, saying he wasn't living at those properties and that he formed a self-styled Libyan National Army and promoted to a field marshal by the Libyan House of Representatives, thus rejecting all accusations filed at the court.

Omeish added that the defense team provided points of argument rejecting the accusations against Haftar by the attorney representing the victims' families and LAA, adding that some of the 11 points included the false claim of Haftar's right to state immunity.

The attorney for the victims' families, Faisal Gill said the defense of Haftar's lawyers was baseless and would be refuted with evidence at the Virginia court once hearings started.

Omeish explained that their attorneys would ask for the revelation of documents at the fact-finding stage, in addition to requesting summoning Haftar at the court to face the victims' families and the jury even if outside the US.

### **Mercenaries boss Erik Prince violated Libya weapons embargo: UN report (Middle East Eye)**

February 20, 2021

#### **Mercenaries boss Erik Prince pumped \$80m in weapons and fighters into eastern Libya, violating an arms embargo, UN investigators have found, according to reports published in the US media on Friday.**

An ally of former US president Donald Trump, Prince's alleged support flowed to the forces of renegade General Khalifa Haftar as he launched an assault in 2019 aimed at seizing the capital, Tripoli, from the UN-backed government.

A confidential UN report into violations of the arms embargo, reported by the New York Times (NYT) and Washington Post, found the operation involved mercenaries, aircraft and cyberwarfare technology.

The operation included plans to form a hit squad to track and kill Libyan commanders opposed to Haftar, including some who were also European Union citizens, the NYT said.

An official cited by the NYT said investigators also found evidence of one of Prince's associates regularly trying to contact the White House around the time that he was sending in weapons. It was not clear whether the associate managed to get through.

Trump expressed his support to Haftar in a phone call shortly before the Libyan commander's offensive of Tripoli began.

The NYT said the accusations against him could potentially lead to Prince facing sanctions.

#### **UAE links**

Prince, a former Navy SEAL, is the founder of the Blackwater private security firm, now called Academi, whose contractors were accused of killing unarmed Iraqi civilians in Baghdad in 2007.

Four who were convicted were pardoned by Trump last year.

Prince did not cooperate with the UN inquiry and his lawyer declined to comment to the NYT.

Libya has been ravaged by civil war since a Nato-backed uprising led to the toppling and killing of Muammar Gaddafi in 2011.

The country has in recent years been split between the UN-backed Government of National Accord in Tripoli, supported by Turkey, and an eastern-based administration, whose forces are led by Haftar and backed by Russia, the United Arab Emirates and Egypt, among others.

The UN report noted the mercenaries had links to the UAE and also identified Turkey as violating the arms embargo in support of the Tripoli government.

The UAE reportedly made 150 flights to eastern Libya early last year, according to details from the investigation leaked in September.

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## Central African Republic

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

### **Central African Republic: The ICRC transports 25 wounded to Bambari Hospital (ICRC)**

February 20, 2021

**The two days of fighting have had a serious impact on local people, who had already been caught up in similar clashes in December.**

While the violence raged for two days, roads used for delivering aid were cut off. "The wounded, especially among the civilian population, were trapped at home or at a Central African Red Cross first aid post. We managed to stabilize the condition of a dozen patients at these posts," said Mr Daddy.

As soon as it was safe enough to do so, the ICRC and the Central African Red Cross Society transported 25 wounded and injured people, some of whom were women and children, to Bambari Hospital, where they were cared for by staff working for Médecins Sans Frontières.

Local Red Cross volunteers also recovered bodies, with material and logistical support from the ICRC.

Calm seems to have returned among the traumatized population, and people are trying to go back to their regular lives, despite the ongoing operations. But worries remain. "Disposal teams have found and dealt with explosive remnants of war, but we are concerned about the risks if there are more remnants or munitions in the neighbourhoods where people live," said Mr Daddy.

Fighting has continued to flare up here and there across the country, and the ICRC is calling again on all parties to respect and protect people who are not or no longer taking part in the fighting, including civilians and people who have been wounded or detained; to respect civilian objects, and to ensure that the dead can be recovered safely and buried with dignity.

Red Cross first-aiders and health workers ask all parties to provide the security guarantees they need to access the wounded and injured.

### **Central African Republic 'very volatile', despite important progress – UN peacekeeping chief (UN News Service)**

February 24, 2021

**Jean-Pierre Lacroix, Under-Secretary-General for Peace Operations, praised the peacekeeping mission in the country, MINUSCA, in providing security to thousands of internally displaced, helping to safeguard democratic order and protecting civilians "in the face of persisting attempts by the armed group coalition to asphyxiate the country".**

However, notwithstanding these "outstanding efforts", he upheld: "The situation remains very volatile".

Alarming humanitarian situation At the same time, insecurity has blocked the passage of more than a thousand trucks carrying lifesaving supplies, food and medical necessities, to fight the COVID-19 pandemic.

Ongoing violence has also resulted in "significant renewed displacement and increased humanitarian needs and pushed civilians to again seek refuge in neighbouring countries", said Mr. Lacroix.

The Central African Republic "is now the most dangerous place for humanitarian work", he added, noting it that it accounted for over 46 per cent of worldwide incidents registered by international non-governmental organizations last month.

Glimmer of hope And yet, in "a major achievement", the country is on track to successfully conclude a democratic transfer of



power within the constitutional timeline, according to the UN official.

Two years since its signing, the Political Agreement remains “the only viable framework for peace”, said Mr. Lacroix.

“It is now essential that these democratic gains are preserved by completing the electoral process and advancing a peaceful resolution to the crisis”, he asserted.

To start “healing the national trauma”, the UN peacekeeping chief advocated for “inclusive and meaningful dialogue...without delay” and for the international community to support national efforts by “promoting cooperation and coherence in the peace process”.

Bolstering the mission Mr. Lacroix told the Council that as “the main guarantor of security for the civilian population”, MINUSCA is addressing the volatile situation and responding to increased protection needs.

However, warning that the mission is being overstretched, he recommended the addition of 2,750 military and 940 police personnel to “strengthen MINUSCA’s ability to implement its priority mandated tasks...namely, to protect civilians, create the conditions for progress in the political process, and to facilitate the safe delivery of humanitarian assistance”.

Against the backdrop of seven peacekeepers killed in hostile attacks during electoral violence and two others in the line of duty during the same period, Mr. Lacroix upheld that an augmentation would also contribute to safeguarding UN staff.

A reinforcement would “address increased needs, as well as the existing capacity of MINUSCA”, he continued, pointing to ongoing efforts to optimize the peacekeeping mission’s performance.

Advancing peace Mr. Lacroix painted a picture of rising human rights violations, increased civilian abductions and killings. Attacks against humanitarian workers, extrajudicial executions and conflict-related sexual violence are also on the rise, and he said that advancing peaceful dialogue must be coupled with fighting impunity, including for grave crimes committed in the electoral period.

“This will require a commitment by national authorities to pursue accountability for violations by State and non-State actors, while safeguarding human rights and preserving and expanding civic space”, he said.

The UN peacekeeping chief underscored the importance of reviewing and adjusting security needs with a view to re-establishing operational readiness for national defence and internal security forces.

“The Central African people have suffered so much and deserve our steadfast support and attention”, he said, while also recognizing the “bravery and sacrifice” of MINUSCA personnel in this “exceptionally challenging context”.

Other voices Meanwhile, Rita Laranjinha, Managing Director for the European External Action Service in Africa, outlined for ambassadors her support for all efforts to end impunity for rights abuses, as a key component of reconciliation and a sign of respect to and justice for victims and their families.

She stressed that official corruption must end and urged prompt attention to the “disinformation” and hate speech that endanger peacekeepers and undermine trust in governance.

Kessy Martine Ekomo-Soignet, Director of youth-led peacebuilding organization URU, spoke of a climate of “fear” that permeates much of CAR society, but maintained that the cry for peace was still being heard, loud and clear.

“Our hopes are stronger than our fears”, she said, calling for redoubled efforts to “silence the guns” and honour the dreams of communities for peace.

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## **Sudan & South Sudan**

## **Sudan declares states of emergency after protests over soaring food prices (The Guardian) By**

Zeinab Mohammed Salih

February 16, 2021

**Seven regions of Sudan have declared states of emergency following violent protests against food price rises. Curfews have been imposed and schools have been forced to close in 10 cities across Darfur, North Kordofan, West Kordofan and Sennar. Buildings were looted and burned, and food was stolen from markets and shops. The regions are among the poorest in Sudan.**

The joint military-civilian government believes supporters of the former president, Omar al-Bashir, are behind the protests. The government recently ordered the prosecution of members of Bashir's party.

Millions of people in the country are struggling as the cost of living continues to rise amid economic difficulties. The Sudanese pound dropped against the dollar from 260 pounds (£3.40) in November to 315 pounds last month. The annual rate of inflation increased to 269% in December, up from 254% in November, according to the Central Bureau of Statistics.

The Famine Early Warning Systems Network (Fewsnet) has said food insecurity could reach crisis levels in parts of Kordofan and Darfur in the coming months. The price of bread has soared. The cost of subsidised loaves, which have become scarce, have increased from 2 pounds to 5 pounds, while unsubsidised bread is being sold in some areas of Khartoum for 15 or 20 pounds, and up to 50 pounds in Darfur and Kordofan. In January, the price of 1kg of sugar was 220 pounds, up from 150 pounds in 2020. Sudan is being encouraged by the international community to devalue its currency in order to get loans.

Mohamed Babikir, an activist who took part in the protests that led to Bashir's downfall in 2019, said protests had not stopped since 2019. "People are always protesting here and there, demanding justice for those who have been killed, or demanding better politics by having freedoms and the civilian transmission in governance."

Bashir el-Sadig, a teacher at a girls' secondary school in the capital of North Kordofan, El-Obeid, which has seen large protests, told the Guardian that more than half of his pupils need help buying food, adding: "Many of them work as cleaners as well, to help themselves and their families. People really are struggling and that's the mistake of the government in the centre, they didn't provide enough subsidised food."

Abdulraheem Ahmed, a teacher at a boys' high school in Er Rahad, a city to the south of El-Obeid, said: "My wife and I are only two, and we used to eat fruit every two months, now we stopped having fruit, because it is too expensive. I also walk to school instead of taking transportation, which costs me about 100 pounds. I think I should buy something to eat instead of wasting that on transportation."

## **South Sudan: Violence in South Sudan Engulfs Country, 10 Years After Independence 'Children All Have Guns' (UN News Service)**

February 19, 2021

**Extreme violence and attacks involving thousands of fighters at a time have engulfed more than three-quarters of South Sudan, UN human rights council-appointed investigators said on Friday, warning that the bloodshed faced by civilians are "the worst recorded" since the country's civil war began in December 2013.**

Highlighting a continuing lack of local and national infrastructure almost a year since the formation of the Revitalized Transitional Government of National Unity in South Sudan, Yasmin Sooka, Chairperson of the Commission on Human Rights in the country noted that although the signing of the Revitalized Peace Agreement two years ago had "led to a reduction in hostilities at the national level", the country seen "a massive escalation in violence" locally.

Power vacuum filled by fighting

Echoing that finding, Commission member Barney Afako explained that signing the cessation of hostilities ceasefire had left "a vacuum" at the community level.

"There are no governors in place or no county commissioners in place. So, there is nobody to deal with those cleavages which had remained. Instead what we saw, was that the weaponry that have been left in the community as well as that which is now supplied by others fuelled this communal violence", he said.

Other worrying developments include restrictions and self-censorship among journalists and pressure groups.

New level of fear

"The level of State suppression and inability of civil society or journalists to operate is now completely different", said Commission member Andrew Clapham. "There is sort of levels of fear and the State suppression and the fact that you can be picked up and tortured and killed is rather different".

In its latest report, the Commission describes "waves of attacks and reprisals" that have left hundreds of South Sudanese women, men and children dead, maimed or destitute in Jonglei State and the Greater Pibor Administrative Area.

Ms. Sooka told journalists via video conference that the armed groups and militias had mobilized along ethnic lines, often with the support of armed State and opposition forces.

She highlighted clashes last year between allied Dinka and Nuer militias and Murle pastoralist militias with massive violations against civilians, including killing and displacement.

"We have documented the new levels of militia violence engulfing more than three-quarters of the country at a localized level in which children carry weapons and women are traded as spoils of war like chattels", Ms. Sooka said.

'Children all have guns'

The Commission Chairperson said that civilians described combatants using weapons that they had never seen before.

"One man told the Commission, 'I went to Pibor town and I saw guns being sold there. There the black guns used by the NSS were being sold for 25,000 South Sudanese shillings, each less than a few hundred dollars.' He also said that children all have guns", she recounted.

Ms. Sooka also described as "shocking" the high number of fighters involved in localized conflicts and highlighted that women were traded as "spoils of war".

Moreover, children carry weapons and the levels of violence "have already surpassed" those documented in December 2013, when civil war erupted.

Forced to fight, identities erased

Describing attacks in Jonglei and the Greater Pibor area, she pointed to "systemically and deliberately torched" homes, murders, forced displacements, abductions, rapes, sexual enslavement and, in some instances, forced marriages to captors. Abducted boys have been forced to fight and, sometimes "forcibly assimilated into rival armed groups".

These victims have had their ethnic and other identities "completely erased", according to the Commission's report, which noted that as of December 2020, hundreds of abductees were still missing, with hundreds of thousands displaced by the violence and recurrent flooding.

The Commission on Human Rights in South Sudan is due to present its report to the Human Rights Council in Geneva on 10 March.

### **South Sudan: Urgent Action Needed to Tackle Triple Threat of Conflict, Flooding and Hunger (Norwegian Refugee Council)**

February 23, 2021

**Rising levels of armed violence, and almost 500,000 people displaced by floods and looming famine in five states are deepening an already dire humanitarian crisis in South Sudan. Renewed fighting in many parts of the country has escalated to levels as serious as any, since the conflict started in 2013. Delivery of humanitarian assistance continues to face significant obstructions particularly in areas hardest-to-reach. Four aid workers have also been killed in the line of duty this year alone.**

Reacting to the precarious humanitarian situation, Country Director for the Norwegian Refugee Council (NRC) in South Sudan Alexander Davey said:

"What we are seeing is misery on a massive scale threatening to unfold in South Sudan. Displaced people in Bor town, Jonglei State have told us that their biggest fear now is the return of conflict. We have seen families struggling to plant new crops because the land is still swampy from last year's floods and new rains are just weeks away. Yet projections of the dire food situation are still being contested. Food for the hungry has been looted and deliberately kept away from those who need it the most. When the situation worsens, we cannot say we did not see it coming.

"We are past the stage of early warning - this emergency demands urgent action. An increased humanitarian response will be

needed in South Sudan over the coming months to prevent another wave of displacement and death. All stakeholders, including the government and the UN should lead an organised and adequately resourced humanitarian response to safely deliver assistance to those who need it the most.

“This is not just about responding to the current crisis, but also about preventing further crises in the future. Since 2013, South Sudan has gone through various cycles of conflict, displacement, hunger, disease and millions of vulnerable people have already borne the worst. If we don’t also increase efforts to bring back stability and resilience, millions will suffer year after year. The people of South Sudan have suffered enough and deserve better.”

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## **Democratic Republic of the Congo**

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

**Congo river disaster: at least 60 dead and hundreds missing after 'overloaded' boat sinks (The Guardian)** By Guardian Staff

February 15, 2021

**At least 60 people have died and hundreds more are missing after an overloaded whaling boat sank on the Congo river at night, the Democratic Republic of Congo’s humanitarian affairs minister has said.**

Minister Steve Mbikayi said more than 700 people had been aboard the vessel but that only 300 survivors had been found so far at the site of the disaster in Mai-Ndombe province in the west of the country.

The vessel was sailing through the night on Sunday from Kinshasa to Mbandaka when it ran into trouble near the village of Longola Ekoti in the province of Mai-Ndombe.

The minister told al-Jazeera the main cause of the sinking was too many passengers and cargo on the vessel, adding that “night navigation also played a role”.

Mbikayi offered condolences to the families affected and called for sanctions against those in the transport sector found to be involved.

Deadly boat accidents are common in Congo, which has few tarred roads across its vast, forested interior and where vessels are frequently loaded well beyond their capacity.

For most people the Congo river and its tributaries are the only means of travelling long distances.

**Italian ambassador to DR Congo dies in attack on UN convoy (The Guardian)** By Jason Burke

February 22, 2021

**Italian ambassador to DR Congo dies in attack on UN convoy Luca Attanasio and two others killed in attempted kidnapping north of Goma in eastern DRC.**

Luca Attanasio had been Italy’s head of mission in Kinshasa since 2017 and was made ambassador in 2019. Photograph: Italian foreign ministry/AFP/Getty Images Jason Burke in Johannesburg and Angela Giuffrida in Rome Mon 22 Feb 2021 13.37 EST

1,096 Italy’s ambassador to the Democratic Republic of the Congo and two other people have been killed in an attack on a United Nations convoy in the restive east of the central African country.

The convoy from the World Food Programme (WFP) was attacked at about 10.30am local time (0830 GMT) during an attempted kidnapping near the town of Kanyamahoro, about 10 miles north of the regional capital, Goma, a spokesperson for Virunga national park said.

Ambassador Luca Attanasio and a male Italian military police officer travelling with him were killed, the Italian foreign ministry said in a statement. A driver also died in the attack, diplomatic sources and local officials said.

It was not immediately clear who was behind the attack, but the road on which the convoy was travelling is a frequent site of attacks by bandits and armed militia.

“It is with deep sorrow that the foreign ministry confirms the death today in Goma of the Italian ambassador to the Democratic Republic of Congo, Luca Attanasio, and of a policeman from the carabinieri,” the Italian foreign ministry statement said. “The ambassador and the soldier were travelling in a car in a convoy of Monusco, the United Nations organisation stabilisation mission in the Democratic Republic of Congo.”

Attanasio died of his wounds in the UN hospital in Goma. The 43-year-old, who was married with three children, had been Italy’s head of mission in Kinshasa since 2017 and was made ambassador in 2019.

The UN’s peacekeeping and humanitarian assistance mission in the DRC is one of the biggest and most dangerous such operations in the world.

The exact circumstances of the attack remain unclear.

Attanasio was in Goma for a series of meetings, including one with Italian NGO representatives. He had visited a WFP school canteen on Monday morning, and was travelling to the small town of Rutshuru to view a community feeding project when the convoy was ambushed at around 10.30am, humanitarian officials said.

The governor of North Kivu province, Carly Nzanzu Kasivita, said the assailants stopped the convoy by firing warning shots. They killed the driver and were leading the others into the forest when park rangers opened fire. The attackers killed the bodyguard and the ambassador also died, Nzanzu said.

Mambo Kawayu, the president of civil society groups in Nyiragongo territory, told Actualité.cd, a local news site, that there were five people in Attanasio’s vehicle when it was attacked.

“The driver appears to have been killed [immediately] after receiving multiple bullet wounds but others were wounded and taken to the Monusco base ... The situation is tense,” Kawayu said.

Dozens of armed groups operate in and around Virunga, which lies along the DRC’s borders with Rwanda and Uganda. Park rangers have been repeatedly attacked, including six who were killed in an ambush last month. Local security forces are under-resourced, poorly trained and corrupt.

In May 2018, gunmen attacked a vehicle carrying tourists travelling from Goma to their accommodation in Virunga national park very close to where Attanasio’s convoy was ambushed. A 25-year-old ranger was shot dead, a Congolese driver was wounded and two British tourists were held by the militia overnight.

Marie Tumba Nzeza, the minister of foreign affairs, said her government would investigate the attack. “It is with great pain and much sadness that we have just learned of the death of the young Italian ambassador here in DRC,” said Nzeza.

“I promise the Italian government that the government of my country we will do all we can to discover who is responsible for this ignoble murder.”

Nzeza’s pledge may be met with some scepticism. The murderers of two UN consultants killed in DRC in 2017 are yet to be brought to justice despite years of international pressure.

Attanasio joined the Italian diplomatic service in 2003 and served previously in Switzerland, Morocco and Nigeria. Emanuela Del Re, who was Italy’s deputy foreign minister from 2018 until last month, hailed him as “a man gifted with uncommon courage, humanity and professionalism”.

He is the second European ambassador to have been killed while serving in the DRC. In January 1993, French ambassador Philippe Bernard was killed during riots in Kinshasa sparked by troops opposing dictator Mobutu Sese Seko.

Attanasio spent Sunday evening at a dinner for the small Italian community – mainly humanitarian workers – at an Italian restaurant in Goma. Miriam Ruscio, head of programmes at AVSI, an NGO which specialises in education and child protection in eastern DRC said: “He was really informal, humble and friendly ... really interested in what we were doing. He said he appreciated what we were all doing on the frontline, helping people while he was in Kinshasa. The road he was on is unpredictable but it is a very big shock.”

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## WEST AFRICA

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

**Gunmen abduct dozens of schoolchildren in central Nigeria (The Guardian)** By Emmanuel Akinwotu  
February 17, 2021

**Dozens of schoolchildren, teachers and their relatives have been abducted by gunmen in central Nigeria after an attack on a boarding school, the latest in a rising wave of mass abductions and attacks that have beset the country.**

A spokesperson for the Niger state government said 27 students, three teachers and a dozen family members of school staff, 42 people in total, were taken. Earlier reports had indicated hundreds were missing from the school of about 1,000 students.

Heavily armed gunmen dressed in military uniforms overran the all-boys Government Science College (GSC) in Kagara Town, Niger state, between Tuesday night to Wednesday morning, killing at least one student.

The attack is thought to have been carried out by suspected armed groups known as “bandits” that have terrorised north-west and central Nigeria in recent years. The groups have launched marauding attacks from forest havens which span across north-west Nigeria into neighbouring Niger, terrorising vulnerable rural communities left helpless by a dearth of security.

Killings, sexual violence and mass kidnappings for ransom have risen sharply, including

**Smuggled diary tells how abducted women survived Boko Haram camp (The Guardian)** By Jason Burke  
February 20, 2021

**The resistance began three months after the young women were taken from their school dormitory by Islamist militants and hidden in the depths of a forest. It would end in direct confrontation and disobedience, and an unlikely victory which saved their lives.**

But as the extremists of Boko Haram drove them through the bush to camps beyond the reach of any rescue, freedom was years away.

The story of the extraordinary courage of the women held for up to three years by the Islamist extremists in north-eastern Nigeria has never been told, despite the massive global attention focused on their abduction in April 2014.

The hashtag #BringBackOurGirls was tweeted by Michelle Obama, Kim Kardashian, the pope and others, in one of the most prominent examples of online activism ever. It brought the engagement of some of the most powerful states in the world, the dispatch of hundreds of troops and billions of dollars of military hardware to west Africa.

