



SCHOOL OF LAW
CASE WESTERN RESERVE
UNIVERSITY

War Crimes Prosecution
Watch

PILPG

A Global Pro Bono Law Firm

25 YEARS

FREDERICK K. COX
INTERNATIONAL LAW CENTER

Founder/Advisor
Michael P. Scharf

Faculty Advisor
Jim Johnson

Volume 16 - Issue 5
March 27, 2021

Editor-in-Chief
Natalie Davis

Technical Editor-in-Chief
Erica Hudson

Managing Editors
Matthew Pheneger
Alan Dowling

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

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

Contents

AFRICA

NORTH AFRICA

Libya

CENTRAL AFRICA

Central African Republic

- Central African Republic braces for tense elections amid conflict (Reuters)
- CAR ex-President François Bozizé takes charge of rebel alliance (Al Jazeera)

Sudan & South Sudan

- Sudan pardons powerful Janjaweed militia chief (Africa News)

Democratic Republic of the Congo

- At least a dozen killed in eastern DR Congo attack (Al Jazeera)
- UN hails verdict against DR Congo militia leader (Anadolu Agency)
- D.R. Congo UN Convoy Attack (The Organization for World Peace)

Armed attacks kill hundreds, displace 40,000 civilians in northeast DR Congo (The UN Human Refugee Agency)

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

- **ISWAP Vs Boko Haram: Battle for Territorial Supremacy Kills over 54 Terrorists, Herders (Nigeria Press Release)**
- **1,000 Terrorists Prosecuted, 500 Jailed, Says Military (This Day)**
- **UNHCR outraged by deadly attack against displaced population in Western Niger (UN Refugee Agency)**

Mali

- **Lessons for French Forces in Mali (Human Rights Watch)**
- **Almost 7,000 people killed in attacks in Burkina Faso, Mali, and Niger during 2020 (Global Centre for the Responsibility to Protect)**
- **Mali: Court ends trial of former coup leader Sanogo (Al Jazeera Africa)**

Liberia

- **Liberia Misleads on Justice at UN Rights Review (Human Rights Watch)**
- **Liberia: Emotional Witness Tells War Crimes Court Gibril Massaquoi Burned People Alive (All Africa)**
- **Survivors of Liberia's civil war massacre react to news of US trial (RFI)**

EAST AFRICA

Uganda

Kenya

Rwanda

- **Where are the 1,100 Genocide fugitives? (The New Times)**
- **MPs want Genocide fugitives case tackled under Commonwealth (The New Times)**
- **Time could soon be up for high-ranking Rwandan genocide fugitive believed to be hiding in Zimbabwe (Times Live)**
- **French general rejects allegations over army's role in Rwanda (Macau News Agency)**

Somalia

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- **Bosnian Court Throws Out Wartime Rape Charges (Balkan Transitional Justice)**
- **Bosnia Tries Serb Ex-Fighters for Killings, Illegal Detentions (Balkan Transitional Justice)**

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

- **Bosnian Serb Ex-Officer Pleads Not Guilty at Belgrade Court (Balkan Transitional Justice)**
- **Serbia Takes Over Case Against Bosnian Serb Military Policeman (Balkan Transitional Justice)**
- **UN Court Denies Bosnian Croat Wartime Leader Early Release (Balkan Transitional Justice)**

Turkey

- **After a decade of conflict in Syria, EU parliament calls on Turkey to withdraw (Kurdistan24)**

Kosovo Specialist Chambers

- **Kosovo Lawyer to File Lawsuits against Dick Marty, Carla del Ponte (exitnews)**
- **Kosovo's Thaci Challenges War Crime Indictment at Hague Court (Balkan Insight)**
- **Serb Policemen Seek War Crime Trial Acquittal in Kosovo (BIRN)**
- **Kosovo Convicts Two Serb Policemen of War Crimes (Balkan Insight)**

Azerbaijan

- **HRW Calls for International Pressure on Baku to Release POWs (Asbarez)**

MIDDLE-EAST

Iraq

Syria

- **Several killed in gov't attack on hospital in northwest Syria (Al Jazeera)**
- **Strikes on Northwest Syria Kill 1 Person, Cause Wide Damage (Associated Press)**

Yemen

- **Amid airstrikes, rebel offensive, Saudi Arabia offers peace initiative to end war in Yemen (ABC News)**

Special Tribunal for Lebanon

- **STL Submits 'Milestone' Twelfth Annual Report to UN (naharnet)**

Israel & Palestine

Gulf Region

ASIA

Afghanistan

- **Whistleblower David McBride to face trial over Afghanistan SAS leaks (The Daily Telegraph)**
- **Video evidence of 'massacre' by UK special forces in Afghanistan mysteriously vanishes – report (RT)**
- **Australia may discharge Afghan war crimes-tied soldiers (Anadolu Agency)**
- **Still no investigators in war crime office (Australian Associated Press)**

Extraordinary Chambers in the Courts of Cambodia

Bangladesh International Crimes Tribunal

- **Prosecuting Pakistani Perpetrators in absentia (The Daily Star)**
- **14 jihadists sentenced to death over plot to kill Bangladesh PM (Macau Business)**

War Crimes Investigations in Myanmar

- **Streets of blood in Myanmar town as UN fears 'crimes against humanity' (CNN)**

AMERICAS

North & Central America

South America

- **Ex-FARC and AUC leaders meet to "respond to victims" of Colombia's atrocities (The City Paper)**

Venezuela

TOPICS

Truth and Reconciliation Commission

- **Liberia Misleads on Justice at UN Rights Review (Human Rights Watch)**

Terrorism

- **An Old Debate Renewed: Does The U.S. Now Need A Domestic Terrorism Law? (NPR)**
- **Kenya: One Killed in Suspected Al-Shabaab Attack in Lamu (All Africa)**
- **Bus in Kenya's hostile north hits roadside bomb, 4 killed (Star Tribune)**

Piracy

- **Danish Vessel to Fight Piracy in Most Perilous Shipping Area (Bloomberg)**

Gender-Based Violence

- **'Practically this has been a genocide' Doctors say rape is being used as a weapon of war in Ethiopia's conflict (CNN)**
- **Syria's decade of conflict takes massive toll on women and girls (UN News)**

Commentary and Perspectives

- **Experts Slam Double Standards in UN 'List of Shame' (Human Rights Watch)**
- **UN resolution hailed as 'crucial turning point' for victims of Sri Lanka civil war**

WORTH READING

- **Gregor Maucec: Law Development by the International Criminal Court as a Way to Enhance the**

AFRICA

NORTH AFRICA

Libya

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

CENTRAL AFRICA

Central African Republic

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

Central African Republic braces for tense elections amid conflict (Reuters) By Antoine Rolland
March 12, 2021

Central African Republic will vote in a second round of parliamentary elections on Sunday under high security after a surge in rebel violence surrounding December's polls.

Insurgents laid siege to the capital Bangui in January, strangling food supply routes, forcing more than 200,000 from their homes, and raising concerns that the country was slipping back into the kind of sectarian conflict that has killed thousands over the past decade.

President Faustin Archange Touadéra won re-election but rebels, who the United Nations say are backed by former president François Bozizé, sought to take control amid allegations of voting irregularities.

Sunday's polls concern legislative elections, including run-off votes in 49 electoral districts and first round voting in 69 districts where violence stopped the vote from taking place in December. The country's army, backed by Russian and Rwandan forces, and aided by U.N. peacekeepers, have steadily retaken a number of rebel strongholds since their initial offensive.

"We have a much stronger defense and security forces presence on the ground to help secure the elections," said Abdoul-Aziz Fall, spokesman for the country's U.N. peacekeeping mission, known as MINUSCA.

Government officials are optimistic that the vote will be peaceful, pointing to military victories and the unblocking of a 580-km (360-mile) corridor that brings much needed supplies from Cameroon to Bangui.

The situation is far from stable in the gold- and diamond-rich nation of 4.7 million people that has seen repeated bouts of violence since Bozizé's ouster in 2013.

The U.N. has reported a steep increase in human rights violations by armed groups and security forces since December.

It has accused rebels of abducting civilians, shooting into crowds and burning down polling stations. It says state agents have tortured and killed civilians.

"Impunity can fuel further violations and embolden the perpetrators," said Ravinda Shamdasani, the U.N.'s human rights representative. "It is very important that the government sends a clear message that such violations will not be tolerated."

Meanwhile, Aboubakar Ali Siddick, a spokesman for a coalition of rebel groups known as the Coalition of Patriots for Change denied that the army has made significant headway and dismissed Sunday's vote as "a masquerade".

CAR ex-President François Bozizé takes charge of rebel alliance (Al Jazeera)

March 21, 2021

François Bozizé, former president of the Central African Republic (CAR), has taken charge of a rebel alliance aiming to overthrow the central government, according to the coalition's spokesman.

Bozizé had seized power in a 2003 coup but was removed 10 years later, an act that sparked a brutal civil war that killed thousands of people and tipped CAR further into instability.

The country's current government has accused him of being behind a recently failed offensive by the so-called Coalition of Patriots for Change (CPC) against President Faustin-Archange Touadéra, who won re-election in a December 2020 vote marred by insecurity and low turnout.

Spokesman Serge Bozanga confirmed to the AFP news agency on Sunday that Bozizé had agreed in February to become the CPC's "general coordinator".

Bozanga confirmed the authenticity of a document dated February 18 stating that Bozizé had accepted the CPC's leadership "call".

The coalition brought together six of the armed groups that control much of the country in mid-December to launch the offensive against Touadéra, just more than a week before the December 27 presidential and legislative elections.

Bozizé, who voiced support for the CPC in December while urging a boycott of the elections, had denied allegations of heading the group.

On January 4, the government launched an inquiry into him for "rebellion".

Up against a 12,000-strong UN peacekeeping force as well as hundreds of Russian and Rwandan soldiers and paramilitaries deployed in late December, the rebels have been in retreat since a January 13 attack on the capital, Bangui, was thwarted.

The government alleged they had acted in concert with Bozizé, who returned to the country in late 2019.

The constitutional court had earlier blocked Bozizé's bid to stand in the presidential election, on the grounds that he was under United Nations sanctions over his alleged support for militias held responsible for war crimes and crimes against humanity committed during the conflict that began in 2013.

Bozizé, who fled abroad after his removal and returned to CAR in late 2019, denies the accusations against him.

The gold- and diamond-rich country of nearly five million people has failed to find stability since the 2013 rebellion.

The latest surge in violence linked to last year's election forced more than 200,000 civilians to flee their homes, stalled flows of food and drove up prices for basic goods.

[back to contents]

Sudan & South Sudan

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

Sudan pardons powerful Janjaweed militia chief (Africa News)

March 11, 2021

Sudan has pardoned and released powerful Janjaweed militia chief Musa Hilal, a UN-sanctioned leader accused by rights groups of atrocities in Darfur.

The release of Hilal and other members of his forces comes as Sudan's transitional government pushes peace efforts in the war-ravaged western region, following an October peace accord with rebel groups aimed to end decades of conflict.

"Musa Hilal was released along with others," Ismail Aghbash, an aide to Hilal, told AFP. "They are now on their way back home."

He had been in detention since 2017.

Hilal's "Awakening Revolutionary Council" force confirmed their leader's release along with other members on Thursday, saying "the case against them was cancelled" following a pardon by the authorities.

Hilal was formerly close to ousted president Omar al-Bashir, who supported the Arab Janjaweed forces against marginalised ethnic African minorities when war erupted in Darfur in 2003.

The fighting, which has waned in recent years, killed some 300,000 people and displaced 2.5 million, according to the UN.

Hilal was slapped with UN sanctions in 2006 amid allegations of overseeing "atrocities" in Darfur, accusing him of being "responsible for violations of international humanitarian and human rights law."

In 2014, he fell out with Bashir's government after he accused it of seeking to sabotage relations between tribes in his home state of North Darfur.

Hilal, 60, was arrested in 2017 after clashes between his troops and the government's powerful paramilitary Rapid Support Forces.

But Bashir was ousted in April 2019 following mass youth-led protests against his ironfisted rule.

The former president was convicted in December 2019 for corruption, and has been on trial since July 2020 for the Islamist-backed 1989 coup which brought him to power.

He is also wanted by the International Criminal Court to face charges of genocide and crimes against humanity during in the western Darfur region.

In recent months, renewed clashes between Arab and non-Arab tribes in the Darfur region killed more than 250 people.

The latest violence coincided with the end of a long running joint UN and African Union peacekeeping mission in the region on December 31.

[[back to contents](#)]

Democratic Republic of the Congo

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

At least a dozen killed in eastern DR Congo attack (Al Jazeera)

March 15, 2021

At least a dozen villagers have been killed in an overnight raid on a village in the eastern Democratic Republic of the Congo, according to a witness and monitoring and civil rights groups, in an attack blamed on the notorious Allied Democratic Forces (ADF) armed group.

Men armed with knives and other weapons attacked Bulongo village, some 30km (18 miles) east of the city of Beni, late on Sunday.

“There are 12 bodies lying on the ground,” Mambo Kitambal, head of a civil society group in Bulongo, was quoted as saying by AFP news agency.

“We fear that this toll could increase, especially since the enemy operated for several hours. The victims were executed with pickaxes and machetes,” he said.

In a Twitter post on Monday, the Kivu Security Tracker (KST) monitoring organisation reported the killing of at least 15 civilians in Bulongo. “The ADF are suspects,” it said, without elaborating.

The ADF, a Ugandan militia active in the eastern DRC since the 1990s, has never claimed responsibility for attacks. It has been accused of carrying out dozens of brutal reprisal attacks on civilians since the Congolese army began operations against it in late 2019.

Last year, it is suspected of killing about 850 people, according to United Nations figures.

On Wednesday, the United States designated the ADF as a “foreign terrorist organisation”, accusing it of links to ISIL (ISIS). UN experts, however, have not found evidence of any direct relationship between the two groups.

The ADF has the reputation of being the bloodiest of some 122 armed groups active in the DRC’s four eastern border provinces, many of them a legacy of the Congo Wars of the 1990s.

“Here in the rain they savagely killed our brothers and sisters with knives and pickaxes,” Paul Sakata, a resident of Bulongo, told Reuters news agency.

“We regret that the army did not respond last night, which reinforces the fear in the heads of people in this part of the country, who were beginning to hope for peace.”

Last month, suspected ADF fighters decapitated at least eight people in Boyo village, in the northeast Ituri province, while two others were shot dead in Kainama village.

UN hails verdict against DR Congo militia leader (Anadolu Agency) By Rodrigue Forku

March 17, 2021

The conviction of Nsumbu Katende, leader of a violent militia in the Democratic Republic of Congo (DRC), for war crimes is a “step forward” for justice, the UN said on Wednesday.

The UN Joint Human Rights Office (UNJHRO), the rights division of the UN Organization Stabilization Mission in the DRC (MONUSCO) said Katende’s conviction by a military court will boost the “fight against impunity for crimes committed in the DRC’s Kasai region.”

The central Kasai province witnessed much bloodshed between 2016 and 2017 in attacks by the Kamuina Nsapu militants led by Katende.

Katende was specifically found guilty of committing war crimes in the region in 2017.

In January 2017, an estimated 216,000 people were displaced and more than 400 killed, according to humanitarian groups.

In the town of Tshimbulu, at least 84 militia members were killed between Feb. 9 and Feb. 13, 2017.

Over past years, mass graves have been discovered in the area, according to the International Crisis Group.

UNJHRO called on DRC authorities to speed up hearings of cases and hold to account “ALL people involved in serious crimes regardless of their rank.”

“The transitional justice process underway in Kasai includes, in addition to the fight against impunity, a truth and reconciliation mechanism, economic recovery and community reintegration of ex-combatants,” the UN agency said in a series of tweets.

The verdict against Katende was also hailed by TRIAL International, a non-governmental organization part of a network fighting for justice in the DRC.

“For the first case brought by TRIAL International and its partners in Kasai, we are extremely satisfied,” Daniele Perissi, head of the group’s Great Lakes program, said in a statement on Tuesday.

The trial was supported by UNJHRO, MONUSCO, United Nations Development Programme (UNDP), and TRIAL International.

“Today, the magistrates of the Kananga military court have risen to the complexity of this case, which gives us hope that more victories against impunity may soon follow,” Perissi added.

D.R. Congo UN Convoy Attack (The Organization for World Peace) By Hannah Alexander
March 18, 2021

On Monday, February 22 at approximately 10:00 am local time, a tragic attack took place in the Democratic Republic of the Congo (D.R.C.) killing three people and leaving four injured. Italian Ambassador to the D.R.C., Luca Attanasio who has been in office since 2017, left Goma which is the capital of the North Kivu province in eastern D.R.C. He was en-route to visit a school feeding program in Rutshuru, a town in the North Kivu province. This initiative, run by the world food program, provides food and aid to children in the area in order to battle starvation; a concern that approximately one in five Congolese are experiencing.

The road was previously authorized for travel, though amid their journey, the vehicle was ambushed. The group of assailants began their attack by firing warning shots. Shortly after all passengers were taken into one of the most dangerous Parks in Africa, the Virunga National Park. Patrol throughout this park intervened and saved four civilians. The attackers managed to kill Italian embassy official, Vittorio Lacovacci, their Congolese Driver, Moustapha Milambo, and injure Luca Attanasio, who later died in the hospital. Currently, efforts are being made to find those responsible, though officials are unsure as to what rebel group was behind this attack. Many citizens are now mourning the lost lives of the driver, embassy official, and the widely adored Italian ambassador.

The Democratic Republic of Congo has experienced much loss and harm prompted by being embroiled in a civil war for many years. The beginning of violence in the D.R.C. was driven by political and economic unrest. What is known as Africa’s bloodiest war, ending in 2003, took the lives of approximately six million people. Though the war has ended, there continues to be casualties and conflict amidst the Democratic Republic of Congo. Many militias and rebel groups have situated themselves in the region creating violence, specifically in the eastern areas.

Along with many conflicts in the area, there are attempts being made to create peace in the province. Since 1999, the UN’s plan has been in motion in the Democratic Republic of Congo, being one of the largest peacekeeping missions providing over 17,000 personnel worldwide, and approximately 150 troops to the D.R.C. In order to achieve peace and stability, a political solution must be found between the D.R.C. and the neighbouring areas, otherwise, rebel groups will continue to attack and harm innocent civilians. The death of Attanasio, Lacovacci, and Milambo has many citizens grieving the losses and eager for change that Attanasio’s death is a means for the beginning of a region of peace.

Armed attacks kill hundreds, displace 40,000 civilians in northeast DR Congo (The UN Human Refugee Agency)

March 19, 2021

UNHCR, the UN Refugee Agency, is warning about an alarming increase in the number of attacks by an armed group on civilians in north-eastern parts of the Democratic Republic of Congo (DRC).

Since January, attacks blamed on the armed group, Allied Democratic Forces (ADF), have killed nearly 200 people, injured dozens of others, and displaced an estimated 40,000 people in DRC’s Beni Territory in North Kivu province as well as nearby villages in Ituri province.

In less than three months, the ADF has allegedly raided 25 villages, set fire to dozens of houses, and kidnapped over 70 people. This is in addition to the 465 Congolese killed in attacks attributed to the ADF during 2020.

Attacks and widespread human right violations also continue in other parts of North Kivu province.

The main reasons for these attacks are reported to include retaliation by armed groups against military operations, their search for food and medicine, and accusations against communities of sharing information on ADF positions.

Those forcibly displaced this month have fled to Oicha, Beni and Butembo towns in Beni Territory, with many fleeing on motorbikes. The majority are women and children, as men stay behind to protect properties, exposing themselves to the risk of further attacks.

