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UNIVERSITY

War Crimes Prosecution
Watch



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Volume 18 - Issue 10
August 29, 2022

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

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CENTRAL AFRICA

Central African Republic

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

Russian Mercenaries Seek Gold, Sow Chaos in Central Africa (Bloomberg.com) By Simon Marks and Mohammed Alamin
August 16, 2022

The Central African Republic is defending the use of Russian assistance to take back territory the government says rebels have illegally occupied, despite widespread claims of indiscriminate killings of civilians and looting of mining sites.

Albert Yaloke Mokpeme, spokesman for the CAR presidency, denied in a written response to questions from Bloomberg that fighters from the Wagner Group, which the US says is linked to the Kremlin, operate in the country. He disputed claims made to Bloomberg by artisanal miners, rebels and humanitarians, and allegations in United Nations reports that mercenaries alongside the national army have killed scores of people, looted communities and displaced thousands as they increase their control of gold-mining areas in the war-torn country.

Instead, he said CAR forces have been assisted in fighting the rebels by unarmed Russian military trainers who arrived in 2018 under a deal struck with President Vladimir Putin's government.

"Central African armed forces, helped by Russian and Rwandan allies, have succeeded in pushing the rebels back and taking back a significant part of the national territory and illegally occupied mining sites," Mokpeme said, also referring to Rwandan soldiers who are assisting the CAR army. "We have the legitimacy to defend our country when it is attacked."

But UN officials, humanitarians and civilians say that Wagner has focused on mining sites since it arrived in the CAR four years ago. The mercenaries have been essential to keeping President Faustin-Archange Touadera in power, according to analysts.

Last October, the UN working group on mercenaries urged the CAR government to "end all relationships with private military and security personnel, particularly the Wagner Group," which it alleged was "committing systemic and grave human rights and international humanitarian law violations" including summary executions, torture, rape and arbitrary detention.

The "Kremlin-backed" Wagner "exploits instability to pillage resources and commit abuses with impunity, as we've seen in Mali and the Central African Republic," US Secretary of State Antony Blinken said in a speech in South Africa during a trip to three African countries last week.

The Kremlin denies any connection to Wagner, but the US State Department said in May that it acts as a proxy for the Russian government, helping to "spread a trail of lies and human rights abuses." Wagner and other actors exploit "turbulent situations through disinformation to sway public support for the Russian government to expand its influence," it said.

Facing western isolation since its invasion of Ukraine, Russia has sought to deepen its ties with African countries -- last month, Foreign Minister Sergei Lavrov toured the continent, including a stop at the African Union headquarters in Ethiopia.

Unstable regimes in Africa have sought assistance from Wagner to prop up their governments, including in Libya, Mali and Sudan, according to the US.

The US says Wagner is controlled by Yevgeny Prigozhin, a restaurateur and tycoon who has been dubbed Putin's "chef." He denies any links to the group and a spokesperson for his catering company, Concord Group, didn't respond to questions seeking comment about recent attacks, whether it operates in the CAR or the nature of its activities.

In June, a top European Union court rejected Prigozhin's bid to overturn EU sanctions imposed in October 2020 over Wagner's deployment to Libya. He said in his application to the court that he had "no knowledge of an entity known as Wagner Group" or "links with any such entity," according to the judgment. Last December, the EU sanctioned Wagner itself for allegedly deploying mercenaries to conflict zones to fuel violence and loot natural resources in violation of international law.

Mokpeme denied the use of Russian mercenaries in military operations in the country. But half a dozen UN officials, diplomats and humanitarians interviewed by Bloomberg tell a different story: one where national troops alongside Russian fighters have indiscriminately killed small-scale miners and taken over mines.

'Killed Randomly'

Alnazir Mohamed said he was digging for gold when an attack helicopter swooped to the ground flanked by tanks. Soldiers who appeared to be foreign streamed into the mining site and opened fire.

Mohamed fled across the border into Sudan. But dozens of miners died that day in March in eastern CAR, according to Mohamed and six other people who said they were eyewitnesses. They also reported seeing Russian-speaking soldiers.

"They killed randomly and looted, taking everything including property, money and gold," Mohamed, 30, said in an interview last month in Nyala, Sudan.

The mercenaries, working with the domestic army, killed at least 100 artisanal miners between March and June, according to a tally kept by local rebel leaders. Attacks in the area continued until at least June, according to several people who said they witnessed the incidents.

"Their forces scout gold-mining areas using drones," said Enrica Picco, a senior analyst with the International Crisis Group who was previously a member of the UN panel of experts on the CAR and has been doing field research since Russian fighters arrived in the country. "Then they use helicopters to deploy soldiers who indiscriminately kill miners and rebels in control of the site, loot property and steal gold."

The mercenaries are not alone in allegedly attacking civilians. The UN Human Rights Office last month published two reports detailing events that could constitute crimes against humanity, alleging both pro- and anti-government militias committed sexual violence and attacks on unarmed civilians.

Fertile Ground

The CAR has been engulfed in unrest for more than two decades. Mokpeme didn't respond to a question about how CAR, one of the world's poorest countries, is paying Wagner. But diplomats, UN officials and analysts allege that the company has been granted mining concessions as compensation.

The government "is allowing Wagner seemingly unconditional access to control and pillage the country's rich resources while supporting violence, including kidnapping, rape, torture, and mass killing," said Nathalia Dukhan, a senior investigator at The Sentry, an organization that seeks to disable networks that benefit from violent conflict and has documented alleged incidents involving Wagner.

The country's diamond, gold and uranium reserves have long fueled illegal smuggling and attracted miners from across the region.

Mohamed Zakaria, a 35-year-old miner from Sudan, said many Sudanese nationals traveled to the CAR to find work after coming under pressure from militias there.

"As we heard that the Central African Republic is a gold-rich country, we traveled there and began working with good conditions and production," Zakaria said. "But we later came under attack from Russian fighters and we lost everything."

Sudan & South Sudan

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

People of Sudan call to grant supreme authority to the army (Sudan Tribune) August 14, 2022

The round table conference of the "People of Sudan" initiated by the religious figure al-Tayeb Aljid, recommended that the would-be-established Supreme Council of the Armed Forces be given broad authority, including sovereign powers, to be the supreme authority in the country.

The conference ended its sessions on Sunday, after two days of discussions on many issues amid a broad boycott by the Forces for Freedom and Change (FFC) National Consensus coalition, Sudanese Communist Party and Resistance Committees, the spearhead of the anti-coup protests.

The military-backed initiative mainly involved the dignitaries of the former regime from the banned National Congress Party (NCP) and their allied groups. All of them hailed the coup and expressed their political support for the military leaders who are perceived as their saviours.

"The conference defined the structures of the transitional period so that the Supreme Council of the Armed Forces is the supreme authority entrusted with defending Sudan and its people, protecting national security and constitutional order, as well as assuming sovereignty duties," provides the final communiqué read at the closing session.

While a cabinet of technocrats will assume executive duties, adds the statement. Also, the conference refused the appointment of Sudanese holding a foreign nationality as prime minister.

The legislative council and state councils are formed on the basis of consensus between the political forces, according to the recommendations of the conference.

The participants underscored the need for national reconciliation, strengthening partnership, avoiding exclusion, and combating hate speech.

Asked about the inclusion of the dissolved NCP in the initiative, the Aljid said he did that in the name of national reconciliation and the need to bring all the Sudanese together, disregarding the principle of accountability for war crimes and corruption.

The conference further recommended the termination of the mandate of the UN Integrated Transition Assistance Mission in Sudan (UNITAMS).

Ignoring the political and legal reforms, the conference encouraged speeding up the electoral process to elect a legitimate government.

However, the participant proposed to implement the recommendations of the initiative through three phases: national reconciliation, formation of the transitional government and elections. They also proposed an 18-month period to achieve the outcome of the conference.

The meeting recommended restoring the constitution of 2005 after amending it to take into account the Juba Peace Agreement and other peace agreements, in addition, to adopting a decentralised federal system of government.

In addition, the participants called to suspend the Eastern Sudan Agreement until a consensus is reached by the local stakeholders.

Rapprochement with armed groups

The adoption of the political platform of the pro-military camp was announced as the FFC and the National Consensus

coalitions are drafting their programme for the transitional government and the elections.

However, the groups of the People of Sudan Initiative seek to operate a rapprochement with the armed groups of the National Consensus coalition that supported the coup of October 25, 2021.

Mohamed Zakaria, National Consensus Spokesman told Sudan Tribune on Sunday that a meeting took place between them and the People of Sudan groups upon the request of the latter on Friday night, hours before the launch of their conference

"We received an invitation to attend the round table conference, but we declined it," he said.

"The People of Sudan Initiative are still drafting their plans and so do we. That is why we agreed that each party would work individually to complete its vision and then consider forming a joint committee in the future," he added.

Mubarak Ardol Secretary-General of the National Consensus said that their drafting committee for the constitutional declaration and mechanism for the formation of transitional government includes representatives of their coalition, the Democratic Unionist Party of Mohamed Osman al-Mirgani, a faction of the Beja Congress, the Council of Churches and Sufi orders and the Native Administration.

Ardol claimed the Resistance Committees are part of this panel but he was referring to former members of Omdurman neighbourhoods committees.

In his speech at the closing session on Sunday, Aljid said they would reach out to all those who were not able to participate in the two-day meeting to brief them about the outcomes of their conference.

The FFC said they had not been invited to take part in the conference.

ICC chief prosecutor arrives in Sudan (The New Arab) August 21, 2022

The International Criminal Court's chief prosecutor Karim Khan has arrived in Sudan, state media reported in the country still wracked by unrest since the 2019 ouster of its leader accused of genocide.

"The ICC prosecutor and a court delegation will hold a number of meetings with senior officials and he will be visiting the Darfur region," the state news agency SUNA said late Saturday. Khan's visit will continue until August 25, SUNA said, a year after he visited the country for talks on outstanding arrest warrants over crimes committed during the 2003 Darfur war under ousted president Omar al-Bashir.

His visit this year is the third by an ICC prosecutor to Sudan since Bashir's ouster in April 2019. Khan's predecessor, Fatou Bensouda, held talks in Sudan in May 2021, bringing the strife-hit country's former leaders one step closer to being tried at The Hague for war crimes.

Sudan has been reeling from deepening unrest, spiralling economic crisis, and a spike in ethnic clashes, including in Darfur, since a military coup last year led by army chief Abdel Fattah al-Burhan.

The October military coup upended a fragile transition put in place following the ouster of Bashir, who was deposed following months of protests.

Bashir remains wanted by the ICC over his role in the 2003 Darfur conflict, which pitted ethnic African minority rebels complaining of discrimination against his Arab-dominated government.

Khartoum then responded by unleashing the notorious Janjaweed militia, recruited from among the region's mainly Arab nomadic peoples.

Human rights groups have long accused Bashir and his former aides of using a scorched earth policy, raping, killing, looting and burning villages.

The United Nations says 300,000 people were killed and 2.5 million displaced during the conflict.

In 2020, Sudan signed a peace deal with key rebel groups, including in Darfur, that was hoped to end the conflict in the far-flung region.

Several ex-rebel leaders have since taken top positions in government.

Since his ouster, Bashir has been held in Khartoum's Kober prison along with several of his former aides who are also wanted

by the ICC. He faces charges of genocide, war crimes and crimes against humanity.

In April, senior Janjaweed militia leader Ali Muhammad Ali Abd al-Rahman, also known by the nom de guerre Ali Kushayb, faced the ICC in its first trial for war crimes in Darfur.

Darfur IDPs hand over new evidence to ICC visiting prosecutor (Sudan Tribune) August 22, 2022

A group of displaced people on Monday handed over to the Prosecutor of the International Criminal Court (ICC) Karim Khan, what they described as new evidence of violations committed by the regime of the ousted President Omer al-Bashir.

A high-level ICC delegation headed by Khan is visiting Sudan for the second time to hold meetings with Sudanese officials over bilateral cooperation for the trial of Ali Muhammad Ali Abdel-Rahman aka Kushyab, and the handover of the wanted former officials including al-Bashir.

Also, the delegation met officials and displaced people in South and Central Darfur states before returning to Khartoum for further meetings with the government.

During a visit to the Central Darfur state on Monday, he inspected the situation in the Hasahisa and Hamidiya camps in Zalingei, two of the largest camps housing thousands of people.

Yagoub Foraowi General Coordinator of Darfur IDPs told Sudan Tribune that the prosecutor had already paid a visit to Kalma camp in South Darfur where he met with the war-affected civilians.

"The representatives of the victims met the prosecutor in Kalma camp for three hours and gave him evidence related to the crime committed during the al-Bashir regime and after his fall," Foraowi told Sudan Tribune.

He did not elaborate on the nature of this evidence. However, he pointed out that the displaced people welcomed the visit and renewed calls for accountability of the perpetrators of the war crimes and crimes against humanity.

The coordinator said that the IDPs stressed the need to hand over former Sudanese officials accused of war crimes, including al-Bashir.

"Also, they briefed him on the violations committed against civilians in South and West Darfur states during the past three years.

Foraowi expressed doubts over the seriousness of the coup leaders in truly handing over the ICC-wanted former officials.

"These people are dishonest and cover up criminals, it has been three years since the fall of al-Bashir and so far there has been no progress in this file. We believe that everyone who refuses to hand over criminals is one of them," he said.

The civilian-led government after the revolution signed two cooperation agreements with the ICC over Darfur crimes. Also, the Sudanese authorities agreed to open an office for the war crimes court and to facilitate the activities of its investigators.

After the coup, an ICC delegation was in Khartoum in December 2021 to discuss cooperation and prepare for Khan's second visit to Sudan. His first visit was in August last year.

His trial opened on April 5, 2022, and continues currently. The court is scheduled to resume its sessions on August 25.

Kushyab is accused of 31 counts of war crimes and crimes against humanity, allegedly committed between August 2003 and at least April 2004.

Sudan: After Darfur visit, ICC prosecutor urges UN to seek justice (Deutsche Welles) August 24, 2022

The chief prosecutor of the International Criminal Court has urged the UN Security Council to do more to deliver justice for the people of Darfur in a landmark address on Tuesday.

The UN says that 300,000 people were killed and two and a half million fled their homes during the ethnic conflict that began in 2003. Former Sudanese President Omar al-Bashir will be tried for genocide after he backed mostly-Arab militias with a scorched earth policy against Darfur's ethnic minority.

The ICC's Karim Khan recently visited the region in person and met with internally displaced people. He said the people of Darfur "are tired of promises."

"The simple truth is that the nightmare for thousands of Darfuris has not ended," he said in a virtual briefing from the Sudanese capital, Khartoum.

"And that nightmare of their experiences in large part continues because meaningful justice and accountability has not been felt in the manner that is required, or in my respectful view was anticipated by the council in 2005."

He called for the Security Council to hold a session on Sudan, adding that if members heard directly from those still living in Darfur's internally-displaced people camps, it would "reawaken our commitment to humanity."

Setbacks with the new government

Khan's Tuesday briefing was the first time an ICC prosecutor addressed the Security Council while in a country where the court is pursuing justice.

Al-Bashir, who was Sudan's president at the time of the Darfur conflict, has remained in prison after he was overthrown in 2019 by military leaders who eventually ushered in civilian elections.

However, another military coup last October has been "a backwards step from the strong period of cooperation" in recent years, Khan said in a report circulated to the Security Council.

"The insecurity that persists following the events of October 25, 2021, also continues to cause disruption to investigative activity," the report added.

First trial underway

The first ICC trial to do with the atrocities in Darfur kicked off in April in The Hague. The defendant was Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, who was a leader in the Arab Janjaweed militia. He pleaded innocent to all 31 charges of war crimes.

Meanwhile, al-Bashir faces charges of genocide and crimes against humanity from his time as president.

Two of his top officials at the time, former interior minister Abdel-Rahim Muhammad Hussein and former security chief Ahmed Haroun, have also been accused of war crimes and crimes against humanity by the ICC.

All three remain in custody in Khartoum.

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Democratic Republic of the Congo

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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ICC Public Documents - Situation in the Republic of Côte d'Ivoire**

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

Nigeria: ISWAP abduct 6 farmers in Borno, slaughter one victim (Daily Post) By Maina Maina
August 17, 2022

At least six farmers were abducted in Mafa, a town in Borno State, Northeast Nigeria, by fighters suspected to be members of the Islamic State West Africa Province (ISWAP), on Wednesday.

An Intelligence Officer told Zagazola Makama, a counterinsurgency expert and Security Analyst in Lake Chad, that the victims who were mostly displaced persons, went missing after they went to their farm at Bulagarji village, located some kilometers away from Mafa town.

Relatives of the victims who confirmed the incident, said the insurgents attacked the farmers in the wee hours on Wednesday and took them to an unknown destination.

One of the relatives who chose to be anonymous, said that the ISWAP were demanding for N5million ransom before they release the victims.

Meanwhile, one Mallam Muhammad, a resident behind University of Maiduguri, who was kidnaped in his farm on Saturday 13 August 2022, has been slaughtered by his abductors.

A family member, who spoke on condition of anonymity, said the kidnappers called his family to demand for the sum of five million naira but his family only raised 3 million Naira.

The kidnappers rejected the money and later called his family to pick his dead body.

He was buried today 18 August, 2022, according to Islam rites.

ISWAP Kills Policeman At Checkpoint In Borno (Leadership) By Francis Okoye
August 24, 2022

A policeman has been killed, while others sustained various degrees of gunshot injuries during an attack on a checkpoint by Islamic State of the West African Province (ISWAP) terrorists at Auno in Konduga local government area of Borno State.

Auno is about, 24 kilometers to Maiduguri, the capital of Borno State and is along the notorious Maiduguri- Damaturu highway where the terrorists have been abducting and killing motorists and passengers.

LEADERSHIP gathered that the terrorists in large numbers attacked a checkpoint mounted by the policemen of the crack team at 1:00am on Monday shooting sporadically, and killing a policeman and wounding others.