But now a book, due to be published early next month, will reveal the reality of life for the more than 200 women from the school in Chibok, who were kept as hostages in one of the most infamous mass abductions of recent decades.

“We wanted to tell the story of how these women survived, but also the story of why it took so long to free them in spite of, or perhaps because of, the social media campaign,” said Joe Parkinson, a co-author of *Bring Back Our Girls*, which is based on hundreds of interviews with the students, family members, former militants, officials, spies and others involved in their ordeal.

Among the students was Naomi Adamu. Her defiance began when the extremists told the students to swap their school uniforms for a black, flowing, all-covering garment. The 24-year-old kept her chequered blue dress, and then, risking a beating or worse, she began a diary.

The notebooks she eventually brought with her out of the forest provided much of the raw material for the book.

Adamu wrote on the days when it was safe, after compulsory lessons on the Qur'an and foraging for meagre rations from the forest.

The small act of rebellion gave her strength. When her Boko Haram minders told her she would be killed if she did not convert, marry a fighter and bear his children, she refused and was beaten with the butt of a rifle. Her captors did not follow through on their lethal threat, nor were she or the others who refused "marriage" subjected to sexual abuse. But they were condemned to backbreaking labour as "slaves".

By mid-2015, with Boko Haram now on the retreat, Adamu and her closest friends were starting to lose their fear of the extremists. Inspired by her example, the other hostages began to fight back too, risking lashings with sticks and wire.

"I became the leader of our girls because I was the eldest among them and I was the most stubborn. Boko Haram wanted me to convert as an example because they knew the other girls listened to me – they beat me and bullied me and threatened to kill me, but I told them even if the heaven and earth come together I will not marry," Adamu told the authors.

Soon, some of the hostages were openly insubordinate, refusing orders and being beaten repeatedly. They began quietly singing hymns when their guards were distracted. Then the singing got louder.

A small group of the most defiant students was separated. Adamu, their leader, was dubbed "the chief infidel" by furious Boko Haram leaders.

"When they realised we don't wear hijab like the other girls they beat us and said they would cut off our heads. They made us wear hijab and pray but we decided together to fake the ceremony. We mouthed Christian prayers and told each other the story of Job," said Adamu.

Once again the students were told they would be killed if they did not submit and convert. Again the small group of rebels refused.

"At a certain point we had seen so many bodies, we were no longer afraid to die," she told the authors.

When Boko Haram tried to starve others into obedience, Adamu helped organise a clandestine supply of rice to fuel resistance. The tactic worked, and more and more students began to renounce the faith they said they had adopted only out of fear.

But beyond the forest, attempts to rescue the students were flagging.

"Twitter generated outrage ... but not the actual means to free anybody," said Parkinson. Nigeria's feuding spy agencies called off a series of early deals, which probably would have freed all of the girls. The president himself suspected that the abduction was a hoax, set up by political rivals. Key informants close to Boko Haram were arrested by Nigeria's military. A British spy plane sent to search for the women broke down en route to the country. Mutual distrust and poor relations with the Nigerians hindered the work of the 38 strong "interdisciplinary assistance team" deployed by the US. A botched air strike on Boko Haram's headquarters left 10 of the girls dead and 30 or more injured, some maimed for life.

But Adamu remained determined to resist. "Partly I was strong because I was angry. I was angry we had been kidnapped before graduation," she said. "And I was angry when 30 girls converted to Islam and got married ... I felt some didn't fight hard enough. It divided the group and weakened our resolve. People accepted they wouldn't go home," Adamu said.

Time was running out. The students were close to starvation, their rations were cut again and again. There was hope, however. Boko Haram was weaker than it had been since its resurgence in 2009, and increasingly fractured, with factions divided over what to do with their globally famous hostages.

A small team of Nigerian volunteers led by a diplomat from a little-known department of Switzerland's foreign ministry, the human security division, had been working on a deal to free the students. In October 2016, a first batch of 21 students was released in return for a handful of senior Boko Haram militants. Then, seven months later, another 82. But at least 40 have died in the forest. Dozens are still there.

Adamu, defiant to the end, strapped her secret diaries to her body to carry them to freedom as she walked out through the bush. Driving away, she and the others chanted a Chibok song: "Today is a happy day."

Parkinson, a reporter in Africa with the Wall Street Journal, said the story of the students raised an important question about dealing with extremists.

"The small team that ultimately answered the global demand to rescue the Chibok girls worked in secret for one of the world's most discrete governments and smallest states. Its success relied not on loudly expressing moral judgment but on suspending it. They tried to reason with Boko Haram instead of denouncing it," he said.

Adamu remains in northern Nigeria with ambitions to have her own family and set up some kind of business. But she is still not safe. Since the abduction of the Chibok students, Boko Haram has kidnapped more than 10,000 boys as child fighters as well as a similar number of girls and women, who have been used to make ransom demands to their families or forced into marriage.

“Our chief problem is that Chibok is now in danger again ... If nothing changes it will only be a short time until one of us is kidnapped again,” she said.

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## **Mali**

### **Mali: UN Chief Says 'Complex Attack' Against Blue Helmets May Constitute War Crime (UN News Service)** By [AUTHOR]

February 13, 2021

**An assault on Thursday by unidentified armed elements on a temporary operating base of the UN Integrated Stabilization Mission for Mali (MINUSMA) in Kerena, near Douentza in Central Mali, resulted in the death of a Togolese peacekeeper and the wounding of 27 others.**

In a statement issued by his spokesperson, Stéphane Dujarric, the UN chief emphasized that attacks against UN blue helmets “may constitute a war crime” and called on the Malian authorities to “spare no efforts in promptly holding to account the perpetrators of this heinous attack”.

The Secretary-General expressed his deep condolences to the victim’s family and to the people and Government of Togo and wished the injured a full recovery.

The Malian Government has been seeking to restore stability and rebuild the volatile country’s institutions following a series of setbacks since early 2012 that fractured the country, including a failed coup d’état, renewed fighting between Government forces and Tuareg rebels, and the short-lived seizure of its northern territory by radical extremists.

Security Council castigation Previously, the Security Council had issued a statement condemning the attack “in the strongest terms” while stressing that involvement in “planning, directing, sponsoring or conducting attacks against MINUSMA peacekeepers constitutes a basis for sanctions designations”, pursuant to its resolutions.

Moreover, they reaffirmed that terrorism in all its forms and manifestations “constitutes one of the most serious threats to international peace and security”.

The Council underlined the need to “bring perpetrators, organizers, financiers and sponsors of these reprehensible acts of terrorism to justice” and upheld that those responsible be held accountable.

They urged all States, to “cooperate actively with all relevant authorities” and reiterated that any “acts of terrorism are criminal and unjustifiable”, regardless of their motivation, wherever, whenever and by whomsoever committed.

Overcoming asymmetric threats The Council members expressed their concern over the security situation in Mali as well as the transnational terrorist threat in the Sahel region, reiterating their full support of MINUSMA and other security presences in the country and throughout the Sahel region.

They urged the Malian parties to “fully implement the Agreement on Peace and Reconciliation in Mali without further delay”, which they noted could, along with intensified efforts to overcome “asymmetric threats”, contribute to improved security across the State.

The members further underscored the importance that MINUSMA have the necessary capacities to fulfil its mandate.

“The members of the Security Council stressed that these heinous acts will not undermine their determination to continue to support the peace and reconciliation process in Mali”, the statement concluded.



Ray of light The attack on Thursday came on the same day of a historic meeting in Kidal of the Monitoring Committee of the Peace Agreement .

The high-level meeting, chaired by Algerian Foreign Minister Sabri Boukadoum, brought together six Malian Ministers, the leadership of the signatory armed movements and the International Mediation and marked its first meeting outside of Bamako since it was signed in 2015.

The Secretary-General had congratulated the Malian people and welcomed the “new momentum and...growing trust among the signatory parties” and encouraged them to “build upon this positive dynamic by translating the agreed commitments into actions so that the Malian people could reap the benefits of peace”.

**MALI: THESE CRIMES THAT CAN NEVER BE TRIED (Fondation Hironnelle)** By Boubacar Haidara  
February 16, 2021

**Since the outbreak of the Malian crisis in 2012, many serious human rights violations remain and are likely to remain unpunished. This is the bitter conclusion of the International Commission of Inquiry on Mali, whose report was finally published by the United Nations on January 29, seven months after its submission.**

The document makes uncomfortable reading for Bamako, firstly because it describes why and how war crimes and crimes against humanity escape prosecution, yesterday, today and probably tomorrow. Also, and perhaps most importantly, the experts of the International Commission of Inquiry on Mali, whose report took seven months to make public, clearly point to the “abuses” committed by the Malian defence and security forces. “The absence of sanctions against perpetrators of serious human rights violations could suggest that the Malian authorities tolerate or even encourage such practices, particularly with regard to violations and crimes committed by the defence and security forces,” the report states.

These accusations embarrass the Malian authorities, who did not wish to comment. Malian government partners are equally cautious. “If it seems to us that the independent report has followed a rigorous methodology, it is above all up to those who wanted this investigation to take ownership of it and express their opinion on its content and recommendations,” said in an Email the European Union (EU), which has provided nearly 25 million euros in support to the Malian judicial system since 2015. According to the UN commission, the persistence of impunity in Mali is primarily due to lack of political will to make the fight against impunity for abuses related to the ongoing conflict a priority, despite the existence of a specialized judicial unit whose jurisdiction was extended in 2019 to war crimes and crimes against humanity.

The slowness in processing cases and even inaction of this unit, on which many hopes were pinned, is disappointing. “In Mali, we have a lot of investigations open, but when will they be closed? That’s the question,” says Drissa Traoré, coordinator of the AMDH-FIDH programme which with Avocats sans frontières Canada and Amnesty International is part of a joint project launched on February 4 in Bamako to “strengthen the fight against impunity in Mali”. The coordinator of the AMDH-FIDH programme plans to provide an update in March in the form of a request to the authorities for an explanation on the many cases that are supposed to be “under investigation”, particularly killings that occurred in the towns of Ogossagou, Sobane Da, Boulkessi, Dioura, Sokolo, Aguelhok and others.

The new initiative is greeted with suspicion by some members of civil society who see it as just another project. These critical voices, however, do not wish to be quoted. “We very often hear speeches of this kind, that the fight against impunity is a long-term one. We don’t pretend we can put an end to it, but that doesn’t mean we’re going to sit back and do nothing,” says Traoré. Since 2012, 181 victims of crimes or serious human rights violations, including more than 100 victims of sexual assault, have been supported by the AMDH-FIDH programme. But results are mixed. With few trials, perpetrators convicted and then released, the result is bitter for human rights activists.

**THE SANOGO CASE** Human rights organizations, like the Commission of Inquiry, demand that at the very least some “emblematic” cases be judged, believing they could have a deterrent effect. The trial of Amadou Haya Sanogo, former head of the military junta that led the coup d’état in 2012, should be part of this. Charged with 17 other persons for kidnapping, assassination and complicity in the kidnapping and assassination of 21 soldiers of the parachute commandos, Sanogo’s trial turned into a judicial catastrophe. The families of victims had high expectations of this trial, which opened in 2016 in Sikasso, a city 380 km from the capital. After a few days of hearings, the trial was postponed in to allow for new autopsies on the bodies, the first of which were conducted in “unacceptable situations and conditions”, according to Mamadou Ismaila Konaté, then Minister of Justice.

The resumption of the trial had been announced for the first session of the court in 2017, but this did not happen. Three years later, a new date was set for January 13, 2020. But a further postponement was decided, motivated by “major constraints linked to the preservation of public order and cohesion within the armed forces mobilized for the defence of the homeland”. According to a member of the former regime, who requested anonymity, “it is a trial with many political implications, and not

many politicians want to see it through to the end". Among Sanogo's co-defendants is Ibrahim Dahirou Dembélé, who was minister of defence. According to former Minister of Justice Konaté, there is nothing to prevent the defendants being brought to court again. That may never happen.

Released on bail on January 28, 2020, Sanogo spends his time between soccer games with friends and working in his field in Kati, some 13 km from Bamako. The former putschist who in 2012 rubbed shoulders with the President of the National Transitional Council, Colonel Malick Diaw, got a front row invitation, after the coup d'état last August, to festivities as part of Mali's 60th independence anniversary. Another investigation, opened against Sanogo and other soldiers for abuses linked to the Kati camp mutiny at the end of September 2013, has come to a standstill. "According to some interlocutors, however, the lack of progress is more a question of the discreet yet proven influence exerted by General Amadou Haya Sanogo and a lack of genuine political will to see the case move forward," the UN commission wrote.

The Commission followed up on numerous collective complaints filed in the Malian justice system, particularly for sexual and gender-based violence, for crimes committed in 2012 and 2013, mostly by the extremist armed groups active during this period (Ansar Eddine, AQIM, and the MUJAO). Only one resulted in a criminal trial. "Regarding the other complaints," says the Commission, "either an investigation has been carried out but no proceedings have been instituted to date, or the complaint cannot be traced, or the information available to the Commission suggests that no investigation has been undertaken despite the existence of a civil claim."

"In most of the documented cases of abuses, violations and crimes, the Commission was unable to determine whether judicial proceedings had been initiated and whether those that had begun were still under way. In most of the cases of documented abuses, violations and crimes, the Commission has not been able to determine whether legal proceedings have been initiated or are ongoing," it added, before drawing up a dizzying list of obstacles to justice in Mali: dangers faced by law officers and judicial personnel; risks faced by victims and witnesses; disorganization of the criminal courts of Mali, which does not spare the Special Judicial Unit; corruption in the Malian judicial system; lack of resources and training; lack of concrete measures to protect victims, witnesses and human rights defenders; difficulties of access to justice; lack of trust in the national justice system among Malians, who prefer customary justice mechanisms that are unsuited; interference with the independence of the justice system; release of prisoners for political purposes; the Amnesty Act of 18 May 2012 and the National Accord Act. The Commission therefore makes the bitter observation that "eight years after the beginning of the crisis and five years after the signing of the Peace and Reconciliation Agreement, impunity for these violations, abuses and crimes related to the conflict remains one of the main challenges to peace and reconciliation in Mali."

**AGREEMENTS AND PRISONER RELEASES** The international community also bears some responsibility for the political interference in Malian justice, the Commission also suggests at several points in its report. "Another political obstacle to justice was the unilateral release of prisoners by the Government without consultation with the judiciary in the context of negotiations with armed groups," it says. "The Commission's investigations revealed that the Malian authorities had released, at the request of armed groups and within the framework of 'confidence-building measures', more than 150 people who had been formally detained by the Malian justice system."

An event that occurred after the closing of the report is a perfect illustration of this. In October 2020, 207 detainees and prisoners were released in exchange for the release of a Malian politician and three Western hostages kidnapped by a jihadist group. "The release of these prisoners, some of whom were detained for terrorist acts, others for crimes with no statute of limitations such as war crimes, attacks against the United Nations and international forces, is a blow to efforts to fight impunity," said Guillaume Ngefa, head of the Human Rights Division of the UN Mission in Mali (MINUSMA).

Back in 2014, Alhousseini Houka Houka, former president of the Islamist court of Timbuktu indicted for his alleged role in serious human rights violations, was released by the authorities, in the framework of political negotiations between the Malian government and the Coordination of Movements of Azawad, a rebel alliance created in 2014 in northern Mali. "He then returned to the region of Timbuktu, where he resumed his activities," the Commission notes in its report. Crimes involving these armed groups and the defence forces may never be prosecuted. This is despite the publication of MINUSMA's quarterly reports, in which abuses by the defence forces, among other things, are documented. Its Human Rights Division reports that following its "plea", prosecution orders have been signed by the minister of defence, but no prosecutions have yet been initiated. The military justice system has not responded to our requests for information on this.

### **Mali creates group to open dialogue with Islamist insurgents (Radio France Internationale)**

February 20, 2021

**Mali's interim Prime Minister Moctar Ouane has created a platform in order to open talks with the Islamist militants who have wreaked havoc in the north of the country.**

"Dialogue is not an exclusive solution, but rather an additional means of bringing back into the bosom of the Republic those

who left it, often for existential reasons far removed from any fanaticism,” said Ouane on Friday.

He did not give any details as to who would be included in the negotiating group.

France, Mali’s former colonial power, has 5,000 troops in Mali in order to combat the ongoing insurgency. It has said in the past that it did not agree with Mali opening negotiations with insurgents who did not sign the 2015 peace deal.

One year ago then-president Ibrahim Boubacar Keita said the Mali government was willing to negotiate with the Islamists. Keita was overthrown in August 2020, but national talks after the coup d’etat still continued to endorse that policy.

Violence continues in the Sahel region, and recently there were indications that it is spreading to West Africa, in Cote d’Ivoire and Benin.

France has indicated that it is mulling withdrawing troops from the region as the costly exercise to the tune of billions of euros has not been as fruitful as Paris had hoped.

Some 55 French soldiers have been killed in the Sahel.

Chad indicated last week that it will send 1,000 troops to the Niger-Burkina Faso-Mali border region in order to give some support to the French troops already there.

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## Liberia

**Massaquoi Trial: Finnish Court Goes To Deepest Liberia (Fondation Hirondelle via justiceinfo** By  
Thierry Cruvellier  
February 23, 2021

**Arriving in Liberia on February 15, Finnish judges, prosecutors, and lawyers spent their first week visiting sites where Gibril Massaquoi, a former rebel commander from Sierra Leone, allegedly committed crimes against humanity. They went through sometimes epic events in the heart of the Liberian forest before hearings start in Monrovia on Tuesday, February 23.**

Muddy dirt tracks pitted by unseasonal rain, vehicles stuck in mud at night, clouds of laterite dust, blazing sun, mechanical breakdowns, invasions of carnivorous ants and winged termites, interminable journeys and learning about endless time, urban misery and tension: in just a few days the Finnish court, which has come to Liberia to hold a major part of Gibril Massaquoi’s trial, got a concentrated experience of what travelling and living can mean in this small West African country.

Of course the judges, prosecutors and lawyers did not have to endure all this on foot, by motorcycle or in a crowded collective cab with no air conditioning. Of course they did not have to sleep in a mud hut without water or electricity. Some experiences to understand the lives of others are probably more about ethnology than judicial work. But from February 17 to 21, the court trying Massaquoi – a former Sierra Leonean rebel commander arrested in Finland in March 2020 and charged with serious crimes committed in Liberia – certainly felt they had their “discovery of Africa,” in the words of French writer and playwright Raymond Cousse, without the feeling of despair.

Ever since it was seized of this case, the Finnish judiciary has been convinced of the need to come here to better accomplish its task, to “show the court and see for myself the sites”, as prosecutor Tom Laitinen put it. “It’s difficult to imagine the circumstances and the environment where it took place. It helps to understand the case,” he added. “It’s very helpful to get familiar with the case and to get a little idea of what we’re talking about,” defence lawyer Kaarle Gunmerus agreed.

A CONCENTRATED AFRICAN ADVENTURE At 8 am on Wednesday February 17, the four judges, two prosecutors, one defence lawyer (the second has remained in Finland with the accused), chief of investigations, another police officer and a young multi-tasked jurist boarded four all-terrain vehicles and left their luxury seaside hotel near the Liberian capital Monrovia, bound for the Voinjama region in Lofa County, in the far northeast of the country. Three and a half hours of asphalt road and then seven hours of track await them, if all goes well. This is an unprecedented adventure for all except the two

policemen including Thomas Elfgren, who led the Finnish investigation from October 2018 to December 2020 and has been instrumental in this African journey.

After the rubber plantations and the long plain in the centre of the country, the convoy arrives at the important town of Gbarnga, where the good road stops. The Finnish taste of adventure does not yet extend to the culinary domain and only the youngest member of the team dares to taste the local dishes – grilled fish, plantains and cassava leaves in palm oil. The others make do with small, fragrant bananas and have brought along preserves and cookies. But the hours of red dirt track that follow will raise their spirits.

The weather is clement until Voinjama, a crossroads city near the country's borders where it has been raining heavily since 1 pm. When the convoy finally gets close, night has fallen and the track has become a nice quagmire. In a few hours of this off-season storm, the track looks like in a monsoon. And while there are only a few kilometres left before Voinjama, an overloaded cab has got stuck across the track in a tricky spot. The convoy is stopped. Its passengers are left watching the fantastic chaos of the vehicles jammed around the bush cab, accompanied by the crackling of forest insects, headlights shining on the brown slush of the track and the green of the dense vegetation.

Among the seven in the judicial party, only the court president ventures out of his vehicle. With his feet in the mud, he is obviously amazed to find himself in the middle of such an unreal scene, before getting back in his four-wheel drive vehicle. Thomas Elfgren is in his element, wading in with the convoy's drivers, who confidently drive the mobilised caravane through the obstacle, boldly sinking into a crevasse filled with water then pulling the cab from its predicament. For Finnish visitors, this is the African adventure. In the evening, in a large, clean and comfortable hotel overlooking the town of Voinjama, a sudden invasion of vicious ants and crazed flying insects crowns the experience. It's as if everything had to be offered to these impromptu guests, without any bad consequences and in record time, so that they could immerse themselves in the realities of the Liberian population.

**PHYSICAL EVIDENCE VANISHED** Twenty years ago, the Liberian and Sierra Leonean civil wars were ravaging the sub-region, its population in the hands of various armed groups inflicting unprecedented violence on them, trapped in a war waged by poor people against poor people, in the heart of these vast and sumptuous forests that ignore any border between Guinea, Sierra Leone and Liberia. Lofa County was the kingdom of the Vanguardians, Liberian fighters of former President Charles Taylor and their Sierra Leonean allies of the Revolutionary United Front (RUF), of which Massaquoi was a member. Evidence of all this now seems to have vanished like a childish demonstration of war's absurd futility.

Today, as before those bad times, one can freely access along broken tracks these attractive mountainous landscapes topped with tall palms and ancient cotton trees, without seeing any trace of yesterday's cruelties. The day after their epic arrival, members of the Finnish court visited three sites of the crimes alleged in the case. There is nothing left that can evoke them. It takes each person's imagination to reconstruct the facts reported by witnesses. The exercise is a bit confusing from a criminal justice point of view, but it has an obvious interest for these Finnish judges, prosecutors and lawyers: to have a sensory and physical experience, fleeting but direct, of the environment and life of the Liberians they will be hearing for weeks, telling them a story they may not be well equipped to understand.

**DIFFERENT WORLDS MEET** The villages of Kiatahun, Kamatahun Hassala and Kortuhun, near the Sierra Leonean border, were selected by the prosecutor. In each of these places, Tom Laitinen and his deputy Matias Loden remind the judges of the charges. Crimes that Massaquoi is accused of committing here include executions, rapes, setting fire to houses with their inhabitants inside, and cannibalism. Gunmerus, the defendant's attorney, spoke often and the judges more rarely. Everything was said in Finnish. This is a Finnish procedure, so everything must be recorded in the national language. This adds to the incongruity of the event. These five 4x4s – a vehicle of journalists was with the convoy – appearing in these poor, isolated villages in the heart of the tropical forest and the swift nature of their visit cannot fail to make one think, without malice, of the long, equivocal and eternally replayed history of the white man in Africa.