Displaced people are living in dire conditions without shelter, food, water or health care. In the context of Ebola and COVID-19, the lack of access to toilets, clean water, soap and menstrual hygiene products is of particular concern. In addition, families do not have enough essential items like blankets, sleeping mats or cooking materials.

Prior to the recent mass displacement, an estimated 100,000 internally displaced people were already in need of protection and help with shelter in Beni. Funding shortages have curtailed UNHCR's ability to respond with humanitarian assistance, including shelters.

In 2020, UNHCR was able to build more than 43,000 family shelters in eastern DRC. In 2021, with the funding currently available, only 4,400 families can be assisted out of hundreds of thousands in need. More funding is also needed to resume a cash programme for displaced women at risk which had to be cut.

UNHCR urgently needs US\$2 million to reinforce its protection and humanitarian response in Beni, North Kivu and Irumu Territory in Ituri. Currently, the US\$33 million UNHCR requires for the response in the whole of eastern DRC is just 5.5 per cent funded.

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

WEST AFRICA

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

ISWAP Vs Boko Haram: Battle for Territorial Supremacy Kills over 54 Terrorists, Herders (Nigeria Press Release)

March 21, 2021

A battle for territorial supremacy has intensified between the Islamic State of West Africa Province (ISWAP) fighters and terrorists belonging to the Abubakar Shekau-led Boko Haram faction, on the shores of Lake Chad.

Bloody rival clashes between ISWAP and some Boko Haram terrorists from the Buduma tribe in the Niger Republic, has claimed at least the lives of 54 terrorists and herders within the last one months. A credible intelligence source told PRNigeria that a group of Buduma militants, on the 3rd of March, embarked on a daring and desperate mission to loot from the ISWAP units.

The source said: "The Buduma terrorists linked to Shekau's Boko Haram moved through a route along riverine border villages popularly known as Kabul and Kandahar in the Chadian territory, on two flying boats and attacked a location known as Chikka – a village administered by ISWAP between the borders of Nigeria and the Niger Republic.

"The Shekau-linked Buduma group on arrival on ISWAP occupied village, killing more than a dozen ISWAP fighters and abducted five of their wives. The group also looted some essential items including scarce food before disappearing in the night."

However, the source added that ISWAP elements intercepted some of the Buduma attackers leading to a heavy gun battle at Kaduna Ruwa and Kaiga axis, with heavy casualties on both sides.

A few weeks later, precisely on March 17, the angry Buduma terrorists eliminated about 22 herders and rustled their cows for

paying taxes to ISWAP rather than Shekau's camp. They also intercepted two flying boats conveying weapons for ISWAP. They killed eight gunrunners and carted away the arms and ammunitions.

The series of attacks against the ISWAP forced the leadership to draft a plan for a decisive battle against the Buduma's at Lelewa, Duwa, Wallal, Pepewa and Hauwa bulumwa villages in the Niger Republic.

The directive was allegedly given after an emergency meeting convened by the ISWAP leader, Muhammed Dawud, in presence of their Chief Imam Muhammad Malumma; Chief Judge, Ali Kwaya; Operation Commander, Ali Chakka and Chief Tax Collector Malame Musa Malmat.

Meanwhile, due to the intense rivalry and other factors, suspicious movements of terrorists have been noticed in some local governments in Borno State. Terrorists have been reported at communities in Mobbar and Abadam on the Nigerien border; Ngala and Kala Balge at the Cameroon border; and Kukawa and Marte on the Lake Chad axis. Similarly, disturbing activities are being detected and monitored at Magumeri and Gubio local governments as well as in Damasak.

1,000 Terrorists Prosecuted, 500 Jailed, Says Military (This Day) By Kingsley Nwezeh
March 23, 2021

The military yesterday put the number of Boko Haram terrorists who have been prosecuted at 1,000 while 500 have been jailed.

In addition, more members of the terror group are to go on trial in June.

The decision to put the insurgents on trial came as the federal government affirmed its determination to secure the country against threats to its corporate existence.

It also expressed the readiness of the military to execute the presidential directive to the armed forces and other security agencies to end all threats to national territorial integrity, including banditry, terrorism and kidnapping.

The United Nations (UN), European Union (EU), the United Kingdom (UK) and the Centre for Humanitarian Dialogue have also met in Abuja to chart a new course to contain the humanitarian crisis in the North-east, where over eight million people have been displaced.

The Chief of Defence Staff, Gen. Lucky Irabor, said at a meeting tagged: "The North-east Symposium on Reintegration, Reconciliation and Resettlement," that 1,000 insurgents had been prosecuted since the inception of Operation Safe Corridor (OPSC), saddled with the responsibility of deradicalising repentant insurgents, while 500 were jailed for five to 60 years.

Irabor, who was represented by the OPSC Commander, Maj. Gen. Bamidele Ashafa, said: "The federal government of Nigeria does not condone Boko Haram. Over 1,000 Boko Haram members have been prosecuted. I want to use this opportunity to say that over 500 have been jailed and are serving various jail terms for up to 60 years, the minimum term is five years.

"Arrangements are also being concluded to begin the trial of another set of Boko Haram suspects. That will start between now and June." In her remarks, the Country Director, Centre for Humanitarian Dialogue, Ms. Millicent Ojomo, said the two-day event was a continuation of its policy dialogue to ensure that the objectives of ensuring rehabilitation, reconciliation and resettlement were realised.

She called for synergy on the part of all stakeholders to make the summit a reality.

In his goodwill message, Deputy Head of Mission and Team Leader, Economic Cooperation and Energy, Alexandre Borges-Gomez, harped on the need for stakeholders to go beyond humanitarian challenges and evolve an integrated approach and a sustainable strategy.

The British High Commissioner to Nigeria, Catriona Wendy Laing, said the UK was worried about the Boko Haram insurgency and the concomitant humanitarian crisis that has to be confronted.

She said there was the need for governors of the North-east and the heads of state of the Lake Chad Basin to work in synergy to enable communities to recover their livelihoods.

Meanwhile, at a national defence and security summit in Abuja, Minister of Defence, Major General Bashir Magashi (rtd), expressed the determination of the federal government to end security challenges in the country.

"The federal government's first line charge priority of ensuring the safety of lives and property of the citizenry is sacrosanct. There is no going back on this national aspiration."

He stated that the presidential directive to the armed forces and other security agencies “was clear on the need to decisively end all forces of threats to the the national territorial integrity including banditry, terrorism and kidnapping”.

The minister, therefore, described the summit themed: “Kinetic Operations, a Major Plank for Counter-Terrorism and Counter-Insurgency in Nigeria: Issues, Challenges and Prospects,” as timely.

He called for concerted efforts to support the current efforts to promote peace and stability, while identifying various security instruments emplaced by the federal government to address internal security challenges, which include Operation Lafiya Dole, Operation Safe Haven and strategic empowerment of the Multinational Joint Task Force (MNJTF) as well as intervention mechanism such as North-east development.

Also at the event, Irabor said the military would enhance its kinetic operations in dealing with the prevailing security challenges confronting the nation.

Irabor said the one-day summit would discuss the promotion of kinetic operations by leaders and eminent personalities in Nigeria. “Our strategic objectives are manifold and imbued to neutralise non-state-actors and other agents of violence in our communities, forests and countryside to stabilise the security situation across the nation to facilitate law and order and lastly to provide the enabling environment for peace and development.

“These presuppose that the military would need support from other security agencies during the operations and would be required to give support to others at different stages of the internal security effort,” he added.

UNHCR outraged by deadly attack against displaced population in Western Niger (UN Refugee Agency)

March 23, 2021

UNHCR, the UN Refugee Agency, condemns in the strongest terms the attacks in western Niger that killed 137 people, many of them already displaced after having fled earlier violence.

On Sunday afternoon, armed assailants on motorbikes attacked the villages of Intazayane, Bakorat and Wirsnat in Niger’s Tahoua region, some 50 kilometres from the Malian border. Some of the injured were evacuated to Tahoua city, 150 kilometres away.

UNHCR is evaluating the needs and preparing to assist affected people with health care and to provide protection services, as populations may move towards nearby Intikane, Telemces and Tahoua, where we are, together with our partners, already providing humanitarian assistance to refugees, internally displaced and vulnerable people among their hosts.

In Intikane, a large area designed to accommodate Malian refugees (20,000) and displaced Nigeriens (15,000) as well as their herds, 7,000 refugees were only just returning following an attack last May, when armed groups assassinated refugee leaders and a local host community leader. They had destroyed the main water station and pipes as well as phone tower, cutting communication and water supply to the displaced population and host communities.

Niger’s Tahoua and Tillaberi regions, which border Burkina Faso and Mali, currently host 204,000 refugees and internally displaced people.

UNHCR renews its urgent call on warring parties in the Sahel to protect civilians, people forced to flee and communities hosting them, as civilians are bearing the brunt of increasing attacks in Burkina Faso, Mali and Niger.

Niger, Burkina Faso, and Mali in the Sahel are at the epicentre of one of the world’s fastest-growing displacement and protection crises. The region is already hosting nearly three million refugees and people displaced inside their own country.

Despite increased insecurity, Nigeriens continue to show their generosity to people fleeing violence in Africa’s Sahel and Lake Chad regions.

[[back to contents](#)]

Lessons for French Forces in Mali (Human Rights Watch) By Jonathan Pedneault

March 11, 2021

The facts surrounding the January 3 French airstrike near Bounti, in central Mali, which villagers claim killed 19 civilians at a wedding, remain disputed. The French government continues to oppose carrying out an investigation into the attack, saying its forces committed no errors.

A February 16 decision by the European Court of Human Rights should be an important reminder to France of the obligation of states under international humanitarian law to investigate serious allegations of war crimes committed by their forces.

The court's decision relates to a 2009 incident in which German troops, located in Kunduz, Afghanistan as part of NATO's International Security and Assistance Force (ISAF), called for an airstrike on two fuel tankers that suspected Taliban fighters had captured. Local residents, including many children, had gathered to siphon fuel from the tankers.

In the early morning hours, ISAF bombed the tankers using US F-15 aircraft. While ISAF initially disputed accounts that civilians were among the casualties, the regional commander dispatched a team of German military police to investigate. Despite several requests by the UN, ISAF did not release the unclassified version of its report nor its video footage.

Ultimately several German officials resigned when it became known that they withheld information that civilians had been killed and injured. According to the UN, the explosion killed at least 74 civilians, many of them children.

In the days and weeks after the strike, German military, judicial and parliamentary authorities opened investigations to assess whether the commanding officer at the scene had exercised sufficient caution prior to ordering the strike and whether he complied with the applicable rules of engagement. Yet none of these investigations led to criminal accountability – only leaked information resulted in resignations.

France's response to the January 3 airstrike in Mali has been much more problematic, with officials contending that any allegations of an illegal strike were rumors.

France alleges all those killed were armed Islamist fighters. To Human Rights Watch's knowledge, neither the French Defense Ministry nor its public prosecutor have opened investigations into the circumstances surrounding the Bounti strike.

Despite pressure from some French parliamentarians, the Senate and National Assembly have yet to demand a review of classified images taken by a drone shortly before the strike.

France should recognize longstanding international humanitarian law, reiterated by the European Court of Human Rights, that states are obligated to investigate alleged war crimes committed by their forces.

Almost 7,000 people killed in attacks in Burkina Faso, Mali, and Niger during 2020 (Global Centre for the Responsibility to Protect)

March 15, 2021

BACKGROUND: Civilians across the Central Sahel are facing increased attacks by Islamist armed groups and state security forces, as well as inter-communal violence perpetrated by rival militias. Almost 7,000 people were killed during 2020, making it the deadliest year in the Central Sahel since the conflict began. In Burkina Faso and Mali, more civilians were killed by local militias and national security forces than by attacks by Islamist armed groups.

Violence and instability have been endemic in Mali since 2012 when Tuareg separatists and Islamist armed groups seized territory in the north following a military coup. Despite the presence of several international forces, including a UN peacekeeping mission (MINUSMA), the conflict in Mali has expanded from a separatist rebellion into inter-communal and extremist violence.

The International Commission of Inquiry (CoI) on Mali has reported that between 2012-2018 Islamist armed groups committed crimes against humanity and war crimes, including murder, torture, recruitment of children, maiming, rape and other forms of sexual violence, as well as attacks against humanitarian workers and MINUSMA. More than 130 MINUSMA peacekeepers have been killed since July 2013, including six since January 2021.

Since Islamist armed groups expanded their activities from northern to central Mali during 2015, violence has spilled into neighboring Burkina Faso and Niger. The porous tri-border area has facilitated the expansion of Islamist armed groups linked

to al-Qaeda and the so-called Islamic State of Iraq and the Levant. The Africa Center for Strategic Studies has recorded an almost sevenfold increase in violent incidents connected to these groups in the Central Sahel since 2017, with a 44 percent increase in attacks in 2020. On 2 January 2021 armed men, allegedly affiliated with an Islamist armed group, launched coordinated assaults on two villages in the Tillabéri region of Niger, killing at least 105 civilians, including 17 children. This massacre was one of the deadliest attacks in Niger's recent history.

Islamist armed groups have increased their attacks on civilian infrastructure, including places of worship, health centers and schools. These groups targeted state education across the Central Sahel, burning schools and threatening, abducting or killing teachers for using the secular state curriculum. The UN Refugee Agency has warned of a sharp increase in grave human rights violations committed against children in Mali, including human trafficking, forced recruitment by armed groups, rape and being forced into sexual or domestic servitude. Armed groups have also used landmines and improvised explosive devices (IEDs), indiscriminately killing and maiming civilians. From January-September 2020 IEDs killed 181 civilians in Mali.

In response to attacks by Islamist armed groups, counterterrorism operations by Sahelian security forces have led to grave human rights abuses against civilians. The CoI determined that the Malian defense and security forces committed war crimes, including targeted killings, rape and torture. According to MINUSMA, between June-December 2020 the Malian security forces were one of the leading perpetrators of extrajudicial, summary or arbitrary executions and enforced or involuntary disappearances. MINUSMA also reported that the security forces sometimes conducted "reprisal operations against civilian populations" accused of supporting Islamist groups. On 30 November Niger's National Human Rights Commission found that elements of the Nigerien Defense and Security Forces were responsible for the summary and extrajudicial execution of more than 70 unarmed civilians whose remains were discovered in six mass graves in Inatés, Tillabéri region.

Inter-communal violence between rival ethnic militias and "self-defense" groups is also rising across the Central Sahel. Violence in Mali has taken place between Dozos (traditional hunters mainly from the Dogon ethnic community) and ethnic Bambara fighters against members of the predominantly Muslim Fulani community, particularly in the Mopti and Ségou regions. During the second quarter of 2020 there was also increasing violence within the Dogon community. One armed group, Dan Nan Ambassagou, has carried out attacks against other community members who have participated in reconciliation efforts. In Burkina Faso, meanwhile, 89 percent of attacks by government-affiliated civilian security volunteers have targeted the Fulani community, killing dozens of civilians.

The Central Sahel is one of the fastest growing displacement crises in the world with approximately 1.7 million people displaced, including over 1 million children. A record 14.4 million people need humanitarian assistance, a 60 percent increase since January 2020.

ANALYSIS:

While violent incidents along the tri-border area decreased from June-December 2020 – due in part to the rainy season, mediation initiatives and counterterrorism activities – militias, self-defense groups and security forces continue to target populations on the basis of their ethnic and/or religious identity. Islamist armed groups also target people's livelihoods, including destroying crops and food reserves.

Weak state institutions, porous borders, a climate crisis and arms proliferation have exacerbated conflict across the Central Sahel. Historically, the Dogon, Bambara and Fulani communities have clashed over land, water and grazing rights. The conflict in the Central Sahel has been exploited by Islamist armed groups who have targeted young Fulani men for recruitment. Violence and atrocities by Islamist armed groups continues to fuel ethnic tensions. Despite support from international military forces, Sahelian security forces have been unable to adequately protect civilians in the vast regions of central Mali, northern and eastern Burkina Faso and western Niger. The Burkinabè government's "Volunteers for the Defence of the Homeland" law provides arms and training to civilian volunteers, but the proliferation of arms and militias has led to further violence.

The governments of Burkina Faso, Mali and Niger are struggling to uphold their responsibility to protect.

INTERNATIONAL RESPONSE:

Following a referral by the government of Mali, the International Criminal Court launched an investigation in January 2013. During August 2017 former Ansar Dine leader Ahmad al-Faqi al-Mahdi was sentenced for the war crime of partially destroying the World Heritage Site at Timbuktu.

The UN Security Council (UNSC) subjects eight individuals in Mali to targeted sanctions for obstructing the peace process and violating human rights, including recruiting child soldiers and attacking UN personnel. On 29 June 2020 the UNSC renewed MINUSMA's mandate for an additional year. The UNSC issued a Presidential Statement on 3 February 2021 that underscored the need for a holistic approach to address inter-communal violence in the region.

Operation Barkhane, a 5,100-member French force, has become the leading external counterterrorism operation in the Central Sahel. During July 2017 the G5 Sahel Joint Force was established using troops from Burkina Faso, Chad, Mali, Mauritania and Niger. On 12 June 2020 the G5 Sahel countries and France launched the International Coalition for the Sahel to coordinate responses to security, political and development issues in the region. During July 2020 a counterterrorism force composed of special forces from European Union (EU) countries was launched to supplement Operation Barkhane.

During January 2021 the G5 Sahel Joint Force launched the Civilian Casualties Identification, Tracking and Analysis Cell, in partnership with the Office of the UN High Commissioner for Human Rights (OHCHR) and the Center for Civilians in Conflict, and with funding by the EU, to enhance civilian harm mitigation practices.

NECESSARY ACTION:

While countering violent extremism remains crucial for Burkina Faso, Mali and Niger, it is essential that all three governments and international forces ensure that their efforts do not further exacerbate inter-communal tensions and distrust in state authority. Additional measures must be implemented to end the proliferation of arms, militias and self-defense groups. Disarmament, demobilization and reintegration efforts need to be focused on areas where atrocity risks are increasing. Community-based dispute resolution mechanisms should also be supported.

The governments of the Central Sahel, with the support of MINUSMA, OHCHR and the UN Office on West Africa and the Sahel, should investigate all violations and abuses of international humanitarian and human rights law and help restore confidence in state accountability. The governments of Burkina Faso, Mali and Niger should establish a special entity to investigate and prosecute international crimes.

Mali: Court ends trial of former coup leader Sanogo (Al Jazeera Africa)

March 15, 2021

The court did not issue a verdict and ended proceedings against 15 other defendants.

Video Transcript

NICOLAS HAQUE: Not in his usual four star generals uniform, but a gray suit, former coup leader Amadou Sanogo walks out of the tribunal a free man. Along with 15 other soldiers, he no longer faces charges of torture, killings, and rape. But this woman says she was among those Sanogo soldiers rounded up when he took power in a coup in 2012. And she was held in captivity for 19 months, and raped every night. To her, the court's decision is wrong.

AMINA SOUMARE: It's over for Mali. The military can commit cruel acts, criminal acts, without ever having to face justice. The court is in their hands. Even better, they will use the law of amnesty and reconciliation to cover up their crimes.

NICOLAS HAQUE: The lawyers of those she accuses deny any wrongdoing, saying there's no proof to her allegations. The court did not issue a verdict. But instead, the judge cited a 2019 reconciliation law offering amnesty to specific crimes committed during the 2012 crisis. That's when armed groups took over the North and Captain Sanogo took over power in a coup. In an interview with Al Jazeera at the time, he said his plan was to bring back the rule of law, and end political corruption.

AMADOU SANOGO: As a soldier, I'm not-- I don't belong to a political party. I'm not a political man. I'm not willing to have a political career.