An intelligence report by a counter insurgency expert and security analyst Zagazola Makama, in the Lake Chad, indicated that the two officers on duty, engaged the terrorists in a gun duel, which resulted in the death of the victim.

Sources said on hearing the sounds of gunshots, policemen from another location rushed to the scene and engaged the terrorists, forcing them to withdraw.

“The gunmen were believed to have maneuvered their way through a dug parapet and sneaked into the location on foot before attacking the unit. The personnel equally chased the terrorists through their escape route but could not get them,” the source said.

Mali

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Liberia

Liberia's Palava Hut mechanism delivering quick wins in long, winding road to justice (Global News Network) By Cholo Brooks

August 11, 2022

The National Palava Hut hearings, the recommended restorative justice mechanism for crimes of "lesser gravity" committed during Liberia's 14-year civil war, kicked off in Sanoyea on Wednesday, 10 August with the Chairman of the Independent Commission on Human Rights, Cllr T Dempster Brown, calling for justice all crimes committed during the war.

"There must be justice for all the heinous crimes committed during the war if Liberia is to sustain the peace and stability we are enjoying now," said Cllr Dempster Brown promising that "the Commission will not rest until the war crimes court is established".

Bong County Superintendent Esther Walker said Liberians have the duty to sustain peace, appealing to the youth to embrace forgiveness and reconciliation in resolving their differences in order to build back Liberia better.

"The Liberia we want, it is only Liberians who can make it," she said.

UNDP's Resident Representative in Liberia Stephen Rodriques commended the reconciliatory approach of the Palava Hut mechanism but called for the review and implementation of the other important recommendations of the TRC report.

The Palava Hut mechanism has to date resolved 277 war-related cases of human rights violations involving more than 500 people – 275 victims and 244 perpetrators.

This has been accomplished through four hearings, presided over by elders, with technical support from the country's Independent National Commission on Human Rights. The Palava Hut hearings are a traditional restorative justice and accountability mechanism recommended by Liberia's erstwhile Truth and Reconciliation Commission as a complementary mechanism to recommendations to establish a war crimes court to render justice for war crimes, including genocide and crimes against humanity committed during the civil war.

"Traditional forms of justice, which focus less on punishment, are often far more efficient in clearing up cases and maintaining social cohesion. From Rwanda, it was estimated that it would have taken well over 100 years to try the cases arising from the genocide, yet the traditional Gacaca courts heard and resolved them cleared in a few years," said Mr. Rodriques.

The Sanoyea Palava Hut hearings are themed "never again to war." Delegates visited a mass grave in the county.

In the long winding road to justice, the Palava Hut mechanism has been providing a safe environment for victims to come face to face with their attackers to demand accountability and restitution. It has helped people across Liberia to find closure to the hurt, bitterness and hard feelings between community members. The hearings have addressed matters of assault and torture, forced displacement and forced labor, arson attacks, looting and destruction of property, and desecration of sacred sites.

The Independent National Commission on Human Rights (INCHR) has to date conducted Palava Hut hearings in four of the country's 15 counties – Tchien District, Grand Gedeh County (2016); Voinjama District, Lofa County (2017); Tewor District, Grand Cape Mount (2020); and in Central C District, Rivercess County (2021), with support from UNDP. A fifth hearing is taking place in Sanoyea District, Bong County.

“I commend the INCHR for delicately facilitating the hearings, helping victims and their families recover from the trauma of war. It is especially refreshing to see perpetrators of crimes avail themselves for the hearings and thereafter take responsibility for their actions, restituting in ways that are acceptable to the victims and the community. These are high standards by which everyone in a healthy society must ascribe to,” said Stephen Rodriques.

UNDP, with funding from the UN Peace Building Fund (PBF), is supporting the Palava Hut Mechanism as part of its Peace Building, Reconciliation and Social Cohesion Programme.

Former Philly restaurant server ordered to pay \$84M for massacre of 600 civilians during Liberian civil war (The Philadelphia Inquirer) By Jeremy Roebuck

August 23, 2022

A former server at a Philadelphia restaurant has been ordered to pay \$84 million in damages to four citizens of Liberia for leading a massacre that resulted in the deaths of more than 600 civilians seeking sanctuary in a church during the West African nation’s first civil war.

The historic civil judgment, handed down last week by a federal magistrate judge in Philadelphia, is the latest in a series of court actions that seek to hold accountable accused Liberian war criminals, several of whom resettled in Southeastern Pennsylvania as refugees in the ‘90s and early 2000s.

Moses Thomas, 68, was working at the now closed Southwest Philadelphia dining spot Klade’s when he was first identified in a 2018 lawsuit as the military commander who led the 1990 slaughter at St. Peter’s Lutheran Church in Monrovia — an episode that the U.S. State Department has identified as one of the “worst single episodes” of the gruesome multi-factioned ethnic conflict that left more than 200,000 civilians dead between 1989 and 1997.

“Although no amount of damages will provide adequate redress for what [the victims] have suffered,” U.S. Magistrate Judge Lynne A. Sitarski wrote in her Aug. 16 order, “a substantial award could have some deterrent effect on future would-be human rights abusers.”

Thomas, however, remained unrepentant.

He fled back to Liberia after he was outed by the lawsuit to avoid the jurisdiction of the U.S. courts. Reached there by phone on Monday, he dismissed the court order as “stupidity” but otherwise declined to comment.

“Let them go to hell and kiss my ass,” he told the West Africa Reporting Project on Saturday. “To hell with their decision and everything! ... You think I have time for corrupt judges who make stupid decisions without any evidence?”

Because he is no longer in the United States, it is unlikely that Thomas will ever be forced to pay his victims. Still, the judgment Sitarski entered against him was significant.

It is only the second time a U.S. court has awarded damages to Liberian civil war victims under the 1992 Torture Victims Protection Act, a law that allows foreigners to pursue civil claims for torture and extrajudicial killings against people living the U.S.

‘Everyone is dead’

The civil suit that prompted the ruling did not specifically accuse Thomas of killing anyone at the St. Peter’s Lutheran Church.

Instead, one of the plaintiffs and two former members of the Armed Forces of Liberia who served as witnesses in the case said they saw him standing outside the gates to the church directing the soldiers who opened fire.

At the time, Thomas was a commander in the army’s Special Anti-Terrorist Unit, the elite special forces team that served as the personal guard for then-Liberian President Samuel Doe. By the summer of 1990, Doe’s forces were under siege in Monrovia, surrounded by rebel forces under the command of Charles Taylor, who would go on to succeed Doe in the presidency.

Doe believed the population of ethnic Mano and Gio people in Monrovia was more loyal to the invading army than his own. And hoping to root out spies and potential rebels, Thomas’ unit was dispatched to pull Manos and Gios from their homes, haul them off to detention centers or execute and decapitate them in the streets.

The chaos prompted several families to flee to shelters like St. Peter’s Lutheran.

Thomas, according to the lawsuit, stopped by the church compound in the days before the massacre to promise the roughly

2,000 people inside his protection. Yet on the night of July 29, the court found, he ordered 45 government soldiers to kill everyone in the building.

Mothers saw their children shot down among the pews. Men watched in horror as their brothers were hacked to death by machete-wielding soldiers. Bodies filled the nave, left to rot in the aftermath until volunteers eventually buried the corpses two months later.

The plaintiffs — who filed their case under pseudonyms for fear of retaliation in Liberia — described the harrowing aftermath in declarations submitted to the court.

They survived by hiding under bodies as soldiers fired their weapons indiscriminately and stabbed at corpses with machetes and bayonets to ensure everyone inside the church was dead.

“It was mayhem,” said one, who described cowering in the church’s pulpit clutching a Bible to his chest. “People started running around chaotically. ... They shot everyone trying to escape.”

Another plaintiff described waiting until hours after the soldiers had left before she dared try to climb out from under the crush of corpses that had buried her.

“I waited on the floor, under the fallen bodies and soaked in others’ blood,” she said. “There were so many bodies, I could not see the floor. I did not see any other survivors.”

After an hour, other witnesses said in sworn affidavits, Thomas ended the assault with a single command: “Everyone is dead. All soldiers out.”

Nearly three decades later, Thomas scoffed at the lawsuit’s effort to blame him for the Lutheran church attack during an interview with *The Inquirer*.

He insisted that he never left the presidential palace on the day of the massacre and that he and his unit had provided protection for the survivors afterward.

He maintained that he, too, later became a victim of persecution after Doe was beheaded in the streets of Monrovia and Taylor was elected president seven years later.

Thomas was granted temporary protected status as a refugee and fled to the U.S. in 2000.

A record of impunity

Though Thomas, now believed to be living in Monrovia, may have escaped the reach of the U.S. courts, lawyers for the plaintiffs said the ruling should send a strong message to the Liberian government that he should be criminally prosecuted by courts in that country.

“For our clients, their priority has been investigating the truth of what happened to them and their loved ones,” said Nushin Sarakati, a staff attorney at the Center for Justice and Accountability, which represented the Liberians in their suit. “This is a very serious crime that still needs investigating and still needs accountability for these victims.”

Prospects for that outcome, however, remain dim.

To date, the Liberian government has yet to hold anyone responsible for the dozens of documented atrocities committed on all sides of the civil war.

In that absence, U.S. authorities have led the charge in recent years to hold Liberian war criminals to account — particularly in Philadelphia, where federal prosecutors have won criminal convictions against two high-level leaders from opposite sides of the war in recent years.

In 2018, a federal judge sentenced Mohammed Jabateh of Lansdowne to 30 years in prison for hiding his past as a brutal warlord who engaged in acts of murder, sexual violence, and cannibalism under the nom de guerre “Jungle Jabbah.”

That same year, a jury convicted Jucontee Thomas Woewiyu — Taylor’s former spokesperson — for lying to U.S. immigration authorities about his complicity in war crimes committed by Taylor’s regime. He died from complications stemming from the coronavirus in 2020 before he could be sentenced.

Prosecutors secured indictments against two other Liberian nationals living in Philadelphia earlier this year: Moses Slinger Wright, a 69-year-old former commanding general in Doe’s army, and Laye Sekou Camara, 43, a former rebel commander

who fought under the name “Dragon Master” and allegedly committed war crimes during Liberia’s second civil war between 1999 and 2003. They’re set to face trial next year. But unlike those four men — all of whom were prosecuted not for the atrocities they committed but for later lying about them to immigration authorities — Thomas never sought permanent residency or U.S. citizenship and therefore could not be criminally prosecuted under the same immigration laws.

Still, his victims said the U.S. court’s ruling in their civil case gave them something they’d been denied by their own government for decades — acknowledgment of what they’d survived.

“It’s very difficult for me to remember about these events, because it makes me feel terrible,” said one of the plaintiffs in a statement circulated by his attorneys. “But I joined this case and am speaking out now because I know what Moses Thomas did was wrong, and I want to bring him to justice. I want him to be held accountable for what he did to me and so many others at the Lutheran Church.”

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EAST AFRICA

Uganda

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Hague trial set for Rwanda genocide accused Felicien Kabuga (France 24) August 18, 2022

Felicien Kabuga, an alleged financier of the 1994 genocide in Rwanda, will go on trial in The Hague on September 29 facing charges of genocide and crimes against humanity, a UN judge announced Thursday.

Once one of Rwanda's richest men, Kabuga allegedly helped set up hate media that urged ethnic Hutus to "kill Tutsi cockroaches" and funded militia groups.

Now in his 80s, Kabuga was arrested in France in May 2020 and transferred to a UN tribunal in The Hague to face charges of

playing a key role in the slaughter of 800,000 Tutsis and moderate Hutus.

"The Chamber orders the trial to commence at the Hague branch with opening statements on the 29th of September... and evidence to start on the 5th of October," Mechanism for International Criminal Tribunals (MICT) judge Iain Bonomy said.

Wearing a dark suit, spotted black tie and striped white shirt, a frail-looking Kabuga listened intently through headphones perched on his head.

Earlier he was pushed into the courtroom in a wheelchair.

Kabuga was originally scheduled to appear in court in Arusha, where the other arm of the MICT resides, but judges had ruled he would remain in The Hague "until otherwise decided."

In June, the judges denied a defence objection, ruling Kabuga was indeed fit to stand trial.

Bonomy said on Thursday the defendant would appear "three times a week for two hours at a time."

Kabuga is being held at the tribunal's detention unit a few kilometres (miles) away.

He will be allowed to attend hearings through a video link if necessary, the judge said.

"Routine is an important part of Mr Kabuga's life," he said. "Whatever is required will be done."

Kabuga listened motionless but told Bonomy he wanted to change lawyers when asked if he wished to address the court.

On the run

His current defence lawyer, Emmanuel Altit, pleaded not guilty on his client's behalf at Kabuga's first appearance in November 2020.

He faces six charges including one count of genocide and three counts of crimes against humanity: persecution, extermination and murder.

The UN says 800,000 people were murdered in Rwanda in 1994 in a 100-day rampage that shocked the world.

An ally of Rwanda's then-ruling party, Kabuga allegedly helped create the Interahamwe Hutu militia group and the Radio-Télévision Libre des Mille Collines (RTLM), whose broadcasts incited people to murder.

The radio station also identified the hiding places of Tutsis where they were later killed, prosecutors said in the indictment.

More than 50 witnesses are expected to appear for the prosecution, which said they needed about 40 hours to wrap their case.

Prosecutors said Kabuga controlled and encouraged RTLM's content and defended the station when the minister of information criticised the broadcasts.

Kabuga is also accused of helping to buy machetes that were distributed to genocidal groups, and ordering them to kill Tutsis.

Later fleeing Rwanda, Kabuga spent years on the run using a succession of false passports.

Investigators say he was helped by a network of former Rwandan allies to evade justice.

Following his arrest in a small apartment near Paris, his lawyers argued that Kabuga, whose age is now given as 87 on the indictment, should face trial in France for health reasons.

But France's top court ruled he should be moved to UN custody, in line with an arrest warrant issued in 1997.

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21 Killed and Over 100 Wounded as al-Shabab Gunmen Seize Hotel in Somali Capital (Democracy Now) August 22, 2022

At least 21 people died in Somalia after militants stormed an upscale hotel in Mogadishu Friday, beginning a 30-hour siege. Somali officials say at least 117 people were wounded. Authorities accused members of the group al-Shabab of attacking and seizing the hotel at about 7 p.m. local time on Friday. An intense battle for control of the hotel lasted until Saturday night. It was the first large attack in Mogadishu since Somalia's new president, Hassan Sheikh Mohamud, took office in May.

Somalia's daring move aimed at defeating al-shabab (The Star) August 24, 2022

In an audacious appointment, Somalia's new government has included a former al-Shabab militant, who once fought against the authorities, in the cabinet, but the weekend's deadly hotel siege is a reminder of the tough task ahead for those in power.

When Somalia's new President Hassan Sheikh Mohamud took office in May he declared a top priority was bringing an end to the country's 15-year Islamist insurgency.

Three months later al-Shabab staged one of its most spectacular ever attacks, storming a hotel a short drive away from the presidential palace in the capital, Mogadishu.

They held it for 30 hours. Officials said more than 20 people died in the siege of the Hayat and 117 were injured.

Less than a month earlier, the group mounted an unprecedented invasion of neighbouring Ethiopia.

It was as if they were cocking a snook at the new president.

International diplomats have described the complex, coordinated attack as a "game-changer" that took at least 18 months to plan and involved an estimated 1,200 fighters.

The then-commander of US Africa Command, General Stephen Townsend, said the militants penetrated 150km (93 miles) inside Ethiopia.

One reason why the group was able to stage this brazen assault was the increase in conflict in Ethiopia after years of general stability and growth.

Shortly after civil war erupted in the northern Tigray region in November 2020, a member of al-Shabab called me up.

"We are simply crossing our arms and enjoying the spectacle of Ethiopia destroying itself," he gloated. "The time to strike our primary enemy is finally approaching."

Ethiopia is one of the countries in the region which has sent troops to Somalia to support the government.

This is the second time President Mohamud has been in power. When I interviewed him shortly after the start of his first term in 2012, he said he would defeat the militants within two years.

Ten years later, they are still going strong.

The chairman of the Mogadishu-based Hiraal security think-tank, Mohamed Mubarak, says they are "more powerful and sophisticated than they were in 2012".

Al-Shabab has developed a parallel government and controls large swathes of territory.

It taxes people inside and outside areas it controls. Even Mogadishu residents prefer to use its justice system, which they consider more efficient and less corrupt than official courts.

The group continues to attack at will, firing mortars at parliament and into the heavily fortified international airport which houses embassies, the UN and foreign troops.

No wonder al-Shabab has been described as al-Qaeda's most successful affiliate.

President Mohamud acknowledges that al-Shabab cannot be defeated by brute force alone.

On 2 August, the government took the bold gamble of bringing in one of its former arch-enemies as part of a new strategy to end the conflict.

I was in Mogadishu at the time, in a car with friends stuck at a roadblock.

For once, nobody was in the least bit bothered about being ordered out of the car, bodies searched, vehicle and bags gone through with a fine-tooth comb. As we waited in the only small patch of shade we could find, we went into a kind of trance, eyes glued to our mobile phones as we watched the prime minister's spokesman announce the new cabinet.

The name we were waiting for was that of a founding member of al-Shabab, trained in Afghanistan.

The rumours turned out to be true.

Al-Shabab's former deputy leader and spokesman, Mukhtar Robow, was named religious affairs minister.

While some were horrified by the move, many Somalis have greeted with enthusiasm the entry into government of a man who used to be on the US list of most-wanted terrorists with a \$5m (£4.2m) bounty on his head.

They include the MP and former BBC correspondent Moalimuu Mohamed who bears the scars of being caught up in five al-Shabab attacks. A targeted suicide bombing earlier this year left him fighting for his life.

"I welcome Mr Robow's appointment," says Mr Mohamed.

"As a former jihadist leader he will contribute a lot to the fight against al-Shabab. He can work with the religious community to challenge extremist ideology and convince the militants that their beliefs do not follow the true path of Islam."

Mr Robow fell out with al-Shabab in 2013. He publicly denounced the group, even donating blood for victims of a huge truck bombing in Mogadishu in October 2017 which killed nearly 600 people.