Every moment of this journey seemed to illustrate this impossible encounter between two worlds as foreign as they are unequal, one of which is rich enough to come and judge the other, while the other puts up with it with perplexed benevolence. And there was little doubt if it was the villagers or our white-skinned group who would emerge the most transformed.

**BRIDGE OVER MISERY** Back in Monrovia after 13 more hours of travel from Voinjama, the court moved on the morning of Sunday, February 21 to Water Street in the downtown area of the capital near the Old Bridge, which is now the New Bridge. There, on a controversial date, more executions and rapes were reportedly carried out. Sunday allowed the members of the court to avoid the bustle and insecurity of a neighbourhood that is crowded on workdays, when they were told that they would probably not have survived the thieves and other professional tricksters. Along the seafront covered with garbage they were able to glimpse another universe, the miserable souls who survive in slums on the garbage heaps left to them by the big city.

These are now the images and sensations that the representatives of the Finnish justice system will have in mind when they begin to hear, this Tuesday February 23 and for many weeks to come, the witnesses of this Liberian story who have come

knocking at their door by chance. “Now it’s so much more concrete,” says the deputy prosecutor.

## IS THERE A FINNISH MODEL?

The “Finnish model” has already shaken the conservatism of international and transnational justice. And this is not the first time that Finnish justice has applied it. Several actors in the trial of Gibril Massaquoi, a former rebel leader from Sierra Leone accused of crimes against humanity, already tested it in 2009 in the trial of Rwandan François Bazaramba, which seems to have gone unnoticed by experts in international justice. The head of investigations was already Thomas Elfgren, a veteran police officer who previously served at the International Criminal Tribunal for the former Yugoslavia. The prosecutor was Tom Laitinen, in charge of the prosecution in the Massaquoi case. Defense attorney Kaarle Gummerus has already acted in a similar manner in a war crimes case involving Iraqi twins, one of whom was suspected of murder in the service of Islamic State.

For Belgian and Swiss justice, the Finnish example is humiliating. Both have had to deal with a Liberian case. The Belgians still have not started a trial, almost seven years after opening the investigation; the Swiss have finally organized it more than six years after the accused was detained. Neither the Belgians nor the Swiss have set foot in Liberia. Only the French, who are investigating a Liberian arrested in 2018 have also investigated on the ground. The Finns completed their investigation in just over two years and carried out four long missions to the scene, three of them between the opening of the investigation in October 2018 and the arrest of Massaquoi in March 2020, and one after that, despite the Covid-19 pandemic.

## A COURT OF VOLUNTEERS

How do you convince an entire court to spend two months in Liberia and Sierra Leone for hearings? In fact, everyone volunteered from the start. Judges, prosecutors and lawyers were informed at the outset that their work might require such a commitment. Of the 50 judges at the Tempere district court in southern Finland, four responded. They were all taken, since four judges (three plus one substitute) were needed.

While many international and national courts seized of serious crime cases have been claiming for the past year that their inertia is a consequence of the Covid-19 pandemic, the small Finnish team – 14 people, including four police officers and two interpreters – is braving this time of immobility with insolence, without fanfare and without a show of pride. Even the reappearance of the Ebola virus in Forest Guinea, near Lofa County which the court members visited from February 17 to 19, could not deter them.

A low profile, pragmatism and simplicity characterize their approach. There was no national police escort to accompany their convoy in Liberia, no clear signs of security concerns. Only one person was missing: the accused, who remained in his prison in Finland. The style of this itinerant Finnish court would make it seem almost bland if it were not for the more swashbuckling presence of its master builder, policeman Elfgren, who abhors bureaucracy. The logistics are precise, the organization fluid and totally devoid of the arrogance and invasive pomp of visits to the field by UN courts or the International Criminal Court on the rare occasions when they ventured to do so.

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# EAST AFRICA

## Uganda

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

**Allegations of abductions grip Uganda after tense elections (Associated Press)** By Rodney Muhumuza  
February 15, 2021

**Ugandan opposition leader Bobi Wine on Monday released a list of 243 people who have allegedly been abducted by the security forces, piling pressure on the government to find those missing amid continuing political tensions after last month’s elections.**

Wine, a singer and lawmaker whose real name is Kyagulanyi Ssentamu, has asserted that at least 3,000 of his followers were detained before and after the presidential elections on Jan. 14. President Yoweri Museveni won the polls with 58% of the vote, according to official results that Wine has called fraudulent. Uganda's top court will hear a case in which Wine seeks to overturn Museveni's victory.

Wine's allegations, newspaper reports and statements by diplomats have raised the specter of illegal abductions by state agents in Uganda.

Wine, in a Twitter post on Monday, published what he said was the first part of a list of Ugandans being held illegally. Suggesting that Museveni is responsible for the abductions, Wine posted: "Like all tyrants, he pushed the narrative that all is well, with hundreds of mothers, fathers and siblings in tears over missing loved ones."

Museveni in a national address on Saturday dismissed allegations that his forces have illegally detained civilians, saying his army "is a disciplined force" and that his party "does not kill" its opponents. But he acknowledged that he had beefed up security ahead of the elections by deploying soldiers from a commando unit previously deployed in Somalia who "killed a few" people he described as terrorists.

Museveni's admission raised concerns that state agents carried out extrajudicial killings as tensions persist following polls whose outcome is disputed. Local newspapers are dominated by accounts of alleged abductions by security personnel in vans without license plates from which armed men have jumped and grabbed their victims.

Museveni, a former guerilla leader who took power by force in 1986 and has since been elected six times, is popular among many Ugandans for bringing relative stability and security. Museveni himself has castigated former leaders such as Idi Amin, whose regime was notorious for kidnappings and extrajudicial killings.

Some now charge that Museveni's government is behaving like its predecessors.

"Efforts to find many of them have been in vain. A few have been arraigned before the courts of law while others have been found dumped in jungles and other remote places, often in poor health and bearing torture marks," human rights attorney Sharon Nakandha said in a column in the local Daily Monitor newspaper, referring to kidnapping victims. "This state of affairs should concern every individual irrespective of political affiliation."

Nakandha called for an independent commission of inquiry into enforced disappearances.

The United States and the European Union have noted concerns about Uganda's elections. Natalie E. Brown, the U.S. ambassador, in a recent statement cited "deep and continuing concern about the extrajudicial detention of opposition political party members, the reported disappearance of several opposition supporters, and continued restrictions" on the work of Wine's party.

Uganda's 76-year-old president has defied calls for his retirement, saying he has been elected many times by Ugandans who love him. But in elections last month Museveni faced a strong challenge from Wine, whose criticism of corruption and bad governance resonated with young people, including the urban poor. Wine, whose rallies were frequently disrupted by police who accused him of endangering public safety, captured the imagination of many at home and abroad in his generational clash with Museveni.

The elections were marred by violence ahead of polling day as well as an internet shutdown that remained in force until four days after the vote. Facebook remains restricted.

Museveni has dismissed allegations of vote-rigging, calling the election "the most cheating-free" since independence from Britain in 1962.

**Uganda Opposition Party Petitions UN Human Rights Office Over Violations (Voice of America)** By Halima Athumani  
February 17, 2021

**Uganda's opposition National Unity Platform party has petitioned the U.N. Human Rights Office over alleged human rights violations and state-inspired abductions. Relatives say their loved ones remain missing after they disappeared in the lead-up to January's contested election. Uganda's President Yoweri Museveni, who was reelected to a sixth term, has called the abduction reports false and claims only terrorists were arrested.**

The National Unity Platform party headquarters was filled Wednesday with relatives of people who've been reported missing

before, during and after the January elections.

Crying mothers and former abducted young men shared their stories.

Ayebare Halima, mother of a three-week-old infant and another child, described how on Jan. 24 seven police officers came to her home and arrested her at gunpoint. She said she was then taken to police headquarters in Naguru, where she was threatened and questioned about the whereabouts of her husband, Kenneth Mukasa Seguya.

Ayebare said she was pregnant when police officers questioned her. Once they were done, she said they told her to go home but warned that if they failed to find her husband, they would arrest her instead. She said, three days later, her husband called and told her he had been arrested. Ayebare said her husband was then brought home, where police officers took “People Power” branded T-shirts, some jackets and red berets. She said they then left and took her husband, and she still doesn’t know where he is, or even if he is alive.

Ayebare said one of the arresting officers gave her a number she could call if she wanted to know where her husband was being taken. When she called, however, the officer who answered then insulted her and warned her never to call the number again.

National Unity Platform officials report that more than 300 of their members countrywide remain missing. It is for this reason party president Robert Kyagulanyi, better known as Bobi Wine, is petitioning the United Nations Human Rights Office in Kampala. He said it is painful that Ugandans have no local human rights institution that can come to their rescue.

“General Museveni feels like Uganda is his compound. Uganda is his property. He has the right to pick and kill anybody at his will. He has the right to torture anybody, to murder anybody. But we say, he does not. And that is why, we are petitioning the United Nations,” Wine said.

However, Museveni in a security address on Saturday said the alleged disappearances do not reflect the culture of the current regime or army leadership. According to Museveni, the heavy deployment ahead of the elections was because he heard of plans by some law breakers to disrupt the elections.

“And in the case of Kampala, we also brought a commando unit, which had distinguished itself in fighting in Somalia. And which had destroyed ADF (Allied Democratic Forces) it was deployed in the Kampala area. And this group quickly defeated the terrorists who had started operating here. They killed a few, who had tried to attack them and arrested scores of those law breakers,” Museveni said.

Heavy security was deployed and roadblocks were set up on the route leading to the U.N. Human Rights Office in Kampala. Six journalists sustained head injuries after being beaten by military police officers as they camped outside the offices.

A U.N. Human Rights officer, who requested anonymity when speaking to VOA, said the office would not comment about the petition since the cases are confidential.

**UN Urges Uganda to Probe Reporters’ Beating at Rights Office (US News)** By Rodney Muhumuza  
February 17, 2021

**The United Nations on Wednesday called for an investigation into allegations that Ugandan military police used “excessive force” during an attack against journalists covering a prominent opposition figure filing a complaint at the local office of the U.N.’s human rights watchdog.**

At least four local journalists were reportedly beaten during the incident outside the U.N. rights office in the capital, Kampala. Witnesses said two journalists suffered head injuries when military police attacked them with batons.

The journalists were there to cover the filing of a complaint by Bobi Wine, who was runner-up in last month’s presidential election. In his complaint, Wine cited allegations of rights abuses including abductions that took place during and after the election.

Ugandan military spokeswoman Brig. Flavia Byekwaso, said on Twitter that the army “regrets that some journalists were injured as security carried out its duties.”

Wine, a singer and lawmaker whose real name is Kyagulanyi Ssentamu, has challenged the outcome of the Jan. 14 vote that official results showed was won by incumbent President Yoweri Museveni.

“The U.N. calls on the Government to immediately investigate this incident and ensure that those responsible are brought to justice,” the U.N. statement said, noting that the behavior of Ugandan forces contravenes an agreement with authorities regarding the safety of U.N. premises, staff and guests.

The U.N. statement said that its office would “immediately study” Wine’s allegations and would “take the appropriate actions.”

Museveni, who has ruled Uganda since 1986, is often credited with presiding over relative peace and security throughout his tenure. But last month’s election saw the most violence in recent years, with security forces accused of cracking down on Wine’s supporters. Some critics now charge that Museveni’s government is behaving like those of previous dictators, including Idi Amin.

Wine on Monday released a list of 243 people he said were abducted by state agents. Police have accused Wine’s supporters of planning riots aiming to topple Museveni and have arrested Wine multiple times.

The U.S. and the European Union have expressed concerns over Uganda’s election.

U.S. Ambassador Natalie E. Brown recently referred to “deep and continuing concern about the extrajudicial detention of opposition political party members, the reported disappearance of several opposition supporters, and continued restrictions” imposed on Wine’s party.

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

### **Official Website of the ICTR**

#### **New Allegations on France’s Role in Rwanda Genocide Put Pressure on Fact-Finding Commission (VOA News)** By Lisa Bryant

February 18, 2021

**Two years ago, French President Emmanuel Macron announced a fact-finding commission of historians to shed full light on a less glorious past: notably France’s role in Rwanda’s 1994 genocide.**

Now, with the Duclert Commission expected to present its conclusions in a matter of weeks, new findings suggest the country did more than commit “errors” nearly three decades ago, as one former French leader once said.

Extracts from French Foreign Ministry cables at that time, recently published by investigative website Mediapart and Agence France-Presse, appear to show Paris was aware genocide suspects were hiding in a French-army-controlled “safe-zone” in Rwanda following the slaughter—and did nothing to arrest them. Instead, the ministry instructed its envoy to Rwanda, Yannick Gerard, to request their departure from the area.

The allegations have sparked sharp debate, even outrage, in recent days. But they are simply the latest to trickle out from interviews and archives from former President Francois Mitterrand’s government at the time—documents that nonetheless remain largely inaccessible except to a handful of scholars. Together, they add pressure on the Duclert Commission for a comprehensive and transparent accounting of France’s role across the horrific arc of the genocide that killed more than 800,000 people.

“For us, it’s an extra element that confirms what we’ve denounced for years,” said Thomas Borrel, a spokesman for Survie (Survival), a victims’ rights association that won access to the Mitterrand archives last year. “We hope this new discovery will prevent any kind of conclusion in the [Duclert] report that seeks to legitimize French action at the time.”

Macron, for his part, has promised an honest accounting by the commission—whose report is due in early April.

“We owe it to ourselves to look at our past in its entirety, without any desire to conceal or self-flagellate,” he said in a November interview with The Africa Report.



Like his recent predecessors, Macron has sought to mend long-fraught ties with Kigali over Paris' role in the mass slaughter, inviting his Rwandan counterpart Paul Kagame to visit the French capital in 2018.

France also championed the successful but controversial nomination of Rwanda's Foreign Minister Louise Mushikiwabo to head the Paris-based International Organization of la Francophonie, although Kigali has long pivoted toward English and Mushikiwabo's mastery of French reportedly was shaky.

"What we fear is closer diplomatic ties between Paris and Kigali to the detriment of the truth," said Borrel of the Survie group, about his fears the Duclert Commission report will whitewash its findings.

Borrel points to the departure of one commission member late last year, after her allegedly favorable take on France's military role during the genocide was reported in the press.

The French Foreign Ministry cables offer a different take on events.

They were disclosed by another Survie member, researcher Francois Graner, who was granted access to the Mitterrand archives. The instructions from Paris were signed by Bernard Emie, a former diplomatic adviser who now heads France's DGSE secret service.

They are part of a raft of allegations trickling out over the years of what France knew—and what it did—not only during, but also before and after the genocide. Others include reports the country delivered weapons to Rwanda's government before the slaughter, which largely targeted Tutsis and moderate Hutus, and provided visas to alleged genocide perpetrators afterwards.

They underscore a once-close relationship between Paris and the Hutu-dominated government of the time, which analysts say was forged in a bid to maintain French influence in the country.

France has never apologized for any role in the genocide, but in 2010, former President Nicolas Sarkozy recognized "errors."

Recent years have seen a number of arrests of genocide suspects in France, including last May, when French police nabbed the alleged genocide "financier" Felicien Kabuga, who had been hiding outside Paris for years.

But several dozen suspects remain at large, or have yet to be brought to trial, says Alain Gauthier, who heads a genocide survivors' group with his Rwandan wife.

"We continue to denounce the slowness of the French justice system, we find it insupportable," Gauthier said. "Some people being pursued are in their '80s, and they may die before being brought to justice."

But Gauthier says he will keep an open mind when it comes to the Duclert Commission and its forthcoming report.

"Let it do its work and we'll see what comes out of it," he said. "If it doesn't produce what we hope, we'll say so."

### **France: Postponed trial of Genocide suspect Muhayimana to start in November (The New Times)**

By James Karuhanga  
February 19, 2021

#### **The trial of Claude Muhayimana, a genocide suspect living in France, is expected to start on November 22 after being postponed several times and thus delayed for over a year.**

According to Alain Gauthier, head of the France-based Collectif des parties civiles pour le Rwanda (CPCR), an organisation based in France that seeks Genocide suspects living there to be brought to book, the trial is expected to take place from November 22 to December 17. "I hope this is the last postponement," Gauthier told The New Times on Friday, February 19. In January, the CPCR expressed anger after the trial that was supposed to be held in February was postponed, for a second time. The trial was earlier scheduled to run from September 29 to October 23, 2020. But last September it was pushed to February 2 to 26, 2021.

Before it could start, however, the CPCR learned from its lawyers that there had been another postponement. The rights group has always wished the trial can proceed as quickly as possible.

Muhayimana, who has been a naturalized French citizen since 2010 faces charges of complicity in genocide and crimes against humanity through aiding and assisting such crimes.

Municipal employee in Rouen

According to the National Commission for the Fight against Genocide (CNLG), Muhayimana was one of the top Interahamwe leaders in the then Kibuye town who played a big role, as a driver, while transporting killers to places where they massacred people during the Genocide. Besides transporting killers, he is suspected to have also killed people in the area.

In 2014, he was arrested in France's northern city of Rouen after a year-long investigation triggered by a complaint by the CPCR.

Muhayimana still resides in Rouen, a region of France where, sources say, many other genocide fugitives live.

It is not yet clear what exactly he does but sources say he is a municipal employee in Rouen. Muhayimana is divorced but his ex-wife also lives in France.

The rights group accuses him of having regularly transported Interahamwe militia to the hills of Karongi and Bisesero where they murdered people en-masse.

If he is eventually brought before court for trial, he will be the third person to be tried for the Genocide against the Tutsi in France.

The other two trials that have taken place in France include that of Pascal Simbikangwa, former senior intelligence officer who was given a 25-year sentence in 2014.

In 2016, Octavien Ngenzi and Tito Barahira, two former mayors in eastern Rwanda, were sentenced to life imprisonment.

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## Somalia

**Turkish-trained special forces take Somalia back to days of civil war (The Arab Weekly)** February 20, 2021

**Protesters and the population in Mogadishu said that the special forces of the Gorgor Special Division, trained by Turkey, attacked civilians and killed demonstrators, which took Somalia back to the days of the civil war and possibly unleashing a security chaos that will benefit militant forces, especially the al-Qaeda-linked al-Shabaab extremists.**

“They attacked us heavily with lots of forces. It is a massacre.” a protester said.

He added that the Gorgor division is taking part in the attack on the protesters.

The Gorgor forces are members of the Somali forces that have received high-level training at the Turkish base in Mogadishu (TURKSOM). Their number ranges between 4,500 and 5,000 supplied with weapons and ammunition from Turkey.

They are stationed in Mogadishu, Tosmurib and Beled Hawo, with TURKSOM as their main base.

In addition to receiving their orders directly from President Mohamed Abdullah Farmajo, these forces are under the command of Turkish officers at the base.

Last December, the Somali opposition had warned Turkey of the dangers of sending arms shipments to the special units it was training.

An eyewitness indicated that Turkish armoured vehicles were deployed in the streets of the Somali capital.

“The military is dissolving and many troops seemingly reverting to clan loyalties,” said Colonel Ahmed Abdullahi Sheikh, who served for three years until 2019 as the commander of Somalia’s US-trained Danab unit.

“It’s a mess. There’s no longer any command structure whatsoever.”

The spillover of political rivalries into conflict will dismay Somalia’s allies and play into the hands of the al Qaeda-linked al

Shabaab insurgency, which mounts attacks on civilians around East Africa in its bid to impose its version of Sharia law.

Hours before Friday's demonstration, former president Sheikh Sharif Sheikh Ahmed accused government troops of attacking a hotel where he was staying with another ex-leader.

Security Minister Hassan Hundubey Jimale accused the opposition of starting the fighting.

"Armed militia attacked government forces. We repulsed and overpowered the militias," Jimale said in a statement.

In the absence of any mediation, the fighting is likely to spread quickly. Somalia has been torn apart by civil war since 1991. Both the government and the opposition can count on heavily armed supporters.

President Farmajo belongs to the powerful Darood tribe, while most of the army units in and around Mogadishu belong to the Hawiyyah tribe, which is closely connected to the opposition coalition.

It was expected that members of the Somali parliament elect a new president on February 8th. But the process was disrupted after the opposition accused the government of placing supporters in the general and local electoral councils.

The opposition coalition says President Farmajo's term is over and he is no longer president.

A coalition of opposition candidates vowed not to recognise Farmajo as president anymore, and pledged to organise mass demonstrations until he steps down, starting Friday.

After the incident, opposition leaders held a press conference where they asserted that the shooting was an attempt to assassinate their leaders and that rockets were fired.

Former Prime Minister Hassan Ali Khairi said, "With a number of candidates, lawmakers and civilian protesters, we survived a direct attempt to get rid of us".

He added, "If anyone doubts the dictatorial political ideology espoused by Farmajo, he can have an idea from the confrontations that took place (today)."

Another leader of the opposition, Abd al-Rahman Abd al-Shakur, said that "the missiles they fired at us hit the airport, causing a lot of destruction."

The United Nations Mission in Somalia expressed deep concern over the armed clashes in Mogadishu during the night and Friday morning and called on all concerned parties to de-escalate the situation and exercise self-restraint. It urged the belligerents to keep communication channels open to help reduce the level of tension.

The mission emphasized the need for the federal government and the states to reach a "political agreement" regarding the elections.

**Why Civil War is About to Erupt in Somalia (The National Interest)** By Michael Rubin  
February 23, 2021

**The "Black Hawk Down" episode and the piracy depicted in the film "Captain Phillips" continue to shape the American image of Somalia. For years, such perceptions have been unfair. Between 2010 and 2014, there were more than 350 pirate attacks or attempted attacks; over the next five years, there were eight; most piracy today occurs in the Gulf of Guinea, where 90 percent of kidnappings at sea now occur. Garowe, the capital of the Puntland state that I had the opportunity to visit last month, is secure. Business flourishes. Construction is constant. Locals and visitors both walk around the city or take advantage of its coffee shops and restaurants without security. Under the presidency of Sheikh Ahmed Madobe, Kismayo, the commercial capital of the Jubaland state, is also reportedly booming, even if its countryside is less secure than Puntland's.**

The national capital Mogadishu, however, remains a mess. Somalis, of course, bear ultimate responsibility for Mogadishu's insecurity and decline, but much blame also rests on the international community and the tendency both in Washington and at the United Nations to confuse money spent with effectiveness. Since 1991, the international community has invested more than \$50 billion in Somalia. Most of that money was wasted. This should never have been a surprise John Drysdale, who spent much of his career in Somalia, was fluent in Somali, advised several Somali prime ministers, warned in his history of the region, "Opportunism, being the ancient key to Somali survival in savannah conditions, could be readily turned by recent generations of urban dweller to the exploitation of alien moneybags." The theory was reality. Transparency International has

consistently ranked Somalia to be the world's most corrupt country. While U.S. Ambassador Donald Yamamoto and James Swan, a former U.S. diplomat who now heads up the local UN mission, have lobbied both for aid and debt relief in order to build patronage for and empower the central government, the problem is that such a strategy has never worked in Somalia. Mohamed Abdullahi Farmaajo, whom Yamamoto and Swan have extra-constitutionally sought to empower, has used the resources provided to him to punish political competitors rather than fight terrorists or build the country.