NICOLAS HAQUE: During his short three weeks rule, Sanogo ordered the arrest of 21 soldiers of the presidential guards, accusing them of fomenting a coup against him. They were tortured, blindfolded, and thrown into a mass grave before being shot. For rights groups, this amounts to international war crimes.

For Mali's military rulers, these are not crimes, but past events that do not warrant a trial. Under an agreement brokered by the state, the victim's family will receive at least \$25,000 in compensation, a five bedroom house, and the state funeral for the deceased.

ISMAELA FANE: I'm shocked by the court's decision. I would have preferred that there were sentences.

NICOLAS HAQUE: Many victims and survivors see in the court's decision, a rushed attempt to reconciliation in war torn Mali. And they say they've been denied justice, and are unable to heal and move forward. Nicolas Haque, Al Jazeera.

[back to contents]

Liberia

Liberia Misleads on Justice at UN Rights Review (Human Rights Watch) By Elise Keppler

March 17, 2021

Liberia's justice minister, Frank Musa, gave a misleading statement at the United Nations Human Rights Council on March 17 regarding the government's purported efforts to ensure much-needed justice for widespread atrocity crimes committed during the country's back-to-back civil wars between 1989 and 2003.

Speaking during the adoption of the outcome of Liberia's Universal Periodic Review (UPR), Musa claimed Liberia is engaged in national and regional consultations around accountability for serious crimes.

The last such consultation we are aware of, however, took place in 2019. As a coalition of Liberian and international nongovernmental organizations highlighted in a statement on the UPR outcome, the government has been essentially silent since then, while activists and witnesses of alleged crimes have faced increased threats.

In any event, the path forward should be clear without additional consultations. Liberia's Truth and Reconciliation Commission recommended the creation of a war crimes court over a decade ago. International law requires states to prosecute serious crimes, such as war crimes, which helps ensure victims' rights to truth, justice, and an effective remedy, while combating impunity. In addition, victims, activists, community leaders, politicians, and members of the general public in Liberia have backed a war crimes court, even marching in the streets to show their support.

Even as President George Weah dithers on a court, accountability for atrocities in Liberia has taken major strides outside the country. Switzerland began the first prosecution of war crimes committed during Liberia's first civil war in December. The trial of Alieu Kosiah, also a landmark for Switzerland, concluded in early March and a verdict is expected in the coming months. In February, Gibril Massaquoi went on trial in Finland for alleged crimes committed during Liberia's second civil war. The Finnish court is even holding some hearings in Liberia, marking the first proceedings on such crimes in the country.

Liberia has the potential to be a leader on accountability for atrocities by establishing a war crimes court in accordance with international standards. Instead, the government is leaving other countries in the driver's seat. Victims deserve more than officials mischaracterizing old events as new progress and should instead see President Weah's government unequivocally back a war crimes court and request UN assistance to do so.

Liberia: Emotional Witness Tells War Crimes Court Gibril Massaquoi Burned People Alive (All Africa) By Joaquin Sendolo

March 17, 2021

It was an emotional day in the war crimes trial of Gibril Massaquoi as one of the witnesses broke down in tears as he described the day he said fighters under Massaquoi's command locked 75 people in a kitchen and set them ablaze in 2001 in Kiatanhun in Lofa County.

Over the past three weeks the Finnish court, holding hearings in Liberia, heard from witnesses who accused Massaquoi of atrocities at the Waterside Bridge in Monrovia. On Tuesday the focus of his alleged crimes moved to Lofa County, in Liberia's north-western region which had been a base for RUF fighters when they first entered Sierra Leone to start the rebellion that would plunge that country into 11 years civil war in 199

"When the soldiers, some of them speaking Mende, Creole, and the Liberian English, came and captured us, they put 75 of our people in a kitchen and set them ablaze because these soldiers believed that the people were bullet proof and could not be killed using guns," the witness told the court. "I can say I was the only survivor because one of those soldiers, 'God First', had love for me and asked his soldiers not to kill me," the man, codenamed Civilian 50 told the four-judge panel through tears. The court was suspended for a time as the man regained his composure.

The witness said before the rebels killed the group in the kitchen, they had killed an old man named Siafa Tulay. He told the court that he was kept alive because he was literate and the fighters decided he was useful to them.

"They put on my head a tin of red oil to take to Sierra Leone through Vahun to sell and we used bush roads through

Kpokolahun," he told the court.

"I was among them in Sierra Leone when they were saying 'who wants short or long sleeve?' When you say you want long sleeve, they cut your hand right here," said the witness pointing to a place on his arm that indicated arms would be cut above the elbow. The RUF terrorized Sierra Leone cutting the hands and arms from civilians including children.

The witness made clear that the man on trial directed the events that he witnessed in Lofa.

Survivors of Liberia's civil war massacre react to news of US trial (RFI) By Darlington Porkpa
March 20, 2021

Lawyers representing victims of one of the deadliest massacres in Liberia presented evidence to a judge in the United States this week for the prosecution of Colonel Moses Thomas, the former head of an elite unit within the Armed Forces of Liberia.

Thomas is accused of being responsible for the Lutheran Church massacres in 1990.

Lawyers from the Center for Justice and Accountability (CJA) for four of the victims are asking the court in the US state of Philadelphia to find Thomas liable for crimes against humanity. They also want the victims to be awarded damages.

In July 1990, the single worst atrocity of the Liberian Civil War occurred at the St. Peter's Lutheran Church and an estimated 600 people—mainly women and children—were shot and chopped to death by soldiers of the Armed Forces of Liberia (AFL).

The civilians, predominantly from the Gios and Manos ethnic groups had gone to seek refuge in the church's compound on 14th Street in the Sinkor neighborhood, Monrovia, as the war reached the capital.

Rufus Kartee, 52, was 21 and in the church compound sheltering from the violence in the capital when the massacre began. Recounting his ordeal to RFI, Kartee said he preferred to die instead of living in pain and agony for several years.

"On the night of July 29, we heard a scuffle at the gate of the church and later we saw soldiers wearing face masks forcibly entering," said Kartee.

Pain

"The private security guys who were mending the gate were killed by government forces—the Armed forces of Liberia and the Special Anti-Terrorist Unit—SATU," he said.

He sustained a gunshot wound to his knee and lower back. Since then he says he suffers pain when he walks.

The wounds on Kartee's left leg and buttocks have still not healed. Yet he says he is fortunate that he did not lose family members in the massacre as others did.

His wife had refused to seek refuge at the Lutheran church after soldiers killed scores of civilians at United Nations headquarters, then in Congo Town.

He lives in an unfinished building within the Soul Clinic community in the Paynesville community outside Monrovia.

Abandoned by his wife and other relatives, Kartee now depends solely on handouts from neighbors to survive.

"See my condition, I am suffering. The pain is too much for me because I am now living on painkillers. These sores on my leg and buttocks have not cured since the incident. No help ... I am hopeless," said Kartee.

He says he hopes that he can get advanced medical attention for his health issues.

Peterson K. Sonya, who was 16 on that fatal day, says benches were placed behind the church doors to prevent the soldiers from entering.

"They forced their way in and opened fire. People were pleading for mercy but they didn't listen. I saw my father fall over me and other people fell over us. That's how I survived," he said.

Sonya lost seven members of his family in the massacre and to date, he says the survivors have not been taken care of by the government, or anyone.

The victims are buried in three locations in the churchyard in mass graves.

And no one has been held accountable. This week's filing in the US is the first attempt to prove that the Liberian government's armed forces were responsible.

Thomas moved to the United States in 2000 while the civil wars continued in Liberia and was a long-time Philadelphia resident before the case was filed.

Never too late to prosecute

Sonya is angry that the Liberian government is dragging its feet to prosecute warlords and their financiers responsible for the mayhem during the civil war, but is happy that at least something is happening now.

"I think this is a welcoming move. This has been our dream, it has been our prayers to be alive and see people held accountable to what happened to us," Sonya said.

He adds that it is never too late to prosecute those responsible for massacre that has changed their lives negatively.

Sonya works with a group of survivors under the banner the St. Peter Lutheran Church massacre. He says the majority of the massacre victims are living in zinc shacks and are left to struggle daily for survival.

Among those struggling financially, medically and psychologically is Marie Saye, who suffered gunshot wounds on her right hand during the massacre.

"My husband and two sons including my little sister were killed in the massacre," said the 54-year-old. "See how I am suffering! No help, what did we do to deserve this?"

She said she wants the government and the international community to act with urgency and give them justice for once in their lifetime.

Moving on after the tragedy is difficult

The associate pastor of St. Peter's Lutheran Church where the massacre occurred welcomes the legal proceedings.

"Our God is a just God, so we are thankful to those who continue to push this and to bring those perpetrators to justice," Rev. Kenety S. Gee told RFI.

He said while they welcome the legal process, over the years the church has also asked the survivors to forgive those who committed the act.

"It is not uncommon to lose your father, brother or relative to death but to see it being done violently is sad," said Gee.

"A lot of these people still have wounds with them. Some of these people are crippled for life and some have not received treatment.

Help

"We as a church have been encouraging them to find a place to forgive and we as a society can move on and start the process of rebuilding."

He says that part of the process is helping the survivors to learn new skills so they can take care of themselves and their families.

"With the severe disabilities that most of them have, it makes it very difficult for some of them to live so society has to intervene here because it is the society that imposes on them the undue suffering," said Gee.

The church has helped them organise the massacre association where Sonya works and has provided some training in soap making and tailoring for the survivors and their children.

[back to contents]

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Where are the 1,100 Genocide fugitives? (The New Times) By Emmanuel Ntiringanya

March 15, 2021

Since the Genocide Fugitives Tracking Unit (GFTU) was established in 2007, it has issued 1,146 indictments and arrest warrants against Genocide fugitives in 33 countries, Jean-Bosco Siboyintore, the head of GFTU has said.

GFTU operates under the National Public Prosecution Authority (NPPA). Siboyintore made the revelation last Friday on March 12, during the training of Rwandan parliamentarians on the convention on the Prevention and Punishment of the Crime of Genocide.

He was making a presentation on the current state of pursuing fugitives of the 1994 genocide against Tutsi, challenges, strategies and the contribution the parliamentarians in tackling them.

He said that among other challenges, there is lack of political will among countries to extradite the Genocide suspects to Rwanda so that they stand trial, or at least try them in their courts, indicating that legal action has been taken against only 46 suspects either way.

This figure suggests that 1,100 genocide fugitives have not yet been brought to book.

The above-mentioned Convention was approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948. It entered into force on January 12, 1951.

Among other provisions, it states that Genocide and related acts shall not be considered as political crimes for the purpose of extradition. The countries which are parties to the Convention commit in such cases to grant extradition in accordance with their laws and treaties in force.

Siboyintore said that the fact that the Genocide suspects who are roaming freely abroad is one of the contributing factors to the trivialisation of the 1994 genocide against Tutsi.

Among the Genocide suspects at large, there is Lieutenant Colonel Pheneas Munyarugarama who was commander of Gako Military Camp; Charles Sikubwabo, former burgomaster (mayor) of Gishyita Commune in the former Kibuye (in current Karongi District), and Aloys Ndimbati, former burgomaster of Gisovu Commune also in the former Kibuye Prefecture.

These are considered genocide masterminds and their indictments were referred to Rwanda by the now-defunct International Criminal Tribunal for Rwanda.

Where the genocide suspects are living

Of the 1,100 Genocide fugitives, Siboyintore said that 408 are in the neighbouring DR Congo, 277 in Uganda; 63 in Malawi, 52 in Tanzania, 47 in France, 42 in Congo Brazzaville, while 40 are in Belgium.

Other countries are Kenya where 35 Genocide suspects are believed to reside, 23 in America (USA), 18 in The Netherlands, Zambia harbours 15, Burundi hosts 15, Canada 14, Mozambique hosts 13 and 11 are in Central African Republic.

Also, 10 suspects are in Cameroon, seven in Norway, Sweden, and Gabon, each; Germany, UK, and South Africa hosts five, each; and three are in Denmark, New Zealand, Ivory Coast, and Switzerland each.

Finally, two Genocide suspects are believed to be in Zimbabwe, two in Swaziland, while one was reported in Finland, Ghana, Benin, and Australia each.

What will it take to bring them to justice?

Bringing the Genocide fugitives to book has taken long, as about 27 years have elapsed since the Genocide was committed.

But, some parliamentarians and government officials are optimistic that justice will finally be done for the Genocide victims since its crime is imprescriptible – not subject to statute of limitations.

Some of the challenges Siboyintore cited include Genocide fugitives who use refugee status and political reasons as a pretext for not being tried for the crimes they are suspected of.

However, he said that a person should not be granted refugee status when they are being pursued for international crimes.

Others are people who use the tact of changing their identity and nationality, which makes it difficult to track him.

Siboyintore said that the counter strategy to this issue is to work with Rwanda's embassies and the diaspora so that whoever knows the suspect who changed names or other details should report that to prosecution.

"There are collaborators who [falsely] announce that a suspect died because they know that the dead is not pursued [judicially]," he said.

According to the Ministry of Justice, Rwanda has so far signed extradition treaties with 10 countries.

Jean-Damascène Bizimana, Executive Secretary of National Commission for the Fight against Genocide (CNLG) said that there are countries that have not yet included punishment of denial and trivialization of the genocide against the Tutsi in their legislation.

He said that there is a need to drum constant reminders about the international resolutions punishing genocide, its denial and minimisation during summits such as the 2021 Commonwealth Heads of Government Meeting (CHOGM) which will take place in Kigali in June this year so that they are implemented.

Speaker Donatille Mukabalisa said that the country will never relent or give up on efforts to ensure that all the Genocide fugitives from all their hideouts are brought to book, indicating that effective collaboration such as parliamentary diplomacy, is key.

"As parliamentarians, we will continue to use international legislative assemblies to which we are members to remind our counterparts where Genocide fugitives are harbored, or continue to give platform to those who propagate genocide ideology, deny and minimise the Genocide against Tutsi, that they have to be brought before justice either in Rwanda or in those countries," she said.

She added that the Rwandan legislature will lobby the enactment of laws that implement the international conventions to which those countries are signatories and the resolutions adopted by the UN because it has been indicated that there is a gap in that regard.

MPs want Genocide fugitives case tackled under Commonwealth (The New Times) By Emmanuel Ntirenganya
March 19, 2021

Some Members of Parliament (MPs) have suggested that the protracted issue of Genocide fugitives who have not yet been brought to justice should be addressed through cooperation such as Commonwealth legal agreements.

They made the suggestion on Friday, March 19, 2021 as the Commonwealth Parliamentary Association (CPA) Rwanda Branch virtually celebrated Commonwealth Day 2021 because of Covid-19 pandemic.

The Commonwealth is a voluntary association counting 54 member countries spanning Africa, Asia, the Americas, Europe, and the Pacific. It is home to 2.4 billion people. Last week, on March 12, Jean-Bosco Siboyintore, the head of Genocide Fugitives Tracking Unit (GFTU) told MPs that it has issued 1,146 indictments and arrest warrants in 33 countries against fugitives of the 1994 genocide against Tutsi.

Siboyintore was making a presentation during the training of Rwandan parliamentarians on the convention on the Prevention and Punishment of the Crime of Genocide.

He expressed concern that an estimated 1,100 Genocide fugitives have not yet been brought to justice – neither extradited to Rwanda nor in those countries.

During the Commonwealth celebration event, MP Mwansa Mbulakulima from the National Assembly of Zambia (CPA Zambia Chapter) delivered a presentation entitled "adding global value focusing on the Commonwealth's strength in international politics to influence and eventually effect change on important global issues."

Senator John Bonds Bideri, Chairperson of the Senatorial Committee on Foreign Affairs, Cooperation and Security voiced concern that there are Genocide perpetrators who are roaming in the whole world, many of them in Africa including Rwanda's

neighbouring countries.

Through the Harare Scheme and London Scheme, he said, countries which are members of the Commonwealth committed themselves to effectively cooperate and assist each other in terms of bringing before justice people who have committed crimes in those countries.

“How can Parliament actually play a role in ensuring that these perpetrators of [Genocide] crimes can be brought to book,” he asked the presenter (Mbulakulima), adding that some of the genocide fugitives are enjoying rights that they are not entitled to.

“They should not continue enjoying the rights which they are not entitled to... I want to know your view from the perspective of the Commonwealth which signed these agreements, what can be done so that such people are brought to justice,” he said.

The London Scheme for Extradition within the Commonwealth provides for the extradition of a person from the Commonwealth country, in which the person is found, to another Commonwealth country, in which the person is accused of an offence.

The Scheme Relating to Mutual Legal Assistance in Criminal Matters within the Commonwealth, which is known as the Harare Scheme provides for the giving of assistance by the competent authorities of one country (the requested country) in respect of criminal matters arising in another country (the requesting country).

MP John Ruku-Rwabyoma suggested that the issue of Genocide fugitives roaming in African capitals should be addressed such as through cooperation.

“If we are to work together as parliaments with shared values and vision, let us work together on that [genocide fugitives issue] as well,” he said.

Siboyintore said last week that the London Scheme for Extradition (within the Commonwealth can facilitate the extradition of Genocide fugitives as it can allow Rwanda to reach an agreement with the other 53 member states of the Commonwealth in this regard.

“When you have signed it (the London Scheme) as a member country, it implies that all the 54 member states of the Commonwealth are parties to the treaty. This is an area that we can explore so that instead of signing a bilateral treaty with every country,” he said.

Commenting on the issue, MP Mwansa Mbulakulima (from Zambia) said that most of the countries have not yet domesticated the legislation against punishing genocide crimes, which is a challenge for the extradition process. This issue, he said, is coupled with the 'demands for promotion of human rights'.

“Most of those individuals have run to the UN to complain, or other organisations that listen to them. And yet, they committed atrocities,” he said, calling for the domestication of the [anti-genocide] legislation.

While observing the Commonwealth Day 2021, CPA Rwanda Branch held an interactive seminar aimed to promote knowledge of the constitutional, legislative, economic, social and cultural aspects of parliamentary democracy.

The Day was celebrated under the theme "Delivering a Common Future: Connecting, Innovating and Transforming." This theme is in unity with the theme for the Commonwealth Heads of Government Meeting (CHOGM) 2021 which will be held in Rwanda in June.

Speaker Donatille Mukabalisa called for parliamentarians to capitalise on CHOGM 2021 to be held in Kigali and play their role by voicing their views and contributions in addressing the challenges that the Commonwealth nations and the world, in general, are facing.

Time could soon be up for high-ranking Rwandan genocide fugitive believed to be hiding in Zimbabwe (Times Live)

By Lenin Ndebele
March 19, 2021

Rwanda might finally arrest their most wanted man who has been on the run for 27 years, thanks to a diplomatic arrangement with Zimbabwe.

Protais Mpiranya, 61, is the most high-ranking genocide fugitive to be on the run after the arrest of alleged genocide financier Felicien Kabuga near Paris in May 2020.

Mpiranya, who is the most sought of the six remaining radical Hutu fugitives indicted by an international tribunal into the 1994 slaughter which left about 800,000 people dead, had a \$5m (about R73.3m) bounty on his head.

He is wanted internationally for war crimes linked to the Rwandan genocide.

For years he was believed to be in Zimbabwe, and intelligence authorities in the country claimed the fugitive was using the fake identities of “Theophase Mahuku”, “Patrick Sambo” and “Jairus Kakule”.

His time on the run could come to an end after Zimbabwe and Rwanda on Friday signed a memorandum of understanding (MOU) on legal mutual assistance on criminal matters and on cooperation in the field of prisons/correctional services.

The MOU was signed as part of a four-day virtual joint permanent commission on cooperation between the two countries.

July Moyo, acting foreign affairs minister of Zimbabwe, said the commission was for “promoting mutually beneficial programmes between the two countries and strengthening bilateral relations”.