He was detained in December 2018 and kept under house arrest until he was named as a government minister. He said he received the phone call while in detention.

The security expert, Mr Mubarak, describes Mr Robow's appointment as a "brilliant idea from a counter-terrorism perspective".

"He is a powerful tool, especially in terms of ideology, as he will provide strong doctrinal pushback against al-Shabab. As a founding member of the group he knows them inside out. He knows how they think and how they act."

Others have reacted with horror to Mr Robow's appointment and see it as yet another sign of the impunity that has marked Somalia's more than three decades of conflict.

Social media has been ablaze with criticism. Many of the remarks on Twitter were hostile:

"If Somalia was a working society, Robow would have been executed publicly."

"The appointment of this ruthless and vicious killer means only one thing: Al-Shabab has officially infiltrated Somalia's government."

Al-Shabab believes its former deputy leader's acceptance of a government job is a heinous crime, meriting the ultimate punishment.

In a 10-minute recorded statement the group's spokesman, Ali Dheere, said "Robow is an apostate. Shedding his blood is permissible."

President Mohamud believes his appointment combined with a renewed military offensive will weaken al-Shabab sufficiently to force it into talks.

"It all depends on political will," says Mr Mubarak.

"The downfall of al-Shabab will only come if the African Union and other foreign forces, federal and regional troops, and local militias all come together. Only then will they negotiate and make compromises."

Militant-turned-minister Mr Robow now talks of peace and forgiveness. He says he will work with Islamic scholars to

persuade people to leave al-Shabab by convincing them that what they do is un-Islamic.

But it is unclear whether the government's gamble will pay off, or simply strengthen al-Shabab's resolve to fight harder than ever before.

Recent events suggest it will be the latter.

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Ethiopia

WHO chief says lack of focus on Tigray may be due to skin colour, drawing Ethiopia government criticism (The New Arab) August 19, 2022

The World Health Organization's director-general said on Wednesday the crisis in Ethiopia's Tigray region is "the worst disaster on Earth" and asserted that the lack of attention from global leaders may be due to Tigrayans' skin colour, but Ethiopia's government criticised the comments as "unethical".

The spokeswoman for Ethiopia's prime minister on Thursday told journalists that the comments by WHO chief Tedros Adhanom Ghebreyesus were "unbecoming of such a high-profile position".

Billene Seyoum suggested that Tedros, himself an ethnic Tigrayan, should recuse himself from his post if he wants to talk that way.

She spoke a day after the WHO chief in an emotional statement at a press briefing asserted that the 6 million people in Tigray have been "under siege" for the last 21 months because of the conflict that erupted there in late 2020 between Ethiopian and Tigray forces.

"I haven't heard in the last few months any head of state talking about the Tigray situation anywhere in the developed world. Anywhere. Why?" Tedros asked.

"Maybe the reason is the colour of the skin of the people in Tigray."

Earlier this year, he asked whether the world's overwhelming focus on Russia's war in Ukraine was due to racism, although he acknowledged the conflict there had global consequences.

Ethiopia's conflict has serious regional implications, with the potential to destabilise the strategic and sometimes turbulent Horn of Africa region.

Very little humanitarian aid was allowed into Tigray after Tigray forces retook much of the region in June 2021, and humanitarian workers and local health workers described people starving to death and basic medical supplies running out.

Aid has started flowing more substantially in the past few months amid international mediation efforts, but the deliveries are widely described as inadequate to meet the needs of the millions of people essentially trapped there.

Aid groups say major shortages of fuel to deliver supplies remain.

The resumption of basic services and banking remains a key demand of the Tigray leaders.

On Thursday, the prime minister's spokeswoman said "an operable environment needs to happen" for the return of those services, including safety guarantees for service workers in the region.

She also noted a government proposal for "peace talks in the coming weeks" and stressed they must be without preconditions.

She accused the Tigray leaders of "looking for excuses to avoid these peace talks".

She dismissed Tigray forces' allegations of new attacks by Ethiopian forces as "a mechanism to deflect" discussions on the peace process.

Ethiopia's government has said it is willing to hold talks "any time, any place" but led by its preferred mediator, the African Union special envoy.

In a sign of its rejection of other mediation efforts attempted by neighbouring Kenya's President Uhuru Kenyatta with backing from the United States, Ethiopia's government offered its congratulations to Kenyan president-elect William Ruto within minutes of Monday's declaration of his election win.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Dusan Culibrk sentenced to Twenty Years in Prison for War Crimes (Sarajevo Times) August 15, 2022

The Court of Bosnia and Herzegovina issued a first-instance verdict in which Dusan Culibrk was sentenced to 20 years in prison for crimes committed in the summer of 1992 in the area of Bosanska Krupa, that is, for participating in the murders of 51 civilians from the area of Prijedor.

Culibrk is accused of, as a member of the reserve police force of the Bosanska Krupa Public Security Station (SJB), in July 1992 participating in the abduction and subsequent murders of 44 detainees from the Omarska camp in Donji Dubovik. He is also charged with the murders of seven Bosniak civilians who were moving from the direction of Prijedor towards Bihać.

Culibrk did not appear at the sentencing, and the Court of Bosnia and Herzegovina ordered his detention as of today.

There is a possibility of appeal against this verdict.

Bosnian Serb Accused of War Crimes Becomes Belgrade Councillor (Balkan Transitional Justice) By Milica Stojanovic
August 18, 2022

Svetozar Andric, a wartime Bosnian Serb Army brigade commander who has been accused of expelling Bosniaks from the town of Zvornik, was elected as a member of the Belgrade City Council.

Svetozar Andric, the former commander of the Bosnian Serb Army's Birac Brigade and later the chief of staff of the Drina Corps during the Bosnian war, was officially elected as a new member of the Belgrade City Council on Thursday.

Andric was proposed by the ruling coalition in the City Assembly, led by Serbian Progressive Party and current mayor, former water polo player Aleksandar Sapic.

Andric's biographical details, which were provided to assembly members, said he had a "successful multi-decade military career", and that after he retired, he led his family company's and then in June 2016 started his political career.

In 2018, the Belgrade-based Humanitarian Law Centre filed a criminal complaint accusing Andric of ordering "the 'eviction' of the Bosniak population from [the town of] Zvornik" on May 28, 1992.

"A few days later, on May 31, 1992, Andric issued an order to establish the Susica [detention] camp in Vlasenica. The camp existed until September 30, 1992, and during that period, the detainees were kept in inhumane conditions – they slept on

concrete, received one meal a day, and did not enjoy basic hygienic conditions,” the Humanitarian Law Centre said in a statement.

“Most were beaten daily, while the women who were detained in the camp were raped. Around 160 detainees were killed,” it added.

“Also, in May and June 1992, the brigade commanded by Svetozar Andric persecuted Bosniaks from more than 20 villages in the Vlasenica municipality. In March of the following year, members of the brigade of which Andric was commander burned the village of Gobelje in the municipality of Vlasenica,” the statement also alleged.

Andric denied committing the alleged crimes when he testified at the trial of former Bosnian Serb military chief Ratko Mladic in The Hague in 2015.

In reaction to some opposition councillors’ criticism of Andric’s appointment, Belgrade mayor Aleksandar Sapic told assembly members on Thursday that “a person who the Humanitarian Law Centre files a [criminal] complaint against should be celebrated by the Serbian people”.

Andric was an MP in Serbia from August 2020 until the most recent elections in April 2022.

Before becoming an MP, he was a deputy leader of the New Belgrade municipal council, when Sapic was the municipal council’s president.

Bosnia Charges Croat Ex-Military Policeman with Beatings, Rape (Balkan Transitional Justice) By Lamija Grebo
August 23, 2022

Former Croatian Defence Council, HVO military policeman Ante Pavic has been charged with committing war crimes against Serb civilians who were detained in Bosanski Brod in 1992.

The District Court in Doboj has confirmed an indictment charging Ante Pavic, a former military policeman with the Croatian Defence Council, the Bosnian Croat wartime force, with war crimes against civilians.

According to the indictment, Pavic participated in beatings, unlawful detentions and rape – crimes committed against civilians who were being held in a detention facility at the Polet football club stadium and old police building in Bosanski Brod.

Serb civilians who were not participating in hostilities were held at the detention facility between April and September 1992.

Pavic is been accused of beating a detainee using his fists and police baton on several occasions in the old police building in Bosanski Brod from April to May 1992 and unlawfully detaining a civilian in June.

He also raped one detainee in September 1992, “causing great suffering and pain to her”, the indictment also claimed.

It is believed that Pavic is a resident of neighbouring Croatia. His lawyer said he gave a statement in Slavonski Brod in Croatia late last year, but the details of the questioning remain unclear and the District Public Prosecution in Doboj has received no official confirmation that it happened.

“The prosecution maintains its proposal to order him into custody until we are able to examine the suspect. We shall try to check whether we can obtain his statement. We shall also check that through the Ministry of Justice of Bosnia and Herzegovina,” said prosecutor Mersiha Mehmedagic.

According to the District Prosecution in Doboj, the indictment was confirmed late last month.

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Domestic Prosecutions In The Former Yugoslavia

Bosniak Former Political Leader's War Crimes Trial Set for September (Balkan Transitional Justice) By Emina Dizdarevic

August 17, 2022

Ejup Ganic, a Bosniak former political leader who was a member of Bosnia's presidency during the war, will go on trial next month for his alleged role in a deadly attack on Yugoslav troops in Sarajevo in 1992.

It was announced at a status conference at the Bosnian state court on Wednesday that the high-profile trial of prominent wartime political leader Ejup Ganic and nine other defendants who are accused of involvement in war crimes in the high-profile Dobrovoljacka Street case will begin on September 21.

Ganic, who was a member of Bosnia's presidency during the war, and his co-defendants are charged with planning and carrying out an attack on May 3, 1992 in Dobrovoljacka Street in Sarajevo on an undefended convoy of Yugoslav People's Army soldiers and civilians employed with them.

The convoy was being escorted by UN peacekeeping troops as it retreated from Sarajevo at the time of the attack.

The other defendants are Zaim Backovic, Hamid Bahto, Hasan Efendic, Fikret Muslimovic, Jusuf Pusina, Bakir Alispahic, Enes Bezdob, Ismet Dahic and Mahir Zisko.

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

The prosecution says it has collected evidence about eight identified victims' deaths, including civilians and medical personnel, and about a further 24 people who were wounded. It also says it has evidence of the capture of dozens of soldiers and civilians who were then tortured and abused.

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

On July 12, Ganic and the others pleaded not guilty to committing war crimes against prisoners of war and civilians.

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Turkey

Questions and Answers: Turkey's Threatened Incursion into Northern Syria (Human Rights Watch) August 17, 2022

Since May 2022, Turkish President Recep Tayyip Erdoğan has threatened a military incursion into northeast Syria targeting the cities of Tel Rifaat and Manbij in Aleppo governorate. The two cities, west of the Euphrates River, are under the control of the Syrian Democratic Forces (SDF), a United States-backed Kurdish-led armed group. The group militarily controls most of northeast Syria, which is governed by the quasi-autonomous self-declared Autonomous Administration of North and East Syria. This planned incursion would be Turkey's fourth into northern Syria since 2016.

Turkey last conducted a military operation into the region in October 2019, alongside the Turkish-backed Syrian National Army, a coalition of Syrian opposition armed groups. Since then, Turkey has occupied a segment of the border area previously held by the Autonomous Administration between the city of Ras al-Ayn (Serekaniye in Kurdish) and surrounding areas in al-Hasakeh governorate and the towns of Tal Abyad (Gire Spi in Kurdish) and Ein Issa in al-Raqqah governorate.

The following question-and-answer document focuses on Turkey's laws-of-war obligations should it initiate a fresh offensive into northeast Syria, concerns relating to refugees and internally displaced people, the implications for Syrians and foreigners detained in the region for alleged links to the Islamic State (ISIS). It also addresses the human rights priorities that the Kurdish-led forces and other parties to the conflict should adopt during any imminent offensive.

1. Why is Turkey threatening a military operation into northeast Syria?
2. What is the current humanitarian situation in northern Syria?
3. What has been the result of previous Turkish incursions into northern Syria?
4. What are Turkey's obligations under international humanitarian and human rights law during any military operation in Syria?
5. What are Turkey's obligations under international law to civilians seeking to flee their military operation?
6. What are Turkey's obligations under international law to civilians in the areas it occupies as a result of its military operation?
7. What is the human rights record of the Kurdish-led authorities and other armed groups on the ground in northeast Syria?
8. What other armed groups operate in or around northeast Syria?
9. What is Turkey's current response to the Syrian refugee crisis?
10. What are "safe zones" and "safe areas"?
11. Have "safe zones" been safe?
12. What would a Turkish invasion into northeast Syria mean for the men, women, and children arbitrarily detained in northeast Syria as Islamic State (ISIS) suspects? 1. Why is Turkey threatening a military operation into northeast Syria?

Erdoğan has long stated his aim to create a 32-kilometer-deep "safe zone" in northeast Syria in response to perceived threats from the People's Protection Units (YPG and YPJ), the largest elements of the SDF. The Turkish government considers the YPG and YPJ to be terrorist groups linked to the armed Kurdistan Workers' Party (PKK) with which Turkey has been in a decades' long conflict on Turkish soil. Turkey's earlier military incursions into northern Syria, also aimed at pushing back Kurdish-led forces, have been rife with human rights abuses.

A second stated objective is to forcibly relocate a million Syrian refugees to the zone from Turkey. Turkey shelters a little over 3.6 million Syrian refugees, whom it has given temporary protection. About 500,000 of them are in Istanbul. Turkey has more refugees than any other country and almost four times as many as the entire European Union (EU). However, Turkey has failed to abide by the binding obligation of nonrefoulement, which forbids returning anyone to a country where they would be at risk of serious human rights violations.

Turkish drone attacks and shelling by Turkish-backed Syrian forces on northeast Syrian cities and towns held by the SDF have intensified in recent months, killing and injuring civilians, including children, according to the Rojava Information Center, a volunteer media and research organization in northeast Syria.

On August 11, the SDF said its forces killed Turkish soldiers in response during three separate operations on August 8.

The United States, Russia, and Iran have all publicly warned against another Turkish incursion into northeast Syria. 2. What is the current humanitarian situation in northern Syria?

Ten years of conflict have decimated Syria's infrastructure and social services, resulting in massive humanitarian needs. Over 13 million Syrians needed humanitarian assistance as of early 2021. Millions of people in northeast and northwest Syria, many of whom are internally displaced, rely on the cross-border flow of food, medicine, and other lifesaving assistance.

In 2020, Russia used its veto power to force the United Nations Security Council to shut down three of four authorized border crossings into northern Syria, cutting off UN cross-border aid for the northeast entirely and making it more difficult to

distribute aid in the northwest. Currently, all of northern Syria relies exclusively on the one remaining border crossing to northwest Syria from Turkey to bring in all UN-supplied humanitarian aid and medical supplies to civilians. On July 12, 2022, after Russia vetoed a 12-month extension of life-saving aid deliveries from this last remaining crossing, the Security Council settled on a six-month renewal instead, with another vote set for mid-winter, leaving UN aid agencies scrambling to prepare.

According to a June 20 report by the United Nations Office for the Coordination of Humanitarian Affairs, in northwest Syria alone, food insecurity has reached record high levels. Food prices continue to rise sharply, basic services remain severely limited, and 2.8 million people there have been internally displaced. Out of 1.7 million people living in camps or informal settlements, 800,000 live in tents, many of them old, overcrowded, and unfit for extreme weather.

While the scope of the anticipated Turkish military operation is not yet known, any major offensive is likely to displace thousands more people, straining a humanitarian response that is already at its limits. 3. What has been the result of previous Turkish incursions into northern Syria?

Turkish military incursions into northeast Syria have been fraught with human rights abuses, and in Turkish-occupied territories today, Turkey and local Syrian factions are abusing civilians' rights and restricting their freedoms with impunity.

During and in the immediate aftermath of the October 2019 invasion, Turkey and the Syrian National Army (SNA), a non-state armed group backed by Turkey in northeast Syria, indiscriminately shelled civilian structures and systematically pillaged private property held by the local Kurdish population, arrested hundreds of people, and summarily killed Kurdish forces, political activists, and emergency responders in areas they occupy in northeast Syria.

By December 2019, Turkish authorities and the SNA had arrested and illegally transferred at least 63 Syrian nationals from northeast Syria to Turkey to face trial on serious charges that could lead to a life sentence. Most are reportedly still detained in Turkey pending the outcome of their ongoing trials. The SNA has also apparently blocked Kurdish families displaced by Turkish military operations from returning to their homes.

According to the UN Commission of Inquiry on Syria, Turkish-backed forces also committed sexual violence against women and men in territories under their control, including at least 30 incidents of rape. In 2021, Syrians for Truth and Justice, a Syrian nongovernmental organization based in Europe, reported that that SNA factions also recruit children, and documented at least 20 such cases.

Turkey and Turkish-backed factions have also failed to ensure adequate water supplies to Kurdish-held areas in northeast Syria. About 460,000 people in these areas depend on water from the Allouk water station near the town of Ras al-Ain (Serekaniye). The station's supply was interrupted multiple times following its takeover by Turkey and Turkish-backed forces in October 2019.

Turkey's 2018 military offensive in Afrin resulted in the deaths of dozens of civilians and displaced tens of thousands, according to the United Nations. Human Rights Watch investigated three attacks into northwest Syria at the time that claimed the lives of 23 civilians, bringing into question whether the Turkish Armed Forces had taken all the precautions necessary to minimize civilian harm. Turkish-supported non-state armed groups also seized, destroyed, and looted properties of Kurdish civilians in Afrin without compensating the owners, and installed fighters and their families in residents' homes. Local activists reported at the time at least 86 incidents of abuse that appeared to amount to unlawful arrests, torture, and disappearances by those groups. 4. What are Turkey's obligations under international humanitarian and human rights law during any military operation in Syria?