Farmaajo's four-year term expired two weeks ago after he had for months undermined the integrity of elections that might have replaced him. While the Somali president asserted the right to an extension as some of his predecessors received in order to arrange new elections, Farmaajo acted unilaterally rather than build broad consensus for the move. The opposition balked and called for peaceful protests in central Mogadishu but Farmaajo's forces fired on crowds that included his chief competitors.

On February 21, Puntland President Said Abdullahi Deni, who has distinguished himself as among Somalia's most effective and mature political leaders, addressed Somalia's current situation. He warned bluntly that Farmaajo's behavior and the international community's tolerance for it could return Somalia to the chaos of the 1990s. The United States, United Nations, European Union, and African Union have all supported a federal model in Somalia that would balance regional and central government. Deni argued that Farmaajo has unilaterally abrogated this. Frankly, he is right: Yamamoto and Swan have both sought to empower the individual at the expense of the system. The Puntland leader warned that Farmaajo has threatened to use the Turkish-trained Gorgor special forces and Harimocad special police, both of which he had previously deployed against political enemies, but Deni said that he would not give in and he has forces that will protect his regional government. Indeed, Deni pointed out that since Farmaajo took office, Somalia's special forces only do battle with political critics but not the al-Shabaab terrorist group that they were created to counter.

The credibility of the international community is at stake. Deni said that when he and other regional leaders warn Yamamoto, Swan, and other ambassadors about their concerns or seek assistance to stop Farmaajo's violations of previous agreements, the international community simply refers to the sanctity of the Sept. 17 agreement in which Farmaajo and Somalia's five Federal Member States agreed to an indirect model for the forthcoming elections. Deni noted, however, that Farmaajo had refused to uphold his end of the agreement. Mediation always fails when one side violates agreements with impunity. Regardless, Deni said that the issue is no longer the Sept. 17 agreement, but rather the lack of the agreement during the summit in Dhusamareb on Feb. 1-6, 2021, summit and Farmaajo's use of force against the opposition.

That the international community—including the United States—funded the forces that Farmaajo now wields both gives Washington standing to intervene diplomatically and raise questions about the management under Yamamoto and both the Obama and Trump administrations of the counter-terror portfolio. The situation is now so bad that neither Deni nor Madobe can travel to Mogadishu for fear that the increasingly erratic Farmaajo will poison them.

Deni's speech was not an exaggeration but rather a blunt warning. Farmaajo failed and seeks now to ruin elections than face defeat in them. Yamamoto and Swan, too, have failed. They acted like colonial governors, sought to prop up a client, and are now unwilling to admit error. Together, tens of thousands of people might now die because of their pride.

Somalis and the international community now have a choice: civil war or Farmaajo's exile. There is no longer a middle ground.

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## EUROPE

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

**Official Court Website [English translation]**

**Bosnia to Try Serb Ex-Soldier for Assisting Srebrenica Genocide (Balkan Transitional Justice) By**

Haris Rovcanin  
February 12, 2021

**The Bosnian state court on Friday confirmed an indictment charging Zoran Malinic, a Serbian citizen who lives in Belgrade, with assisting in the commission of genocide when he was the commander of the military police battalion of the 65th Motorised Protection Regiment of the Bosnian Serb Army's Main Headquarters.**

Malinic is accused of helping participants in a joint criminal enterprise that intended to commit genocide during a widespread and systematic attack by the Bosnian Serb Army and police on Bosniak civilians from Srebrenica in July 1995.

The indictment accuses Malinic of involvement in the detention and abuse of a group of at least 20 Bosniak prisoners in a school building in the village of Nova Kasaba, as well as the capture of several hundred civilians who were held in inhumane conditions at a stadium and then transported to Kravica and Bratunac, where they were held in detention facilities and then executed.

“The indictment alleges that the defendant planned, supervised and coordinated the activities of members of the military police in Nova Kasaba and the surrounding area. After the fall of the protected zone of Srebrenica [to Bosnian Serb forces in July 1995], they ambushed, intercepted, captured and killed Bosniak civilians,” the prosecution said.

The indictment further alleges that on the orders of the defendant, military police officers also killed a group of 12 captured civilians, including women and injured people.

**Bosnia court upholds former Serb Army soldier's conviction for crimes against humanity (Jurist)**

By Nadia Murray-Ragg  
February 15, 2021

**The Court of Bosnia and Herzegovina on Friday upheld the conviction of Sasa Ćurčić, a former Bosnian Serb Army soldier who served in the Dragan Nikolic Interventions Unit, for the rape of a woman in 1992 during the Bosnian War.**

The judgment in Prosecutor's Office of Bosnia and Herzegovina v Sasa Ćurčić was released by the Panel of the Appellate Division of the Court. Ćurčić had appealed his conviction from the first-instance verdict released last September, which saw him sentenced to five years' imprisonment for the rape, a crime against humanity prohibited by Article 172(1)(g) of the Criminal Code of Bosnia and Herzegovina.

The defense's argument that Ćurčić's conviction should be quashed and a retrial ordered, claiming that the victim confused Ćurčić and other persons, was unsuccessful. The prosecution's argument that Ćurčić's five-year imprisonment sentence was insufficiently severe for the crime against humanity, given that wartime sexual violence convictions tend to carry heavier sentences, was also unsuccessful. Both appeals were rejected by the court for being unfounded.

The judgment found that in July of 1992, Ćurčić raped a woman while he and Dragan Zelenović, both Bosnian Serb Army soldiers at the time, detained two other women. Zelenović was sentenced to 15 years' imprisonment for his involvement in the crimes against humanity—namely, three torture counts and four rape counts. Additional counts were dropped as part of a plea agreement.

Beyond Ćurčić and Zelenović's crimes, between 1992 and 1995 during the Bosnian War, violence permeated the country in response to Yugoslavia breaking up. According to the Center for Justice and Accountability, a non-profit human rights organization, during this time “the people of Bosnia endured a wave of ethnic violence as Serbian and Bosnian Serb armed forces launched a campaign of terror against the Bosnian Muslim population.” In 1994, as part of the war, the North Atlantic Treaty Organization used force for the first time by carrying out airstrikes. The war is estimated to have resulted in the death of more than 100,000 persons, with many others injured.

Ćurčić can appeal the second-instance verdict to the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights, but has not publicly stated whether he plans to do so.

**Bosnian Army Ex-Serviceman Seeks Exoneration in War Rape Trial (Balkan Transitional Justice)**

By Marija Tausan  
February 16, 2021

**In closing arguments at the Bosnian state court on Tuesday, ex-soldier Adem Kostjerevac's defense said that the charges should be dismissed due to procedural errors or the defendant should be acquitted due to a lack of evidence.**

Defense lawyer Mirna Avdibegovic pointed to inconsistencies in the victim's statements and said that back in 2007, the prosecution had discontinued an investigation into Kostjerevac due to a lack of evidence.

Avdibegovic argued that the fact that the defendant was not questioned in accordance with the law was an even more important reason for dismissing the indictment.

She said that when Kostjerevac was initially called in for questioning when he lived in the United States in 2014, he was not informed about the charges, was not presented with the evidence, was not instructed about his rights, and was not told whether he was a witness or a suspect.

Kostjerevac is accused of forcing a Serb woman to have sexual intercourse with him at least twice in the village of Bajrici in the Zvornik area, where she was detained in the basement of a mill which served as a prison, in the period between September 18 and October 4, 1992.

The woman was pregnant at the time and the rape caused her to have a miscarriage, according to the indictment.

The crime was allegedly committed when Kostjerevac was a military policeman with the First Muslim Brigade of the Bosnian Army.

Defense lawyer Avdibegovic said that the victim's statements identifying Kostjerevac as her assailant were contradictory and sometimes inaccurate. At one point she said that her attacker had a moustache, but the defense proved, on the basis of photographs taken at the time and witness statements, that Kostjerevac had never had a moustache.

"The defense cannot present evidence about who the real perpetrator was, but it was not Adem Kostjerevac," Avdibegovic said.

In its closing arguments on January 26, the prosecution insisted that the victim knew Kostjerevac before the attack and had recognized him clearly.

"The injured party identified the defendant as her rapist in a clear and unambiguous manner," said prosecutor Milanko Kajganic.

He said that the woman was unlawfully deprived of her liberty and abused on the grounds of her ethnicity alone, and that other witnesses had corroborated her testimony.

Kostjerevac was extradited from the US in June 2020. The verdict in his trial is due to be handed down on March 12.

**Bosnian Army Ex-Officer Retried over Wartime Killings of Croats (Balkan Transitional Justice)** By  
Nejra Dzaferagic  
February 18, 2021

### **The retrial of Enver Buza, the former commander of the Bosnian Army's Independent Prozor Battalion, began on Thursday at the state court in Sarajevo.**

Buza is being retried after the first-instance verdict sentencing him to 12 years in prison for wartime crimes was quashed on appeal.

Under the first-instance verdict, which was handed down in September 2019, Buza was found guilty of having had control over a unit that attacked the village of Uzdol in the early morning of September 14, 1993 and killed 27 Croat civilians.

The verdict said that Buza was informed about the crime to a sufficient extent, which obliged him to conduct a thorough investigation. According to the judge, he did not do this because he wanted to cover up the crime.

The retrial continues on March 5.

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## **Croatia Charges Serb Paramilitary Ex-Fighter with War Crime (Balkan Transitional Justice)** By Anja

Vladisavljevic

February 16, 2021

### **Croatian police said on Tuesday that they have charged an unnamed 62-year-old former Serb paramilitary with committing a war crime in the village of Petrovci in eastern Croatia in November 1991.**

“On February 15, 2021, the police filed a criminal charge against the 62-year-old suspect at the relevant County State’s Attorney’s Office in Osijek,” a police statement said.

The statement said that a criminal investigation established that the man, a member of a Serb paramilitary unit based in the nearby village of Negoslavci, “took advantage of the circumstances of the war and the temporary occupation of Petrovci” to illegally arrest and seize the 45-year-old civilian from his family home.

The victim was then severely physically abused and died from his injuries, it added.

According to the police, the suspect is currently unavailable to the Croatian authorities, suggesting that he lives outside the country.

Around a month before the fall of the nearby town of Vukovar in November 1991, the Yugoslav People’s Army, together with paramilitary volunteers from Serbia, attacked and took control over Petrovci.

Vukovar and the surrounding villages were incorporated into a self-proclaimed Serb-run rebel statelet called the Republic of Serbian Krajina. The area was finally reintegrated into Croatia in January 1998.

## **Croatia Charges Serb Ex-Fighters with Russian War Reporter’s Murder (Balkan Transitional Justice)** By Anja Vladisavljevic

February 23, 2021

### **Croatian police said on Tuesday that they have filed charges against two unnamed men, members of a special police unit of the Serbian Autonomous Region of Krajina, a wartime Serb rebel statelet in Croatia, for killing Russian reporters Viktor Nugin and Gennadiy Kurinnoy in September 1991.**

The two suspects were aged 26 and 33 when they shot the two Russians near the town of Hrvatska Kostajnica in the Banija region of central Croatia on September 1, 1991, the police investigation found. Neither of the suspects is in Croatia and available to the authorities.

Nugin and Kurinnoy, who were experienced war reporters working for the All-Russia State Television and Radio Broadcasting Company, were driving through the Banija region, which was at the epicentre of the war at the time, with various Croat and Serb troops and paramilitary units holding villages and controlling roads.

A group of members of a special police unit of the Serbian Autonomous Region of Krajina, including the two suspects, had occupied the area around the town of Hrvatska Kostajnica.

“At the moment when the private vehicle with diplomatic licence plates came from the direction of Hrvatska Kostajnica, the group opened fire on the vehicle with rifles,” a police statement said.

As the car stopped, the special policemen came up to the journalists, who had been wounded.

The suspect who was 26 at the time “was among the first to arrive” and demanded that the Russian show their identity documents, including passports and press cards. He then shot and killed both journalists.

The murder was witnessed by most of the members of the special unit group, including the then 33-year-old suspect, who was in command during the incident.

“Although the then 33-year-old suspect, as the actual commander in the field, was obliged to stop the then 26-year-old, he did nothing, but together with members of the group and the then 26-year-old suspect, took several actions to cover up the circumstances of this crime,” police said.

They said that the special policemen took the victims’ journalistic equipment, set their car on fire and later took the burnt

wreckage together with the remains of the killed journalists to a location along the Sunja riverbed in the village of Donji Kukuruzari.

“The wreckage of the car was found in 1992, while the remains of the murdered journalists have not been found to this day, and they are still listed as missing,” police said.

Croatian, Serbian, Bosnian and Russian authorities cooperated on investigating the case but the truth about the men’s killings has been shrouded in mystery for three decades, with both the Croatian and Serbian authorities blaming each other for their deaths.

Russian journalist and university professor Vladimir Mukusev also tried to shed light on what happened with his own long-running investigation, and published a book about the case in 2011, entitled ‘The Black Folder’.

In March 2017, Russian President Vladimir Putin posthumously awarded Nogin and Kurinnoy with the country’s Order of Courage.

### **Serbian Court Convicts Bosnian Serb of Wartime Assault, Robbery (Balkan Transitional Justice) By**

Milica Stojanovic

February 23, 2021

#### **Belgrade Higher Court on Tuesday found Bosnian Serb ex-fighter Zeljko Budimir guilty after a retrial of beating up a Bosnian civilian and stealing his money in the village of Rejzovici in the Kljuc municipality in November 1992.**

But the court acquitted Budimir of participating in the murders of the wife and mother-in-law of the Bosniak man, whose name was Ale Strkonjic.

Judge Vinka Beraha Nikicevic said Budimir defended himself by claiming he was at a family dinner and went to propose his girlfriend on the night of the crime, but the court disbelieved him.

The indictment had claimed that Budimir was one of three fighters who broke into Strkonjic’s house in Rejzovici at around 11pm on November 21, 1992, and beat him up and stabbed him.

Strkonjic gave the men the money they were demanding – some 5,800 German marks – and then escaped.

One of the two other fighters who was with Budimir approached Strkonjic’s wife Fatima, pulled out his gun and shot her in the head, then killed Strkonjic’s mother-in-law, Fata Koljic, with a knife, the indictment alleged.

The indictment did not specify to which military group or unit the defendant belonged.

In the initial trial in September 2019, Budimir was also sentenced to two years in prison for assaulting and robbing Strkonjic and acquitted of participating in the murders of his wife and her mother. But in March 2020, Belgrade Appeals Court quashed the verdict and ordered a retrial.

During the trial, Budimir insisted that at the beginning of the war in 1992 he was in the reserve police force, and later in the summer of 1992, he was sent to fight in Kupres in Bosnia.

But he said that from October 13 to December 1, 1992 – the period in which the crime was committed – he was released from military service.

His girlfriend at the time of the crime, who has since become his wife, testified in both trials that he went to propose to her on the night of the attack.

The prosecutor did not call any new witnesses during the retrial, but the defence called Nenad Bajic, brother of Predrag Bajic, one of the two fighters with whom Budimir was accused of committing the crime.

Nenad Bajic told the court that his brother told him he was under pressure to blame Budimir for the crime, although Budimir was not with him on the day it was committed.

Predrag Bajic and another man, Mladenko Vrtunic, were convicted of the murders of the two women and the attack on Strkonjic by the cantonal court in Bihac in Bosnia and Herzegovina in 2014.

As Budimir lives in Serbia, his case was transferred from Bosnia to Belgrade, where his trial started in April 2018.



Tuesday's verdict was a first-instance ruling and can be appealed.

### **Belgrade Court Increases Bosnian Serb Soldier's War Crime Sentence (Balkan Transitional Justice)**

By Milica Stojanovic

February 24, 2021

**Belgrade Appeals Court has increased the sentence handed down to former Bosnian Serb soldier Milan Dragisic from four to five years in prison for one killing and two attempted killings of civilians in the town of Bosanski Petrovac in north-western Bosnia and Herzegovina on September 20, 1992.**

The verdict, issued on February 1 but published on Monday, said that the first-instance court did not sufficiently assess "the gravity of the crime committed and the consequences".

After the body of Dragisic's brother, who died in the Bosnian war, was transferred to Bosanski Petrovac, he went on an armed rampage through the streets, killing one Bosniak man, Asim Kavaz, and trying to kill two others.

The Appeals Court said that the first-instance ruling did not take into account the fact that "the victims were his neighbours and acquaintances, who did not contribute in any way to or bear responsibility for the death of the defendant's brother".

In the first-instance verdict in July 2020, the Higher Court in Belgrade sentenced Dragisic to four years in prison.

At one of trial hearings in Belgrade in February 2020, Dragisic admitted killing one civilian but denied responsibility for the deaths of two others.

His case was being retried after a previous verdict convicting him was quashed.

He was originally sentenced to four years in prison in April 2019 for killing Kavaz and trying to kill his son and another man, but was acquitted of the other allegations.

### **Bosnian Serb Soldier's Conviction for Beating Prisoners Upheld (Balkan Transitional Justice) By**

Milica Stojanovic

February 24, 2021

**Belgrade Appeals Court has confirmed the verdict finding former Bosnian Serb ex-soldier Zeljko Maricic guilty of war crimes against civilians in the Kljuc municipality at the end of May 1992 and jailing him for two years.**

The Appeals Court's decision, issued on February 5 but published on Monday, said that the appeal had only contested the length of the sentence handed down to Maricic for beating up six Bosniak prisoners.

But it said that the two-year jail term was "adequate and proportionate to both the gravity of the crime and the consequences caused", and that it was "sufficient to achieve the purpose of punishment".

Belgrade Higher Court convicted Maricic in July 2020.

The court found that after Bosnian Serb troops and police captured a large number of Bosniak civilians from Velagici, Pudina Han, Sanica, Krasulje and several other settlements in the Kljuc municipality and took them to the Nikola Mackic Elementary School in the town of Kljuc, Maricic mistreated them.

Maricic beat up six of them and threatened to slaughter some of them.

After the civilians were taken to a bus to be transported to the Sintica detention camp, Maricic continued to beat one of them, a man called Mirsad Dervisevic, and stabbed him with a knife.

During the trial, Maricic admitted he did hit the civilians, but not as badly as alleged in the indictment, Danas newspaper reported in July 2020.

His admission was taken into account as mitigating circumstances, as well as the fact that he is the guardian of his son, who has epilepsy and autism.

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# Turkey

**Turkey insists on 'two-state solution' in Cyprus (Arab News)** By Angelos Al. Athanasopoulos

February 15, 2021

**Turkey insists that a "two-state solution" is now the only way to solve the Cyprus problem, even if it contradicts UN resolutions for a federation model with political equality between Greek Cypriots and Turkish Cypriots.**

The Mediterranean island has remained divided since 1974, when Turkish troops took advantage of a coup orchestrated by the military government of Athens against then-Cyprus President Archbishop Makarios and invaded the island.

Turkey has occupied almost 40 percent of Cyprus territory since then, while Turkish Cypriots have declared the independence of the "Turkish Republic of Northern Cyprus," a state recognized only by Turkey.

Turkey wants to keep Cyprus as a "geopolitical hostage" as this serves President Recep Tayyip Erdogan's plans to revive the Ottoman empire and exert maritime dominance in the Eastern Mediterranean.

Its position has hardened since the beginning of 2020, following the leadership election in the Turkish Cypriot community of Ersin Tatar, who is seen as entirely dependent on Erdogan.

The UN secretary-general is expected to convene, possibly near the end of March, an informal meeting with the participation of Greek Cypriots, Turkish Cypriots and the three guarantor powers - Greece, Turkey and the UK - who are responsible for guaranteeing the security of the island under the agreements that led to the independence of Cyprus from the British Empire.

The EU will be present as an observer, and the aim of this meeting will be to clarify whether there are enough grounds for holding an international conference to resolve the problem.

Tatar has maintained, even during his meeting with UK Foreign Secretary Dominic Raab, that at the March meeting he will present his vision for "a fair, realistic and viable solution" attained through a two-state partnership where the "constituent states" of Greek Cypriots and Turkish Cypriots are equally sovereign and enjoy equal international status. However, such a proposal contravenes UN parameters for a solution as it is closer to a confederation than a federation.

Erdogan also recently attacked Greek Prime Minister Kyriakos Mitsotakis for talking about the Turkish occupation when he visited Nicosia.

The last international conference aiming to solve the Cyprus problem was held in 2017 in Crans Montana, Switzerland. It failed to bridge differences and achieve a positive result. Turkey insists that the bi-zonal, bi-communal federation model championed by the UN has died and that other solutions should be explored.

The Turkish side believes that it offered critical concessions in Crans Montana but in 2004, when the UN proposed the Annan Plan to resolve the Cyprus problem, the Greek Cypriot side backed down and voted against it in a referendum.

At the same time, Turkey has pursued aggressive tactics in the Eastern Mediterranean, both against Cyprus and Greece, challenging the right of Cyprus to research and exploit hydrocarbons within its Exclusive Economic Zone (EEZ).

Turkey does not consider Cyprus to be a state entity and believes instead that it possesses exclusive rights to a continental shelf and an EEZ in the biggest part of the Eastern Mediterranean.

Apart from the two-state solution, which the EU does not accept as both the President of the European Council Charles Michel and the High Representative on Foreign Policy Josep Borrell have made clear in official letters to Cypriot government officials, the Turkish government has decided to open the closed area of the city of Varosha in order to exploit it economically and send a clear political message.

This is prohibited under UN resolutions, but Turkey is not intimidated. There are also many analysts who believe that it will engage in a cynical trade-off of its extreme positions with the other parties involved in the negotiations to extract benefits on issues of interest.

But Turkey's plans do not stop there. It considers Northern Cyprus as part of a string of forward military bases it has established from Libya to the Gulf. This is why it has upgraded the parking capabilities of troops and drones in the occupied northern part of the island.

Turkey is trying to secure military bases for both air and naval forces in Libya. It has established a training military base in Somalia, is present in northern Syria and also has a military base in Qatar. This is the main reason for its intransigence on Cyprus.