Zimbabwe’s legal affairs minister Ziyambi Ziyambi, a signatory of the MOU did not take calls from TimesLIVE.

There is an eight-year-old UN resolution that Rwandan refugees in Zimbabwe should be repatriated. The resolution states refugees who came to Zimbabwe before 1999 should be declared illegal immigrants.

The refugees are housed at the Tongogara refugee camp. According to official records, 658 are from Rwanda - most of them Hutus.

In July 2019, Sameri Kayimba, a Rwandan community leader at the refugee camp, told the Sunday Times that it was better for them to live in squalid conditions and they would return home only when President Paul Kagame’s Rwanda Patriotic Front is no longer in power.

French general rejects allegations over army’s role in Rwanda (Macau News Agency) By AFP
March 22, 2021

French armed forces chief of staff General Francois Lecointre on Sunday dismissed as “completely crazy” allegations that France helped suspects in the 1994 Rwanda genocide to escape justice.

“I have read these accusations which I find insufferable and completely crazy,” Lecointre said on BFM TV.

“It’s an insult to our soldiers,” added Lecointre, who himself served in France’s Operation Turquoise in Rwanda as an army captain.

Tensions have remained fraught between Rwanda and France, which has always denied claims that it sided with the Hutu regime and failed to stop the surge in anti-Tutsi hatred following the 1994 assassination of then-president Juvenal Habyarimana.

According to a diplomatic cable which has recently come to light, authorities in Paris helped suspects in the Rwanda genocide to escape while under French military protection.

The document, written by France’s then envoy to Rwanda and obtained by AFP, suggests that Paris knew suspects had sought refuge in a “humanitarian safe zone” controlled by French soldiers.

The soldiers had arrived in June 1994 as part of the UN-mandated Operation Turquoise to stop the massacres that left at least 800,000 people dead, mainly among the Tutsi ethnic minority.

The French envoy to Rwanda Yannick Gerard wrote to his superiors to ask what to do with the genocide suspects, in a cable found in the archives of an adviser to Francois Mitterrand, the French president at the time.

In response, French foreign ministry officials told Gerard: “You can... use all indirect channels, especially your African contacts, without exposing yourself directly, to transmit to these authorities our wish that they leave the Humanitarian Safe Zone.”

The response was signed by Bernard Emie, a foreign ministry adviser who is now the head of France’s DGSE foreign intelligence service.

On Sunday, General Lecointre said he has “no objection” to the relevant archives from the period being reopened.

[back to contents]

Somalia

[[back to contents](#)]

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnian Court Throws Out Wartime Rape Charges (Balkan Transitional Justice) By Azra Husaric and Marija Tausan
March 12, 2021

The Bosnian state court on Friday rejected the indictment charging Adem Kostjerevac with wartime rape because he was not questioned in accordance with the law during the investigation.

Presiding judge Mira Smajlovic said that a statement that was taken from Kostjerevac in the United States in December 2014, before he was extradited to Sarajevo, could not be considered a record of interrogation.

Smajlovic said that Kostjerevac was not told whether he was being examined as a witness or suspect, or which crime he was suspected of, and was not informed of his rights.

She pointed out that all these omissions led to a violation of his right to a proper defence.

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.

Kostjerevac was extradited from the US in June 2020.

Friday's court ruling can be appealed.

Bosnia Tries Serb Ex-Fighters for Killings, Illegal Detentions (Balkan Transitional Justice) By Marija Tausan
March 16, 2021

The trial of Bosnian Serb ex-fighters Spomenko Novovic and Borislav Pjano for committing crimes against humanity in the Foca area opened at the state court in Sarajevo on Tuesday.

Novovic and Pjano are charged with killing, illegally detaining, robbing and mistreating Bosniak civilians in the villages of Dragocava, Sube and Potpece from April to September 1992.

They are accused of committing the crime of persecution as part of a widespread and systematic attack by Bosnian Serb military, police and paramilitary units in the Foca area.

Novovic personally killed a group of civilians with a knife on June 28, 1992, and then several days later torched the house with their bodies in, the indictment claims.

He is also charged with treating one Bosniak civilian in an inhumane manner, and with hitting a Bosniak man who was then killed by soldiers in Dragocava on May 7, 1992.

Pjano, who works with the Foca police, is charged with participating in the capture and unlawful detention of 17 people in Potpece in August 1992.

According to the charges, 11 women and children were taken out of a house and six captured civilians were killed. Pjano allegedly shot through a window of the house in which they were held, while others threw a bomb in.

He is further accused of robbing a Bosniak woman of around half a kilogramme of gold in August 1992.

The trial continues on March 31.

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

Domestic Prosecutions In The Former Yugoslavia

Bosnian Serb Ex-Officer Pleads Not Guilty at Belgrade Court (Balkan Transitional Justice) By Milica Stojanovic
March 12, 2021

The trial of Rajko Kusic, wartime commander of Bosnian Serb Army's Rogatica Brigade, opened in Belgrade Higher Court on Friday with the defendant entering a not-guilty plea.

The indictment claims that Kusic "ordered attacks on civilians and settlements and participated in those attacks that resulted in death, as well as killings, torture, inhumane treatment, suffering and bodily harm, displacement and relocation, and the illegal detention of non-Serbs".

Kusic is claimed to have participated in more than 150 murders, and his alleged crimes were committed in the Rogatica municipality from May 1992 until the end of July 1995.

According to the indictment, Kusic was the commander of the Territorial Defence force in Rogatica, and later the commander of the Rogatica Brigade of Bosnian Serb Army, and at the same time a member of the Crisis Staff of the Serb-run municipality of Rogatica.

The Bosnian prosecution indicted Kusic in 2014, but he was not available for trial as he lives in Serbia. The Serbian prosecution took over the case and issued its own indictment in October 2020.

The trial continues in April.

Serbia Takes Over Case Against Bosnian Serb Military Policeman (Balkan Transitional Justice) By Haris Rovcanin
March 18, 2021

The War Crimes Section of the Higher Court in Belgrade has granted a request by the Bosnian Justice Ministry to recognise a verdict from the Bosnian state court convicting former military policeman Dragomir Kezunovic of committing crimes against humanity during the Bosnian war.

Kezunovic, a member of the Military Police Squad with the Teslic Brigade of the Bosnian Serb Army, was convicted under the first-instance verdict of involvement in the shooting of 28 civilians in the Teslic area in 1992.

An appeal against the verdict will now be heard in a Serbian court.

“The case files are before the Appeals Court in Belgrade, which will give its judgment,” the Higher Court in Belgrade told BIRN.

Kezunovic lives in Serbia but attended the trial at the Bosnian state court. However, he did not appear for the first-instance verdict in July 2018, when he was sentenced to 14 years in prison.

He was convicted alongside Dragan Marjanovic, Sasa Gavranovic, Vitomir Devic and Zoran Sljuka of taking 28 civilians, who were detained at police premises in Teslic and at the Pribinic prison, to mount Borje on the night of June 17-18, 1992, and killing them.

Marjanovic was the commander of the Military Police Squad and the other defendants were members of the Bosnian Serb Army’s Teslic Brigade and also part of the ‘Mice’ unit.

The verdict ruled that Gavranovic, Devic and Sljuka shot the civilians together with others, but could only determine that Kezunovic was nearby and “contributed to the murder of the 28 civilians”.

UN Court Denies Bosnian Croat Wartime Leader Early Release (Balkan Transitional Justice) By Lamija Grebo
March 24, 2021

The Mechanism for International Criminal Tribunals in The Hague on Tuesday turned down a request for early release from Jadranko Prlic, wartime prime minister of the unrecognised Croat-led Herzeg-Bosnia statelet.

The UN court’s president, Carmel Agius, explained that because Prlic “will not have served two-thirds of his 25-year sentence until April 2024, he is not yet eligible to be considered for early release”.

Agius also said that Prlic’s application “does not reveal any compelling or exceptional circumstances that would warrant granting early release”.

In November 2017, the Hague Tribunal’s appeals chamber sentenced Prlic to 25 years in prison along with five other senior officials of the unrecognised Croatian Republic of Herzeg-Bosnia.

Prlic, Slobodan Praljak, Bruno Stojic, Milivoj Petkovic, Valentin Coric and Berislav Pusic were all found guilty of crimes against humanity and other crimes against Bosniaks while they were senior political and military officials of the Herzeg-Bosnia statelet.

As the judgment was being read out, Praljak drank poison in the courtroom and died later that day.

Prlic is serving his sentence in a prison on Britain’s Isle of Wight. In 2019, he complained to the Mechanism for International Criminal Tribunals that he did not want to be sent to the British jail because violent criminals and sex offenders also incarcerated there.

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

Turkey

After a decade of conflict in Syria, EU parliament calls on Turkey to withdraw (Kurdistan24) By Wladimir van Wilgenburg
March 14, 2021

In a resolution marking the ten-year anniversary of the beginning of the ongoing catastrophic Syrian conflict, the European Parliament on Thursday called on Turkey to withdraw its troops from northern Syria and expressed worries that its operations could amount to ethnic cleansing against Syrian Kurds.

The resolution charged that, since 2016, such operations have been carried out “with a view to occupying the northern parts of the country, predominantly consisting of Syrian Kurdish enclaves, in violation of international law, including by invading in October 2019 territories controlled by the Syrian Democratic Forces (SDF).”

In response, a number of EU countries suspended arms sales to Turkey.

Ankara has earlier claimed that its three military cross-border operations in Syria—Euphrates Shield (August 2016 - March 2017), Operation Olive Branch (January 2018 - March 2018), and Operation Peace Spring (October 2019)—were in line with the right of self-defense, as outlined in Article 51 of the Charter of the United Nations, “to combat international terrorism.”

The EU parliament, however, called on Turkey to “withdraw its troops from Northern Syria which it is illegally occupying outside of any UN mandate.”

It also condemned “Turkey’s illegal transfers of Kurdish Syrians from occupied Northern Syria to Turkey for detention and prosecution in violation of Turkey’s international obligations under the Geneva Conventions.”

A report released last year by two Syrian human rights organizations documented how Ankara continues to illegally transfer dozens of Syrians arrested in areas occupied during its so-called Peace Spring operation in October 2019 to trails in Turkey which it described as “arbitrary.”

The resolution urged that all Syrian “detainees who have been transferred to Turkey be immediately repatriated to the occupied territories in Syria.”

It also expressed worries “that Turkey’s ongoing displacements could amount to ethnic cleansing against the Syrian Kurdish population” and stressed, “that Turkey’s illegal invasion and occupation has jeopardised peace in Syria, the Middle East and the Eastern Mediterranean.”

In 2018, a UN report also expressed concerns that the settling of ethnic Arabs in Kurdish-owned houses in Afrin may “be an attempt to change the ethnic composition of the area permanently.”

Nevertheless, the EU also commended on the role played by neighboring states including Turkey for offering solidarity and assistance to large numbers of Syrian refugees in Turkey and urged EU member states “to continue to fund humanitarian assistance programmes in refugee host countries and also for displaced Syrians in Syria.”

The Turkish Foreign Ministry said in a Friday statement that it categorically rejected the “unfounded allegations” by the European parliament against its government, “which has embraced millions of Syrians and shouldered heavy responsibilities due to the conflict.”

“This resolution also reveals [a] biased and dishonest approach of the European Parliament against Turkey,” claiming that it conducted its operations “on the basis of self-defense” and that all measures were taken to “prevent any harm to the civilians during and after the operations.”

Several UN reports and human rights organizations have documented hundreds of significant abuses against civilians in areas under the control of Turkey or militias it supports.

Turkey also claimed that “more than 420 thousand Syrians returned to these areas in a safe and voluntary manner,” instead accusing the People’s Protection Units (YPG), which operate in northeast Syria, of “terrorist attacks” claiming the YPG had made efforts “to change the demography of the region and release of DAESH [Islamic State] members.”

“We call upon the European Parliament to recognize the importance of the contributions in Syria by Turkey, which protects the borders of NATO and Europe and to constructively contribute to the political settlement of the conflict instead of making statements that are irrelevant and far from reality,” Turkey’s Foreign Ministry concluded.

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

Kosovo Specialist Chambers

Kosovo Lawyer to File Lawsuits against Dick Marty, Carla del Ponte (exitnews) By Alice Taylor
March 11, 2021

Kosovo lawyer Tome Gashi has announced he will be filing a lawsuit against Dick

Marty, Carla del Ponte, and Jose Pablo Baraybar over the “Yellow House” allegations.

Gashi is representing the Katuci family who are the owners of the so-called “yellow house”.

In 2010 Carla del Ponte, a former Prosecutor at the International Criminal Tribunal for the Former Yugoslavia alleged that serious crimes had taken place during the Kosovo war. She detailed these in a book and following its publication, the Council of Europe opened an investigation into the allegations, appointing Swiss prosecutor Dick Marty.

The allegations included trafficking in human organs. She claimed that they were committed by members of the Kosovo Liberation Army (KLA) against Serbian nationals who remained in Kosovo at the end of the war.

A 2008 letter from Human Rights Watch sent to then Prime Minister Sali Berisha said:

“According to Del Ponte, the Tribunal received information from credible sources that Kosovo Albanians transported by truck between 100 and 300 persons from Kosovo into northern Albania after June 12, 1999. The individuals were then reportedly held in warehouses and other buildings, including facilities in Kukës and Tropoje. Some of the younger, healthier captives were allegedly fed, examined by doctors, and never beaten. According to the information provided to Del Ponte, these abducted individuals were later transferred to a facility in or around Burrel, where doctors extracted the captives’ internal organs. These organs were then transported out of Albania via Rinas airport near Tirana, now Mother Theresa airport.”

It’s alleged that bodies are buried near what was, at that time, a “yellow house”. Tribunal investigators claimed they found the house and medical equipment with traces of blood. This was evidence that some medical procedures took place, but it could not be established whether the allegations of organ harvesting were legitimate.

Gashi claims that Dick Marty entered the family’s home without permission while wearing a disguise. He also said that he deliberately misled the Council of Europe with his report, and deceived Kosovo institutions that voted for the establishment of the Special Court. He also alleged that Del Ponte used false information in her book and that a UNMIK official stayed in the house without permission.

Criminal charges will also be filed against the head of the UNMIK Office on Missing Persons and Forensics, Jose Pablo Baraybar. According to Gashi, Baraybar visited the house of the Katuci family without authorization, searching for evidence of human organ trafficking, which he “never found.”

He called for the dissolution of The Hague’s Special Court.

Kosovo’s Thaci Challenges War Crime Indictment at Hague Court (Balkan Insight) By Xhorxhina Bami
March 15, 2021

Hashim Thaci’s defence has filed a motion calling on the Kosovo Specialist Chambers in The Hague to dismiss the indictment charging him with committing war crimes and crimes against humanity, and claiming that the court has exceeded its jurisdiction.

“The prosecution of Hashim Thaci violates his right to a fair and impartial public hearing within a reasonable time by an independent and impartial tribunal established by law.... It also violates his right to be presumed innocent,” said the motion, which was made public on Friday.

The defence argued that “the gravity and cumulative nature of these violations mean that such a legal impediment to jurisdiction exists, warranting a dismissal of the charges and release of Mr Thaci”.

The indictment in the case alleges that Thaci and three other former Kosovo politicians, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, committed war crimes and crimes against humanity when they were senior figures in the Kosovo Liberation Army, KLA in the late 1990s.

They are accused of having been 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”. They have all pleaded not guilty.

In another motion, a redacted version of which was made public on Friday, Thaci’s defence asked the pre-trial judge to order the prosecution to further clarify the charges against Thaci or to “reduce, narrow or remove the offending charges”.

The defence criticised what it described as the prosecution’s failure to provide information about the identities of alleged perpetrators by referring to them as “KLA members”, and also about the identities of the victims.

“It is also vague about the locations of some crimes and insufficiently details Mr Thaci’s link to the crimes, as well as the role he is accused of playing,” it added.

Thaci’s defence also challenged the jurisdiction of the Hague-based court to try an alleged joint criminal enterprise, and accused it of exceeding its scope.

The defence of one of Thaci’s co-defendants, former Kosovo parliament speaker Jakup Krasniqi, also challenged the indictment for alleged defects and a lack of specifics in a motion published on Monday.

Krasniqi’s defence also challenged the court’s jurisdiction to try an alleged joint criminal enterprise.

The Kosovo 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’ is widely resented by Kosovo Albanians, who see it as an attempt to tarnish the KLA’s war for liberation from Serbian rule.

Serb Policemen Seek War Crime Trial Acquittal in Kosovo (BIRN) By Era Hasani
March 19, 2021

In closing arguments at Pristina Basic Court on Friday, defence lawyer Dejan Vasic said that no evidence had presented found to prove that his client Zlatan Krstic participated in the attack in Nerodime e Eperme/Gornje Nerodimlje in March 1999 that left four members of one family dead.

“We have shown our full respect for the [victims’] family, because as Zlatan told everyone, we are very sorry for what happened. But no direct involvement in any of the acts he is charged with in this indictment has been established,” Vasic said.

“At no stage of the trial did any witness say that my client committed that act,” he added.

Lawyers for the other defendant, Destan Shabanaj, also called for an acquittal due to a lack of evidence.

Shabanaj addressed the court and insisted that he was innocent.

“The politically motivated indictment is unstable not only from the legal point of view but also from the point of view of common sense,” he said.

The indictment alleges that Krstic was directly involved in an attack on ethnic Albanians in the village of Nerodime e Eperme/Gornje Nerodimlje in the Ferizaj/Urosevac municipality on March 26, 1999.

The attack was followed by torture, destruction of property, expulsions and abductions of 19 members of a local ethnic Albanian family, according to the charges. Four members of the family were killed.

The indictment also alleges that on April 1, 1999, while on duty as a police inspector and armed with automatic weapons, Shabanaj ordered the bodies of the four victims, plus a fifth person, to be buried in violation of international humanitarian law.

It claims that Shabanaj gave the order with “the intent of desecrating, humiliating and subjecting the lifeless bodies to demeaning treatment”.

The verdict will be handed down on March 23.

Kosovo Convicts Two Serb Policemen of War Crimes (Balkan Insight) By Xhorxhina Bami
March 23, 2021

Pristina Basic Court on Tuesday sentenced former police officer Zlatan Krstic to 14-and-a-half years in prison and former police inspector Destan Shabanaj to seven years for their roles in a deadly attack on Kosovo Albanian civilians during the war.

Krstic was found guilty of being directly being involved the attack in the village of Nerodime e Eperme/Gornje Nerodimlje in the Ferizaj/Urosevac municipality on March 26, 1999.

According to the charges, the attack was followed by torture, destruction of property, expulsions and abductions of 19 members of a local ethnic Albanian family. Four members of the family were killed.

On April 1, 1999, while on duty as a police inspector and armed with automatic weapons, Shabanaj ordered the bodies of the four victims, plus a fifth person, to be buried in violation of international humanitarian law.

The indictment said that Shabanaj gave the order with “the intent of desecrating, humiliating and subjecting the lifeless bodies to demeaning treatment”.

This was a first-instance verdict and both men have the right to appeal. Shabanaj’s lawyer Mentor Neziri said that his client will contest the court’s decision.

Neziri described the decision as “unfair, unreasonable, and unfounded ... because in all the main trial sessions there was no witness who testified to the incriminating actions presented by the prosecution in its indictment”.

According to Neziri, his client in fact “committed very humanitarian actions because the same as a member of the Serbian police at that time ... participated and made possible their [victims] burial and identification”, without violating international law as charged.