Under international law, Turkish Armed Forces must take all feasible measures to avoid, and in any event minimize, the loss of civilian life, injuries to civilians, and damage to civilian objects during military operations. This means they should strictly observe international standards and procedures with respect to their means and methods of warfare designed to prevent civilian casualties, and should robustly and transparently report airstrikes and enemy and civilian casualties.

The laws of war strictly prohibit attacks targeting civilians or civilian structures unless they were being used for military purposes, and prohibit indiscriminate attacks that fail to distinguish between military and civilian targets. Attacks must also be proportionate, meaning that any anticipated civilian casualties or damage to civilian buildings should not be excessive in light of the concrete military advantage anticipated.

Turkey should promptly, impartially, and thoroughly investigate any civilian casualties that result from its operations. It should identify those responsible for civilian deaths resulting from violations of international humanitarian law and hold them accountable, including through criminal trials in the event of war crimes. Turkey should provide compensation for wrongful civilian deaths and injuries and appropriate "condolence" or ex gratia payments for civilian harm. 5. What are the obligations of Turkey and other parties to the conflict under international law to civilians seeking to flee their military operation?

The laws of war require all parties to the conflict to take all feasible steps to evacuate civilians from areas of fighting or where

fighters are deployed and not to block or impede the evacuation of those wishing to leave.

Turkey and all parties to the conflict are required to allow civilians to flee ongoing hostilities and to receive aid. The parties to the conflict should ensure that fleeing civilians are safe and have access to humanitarian assistance and always ensure the safety and security of humanitarian relief personnel.

During the 2018 Turkish incursion into Afrin, armed groups affiliated with the SDF prevented civilians from fleeing and forced them to remain in areas where active hostilities occurred, while the Syrian government blocked civilians fleeing the Turkish-led military actions from entering territory under government control. 6. What are Turkey's obligations under international law to civilians in the areas it occupies as a result of its military operation?

As an occupying power and/or as a supporter of any local factions operating in areas under their control, Turkish authorities must ensure that their own officials and those under their command do not arbitrarily detain, mistreat, or abuse anyone.

Turkey should ensure that no pillaging or forcible taking of private property for personal use occurs. Under the laws of war, this is prohibited and can constitute a war crime. Combatants are not allowed to seize property for personal use, including to house their own families. The laws of war also prohibit destruction of property not justified by military necessity.

While the laws of war allow Turkish authorities to detain or intern civilians in occupied territory temporarily on security grounds, they are prohibited from transferring Syrian nationals from an occupied area to Turkey, whether for detention or prosecution purposes.

The authorities are obliged to investigate alleged violations and ensure that those responsible are appropriately punished. Commanders who knew or should have known about crimes committed by their subordinates but took no action to prevent or punish them can be held criminally liable as a matter of command responsibility.

Turkey should vet any armed groups it assists, make compliance with international humanitarian law a condition of assistance, and monitor such compliance. It should make clear that looting, arbitrary arrests, and mistreatment are unlawful and that it will investigate any credible allegations of abuses by groups on the ground. 7. What is the human rights record of the Kurdish-led authorities and other armed groups on the ground in northeast Syria?

The Syrian Democratic Forces (SDF), an alliance of Kurdish and Arab armed groups led by the YPG, was formed in October 2015 to fight ISIS as it was making large territorial gains in northern Syria. The US and other Western countries have actively supported and armed the SDF in the fight against the extremist armed group, including as part of the US-led Global Coalition to Defeat ISIS.

The SDF have carried out mass arrest campaigns against civilians including activists, journalists, and teachers. In 2017, Human Rights Watch received reports of torture and ill-treatment in detention facilities controlled by the SDF. The SDF also held people without charge in violation of fair trial guarantees, local residents reported. Local activists also reported that the SDF restricted the freedom of movement of displaced people from Raqqa and Deir-Ezzor province in displacement camps that the SDF controlled.

In late July 2022, amid heightened tensions with Turkey, the SDF reportedly arrested at least 16 activists and media workers. According to the Syrian Network for Human Rights, the arrests were carried out under the pretext of "espionage."

The Global Coalition to Defeat ISIS, in partnership with the SDF, has also violated international humanitarian law with indiscriminate strikes in northeast Syria that resulted in civilian death and destruction.

Human rights priorities for Kurdish-led forces and other armed groups operating in and around northeast Syria should include taking all feasible precautions to avoid civilian casualties, investigating alleged unlawful strikes, and ensuring that civilians can flee the fighting in safety.

All parties who effectively control areas in northeast Syria should also provide sufficient support to displaced people and ensure that ground troops do not harass, arbitrarily arrest, or mistreat residents who choose to remain. 8. What other armed groups operate in or around northeast Syria?

The US has roughly 900 troops in northeast Syria as part of the Global Coalition to Defeat ISIS. The United Kingdom also had ground forces in northeast Syria as part of the Global Coalition. They were active during the 10-day battle to recapture a prison from ISIS in al-Hasakah region in January 2022.

As Turkey continues to threaten a military escalation, Russian and Syrian government forces appear to be bolstering their presence in northern Syria. Both Syrian and Russian military forces have a record of apparent war crimes and potential crimes against humanity in Syria. 9. What is Turkey's current response to the Syrian refugee crisis?

Turkey continues to host the world's largest number of refugees and asylum seekers and in 2016, made a deal with the European Union that offered billions of euros in aid in exchange for preventing onward migration to Greece and its islands.

Turkey shelters almost 3.6 million Syrians registered under a "temporary protection" regulation, which Turkish authorities say automatically applies to all Syrians seeking asylum. This reflects the UN refugee agency's position that "the vast majority of Syrian asylum-seekers continue to ... need international refugee protection" and that "states [should] not forcibly return Syrian nationals and former habitual residents of Syria."

About 200,000 Syrians have been granted Turkish citizenship. While some Syrians in Turkey have successfully established businesses, attended school, and graduated from universities, many face great poverty and hardship, drop out of school early, and are employed for lower wages than Turkish citizens earn in Turkey's informal economy. Under a geographical limitation reservation that Turkey has set to the UN Refugee Convention, Syrians and others coming from countries to the south, east, and north of Turkey's borders are not granted full refugee status in Turkey.

Since early 2015, Turkey has all but closed its borders to Syrians fleeing the conflict, and they have increasingly been forced to use smugglers to reach Turkey. In late 2015 and 2018, Human Rights Watch documented that Turkish border guards intercepted Syrians who crossed to Turkey using smugglers and in some cases beat them, shot at them, killing or wounding them, and pushed them and dozens of others back into Syria or detained and then summarily expelled them.

Under its March 2016 deal with Turkey, the EU maintains that Turkey is a safe country to which it can return Syrian asylum seekers from Greece. Turkey has never met the EU's safe third country criteria, though, and recent Human Rights Watch research documenting unlawful deportations of Syrian refugees from Istanbul and other cities in Turkey shows that any Syrian forcibly returned from Greece could face a risk of onward refoulement to Syria.

Over the past two years, there have been signs of a rise in racist and xenophobic attacks against foreigners, notably against Syrians. On August 11, 2021, groups of youths attacked workplaces and homes of Syrians in a neighborhood in Ankara a day after a fight during which a Turkish youth stabbed by a Syrian youth died. The Syrian youth and another Syrian boy are on trial for the murder.

Opposition politicians have made speeches that fuel anti-refugee sentiment and suggest that Syrians should be returned to war-torn Syria. President Erdogan's coalition government has responded with pledges to resettle Syrians in Turkish-occupied areas of northern Syria in an attempt to respond to the opposition parties' weaponization of the refugee issue in periods before Turkey's presidential and parliamentary elections, likely to take place in 2023.

Against this backdrop of anti-refugee sentiment, Turkey is unlawfully deporting hundreds of Syrian men and some boys to northern Syria. Human Rights Watch has recently documented that Turkish authorities and security forces have arrested, detained, and summarily deported hundreds of Syrian refugees, often coercing them into signing "voluntary" return forms and forcing them to travel into northern Syria through the Öncüpınar/Bab al-Salam and Cilvegözü/Bab al-Hawa border crossings.

Turkey is bound by the obligation of non-refoulement, part of international law, which prohibits the return of anyone to a place where they would face a real risk of persecution, torture or other ill-treatment, or a threat to life. Turkey also may not use violence or the threat of violence or detention to coerce people to return to places where they face harm. Human Rights Watch highlights the following recommendations in this context: • If there is an invasion, Turkey should open its borders to those in need and allow those fleeing the conflict to seek protection inside Turkey.

- Turkey should immediately stop unlawfully deporting Syrian refugees to northern Syria, including completely ending its misuse of voluntary return forms. 10. What are "safe zones" and "safe areas"?

"Safe zones" or "safe areas" are areas designated by agreement of parties to an armed conflict in which military forces will not deploy or carry out attacks. Such areas have also been created by UN Security Council resolutions. They can include "no-fly" zones, in which some or all parties to a conflict are barred from conducting air operations. Such areas are intended to protect civilians fleeing hostilities and to make it easier for them to access humanitarian aid. UN peacekeepers or other forces may defend them.

While the 1949 Geneva Conventions and their additional protocols do not specifically mention safe areas or safe zones, they recognize similar arrangements, notably "protected zones" and "demilitarized areas." The latter are buildings or small areas where the parties to the conflict agree that civilians can get protections in addition to those already provided under international humanitarian law, or the laws of war. The Geneva Conventions also permit parties to a conflict to conclude "special agreements" to improve protection of civilians.

The creation of safe zones has no bearing on the prohibition under international humanitarian law of attacks targeting civilians, whether those civilians are inside or outside the designated safe zone. Civilians outside safe zones remain protected

from deliberate attacks. 11. Have “safe zones” been safe?

International experience has shown that “safe zones” and “safe areas” rarely remain safe. Such areas often pose significant dangers to the civilian population within them. Without adequate safeguards, the promise of safety can be an illusion, and “safe areas” can come under deliberate attack. There may also be pressures on humanitarian agencies to cooperate with military forces that control access to safe zones in ways that compromise the agencies’ humanitarian principles of neutrality, impartiality, and independence.

Parties establishing safe zones may intend to use them to prevent fleeing civilians from crossing borders, rather than to genuinely provide protection. Such zones have been used as a pretext for preventing asylum seekers from escaping to neighboring countries and as a rationale for returning refugees to the country they fled.

Additionally, the presence of military personnel, sometimes commingled with civilian populations and sometimes initiating attacks from the safe area, can make the location a military target, as opposed to a genuinely safe zone. Forces might also recruit fighters, including children, in a safe area.

Safe zones and safe areas also suffer from the same problems faced by camps for internally displaced people. Residents may not be able to access work or their farms, for example, and so will be dependent on assistance for food, water, and other services, including health care. Women may face greater sexual violence due to overcrowding and tense social dynamics, and due to having to venture outside for work, water, firewood, or other reasons. UN peacekeepers or others in control might not have the capabilities to enforce law and order.

In short, the historical record on safe zones protecting civilians is poor – from Srebrenica in Bosnia-Herzegovina, to Kibeho in Rwanda, to Mullaitivu in Sri Lanka.

In November 2019, following Turkey’s most recent offensive into northeast Syria, Human Rights Watch documented a host of human rights abuses carried out by factions of the SNA, the Syrian non-state armed group backed by Turkey, in territories over which Turkey exercises effective control. The abuses documented include summary killings and enforced disappearances, as well as property confiscation, looting, and blocking the return of Kurdish residents. This record of abuses makes it extremely unlikely that Turkey’s proposed “safe zones” will be safe.

12. What would a Turkish incursion into northeast Syria mean for the men, women, and children arbitrarily detained in northeast Syria as Islamic State (ISIS) suspects?

About 60,000 men, women, and children are detained for alleged links to ISIS in overcrowded, deeply degrading, and often life-threatening conditions in locked camps and prisons in northeast Syria. Most have been held since early 2019 and some for more than five years. More than 41,000 are foreigners, with about three-fourths from Iraq and more than 12,000 from 60 other countries, regional authorities told Human Rights Watch in May.

A majority of the foreigners are children, most under age 12. None of the foreigners have been brought before a judge to determine the necessity and legality of their detention, making their detention arbitrary and unlawful.

The detainees lack adequate food, clean water, medical care, and shelter. Hundreds have died of preventable diseases, accidents, or violence inside camps and prisons. Humanitarian groups warn that a Turkish invasion is likely to lead to further shortages of basic necessities. In addition, the SDF and regional Asayish security forces are likely to be diverted from guarding the detainees to fight Turkish forces. This could increase both the security risks to the detainees and the potential for breakouts and uprisings by suspected ISIS hardliners.

Repatriations of foreigners, already slow and piecemeal, are likely to be suspended due to home countries’ concerns about sending their diplomats or other nationals into northeast Syria to extract detainees amid an ongoing battle. The SDF diverted its forces from guarding these detainees and many prisoners escaped, including from a locked camp that was hit by a Turkish airstrike, during Turkey’s

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Azerbaijan

Experts of the Committee on the Elimination of Racial Discrimination Commend Azerbaijan on its Regional Legal Counselling Centres, Ask Questions about the Conflict in the Nagorno-Karabakh Region and the Baku Multiculturalism Centre (United Nations Human Rights Office of the High Commissioner) August 16, 2022

The Committee on the Elimination of Racial Discrimination today concluded its consideration of the combined tenth to twelfth periodic report of Azerbaijan, with Committee Experts commending the State on establishing regional legal counselling centres and asking questions about the conflict in the Nagorno-Karabakh region and the Baku Multiculturalism Centre.

A Committee Expert commended Azerbaijan on the establishment of 10 regional legal counselling centres, which were a positive development. Chinsung Chung, Committee Expert and Country Rapporteur, noted that there had been long conflicts in Nagorno-Karabakh region since the beginning of the 1990s. Had Azerbaijan taken measures to promptly and impartially investigate all human rights violations committed, especially during the 2020 conflict? Were perpetrators punished and redress provided to victims? The Committee had also received reports on human rights violations by the army of Azerbaijan against civilians and prisoners of war. What measures were in place to investigate these allegations?

A Committee Expert was impressed by the Baku Multicultural Centre and the work which had been done. It deserved a great amount of praise. What were the functions of the multicultural centre in Baku? Perhaps such a centre should produce drafts for guidelines for social integration for the various minorities? What thinking was underway to develop the centre?

The delegation of Azerbaijan said Nagorno-Karabakh was the historic name of the region. Since July 2021, this area was referred to as the Karabakh economic zone. Following the 44-day war in 2020, more than 80 criminal cases had been carried out against Azerbaijani citizens by the Armenian military. These included deaths due to landmines, shelling, the destruction of cultural heritage, the illegal involvement of armed groups and the participation of military operations. Eleven criminal cases had been initiated against Azerbaijani military personnel for grossly violating human rights and committing crimes. However, Armenia had failed to make any efforts to prosecute war crimes affecting Azerbaijanis that were perpetuated by Armenian military forces.

The Baku Centre for Multiculturalism was unique and stood to be the flagship, not only in the region but beyond. The centre was established in 2014 and was a legal entity which presented the Azerbaijan multiculturalism model to the world. In performing the duties set out in its power, the centre cooperated with State and local governments and international organizations. It had implemented several projects, including working with ethnic minority communities. The winter and summer school' programmes, held at prestigious Azerbaijani educational facilities, gave young people the opportunity to see for themselves the value of multiculturalism and tolerance.

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that Azerbaijan was a multi-ethnic country, party to more than 50 international instruments which constituted an integral part of national legislation. More than 50 ethnic and religious groups lived in Azerbaijan and preserved their identity. A comprehensive anti-discrimination draft law was currently being prepared, as per the Committee's recommendation. The major obstacle for the implementation of the Convention had been Armenia's decades-long occupation of Azerbaijani territories, as recognised by the European Court of Human Rights in 2015. Accordingly, Azerbaijan was unable to implement its obligations under the Convention or prevent violations of the Convention in those territories during that period.

In concluding remarks, Chinsung Chung, Committee Expert and Country Rapporteur, thanked the delegation for the fruitful constructive dialogue. It was hopeful that the process, including through the implementation of the concluding observations, could contribute to the improvement of the human rights situation in Azerbaijan. Addressing racial discrimination concerns in Azerbaijan would also benefit in general the reconciliation in Karabakh.

Mr. Mammadov thanked the Committee for the fruitful and constructive dialogue. Azerbaijan was a proud multi-ethnic country and the Government placed great importance on upholding the principles of the Convention. The State was committed to supporting sustainable peace in the region and hoped it would lead to the ability to fully implement the Convention across all Azerbaijani territories.

The delegation of Azerbaijan consisted of representatives of the Ministry of Foreign Affairs; the Ministry of Internal Affairs; the Ministry of Labour and Social Protection of the Population; the Ministry of Education and Science; the Ministry of Culture; the Ministry of Economy; the Ministry of Health; the State Committee on Religious Associations; the State Commission on Prisoners of War, Shortages and Missing Persons; the Prosecutor General's Office; the State Security Service; and the

Permanent Mission of Azerbaijan to the United Nations Office at Geneva.

The Committee will issue its concluding observations on the report of Azerbaijan at the end of its one hundred and seventh session, which concludes on 30 August. Summaries of the public meetings of the Committee can be found [here](#), while webcasts of the public meetings can be found [here](#). The programme of work of the Committee's one hundred and seventh session and other documents related to the session can be found [here](#).

The Committee will next meet in public on Tuesday, 16 August at 3 p.m. to review the thirteenth periodic report of Slovakia (CERD/C/SVK/13).

Report

The Committee has before it the combined tenth to twelfth periodic report of Azerbaijan (CERD/C/AZE/10-12).

Presentation of Report

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that Azerbaijan was a multi-ethnic country, party to more than 50 international instruments which constituted an integral part of national legislation. More than 50 ethnic and religious groups lived in Azerbaijan and preserved their identity. A comprehensive anti-discrimination draft law was currently being prepared, as per the Committee's recommendation. In 2018, the employment strategy of the Republic of Azerbaijan for 2019-2030 was approved, stipulating measures to strengthen social protections for the unemployed without distinction to race, ethnic origin, religion or language. The law on medical insurance was amended in December 2019 to include foreigners and stateless persons who obtained refugee status, and Azerbaijan also included all migrants in the national COVID-19 vaccination plan. Azerbaijan's progress in resolving statelessness had been praised by the United Nations High Commissioner for Refugees.