**International Criminal Court to rule on Turkey's settlements in Northern Cyprus (Ahval News)**  
February 18, 2021

**International Criminal Court Prosecutor Fatou Bensouda said she would issue a ruling on the Turkish occupation of Northern Cyprus before her term ends on June 16, The Jerusalem Post reported on Thursday.**

Cypriot member of European Parliament Costas Mavrides commenced a suit against Turkey's settlements in Northern Cyprus in July 2014, represented by pro-Israel NGO Shurat Hadin.

"For a period of seven years, Bensouda has brazenly ignored our communication involving Turkey's occupation of Northern Cyprus despite all our repeated demands and warnings," the Jerusalem Post cited Shurat Hadin director Nitsana Darshan-Leitner as saying.

In the complaint, the Cyprus-based NGO said Turkey's presence in the northern third of the Mediterranean island was "one of the most brazen settlement enterprises in modern times".

Meanwhile, Turkish President Recep Tayyip Erdoğan dismissed talks for a federal system in Cyprus. A two-state agreement would be the only solution for the ethnically-divided island, Turkish President Recep Tayyip Erdoğan said on Feb. 10, ahead of a five-party conference on Cyprus to be hosted by the United Nations in March.

Next month, U.N. Secretary General Antonio Guterres is expected to bring together Greek and Turkish Cypriots as well as Greece, Turkey and Britain as guarantor countries to assess the possibility of resuming talks.

Cyprus remains divided since 1974, when Turkey sent troops to the island to counter a Greek-backed coup. In 1983, the Turkish Cypriot leadership proclaimed the Turkish Republic of Northern Cyprus, recognised only by Turkey. Numerous diplomatic initiatives aimed at reunifying the island have taken place since 1974, but none have thus far succeeded.

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## **Kosovo Specialist Chambers**

**Kosovo Jails Ethnic Serb For Killings During 1998-99 War (Stars and Stripes)** February 12, 2021

**A Kosovo court on Thursday jailed a former Serb army police reserve officer for 12 years after convicting him of atrocities during the country's 1998-1999 war.**

The Pristina court ruled that in March and April 1999 Zoran Djokic "together with an organized criminal group of Serbs wearing military, paramilitary and police uniforms" killed 33 Albanians.

The killings took place in Peja, a city 50 miles west of the capital, Pristina. article continues below

The court found that the group had entered Albanians' homes and forced them to flee, killing 33 and maltreating others physically and psychologically.

Judge Arben Hoti rejected the alibi presented by the defendant, who denied the charges.

Djokic was charged in 2019. He had previously been living in Belgrade, according to prosecutors, but it was unclear when and how he was arrested.

Kosovo was a Serb province until the 1998-1999 insurrection by ethnic Albanian rebels sparked a bloody Serbian crackdown. That pushed NATO to carry out a 78-day bombing campaign to force Serbian troops out of Kosovo.

The war left more than 10,000 people dead, and 1,641 are still missing.

Kosovo declared independence in 2008 but Serbia has not recognized it.

## **Kosovo Ex-Guerrillas Claim Prosecution is Hampering Their Defence (Balkan Insight) By Xhorxhina Bami**

February 16, 2021

### **Lawyers for former Kosovo President Hashim Thaci and three other former Kosovo Liberation Army, KLA guerrilla leaders accused the prosecution at the Kosovo Specialist Chambers in The Hague on Tuesday of hindering the defence's efforts to prepare its case by not properly disclosing evidence.**

Thaci and his co-defendants Kadri Veseli, Rexhep Selimi and Jakup Krasniqi are all accused of committing war crimes and crimes against humanity when they were senior figures in the KLA in the late 1990s. They have all pleaded not guilty.

Thaci's lawyer David Hopper told a status conference at the Specialist Chambers that the prosecution has disclosed there are 124 witnesses testifying under pseudonyms, but has not said what these witnesses will talk about or how they are connected with the evidence.

Veseli's lawyer, Ben Emmerson, argued that "investigations were being hampered" by prosecution's "unorganised and chaotic way" of disclosing evidence.

Emmerson said that there are 34 different locations "where the prosecution claims that crimes were committed, and that at none of them is it mentioned that my client Kadri Veseli was present".

But prosecutor Jack Smith said that witnesses could be endangered if there is "a large gap between the release of all documents and the date of the trial".

"Safeguards have been put in place, edits have been made [to documents to protect witnesses' identities], the risk has been reduced, but it has not been completely eliminated," Smith argued. Witness protection is a key issue for the Kosovo Specialist Chambers because witnesses have been intimidated during previous KLA-related trials.

The indictment alleges that Thaci, Veseli, Selimi, and Krasniqi were part of a "joint criminal enterprise" that aimed to take control over Kosovo during the war "by means including unlawfully intimidating, mistreating, committing violence against, and removing those deemed to be opponents".

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

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

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

## **Judge at Kosovo Court Alerts EU Diplomats to Attempts to Undermine Court's Work (RFE/RL)**

February 17, 2021

### **The head of a special court investigating war crimes allegedly committed during Kosovo's war of independence has told EU diplomats that the court is facing increased efforts to impede ongoing legal proceedings.**

Kosovo Specialist Chambers President Ekaterina Trendafilova warned the diplomats last week in a confidential briefing that efforts to undermine the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor's Office (SPO) located in The Hague "have not stopped and will likely increase in various forms as the court proceedings take place."

The efforts include attempts to challenge the law that established the court in 2015, including efforts to amend it to allow the pardon of anyone convicted or a relocation to Kosovo.

"This certainly will put at stake the life, safety, and security of people who have or will be willing to cooperate with us," Trendafilova said, according to a transcript of the meeting seen by RFE/RL's Balkan Service. "Such changes would certainly have a chilling effect on witnesses, who may no longer want to appear, thus making it impossible for the specialist prosecutor to continue with his cases."

Trendafilova did not elaborate on who was behind the efforts or say how the changes would be implemented, but she urged EU diplomats to help fight back against the efforts.

A transcript of the briefing, which took place on February 11, was first obtained by Euronews. A spokeswoman for the court confirmed to RFE/RL's Balkan Service that the meeting took place and described it was one of Trendafilova twice-annual meetings with EU diplomats on the status of proceedings at the court. The spokeswoman said Trendafilova summarized matters already addressed in public filings.

The KSC and SPO comprise a court mandated to look into allegations that members of the Kosovo Liberation Army (UCK) committed war crimes and crimes against humanity during the 1998-99 war.

It operates under Kosovar law but is based in The Netherlands to shield witnesses from intimidation.

Among the defendants facing trial is former Kosovar President Hashim Thaci, who was a UCK commander during the war. Thaci resigned as president in November after learning the KSC had confirmed an indictment against him on charges of committing war crimes and crimes against humanity.

Thaci and two other former members of the UCK were transferred to the KSC detention facilities on November 5.

Trendafilova, who is Bulgarian, also urged European countries to consider agreements that could allow witnesses and their families to be relocated to Europe.

"Without these agreements, it will be very difficult if not impossible in some cases to ensure that testimony can be given freely and without any fear," Trendafilova said.

Trendafilova said it was still unknown when Thaci's trial will start, but the trials of other defendants are moving ahead, with the trial of Salih Mustafa, one of the founders of the UCK who had already been transferred to The Hague to face similar charges before Thaci and the other UCK commanders were charged, is set to begin on March 1.

Among the other UCK commanders and officials facing trial at the KSC are Kadri Veseli, a former speaker of parliament and leader of the Democratic Party of Kosovo, and Rexhep Selimi, a Kosovar lawmaker.

Kosovo's war of independence from Serbia left more than 10,000 people dead -- most of them ethnic Albanians from Kosovo. More than 1,600 people remain unaccounted for.

Kosovo, which has a largely ethnic Albanian population, declared independence from Serbia in 2008, a move recognized by many Western states but not Serbia or its allies Russia and China.

The current government of Kosovo did not respond to RFE/RL's request for comment on Trendafilova's statements. The winner of the February 14 parliamentary elections, the Vetevendosje party, also did not respond to a request for comment.

**Kosovo Could Try to Move War Crimes Court to Pristina, Judge Warns (Euronews)** By Orlando Crowcroft  
February 23, 2021

**The head of a Netherlands-based court investigating war crimes allegedly committed by the Kosovo Liberation Army (KLA) during its conflict with Serb forces two decades ago has urged EU diplomats to help fight back against a campaign to undermine its work in Kosovo.**

In a confidential briefing to European diplomats in the Hague on February 11, Kosovo Specialist Chambers President Judge Ekaterina Trendafilova warned that the court was facing increased efforts from within Kosovo to hinder ongoing legal proceedings, including against former Kosovan president, Hashim Thaci, who was indicted on war crimes charges last year.

In a transcript of the briefing, obtained by Euronews, Trendafilova said that attempts were already being made to challenge the law that set up the court in 2015, and could include efforts to either pardon those convicted of crimes or even see the entire court - and its vast confidential records - moved from the Hague, where it is currently based, to Pristina, Kosovo's capital.

"This certainly will put at stake the life, safety and security of people who have or will be willing to cooperate with us. Such changes would, certainly, have a chilling effect on witnesses, who may no longer want to appear, thus making it impossible for the Specialist Prosecutor to continue with his cases," Trendafilova said.

Trendafilova, who is Bulgarian, also warned about the safety of witnesses appearing for the prosecution in ongoing cases, and urged European nations to consider "comprehensive cooperation agreements" that could see witnesses and their families relocated to Europe.

"Without these agreements, it will be very difficult if not impossible in some cases to ensure that testimony can be given freely

and without any fear,” Trendafilova said.

The court indicted Thaci and the former speaker of Kosovo’s parliament, Kadri Veseli, on war crimes charges in October, along with two other former KLA militants.

Both men were senior commanders during 1998 and 1999 when the NATO-backed KLA fought Yugoslav army units and Serb paramilitaries after a campaign of brutal ethnic cleansing which saw hundreds of thousands of Kosovars forced from their homes and thousands murdered.

The indictment against Thaci, Veseli and two others allege that they were responsible for atrocities against Serbs and other minorities, as well as ethnic Albanians accused of being collaborators with the Serbian forces. All of the men deny the charges against them.

A spokesperson for the Kosovo Specialist Chambers told Euronews that the briefing was confidential and the transcript had been circulated accidentally and was intended for the internal use of diplomatic missions. It is not clear how many people received the transcript.

The indictments of Thaci and Veseli, and the work of the court in general, have been controversial since it was set up in 2015 by an act of the Kosovar parliament.

Kosovo, which declared its independence from Serbia in 2008, has been led largely by politicians that were former KLA fighters, including Thaci, who served two terms as president.

Even those who are no friends of the old guard of Kosovar politicians - such as Albin Kurti, the leader of the Vetevendosje movement - have criticised the court. Kurti has called for charges of war crimes to be heard in local courts and not in The Hague, where Kosovo Specialist Chambers is based.

Unlike the International Tribunal for Crimes in the Former Yugoslavia (ICTY), which probed war crimes abuses across the Balkans following the wars of the 1990s, Kurti - who is likely to be Kosovo's next prime minister after Sunday's election - said that the Hague-based court had singled out the KLA.

Euronews has reached out to a spokesperson for Kurti and to Kosovo's Ministry of Justice for comment.

Yugoslav leader Slobodan Milosevic was indicted for war crimes by the ICTY along with seven other Serbian military and political figures after the war in Kosovo. Six were convicted and sentenced to between 15 and 27 years in prison, and one was acquitted. Milosevic died during his trial in 2006 for crimes committed in Kosovo as well as in Bosnia and Herzegovina.

The ICTY also indicted a number of former KLA leaders for war crimes, some of whom had risen to senior positions within the government of Kosovo.

In 2005, after he had served as prime minister for just 100 days, the KLA’s former commander for Western Kosovo, Ramush Haradinaj, was indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY), stepped down and delivered himself to the Hague. Haradinaj was found not guilty in 2008, tried again in 2011 and once again acquitted.

**Defence, Prosecution Tussle in Kosovo War Veterans’ Leaders’ Case (Balkan Insight)** By Xhorxhina Bami  
February 24, 2021

**Lawyers for the leader and deputy leader of the Kosovo Liberation Army War Veterans’ Organisation, Hysni Gucati and Nasim Haradinaj, accused the prosecution at the Kosovo Specialist Chambers in The Hague on Wednesday of having a “negligent and contemptuous attitude” that was making the defence’s job harder .**

Gucati’s lawyer, Jonathan Elystan Rees, claimed that the prosecution has made the defence’s work difficult by not properly categorising evidence material and not providing a proper witness list, which was important for a “fair and efficient trial”.

“We have received 3,000 pages of material since January 4... not categorised... [and] there are even 100 hours of video footage... We have to interview every person who has played an important role,” Rees insisted.

The prosecution argued however that it has fulfilled its obligations, and that interviewing “all witnesses in this case” is not one of them.

Gucati and Haradinaj are charged with obstructing justice and intimidating witnesses after batches of confidential case files from the Kosovo Specialist Chambers, which was set up to try former KLA guerrillas, were leaked to them, and both men

urged media in Kosovo to publish the material.

The indictment alleges that Gucati and Haradinaj “revealed, without authorisation” lawfully protected information, and that they identified “details of certain (potential) witnesses”. Witness protection is a key issue for the Hague court after serious problems in previous trials of KLA ex-guerrillas.

In January, the pre-trial judge entered a not guilty plea for Haradinaj, after he boycotted the pre-trial hearing, and Gucati pleaded not guilty in December.

The defence also argued on Wednesday that measures to prevent the spread of COVID-19 have also impeded its progress.

Gucati’s lawyer gave the example of a flight to Kosovo being cancelled 24 hours prior to departure due to the pandemic.

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

The so-called ‘special court’, widely resented by Kosovo Albanians who see it as an insult to the KLA’s war for liberation from Serbian rule, was set up under pressure from Kosovo’s Western allies.

Those awaiting trial for wartime crimes include Kosovo’s former President Hashim Thaci and former Democratic Party of Kosovo leader Kadri Veseli alongside two other guerrillas turned politicians, Jakup Krasniqi and Rexhep Selimi. They have all pleaded not guilty.

## Azerbaijan

**Sargsyan’s confession will contribute to investigation of Armenia’s war crimes during second Karabakh war, analyst says (International News.az)** February 17, 2021

**Armenia’s ex-president Serzh Sargsyan acknowledged the war crimes committed by Nikol Pashinyan’s regime against the civilian population of Azerbaijan with the aim of an information-political attack on the current government, Andrey Petrov, a senior analyst for Vestnik Kavkaza news agency, told News.Az.**

In his interview with a local media outlet, Sargsyan admitted that the Armenian armed forces purposefully targeted Azerbaijan’s Ganja and other cities and used Iskander missiles during the 44-day war in Karabakh.

The analyst noted that Sargsyan’s remarks will contribute to the investigation of Armenia’s war crimes during the Second Karabakh War.

“Thus, Sargsyan’s interview turned out to be useless in the domestic political field, but useful in terms of Azerbaijan’s steps to bring Yerevan to justice for its atrocities,” he said.

Petrov emphasized that the Karabakh clan of Serzh Sargsyan and Robert Kocharian sees that it fails to attract a significant number of supporters not only to overthrow Pashinyan, but also just for a major rally, and therefore is trying to strike all possible blows at its rival.

“Sargsyan is in an advantageous position in this regard. He is completely removed from power and is not formally responsible for any acts committed by Armenia last year. However, Sargsyan has access to all classified information, because most of the senior officers, who served with him, retained their posts under Pashinyan. Therefore, Sargsyan has absolutely all the dirt on Nikol Pashinyan on the Second Karabakh War, and he can voice it without fear for his position,” the analyst added.

**Armenia, Azerbaijan blame each other for igniting the decades-old Nagorno-Karabakh conflict (Global Village Space)** February 23, 2021

**Armenia and Azerbaijan renewed accusations Monday, in addresses to the United Nations Human Rights Council, that the other side committed war crimes during their fighting last year over the disputed territory of Nagorno-Karabakh.**

The decades-long dispute reignited into all-out war in late September and claimed some 6,000 lives, including civilians. It ended with Armenia’s brutal defeat six weeks later following a Moscow-brokered peace deal.

Both sides accused the other of violating international law during the fighting and lobbed the claims again Monday when their foreign ministers addressed the Geneva-based UN Human Rights Council by video link.

Armenian Foreign Minister Ara Aivazyan accused Azerbaijani forces of “deliberately and systematically targeting civilian infrastructure,” “vandalising and destroying Armenian cultural and religious heritage” and using “degrading, inhuman and cruel treatment” on Armenian prisoners of war and civilian detainees.

He added that Baku’s leadership, “with the direct involvement of Turkey and the latter’s affiliated foreign terrorist fighters, perpetrated mass atrocities against Armenians”.

Turkey backed Azerbaijan in the conflict, but denied accusations that it had sent mercenaries to the frontlines.

For his part, Azerbaijani Foreign Minister Jeyhun Bayramov accused Armenian forces of “grave violations of international humanitarian law tantamount to war crimes and crimes against humanity”.

He said Armenia’s military “deliberately attacked” densely populated civilian settlements in Azerbaijan and committed war crimes against Azerbaijani captives.

In December, Amnesty International urged Baku and Yerevan to urgently probe “war crimes” committed by both sides during the fighting.

While Armenia has not opened an investigation into its army for war crimes, Azerbaijan has charged two of its soldiers for mutilating bodies of Armenian soldiers.

In the 1990s, Armenian-backed separatists in Nagorno-Karabakh declared independence from Azerbaijan in a war over the mountainous province that left some 10,000 dead.

Armenia’s ally Russia refused to intervene militarily in the latest conflict last year, but deployed several thousand peacekeepers to Nagorno-Karabakh after brokering the peace accord in November.

**Dutch Government says release of all prisoners of “paramount importance” (Public Radio of Armenia)** By Siranush Ghazanchyan  
February 23, 2021

### **The Dutch government says the release of prisoners after the Nagorno Karabakh conflict is of paramount importance.**

“The EU called for this in the statement of 19 November, and on 29 January this call was repeated by the EU spokesman for external relations. The Netherlands is also discussing this in bilateral talks with the parties involved,” the government said in response to a question by CDA Group.

“The release of prisoners of war after an armed conflict is an obligation for all parties involved. This obligation is based on the Third Geneva Convention, which has also been ratified by Armenia and Azerbaijan. The release of these prisoners is also an important condition for the road to lasting peace,” the cabinet said.

The Government added that the fact that the Nagorno-Karabakh situation is not on the agenda of the Council of Foreign Affairs in no way means that there is no longer any attention for the region.

“The ceasefire is only the first step towards ending this long-lasting conflict. Now a concerted effort by the international community must contribute to a diplomatic, peaceful and lasting solution to the conflict, including on the status of Nagorno-Karabakh,” the cabinet said.

“The Netherlands supports the work of the Minsk Group led by the three co-chairs (France, US and Russia) to look for a lasting solution. This topic is high on the agenda at various levels within the EU and in many international fora,” it added.

The cabinet said it continues to argue for an international investigation into the use of phosphorus, cluster munitions, foreign fighters and possible war crimes. The government does this in both a multilateral and bilateral context.

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# MIDDLE-EAST

## Iraq

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## Yemen

**The crisis in Yemen demands an independent review of NZ's military links with Saudi Arabia (The Conversation)** By Alexander Gillespie

February 18, 2021

**The revelation that Air New Zealand had been silently contracting services to the Saudi Arabian navy was apparently not the only instance of New Zealand's connection to the murderous war in Yemen.**

A week after Air New Zealand apologised to the government, it emerged the Ministry of Foreign Affairs (MFAT) had approved exports of military equipment to Saudi Arabia in 2016 and 2018.

Both cases involved a startling lack of transparency and direct inconsistencies with both corporate and country commitments to upholding international human rights obligations.

The conflict in Yemen is currently the world's worst humanitarian crisis. From indiscriminate targeting of civilians to torture, sexual violence and starvation, the situation reads like a textbook case of war crimes.

Since 2014, there have been an estimated 233,000 deaths, including 131,000 from indirect causes such as lack of food, health services and infrastructure. More than 20 million experience food insecurity, and 10 million are at risk of famine.

The war is complex, fed by opposing regional, national and religious ambitions. While all sides justify their involvement, none have clean hands. All have been increasingly brutal in pursuit of their goals.

The first step towards calming the conflict will involve a halt to providing weapons to those forces not fighting in accordance with international humanitarian law – Saudi Arabia included.

Selective embargoes

Despite being on record supporting calls for all parties in the Yemen conflict to abide by international law, New Zealand can no longer deny any potential complicity in this humanitarian abyss.

Efforts to control the situation stretch back to 2014. As well as various peace initiatives, the UN Security Council has mandated a limited arms embargo, which New Zealand complies with. But these are targeted primarily at the Houthi rebels and associated terror groups, not the Saudi-led coalition fighting them.

The inconsistency reflects the power of veto in the Security Council, but a UN panel of experts agreed all parties to the conflict have committed egregious violations of international humanitarian law and international human rights law.

#### Theory and practice

In theory, the 2013 Arms Trade Treaty should help curtail the trade in weapons to this disastrous conflict. Its signatories (including New Zealand) agree not to authorise any transfer of conventional arms, ammunition, parts and components, if they know such material could contribute to war crimes being committed.

In practice, this meant countries like New Zealand amended export laws to ensure all military and dual-use equipment was strictly controlled and not destined for the wrong places.

All military-related exports must be explicitly permitted. Permits will be refused if the export violates UN Security Council arms embargoes, contravenes New Zealand's other international obligations, or if it is known such materials would be used in the commission of genocide, crimes against humanity or war crimes.

Reasonably, there should now be no military trade with the Saudi-led coalition (or the other belligerents). No country can seriously claim not to be aware of the extreme violations of international humanitarian law in Yemen.

#### Profit over principle

Unfortunately, it seems the excessive profits to be made from a soaring arms trade have pushed aside evidence of war crimes or assassinations (in the case of the extrajudicial killing of Jamal Khashoggi).

Along with the United Kingdom, Canada, Australia and the US (although the Biden administration is reportedly reconsidering its policy), it now appears New Zealand is included in this company.

Initially, New Zealand's involvement was confined to humanitarian aid, providing millions in assistance. But if the latest reports are correct, the government must end any further military or dual-use engagement and ask how such decisions were justified in the past.

New Zealand's involvement is comparatively small, but the scale of the trade matters less than its legal and ethical basis.

#### Transparency and accountability

The government must also require full transparency from Air New Zealand as its majority shareholder.

The airline has come a long way since it was famously accused of "an orchestrated litany of lies" over the 1979 Erebus disaster. As a putatively responsible corporate citizen it upholds social and environmental sustainability as part of its core values and code of conduct.

Air New Zealand takes these responsibilities seriously enough to have pledged itself to the ten principles of the Global Compact. This UN initiative encourages businesses to adopt sustainable and socially responsible policies, and to report on their implementation.