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

Azerbaijan

HRW Calls for International Pressure on Baku to Release POWs (Asbarez) March 23, 2021

Azerbaijan’s international partners should press the government of President Ilham Aliyev of Azerbaijan to hold perpetrators of torture and degrading treatment against Armenians accountable, Human Rights Watch’s Deputy Director for Europe and Central Asia Rachel Denber told Armenpress in an interview published on Tuesday.

Human Rights Watch on Friday said that Armenian prisoners of war were abused in custody and at the time capture and detention. The report, which included detailed accounts of torture and abuse by Armenians who were held captive by Azerbaijan, called the incidents “a war crime.”

“The abuse, including torture of detained Armenian soldiers, is abhorrent and a war crime,” said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. “It is also deeply disturbing that a number of missing Armenian soldiers were last seen in Azerbaijan’s custody and it has failed to account for them.”

“Human Rights Watch documented cases in which Azerbaijani forces subjected POWs to cruel and degrading treatment and torture— either when they were captured, during their transfer, or while in custody at various detention facilities. We also documented cases when they abused civilians. These are serious violations of the Geneva Conventions that rise to the level of a war crime. Azerbaijan’s international partners should press the government to hold the perpetrators accountable. They should regularly request information and updates on investigations and trials. This should be done in the framework of bilateral relations with Azerbaijan and also in multilateral fora, including the UN, the Council of Europe and the OSCE,” Denbar said in written responses to Armenpress.

The Human Rights Watch official told Armenpress that regardless of the status of individuals in custody, “Azerbaijan still has obligations to protect their rights to decent conditions in custody, and to ensure that they are not subjected to torture or other forms of cruel, inhuman, and degrading treatment.”

Armenia’s Foreign Ministry commented on the HRW report, with its spokesperson, Anna Naghdalyan, calling Azerbaijan’s treatment of Armenian captives “crimes against humanity.”

Naghdalyan said the report establishes that a number of Armenian soldiers were last seen in Azerbaijan’s custody and Azerbaijan has failed to account for them. This indicates a high probability of large-scale enforced disappearances not only among servicemen, but also captive civilians.

“The continued captivity of the Armenian PoWs and civilian hostages after four months of ceasefire clearly demonstrates that the violations of international humanitarian law by Azerbaijan are ongoing. Provided that the reports of ill-treatment and torture of the Armenian PoWs indicate their systematic nature, their continued captivity, humiliation and torture may amount

to the crimes against humanity,” added Naghdalyan.

In a Facebook post on Tuesday, Rep. Adam Schiff, citing the HRW report, called Azerbaijan’s treatment of the captives “a gross violation of international law.

“The latest report from Human Rights Watch confirmed what many of us feared: Azerbaijani forces abused Armenian prisoners of war and civilians, and with an estimated 200 still being unlawfully detained, there is a risk of further abuse. The torture and cruelty inflicted on these Armenian captives is a gross violation of international law and the Geneva Conventions, and those responsible must be held accountable,” said Schiff.

“Last week, I introduced a bipartisan resolution calling for the immediate release of the Armenian servicemen and civilians detained by Azerbaijani forces months after the end of the Nagorno-Karabakh conflict. I also called for the U.S. State Department to reinvigorate the OSCE Minsk Group process and reengage Azerbaijani authorities to make clear the importance of adhering to the November 9 statement that ended the war. This Human Rights Watch report further underscores the urgency of this resolution. Every moment we delay is another moment that Armenian captives suffer at the hands of Azerbaijani forces. The time for decisive action is now,” explained Schiff.

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

MIDDLE-EAST

Grotian Moment: The International War Crimes Trial Blog

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

Syria

Several killed in gov’t attack on hospital in northwest Syria (Al Jazeera)

March 21, 2021

Artillery shelling has killed six civilians, including a child when it hit a surgical hospital in rebel-held northwest Syria, the International Rescue Committee (IRC) has said in a statement.

The attack on Sunday in the town of Atareb has also wounded 16 civilians including five health staff, the IRC said. The hospital is now out of service.

“Four of the injured are in a critical condition,” IRC said, adding that the hospital is run by its partner organisation SAMS.

The attack came despite a Russian-Turkish ceasefire in force since March 2020, covering the wider rebel-held stronghold in northwest Syria.

Turkey’s defence ministry and a war monitor earlier reported that Syrian government artillery fire hit the hospital’s main entrance inside a cave.

“Although SAMS shared the hospital’s coordinates through the UN’s notification system, it came under attack and has now been damaged so severely that it can no longer be used,” Rehana Zawar, the IRC’s country director for northwest Syria said in a statement.

“This is the fifth attack on health care that has been recorded so far this year, and brings the total number of attacks on health care since January 2019 to 118.

“Health facilities are protected under international law and should be safe havens in times of crisis, but after 10 years of war this is not the case in Syria. Since the start of the conflict, Physicians for Human Rights have documented close to 600 attacks on health care,” Zawar said. Al Jazeera’s Adham Abu Hussam, reporting from neighbouring rebel-held Idlib province, said that the hospital used to serve some 100,000 people in the area.

The area is also included in the de-escalation zone agreed upon by Russia, Iran and Turkey – an area which stretches from the northeastern mountains of Latakia to the northwestern suburbs of Aleppo city.

The hospital is located underground, a tactic used by the opposition to avoid being targeted in the conflict-prone area.

In a statement, the White Helmets – a volunteer search-and-rescue group that operates in rebel-held parts of Syria – said the attack is a “continuation of the regime and Russia’s systematic policy of targeting medical facilities and hospitals”. Hospitals and clinics have been targeted and destroyed in cities across the country amid fighting between government forces – backed by Russia and Iran – and armed opposition groups. In a report released earlier this month, the IRC highlighted the ways in which the war in Syria has turned hospitals from places of shelter to danger zones.

According to the report, an estimated 70 percent of the health workforce has left the country, leaving just one Syrian doctor for every 10,000 civilians. Only 58 percent of hospitals remain fully functional, the UN says.

Rebel-held Idlib province, which was dubbed a “dumping ground” for evacuees who fled government offensives in other parts of the country, is now facing a raging coronavirus pandemic while much of its healthcare facilities are in ruins. The region is home to nearly 3 million people, most of whom are internally displaced.

The ceasefire brokered by rebel-backer Turkey and regime ally Russia last March stemmed a months-long regime military offensive on the region – the last rebel-held bastion – that killed hundreds of civilians and displaced more than a million people from their homes.

It has since largely held despite repeated violations including Russian air strikes on the region, according to the Syrian Observatory for Human Rights.

Meanwhile, the United States-based Physicians for Human Rights has documented 598 attacks on at least 350 separate healthcare facilities in Syria since March 2011, the vast majority of them allegedly committed by the Syrian government and allied forces, including Russia. In the same 10-year period, at least 930 medical personnel were killed, the rights group said.

Between 2016 and 2019, the World Health Organization documented up to 337 attacks on healthcare sites in Syria’s northwest.

The health directorate in the rebel-controlled northwest said Sunday’s attack was the first on a medical facility in the region since February 2020.

The war, now widely seen as a proxy conflict, has killed more than 388,000 people and displaced millions at home and abroad since starting in 2011 with the brutal repression of anti-government protests.

Strikes on Northwest Syria Kill 1 Person, Cause Wide Damage (Associated Press)

March 22, 2021

Airstrikes on several locations in northwest Syria near the border with Turkey have killed at least one person and set afire several trucks used to distribute aid, opposition activists and a paramedic group said Monday.

The late Sunday attacks angered Turkey, which had asked Russia to secure an immediate end to the strikes, Turkey’s Defense Ministry said, adding that Turkish troops had been placed on alert.

Turkey and Russia support rival parties in Syria’s 10-year conflict. The countries reached a deal last March that stopped a Russian-backed government offensive on the northwestern Idlib province, the last major rebel stronghold in war-torn Syria.

Opposition activists claimed that Russian warplanes carried out the attacks near the Bab al-Hawa border crossing with Turkey late Sunday, hours after government artillery shelling hit a major hospital in a rebel-controlled town in northwestern Syria. Six patients, including a child, were killed. Medical staff were wounded, forcing the facility to shut its doors.

The Bab al-Hawa border crossing is a main point from which aid is brought to rebel-held parts of northwest Syria.

Idlib-based journalist Salwa Abdul-Rahman said one of the strikes hit an area near the town of Sarmada, setting afire trucks used by aid workers to distribute assistance. "The targeted locations were civilian with no military presence," she said. One person was killed in the strikes, according to the Britain-based Syrian Observatory for Human Rights, an opposition war monitor, and the opposition's Syrian Civil Defense, also known as White Helmets. The civil defense said that in addition to the trucks, the strikes targeted a cement factory. The truck fires were put under control hours later. An AP video from the area showed about a dozen trucks on fire as civil defense members sprayed them with water. Turkey's Defense Ministry blamed Syrian government forces for the attack, saying it left several people wounded.

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

Yemen

Amid airstrikes, rebel offensive, Saudi Arabia offers peace initiative to end war in Yemen (ABC News) By Conor Finnegan

March 22, 2021

Saudi Arabia and its coalition in Yemen on Monday proposed a major initiative to end the country's six-year war that has created the world's worst humanitarian crisis -- their first diplomatic proposal since President Joe Biden announced he'd halt U.S. support for the coalition.

While the proposal lays out a path to a ceasefire and a political settlement, the warring parties have been here before. Deadly clashes have escalated in recent weeks as the Houthi rebels continue their battlefield advances on a key stronghold held by the Saudi-backed government, making it unclear whether the two Yemeni sides are themselves interested in ending the fighting.

In the meantime, the Yemeni people continue to suffer, especially children. Nearly one in four civilians killed or injured in the last three years has been a child, according to a new report by the aid group Save the Children.

"I want the world to stop this war," said Fathiya, whose son Mahmoud was walking home from the market on Feb. 20 when he was killed by an artillery shell. Her other son Omar survived, but fractured both of his legs, the report said.

"Children are not safe. Can you imagine that children are being targeted by shelling while playing in streets? This is a big crime," Fathiya, her voice quivering with emotion, told Save the Children. "The biggest war is to destroy children and make their mothers sad. All mothers are hurt, and all houses are unsafe."

Yemen's powerful neighbors Saudi Arabia, the United Arab Emirates, and their coalition have been supporting the Yemeni government against the Houthis, a Shiite movement backed by Iran that seized the capital Sanaa in 2015 and now governs over some 75 percent of Yemenis. Both sides have faced allegations of war crimes, including targeting civilians.

The U.S. has provided the Saudi coalition with military support like arms sales, midair refueling, and training, but Biden halted that last month and vowed to end the conflict.

His newly appointed special envoy for Yemen, Timothy Lenderking, wrapped up a 17-day tour of the region last week, culminating in the United States' own plan for a nationwide ceasefire. But the Houthis rejected it as a Saudi scheme that had nothing new in it.

"Tragically -- and somewhat confusingly for me -- it appears that the Houthis are prioritizing a military campaign to take Marib ... over suspending the war and moving relief to the Yemeni people," Lenderking told the Atlantic Council, a Washington-based think tank, on Friday.

Marib is an oil-rich province in Yemen's northwest and one of the last major government strongholds. Since February, the Houthis have sustained an offensive there despite international outcry, with the United Nations warning millions of civilians are at risk, and despite heavy losses.

It's those losses that give the Saudi coalition some optimism that the Houthis may accept their new proposal, according to a senior Saudi coalition official.

"This is very important for the Yemeni government and the Houthis to take it as an opportunity to improve the humanitarian situation of the Yemeni people and stop attacking and fighting the Yemeni people and Saudi Arabia," the official said Monday. "It will help Yemenis to start thinking about peace and start thinking about their future together."

Their proposal includes an offer for a nationwide ceasefire if the Houthis accept and several confidence-building measures between the two sides, including reopening Sanaa's international airport -- facilitating aid into the country -- restoring access to the key port Hodeida where most of Yemen's food is imported, and depositing oil revenues from the port into the country's beleaguered central bank.

If both sides agree, the United Nations under its special envoy Martin Griffiths would oversee the various agreements and mechanisms to implement them -- including consultations to reach a political agreement.

The State Department has not yet said whether the U.S. supports the Saudi initiative. En route to Europe, Secretary of State Antony Blinken spoke to Saudi Foreign Minister Faisal bin Farhan Al Saud Monday and discussed efforts "to end the conflict in Yemen, starting with the need for all parties to commit to a ceasefire and facilitate the delivery of humanitarian aid," according to his spokesperson.

Some Yemen analysts, however, believe that days after the Houthis dismissed the U.S. plan, the new proposal is largely a public relations move by the Saudis to pin blame for the ongoing fighting on the Houthi side.

Either way, it seems clear that the warring parties are still not interested in a negotiated settlement. On the same day as the announcement, the Saudi coalition launched dozens of airstrikes that struck in Sanaa and the Houthi-controlled port Salif, according to Reuters, striking grain stores there.

"The external parties to the conflict have the political will to end the war - the Saudis, the Emiratis, the U.S., the United Nations. But it's the internal parties -- the Houthis and the (President Abdrabbuh Mansur) Hadi government -- that are missing that political will, due to circumstances on the ground," said Elana DeLozier, a fellow at the Washington Institute for Near East Policy.

While the Houthis press their advantage and work to take Marib, the Yemeni government may put the sword first to avoid being forced to make concessions at the negotiating table.

"The Houthis are in a position of strength now, and the Yemeni government is nervous to sit down with them as a result," added DeLozier.

That fighting continues to disproportionately affect children, according to Save the Children. The aid group's analysis of data found that there were 2,341 confirmed child casualties between 2018 and 2020, although exact figures are hard to determine and the real number is likely much higher.

The war is also becoming deadlier for children, the group said, with one in five civilian casualties are child in 2018, but one in four in 2019 and 2020.

"Children continue to be killed and injured on a near-daily basis. They go to bed hungry, see people starving to death, and miss out on school," said Xavier Joubert, the group's Yemen country director, adding his call for a ceasefire and political settlement -- "the only way to truly end this humanitarian catastrophe."

The fighting has long exacerbated conditions in the Arab world's poorest country. In between bullets and bombs and on the brink of famine, Yemenis face starvation, a collapsed economy and currency, the world's worst cholera outbreak, and now the silent sweep of the coronavirus in a country with little to no health care infrastructure. The vast majority rely on humanitarian aid to survive, which faces constant interruptions by fighting.

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

Special Tribunal for Lebanon

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

STL Submits 'Milestone' Twelfth Annual Report to UN (naharnet)

March 12, 2021

The Special Tribunal for Lebanon (STL) submitted its twelfth annual report to the United Nations Secretary-General and the Government of Lebanon, the STL said in a press release.

The annual report highlights the activities of the Tribunal from 1 March 2020 to 28 February 2021, and its objectives for the coming year, said Thursday's press release.

Milestones include the delivery of the Trial Judgment in the Ayyash et al. Case on 18 August, followed by the Sentencing Judgment on 11 December 2020. In the report's forward, the STL President Judge Ivana Hrdličková highlights "The [delivery of the] judgments stand as a signal of what is possible for those who have demanded an end to impunity, and as a beacon of hope to victims of terrorist crimes that the truth will be accounted for."

Other key developments include the advancement of the Ayyash case STL-18-10 through much of the pre-trial phase, with the trial now tentatively scheduled to begin on 16 June 2021; and the extension of the STL's mandate for a period of two years from 1 March 2021.

The STL also reviewed and restructured its operations for the upcoming phases of its work. As a result, the Tribunal has a more effective structure, a smaller but still adaptable workforce, and a dramatically reduced 2021 budget, poised to complete the remaining trials and appeals expeditiously and progressively draw down the STL's activities.

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

Israel and Palestine

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

Gulf Region

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

ASIA

Afghanistan

Whistleblower David McBride to face trial over Afghanistan SAS leaks (The Daily Telegraph) By Craig Dunlop
March 11, 2021

The whistleblower who exposed alleged murders by SAS soldiers in Afghanistan, which led to the damning Brereton report, will have most of his trial heard in public, a move which could cast fresh light on allegations of war crimes.

Lawyers for whistleblower David McBride, the Commonwealth Attorney-General and the Commonwealth Director of Public Prosecutions appeared briefly in the ACT Supreme Court on Thursday.

McBride, a former Australian Army lawyer, is charged with breaches of military secrecy laws.

He has pleaded not guilty and is due to face trial in May.

His leaks, reported by the ABC, led to the damning Brereton report, which found evidence of allegations of 39 unlawful killings involving 25 elite soldiers.

The court on Thursday heard the Commonwealth Attorney-General wants to vet court staff to make sure they aren't on international watch lists, the subject of adverse ASIO assessments or working for "hostile foreign powers", among other security measures.

Most of the trial is expected to be open to the public and Attorney-General Christian Porter only wants some national security information heard in closed court under strict secrecy rules.

The court on Thursday heard a separate, but related, proceeding will determine whether McBride is immune from prosecution under whistleblower laws, since his earlier reports to police and defence did not result in any charges against alleged war criminals.

McBride has previously said his public interest defence comes down to a question of "At what point are you obliged to basically rebel against the government?"

He has publicly stated he expects to be jailed "for the rest of my life" if found guilty.

Video evidence of 'massacre' by UK special forces in Afghanistan mysteriously vanishes – report (RT)
March 14, 2021

Video allegedly showing a "rogue" SAS unit committing war crimes in Afghanistan has supposedly disappeared, as an investigation into the squad's alleged "massacres" has been plagued by missing evidence and silence from witnesses.

Saifullah Yar was just 19 when his family were shot dead in an SAS raid on their Afghan village in 2011. When British military investigators flew to Kabul in 2017 to investigate the raid, he told them he was handcuffed and led away from his father, brother and two male cousins. He heard two sustained bursts of gunfire, and when the Brits departed, his relatives were dead, their bodies riddled with bullets.

Video footage of the raid was apparently captured by US air support overhead, but according to a new Sunday Times report, American authorities mysteriously lost the footage, and were unable to provide it to a British court, where Saifullah has brought a judicial review into the fatal raid.

The mysterious disappearance isn't the first time that key evidence from the raid has gone missing, or been intentionally hidden. The Royal Military Police (RMP) investigators' 2017 visit to Kabul was one of their last tasks in a three-and-a-half year probe into allegations of war crimes against the SAS unit, during which they found that the British operators doctored mission reports to implicate Afghan special forces in similar killings, dozens of which took place between 2011 and 2013.

The investigators interviewed 42 soldiers who said they were unable to remember the mission. Court documents reported on by the Times stated that a judge termed this a case of "collective amnesia." The weapons used in the raid on Saifullah's village were destroyed the same year the RMP opened its investigation.

However, evidence against the SAS troops has piled up. Investigators found that British 5.56mm bullets, rather than the 7.62mm rounds used by the Afghan commandos, were used to kill the victims. Additionally, they examined reports that weapons were planted on the bodies of these victims, in order to justify the killings later.

The reports that followed the 2011 raid on Saifullah's village stated that his family were killed when they reached for weapons as the SAS searched their property. These reports were met with skepticism by senior commanders, who in a chain of emails

seen by the British court, described the raid as “the latest massacre,” and expressed disbelief at the idea of four overpowered prisoners reaching for hidden grenades and rifles during the raid.

“And finally they shot a guy who was hiding in a bush who had a grenade in his hands. You couldn’t MAKE IT UP!,” one senior noncommissioned officer wrote. The British government closed down the investigation in late 2017 without prosecuting a single case. The same year, another wide-ranging investigation into alleged war crimes, the Iraq Historic Allegations Team (IHAT), was shut down, also without prosecuting a case.

With the SAS typically exempt from parliamentary oversight, the courts are now Saifullah’s best hope of finding justice. “Our client is seeking a fresh investigation into the deaths of his loved ones and he wants to find out whether their deaths were part of a pattern of unlawful killings of Afghan civilians,” his lawyer, Tessa Gregory, told the Sunday Times.