To combat racist hate speech, the law on information was amended, prohibiting users of networks, including social media, from distributing any content promoting violence and religious extremism, or inciting national, racial or religious hatred. Azerbaijan also continued to promote human rights education, including raising awareness on the importance of combatting discrimination and promoting tolerance. The Baku International Multiculturalism Centre worked directly with ethnic minority communities of Azerbaijan, implementing various programmes and projects aimed at promoting cultural and ethnic diversity.

Mr. Mammadov said that the major obstacle for the implementation of the Convention had been Armenia's decades-long occupation of Azerbaijani territories, as recognised by the European Court of Human Rights in 2015. Accordingly, Azerbaijan was unable to implement its obligations under the Convention or prevent violations of the Convention in those territories during that period. Armenia's armed aggression against Azerbaijan was rooted in false and racist ideology, propounded by the Government of Armenia, to promote the idea of ethnic incompatibility between Armenians and Azerbaijanis. International mediation efforts did not yield a peaceful resolution of the conflict and the liberation of the occupied territories. In 2020, Armenia conducted a large-scale military offensive, resulting in approximately 100 Azerbaijani civilians killed and over 400 severely injured. Almost 84,000 people were forced to flee their homes, and over 4,300 private houses and apartment buildings and other civilian objects in Azerbaijan were destroyed or damaged.

In November 2020, the President of Azerbaijan, the President of Russia, and the Prime Minister of Armenia signed a Trilateral Statement agreeing to end the conflict and chart a path forward. However, up to now, Armenia had taken no meaningful steps to investigate or prosecute acts of civilian targeting, torture, obliteration of Azerbaijani cultural heritage, or other ethnically motivated crimes. Azerbaijan was now rebuilding new cities and villages, road transport and civil infrastructure from scratch, to ensure more than 700,000 Azerbaijani internally displaced persons a speedy and dignified return to their homeland.

Clearing territories from mines and unexploded ordnances remained a high priority for the Government, as displaced persons could not return to the region until their safety was assured. In facilitating the return of displaced persons to the liberated territories, Azerbaijan committed to rebuilding multi-ethnic and diverse communities. Azerbaijan brought Armenia's violations of the Convention to the International Court of Justice in September 2021. In its order on provisional measures in *Armenia v. Azerbaijan*, the Court rejected most of Armenia's requests, and ordered Armenia to take all necessary measures to prevent the incitement and promotion of racial hatred. Unfortunately, the Armenian Government had taken no action to implement an order against the anti-Azerbaijani hate speech that remained commonplace in Armenia, which had empowered armed ethno-nationalist organizations to incite violence against Azerbaijanis with impunity.

Concluding, Mr. Mammadov said he believed the Government of Azerbaijan had made serious progress in implementing the provisions of the Convention, even as there was more to be done. The delegation highly appreciated the dialogue with the Committee, which significantly contributed to overcoming existing challenges and making further progress.

Questions by Committee Experts

Chinsung Chung, Committee Expert and Country Rapporteur, regretted that the delegation included only three women. Nagorno-Karabakh, where a large population of ethnic Armenians were living, was under a serious situation. Right after the collapse of the Soviet Union, war between Armenia and Azerbaijan started, and on 27 September 2020 the war began again and ended on 9 November 2020, following the ceasefire agreement. As a result of the conflict, many individuals and groups suffered from human rights violations. Peaceful settlement and sustainable peace of the conflict should be prioritised in any way and as soon as possible. Azerbaijan had other ethnic minorities within its territory, including Russians, Talishes, Avars, Russians, Turks, Tatars and Tats. Protecting their political and economic rights as well as their languages and cultures was an urgent issue too.

As a country which had oil and related industries, Azerbaijan had high numbers of migrant workers. Related human rights issues had been increasing, including trafficking, forced labour, and lack of birth registration of their children. The Committee noted that a number of laws and regulations had been passed and institutional measures had been taken. However, sustainable peace in the Nagorno-Karabakh region and preventing hostilities against ethnic Armenians should be accomplished soon. This would positively affect inclusive policies towards other ethnic minorities and migrants.

Ms. Chung asked whether the State had more recent statistics on the demographic composition of the population, disaggregated by ethnic origin, as well as on migrants, refugees, asylum seekers, stateless persons, and internally displaced persons. Azerbaijan had conducted a population census in 2019, however, after more than two years the results were not published yet. What were the reasons behind this delay and when were the results expected to be published? How did the State party collect data on the demographics of minorities, migrants, refugees, asylum seekers, stateless persons, and internally displaced persons?

Could information on the legislative framework on the rights of ethnic minority groups be provided? At the time of Azerbaijan's independence, there were discussions about plans to train teachers and educators at higher education institutions in Talysh studies, Lezgin studies, and Kurdish studies; were these plans implemented? Reports had been received regarding difficulties studying and using the native languages of ethnic minorities, with native languages of minorities often missing entirely from the school programmes. Could the delegation clarify this? Reports stated that Azerbaijan's education materials were prejudiced against Armenians based on ethnic or national origin. What measures were being taken to assess the education curriculum?

The Committee had received reports that a more serious problem was rewriting history by the State party on Armenia and in the cases of other ethnic minorities. Could information be provided on this? Ms. Chung said that Azerbaijanis predominated in government bodies and leadership positions in State institutions and there was low representation of ethnic minorities. Could data be provided of those positions disaggregated by ethnic groups? Were there plans to take measures for improving the situation of underrepresentation of ethnic minorities? Would special measures managing indirect and structural discrimination be included in the social services national plan?

The Committee had been informed that Roma in Azerbaijan were involved in shuttle migration to Georgia and could be found begging on the streets. Reports had been received that in Baku the authorities carried out raids against beggars, evicting families from squatter settlements and rented housing. What measures did the Government of Azerbaijan take to help these beggars? Did the Azerbaijani authorities take any positive measures towards the Dom group? The Roma community had problems with personal documents, a low level of education and extreme poverty, among others. Did Azerbaijan acknowledge this situation? What measures should be taken? Was there accurate data on child mortality, especially in "Qaraçi" communities? Could data be provided on persons of African descent as an ethnic minority in Azerbaijan? Were the police and other officials educated on the specific implications of racial discrimination and discrimination specifically against people of African descent?

Tina Stavrinaki, Committee Expert and Taskforce Member, asked the delegation to update the Committee on any developments prohibiting discrimination on the ground of national origin, colour and descent, in accordance with the Convention? Could information on the content and added value of the draft law of racial discrimination be provided? Did it include a definition of racial discrimination in accordance with the Convention? Were there any other concrete provisions protecting against racial discrimination and abusive labour practices, such as retention of passports or non-payment of salaries or underpayment of wages? Could the delegation provide information on case law applying the prohibition on racial discrimination in employment? Were existing monitoring tools, such as inspections, monitoring the prohibition of racial discrimination in the workplace? Could the delegation provide information on any restrictions provided by national legislation of labour rights of non-citizens and stateless persons. Why had a national action plan not been adopted or envisaged?

Ms. Stavrinaki asked for updated data on complaints of racial discrimination and remedies for victims? What remedies were available for non-citizens, such as undocumented migrants and stateless persons? What measures had the State party adopted to improve and facilitate reporting on racial discrimination? Had any measures been adopted to facilitate access of victims of racial discrimination to legal aid? In 2016, the Committee urged the State party to strengthen efforts to raise awareness of the

Convention among the judiciary and the public, including the fact that, under the State party's Constitution, the Convention may be directly invoked by courts. Could examples and data on case law directly applying the Convention be provided? The establishment of 10 regional legal counselling centres was a positive development. Could data be provided on their geographical distribution? Was information available demonstrating their use by ethnic minorities?

Concern had been expressed in 2017 about the passive attitude of the Ombudsperson with regard to numerous cases of alleged human rights violations. In addition, the Global Alliance of National Human Rights Institutions recommended in March 2017 that the Ombudsperson be downgraded to B status because of apparent unwillingness to effectively engage on serious human rights violations. Could the Committee be updated on this issue? What was the criteria for registering civil society organizations on the rights of ethnic minorities? Could the Committee know the number of civil society organizations working on the rights of ethnic minorities that had been involved in the preparation of the report? How were they selected?

There had been increasing reports on potential abusive surveillance of human rights defenders and journalists by using spyware, such as Pegasus. What measures were being taken to ensure accountability for abusive practices against human rights defenders?

Gun Kut, Committee Expert and Follow up Rapporteur, said that the Committee appreciated the timeliness of the State party's delivery of the follow-up report and the periodic report. Identity papers and statelessness had been an issue to follow up. The Committee had recommended that all children born in the State party be issued with a birth certificate, regardless of the legal status of their parents. Regarding access to citizenship for stateless persons, limited information had been provided in the follow-up report. However, the periodic report stated that there was an amendment to the Citizens Act. The Committee would like more information about this amendment? Information had been received about efforts being made to improve the work permit system. The Committee would like more up to date information on this.

A Committee Expert said that Armenians were often victims of dehumanisation and were treated badly, according to reports received. What measures were being taken to put an end to this situation? The Committee was pleased to see the translation of the Convention into minority languages. What measures were being taken to further disseminate the Convention amongst the population?

Another Committee Expert asked what the role of the Convention was in the hierarchy of legislation of the State? Could it be directly invoked by the courts? What steps were being taken to ensure the training of legal practitioners and members of the judiciary as to the recommendations enshrined in the Convention?

One Committee Expert asked for information on the contributions of civil society to the report? Regarding hate speech, teachers had also been identified perpetuating hate against Armenians. Were these teachers still teaching? What was been done to assist those who were at risk of becoming stateless?

Responses by the Delegation

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that the disruption of the pandemic had meant the results of the census of 2019 had not yet been published. Publication was expected in a few weeks. The total population of Azerbaijan stood at more than 10 million people as of 1 February 2022. The total number of foreigners and stateless persons residing in the State was more than 168,000. Ninety-six per cent of Azerbaijan's population was Muslim.

The delegation said that Azerbaijan was a multi-ethnic State, which had been underscored in the Constitution. After the adoption of the Constitution that guaranteed the right to equality, the development of legislation had continued in line with the Convention, to implement its provisions within Azerbaijan legislation. The draft law on racial discrimination set forth 16 articles and stated that racial discrimination was not permitted when it came to labour. It set out the right of hired employees to obtain information about posts to avoid racial discrimination. Special provisions to avoid racial discrimination had also been established in education. A provision in the draft law was in place to prevent racial discrimination in non-profit and commercial entities. The draft law also included amendments with the goal of developing the provisions of the Criminal Code to provide for preventing racial discrimination, including physical harm based on ethnic intolerance. Such crimes now faced a more austere punishment.

Criminal liability was established for inciting acts of racial discrimination. The right to equal opportunities for employment was also protected in the Constitution. The Convention was confirmed as a law, with the force of a national law, and could therefore be enacted directly, with no additional national legislation required. Regarding non-governmental organizations, dozens were currently registered in Azerbaijan, and their main goal was social-economic development for ethnic minorities. The Ombudsperson had presented a draft law which proposed allocating the Ombudsperson the right to a special body for the prevention of racial discrimination. Identification documents for citizens did not have a line which indicated ethnicity.

The State guaranteed the right of all citizens to compulsory and free secondary education, including those from minority

groups. School education had been organised for Roma children from more than 50 families, with 35 secondary schools involving the Roma community. Measures had been taken to prepare textbooks in the languages of national minorities. In 2017 and 2018, textbooks for several school levels were translated into the Georgian language. In 2020 and 2021, there were more than 280 students from African countries in Azerbaijan.

For a century, Azerbaijan had lived in peace and harmony with its neighbours and there were no cases of intolerance on an ethnic or cultural basis. During the invasion and occupation of the city of Baku, the churches were always respected. There were Armenians in the city, with mixed race families living in harmony. When people were employed, it was their work history that was reviewed, not their ethnicity. Azerbaijan was proud of its ethnic heritage. The Ministry of Internal Affairs had around 1,000 employees representing various ethnic minorities. There were around 6,000 Roma persons living in two different districts. Land had been allocated to them on an equal basis with other Azerbaijanis, allowing them to work, and these people were given jobs based on their specialties. Many Roma were going to school and some were also employed. Administrative punishments were not administered for begging, but because these persons forced their children to engage in begging on the street. They were not arrested, rather a fine was issued. This punishment was not due to ethnicity, but rather the Government wanted them to bring up their children appropriately.

Roma persons were issued with national identity documents, ensuring access to healthcare and social services on an equal basis with the rest of the population. In some cases, Roma parents had withdrawn their children from school to enable them to engage in begging. There were also some problems regarding Roma children attending educational institutions due to the nomadic lifestyle of their parents. However, compared to previous years, there had been substantial progress, including six Roma graduates who were admitted to the technical college of Azerbaijan within the last three years. Regarding people of African descent, more than 500 citizens from African countries had semi-permanent residence in Azerbaijan and more than 25 had permanent residence.

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that statistics showed that the number of complaints of racial discrimination were low. The delegation was willing to hear suggestions from the Committee on how to ensure that this low number of complaints represented the real situation on the ground. Since 2019, the Ombudsperson had been participating in a programme strengthening response to hate speech and racial discrimination. Numerous events on the promotion of equality were being organised in the capital and in the regions. On the Ombudsperson's initiatives, various events were held in recognition of peace and harmony, which recognised the importance of peace and co-existence. Mr. Mammadov said that the Ombudsperson's ranking was downgraded, adding that Azerbaijan was doing everything required to raise the ranking back.

A new law on the media had been adopted in Azerbaijan, and its impact would be reported on by the next cycle of periodic reporting. Azerbaijan counted around 50 organizations catering to ethnic minorities in the country and more than 15 media publications for these groups were published. Television channels also regularly prepared programmes in minority languages.

Mr. Mammadov said that the law on citizens' appeal allowed citizens to appeal to authorities regarding violations of discrimination laws. Requests were answered within 15 days or processed immediately depending on the level of urgency. If a citizen did not agree with the decision on an appeal, they had the opportunity to file a complaint against that decision.

Questions by Committee Experts

Chinsung Chung, Committee Expert and Country Rapporteur, said there were many points which had not been answered. How did the State party establish measures for improving the poor situation of ethnic minorities if it did not gather data on this? How was an ethnic group defined in the State party? What support was provided by the Government regarding education for these ethnic groups?

Tina Stavrinaki, Committee Expert and Taskforce Member, asked about Roma not being integrated into Azerbaijan.

Responses by the Delegation

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that Roma communities were not easily integrated into Azerbaijan society but this did not mean they were being stereotyped. The delegation said that schools that were educating ethnic minorities were funded by the State. The ethnic Roma groups were not punished for their ethnicity; they were fined for forcing minors to beg on the street.

Questions by Committee Experts

A Committee Expert commended Azerbaijan for providing courses and textbooks in all languages of the country. Were there classes for Armenian language?

Another Committee Expert asked if there was a national plan to eradicate statelessness in Azerbaijan by 2024?

A Committee Expert asked if there was continuous training regarding the Convention?

One Committee Expert asked about the translation of the Convention into other languages?

Chinsung Chung, Committee Expert and Country Rapporteur, asked for clarification on the number of stateless persons in Azerbaijan and their ethnic origin. What measures had the State party taken to ensure that all people born in Azerbaijan were issued a birth certificate, irrespective of their legal status? How had the State party implemented a framework for the registration, documentation, and access to citizenship for stateless people? What had prevented the State party from regularly reporting on the number of migrants, asylum seekers, refugees, and stateless people living within the borders of Azerbaijan?

Ms. Chung asked for information on the situation of undocumented migrants, and measures taken to ensure that migrant workers and their families enjoyed equal access to education and health care? Did the State take measures to replace the work permit for migrant workers with a residency permit to combat exploitation? What measures were in place to facilitate the lodging of complaints? How did the employment strategy for 2019–2030 apply to migrants? What was the situation of forced labour and trafficking? Could information be provided on the progress made by the national action plan combatting trafficking in human beings in Azerbaijan?

The Committee appreciated the efforts of the Government to respect religions other than Islam, Ms. Chung said. However, reports had been received on the suppression of other religions and destruction of their religious places. What legal protections had the State party provided to protect the rights of visitors who engaged in religious practices? Did ethnic minorities enjoy the right to equal treatment before tribunals? Were they provided with translation services? Could they access the Constitutional Court on an equal footing? How effective was the functioning of the Baku Multiculturalism Centre?

There had been long conflicts in the Nagorno-Karabakh region since the beginning of the 1990s. There had been many reports on the racially motivated killings of ethnic Armenian civilians and the violent torture and execution of persons of Armenian origin by Azerbaijani authorities and military personnel. Had Azerbaijan taken measures to promptly and impartially investigate all human rights violations committed, especially during the 2020 conflict? Were perpetrators punished and redress provided to victims? The Committee had also received reports on human rights violations by the army of Azerbaijan against civilians and prisoners of war. What measures were in place to investigate these allegations?

Ms. Chung said that through the early warning and urgent action procedure, the Committee had required Azerbaijan to cease its discriminatory treatment of ethnic Armenians in 2007. How had the State implemented that? The Committee had been informed that there were many Armenians still held captive by Azerbaijan, who were refused the right to return to Armenia. Could the delegation explain this? Did the State take measures to protect all persons captured in relation to the 2020 conflict who remained in detention?

Did Azerbaijan take measures to protect all persons captured in relation to the 2020 conflict, who remained in detention? Could explanations be provided regarding acts of vandalism affecting Armenian cultural heritage? Did Azerbaijan follow the order issued by the International Court of Justice in December 2021? The Committee had been informed that Azerbaijan isolated Nagorno-Karabakh and its people from the rest of the world, not allowing the entry of international organizations to Nagorno-Karabakh to conduct humanitarian missions; could an explanation be provided on this? What measures were being taken to promote sustainable peace in the Nagorno-Karabakh region? Could the State party provide information on measures to promote human rights education, including on racial discrimination, in all school curriculum and university programmes?