Principle 2 requires that a company should not be complicit in human rights abuses. Air New Zealand said in its 2020 report to the compact: We take legal advice in the local jurisdictions we operate in about human rights compliance and require managers across the organisation to comply with all company policies.

So far, none of this adds up — for MFAT, Air New Zealand or the government. An independent review of New Zealand's involvement in the Yemen crisis — its scale, justification and status under existing laws and principles — is now called for.

**Fulfilling Biden Campaign Pledge on Saudi-UAE Policy Will Require a Full Overhaul (Human Rights Watch)** By Michael Page

February 18, 2021

**The last four years of U.S. policy toward Saudi Arabia and the United Arab Emirates (UAE) were bleak for human rights. The Saudi- and UAE-led military campaign in Yemen has been rife with violations of the laws of war and helped bring the country**

**to the brink of famine. Saudi agents gruesomely murdered the Washington Post columnist Jamal Khashoggi inside a Saudi consulate in Turkey. And both Saudi and UAE leaders ramped up their campaigns against domestic dissent.**

The Trump administration ignored or enabled these abuses, all while disingenuously citing human rights concerns to justify a “maximum pressure” campaign of sanctions on Iran that were so severe they endangered ordinary Iranians’ right to health care – and that continued in the midst of a pandemic.

The Biden administration has demonstrated an initial commitment to its campaign promises to “reassess our relationship with the Kingdom, end U.S. support for Saudi Arabia’s war in Yemen, and make sure America does not check its values at the door to sell arms or buy oil.” President Joe Biden stated in his Feb. 4 foreign policy address at the State Department that the United States is “ending all American support for offensive operations in the war in Yemen, including relevant arms sales.” According to the Wall Street Journal, the United States temporarily suspended arms sales to Saudi Arabia and “is scrutinizing purchases” by the UAE, while Avril Haines, the U.S. Director of National Intelligence, committed to releasing to Congress an unclassified U.S. report on Khashoggi’s murder.

These are important early steps. But if Biden is going to bring to fruition his campaign promises of supporting human rights and democratic values, the United States will need to fundamentally alter its relationship with Saudi Arabia and the UAE.

#### Likely War Crimes

In his State Department speech, Biden said the United States will “continue to support and help Saudi Arabia defend its sovereignty and its territorial integrity and its people.” Yet it is important that the U.S. not use this as a justification to continue multi-billion-dollar arms deals that have been a blessing for U.S. arms companies and a curse for Yemeni civilians. The Saudi- and UAE-led coalition have used U.S. weapons in some of the most devastating attacks on civilians in Yemen, including attacks on a market and a funeral that killed nearly 100 people each. Both were likely war crimes.

It is critical that the United States ensure that Saudi Arabia and the UAE will not have the means to commit further grave violations of the laws of war in Yemen. The Biden administration should end arms sales to both countries unless and until they take meaningful steps to end their abuses in Yemen and act to hold those responsible for war crimes to account, something that neither Saudi Arabia nor the UAE has shown any willingness to carry out.

At Human Rights Watch, we have documented these patterns of unlawful attacks for years, and it is why we have called for arms embargos on both Saudi Arabia and the UAE. Despite their track record, the two Gulf powers have avoided accountability for unlawful airstrikes. That makes cancelling last year’s proposed \$23 billion U.S. weapons sale to the UAE – a package that the Center for International Policy reported includes F-35 combat aircraft, MQ-9 armed drones, bombs, and missiles -- a particular priority, as these weapons could immediately be used in Yemen and in other conflicts where the UAE has carried out unlawful strikes, such as Libya. The Biden administration on Jan. 28 called on external parties to the conflict in Libya, including the UAE, “to cease all military intervention in Libya.”

Canceling the pending U.S. arms sales could increase pressure on the UAE to not only end support for abusive local armed groups in Yemen but also to end its involvement in Libya. Italy recently set an example by revoking authorizations for sales of thousands of missiles and bombs to Saudi Arabia and the UAE over their role in Yemen.

The Biden administration also should scrutinize its military cooperation with Saudi and UAE forces by applying Leahy Laws and similar standards that would suspend U.S. equipment, arms, and training for units involved in grave human rights abuses in Yemen. It has long been clear that the United States repeatedly cites various reasons for why such laws don’t apply. Ultimately, the United States has become complicit by neglect.

#### Escalate Magnitsky Sanctions

The United States also should impose sanctions on Saudi and UAE officials involved in human rights abuses, under the Global Magnitsky Human Rights Accountability Act and Executive Order (E.O.) 13818, which builds on and implements the Global Magnitsky Act. While the Trump administration used these tools to sanction 17 Saudi officials “for having a role” in Khashoggi’s murder, the Biden administration should also consider applying them to Saudi and UAE military commanders who have overseen or ordered unlawful attacks and other serious abuses in Yemen, and for Saudi officials who oversaw the torture and assault of detained women’s rights activists at home.

As recently as last year, Human Rights Watch documented Saudi forces arbitrarily arresting, forcibly disappearing, and torturing Yemenis. UAE ground forces and their proxies also have carried out serious abuses, including using torture and sexual violence in prisons where American officials confirmed that U.S. personnel had also questioned prisoners.

Further, the Biden administration should publicly raise concerns to Saudi and UAE leadership about their human rights

abuses at home. The Saudi de-facto leader, Mohammed bin Salman, has closely followed the lead of UAE de-facto leader Mohammed bin Zayed in treating all forms of domestic dissent as a national security threat. Since the Saudi leader's rise to power in 2015, his government has overseen the jailing of reformist clerics, senior princes, businesspeople, women's rights activists, and even an economist.

It is already clear that the Biden administration's initial decisions, such as ending U.S. support for the war in Yemen, are having a tangible impact on Crown Prince Mohammed's calculations over the external costs of domestic repression -- several Saudis detained for their peaceful criticism, including U.S. citizens Salah al-Haidar and Bader al-Ibrahim and women's rights activist Loujain al-Hathloul, have been temporarily released. Crushing independent voices like these in the Middle East is unlikely to be a recipe for long-term stability, which U.S. policy claims to seek.

The Biden administration could build on this momentum by calling for the immediate release of human rights defenders like Ahmed Mansoor in the UAE, countless human rights defenders in Saudi Arabia who have been sentenced and imprisoned for their peaceful activism, and demanding Saudi Arabia drop the travel bans and suspended sentences on released activists like al-Hathloul. Though out of prison, al-Hathloul and other recently released Saudi activists risk an immediate return to prison should they make any misstep.

A more consistent approach to human rights messaging toward Saudi Arabia and the UAE—one that defends people's rights in both countries in the same way as those facing unrelenting repression in Iran—would be a clear break from the previous administration. Saudi Arabia and the UAE have highly image-conscious governments that spend billions on PR firms, celebrities, artists, and sports figures to whitewash their terrible human rights records. Regular and direct U.S. criticism of Saudi and UAE abuses should be a fundamental part of a Biden administration reassessment, so that, to quote the president's campaign promise, "Human rights will be a priority, even with our closest security partners."

**Hunger Is a Weapon of War. Food Can Help Prevent It. (Foreign Policy)** By Ertharin Cousin  
February 22, 2021

**The Biden administration's recent reversal of U.S. support for the Saudi-led war in Yemen is a welcome departure from a foreign-policy agenda that yielded little but suffering—and a reliable market for U.S.-made weapons. But President Joe Biden's move shouldn't be hailed as a panacea for the Yemeni people, who have endured immeasurable suffering over the past six years. Rather, resolving the world's worst humanitarian crisis will require a larger paradigm shift in foreign policy.**

The reason Yemen's humanitarian situation is so acute is because its people are starving. Data from the United Nations World Food Program (WFP) reveals that 16.2 million of the country's 30 million people need food aid. According to the U.N., nearly half of all Yemeni children under the age of 5 suffer from stunted growth because of malnutrition, with some 400,000 children now in danger of dying from severe acute malnutrition—an increase of 22 percent over 2020.

Hunger has generally been confronted as a humanitarian issue. And rightly so. But it must also be treated as an essential element of military or foreign policy. This means that Biden's new approach to Yemen must not only focus on arms sales and high-level negotiations but also on helping civilians to meet their basic needs. Doing so is not just morally right but strategically smart: Addressing hunger helps people build the resilience they need to resist militancy and migration pressures and recover from conflict.

Conflict and hunger are intimately acquainted. Six out of 10 people struggling with acute food insecurity live in countries experiencing violent conflict, as do 80 percent or 122 of the world's 150 million stunted children, who face a lifetime of physical and cognitive challenges. Now, the coronavirus pandemic risks making things even worse. WFP Executive Director David Beasley estimates that 270 million people globally will hover on the brink of starvation after the pandemic—most of them in countries suffering violent turmoil—up from the 135 million acutely hungry people pre-pandemic.

Conflict both creates and exacerbates food insecurity.

Conflict both creates and exacerbates food insecurity. Syria was once the breadbasket of the Levant, but after nearly a decade of civil war, agricultural output has plummeted, and in the most recent country survey, WFP found that the price of some basic food items had increased by as much as 236 percent. In this same survey, WFP estimated that 12.4 million Syrians, or nearly 60 percent of the population, are now food insecure.

Aside from destroying productive capacity and hindering access to food, violence also displaces people from their livelihoods. This is especially damaging when a large portion of the population's livelihood is food production, as in many low- and middle-income countries.

When the quotidian is marred by violence and uncertainty, farmers plant smaller areas and lower-value subsistence crops.

They also keep small livestock rather than more valuable cattle. And ultimately, they may seek safety and food security elsewhere: The WFP estimates that each 1 percent increase in food insecurity is accompanied by a nearly 2 percent increase in migration. Put together, when faced with an existential crisis, a previously productive food system can quickly become unable to support the broader population—begetting another crisis altogether.

It is easy to understand how conflict creates food insecurity. But it is also possible to reverse the equation and use food security as a weapon against conflict.

Large, targeted efforts to improve the food security of vulnerable populations would almost certainly provide a major point of resistance against conflict's entrenchment and spread. One reason extremist groups across northwestern Africa have gained so much traction is that they offer suffering communities a source of food and security.

Controlling the cost of food would not just get to the roots of conflict—it would create a preventive mechanism against it. There is an emerging consensus that rising food prices increase the risk of unrest: When global food prices soared between 2007 and 2008, a spike in riots and civil conflict followed. That's because the specter of hunger drew in much broader swaths of the population—including students and low- and middle-income earners.

Historical data suggests that those unable to afford food before prices rise find little reason to take to the streets when they do. Importantly, food riots don't cluster in places where chronic food insecurity is the most profound but in urban areas where market-dependent working-class communities feel a sudden change in their purchasing power. As a result, countries experiencing acute food price inflation must prioritize not only relief for the chronically hungry but price-stabilizing efforts for populations traditionally seen as less vulnerable. Doing so can mitigate—or even prevent—riots and violent conflict.

Given all that we know about food insecurity—and how to prevent it—why is the humanitarian situation in Yemen so bad?

The success of a humanitarian intervention is dependent on access. And in Yemen, access has been very hard to come by. International humanitarian law and protocol require that state and nonstate actors alike must grant adequate access for local and international humanitarian relief providers. Granted, in order to operate, humanitarians require consent of the concerned parties, whether state or nonstate actors. However, parties may not arbitrarily or unreasonably withhold that consent. Where denying access to food results in starvation, no valid reason can justify refusing consent, and it amounts to nothing less than using starvation as a weapon of war.

Yemen is a stark reminder of what happens when humanitarian access is used as a weapon against civilians.

Yemen is a stark reminder of what happens when humanitarian access (or the lack thereof) is used as a weapon against civilians unwittingly struggling to survive on the front lines of war. De facto threatening famine as political leverage by withholding consent is both inhumane and unlikely to yield geostrategic ends. This is true applied to both the well-documented access challenges created by the Houthis and the designation by the United States of the Houthis as a terrorist group. In reversing the designation, the Biden administration rightfully recognized this truth. To starving Yemenis, both actions resulted in an unreasonable denial of their access to food.

When I was executive director of the WFP, I stressed that we must put the people we serve at the center of our solutions. I pleaded for all parties involved in intrastate conflicts from Syria to Somalia to Yemen to provide access for humanitarian groups to ensure that women and children did not die.

Exceptions to humanitarian access—whether through the Saudi-led coalition blockade, the delay or denial of consent by the Houthi government, or the 70 or so armed checkpoints limiting food transport by road—are never acceptable. And our recognition of that fact must go beyond official statements at the United Nations: We must actively provide the political—and, if necessary, military—support that humanitarian operators require to deliver assistance to every conflict area. We can do that if global leaders commit to prosecuting the use of hunger as an illegal weapon of war and crime against humanity.

In May 2018, the U.N. Security Council unanimously endorsed a resolution condemning starvation as a tool of war. The Rome Statute of the International Criminal Court (ICC), meanwhile, defines “extermination” to include “the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.”

In short, decisions and actions that knowingly cause or abet starvation constitute a crime against humanity. We should encourage the ICC's efforts to prosecute it. This includes discouraging amnesty for war crimes and redefining war crimes to include actions perpetrated under the banner of fighting terrorism. An effective ICC backed by the strong support of the international community, including the United States, is needed now more than ever to send the message that impunity for mass atrocities will not be tolerated.

We also need to increase the global salience of long-running conflicts. Donor governments tend to fund hunger emergencies

the same way they fund quick-onset emergencies like natural disasters. After an initial rush of interest, attention on the crisis quickly subsides as the affected community ostensibly returns to normal. But there is no such thing as “normal” food insecurity.

Longer-running conflicts, which ebb and flow between violence and fragile peace, risk becoming orphaned.

For this reason, longer-running conflicts, which ebb and flow between violence and fragile peace, risk becoming orphaned. Somalia has been orphaned for 20 years, Syria for 10. After only six years, Yemen joins a growing list of orphaned conflicts. In cases like these, civilians grind along miserably and experience ever shortened food rations. Now, the operational limitations of quarantines and coronavirus infections have orphaned scores more.

Avoiding orphaned conflicts requires a long-term commitment. This means making humanitarian and development aid a more central part of security policy. Donor governments and peace negotiators should not hesitate to insist that humanitarian aid and access accompany any military investment. Security planning in conflict zones should not treat humanitarian access as an afterthought. Tying aid to the peace process isn't new, but a policy commitment to long-term financial follow-through would break new ground.

In 2020, the WFP was awarded the Nobel Peace Prize for working to prevent hunger from being used as a weapon of war. I'm incredibly proud of my former organization for this recognition. Yet this struggle is a long one. In 1949, John Boyd Orr, the first director-general of the U.N. Food and Agriculture Organization, was awarded the Nobel Peace Prize for similar reasons. Boyd Orr had insisted then that “hunger and want in the midst of plenty are a fatal flaw and a blot on our civilization [and] one of the fundamental causes of war.” More than 70 years later, hunger continues to ravage civilians, including those in Syria, Burkina Faso, and Yemen.

In that same speech, Boyd Orr said something else that remains critical today. To fight hunger, he stressed, “we have to build from the bottom upwards.” A foreign-policy lesson most have yet to learn. But as Biden reverses U.S. support for the war in Yemen, he has the opportunity to finally move the country's approach to conflict prevention in that direction.

**UAE deeply involved in Yemen despite claims of withdrawal, experts say (Middle Eastern Eye)** By Sheren Khalel  
February 22, 2021

**The war in Yemen is emerging as a top foreign policy concern for US President Joe Biden's administration, and while Saudi Arabia has taken the bulk of criticism for its role in the war-torn country, experts say the United Arab Emirates, claiming disengagement, remains deeply involved.**

The UAE announced in October that it had ended its military involvement in Yemen, but four months later, those documenting the war have insisted otherwise. From strategic islands to air and sea ports, military bases and militias, the UAE is accused of being heavily active in the civil-turned-proxy war.

Justin Russel, head of the New York Center for Foreign Policy Affairs (NYCFPA) think-tank, which is levying a lawsuit against the US State Department over a now-paused arms deal to the UAE, told Middle East Eye that his organisation has documented continued Emirate involvement in Yemen.

"The UAE, either in the spotlight or under the radar, continues to be an aggressor in the region," Russel said.

"The UAE's withdrawal announcement drew international attention away and basically took the rest of the world off the scent of what they are actually doing in the region... But in our research, there is still funding and other battlefield support from the UAE in Yemen on a regular basis," he continued.

Described by the UN as "the world's worst humanitarian crisis", the conflict has displaced millions and nearly 250,000 people have been killed, mostly at the hands of the Saudi-led coalition, which includes the UAE as its main partner.

While the UAE and Saudi Arabia began their involvement in the country on the side of Yemen's internationally recognised government, in 2017 the Emirates took a slightly separate path, focusing on supporting the Southern Transitional Council (STC).

Still working against the rebel Houthi group - the Yemeni government's and Saudi Arabia's main rival in the country - the STC also aims to restore the independence of South Yemen, which united with the north in 1994.

Bab-el-Mandeb Strait

The UAE's interests in Yemen are varied, but a key goal of the small Gulf nation - which shares no border with Yemen - is maintaining influence over the Bab-el-Mandeb Strait.

The waterway is essential for the passage of about nine percent of the world's seaborne-traded crude oil and refined petroleum.

"It's pretty clear to me as a Yemeni what the UAE's endgame is, and that is to make sure that they have a government in Yemen that is going to make it easy for their oil to travel through Bab-el-Mandeb," Shireen al-Adeimi, a Yemen-born activist and professor at Michigan State University told MEE.

"It's a really important strategic location. It's why Yemen has always had interventions by Saudi Arabia and the US in the past," she said. "That's really what it comes down to."

During its independence, South Yemen controlled the entirety of modern-day Yemen's southern coast and the mouth of the strait, which connects the Gulf of Aden and the Arabian Sea to the Mediterranean via Egypt's Suez Canal.

The strait is 18 miles wide at its narrowest point, which limits tanker traffic to a four-mile-wide channel for inbound and outbound shipments, resulting in an easy-to-control passage.

Throughout the war, the UAE has worked to take up strategic outposts around the waterway.

From Socotra, an Island at the mouth of the Gulf of Aden, to Mayyun, an island right in the middle of Bab-el-Mandeb, the UAE has manoeuvred control over some powerful territory with the hopes to maintain influence over ports and seabound traffic in the region.

The government insists those islands and ports remain under Emirate control to this day. Earlier this month, Mohamed Gezan, undersecretary of the government's information ministry, shot down UAE claims of disengagement.

"The world is a small village, thanks to the media, and everyone knows that you are still in Yemen," Gezan said in a post to Twitter that was aimed at then-UAE Foreign Affairs Minister Anwar Gargash.

"Withdraw your soldiers from Socotra, Balhaf, and Mayyun, and stop arming the militias," he said.

Last month, Mukhtar al-Rahbi, adviser to Yemen's minister of information, also complained that the UAE was refusing to reopen Al Rayan airport in Mukalla, a bustling southeastern seaport and the capital city of Yemen's largest governorate.

The UAE turned the airport into a military base for its forces around the start of the war and has refused to reopen the facility, it says for security reasons.

Rahbi, however, accused Emirati forces of using the airport "as an illegal prison to commit heinous forms of torture against Yemenis".

'That's where the PR comes in'

Still, there are some indications that the UAE is pulling back some of its forces, such as the recent dismantling of the Assab military port and airstrip that it built in Eritrea, 40 miles west of Yemen and right off the coast of the Bab-el-Mandeb Strait.

The military base was a strategic post that the UAE used to import weapons and troops - including foreign mercenaries. Recent satellite imagery has detailed the base's disassembly.

But Adeimi warned that the UAE is likely keeping in place foreign forces that it has trained and funded in areas it withdraws from.

"At some point last year they announced that they were withdrawing... But really, what they were saying is that they were leaving behind trained mercenaries while pulling out their official ground troops," Adeimi said.

"That's where the PR comes in - they make it look like they've withdrawn from Yemen, when all they've done is just pull out their official physical presence," she continued.

On Thursday, Human Rights Watch (HRW) released a report that pointed out that the UAE, along with Saudi Arabia, is a highly image-conscious government that "spends billions on PR firms to whitewash their terrible human rights records".

Launched in 2017, the official UAE Soft Power Strategy has sought to increase the country's global reputation abroad despite a series of accusations of war crimes and human rights committed in Yemen, Libya and elsewhere.

"The UAE has been able to take advantage of the Saudis being the front-facing group for this war, while they've been able to kind of take a step back and be behind the scenes," Adeimi said.

### Balancing US relations

Adeimi also pointed to the STC's continued imprisonment of Adel al-Hasani, a Yemeni journalist that was arrested by the separatist group more than five months ago.

The Committee to Protect Journalists (CPJ) released a report earlier this month alleging that the STC is unable to free Hasani due to direct political pressure from Abu Dhabi.

This week, US Congressman Ro Khanna, who has long been an advocate for ending US support for the country's role in Yemen, traded barbs with the UAE's ambassador to the US, calling on the Emirates to allow the release of Hasani.

"The STC is backed by the UAE and wouldn't be in existence without the UAE... so we have to be very clear here about its role," Adeimi told MEE in regards to the Emirate's influence over the separatist movement.

In HRW's report on Thursday, the group urged the US to completely end its support for Saudi Arabia and the UAE and to levy sanctions against the two powers to ensure that neither country has "the means to commit further grave violations of the laws of war in Yemen".

Around the end of former US President Donald Trump's term, the administration forced through a gigantic \$23bn weapons deal with the UAE, which included the sale of killer drones and F-35 jets.

As one of his first foreign policy moves, President Biden installed a temporary block of some arms sales to Saudi Arabia and the UAE while they are being reviewed, but the wording of the order remains worrying to advocates working against the deals.

Days after the temporary freeze was announced, Secretary of State Antony Blinken seemed to downplay its significance, saying "generally speaking, when it comes to arms sales, it is typical at the start of an administration to review any pending sales to make sure that what is being considered is something that advances our strategic objectives and advances our foreign policy".

"We're very concerned about the wording," NYCFPA director Russel told MEE, adding that their lawsuit against the State Department over the UAE arms deal has not been rescinded despite the freeze and review of the sale.

Russel also pointed out that it is not clear whether the US would oppose arms sales for the UAE to use in Libya, where it is involved in another proxy war.

"Giving the UAE additional high-end, unmanned aerial systems, giving them a fleet of F-35s does nothing to help reduce the impact that [the] UAE has had and continues to have in the region," Russel said, calling for a complete shut down of all US weapons and training contracts with both Saudi Arabia and the UAE.

"All [these weapons deals] do is exacerbate these very large historical human rights crises in the region," he said.

### **Biden admin not serious to stop war in Yemen: Yemeni politician (Tehran Times)** By Mohammad

Mazhari

February 23, 2021

**"They are not serious in stopping the aggression and lifting the siege on the Yemeni people, otherwise Biden would make the decision to end the war and lift the siege directly," Hezam al-Assad tells the Tehran Times.**

The Ansarullah movement was blacklisted by the former U.S. President Donald Trump just days before Joe Biden begins his job as a new president.