Australia may discharge Afghan war crimes-tied soldiers (Anadolu Agency) By Islamuddin Sajid
March 17, 2021

Australian defense forces are planning to discharge its soldiers involved in war crimes in Afghanistan on "medical grounds," local media reported on Wednesday.

According to the Sydney-based Daily Telegraph, a group of special forces soldiers facing dismissal due to the investigation into the Afghanistan war crimes has been told they can now be discharged on medical grounds.

The Australian defense forces have notified Australian soldiers that they will not be sacked, the daily reported.

Last year, Australian authorities made public the investigation findings into at least 39 incidents of civilian killings committed by their special forces in Afghanistan.

The Brereton report, commissioned by the Australian Defense Force's inspector-general, found "credible information" that the Australian soldiers murdered civilians and prisoners in Afghanistan.

According to the report, 25 current or former personnel were involved in serious crimes, either carrying out the offenses or being "accessories" to them.

Following the report, Australian Defense Forces chief Gen. Angus Campbell offered an apology to Afghans as he shared the horrifying details of the investigation.

"To the people of Afghanistan, on behalf of the Australian Defense Force, I sincerely and unreservedly apologize for any wrongdoing by Australian soldiers. I have spoken directly to my Afghan counterpart Gen. [Yaseen] Zia to convey this message," he had said in a televised speech.

Australian Prime Minister Scott Morrison had also promised to prosecute its soldiers for alleged war crimes committed in Afghanistan.

"Given the likely allegations of serious and possibly criminal misconduct, the matters raised in the inquiry must be assessed, investigated, and, where allegations are substantiated, prosecuted in court," Morrison said after the probe was released.

Still no investigators in war crime office (Australian Associated Press)
March 22, 2021

An office established to build cases against Australian soldiers accused of war crimes in Afghanistan still has no investigators.

The office of special investigations was set up late last year to examine alleged war crimes committed by Defence personnel.

Its director-general, Chris Moraitis, said the office was still months away from making a start. "We're in the process of engaging investigators and we're going to do that in the next one, two, three months," Mr Moraitis told a Senate inquiry.

"That involves them being sworn in as special members of the Australian Federal Police and involves at least three weeks of induction in preparation, and involves us also doing a few other things."

The office has seconded staff from the home affairs and attorney-general's departments.

It is looking to recruit up to 75 investigators from the AFP and state police forces but Mr Moraitis conceded finding the right people had proven difficult.

The office has spent the past few months sifting through evidence gathered by the Brereton inquiry.

"This process will help ensure investigators will only receive information they can lawfully obtain and use in criminal investigations and any future criminal proceedings," Mr Moraitis said.

"Given the size and complexity of the task, the work of the special counsel is expected to take some time."

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

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

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

Bangladesh International Crimes Tribunal

Prosecuting Pakistani Perpetrators in absentia (The Daily Star) By Tapos Kumar Das

March 23, 2021

The establishment of the International Crimes Tribunal, Bangladesh (ICTBD) in 2010 created high hopes that justice for the 1971 genocide might finally eventuate. Keeping pace with the public expectation as of March 2021, the ICTBD has resolved 42 cases involving the 1971 atrocities, and more than five hundred cases await investigation; yet, none of these implicates any of the Pakistani perpetrators who planned, commanded, and executed the genocidal acts throughout the liberation war.

There is a mistaken assumption which Pakistan takes for granted that the 1973 Delhi Agreement and 1974 Tripartite Agreement relieved the Pakistani prisoners of war (POWs) from all sorts of accountability for the 1971 genocide. Speaking truly, while signing the Tripartite Agreement, Pakistan "condemned and deeply regretted" the 1971 atrocities and appealed to the Bangalees to "forgive and forget the mistakes of the past" in order to promote reconciliation. In response, Bangladesh agreed not to proceed with the trial "as an act of clemency" to achieve "reconciliation, peace, and friendship in the sub-continent."

Paradoxically, the hostility between Bangladesh and Pakistan has gradually intensified due to the denial of the atrocities by the latter which also brings back the accountability and recognition of genocide cards to the table. In November 2015, in an unprecedented move, Pakistan officially denied any "complicity in committing crimes or war atrocities" in 1971. The Khyber Pakhtunkhwa Provincial Assembly of Pakistan passed a resolution in 2013 urging Bangladesh not to "revive the issues of 1971" and "terminate all cases registered". While the prosecution progressed in Bangladesh, the National Assembly of Pakistan often adopted resolutions expressing concern and condemnation for the execution of leading perpetrators pursuant to the ICTBD's verdicts. In September 2016, the Pakistani Parliament also asked Islamabad "to seriously raise at all the international forums" that the proceedings of the ICTBD were violative of the Tripartite Agreement.

For long, Pakistan has been denying the widespread and systematic nature of its genocidal acts to the utter disregard of the victimisation of the Bangalees. This trend of denial and falsehood has reinforced the claim for accountability and recognition

of the 1971 genocide. Of the international law scholars, Robertson suggests that "there can, in any case, be no amnesty for an international crime like genocide. The deal in Delhi was not a bar to prosecutions, however many years later". As the limitation is not a bar against the prosecution of genocide, even today the perpetrators of the 1971 genocide could lawfully be prosecuted under national or international jurisdiction.

Ideally, the International Humanitarian Fact-Finding Commission may be engaged as per the Geneva Conventions, or a Fact-Finding Commission may be constituted under the UN mandate to inquire about the international humanitarian and human rights breaches during the 1971- armed conflict. An international prosecution either under the UN mandate or bilateral agreement between Bangladesh and Pakistan can also settle the issue of state responsibility and individual accountability for the 1971 genocide. In the present international political setting, arranging an international prosecution seems impossible; also, there is valid concern regarding our foreign missions' capacity to bag international support for any International Fact-Finding Mission to examine the 1971 atrocities.

Hence, prosecuting the Pakistani perpetrators at least the surviving top commanders in the ICTBD for the 1971 atrocities might symbolize minimal justice against the denial of the liability by Pakistan. Yet, despite available evidence on hand, bringing Pakistani perpetrators to justice would be a critical challenge. Presumably, they would not be appearing before the ICTBD voluntarily; neither Pakistan would cooperate to ensure their appearance, nor any intervention either by Bangladesh or any international community compelling their attendance is likely to happen. In this backdrop of impunity, prosecuting them in absentia might be a practical approach for imposition of historical liability. Internationally, there are instances of trial in absentia on account of atrocious crimes; encouragingly, Bangladesh's national jurisdiction, particularly Statute of the ICTBD also allows prosecuting a perpetrator in his/her absence.

During the emergence of international criminal law, article 12 of the 1945 Nuremberg Charter empowered the Tribunal to take proceedings against a perpetrator in his absence, if he was not found or if the Tribunal in the interests of justice found it necessary to conduct the hearing in his absence. Pursuant to this mandate, the Nuremberg Tribunal prosecuted Martin Bormann, the Chief of Nazi Party Chancellery and Secretary of Hitler, in his absence, for his involvement in war crimes and crimes against humanity, and sentenced him to death. In the recent past, in absentia proceedings received much legitimacy due to the UN Security Council's approval. Under its resolution no. 1757 [30 May 2007], the Security Council established the Special Tribunal for Lebanon (STL), to investigate and prosecute the terrorist attack that led to the killing of Lebanese Premier Rafik Hariri and many more. Article 22(1) of the Statute of the STL permits trial in absentia if the accused expressly and in writing waives his or her right to be present; or, has not been handed over to the Tribunal by the State authorities concerned; or, has absconded or otherwise cannot be found and all reasonable steps have been taken to secure his or her appearance before the Tribunal and to inform him or her of the charges. While conducting a trial in absentia article 22(2) requires the STL to ensure that the accused has due notice of the charges via all possible means including publication in the media or communication to the State of residence or nationality; and, he has an opportunity to defend himself through a defence counsel of his choice either paid by him or by the Tribunal. Moreover, if refused by the accused, his representation by counsel should be ensured by the Defence Office of the STL. The Statute further provides that in case of conviction in absentia, the accused, if he or she had not designated a defence counsel of his or her choosing, shall have the right to be retried in person before the Tribunal, unless he or she accepts the judgment.

In prosecuting perpetrators in absentia, the resolution no. 1757 is of practical importance mainly for the reasons that due to the Security Council's primacy in international political setting, its resolution enjoys status of the highest law in the international legal order; and, the criteria it prescribes, if imitated by any national or international tribunal, could effectively encounter the concerns regarding legality and legitimacy of the in absentia trial.

In Bangladesh, section 10A of the International Crimes (Tribunals) Act 1973 permits the ICTBD to prosecute in absentia, when on account of the failure of the summons or warrant, the Tribunal has reason to believe that the accused person has absconded or concealed himself from the trial. Moreover, section 44 of the Rules of Procedure allows the ICTBD to admit a wide range of evidence unconnected to human testimony. Like the STL, the ICTBD may, to represent the interest of the absconding offender, appoint a state sponsored defence counsel. Besides, if the offender is convicted, a right to appeal in the Appellate Division of the Bangladesh Supreme Court is guaranteed under section 21. Seemingly, in case of trial in absentia the ICTBD is equipped to offer same level of fair trial standard as is prescribed by the Security Council resolution.

Curiously, the provision of in absentia trial remained absent in the original scheme of the ICTBD statute; so, its inclusion in 2012 led to the assumption that the Prosecution office perhaps at that point of time actively considered establishing accountability of the perpetrators whose appearance might not be secured even after due diligence. To our disappointment, the Prosecution Office however failed to capitalise the avenue allowing Pakistan much leverage to outrightly deny the 1971 genocide.

A judicial pronouncement, even though from a domestic forum and in absentia in nature, carries no less value than the political campaign to substantiate state responsibility and individual criminality for the past atrocities. Against Pakistan's repeated denial of liability, our political vulnerability to draw international support for the international investigative or

prosecutorial justice necessitated a quest for alternative avenues for genocide justice. Hence, in absentia trial of Pakistani perpetrators might be a timely response against the culture of denial. From the perspective of retribution, in absentia trial might be of little significance; yet, its impact in restoring historical truth might be instrumental. Nevertheless, the Government must conceive of the political advantages likely to gain by establishing individual and state responsibility for the 1971 genocide and support the Prosecution Office to investigate and prosecute the charges against surviving Pakistani perpetrators. Their prosecution in absentia would end the impunity that has been haunting Bangladesh for the last fifty years and be a step towards availing international recognition of the 1971 genocide.

14 jihadists sentenced to death over plot to kill Bangladesh PM (Macau Business)

March 23, 2021

Fourteen jihadists were sentenced to death in Bangladesh on Tuesday for attempting to assassinate Prime Minister Sheikh Hasina more than two decades ago, a prosecutor said.

The 2000 bomb plot was one of several attempts on Hasina's life in a wave of violence by Islamic extremists who were angry at her secular stance at the time.

Since then, a major crackdown against homegrown Islamist groups has seen more than 100 extremists killed in raids by police and more than 1,000 suspected militants arrested.

A fast-track court handed down death sentences to all 14 accused — five of them absconding — after they were found guilty of sedition and criminal conspiracy, prosecutor Abu Abdullah Bhuiyan told AFP.

They planted two bombs in the grounds of a college where Hasina was due to address a rally. The devices were discovered and defused.

"They are Islamist extremists belonging to the HuJI (Harkat ul Jihad al Islami) and JMB (Jamayetul Mujahideen Bangladesh)," he said, referring to local extremist outfits blamed for a series of deadly bombings and grenade attacks in the 2010s.

Mufti Abdul Hannan, the Afghan-trained leader of Bangladesh chapter of HuJI, and two of his associates were executed in 2017 for an attempt to kill the British High Commissioner in Dhaka.

Hasina's government also executed five top leaders of Bangladesh's largest Islamist party, Jamaat-e-Islami, between 2013 and 2016 over war crimes during the country's 1971 war of independence against Pakistan.

Prosecutor Bhuiyan said two among the 14 sentenced to death are brothers of HuJI leader Hannan, and another his brother in-law.

Bangladesh sentences scores of people to death every year but only a handful of people are executed.

Bangladesh has hanged 23 people since 2013 while around 1,750 are on death row, according to a local rights group.

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

War Crimes Investigation in Myanmar

Streets of blood in Myanmar town as UN fears 'crimes against humanity' (CNN) By Helen Regan

March 12, 2021

Bloodshed continues in Myanmar after another violent day Thursday saw at least 12 people killed by the ruling junta, according to a watchdog group, prompting a top UN official to say the crackdown on peaceful protests is "likely meeting the legal threshold for crimes against humanity."

In the small, central town of Myaing, police shot into a crowd of unarmed people, killing at least eight, according to advocacy group Assistance Association for Political Prisoners (AAPP). Images posted on social media showed the town's roads streaked with blood and bodies laying crumpled and lifeless in the street.

In one unverified graphic image, a body can be seen with the head blown apart and brain remnants spilled onto the road.

The shootings in tiny Myaing are further evidence the military junta, which seized power in a coup on February 1, is attempting to crush peaceful opposition to its enforced rule in every corner of Myanmar, not just the big towns and cities.

In the biggest city, Yangon, Thursday, protester Chit Min Thu was killed in North Dagon area, according to Reuters. His wife, Aye Myat Thu, told the news agency he had insisted on joining the protests despite her appeals for him to stay home for the sake of their son.

"He said it's worth dying for," she said. "He is worried about people not joining the protest. If so, democracy will not return to the country."

At least 80 people have been killed since the military invalidated the results of the country's democratic election, the United Nations human rights office said, and hundreds more injured. At least four of the deaths in recent days were individuals arrested and detained by the junta, including two officials with the ousted National League for Democracy (NLD) party. All four died in custody, according to the Office of the UN High Commissioner for Human Rights.

More than 2,000 people have been arbitrarily detained since the coup, according to AAPP, many of them kept out of contact from family and friends, their condition or whereabouts unknown.

CNN cannot independently verify the arrest numbers or death toll from AAPP.

Myanmar's state run daily newspaper published a notice on Wednesday reinforcing the military's narrative that it is using minimum force against protesters.

On Thursday, the UN special rapporteur for human rights in Myanmar, Tom Andrews, said in a statement to the UN Human Rights Council in Geneva that a "growing body of reporting" indicates the junta's security forces are committing "acts of murder, imprisonment, persecution and other crimes as part of a coordinated campaign, directed against a civilian population, in a widespread and systematic manner, with the knowledge of the junta's leadership."

The "brutal response," he said, is "thereby likely meeting the legal threshold for crimes against humanity."

He called on UN member states to stop the flow of revenue and weapons to the junta, saying multilateral sanctions "should be imposed" on senior leaders, military-owned and controlled enterprises and the state energy firm, Myanmar Oil and Gas Enterprise.

His statement came after rights group Amnesty International released a report saying the military were embarking on a "killing spree" in Myanmar, using increasingly lethal tactics and weapons normally seen on the battlefield against peaceful protesters and bystanders.

By verifying more than 50 videos from the ongoing crackdown, Amnesty's Crisis Evidence Lab confirmed security forces appear to be implementing planned, systematic strategies, including the ramped-up use of lethal force, indiscriminate spraying of live ammunition in urban areas, and that many of the killings documented amount to extrajudicial executions.

"These Myanmar military tactics are far from new, but their killing sprees have never before been livestreamed for the world to see," said Joanne Mariner, director of crisis response at Amnesty International. "These are not the actions of overwhelmed, individual officers making poor decisions. These are unrepentant commanders already implicated in crimes against humanity, deploying their troops and murderous methods in the open.

Fleeing to India

There is evidence the violence is forcing people to flee the country. Between 200 and 300 people have crossed the border from Myanmar into India's northeastern state of Mizoram, fleeing the unrest, Mizoram's chief minister told CNN.

That number includes police, civil servants, their family members, and other civilian and the number of people fleeing increases daily, according Chief Minister PU Zoramthanga.

"We (the Mizoram government) are not sending them back as a humanitarian point of view. When somebody enters the land, the country's border, for fear of their lives we cannot simply send them back. They are not criminals. It is a political issue," he said.

Zormanthanga added that people are given food and shelter, and many have family in Mizoram. He said it is up to the Indian central government on how to deal with people crossing the border.

Suu Kyi accused of bribery

Ousted civilian leader Aung San Suu Kyi was accused of bribery and corruption by the military Thursday, adding to four charges already against her that could result in a years-long prison sentence.

Military spokesperson Brig. Gen. Zaw Min Tun said in a news conference that Suu Kyi accepted illegal payments worth \$600,000, as well as gold, while in government, according to Reuters.

The spokesperson added that the information had been verified following a complaint from a former Yangon regional minister, and an anti-corruption committee was investigating.

Suu Kyi's lawyer, Khin Maung Zaw told CNN "the allegations are a complete fabrication."

"I have been in politics in Myanmar for nearly 40 years, and in all these years I have not witnessed such shameless allegations" he said. "We are in a country where the people have seen lots of corruption in the past and many misbehaviors, but Aung San Suu Kyi is not in that sphere of corruption."

He added that while he has had "many disagreements" with Suu Kyi, "when it comes corruption, bribery, greed -- this is not her, she is not that kind of woman."

Along with Suu Kyi, ousted President Win Myint, his wife, and several cabinet ministers were being investigated for allegedly asking for and accepting "money from some entrepreneurs," the spokesperson said, without clarifying, according to Reuters.

Suu Kyi and Win Myint remain under house arrest.

The military, headed by coup-leader Gen. Min Aung Hlaing, took full control of the country last month, ousting Suu Kyi's democratically elected government, which had won a landslide in November 2020 elections.

The army justified its action by alleging widespread voter fraud in that poll -- only the second democratic vote since the previous military junta began a series of reforms in 2011.

In a video statement played to the UN Human Rights Council, Myanmar's permanent secretary of the Ministry of Foreign Affairs Chan Aye said: "In recent days, authorities concerned have been paying attention to maintaining law and order in the country," and "authorities have been exercising utmost restraint to deal with the violent protests."

Chan Aye also said the military leadership remains committed to "free and fair multiparty democratic elections."

But speaking to CNN's Christiane Amanpour, Kyaw Moe Tun, Myanmar's ambassador to the UN, said the country doesn't need fresh elections as the last poll was free and fair.

His comments came after the 15 countries of the UN Security Council unanimously backed the strongest statement since the coup, saying it "strongly condemns the violence against peaceful protestors" and called on the military to "exercise utmost restraint."

UN diplomats told CNN that China, Russia, and Vietnam objected to tougher language calling events "a coup" and in one draft forced the removal of language that would have threatened further action, potentially sanctions.

In a statement, China's ambassador to the UN, Zhang Jun, said "it is important the Council members speak in one voice. We hope the message of the Council would be conducive to easing the situation in Myanmar."

Kyaw Moe Tun said the message "does not meet the peoples' expectation," saying up against the brutality of the military "we all feel helpless" and called on the international community for protection.

[back to contents]

North & Central America

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

South America

Ex-FARC and AUC leaders meet to “respond to victims” of Colombia’s atrocities (The City Paper) By Richard Emblin
March 18, 2021

For many Colombians, the names “Timochenko” and “Mancuso,” are associated with the most violent episodes of the country’s half-century internal conflict, and one, that claimed the lives of 260,000 civilians. As commanders of two powerful armies, one a left-wing guerrilla, the other a paramilitary apparatus known as the United Self-Defense Forces of Colombia (AUC), the two men were also arch-enemies until their respective demobilizations. But their futures – not unlike their pasts – also took different turns, with Rodrigo Londoño of the Revolutionary Armed Forces of Colombia (FARC), walking a free man after securing a historic peace deal in 2016, while Salvatore Mancuso continues to serve a long prison sentence in a U.S Federal prison for drug trafficking.