Tina Stavrinaki, Committee Expert and Taskforce Member, asked if data was collected for hate crimes and if the Committee could be updated on the number of hate crimes reported? In 2016, the Committee had recommended that the State party ensure that measures to monitor and combat racist speech should not be used as a pretext to silence those who protested against injustice, social discontent, or opposition. The Committee took note of amended article 47 of the Constitution, asking for updated information on case law applying this provision?

Could updated information covering the period since 2016 on complaints, prosecutions and convictions for hate speech offences be provided? Did the State party have an effective mechanism in place to monitor racial discrimination over the Internet, particularly social media? What measures had the State party adopted to condemn, investigate, and punish inflammatory speech by politicians? What measures had the State party adopted to comply with the International Court of Justice provisional order and prevent the incitement and promotion of racial hatred and discrimination against persons of national or ethnic origin from the other country?

Ms. Stavrinaki asked for data on deaths related to COVID-19 that distinguished between persons belonging to ethnic minorities and the general population? What measures had been adopted to ensure access to vaccines by ethnic minorities? It had been reported that ethnic minority groups experienced problems with access to medical care. Women often gave birth at home due to poverty, fear of being sterilised, early unregistered marriages, and fear of racial discrimination. The Committee also received information reporting higher child mortality in Dom and Roma communities. Could data be provided on access

to healthcare in areas with populations belonging to ethnic minorities? Could the Committee be provided with details on the requirements for access to healthcare by migrants, refugees, asylum seekers and stateless persons?

A Committee Expert suggested that the Republic of Azerbaijan and Armenia should be invited to come together, through a Reconciliation Commission with members of the Committee, to discuss how it may be possible to settle the issue of racial discrimination. This was a proposal for the Ministers of Azerbaijan. It was hopeful that this problem could be settled. Everyone wanted peace and it could be done.

Verene Albertha Shepherd, Committee Chairperson, said that article 12 would have to be invoked by the State party; the Committee itself could not invoke article 12 on States. This could be discussed internally within the Committee at another time.

A Committee Expert said information had been received about the indoctrination of pupils and university students on hatred against Armenians. This situation must not continue; could more information be provided?

One Committee Expert asked for information on the national plan on the eradication of statelessness. Regarding stereotypes in the media for ethnic minorities, were these sanctioned? How were school textbooks written when it came to handling Armenians and other minorities?

A Committee Expert was impressed by the Baku Multicultural Centre and the work which had been done. It deserved a great amount of praise. What were the functions of the multicultural centre in Baku? Perhaps such a centre should produce drafts for guidelines for social integration for the various minorities? What thinking was underway to develop the centre?

Responses by the Delegation

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, asked if the Committee could strike a balance between the number of questions and the time given to answer those questions. The delegation said that national legislation ensured the full access of ethnic minorities to the healthcare system. All asylum seekers were entitled to have equal access to healthcare. In some cases, illegal migrants could be placed in migrant centres; nevertheless, they would still be provided with shelter and medical care. The Government had provided equal access for all citizens to healthcare services and vaccinations, including ethnic minorities. A wide range of awareness-raising campaigns had been organised to ensure that the entire population received equal access to COVID-19 information, across a wide range of channels.

Mr. Mammadov said Azerbaijan was party to the Convention on Statelessness. The Government took all necessary actions to protect from statelessness, and authorities continued the process of naturalisation of stateless persons, resulting in more than 200 stateless persons being granted citizenship. The delegation said that candidates that had gone through national selection for the judiciary had to attend a mandatory, six-month-long training course. During the theoretical training, candidates for judge positions had a specific course, entitled "the ban on discrimination". In line with national legislation, lawyers were selected on a competitive basis, and went through training, where they covered a dedicated subject on the ban of discrimination, the same as judges.

An initiative had been launched to finalise a new human rights programme at Baku University, introducing several courses relating to human rights law. The Convention was available in several languages and translation into other languages could be considered, depending on demand. The definition of racial discrimination set out in the Convention was applicable under the law. Birth information was automatically transferred from the medical institution to the information system of the Ministry of Justice. This would then be entered into the civil status act automatically. Migrant workers could freely change jobs and could work for another employer by obtaining a separate work permit.

The delegation said that the national legislation granted the same social and labour rights to migrant workers, as to the citizens of Azerbaijan. Any discrimination against migrant workers was prohibited. Foreigners and stateless persons also had the same labour rights as Azerbaijani citizens. The State labour inspection service considered applications from foreigners and stateless persons on violations of their rights. Complaints were promptly investigated and measures were imposed, including fines.

Azerbaijan took all necessary measures to combat human trafficking. Significant steps had been taken in this regard and the State had improved its ranking in a recent report on trafficking. This was a good sign and a testament to the progress which had been made. Azerbaijan took all necessary measures to investigate cases of forced labour and human trafficking, and to bring perpetrators to justice. Between 12 and 15 per cent of those convicted for these crimes were imprisoned. Victims were provided with accommodation, shelter and medical and legal assistance.

Nagorno-Karabakh was the historic name of the region. Since July 2021, this area was referred to as the Karabakh economic zone. Following the 44-day war in 2020, more than 80 criminal cases had been carried out against Azerbaijani citizens by the Armenian military. These included deaths due to landmines, shelling, the destruction of cultural heritage, the illegal

involvement of armed groups and the participation of military operations. Ballistic shelling was organised in densely populated regions of Azerbaijan, resulting in many civilians losing their lives, being injured, and a large amount of damage to civilian infrastructure.

Eleven criminal cases had been initiated against Azerbaijani military personnel for grossly violating human rights and committing crimes. It had been determined that these personnel had committed insulting acts on Armenian corpses, among other offences, and were therefore submitted to judiciary responsibility. However, the same objective reaction could not be seen from Armenia. This issue was taken very seriously, and Azerbaijan was committed to prosecuting acts of racial discrimination under the Convention. Armenia had failed to make any efforts to prosecute war crimes affecting Azerbaijanis, perpetrated by Armenian military forces. There had been several reports calling on Armenia to investigate the war crimes perpetrated by Armenian troops.

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that all Armenians captured during the 2020 war who had not been convicted of a crime had been returned to Armenia. Armenian detainees who remained in custody in Azerbaijan had been convicted of serious crimes, including torture, killing and hostage taking. Azerbaijan had conducted investigations in accordance with its duties and rights under international law. Each convicted individual was tried and sentenced by constitutional courts. There were also instances where charges were dropped against Armenian detainees. Azerbaijan did not condone torture of any kind and ensured the individuals it detained were treated fairly. Measures were in place to ensure the rights of detainees, including that the Red Cross could visit places of detention at any time. Detainees were visited by doctors, and any credible allegations of mistreatment were investigated.

Azerbaijan was committed to the protection of cultural heritage. Tragically the State had witnessed the destruction of its cultural heritage by Armenian forces in 1993. Repairing this destruction remained a priority to Azerbaijan. Historical monuments in liberated territories were subject to protection, regardless of religion or ethnic background. Several cultural monuments had been restored throughout the State. Due to the high number of mines planted around the liberated territories, not all areas could be reached. All the historical monuments which were part of Azerbaijani culture would be surveyed, and the State would attempt to restore all of them. Mr. Mammadov said that Azerbaijan categorically rejected any allegation that the State was seeking to target Armenian civilians.

Azerbaijan did not condone statements or actions which promoted hatred. The statements referenced by the Committee reflected a handful of statements in which high-ranking officials criticised the racist actions of the Armenian Government's armed forces. Armenians and Azerbaijanis were neighbours and needed to learn to live side by side. Twitter had investigated accounts which had been claimed to be owned by Azerbaijani authorities.

Free secondary education was available to all migrants in Azerbaijan. Foreigners and stateless persons living in the State also had opportunities to receive scholarships. Special classes were available to educate foreigners and stateless persons on the Azerbaijani language. Every four years, textbooks were reviewed and republished, with the aim of increasing material on human rights in all schools.

According to the Trilateral Statement of 10 November 2020, Azerbaijan provided access for Armenians to Karabakh, which had been functioning uninterrupted since this time. Security for the road was provided by the Russian peacekeepers. Therefore, the allegations of the isolation of Karabakh did not hold true. As the Committee was aware, the occupation of the territories of Azerbaijan had led to the ethnic cleansing of Azerbaijanis and expulsion from occupied territories. The immediate priority of the Government was to allow a safe and dignified return to those who had been forced to leave the territories. A huge challenge was to demine the heavily contaminated mine territory, and remove the threat from unexploded ordnance. The national mine agency was working with national partners, as well as private agencies, to complete this task. Azerbaijan had allowed the International Committee of the Red Cross to carry out humanitarian efforts in Karabakh, and a number of international organizations were now working in the region.

The Baku Centre for Multiculturalism was unique and stood to be the flagship, not only in the region but beyond. The centre was established in 2014 and was a legal entity which presented the Azerbaijan multiculturalism model to the world. In performing the duties set out in its power, the centre cooperated with State and local governments and international organizations. It had implemented several projects, including working with ethnic minority communities. Under a project implemented by the centre, the Azerbaijan multiculturalism model was taught at universities all across the world. The winter and summer schools, held at prestigious Azerbaijan educational facilities, gave young people the opportunity to see for themselves the value of multiculturalism and tolerance.

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said the Baku process had been recognised by the United Nations as a major platform for cultural dialogue. There were several projects underway between Azerbaijan and Armenia, including achieving a comprehensive peace treaty, the opening of transportation and communication lines between the two States, and confidence building measures and humanitarian issues, including locating missing persons from the first war. Meetings had taken place in Georgia, Austria and France, which would continue to bring

the two nations together to end the conflict. As a Government, Azerbaijan was open to any proposals to resolve the issues and would consider utilising the platform of the Committee on the Elimination of Racial Discrimination as suggested, if the State agreed.

Questions by Committee Experts

Chinsung Chung, Committee Expert and Country Rapporteur, thanked the delegation for their sincere answers. Was there a plan to gather statistics relating to ethnic minorities? Could information be provided on the situation of undocumented migrant workers, and the framework to ensure their access to education, healthcare and justice? How was Azerbaijan following the orders of the International Court of Justice to implement visions and measures for sustainable peace in the Karabakh region?

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said that the Government maintained the position that statistics were not disaggregated based on ethnicity, instead it was done by regions. There were currently no plans to reconsider that position. The reasoning behind this was that the State promoted multiculturalism, and gathering data based on ethnicity would be an issue.

The delegation said that the State was working closely with different government bodies to fully digitise the system to produce the work permits for migrants, which would allow them to benefit from all the programmes provided by the Government of Azerbaijan.

Mr. Mammadov said Azerbaijan had taken additional steps to ensure the protection of cultural sites which Armenia had raised concerns about. The State was committed to large-scale restoration in Karabakh.

Questions by Committee Experts

Tina Stavrinaki, Committee Expert and Taskforce Member, said examples of case law would help the Committee understand the reality in practice. Gnu Kut, Committee Expert Follow-Up Rapporteur, noted that the issues of statelessness in Azerbaijan pertained to around 600 people. As this was not many people, could this problem please be solved.

A Committee Expert noted that the Committee was ready to exercise its functions. It was important that the conciliation option not be forgotten.

Another Committee Expert said articles 11 and 12 had been forgotten, and had been rediscovered, allowing Qatar and Saudi Arabia to come to an agreement. It was something that could help.

Closing Remarks

Chinsung Chung, Committee Expert and Country Rapporteur, thanked the delegation for the fruitful and constructive dialogue. It was hopeful that the process, including through the implementation of the concluding observations, could contribute to the improvement of the human rights situation in Azerbaijan. Addressing racial discrimination concerns in Azerbaijan would also benefit in general the reconciliation in Karabakh. Ms. Chung wished the delegation a safe return home.

Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan and head of the delegation, said the message would be relayed to the Government regarding solving the issue of stateless persons. Mr. Mammadov thanked the Committee for the fruitful and constructive dialogue. Azerbaijan was a proud multi-ethnic country and the Government placed great importance on upholding the principles of the Convention. The State was committed to supporting sustainable peace in the region and hoped it would lead to the ability to fully implement the Convention across all Azerbaijani territories. Mr. Mammadov said Azerbaijan considered the Committee a significant mechanism and reiterated his commitment to providing the Committee with any further information needed.

Verene Alerbtha Sheperd, Committee Chairperson, thanked everyone for the dialogue and said the Committee would work on the concluding observations. Ms. Shepherd wished the delegation a safe journey home.

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Russia

Russia's 'most hidden crime' in Ukraine war: Rape of women, girls, men and boys (Los Angeles Times) By Laura King

August 21, 2022

Weeks would pass before the outside world learned of the horrors that occurred in streets and basements and back gardens of these once-tranquil suburbs and satellite towns, which were occupied for roughly a month before Russian forces in early April broke off a failed bid to seize the capital.

Townpeople who were unable or unwilling to flee endured the first wave of what Western governments and Ukrainian officials would later describe as a systematic campaign of atrocities by Russian forces against civilians: torture, execution-style killings, starvation.

And rape.

Little by little, month by month, investigators have laid the groundwork for what are now more than 25,000 active cases of suspected war crimes, covering a wide variety of offenses.

Investigators compile narratives from witness testimony, from forensic examinations of mutilated corpses that are still regularly turning up — outside Kyiv, one body was recently found stuffed beneath a manhole cover — from intercepted communications by Russian soldiers describing their own acts, or from surveillance cameras that before the war monitored traffic and deterred shoplifters.

As the war nears the six-month mark, however, cases involving sexual assault are proving particularly resistant to documentation.

The prosecutor general's office said last week there are "several dozen" criminal proceedings underway involving sexual violence committed by Russian military personnel. But police, prosecutors and counselors say the true number is likely far larger, in part because of reluctance to report such attacks.

"Sexual violence in this war is the most hidden crime," Ukrainian civil-society activist Natalia Karbowska told the U.N. Security Council in June.

A complex tangle of reasons underpins that silence. Some, like Tetiana, did not live to tell their stories. Some fled the country, joining an enormous exodus, and are not in contact with Ukrainian authorities. Others feel ashamed, clinging to the belief that they could somehow have prevented what befell them. Or a sexual attack might have taken place in the context of separate, overwhelming wartime loss: a home destroyed, a loved one killed.

Still others look to the near-industrial-scale atrocities occurring elsewhere — daily bombardment of civilian areas; the deaths of dozens of Ukrainian POWs last month in what evidence suggests was a deliberate mass execution by Russian forces; reports of torture, detention and abductions in currently occupied areas — and convince themselves that they ought to quietly put their private agonies behind them.

"They think others suffered more," said Nadiia Volchenska, a 32-year-old Kyiv psychologist who co-founded a network that connects sexual assault victims with counselors. She said people who had been raped or sexually abused in the course of this conflict — most are women and girls, but many are men and boys — are often reluctant to speak even in confidence with a therapist, let alone go to police or other investigators and provide a detailed account.

"Quite often, after making a first contact with us," she said, "people will simply vanish."

Rape as a weapon is as old as war itself. The objective, say those who deal with such cases, is to humiliate and degrade, to break the spirit of defenders, to shatter families and communities, to instill a sense of hopelessness and despair. It often leaves wreckage too profound to repair.

"Of course it is not about sexual gratification," said Natalya Zaretska, a military psychologist by training who is currently a volunteer in the Territorial Defense Forces, working with people in the formerly occupied territories in the Kyiv oblast, or province. "Rape is one instrument that is used to try to achieve this goal of subjugation."

Ukrainian officials believe a Russian campaign of terrorism against civilians was sanctioned at the highest levels, rather than the work of rogue troops. The Kremlin has derided well-documented atrocities in occupied areas as a fabrication, so for Ukraine, compiling proof and moving ahead with prosecutions is considered vital, even if such a reckoning takes many years. "Evil must be punished, or it will spread," said Andriy Nebytov, the police chief for the Kyiv region.

Authorities are circumspect about the specifics of sexual assault cases under investigation, but in a statement in response to written questions from the Los Angeles Times, the prosecutor general's office cited a few representative examples.

In the town of Chernihiv, north of the capital, a Russian unit commander used “physical and psychological violence” against a 16-year-old girl, threatening to kill family members if she resisted his sexual advances, or to hand her over to others to be gang-raped instead. In Brovary, east of Kyiv, a serviceman has been indicted in absentia for repeatedly raping the wife of a slain civilian. In another case in that same district, soldiers singled out one woman for assault, herding others into a locked basement. Another, Ukrainian officials say, was raped with her young child nearby.

In carefully couched language, the prosecutor’s office cited obstacles faced by investigators, including the need to protect the privacy of minors and to avoid re-traumatizing survivors. But sheer stigma was described as the overriding factor.

“Women who have been raped,” the statement said, “do not want to spread such information about themselves.”

Those who lived under Russian occupation earlier in the war describe a nauseating sense of constant fear.

S., who did not want even her full first name used because some of the troops who occupied Makariv back in March are still in Ukraine, is working with the authorities to try to identify those involved in Tetiana’s assault and death. Some of the occupiers addressed one another by names or nicknames, aiding in this process.

On her smartphone, S. showed photos of individual soldiers sent to her by prosecutors, who for months have tracked the unit’s activities and obtained images of the suspects from social media and elsewhere. She recognized several, including ones who came regularly to her house and to Tetiana’s simple brick home next door to loot and carouse and threaten. She particularly feared one, a Chechen, whose erratic behavior made her think he was on drugs.

When the Russians first arrived, S. was caring for her 90-year-old mother, who was in fragile health and adamantly refused to leave. But in the ensuing weeks, the soldiers’ violence and volatility persuaded her that they must seize any chance to escape.

A neighbor man was shot by soldiers, eventually dying of his wounds, and S. was told his wife had been sexually assaulted. (That woman declined to speak with journalists about what had happened.) One day, a young soldier came to S.’s own house and tried to get her to go upstairs with him. Fearing he intended to rape her, she tried to dissuade him by noting the 30-year disparity in their ages.