In a report on February 16, Al Jazeera reported that the Biden administration has formally delisted Yemen's Houthi movement as a "foreign terrorist organization" and "Specially Designated Global Terrorists".

Also on February 4, the Biden administration announced that it would end the U.S. support for offensive operations for the Saudi Arabia-led coalition that intervened in Yemen's civil war in 2015, a year after the northern-based Houthis kicked President Abdu-Rabbu Mansour out of the capital Sanaa.

"Removing Ansarullah from terrorist groups did not come as a desire to talk or a preparation to bring peace to Yemen," the politician argues.



Amid the new U.S. administration's efforts to restore the image of the United States after Trump's reckless policies, the UN envoy to Yemen, Martin Griffiths, also visited Tehran to discuss political solutions for Yemen based on negotiations between the warring sides.

He announced that he met Iranian officials to talk about possible ways of stopping the war in Yemen, supporting an agreement between the warring parties for a ceasefire, sending humanitarian aid to the country, and resuming the political process.

The following is the text of the interview:

Q: How do you evaluate the efforts of the United Nations to end the war on Yemen?

A: The international role is very unproductive and almost represents the interests of Western powers, where the UN envoy Martin Griffiths as a British national always gives the political cover for aggression launched by the Saudi-led coalition and provides justifications for all war crimes committed against our people.

The killing is ongoing through an unjust and suffocating siege that violates international and legal norms, and in all his briefings to the Security Council, Griffiths praises the criminal Saudi regime, describing its role in Yemen as humanitarian even after massacres against children and women. Q: In his visit to Tehran, Griffiths discussed ways to end the war in Yemen with Iranian Foreign Minister Muhammad Javad Zarif and other officials. What were the results of the visit?

A: Unfortunately, Griffiths represents the United Kingdom, not the United Nations. In fact, he failed in his mission as an international mediator.

He tried, through his visit to the Islamic Republic, to give an impression that the Yemeni people who defend themselves are being led under the direction of Tehran.

It was a move to give legitimacy through media to the regimes that launched an aggression on Yemen in an effort to justify their interference and crimes against the Yemeni people.

He knows well that the solidarity of the Islamic Republic with the Yemeni people doesn't mean dictating policies and directing the Yemeni leaders, especially since the Yemeni people are in a position to defend themselves in the face of foreign aggression waged by 17 states, led by the U.S.

The Iranian position during Griffith's visit to Tehran reflects a logical and fair response to those who claim peace while practicing aggression, killing, and continuous blockade for six years.

Q: What is your comment on the new U.S. administration's decision to reverse Trump's designation of Ansarullah as a foreign terrorist organization?

A: Trump's decision to classify Ansarullah as a terrorist organization came on the last days of his administration; it came in the context of the state of confusion and crisis that Washington experienced politically, and the repercussions of that classification would have been negative for the Biden administration and the American people.

Removing Ansarullah from terrorist groups did not come as a desire to talk or a preparation to bring peace to Yemen.

They are not serious in stopping the aggression and lifting the siege on the Yemeni people, otherwise, Biden would make the decision to end the war and lift the siege directly.

Q: How would you describe the role Saudi Arabia is playing in the war on Yemen?

A: The Saudi regime serves the U.S. and Britain in the region and is not able to take any decision independently and has no control over its territory, so it is not entitled to be a decision-maker for war or peace.

Trump has previously stated that had it not been for Washington, Saudi Arabia would not have been able to fly its planes.

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**Special Tribunal for Lebanon**

**UN gives green light to fund Lebanon tribunal for 2021 (Associated Press)**

February 20, 2021

**The UN Security Council has given a green light to keep the UN-backed tribunal investigating the 2005 assassination of Lebanon's former prime minister Rafik Hariri operating and funded for at least this year.**

UN Secretary-General Antonio Guterres said in a letter to the council circulated Friday that the president of the Special Tribunal for Lebanon, Judge Ivana Hrdličková, informed him in November that its work wouldn't be finished by the expiration of its mandate Feb. 28.

The judge asked for a two-year extension "to significantly advance its work toward completion," Guterres said.

Guterres said he intends to extend the mandate of the tribunal for two years starting March 1, or until its cases are completed or available funds are exhausted "if sooner."

Lebanon, which is mandated to pay 49 percent of the tribunal's costs, faces a dire financial situation which has left the tribunal with a serious funding shortfall. The remaining 51 percent of the tribunal's funding comes from voluntary contributions.

Guterres said he launched an urgent appeal to all 193 UN member states and the international community on Dec. 20 to support the tribunal, but "unfortunately, the appeal did not generate any new commitments of funds."

Without additional funding, he said, the UN was informed that the tribunal "may not be able to carry out its mandate beyond the first quarter of 2021."

"To bring the ongoing judicial proceedings of the Special Tribunal to an abrupt close in these circumstances would be unprecedented," Guterres wrote. "A premature closure would have a significant impact on international justice efforts and would send a negative message to the people of Lebanon and to victims of terrorism worldwide."

After consulting Lebanon's government and Security Council members, Guterres said he intends to request approximately \$25 million from the General Assembly, called a "subvention," to cover the anticipated shortfall in funding from the Lebanese government and donors in 2021. This would be temporary, while the tribunal seeks additional funds, he said.

Britain's UN ambassador, Barbara Woodward, the current council president, said in a letter to the secretary-general that members approved his intention to extend the tribunal's mandate and to request about \$25 million in funds from the General Assembly for 2021.

She said this was with the understanding that the money will be reimbursed from voluntary contributions the tribunal receives, and its voluntary funding arrangements will not be changed. "The members of the council stress that contributions from Lebanon, as well as from the donors, should remain a major source of funding for the Special Tribunal and that additional efforts should be made to avoid reliance on the subvention," Woodward said.

Lebanon's economic and financial crisis, which began in late 2019, is the country's worst in modern history, with the economy contracting 19% in 2020. Tens of thousands around the country have lost their jobs, and nearly half the population of more than 6 million is living in poverty. The crash of the local currency has led to triple-digit inflation.

In early December, the World Bank said Lebanon's economy faces an "arduous and prolonged depression" because its politicians refuse to implement reforms that would speed up the country's recovery.

The Valentine's Day 2005 truck bombing on Beirut's seafront that killed former prime minister Hariri and 21 others and injured 226 sparked huge protests against Syria, which was widely seen as culpable. Damascus denied involvement but was forced to withdraw its troops from Lebanon after 29 years there.

The UN investigation into Hariri's assassination was broadened to include 14 other Lebanese killings.

The Netherlands-based Special Tribunal sentenced Salim Ayyash, a member of the Hezbollah militant group, in absentia to life imprisonment in December for his involvement in Hariri's assassination. Ayyash has never been arrested. Three other Hezbollah members tried with him were acquitted.

Summary:

The UN Security Council has given a green light to keep the UN-backed tribunal investigating the 2005 assassination of Lebanon's former prime minister Rafik Hariri operating and funded for at least this year. UN Secretary-General Antonio Guterres said in a letter to the council circulated Friday that the president of the Special Tribunal for Lebanon informed him in November that its work wouldn't be finished by the Feb. 28 expiration of its mandate. She asked for a two-year extension to advance its work "toward completion." Guterres says he intends to extend the tribunal for two years, and the president of the Security Council says members approved extending the mandate.

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## Israel and Palestine

### **Israel's role in war crimes committed during the Guatemalan civil war (TRT World)**

February 18, 2021

**The Jewish state not only sold weapons to the right-wing Guatemalan government but also provided military advice that contributed to the war crimes it committed against its indigenous population.**

The Guatemalan civil war ended in 1996, but its repercussions over the country's indigenous population, which has suffered more than other ethnic and political groups, continues.

In late 2019, a Jerusalem-based human rights defender, Itay Mack, demanded an inquiry from Israel's chief prosecutor over the state's role in the civil war, which killed more than 200,000 people over decades.

But since then, the Israeli prosecutor's investigation slowed as the country's defence ministry stalled the disclosure of sensitive documents. This may prove the country's illicit connections with right-wing Guatemalan generals.

"A citizen who makes a request to a public authority, even if he received a preliminary reply to his request, doesn't need to wait for months on end before receiving an update regarding the status of the handling of the request, certainly when the public authority is aware of the prolonged delay in handling it and the importance of the issues arising from it," said David Rosen, the ombudsman for the State's prosecutor office in response to the defence ministry's delay tactics.

The Israeli military's scorched earth campaign against the Palestinians inspired the Guatemalan right-wing military to replicate the tactic against the country's rebellious indigenous Maya population through a brutal process of their "Palestinianisation" with its forced "integrated nationalism", according to experts.

Enabling a coup and also genocide

In the early 1980s, the Guatemalan military under General Jose Efraim Rios Montt, who came to power via a military coup in 1982, backed by former US President Ronald Reagan, conducted a village massacre in Dos Erres, killing everyone except four.

In 1999, a UN-sanctioned Truth Investigation Committee found that "All ballistic evidence recovered (from the village scene) corresponded to bullet fragments from firearms and pods of Galil rifles, made in Israel".

Montt was also thankful to the Israel military for its training of Guatemalan soldiers for the success of his military coup, which was central to the conduct of the genocide against the Maya population. Experts have pointed out that "at least 300 Israeli advisers" were in Guatemala during the coup.

"Israel is known to have intelligence teams, security and communications specialists, and military training personnel in Guatemala," reported the New York Times at the time.

Montt's brutal campaign against the country's Maya also carried remarkably similar themes to some Israeli policies against the Palestinians.

Montt's "guns and beans" campaign, which offered "If you are with us, we'll feed you, if not, we'll kill you", was almost identical to the current Prime Minister Benjamin Netanyahu's economic peace plan to the Palestinians under the Deal of the

Century, promoted by the former US President Donald Trump.

According to the plan, Palestinians would be offered economic benefits when giving up their claims, many of which are enshrined in international law, over occupied territories.

In 2012, Montt was finally convicted for genocide and crimes against humanity after escaping prosecution over the accounts of parliamentary immunity. But he could not be jailed due to his old age.

The ICC is now seeking to prosecute Netanyahu and his enablers for alleged Israeli war crimes against the Palestinians. The Israel-Guatemala connection shows that not only did Israel allegedly commit war crimes against the Palestinians, but also facilitated other states like Guatemala in carrying out crimes against humanity.

The strong connections between Israel and Guatemala were made clear when the Latin American country declared that it along with a few countries, including the US, would move its embassy from Tel Aviv to Jerusalem in 2018.

Before the move, Guatemala's right-wing President Jimmy Morales, supported by the country's Evangelical Christians, traditional allies of Israel, explained why it would move its embassy to Jerusalem.

"Guatemala is historically pro-Israeli. In 70 years of relations, Israel has been our ally. We have a Christian way of thinking that, as well as the politics of it, has us believing that Israel is our ally and we must support it," Morales said.

**ICC ruling means war crimes investigations go both ways (Al-Monitor)** By Ahmad Melhem  
February 19, 2021

**Palestinians welcomed the International Criminal Court's ruling Feb. 5 that it has jurisdiction to investigate war crimes alleged to have been committed in the Palestinian territories occupied by Israel since 1967, namely the Gaza Strip and the West Bank, including East Jerusalem.**

Yet the ruling also stirred concerns that the ICC could investigate leaders of the Palestinian factions in Gaza, such as the Islamic Jihad and the Hamas movement.

He added, "The people's right to resist occupation is internationally recognized." If the ICC goes after Palestinians for resisting the occupation, it would be violating international laws and resolutions. "This would undermine the entire [judicial] international system, with unpredictable repercussions."

Palestine formally joined the ICC in April 2015. At the time, most Palestinian factions including Hamas welcomed the move, with the exception of the Islamic Jihad. The Islamic Jihad's leader at the time, Khaled al-Batash, refused, saying the court and its rulings are politicized. "The court reflects the balances of power in the international community," Batash said, expressing doubt that it could achieve justice for Palestinians.

Hamas leader Osama Hamdan told Al-Monitor, "Hamas has nothing to fear. It is resisting Israel and defending its people in accordance with international treaties and conventions."

Hamdan continued, "No court will be legitimate if it yields to pressure to implement policies that contravene the basic principles on which it was founded. The ICC was created to do justice to the oppressed and not to stand by the oppressor. If this principle is violated, no one would blame the oppressed for any subsequent behavior."

Al-Monitor asked Hamdan about the possibility the ICC could issue a subpoena to Hamas leaders over events in Gaza such as the killing of people accused of collaborating with Israel during the 2014 war. "There is a wide-scale campaign aimed at diverting the ICC's path," he said, in reference to US, Israeli and other Western countries' pressure on the ICC to investigate Palestinian leaders for war crimes.

If Palestinian leaders were summoned, it would most likely be over two incidents in 2014. The first is related to Palestinian factions firing rockets while responding to the Israeli aggression on the Gaza Strip. The other is the execution of 18 Palestinians in the Saraya prison complex in the Gaza Strip, which was bombed by Israel. The prisoners had escaped the prison and were tracked down by Hamas militants who killed them in the streets after accusing them of spying for Israel.

Al-Monitor was unable to obtain a comment from the Islamic Jihad about the possible ICC summoning.

Ammar Hijazi, assistant to the foreign minister for multilateral affairs who is also in charge of the ICC file, stressed the need for Palestine to cooperate with the ICC prosecutor.

He told Al-Monitor that cooperating with the ICC does not necessarily mean agreeing with its findings. "If we feel a case is not

right, we will raise our voice. Our position does not necessarily have to be in line with the ICC prosecutor,” he said. “One should not fear accountability for something one did not commit. The Palestinian side has not committed war crimes during the conflict with Israel and we have evidence to submit if the ICC prosecutor decides to investigate such allegations.”

On potential subpoenas Hijazi said, “We have to cooperate. We have nothing to fear or hide. It is best to cooperate with the ICC prosecutor.”

The ICC could summon some Palestinian leaders in an attempt to appear fair, he said. “The pleas and evidence against Palestine on committing war crimes will appear weak compared to those we can invoke against Israel.”

Shawan Jabarin, director of the Al-Haq Foundation, a Palestinian human rights organization based in the West Bank, argued that Palestinians underestimate the possibility of ICC summoning Palestinian leaders. “The Palestinian side has yet to seriously refute the allegations raised in the international commissions about what happened during the 2014 war in Gaza,” he told Al-Monitor, arguing that the internal divide further impeded a proper response.

Jabarin noted, “Several allegations were made and the Palestinian Public Prosecution ought to thoroughly examine them, but this did not happen. Reconciliation between Fatah and Hamas should create a favorable environment to properly deal with these allegations.”

He explained that reconciliation should unify the Palestinian judiciary, and an investigation committee must be set up to examine all allegations and respond to them.

Jabarin continued, “I believe the ICC does not examine war crimes committed by only one entity. It could take a more stringent position toward the Palestinians because we are [divided and vulnerable]. No Palestinian investigative bodies examined these war crime allegations, came up with answers and results and formulated a clear legal position to keep the ICC from intervening.”

He concluded, “There is still an opportunity for the Palestinians to get things back on track by achieving reconciliation.”

## **The International Criminal Court recent ruling on Israel/Palestine - a major step towards accountability and justice for Palestinians and Israelis: an explainer (Amnesty International)**

By Rebecca Nguyen

February 19, 2021

### **What is the International Criminal Court (ICC)?**

Established in 2002, the ICC is a permanent court that can investigate and prosecute people suspected of committing genocide, crimes against humanity, war crimes and (since 2018) the crime of aggression in situations where national authorities are unable or unwilling to act genuinely. A number of cases have been brought before the Court so far and alleged crimes in several countries are currently being investigated or examined by the ICC Prosecutor.

What is Palestine’s history with the ICC?

Palestine became a member of the International Criminal Court in 2015, following a complicated journey towards membership that lasted years. The move was rapidly condemned by Israel, the US and a few EU states. Right after Palestine signed on to the Rome Statute, Israel suspended the payment of around US\$127 million in tax revenues due to the Palestinian authorities. The US also threatened to withdraw funds.

In May 2018, Palestine formally asked the ICC prosecutor to initiate an investigation into possible serious crimes on its territories since June 2014. In December 2019, the prosecutor announced that all the necessary criteria to proceed with a formal investigation into alleged war crimes by Israelis and Palestinians had been met. However, before proceeding with an investigation the Prosecutor sought confirmation from the ICC’s judges that the territory over which the Court may exercise its jurisdiction comprises the West Bank, including East Jerusalem, and the Gaza Strip. This clarification was needed as these territories are currently occupied rather than sovereign.

What is the recent ICC announcement on Palestine about?

In early February 2021, the ICC announced that it had confirmed that it has jurisdiction to investigate possible war crimes in the West Bank, including East Jerusalem, and Gaza. This is a significant step towards accountability - “This offers profound hope to those who believe that consequences, not condonation, must be the answer to the commission of grave crimes”, said Michael Lynk, the Special Rapporteur for the situation of human rights in the Palestinian territory occupied since 1967. In the absence of independent and credible domestic investigations, an ICC investigation is the only way for Palestinians and Israelis to access truth, justice and reparations.

What alleged crimes could be investigated?

The ruling opens the way for an investigation into crimes committed in the OPT since June 13, 2014. These include allegations against Israel of war crimes, including settlement-related activities, and crimes against humanity, such as persecution, deportation and transfer, as well as the crime of apartheid against Palestinian civilians in the West Bank, including East Jerusalem; crimes allegedly committed by Israel and Palestinian armed groups during the 2014 assault on Gaza and during the Great March of Return protests in 2018-19; and allegations against the Palestinian authorities in the West Bank of torture and support for attacks against Israeli citizens.

What can the international community do?

Israel's response to the ICC announcement was immediate: PM Benjamin Netanyahu, supported by his cabinet, accused the court of "legal persecution", "perversion of justice" and of "pure antisemitism". The US, one of Israel's key allies on the diplomatic scene, also expressed "serious concerns" about the court decision, arguing that the ICC should only go after countries that consent to it. Neither the US nor Israel are members of the ICC, and both have vowed to prevent this probe.

Amnesty is calling on all governments, including the UK, to offer their full support to the ICC as it takes the next steps towards accountability, including by standing up to powerful states who try to shield perpetrators from the full scrutiny of the international community.

### **Hamas says Israel's demolition of Palestinian homes 'a war crime' (Tehran Times)**

February 23, 2021

**In a press release on Monday, Hamas lambasted as "a war crime" Israel's persisting campaign of demolishing Palestinian homes in the occupied East Jerusalem al-Quds and displacing their occupants, including women and children.**

Such a crime, Hamas said, would be "punishable under international law, which stipulates the provision of protection and assistance for the population under occupation," the Palestinian Information Center reported.

The Israeli regime's "policy of emptying Jerusalem [al-Quds] of its people and imposing Judaization on the city will fail, and Jerusalem [al-Quds] will remain the capital of Palestine, bearing its Arab and Islamic identity," the resistance movement stressed.

Hamas also denounced Israel's demolition of a two-story house belonging to Fadi Elyan, the chief guard of the al-Aqsa Mosque. The house was located in Silwan neighborhood in East Jerusalem al-Quds, the demolition of which displaced 17 individuals of Elyan's family, including 12 children.

The resistance movement said the measure was aimed at punishing Elyan for his role in defending and guarding the mosque.

According to Press TV, Israeli authorities usually demolish Palestinian homes in the occupied West Bank, claiming that the structures have been built without permits, which are nearly impossible to obtain. They also sometimes order Palestinian owners to demolish their own homes or pay the demolition costs to the municipality if they do not.

Israel occupied East Jerusalem al-Quds, the West Bank, and the Gaza Strip – territories the Palestinians want for their future state – during the six-day war in 1967.

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## **Gulf Region**

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## Afghanistan

### **SAS commit war crimes in Afghanistan with impunity (PressTV)**

February 23, 2021

**Australia and the United Kingdom have both investigated their elite fighting force, the Special Air Service (SAS) for war crimes in Afghanistan, where they were supposed to be protecting the population.**

The Brereton Report and the Operation Northmoor investigation, respectively, found substantial evidence of war crimes; a warrior culture and gang-like initiation rituals known as "blooding", resulting in dozens of dead Afghan civilians. Yet no one has been prosecuted.

The Brereton report released in late 2020, documents alleged war crimes committed by Australian Special Forces in Afghanistan.

A separate inquiry into war crimes committed there by British Special Forces was concluded just a few months earlier with many striking similarities.

This is a topic that is often overlooked and under-reported, especially given the severity of the crimes.

David McBride, a former lawyer who served as a Major in the Australian Defence Force, faces jail time for leaking evidence of war crimes to Australian broadcaster, ABC.

What we learned from the inquiries

In 2001, Australia invaded Afghanistan, along with the United States and the United Kingdom. 20 years later, these countries are still occupying war ravaged Afghanistan despite promising they would bring peace and stability.

Astronomical amounts of money, resources and manpower have gone towards this occupation, all in the name of nation building, however, it turns out that a lot of these resources have been used to commit horrific acts against the people of Afghanistan.

In late 2020, an inquiry into war crimes committed by Australian Special Forces in Afghanistan was finally released.

This 465 page report, entitled "The Virgin Report" was initiated in 2016 and took several years to complete. The report found that 39 Afghan civilians are alleged to have been unlawfully killed by, or involving, Australian Defence Force members. None of these alleged crimes took place in the heat of battle, and the victims were non combatants or no longer combatants. The report is broken down into three parts. However, a lot of it is heavily redacted. Not just the names of individuals, but in some cases, entire events are redacted.

One of the shocking practices revealed in this report is known as "blooding". This practice is another extremely disturbing aspect of these war crimes.

Essentially, what would happen is you'd have a platoon commander, who would take a new squad member and have them execute a detained prisoner. The prisoner would be unarmed, in cuffs and posing no threat whatsoever.

The term using this report is also of interest because they referred to this as an unlawful killing. What it really is, is an execution. It's cold blooded murder; calling it an unlawful killing is just a way to water down the horror of what we're discussing here.

What we're talking about here are war crimes, we're talking about murder, and there is no way to sugarcoat atrocities like this.

Prisoners executed, weapons planted

Another practice that has come to light is the use of "throw downs". Basically, what this means is that Special Forces would carry weapons that are not regularly issued by the Australian or British military, and then plant them on a prisoner after executing them. They would throw it down on the ground next to them, thus the moniker "throw down".

This would make it look like the prisoner wasn't executed, but instead killed during a firefight or because they had supposedly pulled a knife, for example, none of which was true, of course.

It's important to note that the Brereton report is not in fact a criminal investigation, but an inquiry conducted by the Inspector General of the Australian Defence Force. This is a role that is separate from the chain of command in the Australian armed forces and is appointed by the Secretary of Defence.