On Thursday, however, the warlords crossed paths again, not on a battlefield but in the virtual realm of video conference before the Special Jurisdiction for Peace – JEP. Both Londoño and Mancuso expressed their willingness to contribute to the tribunal’s understanding of the context and motivation that resulted in human rights abuses. FARC’s Londoño, along with five other members of the guerrilla’s Secretariat, recently accepted a JEP ruling that they were responsible for War Crimes by mass kidnapping civilians and members of the military.

While ex-FARC leaders have been very much in the public eye during these last five years and are the representatives of the political party Comunes, when the AUC demobilized in 2005, many of the group’s top commanders, including Mancuso, were wanted in extradition to the U.S. Mancuso attended the video conference from a federal maximum security prison in Georgia where he is awaiting deportation to Colombia. Mancuso holds both Italian and Colombian citizenships.

When the AUC’s founder Carlos Castaño was murdered by his own security detail in 2004, the government of right-wing President Álvaro Uribe announced the start of peace negotiations. At the height of the internal conflict, AUC had 10,000 combatants as opposed to 21,000 in the rank-and-file of FARC.

The once arch-enemies requested the virtual meeting with Francisco de Roux director of the Truth Clarification Commission. Londoño again recognized that his organization committed crimes against humanity and war crimes. “We have come to this space with the sincere desire to contribute to the truth and therefore be able to reconcile,” he said. “It is far from me to call for applause for the horrific events that were witnessd in war.”

The meeting Thursday lays-out the framework for future discussions between ex-FARC and the AUC that formally begin April 21.

Mancuso also placed importance on the fact that the two were able to meet online and talk “in a civilized manner in order to respond to the victims for all the atrocities committed.” Dressed in orange prison fatigues, the former AUC commander warmly greeted Londoño and stated that as civilians they were no longer “mortal enemies.”

Francisco de Roux welcomed the frank dialogue and received the two commanders “with respect and hope.” The Jesuit priest went on to add that “Colombians want to know the truth of what happened from the very voices of those who participated in the armed conflict. This is not a forum to glorify your roles as protagonists of war, but to accept the great debt you have with society,” he said.

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

Venezuela

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

TOPICS

Truth and Reconciliation Commission

Liberia Misleads on Justice at UN Rights Review (Human Rights Watch) By Elise Keppler
March 17, 2021

Liberia’s justice minister, Frank Musa, gave a misleading statement at the United Nations Human Rights Council on March 17 regarding the government’s purported efforts to ensure much-needed justice for widespread atrocity crimes committed during the country’s back-to-back civil wars between 1989 and 2003.

Speaking during the adoption of the outcome of Liberia’s Universal Periodic Review (UPR), Musa claimed Liberia is engaged in national and regional consultations around accountability for serious crimes.

The last such consultation we are aware of, however, took place in 2019. As a coalition of Liberian and international nongovernmental organizations highlighted in a statement on the UPR outcome, the government has been essentially silent since then, while activists and witnesses of alleged crimes have faced increased threats.

In any event, the path forward should be clear without additional consultations. Liberia’s Truth and Reconciliation Commission recommended the creation of a war crimes court over a decade ago. International law requires states to prosecute serious crimes, such as war crimes, which helps ensure victims’ rights to truth, justice, and an effective remedy, while combating impunity. In addition, victims, activists, community leaders, politicians, and members of the general public in Liberia have backed a war crimes court, even marching in the streets to show their support.

Even as President George Weah dithers on a court, accountability for atrocities in Liberia has taken major strides outside the country. Switzerland began the first prosecution of war crimes committed during Liberia’s first civil war in December. The trial of Alieu Kosiah, also a landmark for Switzerland, concluded in early March and a verdict is expected in the coming months. In February, Gibril Massaquoi went on trial in Finland for alleged crimes committed during Liberia’s second civil war. The Finnish court is even holding some hearings in Liberia, marking the first proceedings on such crimes in the country.

Liberia has the potential to be a leader on accountability for atrocities by establishing a war crimes court in accordance with international standards. Instead, the government is leaving other countries in the driver’s seat. Victims deserve more than

officials mischaracterizing old events as new progress and should instead see President Weah's government unequivocally back a war crimes court and request UN assistance to do so.

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

Terrorism

An Old Debate Renewed: Does The U.S. Now Need A Domestic Terrorism Law? (NPR) By Greg Myre
March 16, 2021

More than 300 suspects from the Jan. 6 riot at the Capitol face a variety of charges — illegal weapons, assault, property damage and conspiracy. In the latest development, two men have been arrested and charged with spraying a chemical at policeman Brian Sicknick, who died the following day.

President Biden, speaking just days before he was sworn into office, described the mob as "domestic terrorists." Yet no one will face a charge of domestic terrorism — because it doesn't exist in U.S. law.

Bruce Hoffman at the Council on Foreign Relations has studied terrorism, in the U.S. and abroad, for decades. He believes it's time for a domestic terrorism law — with caveats.

"Much as after 9/11, we recognized that we were in a new world, in a new era, and had to make signal adjustments. I think we're in the same position now," said Hoffman.

However, Hina Shamsi, head of the ACLU's national security project, says it would be a mistake to enact such a measure.

"There's no need for new law to deal with white-supremacist violence or other forms of what people think about as terrorism," she said. "The problem is not lack of laws. It is a lack of will that the law enforcement agencies have exhibited throughout our history to focus on actual white-supremacist violence."

After the al-Qaida attacks in 2001, Congress passed the Patriot Act, which created broad powers to deal with extremists.

Shamsi argues those powers were too expansive and disproportionately targeted Muslims and other minority groups. She fears a domestic terrorism law would produce the same result.

"We can't address white-supremacist violence effectively by doubling down or building up systems that already harm communities of color," she said.

A debate revived

Some in Congress, mostly Democrats, are raising the possibility of a domestic terrorism law in the wake of the Jan. 6 assault on the Capitol and the overall increase in far-right extremism in recent years.

The debate resurfaces most every time the U.S. has a major terrorist attack, but a number of reasons are cited for not enacting legislation.

Civil rights groups say a domestic terrorism law would likely raise First Amendment questions over free speech, and possibly Second Amendment issues regarding weapons. In short, the Constitution permits Americans to own guns and fiercely criticize the government.

The FBI and other law enforcement agencies often say they have plenty of existing tools when it comes to prosecution. In addition, they say they don't want to get involved in the business of deciding who is, and isn't, a terrorist.

In the most notorious case of domestic terrorism, Timothy McVeigh's 1995 truck bomb killed 168 people at a federal building in Oklahoma City. He was charged with, convicted of and executed for killing federal agents and other crimes — but not terrorism.

Still, Hoffman believes a new law would be a useful tool in defining and prosecuting politically motivated violence that is distinct from ordinary crime.

He also believes such a law could address the much lighter prison sentences that many far-right extremists receive compared to Muslim Americans for politically motivated offenses.

"I think that we have to bring greater equity to sentencing," he said.

Foreign terrorism list

Current U.S. law does recognize foreign-based terrorism.

The U.S. has designated about 60 foreign terrorist organizations. A few are well-known, like al-Qaida and ISIS. Most are obscure. Many, though not all, are Islamist.

To make this legal distinction clear, someone acting on behalf of al-Qaida, whether a U.S. citizen or a foreigner, could be charged with a terrorism-related offense because al-Qaida is a designated terrorist group.

Yet someone carrying out a similar or identical act, but with no connection to a foreign terrorist group, would not be charged with domestic terrorism.

Hoffman stresses that he doesn't think a domestic law should create a list of U.S. terrorist organizations.

"I don't think we should get into the business of designating terrorist groups as we do with overseas groups. That opens up a Pandora's box," he said.

Over the past two decades, the battle lines in the debate over domestic terrorism have shifted.

After the Sept. 11 terrorist attacks, Republicans tended to push hardest for the most expansive security measures, while Democrats were the ones most often raising concerns about civil liberties. Today, Democrats often lead the call for a domestic terrorism law, while Republicans are questioning law enforcement tactics.

At a Senate Homeland Security Committee on March 3, several Democrats criticized Jill Sanborn of the FBI's Counterterrorism Division, saying the bureau failed to identify the threat in advance of the Jan. 6 riot.

In contrast, Republicans questioned whether the FBI was acting too broadly in the aftermath by collecting information like cell phone data on those present that day.

"If you see John Smith on a video, I'm fine with looking at his records," said Rand Paul, the Kentucky Republican. "My question is, did you have a generalized collection of data about people who were on the Hill on January 6th?"

Sanborn responded: "Not that I'm aware of. I do know that we have used data and this is reflected in some of the charging documents that had geolocation data."

Paul expressed skepticism at her answer. "These are important questions. The Fourth Amendment's out there to protect against generalized searches," he said.

The Biden administration has not yet indicated how it might act. As a candidate, Biden said he would seek a domestic terrorism law. As president, his administration says only that the matter is under review.

Kenya: One Killed in Suspected Al-Shabaab Attack in Lamu (All Africa) By Kalume Kazungu
March 23, 2021

One person died on Tuesday morning when a water bowser headed to Usalama Camp, where the Kenya-Somalia border wall is being constructed, ran over an improvised explosive device suspected to have been planted by Al-Shabaab militants.

The vehicle, which had two occupants -the driver and the conductor- was ferrying water to be used for the ongoing construction of the border securitization wall, when the incident occurred at around 7.30am.

Lamu County Commissioner Irungu Macharia confirmed the incident, saying enough security officers have been deployed to search for the terrorists responsible for the morning attack.

Following the incident, an urgent security meeting, which was chaired by Mr Macharia was organised within Usalama Camp to strategise on how best the safety of the construction workers will be taken care of.

The County Commissioner however said no construction activities were hampered as the terrorist attack happened very far from the camp.

He appealed to members of the public on the border villages of Kiunga, Ishakani, Madina and Boni forest to provide information to security agencies if they witness any suspicious individuals for prompt action.

"A water bowser with the driver and conductor, who are part of the team of construction workers undertaking the building of the Kenya-Somalia security border wall this morning ran over an IED. The vehicle was coming from the sides of Kiunga to supply water at Usalama Camp when the incident happened. The conductor died on the spot while the driver escaped unhurt. The ground is well policed. There is no cause for alarm," said Mr Macharia.

Reports from security sources on the ground, however, indicated that suspected Al-Shabaab militants had ambushed a convoy of vehicles ferrying tens of border wall construction workers to Usalama camp and killed one of the workers on the spot.

"There were about five vehicles that were ferrying labourers from Kiunga to Usalama camp when their convoy was ambushed by Al-Shabaab. They shot the vehicles at random, killing one construction worker on the spot," said a security source who refused to be named.

Ambushed

In January 2016, five Police officers were killed while three were injured when a Rapid Deployment Unit (RDU) lorry they were travelling in ran over an IED suspected to have been planted by Al-Shabaab militants along the Hindi-Kiunga road in Lamu.

The officers were also heading to Usalama Camp when the incident happened just a few kilometres from Milimani which is inside the dense Boni forest.

The construction of the security border wall had in early 2020 been postponed for several weeks after the contractor ran out of building materials.

Labourers were, however, recalled back to Usalama camp in March the same year to proceed with the construction.

The 700-kilometre wall, dubbed the Kenya-Somalia Border Securitisation Project, was mooted in 2015 to secure the country from attacks by the Somalia-based Al-Shabaab terrorists.

The entire project plan includes having designated immigration and custom entry points with a two feet tall concrete wall fitted with CCTV cameras.

Bus in Kenya's hostile north hits roadside bomb, 4 killed (Star Tribune) By Tom Odula

March 24, 2021

A Kenyan official says four passengers were killed and dozens wounded when a bus hit an improvised bomb on a main road in the northern county of Mandera, near the border with Somalia.

The bus was heading to Mandera town when it ran over an improvised explosive device, Mandera governor Ali Roba confirmed Wednesday.

The force of the explosion ripped the roof off the bus, according to pictures taken at the scene posted on social media.

No group has claimed responsibility for the attack, but suspicion has fallen on al-Shabab, Somalia's jihadist rebels who are allied with al-Qaida and who carry out many such attacks in Kenya.

Al-Shabab has vowed retribution on Kenya for its troop presence in Somalia since 2011. Kenyan soldiers are part of the nearly 20,000 African Union forces in Somalia to bolster the country's weak government against the al-Shabab insurgency.

Al-Shabab has carried out numerous attacks on Kenyan soil since 2011 but recently the rebel group's activities have been centered around five Kenyan counties that border Somalia — Wajir, Mandera, Garissa, Tana River and Lamu.

Mandera governor Ali Roba has said his county was under growing threat from the extremist group which he said controls 50% of the roads and 60% of the county's territory, forcing the closure of many schools affecting thousands of students.

[back to contents]

Piracy

Pirates kidnap 15 seafarers from product tanker offshore Nigeria (Seatrade Maritime News) By Marcus Hand
March 12, 2021

According to reports the 19,800 dwt product tanker with a crew of 21 onboard was sailing from Latvia to Delta State was boarded by nine armed pirates some 220 nm south of Lagos, Nigeria on 11 March at 15-12 hrs UTC.

The vessel had crew of 21 comprising Ukrainian, Romanian and Philippine nationals, 15 of whom were taken hostage. The nationalities of those taken hostage is not known. The Davide B is managed De Poli Shipmanagement in the Netherlands.

“The area where the incident occurred has seen an increased number of incidents between the end of Q4 2020 and beginning of Q1 2021. During the same time PAGs have shown an increased interest in targeting areas frequently used as linkup/break off points for security escorts sailing through the Nigerian EEZ or calling Nigerian ports,” Praesidium International said in an alert.

“This modus operandi corroborates the hypothesis that PAGs have a thorough understanding of local Navy and private security movements as well as commercial sailing routes within the greater Nigerian EEZ area.”

Dryad Maritime said: “Vessels within this area are at a unique vulnerability in that they are generally operating within waters beyond the operational footprint of regional security forces. Within 2020 there were 5 incidents inclusive of kidnapping that occurred within 30nm of the reported incident.”

Iranian investigator says Israel likely behind container ship attack (Reuters) By [AUTHOR]
March 13, 2021

Israel is highly likely to have been behind an attack in the Mediterranean this week that damaged an Iranian container ship, an Iranian investigator said on Saturday, Iran’s media reported.

The Shahr e Kord vessel was hit by an explosive object which caused a small fire, but no one on board was hurt, Iran said on Friday. Two maritime security sources said initial indications suggested the ship was intentionally targeted by an unknown source.

“Considering the geographical location and the way the ship was targeted, one of the strong possibilities is that this terrorist operation was carried out by the Zionist regime (Israel),” an unnamed member of the Iranian team investigating the incident was quoted as saying by semi-official Nournews.

Israeli Defence Minister Benny Gantz declined to comment directly about the incident when addressing a webinar on Saturday hosted by his Blue and White party, but he said Iran regularly sent weapons to its proxies in the region. “We foil arms supplies and other things relating to operational development and military capabilities by air, sea and land,” Gantz said. “And by this I am not saying whether we did or did not do this or that.”

Iranian Foreign Ministry spokesman Saeed Khatibzadeh said reports confirmed an act of sabotage in violation of international law, state media said. “Measures to identify the perpetrators of this sabotage action are on the agenda,” he said.

The Iranian investigator said explosive projectiles could have been fired from an aerial vehicle, hitting containers on the ship’s deck.

Iran’s state-run shipping company IRISL said it would take legal action to identify the perpetrators of the attack, which it called terrorism and naval piracy.

The incident came two weeks after an Israeli-owned ship the MV HELIOS RAY was hit by an explosion in the Gulf of Oman.

The cause was not immediately clear, although a U.S. defence official said the blast left holes in both sides of the vessel’s hull. Israel accused Iran of being behind the explosion, a charge the Islamic Republic denied.

Danish Vessel to Fight Piracy in Most Perilous Shipping Area (Bloomberg) By William Clowes
March 17, 2021

Denmark will send a naval vessel to West Africa's Gulf of Guinea to aid the fight against rampant piracy.

The decision follows a call by A.P. Moller-Maersk A/S and shipping industry groups for a more assertive international response to kidnappings that occur in the region. The waters in the area are the most dangerous for seafarers worldwide, accounting for almost all maritime abductions in recent years.

The Danish government will deploy a frigate equipped with a helicopter to patrol international waters in the gulf from November for an initial period of five months, according to a statement published Tuesday. The vessel will combat piracy by providing escorts to civilian shipping and carrying out rescue operations following attacks, it said.

The deployment is welcome as "regional countries currently do not have the capabilities needed to suppress piracy," said Jakob Larsen, head of maritime security at BIMCO, one of the world's largest industry groups for shipowners. It will provide a litmus test of how West African coastal states support and facilitate such initiatives, he said in an emailed statement.

The vessel should be permitted to operate unhindered as long as it steers clear of individual countries' territorial waters, he said.

Last year, 95% of the 135 seafarers seized worldwide were kidnapped in the gulf, a vast expanse of the Atlantic Ocean stretching from Senegal to Angola, in 22 separate incidents, according to the International Maritime Bureau. Hostages are usually taken to Nigeria, where ransoms are negotiated.

Copenhagen-based Maersk, the world's biggest shipping company, is responsible for more than a third of maritime trade in the gulf, while as many as 40 Danish-operated vessels sail through the area daily. Maersk said in January that "effective military capacity" needs to be dispatched to the region.

"If we are to get serious about managing security in the Gulf of Guinea, an international military presence is necessary," Danish Defense Minister Trine Bramsen said in Tuesday's statement. "We are working for more countries to assume a responsibility."

Nigeria, a front-runner in combating piracy in the region, is opposed to allowing commercial ships in the nation's waters to carry weapons even if they are in transit, claiming recent investment in equipment and training will phase out the need for private security providers. A spokesman for the nation's defense ministry didn't immediately respond to questions about Denmark's announcement.

"We hope other countries will consider supporting the Danish antipiracy operations," Larsen said.

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

Gender-Based Violence

'Practically this has been a genocide' Doctors say rape is being used as a weapon of war in Ethiopia's conflict (CNN) By Bethlehem Feleke, Eliza Mackintosh, Gianluca Mezzofiore, Katie Polglase, Nima Elbagir, Barbara Arvanitidis and Alex Platt

March 22, 2021

More evidence of sexual violence being used as a deliberate weapon of war is emerging from Ethiopia's northern Tigray region, where an armed conflict has been raging for months. Women are being gang-raped, drugged and held hostage, according to medical records and testimonies from survivors shared with CNN. In one case a woman's vagina was stuffed with stones, nails and plastic, according to a video seen by CNN and testimony from one of the doctors who treated her.

CNN has spoken with nine doctors in Ethiopia and one in a Sudanese refugee camp who say they've seen an alarming increase in sexual assault and rape cases since Prime Minister Abiy Ahmed launched a military operation against leaders in Tigray, sending in national troops and fighters from the country's Amhara region. Forces from neighboring Eritrea are participating in the military campaign on the side of Ethiopia's government, as CNN has previously reported.

According to the doctors, almost all the women they treat recount similar stories of being raped by Ethiopian and Eritrean soldiers. The women said the troops were on a self-proclaimed mission of retribution and were operating with near-total impunity in the region.

A CNN team in Hamdayet, a sleepy Sudanese town on the Ethiopian border where thousands of refugees from Tigray have gathered in recent months, spoke with several women who described being raped as they fled fighting.

"He pushed me and said, 'You Tigrayans have no history, you have no culture. I can do what I want to you and no one cares,'" one woman said of her attacker. She told CNN she is now pregnant.

Many say they were raped by Amhara forces who told them they were intent on ethnically cleansing Tigray, a doctor working at the sprawling refugee camp in Hamdayet told CNN.