In the midst of this, other soldiers came to the house, telling the would-be assailant he was needed elsewhere, and he eventually left with them. S. felt a rush of terrified relief.

On the day that she, her mother, Tetiana and a home health aide had been promised a ride to safety with a neighbor, her friend was nowhere to be found. Troops again burst into S.’s house, with one of them behaving bizarrely and demanding a bandage for an injury. After downing a shot of vodka, he blurted out news of her friend’s fate.

Soldiers refused to let her see Tetiana’s body, S. said. Eventually, a serviceman she believed to be an ethnic Buryat from Siberia offered to let her speak to someone he said knew the full story. That soldier told S. that Tetiana had been raped by several others, and that the Chechen was the one to stab and kill her. Ordered to bury the naked corpse, the soldier told S. they first wrapped the body in a blanket.

“I felt shame that she is dead and I am still alive,” she said months later on a heat-heavy summer afternoon, brewing tea for visitors and keeping an eye on her mother dozing in an armchair nearby. “I have that guilt.”

Rape counselors say that with many instances of assault having taken place early in the war, some of those people may be recovering their equilibrium enough to talk about what happened to them.

“Sometimes we see this around six months later, the beginning of a willingness to open up,” said Volchenska, the Kyiv therapist. “But now we expect a wave of similar cases from Kherson” — a southern city seized by Russia early in the invasion, which Ukrainian forces hope to retake.

“The problem is that you need to feel safe to talk,” she said. “And really nowhere in the country is safe.”

In Makariv, S. still thinks often of Tetiana — her humor, her quirks, her determination. Every day, she looks out on the now-empty house her friend once lived in, trying to picture her vibrant and alive. She remembers Tetiana telling her about a dream she’d had, during the frightening days of occupation.

“In it, she was on the cloud, flying,” S. said. “It was so peaceful. It was so good.”

Ukraine war: Alarm over reports Ukrainian POWs face trial in cages (BBC) By Alys Davies
August 23, 2022

The UN Human Rights Office says it is concerned by reports that Russia plans to try

Ukrainian prisoners of war (POWs) in Russian-occupied Mariupol.

A UN spokeswoman said there was evidence that metal cages were being built in the Ukrainian city's concert hall, "apparently to restrain prisoners of war during proceedings."

The UN said prosecuting POWs for taking part in hostilities is a war crime.

Russia has previously denied unfairly treating prisoners of war.

Photos posted on social media in recent days - including by Ukrainian authorities - appear to show metal cages being built on the stage of the city's philharmonic hall.

The BBC has verified that the photos match the interior of the venue and were taken within the last four to five days.

Ukraine's intelligence service has alleged that Russia is planning to hold show trials of Ukrainian POWs captured while defending the city before it fell to Russian forces in May.

Speaking at a press briefing, a spokeswoman for the UN High Commissioner for Human Rights, Ravina Shamdasani, said "apparently the idea is to restrain the prisoners of war during proceedings in these cages," adding that such plans were "not acceptable" and "humiliating".

"We recall that international humanitarian law prohibits the establishment of courts solely to judge prisoners of war and that wilfully depriving a prisoner of war of the rights of fair and regular trial amounts to a war crime," Ms Shamdasani said in a UN statement released on Tuesday.

She added that the UN is concerned that if POWs are charged with crimes, they will not receive a fair trial.

Ms Shamdasani also expressed concern over Russia denying Ukrainian POWs access to independent monitors such as the UN and the International Committee of the Red Cross (ICRC), which she said could expose them to the risk of being tortured to extract a confession.

Ukraine investigating 28,000 Russian war crimes, including child deaths: ambassador (CTV News)

By Marie Woolfe

August 23, 2022

Ukraine's ambassador to Canada says her country is investigating more than 28,000 suspected war crimes, including the killing of 373 children by Russian forces.

Ambassador Yulia Kovaliv says the crimes being documented and probed, with help from Canadian investigators, include the kidnapping of children taken to Russia, and the murder of fleeing civilians.

"What we want to do is to properly document each and every crime and we will bring Russia to justice," she said in an interview, during which she was called by Ukraine's prosecutor general about the issue.

Among the war crimes being investigated are the discovery of 458 bodies, including 12 children, in Bucha, a suburb of Kyiv occupied for 33 days by the Russians.

Efforts are also being made to bring kidnapped Ukrainian children back from Russia.

In an interview on the eve of Ukrainian Independence Day on Wednesday, she said Vladimir Putin's invasion of Ukraine is not just a military assault, but an effort to erase the country's cultural heritage.

Since it invaded Ukraine six months ago, Russia has launched a systematic drive to destroy everything Ukrainian by burning books, bombing museums and churches, and making people in occupied areas, including schoolchildren, speak Russian, Kovaliv said.

"Russia is now trying to purge the Ukrainians in occupied territories and to issue them Russian passports," she said. "Ukrainians refuse to do it, even under threat."

She also accused Russia of engaging in "energy terrorism," bombing 90 per cent of wind farms and solar energy facilities in Ukraine.

Despite this, Ukraine is trying to boost electricity supplies to neighbouring European countries.

However, she said the situation at a Russian-occupied nuclear power plant - the largest in Europe - is grave, with Ukrainians working "to prevent a catastrophe" in the presence of armed Russian soldiers.

"There is military equipment in the nuclear power plant that is a huge risk."

International inspectors must be immediately allowed into the Zaporizhzhia nuclear plant, she said, to ensure its safety.

Before coming to Ottawa, the ambassador had a number of senior roles in Ukraine including as deputy head of President Volodymyr Zelenskyy's office, focusing on the economy and international financial organizations.

"When the war broke out, I was working on the board of the biggest state owned oil and gas company," she said.

Yet Ottawa is her first diplomatic post, and an important one, as Canada is one of Ukraine's most steadfast allies and most generous donors, this month giving \$450 million to help Ukraine buy gas to prepare for a harsh winter ahead.

As well as more military equipment, she is asking Canada for warm clothing and winter camouflage for Ukraine's troops so they can fight in the snow.

The embassy walls are peppered with photographs of the destruction in Ukraine, including ones of wounded civilians and mothers in hospital beds.

Another grim reminder of the conflict is a large piece of shrapnel from a Russian missile that in March hit a military training base 20 kilometres from the Polish border, killing 43 soldiers.

Only weeks before, Canadian personnel had been at the base training Ukrainian troops.

The ambassador grabbed the piece of Russian rocket just as she was due to leave for Canada in April. It will be auctioned on Wednesday in Toronto on Ukraine's Independence Day to help raise funds for ambulances and rehabilitation facilities.

Since arriving in Canada, the ambassador says, she has been heartened not only by the generosity and unwavering support of the Canadian government, but by "how much yellow and blue (there is) throughout Canada - it is not only in Ottawa, it is everywhere."

She takes cellphone photos of yellow-and-blue signs and flags, including outside shops and bakeries, and sends them to friends in Ukraine on the front line, to show how people across Canada are showing solidarity.

"It is very important for the people who are out there every day under the shelling to know that the world stands with us," Kovaliv said.

The ambassador is profusely grateful to Canada for its financial and moral support, and said a measure enabling Canada to sell off Russian assets seized under the sanctions regime sets an important international precedent.

Yet, she would like Canada to go further still and move to ban Putin from attending the G20 - including an upcoming heads of government meeting in Bali in November - as well as bar Russians from having visas to leave the country.

The ambassador believes Putin and his military apparatus are not the only ones who must be held accountable for the invasion of Ukraine.

She is critical both of Russians fighting in Ukraine, who she said are pillaging people's houses and committing atrocities, but Russian civilians who keep "silent" about the war.

Russians are enjoying western lifestyles and buying luxury goods abroad, she said, as well as educating their children in London and holidaying in France.

She urged the Russian people to have the courage to speak out against the war.

"These are the Russians who can stop him. It's not only us Ukrainians in the front line who can stop him but the people who are keeping silent and being afraid."

Russia has launched a deliberate campaign to destroy Ukraine's infrastructure and to disrupt the harvest, including bombing silos and planting mines in fields, she said.

However, high-grade protective equipment provided by Canada has been saving lives, including that of a young mine clearance officer who was propelled into the air after a mine exploded recently.

She blamed Russia for not only driving up the price of grain, by blockading ports, but preventing the export of grain to countries in Africa and the Middle East at risk of starvation.

One note of optimism is the fact that 25 ships carrying 630,000 tonnes of Ukrainian grain and corn have left Black Sea ports since the signing of an international deal with Russia to allow the shipment of grain this summer.

Despite this, there is hard work ahead to bring in the harvest and prepare for the severe Ukrainian winter. Many houses lack electricity or even windows, she said.

“We need to prepare schools and provide protection in the basements where the children can safely shelter where there is the risk of airstrikes and bombardments - this is the new reality.”

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Syria

Syria reports Israeli missile attack on coastal region, three soldiers (Arab News) August 14, 2022

Israeli air strikes on Syria killed three soldiers and wounded three others on Friday, state media said, after the latest such incident in the war-torn country.

“The aggression led to the death of three soldiers, the wounding of three others,” Syria’s official news agency SANA said, quoting a military source.

Since civil war broke out in Syria in 2011, Israel has carried out hundreds of air strikes inside the country, targeting government positions as well as allied Iran-backed forces and Hezbollah fighters.

The latest Israeli strikes targeted sites in the countryside around the capital Damascus and south of coastal Tartus province, SANA said, adding that Syria’s air defense systems intercepted some of the missiles.

The Syrian Observatory for Human Rights war monitor also gave the same toll of killed and wounded from the strikes near an air defense base in Tartus province, where Iranian-backed groups are active.

The targeted site in Tartus is located eight kilometers (five miles) from a Russian base, said the monitor, which has a wide network of sources in Syria.

It said ambulances had rushed to the scene of the strikes in Tartus.

In early July Syria’s defense ministry said an Israeli strike conducted from the Mediterranean Sea near the town of Al-

Hamadiyah, south of Tartus town, had wounded two civilians.

On Friday, Israeli shelling wounded two civilians in southern Syria near the occupied Golan Heights, according to state media.

Last month, an Israeli strike near Damascus killed three Syrian soldiers, state media said at the time. The Observatory said that strike targeted a military facility and an “Iranian weapons depot.”

After the latest incident Israeli authorities told AFP that they “do not comment on reports in the foreign media.”

While Israel rarely comments on individual strikes in Syria, the military has defended them as necessary to prevent its arch-foe Iran from gaining a foothold on its doorstep.

The conflict in Syria started with the brutal repression of peaceful protests and escalated to pull in foreign powers and global jihadists.

The war has killed nearly half a million people and forced around half of the country’s pre-war population from their homes.

Russia’s military intervention in 2015 helped turn the war in favor of Syria’s President Bashar Assad, whose forces once only controlled a fifth of the country.

Last month the Observatory said a Russian air strike killed seven people, four of them children, in Syria’s rebel-held Idlib region, in the country’s north.

Questions and Answers: Turkey’s Threatened Incursion into Northern Syria (Human Rights Watch) August 17, 2022

Since May 2022, Turkish President Recep Tayyip Erdoğan has threatened a military incursion into northeast Syria targeting the cities of Tel Rifaat and Manbij in Aleppo governorate. The two cities, west of the Euphrates River, are under the control of the Syrian Democratic Forces (SDF), a United States-backed Kurdish-led armed group. The group militarily controls most of northeast Syria, which is governed by the quasi-autonomous self-declared Autonomous Administration of North and East Syria. This planned incursion would be Turkey’s fourth into northern Syria since 2016.

Turkey last conducted a military operation into the region in October 2019, alongside the Turkish-backed Syrian National Army, a coalition of Syrian opposition armed groups. Since then, Turkey has occupied a segment of the border area previously held by the Autonomous Administration between the city of Ras al-Ayn (Serekaniye in Kurdish) and surrounding areas in al-Hasakeh governorate and the towns of Tal Abyad (Gire Spi in Kurdish) and Ein Issa in al-Raqqa governorate.

The following question-and-answer document focuses on Turkey’s laws-of-war obligations should it initiate a fresh offensive into northeast Syria, concerns relating to refugees and internally displaced people, the implications for Syrians and foreigners detained in the region for alleged links to the Islamic State (ISIS). It also addresses the human rights priorities that the Kurdish-led forces and other parties to the conflict should adopt during any imminent offensive.

1. Why is Turkey threatening a military operation into northeast Syria?

Erdoğan has long stated his aim to create a 32-kilometer-deep “safe zone” in northeast Syria in response to perceived threats from the People’s Protection Units (YPG and YPJ), the largest elements of the SDF. The Turkish government considers the YPG and YPJ to be terrorist groups linked to the armed Kurdistan Workers’ Party (PKK) with which Turkey has been in a decades’ long conflict on Turkish soil. Turkey’s earlier military incursions into northern Syria, also aimed at pushing back Kurdish-led forces, have been rife with human rights abuses.

A second stated objective is to forcibly relocate a million Syrian refugees to the zone from Turkey. Turkey shelters a little over 3.6 million Syrian refugees, whom it has given temporary protection. About 500,000 of them are in Istanbul. Turkey has more refugees than any other country and almost four times as many as the entire European Union (EU). However, Turkey has failed to abide by the binding obligation of nonrefoulement, which forbids returning anyone to a country where they would be at risk of serious human rights violations.

Turkish drone attacks and shelling by Turkish-backed Syrian forces on northeast Syrian cities and towns held by the SDF have intensified in recent months, killing and injuring civilians, including children, according to the Rojava Information Center, a volunteer media and research organization in northeast Syria.

On August 11, the SDF said its forces killed Turkish soldiers in response during three separate operations on August 8.

The United States, Russia, and Iran have all publicly warned against another Turkish incursion into northeast Syria.

2. What is the current humanitarian situation in northern Syria?

Ten years of conflict have decimated Syria's infrastructure and social services, resulting in massive humanitarian needs. Over 13 million Syrians needed humanitarian assistance as of early 2021. Millions of people in northeast and northwest Syria, many of whom are internally displaced, rely on the cross-border flow of food, medicine, and other lifesaving assistance.

In 2020, Russia used its veto power to force the United Nations Security Council to shut down three of four authorized border crossings into northern Syria, cutting off UN cross-border aid for the northeast entirely and making it more difficult to distribute aid in the northwest. Currently, all of northern Syria relies exclusively on the one remaining border crossing to northwest Syria from Turkey to bring in all UN-supplied humanitarian aid and medical supplies to civilians. On July 12, 2022, after Russia vetoed a 12-month extension of life-saving aid deliveries from this last remaining crossing, the Security Council settled on a six-month renewal instead, with another vote set for mid-winter, leaving UN aid agencies scrambling to prepare.

According to a June 20 report by the United Nations Office for the Coordination of Humanitarian Affairs, in northwest Syria alone, food insecurity has reached record high levels. Food prices continue to rise sharply, basic services remain severely limited, and 2.8 million people there have been internally displaced. Out of 1.7 million people living in camps or informal settlements, 800,000 live in tents, many of them old, overcrowded, and unfit for extreme weather. While the scope of the anticipated Turkish military operation is not yet known, any major offensive is likely to displace thousands more people, straining a humanitarian response that is already at its limits.

3. What has been the result of previous Turkish incursions into northern Syria?

Turkish military incursions into northeast Syria have been fraught with human rights abuses, and in Turkish-occupied territories today, Turkey and local Syrian factions are abusing civilians' rights and restricting their freedoms with impunity.

During and in the immediate aftermath of the October 2019 invasion, Turkey and the Syrian National Army (SNA), a non-state armed group backed by Turkey in northeast Syria, indiscriminately shelled civilian structures and systematically pillaged private property held by the local Kurdish population, arrested hundreds of people, and summarily killed Kurdish forces, political activists, and emergency responders in areas they occupy in northeast Syria.

By December 2019, Turkish authorities and the SNA had arrested and illegally transferred at least 63 Syrian nationals from northeast Syria to Turkey to face trial on serious charges that could lead to a life sentence. Most are reportedly still detained in Turkey pending the outcome of their ongoing trials. The SNA has also apparently blocked Kurdish families displaced by Turkish military operations from returning to their homes.

According to the UN Commission of Inquiry on Syria, Turkish-backed forces also committed sexual violence against women and men in territories under their control, including at least 30 incidents of rape. In 2021, Syrians for Truth and Justice, a Syrian nongovernmental organization based in Europe, reported that that SNA factions also recruit children, and documented at least 20 such cases.

Turkey and Turkish-backed factions have also failed to ensure adequate water supplies to Kurdish-held areas in northeast Syria. About 460,000 people in these areas depend on water from the Allouk water station near the town of Ras al-Ain (Serekaniye). The station's supply was interrupted multiple times following its takeover by Turkey and Turkish-backed forces in October 2019.

Turkey's 2018 military offensive in Afrin resulted in the deaths of dozens of civilians and displaced tens of thousands, according to the United Nations. Human Rights Watch investigated three attacks into northwest Syria at the time that claimed the lives of 23 civilians, bringing into question whether the Turkish Armed Forces had taken all the precautions necessary to minimize civilian harm. Turkish-supported non-state armed groups also seized, destroyed, and looted properties of Kurdish civilians in Afrin without compensating the owners, and installed fighters and their families in residents' homes. Local activists reported at the time at least 86 incidents of abuse that appeared to amount to unlawful arrests, torture, and disappearances by those groups.

4. What are Turkey's obligations under international humanitarian and human rights law during any military operation in Syria?

Under international law, Turkish Armed Forces must take all feasible measures to avoid, and in any event minimize, the loss of civilian life, injuries to civilians, and damage to civilian objects during military operations. This means they should strictly observe international standards and procedures with respect to their means and methods of warfare designed to prevent civilian casualties, and should robustly and transparently report airstrikes and enemy and civilian casualties.

The laws of war strictly prohibit attacks targeting civilians or civilian structures unless they were being used for military purposes, and prohibit indiscriminate attacks that fail to distinguish between military and civilian targets. Attacks must also be proportionate, meaning that any anticipated civilian casualties or damage to civilian buildings should not be excessive in light of the concrete military advantage anticipated.