The Virgin Report makes a number of recommendations following the inquiry, some criminal, others promotions, others pardons. However, it's not clear which cases they're referring to because a lot of it has been redacted.

Once again, another war crime, which didn't come from the Virgin Report, but is still one of the most striking nonetheless, is unveiled in a video that was released by Four Corners.

It shows three men from the Australian SAS chasing an Afghan farmer with a German Shepherd. They catch up to him and gather around him as he's lying on the ground. At one point one of the SAS can be heard asking if he should drop the man. There's an inaudible answer after which we see him execute the Afghan farmer at point blank range using his machine gun.

It's sickening, its grotesque and it's a war crime that makes one feel physically ill just by watching it. The man who was executed in the video was 26 years old.

His name was Dadu Mohammad and was said to have been carrying a radio and that this proved that he was an insurgent, which is why they killed him. This turned out to be a lie, unsurprisingly, there was no radio recovered. And even if there was, one has to ask the question, how does carrying a radio merit a summary execution at point blank range?

After the release of the Brereton report a Chinese official posted a doctored image on Twitter of an Australian soldier with a knife in reference to the war crimes committed by these by their special forces.

What's interesting here isn't so much the image, but the reaction it garnered, particularly, from Australian officials. Australia's parliament was outraged by it and Australia's Prime Minister issued a statement rebuking the Chinese government, demanding an apology.

Apparently, the Australian Government is more offended by people exposing and calling out its war crimes than the actual war crimes themselves perpetrated by its own soldiers.

David McBride, a former lawyer and Major in the Australian Defence Force, leaked evidence of war crimes to the Australian Broadcasting Corporation, ABC. After this happened, the ABC offices were raided by police.

And I think it is extremely interesting, and worth pointing out here, that when supposedly liberal democracies like the United States, Australia and the UK, have embarrassing information about them leaked to the press, all notions of freedom of speech and press freedoms suddenly seem to go out the window.

We saw this with the raid on ABC, with the persecution of Julian Assange and numerous other whistleblowers over the years.

After leaking evidence of war crimes committed by Australian special forces in Afghanistan to ABC, David McBride faces five charges including those of theft of Commonwealth property, breaching the defence act, and disclosing information without due authorization. This could result in him going to jail for decades.

David is facing several decades in jail now, because he exposed war crimes committed by the SAS in Afghanistan, he details how he tried going up the chain of command, and how they put roadblocks and obstacles in front of him, and will elaborate on some of the mechanisms that an institution like the Australian, the British and the American military might put in place to prevent whistle-blowers like himself from disclosing the truth and exposing wrongdoing.

It wasn't war crimes that I first noticed a problem. It was more that we didn't tell the truth about anything, about small things as well as big things. That the war looked like it was being run to win domestic elections rather than to actually make a difference in Afghanistan.

And I started to get suspicious, because when I made complaints, they weren't treated seriously. And in fact, the message that seemed to be coming back to me was "shut up, stop making waves, what's going on is way above your paygrade".



And there were some things which looked like cold blooded murders. But they weren't being investigated, or that were just being whitewashed, and I was like, Well, how can that be?

How could you not look into something which looks like children are being killed?

David McBride, former Lawyer and Major in the Australian Defence Force

The Virgin report, which was concluded in late 2020, says the SAS killed 39 Afghan civilians. That's the official figure, but how many of those Special Forces that committed these murders were prosecuted or held accountable?

Is the 39 casualty count accurate or even legitimate?

There's only one person, one person who ever put on a uniform for Australia, who was facing a trial and significant jail time at this stage, and that is me. And I think even the government finds that an uncomfortable fact.

The report, as you know, was only finished late in 2020. And it wasn't a conviction of anybody it was simply a non criminal report like an inquiry, which recommended charges you know, didn't even recommend charges and recommend the collates look at those 39 murders, and if necessary, charge people.

The wheels of justice, even when they're, even when they're sort of being totally run honestly, take a long time. And it's quite possible we won't even have a trial on this until 2030.

In relation to the amount of murders, I don't know that it was that many more. But it's a significant number because it wasn't...a lot of people must have known.

And that's what's truly significant, they should say, a lot of people must have known, a lot of people must have said nothing. And not only that, what is more worrying than sad, if it had been 300, was that often we rewarded the perpetrators of the murders, we gave them medals, we made them sort of media superstars, and I think that's the really sickening thing; to say, who do we, who gets ahead in our society, you know, the person that does the right thing? Or the person who is the most sneaky, the most ruthless, the person that actually thinks that laws are just a joke?

David McBride, former Lawyer and Major in the Australian Defence Force

Is Australia's geopolitical standing, its place on the international stage, at risk due to the perception that it is doing the bidding of the United States? Could the confrontation with China, not to mention the situation with Julian Assange, be another aspect of the same policy?

It completely is and that it does worry me a lot. Well, we will never move forward as a country until we take a good hard look at what they euphemistically call the strategic relationship. That means we are just we're just doing whatever America wants. And the idea is that they will look after us. You know, if we're ever going to buy it, but I mean, that's highly questionable. And I would rather stand on our own, they make us buy their equipment. They use us; obviously, we don't have a very big army. But it's it has a very potent effect. It means that when they go on these expeditions to Middle Eastern countries that it doesn't look like they're acting on their own. So having Australian is it's powerful for them.

David McBride, former Lawyer and Major in the Australian Defence Force

So Donald Trump, he sanctioned the ICC for investigating war crimes in Afghanistan. Israel is now scared that the ICC might investigate them.

Do you think that Australia has handled the SAS war crimes adequately? And if not, do you think that the ICC should be stepping in to prosecute officials and politicians involved in fiasco?

I believe the ICC I believe that was the motivation for the Brereton Report. That was the real motivation. I spoke to a senior lawyer back in 2014. And I said, What's going on? There's obviously some big cover up there. Something strange is going on, as I said, we're prosecuting people we shouldn't be prosecuting. And we're not prosecuting the famous guys that need it. And he said, we're worried about the ICC. And I didn't understand at the time, I thought, well, the ICC doesn't have any jurisdiction in Australia, unless it's pretty serious. What I didn't realize was that it was a lot more; it was serious enough for the ICC. They knew it back in 2014. And everything they've done since, because the ICC can't prosecute you, if you have carried out prosecutions yourself. I think, they think they're being really clever, because I imagine it's not really it's not clear what carrying out prosecutions means and so if you're carrying out prosecutions, yourself for 50 years, that probably qualifies, you know, whatever, by that time they will all be retired.

David McBride, former Lawyer and Major in the Australian Defence Force

Who is afraid of the ICC?

And the reason why the ICC scares them, The ICC has a tendency to go for the leadership. And this is how, you know, spineless our people are. They don't really care about the soldiers doing things wrong, whatever. But they worry that they might be in the frame and they might get before the Hague. And so they need to find some scapegoats fast, and they need to draw it out. And I think that that's that was the real, the really cynical motivation about Brereton was to get, because unlike the US, where a signature were in, this is typical Australia, back to Maurice Payne. We can't sign up to these things quick enough. We sign up to any anything and we're like, oh, we're such a good nation, you know, we signed up to the ICC... and I think a lot of the time people just want to go on junkets to nice sounding... Rome was where the ICC was put together. But they don't really think about what it means to be a member and now, where the Americans have, of course, never sign up to it, now we're backpedalling really fast. We will be complicit even though we are a signatory to the ICC, a founding member, and the Americans, Pompeo's absolutely outrageous idea that he was going to put sanctions that he made the ICC the bad guys. Yeah, to try to make it look like the ICC were the criminals. And Australia, of course, did nothing. And again, this is that creepy thing about, you know, being beholden to the US. We either need to get out of the ICC or we need to say something about that Pompeo's actions, and they are pretty outrageous, but I think that, unfortunately you're hanging around, you know, the boys long enough and you become like them and ...I think the only reason ... we even did the inquiries was to get the ICC off our back, we we didn't support the ICC. When Pompeo was putting sanctions on them, I'm like, Oh, my God!

David McBride, former Lawyer and Major in the Australian Defence Force

As stated earlier, these investigations literally take years. And you also have the UK inquiry, Operation Northmoor, where they are still investigating war crimes in Afghanistan, and of course, no one has been found guilty.

I think that's, that's another good example. I'm glad you brought it up. I think that that's what we're getting in Australia. And unfortunately, all these people are working in the government. And it seems they are using the same playbook, you know, make a big noise about something for long enough, throw around money, but then make sure nothing ever happens, the sort of thing they do in political investigations, you know, whereas if you only care about public appearances, that sort of thing makes perfect sense. You know, if you're not actually trying to do the right thing, just trying to win elections, of course, double dealing and mixed messages and playing one side off another, a bit like the American elections, you know, that partisan politics serves a purpose. And, if public perception and opinion polling are your goals, your ultimate goals, why not? Just mess with the truth the whole time. You know, a trial is really just a way to look good temporarily. And if you have to have a trial, but make sure the person gets acquitted, that's a win win. As far as these very cynical, you know, reputation management, people would go in there pretty much everything that the US has, not just the US but all the Western nations are doing the Middle East is a Sham.

David McBride, former Lawyer and Major in the Australian Defence Force

The United Kingdom, which also invaded Afghanistan in 2001, is also embroiled in its own war crimes scandal. Britain's Special Forces, also named the Special Air Service, SAS, were found to be committing war crimes going back many, many years.

These war crimes involved many of the same things we just looked at such as blooding, or throw downs, and were also systemically covered up by the entire chain of command. An inquiry was also launched, called Operation Northmoor, yet not a single soldier or politician was held accountable. These atrocities were reported on years before when the Sunday Times in cooperation with the BBC, published internal emails showing that troops in Afghanistan were casually discussing these war crimes among themselves.

For example, in late 2010 and early 2011, British special forces from D Squadron in the 22nd Special Air Service regiment, conducted several night raids in the Helmand Province in Afghanistan.

During these nighttime raids they would regularly execute dozens of unarmed Afghan men, committing the most horrendous of war crimes, with complete impunity.

On February 16th 2011, the SAS stormed the house of a man named Saifullah Ghareb Yar. They executed his two brothers, his cousin and his father. All of his family members had been unarmed and were already in custody at this point when they were murdered.

Afterwards, the SAS falsified their Operational Summary, OPSOM reports, claiming that these men had brandished weapons of some sort. They did this for practically every raid, these "throwdowns", the report goes on to detail how British commanders became aware early on of a deliberate policy of executing Afghani civilians, particularly men.

In one email published by the Sunday Times a Major in the SAS remarks that there were more bodies than weapons. This clearly indicates that either the weapons had gone missing, or the men were never armed to begin with. And these reports

were fabricated, or falsified. The numbers literally did not add up.

In another email soldiers casually talk about the latest massacre, indicating how common these occurrences were. The UK Ministry of Defence claims that a "breakdown of communication" between the Ministry of Defence and lawyers is the reason that no action ended up being taken.

Operation Northmoor was set up in 2014 to investigate these crimes. And yet, here we are in 2021, and not a single person has been found guilty despite all of these killings. How is that possible? It's extraordinary that none of these investigations whether we're talking about Operation Northmoor, or the Brereton Report, have resulted in any successful prosecutions or convictions; or even criminal proceedings beginning.

How is it that Australian, British and American Special Forces can literally get away with murder?

The end result of this is that these actions not only disgraced the uniforms of these countries but also blew a giant hole in the mission these countries allegedly set out to accomplish, if their original goal was, as they professed, to bring peace and stability to the country, this certainly was not the way to do it.

Executing unarmed men and getting away with murder, is not nation building or bringing peace and stability and security to Afghanistan. It's a horrendous, brutal occupation that cannot be justified and is, ultimately, self defeating.

In some cases when Afghan civilians were executed by special forces their families were paid compensation by British and Australian troops, who did so without acknowledging any wrongdoing.

If you look at the sums mentioned, in some cases, it's around 2000 or \$3,000. According to the Sunday Times, in July of 2012, an Afghan mother named Bebe Hazrata, watched as the elite British SAS commandos shot dead her three unarmed sons (Nor Mohammad, 33, Din Mohammad, 30, and Sher Mohammed, 27) in the courtyard of their own home.

They were just farmers. The British then paid her 3000 pounds, and just left. Of course, the British government denies any wrongdoing.

And in another instance, reported by ABC, the Australian Special Forces killed a man named Bismillah Azadi and his 15 year old son, Sadighollah, while they lay sleeping. According to Bismillah's cousin, he found them dead and the bed riddled with bullets, the Australian Special Forces had left some cash with the corpse and left.

Is that how much the United States, Britain and Australia think Afghan lives are worth, a few thousand dollars?

This is not just repulsive; it's extremely insulting and dehumanizing. Foreign invaders come to Afghanistan, kill Afghan civilians in front of their families, pay them a few pennies and then just move on to the next village, or next town, as if nothing happened.

And the world stays silent and allows this to continue for decades. Is this it?

Anyone with a shred of decency will be shocked and offended by what's going on. And these are just the things that we know.

More recently, there's a bill going through the British Parliament called the Overseas Operations Bill, which is extreme cause for concern.

This bill seeks to eliminate accountability for British troops who commit war crimes overseas by introducing a statute of limitation of five years after the event has happened. That is, if it's ever investigated.

This means war crimes, torture, abuses of various kinds would go unpunished, essentially, not just the soldiers committing the acts but all the way up the chain of command, no one would be held responsible.

The bill effectively eviscerates accountability for war crimes and does nothing to prevent them in the future. It's an assault on human rights in the clearest sense and an indication that the British government intends to continue the trend of letting war crimes go unpunished.

If there's one thing we've learned from these investigations, it's not just that war crimes have been committed with absolute impunity, and that these horrific practices like blooding and throw downs are going on, but that there's also been a systemic cover up going up the entire chain of command.

It's really worth thinking about what is more concerning here, the fact that these war crimes have taken place at all or that military officials and politicians are able to get away with them and escape unscathed after failing to prevent them from happening in the first place, and letting them continue when they knew the horrors that were taking place.

Honestly, both concepts are equally terrifying, and equally unacceptable; most of all, to the victims and their families.

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

**Official Website of the Extraordinary Chambers [English]**

**Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)**

**Cambodia Tribunal Monitor**

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## **Bangladesh International Crimes Tribunal**

**3 Mymensingh war criminals jailed unto death (Dhaka Tribune**

February 11, 2021

**The International Crimes Tribunal, Bangladesh (ICT) on Thursday sentenced three individuals in Mymensingh's Gaffargaon upazila to jail unto death for committing crimes against humanity during the 1971 Liberation War.**

The three-member tribunal, headed by Justice Shahinur Islam, also sentenced five people to 20 years' imprisonment in the case, reports UNB.

The convicts jailed unto death are Md Shamsuzzaman alias Abul Kalam, AFM Foyjullah and Abdur Razzak Mandal. Of them, Foyjullah and Razzak were tried in absentia.

Those who were handed 20 years' jail term are Khalilur Rahman, Mohammad Abdullah, Md Rois Uddin Azadi alias Akkel Ali, Alim Uddin Khan and Sirajul Islam Tota. Among them, Alim Uddin is still on the run.

The tribunal acquitted Abdul Latif from the charges.

Meanwhile, police said a man claiming to be AFM Foyjullah, one of the fugitives, had gone to the court premises to surrender himself.

He reached the court before the tribunal started pronouncing the verdict, but law enforcers stopped him from entering the establishment.

Later, Shahbag police took him into custody and arrested him under Section 54 of the Code of Criminal Procedure.

Deputy Commissioner Sazzadur Rahman of the Dhaka Metropolitan Police (Ramna Division) said: "After Mymensingh police ascertain his identity, they will either take him to Mymensingh from Dhaka, or the DMP will produce him before the lower court, which will take steps to show him arrested in the war crimes case."

Earlier on Tuesday, the tribunal had fixed Thursday for delivering its judgment in the case, as reported by UNB.

Prosecutors Sultan Mahmud Simon, Zahid Imam and Taposh Kanti Pal stood for the state while Advocate Abdus Sattar Palwan represented the accused.

On March 4, 2018, the International Crimes Tribunal, Bangladesh framed charges against 11 suspects in Mymensingh for committing crimes against humanity during the Liberation War.

Five of the 11 accused — Md Shamsuzzaman alias Abul Kalam, Khalilur Rahman, Md Abdullah, Md Rois Uddin Azadi alias Akkel Ali and Abdul Malek Akand of Khurda Panashail village in Bhaluka upazila — were behind bars at the time.

Two of them — Abdul Malek Akand and Nurul Amin Shahjahan (tried in absentia) — died during the trial proceedings.

They were charged with killing four people, and abducting and torturing nine others in Sadhura and Rouha villages of Gaffargaon during the Liberation War.

On February 20, 2017, the tribunal published the final report of the investigation in the case.

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## **War Crimes Investigation in Myanmar**

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### **South America**

**Colombian army committed 6,400 extrajudicial killings: Court (Al-Jazeera)**

[February 19, 2021]

**Killings allegedly presented as combat deaths to boost perception of military gains in conflict against FARC rebels.**

Colombia's military carried out at least 6,400 extrajudicial killings and presented them as combat deaths between 2002 and 2008, a number that is at least three times higher than previously estimated, a special court has said.

The Special Jurisdiction for Peace (JEP) court is investigating crimes and atrocities committed during half a century of armed

conflict between government troops and the Revolutionary Armed Forces of Colombia (FARC), Marxist rebels who laid down their weapons following a historic 2016 peace accord. It has a 10-year mandate.

On Thursday, the tribunal, which was set up under the peace deal, described the killings in question as “illegitimate deaths presented as combat fatalities”, also known as “false positives”.

Until last year, the public prosecutor’s office had acknowledged only 2,249 executions of civilians between 1988 and 2014 – the majority of which were carried out between 2006 and 2008, during the presidency of Alvaro Uribe, the political mentor of current President Ivan Duque.

While the military high command has denied there was a systematic policy of inflating the numbers of killed left-wing rebels with so-called “false positives”, soldiers and officials have told the court that they were put under pressure by superiors to do so to boost the appearance of success of the government’s military campaign.

General Mario Montoya, who was the army commander at the time, is the highest-ranking military figure to have testified before the court. Witnesses have blamed him for the killings but Montoya has said he did not take part in ordering the execution of civilians.

Montoya’s lawyer, Andres Garzon, denied to the AFP news agency in 2020 that there was a wider military policy to inflate the numbers with extrajudicial killings, arguing that only 2,140 military personnel were currently under investigation, less than one percent of the total number of troops operating at that time.

“That shows there was never a directive to the army to commit such atrocious acts,” he said.

#### ‘Complicity’ by authorities

The JEP is looking into the worst rights abuses committed by both FARC rebels and state actors during the conflict.

Those who confess to being responsible and compensate the victims can avoid prison time, but those who do not face up to 20 years in jail. The court, which was set up in 2018, has yet to convict anyone.

The JEP said the IV Brigade of the army, which operated in the region, “could be responsible for 73 percent of the deaths identified in the department between 2000 and 2013”.

The investigation found most of the killings took place in the northwestern Antioquia department where soldiers and right-wing paramilitaries fought with left-wing rebels.

Some remains of victims have been found in a cemetery in Antioquia thanks to statements made by members of the security forces but the court said those “haven’t been investigated”.

According to Tania Parra, a lawyer representing soldiers who have confessed, Thursday’s report shows there was “complicity” by authorities “to hide” the murders.

But she told AFP that while many investigations are opened, “either there’s no result or ... they’re cleared”.

At least 20 of the 219 security forces personnel who have testified before the court are receiving protection after facing threats.

#### FARC accepts charge

Also on Thursday, former FARC commanders accepted a separate JEP charge that they had committed war crimes and crimes against humanity during the conflict.

The January ruling had been the first time the JEP had attributed criminal responsibility for hostage-taking to former leaders. The former commanders were also accused of other war crimes connected with the treatment of kidnap victims, including murder and torture, among others.

By accepting the accusations, the former commanders could face restrictions on their freedoms for five to eight years. If they had rejected them, the commanders would have faced up to 20 years in prison, per the terms of the peace deal.

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# Venezuela

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## TOPICS

## WORTH READING

### **Ethnic Cleansing and Genocidal Intent: Conceptualizing Destruction of Local Populations (Global Studies Law Review)**

Hannibal Travis

February 16, 2021

**Atrocities against an identifiable group may qualify as genocide even though most members of the group take flight and the group survives the campaign against it. This type of scenario, widely known as “ethnic cleansing,” may lead to an inference of genocidal intent because of the atrocities themselves, statements reflecting religious or ethnonational hatred, disruption of family and communal life, and other patterns involving targeting group members and discriminating against them. Drawing on political philosophy as well as 75 years of domestic and foreign jurisprudence, this article proposes a “lifeworld”-based approach to genocidal intent. This approach explains and justifies the outcome in several decisions over the past decade and a half in cases involving accusations of genocide in Darfur, Srebrenica, the municipalities of Bosnia and Herzegovina, and Cambodia. A lifeworld-based approach inquires into whether an ethnic cleansing campaign was conducted in such a manner as to leave the targeted group without a viable homeland in which to exist and thrive. If the accused’s actions are consistent with depriving the group of the means to perpetuate itself in the relevant locality, courts infer genocidal intent even if the entire group was not killed as soon as practicable, and even if a major component of the group was not killed.**

As the ad hoc tribunals in The Hague and the hybrid tribunal in Phnom Penh wrap up their cases charging genocide and other international crimes, it is an opportune time to revisit the social and legal concept of genocide. Contrasting several potential approaches to genocidal intent, the article illustrates why international criminal tribunals have gravitated over the past decade towards a broader view of an “intent to destroy” a group “in whole or in part.” Policies that persecute and discriminate against a group in a locality such as a city, region, or province may include one or more of the acts listed in Article II of the UN Convention on the Prevention and Punishment of the Crime of Genocide and in Article 6 of the Rome Statute of the International Criminal Court. The text and drafting history of Article II of the Genocide Convention--as well as state practice in enforcing and implementing it--lead judges to conclude that genocidal intent may be inferred from such policies. Mass killing, infliction of trauma and fear prompting widespread flight of displaced persons, deprivation of homes and livelihoods, separation of families, and interruption of both physical and cultural reproduction justify inferences of genocidal intent. These are also the patterns of atrocity that exemplify ethnic cleansing.

The diplomats and jurists who abstractly defined the crime of genocide, as well as the prosecutors and judges who applied it to concrete cases, have clarified that genocide’s “intent to destroy” does not require a total genocide or whole-group targeting. The article surveys the relevant jurisprudence of the International Criminal Court, the International Court of Justice, the

International Criminal Tribunal for the Former Yugoslavia, the Extraordinary Chambers of the Courts of Cambodia, and the United States, German, Bosnian, and Iraqi courts.

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