"The women that have been raped say that the things that they say to them when they were raping them is that they need to change their identity -- to either Amharize them or at least leave their Tigrinya status ... and that they've come there to cleanse them ... to cleanse the blood line," Dr. Tedros Tefera said. "Practically this has been a genocide," he added.

The flood of refugees has become a trickle since Ethiopian forces reinforced the border in recent days, worrying refugees who are still hoping to be reunited with family members.

The Ethiopian government didn't immediately respond to CNN's request for comment on allegations that its forces are carrying out a coordinated campaign of sexual violence against women in Tigray.

Three days after CNN published this investigation, the Eritrean embassy of the UK and Ireland responded by denying allegations of wrongdoing by Eritrean soldiers and denying that Eritrean troops were in Ethiopia.

Thousands of civilians are believed to have been killed in the conflict. CNN has previously reported that soldiers from neighboring Eritrea have perpetrated extrajudicial killings, assaults and human rights abuses in the Tigray region.

Separate investigations by CNN and Amnesty International in February revealed evidence of massacres carried out by Eritrean forces in Dengelat and Axum. Eritrea's government has denied involvement in the atrocities.

The new reports of sexual violence come as US President Joe Biden dispatches Senator Chris Coons to meet with Abiy and convey US "concerns about the humanitarian crisis and human rights abuses in the Tigray region." The State Department has previously called for an independent investigation into atrocities committed during the war.

Ethiopia's government has severely restricted access to journalists until recently, making it challenging to verify survivors' accounts. And an intermittent communications blackout during the fighting has effectively blocked the war from the world's eyes. But in recent weeks, as foreign journalists have been allowed in, horrifying stories of rape and sexual violence are beginning to surface.

On Thursday, CNN affiliate Channel 4 News published a harrowing report into sexual violence against women in Tigray. The report included interviews from a safe house -- the only one believed to be operating in Tigray for rape survivors -- where around 40 women too traumatized to return to their families are receiving shelter and support.

One of the survivors told Channel 4 News that she and five other women were gang-raped by 30 Eritrean soldiers who were joking and taking photos throughout the attack. She said she knew they were Eritrean troops because of their dialect and uniforms. She said she was able to return home only to be raped again. When she tried to escape, she recalled being captured, injected with a drug, tied to a rock, stripped, stabbed and raped by soldiers for 10 days.

Outside of the safe house, many more women and young girls are being treated in Ayder Referral Hospital, the main medical facility in the regional capital Mekelle. Most have been referred there by hospitals in rural areas that are not equipped to handle rape cases, Channel 4 News reported.

One doctor at the hospital told CNN that more than 200 women had been admitted for sexual violence in recent months, but many more cases have been reported in rural villages and centers for the internally displaced, with limited to no access to medical care.

The fighting in Tigray, which has included attacks on health care facilities, has severely restricted access to medical treatment, according to a report published Thursday by international medical humanitarian organization Medecins Sans Frontieres (MSF). Of the 106 medical facilities MSF visited in the region, barely one in 10 were still operating, and one in five had been or was occupied by armed soldiers. One facility was being used as an army base, MSF said. Between a lack of access to medical services and stigma surrounding sexual violence, doctors CNN interviewed said they suspect the true number of rape cases is

much higher than official reports.

On February 10, the state-appointed Ethiopian Human Rights Commission (EHRC) admitted that the war and associated dismantling of the regional administration in Tigray had "led to a rise in gender-based violence in the region."

A month later, on March 4, the United Nation's High Commissioner for Human Rights, Michelle Bachelet, demanded an "objective, independent assessment" of the situation on the ground in Tigray.

According to the UN statement, more than 136 cases of rape were reported in eastern region hospitals in Mekelle, Ayder, Adigrat and Wukro between December and January.

One coordinator at a gender-based violence crisis center in Tigray told CNN they used to hear of cases every few days or once a week. Since the conflict broke out, up to 22 women and girls seek treatment for rape every day, she said.

Demand for emergency contraception and testing for sexually transmitted infections have also surged in recent months. Many of the women who have been raped have contracted sexually transmitted diseases, including HIV, doctors told CNN.

One doctor said many of the women she treated were also physically abused, with broken bones and bruised body parts. She said the youngest girl she treated was 8 years old, while the oldest was 60.

The doctor said that many women who come forward share stories of others who haven't -- mothers, sisters, friends and other acquaintances.

A spokesperson for the UN Human Rights Office told CNN that they would carry out a joint investigation with EHRC into allegations of serious human rights violations in Tigray.

Syria's decade of conflict takes massive toll on women and girls (UN News) March 16, 2021

Atop the persistent insecurity, Syrians are also enduring the COVID-19 pandemic and worsening economic conditions – all of which are taking a disproportionate toll on women and girls across the region.

"For many girls and young women like me, this is all that we have known", Samia (we have changed the names and locations of those named in this article for their protection) told UNFPA a year and half ago. She was 17 at the time and had lived for several years as a refugee after fleeing violence in her hometown of Qamishli.

Since then, she has survived child marriage, attempted sexual assault and repeated family violence, including at the hands of her own brother.

This kind of violence and trauma is all too common among the women and girls of Syria, both those still living in their home country and those exiled to refugee camps and communities.

"The violence happens everywhere, and it definitely became worse", explained Lamia, an adolescent girl from Eastern Ghouta.

UNFPA's programme data show that the risk of gender-based violence has increased significantly over recent years, a trend corroborated by reports from other humanitarian actors. Many say they fear that this violence has become normalized.

New reality

In the last decade, insecurity, fear and intense economic pressures have sharply increased the vulnerability of women and girls, and rates of practices such as child marriage, have spiked.

Sixteen-year-old Mariam, from Aleppo, told UNFPA that, for girls her age, "life quickly became an open-air prison after the war. Suddenly, we were told not to leave our houses because we might get harassed, raped or kidnapped. I'm told that being married is my only path to true safety, but I don't want to get married. I'm simply not ready."

Access to school and health care – once taken for granted – are no longer assured. Among those in need of assistance across the region, close to half a million are pregnant, requiring access to quality sexual and reproductive health care.

The COVID-19 pandemic has only compounded these challenges, with movement restrictions keeping some women at home with abusers, and rising economic stress increasing tensions in the home.

Looking to the future

UNFPA and partners remain committed to providing life-saving services to women and girls in Syria and in camps and host communities throughout the region. In 2020 alone, UNFPA delivered sexual and reproductive health services to nearly 2 million people, while almost 1.2 million were reached through programmes to prevent and respond to gender-based violence.

Throughout the region, UNFPA supports 112 women's and girls' safe spaces, 17 youth centres, 33 emergency obstetric care facilities, 133 primary healthcare centres, and 125 mobile clinics. Over the past five years, UNFPA has been able to scale up its services, doubling the numbers of people reached.

But these continuing efforts require support from the international community. UNFPA is enhancing its regional response throughout 2021 to address challenges including the worsening economic situation and pandemic, for example by piloting cash and voucher assistance programmes.

UNFPA will also continue tailoring programmes to make them more accessible to a wider range of groups, including adolescent girls, people with disabilities and the LGBTQI community.

And amid the ongoing crisis, the people of Syria have not given up hope. Young people at UNFPA's centres and programmes demonstrate remarkable resilience, with many rising above their challenges to become artists, activists, innovators and other influential voices in their communities.

"Like all girls in Syria, I live a difficult childhood," said Bana, 12, in northwest Syria. But she, like so many young Syrians, dares to dream of a better future: "I like to learn to make my future bright," she said. "I hope that this war will end soon so I can return safely with my family to our home... I am sure this is the dream of every girl here."

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

Commentary and Perspectives

Experts Slam Double Standards in UN 'List of Shame' (Human Rights Watch) By Jo Becker

March 17, 2021

The United Nations secretary-general has come under fire repeatedly in recent years for letting national armed forces and non-state armed groups off the hook for grave violations against children in war. Now, a group of experts has released a new, damning analysis of his annual "list of shame," finding dozens of omissions and discrepancies over the past decade.

These experts include Lt.-Gen. (Ret.) Roméo Dallaire, the former UN force commander during Rwanda's genocide; Yanghee Lee, former chair of the UN Committee on the Rights of the Child; Benyam Dawit Mezmur, a child rights expert; and Allan Rock, former Canadian ambassador to the UN.

These experts compared 10 years of UN data on violations against children to the secretary-general's annual lists of perpetrators. They found that government forces were far more likely to be left off the list than armed groups, even while committing egregious violations.

For example:

Afghan security forces have killed or injured more than 4,000 children since 2014 but have not been listed.

In 2014, Israeli forces killed 557 Palestinian children and injured 4,249, most during fighting in Gaza. Even though the number of children killed was the third-highest in the world that year, Israeli forces were not listed.

In Somalia, the armed group Al-Shabab has been repeatedly listed for sexual violence against children, but the Somali National Army has not, despite comparable numbers of cases.

In 2020, the secretary-general "delisted" the Saudi and United Arab Emirates-led coalition for killing and maiming children in Yemen, as well as Myanmar's army for recruiting and using child soldiers. Yet each was responsible for hundreds of violations the previous year.

The experts call the list of shame, first requested by the UN Security Council in 2001, the "linchpin" for UN efforts to protect

children in war. Being listed triggers rigorous UN documentation of violations, as well as negotiations with listed armed forces and groups to secure concrete action. Over 30 parties to armed conflict who made the list have signed action plans to end violations.

But without an accurate list, the UN's children and armed conflict framework is seriously undermined. The experts urged the secretary-general to change his approach and list all perpetrators "without fear or favor." Without such action, they warn, children will be put at even greater risk.

The secretary-general should take the experts' recommendations to heart and put the protection of children first.

UN resolution hailed as 'crucial turning point' for victims of Sri Lanka civil war By Karen McVeigh
March 24, 2021

Civil rights groups have welcomed a UK-led UN resolution on Sri Lanka as a "crucial turning point for justice" for victims of the country's nearly 30-year-long conflict.

The resolution, which ramps up international monitoring and scrutiny of the country, was passed on Tuesday by the human rights council after the UN high commissioner for human rights warned Sri Lanka could rapidly descend into violence unless decisive international action was taken. Michelle Bachelet expressed alarm over "worrying trends" in the country since President Gotabaya Rajapaksa took office in 2019 and last month told the human rights council the country had "closed the door" on ending impunity for past abuses.

It also mandates the UN human rights office (OHCHR) to gather and preserve evidence for future prosecutions and make recommendations to the international community on steps they can take to deliver on justice and accountability.

Lord Ahmad, the UK's minister for south Asia, said: "Too many people in Sri Lanka are still waiting for justice more than a decade after the civil war ended, and the human rights situation is getting worse. The adoption of a UK-led resolution at the UN human rights council sends an important signal to Sri Lanka that progress on justice, accountability and human rights cannot wait."

Hilary Power, Amnesty International's representative in Geneva, said it was a "significant" move.

"Years of support and encouragement to Sri Lanka to pursue justice at the national level achieved nothing. This resolution should send a clear message to perpetrators of past and current crimes that they cannot continue to act with impunity."

Amnesty has published several reports condemning Sri Lanka's refusal to address historic crimes and the deteriorating human rights climate.

The real impact of further monitoring and reporting will rely on other UN member states using the resolution as a basis for "concrete action", Power said, including investigations and prosecutions under universal jurisdiction and possible referral to the international criminal court.

"We urge Sri Lanka to engage constructively with the OHCHR, to implement the recommendations of the report and to allow full and unfettered access to the country. Failing this, the human rights council may take more robust action, including the establishment of an independent accountability mechanism."

Amnesty estimates 60,000 people disappeared during the 30-year conflict, which ended in 2009.

Melissa Dring, director of the Sri Lanka Campaign for Peace and Justice, described the resolution as an "important step forward". She welcomed in particular the strengthening of OHCHR to enable the gathering of evidence of human rights violations, but said the resolution did not go far enough. Dring said: "It doesn't quite meet the demands of the Tamil community and diaspora, who want to see Sri Lanka and individuals accused of mass atrocities to be referred to the international criminal court."

The resolution, which was led by the UK, along with Canada, Germany, Malawi, Montenegro and North Macedonia, follows what Bachelet described as "insurmountable barriers for victims to access justice" at the national level and the "inability and unwillingness of the government to prosecute and punish criminals".

As the resolution was being negotiated, Sri Lanka continued to issue blanket denials and reject the findings and legitimacy of the UN report.

Rajapaksa, who was defence secretary when his brother Mahinda was president from 2005–2015, oversaw the defeat of the Tamil Tigers in 2009. During that period, unlawful killings and forced disappearances were widespread. Since 2020 he has appointed dozens of serving or former military and intelligence personnel to key posts. Some are senior officials implicated in

alleged war crimes and crimes against humanity during the final years of the civil war, according to Bachelet's report.

Last year, the Sri Lankan government said it would no longer honour its commitments to a consensus agreed in 2015 to ensure truth, justice, reparation and an accountability mechanism for past abuses.

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

WORTH READING

Law Development by the International Criminal Court as a Way to Enhance the Protection of Minorities - The Case for Intersectional Consideration of Mass Atrocities (Journal of International Dispute Settlement)

Gregor Maucec

March 18, 2021

Mass atrocities almost invariably involve the targeting of racial, ethnic, religious and/or political groups. Other groups, such as homosexuals, have also been vulnerable to targeted destruction. Both experience and international case law demonstrate that atrocity crimes have mostly been inflicted on minorities within minorities. With individuals being targeted on several personal grounds or due to overlapping identities (for example, women and girls belonging to ethnic or religious minorities) there is a strong case for both scholarship and international criminal judiciary to develop an expertise on intersectional discrimination in the context of international crimes that implicate discriminatory intent of a perpetrator. Yet, the International Criminal Court (ICC or Court) has tended to consider atrocities motivated by discrimination on isolated discriminatory grounds and independently from each other. As a prescriptive contribution, the present article challenges this trend by arguing that in more complex criminal cases the protected characteristics need to be considered together with, and not separately from, one another, in order to capture the multi-faceted experiences of mass abuses. Underlying the treatment of the subject matter are thus two basic questions: first, given a full respect for the principle of legality (*nullum crimen sine lege*), what are the possible avenues for international criminal adjudication to recognize intersectionality so as to overcome conceptual flaws and limitations of single-issue analysis of discrimination in cases involving core international crimes against minorities? For example, can Article 21(3) of the Rome Statute on the interpretation and application of substantive international criminal law in light of international human rights standards serve as a viable tool for the Court to evolve its jurisprudence on this particular issue? Second, how and to what extent should the Court take intersectionality into consideration in the formulation of charges; identification and interpretation of applicable law; determination of criminal sentence; ordering adequate remedies (reparations) for victims; and in considering such aspects as the gravity assessment, or the contextualisation of crimes? Answering these questions, the article shows that by applying, interpreting and, when need be, developing international criminal law in a way that utilizes intersectionality the ICC can make in these areas important jurisprudential contributions with far-reaching socio-legal implications.

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

War Crimes Prosecution Watch Staff

Founder/Advisor
Dean Michael P. Scharf

Faculty Advisor
Jim Johnson

Editor-in-Chief
Natalie Davis

Managing Editors
Matthew Pheneger
Alan Dowling

Technical Editor-in-Chief
Erica Hudson

Senior Technical Editors
Bailey Kadian

Associate Technical Editors
Lexi Stovsky
Kayla Briskey
Matthew Koutsky
Katarina Johnston

Emerging Issues Advisor
Judge Rosemelle Mutoka
Contact: warcimeswatch@pilpg.org

Africa

Libya

Katarina Johnston, Associate Editor
Alan Dowling, Senior Editor

Central African Republic

David Codispoti, Associate Editor
Alan Dowling, Senior Editor

Sudan & South Sudan

Katarina Johnston, Associate Editor
Alan Dowling, Senior Editor

Democratic Republic of the Congo

David Codispoti, Associate Editor
Alan Dowling, Senior Editor

Côte d'Ivoire (Ivory Coast)

Zachary Tomi, Associate Editor
Alan Dowling, Senior Editor

Lake Chad Region

Zachary Tomi, Associate Editor

Alan Dowling, Senior Editor

Mali

Taylor Mehalko, Associate Editor
Alan Dowling, Senior Editor

Liberia

Taylor Mehalko, Associate Editor
Alan Dowling, Senior Editor

Uganda

Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor

Kenya

Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor

Rwanda (International Criminal Tribunal for Rwanda)

Austin Milliren, Associate Editor
Francesca Bergeret, Senior Editor

Somalia

Austin Milliren, Associate Editor
Francesca Bergeret, Senior Editor

Europe

Court of Bosnia and Herzegovina, War Crimes Section

Alicia Mallo, Associate Editor
Natalie Davis, Senior Editor

International Criminal Tribunal for the Former Yugoslavia

Zheng Li, Associate Editor
Natalie Davis, Senior Editor

Domestic Prosecutions in the Former Yugoslavia

Alicia Mallo, Associate Editor
Natalie Davis, Senior Editor

Turkey

Kyle Dunnell, Associate Editor
Natalie Davis, Senior Editor

Kosovo Specialist Chambers

Zheng Li, Associate Editor
Natalie Davis, Senior Editor

Azerbaijan

Kyle Dunnell, Associate Editor
Natalie Davis, Senior Editor

Middle-East

Iraq

Matthew Perry, Associate Editor
Maryam Assar, Senior Editor

Syria

Matthew Perry, Associate Editor
Maryam Assar, Senior Editor

Yemen

Alireza Nourani-Dagiri, Associate Editor
Maryam Assar, Senior Editor

Special Tribunal for Lebanon

Matthew Mullins, Associate Editor
Maryam Assar, Senior Editor

Israel and Palestine

Alireza Nourani-Dagiri, Associate Editor
Maryam Assar, Senior Editor

Gulf Region

Matthew Mullins, Associate Editor
Maryam Assar, Senior Editor

Asia

Afghanistan

Frankie Collins, Associate Editor
Estefania Sixto Seijas, Senior Editor

Extraordinary Chambers in the Courts of Cambodia

Estefania Sixto Seijas, Senior Editor

Bangladesh

Estefania Sixto Seijas, Senior Editor

War Crimes Investigations in Myanmar

Frankie Collins, Associate Editor
Estefania Sixto Seijas, Senior Editor

Americas

North and Central America

Chris Glass, Associate Editor
Maryam Assar, Senior Editor

South America

Maryam Assar, Senior Editor

Venezuela

Chris Glass, Associate Editor
Maryam Assar, Senior Editor

Topics

Truth and Reconciliation Commissions

Francesca Bergeret, Senior Editor

Terrorism

Kayla Briskey, Associate Editor
Francesca Bergeret, Senior Editor

Piracy

Matthew Koutsky, Associate Editor
Francesca Bergeret, Senior Editor

Gender-Based Violence

Francesca Bergeret, Senior Editor

Commentary and Perspectives

Alan Dowling, Associate Editor

Francesca Bergeret, Senior Editor

Worth Reading

Maryam Assar, Associate Editor

Natalie Davis, Senior Editor

**War Crimes Prosecution Watch is prepared by the
International Justice Practice of the Public International Law & Policy Group
and the Frederick K. Cox International Law Center of
Case Western Reserve University School of Law
and is made possible by grants from the Carnegie Corporation of New York
and the Open Society Institute.**

Grotian Moment: The International War Crimes Trial Blog:

<http://law.case.edu/grotian-moment-blog/>

Frederick K. Cox International Law Center:

<http://law.case.edu/centers/cox/>

Cox Center War Crimes Research Portal:

<http://law.case.edu/war-crimes-research-portal/>



To subscribe or unsubscribe from this newsletter, please email warcimeswatch@pilpg.org.