Turkey should promptly, impartially, and thoroughly investigate any civilian casualties that result from its operations. It should identify those responsible for civilian deaths resulting from violations of international humanitarian law and hold them accountable, including through criminal trials in the event of war crimes. Turkey should provide compensation for wrongful civilian deaths and injuries and appropriate “condolence” or ex gratia payments for civilian harm.

5. What are the obligations of Turkey and other parties to the conflict under international law to civilians seeking to flee their military operation?

The laws of war require all parties to the conflict to take all feasible steps to evacuate civilians from areas of fighting or where fighters are deployed and not to block or impede the evacuation of those wishing to leave.

Turkey and all parties to the conflict are required to allow civilians to flee ongoing hostilities and to receive aid. The parties to the conflict should ensure that fleeing civilians are safe and have access to humanitarian assistance and always ensure the safety and security of humanitarian relief personnel.

During the 2018 Turkish incursion into Afrin, armed groups affiliated with the SDF prevented civilians from fleeing and forced them to remain in areas where active hostilities occurred, while the Syrian government blocked civilians fleeing the Turkish-led military actions from entering territory under government control.

6. What are Turkey’s obligations under international law to civilians in the areas it occupies as a result of its military operation?

As an occupying power and/or as a supporter of any local factions operating in areas under their control, Turkish authorities must ensure that their own officials and those under their command do not arbitrarily detain, mistreat, or abuse anyone.

Turkey should ensure that no pillaging or forcible taking of private property for personal use occurs. Under the laws of war, this is prohibited and can constitute a war crime. Combatants are not allowed to seize property for personal use, including to house their own families. The laws of war also prohibit destruction of property not justified by military necessity.

While the laws of war allow Turkish authorities to detain or intern civilians in occupied territory temporarily on security grounds, they are prohibited from transferring Syrian nationals from an occupied area to Turkey, whether for detention or prosecution purposes.

The authorities are obliged to investigate alleged violations and ensure that those responsible are appropriately punished. Commanders who knew or should have known about crimes committed by their subordinates but took no action to prevent or punish them can be held criminally liable as a matter of command responsibility.

Turkey should vet any armed groups it assists, make compliance with international humanitarian law a condition of assistance, and monitor such compliance. It should make clear that looting, arbitrary arrests, and mistreatment are unlawful and that it will investigate any credible allegations of abuses by groups on the ground.

7. What is the human rights record of the Kurdish-led authorities and other armed groups on the ground in northeast Syria?

The Syrian Democratic Forces (SDF), an alliance of Kurdish and Arab armed groups led by the YPG, was formed in October 2015 to fight ISIS as it was making large territorial gains in northern Syria. The US and other Western countries have actively supported and armed the SDF in the fight against the extremist armed group, including as part of the US-led Global Coalition to Defeat ISIS.

The SDF have carried out mass arrest campaigns against civilians including activists, journalists, and teachers. In 2017, Human Rights Watch received reports of torture and ill-treatment in detention facilities controlled by the SDF. The SDF also held people without charge in violation of fair trial guarantees, local residents reported. Local activists also reported that the SDF restricted the freedom of movement of displaced people from Raqqa and Deir-Ez-Zor province in displacement camps that the SDF controlled.

In late July 2022, amid heightened tensions with Turkey, the SDF reportedly arrested at least 16 activists and media workers. According to the Syrian Network for Human Rights, the arrests were carried out under the pretext of “espionage.”

The Global Coalition to Defeat ISIS, in partnership with the SDF, has also violated international humanitarian law with

indiscriminate strikes in northeast Syria that resulted in civilian death and destruction.

Human rights priorities for Kurdish-led forces and other armed groups operating in and around northeast Syria should include taking all feasible precautions to avoid civilian casualties, investigating alleged unlawful strikes, and ensuring that civilians can flee the fighting in safety.

All parties who effectively control areas in northeast Syria should also provide sufficient support to displaced people and ensure that ground troops do not harass, arbitrarily arrest, or mistreat residents who choose to remain.

8. What other armed groups operate in or around northeast Syria?

The US has roughly 900 troops in northeast Syria as part of the Global Coalition to Defeat ISIS. The United Kingdom also had ground forces in northeast Syria as part of the Global Coalition. They were active during the 10-day battle to recapture a prison from ISIS in al-Hasakah region in January 2022.

As Turkey continues to threaten a military escalation, Russian and Syrian government forces appear to be bolstering their presence in northern Syria. Both Syrian and Russian military forces have a record of apparent war crimes and potential crimes against humanity in Syria.

9. What is Turkey's current response to the Syrian refugee crisis?

Turkey continues to host the world's largest number of refugees and asylum seekers and in 2016, made a deal with the European Union that offered billions of euros in aid in exchange for preventing onward migration to Greece and its islands.

Turkey shelters almost 3.6 million Syrians registered under a "temporary protection" regulation, which Turkish authorities say automatically applies to all Syrians seeking asylum. This reflects the UN refugee agency's position that "the vast majority of Syrian asylum-seekers continue to ... need international refugee protection" and that "states [should] not forcibly return Syrian nationals and former habitual residents of Syria."

About 200,000 Syrians have been granted Turkish citizenship. While some Syrians in Turkey have successfully established businesses, attended school, and graduated from universities, many face great poverty and hardship, drop out of school early, and are employed for lower wages than Turkish citizens earn in Turkey's informal economy. Under a geographical limitation reservation that Turkey has set to the UN Refugee Convention, Syrians and others coming from countries to the south, east, and north of Turkey's borders are not granted full refugee status in Turkey. Since early 2015, Turkey has all but closed its borders to Syrians fleeing the conflict, and they have increasingly been forced to use smugglers to reach Turkey. In late 2015 and 2018, Human Rights Watch documented that Turkish border guards intercepted Syrians who crossed to Turkey using smugglers and in some cases beat them, shot at them, killing or wounding them, and pushed them and dozens of others back into Syria or detained and then summarily expelled them.

Under its March 2016 deal with Turkey, the EU maintains that Turkey is a safe country to which it can return Syrian asylum seekers from Greece. Turkey has never met the EU's safe third country criteria, though, and recent Human Rights Watch research documenting unlawful deportations of Syrian refugees from Istanbul and other cities in Turkey shows that any Syrian forcibly returned from Greece could face a risk of onward refoulement to Syria.

Over the past two years, there have been signs of a rise in racist and xenophobic attacks against foreigners, notably against Syrians. On August 11, 2021, groups of youths attacked workplaces and homes of Syrians in a neighborhood in Ankara a day after a fight during which a Turkish youth stabbed by a Syrian youth died. The Syrian youth and another Syrian boy are on trial for the murder.

Opposition politicians have made speeches that fuel anti-refugee sentiment and suggest that Syrians should be returned to war-torn Syria. President Erdogan's coalition government has responded with pledges to resettle Syrians in Turkish-occupied areas of northern Syria in an attempt to respond to the opposition parties' weaponization of the refugee issue in periods before Turkey's presidential and parliamentary elections, likely to take place in 2023.

Against this backdrop of anti-refugee sentiment, Turkey is unlawfully deporting hundreds of Syrian men and some boys to northern Syria. Human Rights Watch has recently documented that Turkish authorities and security forces have arrested, detained, and summarily deported hundreds of Syrian refugees, often coercing them into signing "voluntary" return forms and forcing them to travel into northern Syria through the Öncupınar/Bab al-Salam and Cilvegözü/Bab al-Hawa border crossings.

Turkey is bound by the obligation of non-refoulement, part of international law, which prohibits the return of anyone to a place where they would face a real risk of persecution, torture or other ill-treatment, or a threat to life. Turkey also may not use violence or the threat of violence or detention to coerce people to return to places where they face harm. Human Rights Watch highlights the following recommendations in this context:

- If there is an invasion, Turkey should open its borders to those in need and allow those fleeing the conflict to seek protection inside Turkey.
- Turkey should immediately stop unlawfully deporting Syrian refugees to northern Syria, including completely ending its misuse of voluntary return forms.

10. What are “safe zones” and “safe areas”?

“Safe zones” or “safe areas” are areas designated by agreement of parties to an armed conflict in which military forces will not deploy or carry out attacks. Such areas have also been created by UN Security Council resolutions. They can include “no-fly” zones, in which some or all parties to a conflict are barred from conducting air operations. Such areas are intended to protect civilians fleeing hostilities and to make it easier for them to access humanitarian aid. UN peacekeepers or other forces may defend them.

While the 1949 Geneva Conventions and their additional protocols do not specifically mention safe areas or safe zones, they recognize similar arrangements, notably “protected zones” and “demilitarized areas.” The latter are buildings or small areas where the parties to the conflict agree that civilians can get protections in addition to those already provided under international humanitarian law, or the laws of war. The Geneva Conventions also permit parties to a conflict to conclude “special agreements” to improve protection of civilians.

The creation of safe zones has no bearing on the prohibition under international humanitarian law of attacks targeting civilians, whether those civilians are inside or outside the designated safe zone. Civilians outside safe zones remain protected from deliberate attacks.

11. Have “safe zones” been safe?

International experience has shown that “safe zones” and “safe areas” rarely remain safe. Such areas often pose significant dangers to the civilian population within them. Without adequate safeguards, the promise of safety can be an illusion, and “safe areas” can come under deliberate attack. There may also be pressures on humanitarian agencies to cooperate with military forces that control access to safe zones in ways that compromise the agencies’ humanitarian principles of neutrality, impartiality, and independence.

Parties establishing safe zones may intend to use them to prevent fleeing civilians from crossing borders, rather than to genuinely provide protection. Such zones have been used as a pretext for preventing asylum seekers from escaping to neighboring countries and as a rationale for returning refugees to the country they fled.

Additionally, the presence of military personnel, sometimes commingled with civilian populations and sometimes initiating attacks from the safe area, can make the location a military target, as opposed to a genuinely safe zone. Forces might also recruit fighters, including children, in a safe area.

Safe zones and safe areas also suffer from the same problems faced by camps for internally displaced people. Residents may not be able to access work or their farms, for example, and so will be dependent on assistance for food, water, and other services, including health care. Women may face greater sexual violence due to overcrowding and tense social dynamics, and due to having to venture outside for work, water, firewood, or other reasons. UN peacekeepers or others in control might not have the capabilities to enforce law and order.

In short, the historical record on safe zones protecting civilians is poor – from Srebrenica in Bosnia-Herzegovina, to Kibeho in Rwanda, to Mullaitivu in Sri Lanka.

In November 2019, following Turkey’s most recent offensive into northeast Syria, Human Rights Watch documented a host of human rights abuses carried out by factions of the SNA, the Syrian non-state armed group backed by Turkey, in territories over which Turkey exercises effective control. The abuses documented include summary killings and enforced disappearances, as well as property confiscation, looting, and blocking the return of Kurdish residents. This record of abuses makes it extremely unlikely that Turkey’s proposed “safe zones” will be safe.

12. What would a Turkish incursion into northeast Syria mean for the men, women, and children arbitrarily detained in northeast Syria as Islamic State (ISIS) suspects?

About 60,000 men, women, and children are detained for alleged links to ISIS in overcrowded, deeply degrading, and often life-threatening conditions in locked camps and prisons in northeast Syria. Most have been held since early 2019 and some for more than five years. More than 41,000 are foreigners, with about three-fourths from Iraq and more than 12,000 from 60 other countries, regional authorities told Human Rights Watch in May.

A majority of the foreigners are children, most under age 12. None of the foreigners have been brought before a judge to determine the necessity and legality of their detention, making their detention arbitrary and unlawful.

The detainees lack adequate food, clean water, medical care, and shelter. Hundreds have died of preventable diseases, accidents, or violence inside camps and prisons. Humanitarian groups warn that a Turkish invasion is likely to lead to further shortages of basic necessities. In addition, the SDF and regional Asayish security forces are likely to be diverted from guarding the detainees to fight Turkish forces. This could increase both the security risks to the detainees and the potential for breakouts and uprisings by suspected ISIS hardliners.

Repatriations of foreigners, already slow and piecemeal, are likely to be suspended due to home countries' concerns about sending their diplomats or other nationals into northeast Syria to extract detainees amid an ongoing battle. The SDF diverted its forces from guarding these detainees and many prisoners escaped, including from a locked camp that was hit by a Turkish airstrike, during Turkey's incursion in 2019.

Syria: Horrific missile attack on market in city of al-Bab requires immediate independent investigation (Relief Web) August 21, 2022

An immediate independent investigation must be launched into the Friday morning missile shelling on the city of al-Bab in the eastern countryside of Aleppo, northern Syria, Euro-Med Monitor said in a statement. The shelling resulted in the death or injury of about 50 civilians.

At approximately 11:00 a.m., at least five missiles targeted several civilian sites in the city of al-Bab, most notably the old Souq al-Hal market, which is usually crowded with shoppers at such a time. The attack killed 15 civilians, including five children, and injured over 35 others.

Euro-Med Monitor reviewed the horrific images posted on social media by local activists depicting the effects of the shelling. Shrapnel from the missiles mutilated the bodies of those now dead or injured, damaged multiple shops and a nearby school, and destroyed several carts.

The city of al-Bab is controlled by the armed Syrian opposition. It is close to areas controlled by Syrian regime forces and additional areas controlled by the Syrian Democratic Forces (SDF) in the country's north, from which the missiles were reportedly launched. Euro-Med Monitor was unable to confirm the veracity of the reports. Following the incident, the SDF issued a statement denying responsibility for the shelling and claiming no direct or indirect involvement.

Several bombings, missile strikes, and assassinations have occurred in al-Bab in recent months, killing many civilians, as well as militants affiliated with the so-called Syrian National Army (SNA), which controls the city with Turkish support.

Anas Jerjawi, Euro-Med Monitor's Chief Operations Officer, said: "This horrifying incident serves as yet another reminder that there is no safe zone in Syria, and it demonstrates the frailty of the agreements designed to protect those areas from military attacks."

"Although the perpetrator of the shelling remains unknown, the Syrian regime forces' and the SDF's documented pattern of targeting civilian areas indiscriminately likely makes them responsible for the incident, which calls for an immediate independent investigation to identify and hold the perpetrators accountable", Jerjawi added.

The incident emphasizes the critical need for immediate action to protect civilians in northern Syria from indiscriminate and organised attacks carried out by all parties to the conflict. Targeting civilian areas is a clear violation of the rights of protected persons in armed conflicts, as international humanitarian law expressly prohibits targeting civilians and civilian objects and requires them to be excluded from all military operations.

In addition, the incident is further evidence of the high cost of the international community's continued disregard for human rights violations in Syria, as many lives could have been saved had international actors demonstrated a genuine willingness to implement the principle of accountability for crimes committed against Syrian civilians.

Syrian forces and their allies have carried out dozens of aerial and ground attacks on north-western Syria since the beginning of this year, targeting residential buildings and service facilities, and resulting in dozens of deaths and hundreds of injuries.

The international community and relevant UN institutions can affect real change in Syria by shifting their approach to human rights violations, moving beyond condemnation and toward serious and organised efforts to hold those responsible for possible war crimes accountable, such as imposing strict sanctions aimed at limiting the ability of rights violators to continue their unlawful actions.

Euro-Med Monitor calls for much stronger efforts to hold perpetrators of violations in Syria accountable, through adherence to the principle of universal jurisdiction adopted by Europe's national courts, and the filing of lawsuits before these courts against suspected participants in the assault on the lives of Syrian civilians.

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Yemen

Biden administration agrees arms sales to Riyadh and Abu Dhabi to counter China's growing influence (World Socialist Web Site) By Jean Shaoul

August 18, 2022

Just a few weeks after US President Joe Biden's visit to Saudi Arabia, aimed at shoring up relations with the murderous regime, his administration has approved two massive arms sales worth more than \$5 billion to Saudi Arabia and the United Arab Emirates (UAE). It follows \$650 million in air-to-air missiles sent to Riyadh in November 2021 for its criminal war against the civilian population in Yemen.

Included in the sales are Patriot missiles costing \$3 billion for Saudi Arabia and a high-altitude missile system costing \$2.2 billion for the UAE aimed at protecting the venal petro-monarchs from rocket attacks by Yemen's Houthi-led rebel movement.

The US State Department, seeking Congress's approval for the deal, said the proposed sale would "support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE is a vital US partner for political stability and economic progress in the Middle East."

Biden had pledged during his election campaign to treat Saudi Arabia as a "pariah state" due to its appalling human rights record and Crown Prince Mohammed bin Salman's signing off on Saudi insider turned dissident Jamal Khashoggi's gruesome assassination in 2018. He also promised to cut off or cut back on the sale of "offensive" weapons to both Saudi Arabia and the UAE, citing their attacks on civilians in Yemen. But this has counted for nothing next to the more pressing needs of Washington's geostrategic interests.

Last month, Reuters reported that the Biden administration was discussing lifting the ban on US sales of offensive weapons to Saudi Arabia.

Ever since Saudi and the UAE-led coalition invaded Yemen in April 2015, international human rights groups—including the New York-based Human Rights Watch and the London-based Campaign Against the Arms Trade—have documented the coalition's use of US and UK weapons in unlawful airstrikes, including undoubted war crimes, breaching Washington and London's own policies on arms sales. These two imperialist warmongers, which lose no opportunity to justify their bellicosity in the name of human rights, have also provided the Saudis and Emiratis with political and diplomatic cover at the UN, even as their blockade of the impoverished country has put millions at risk of famine.

The Guardian reported that the Biden administration is also exploring the setting up of a new international committee to document and report on human rights violations in Yemen that would include representatives from the Saudi and UAE puppet government in the country. An intensive lobbying campaign by Riyadh put a stop to an earlier United Nations Human Rights Council investigation into possible war crimes. One can only imagine the uproar that would follow if President Vladimir Putin were to be included in a panel to investigate Russian war crimes in Ukraine.

The political reasons Washington supports two of the most repressive regimes on the planet are clear. They are a key market for US arms and play a vital role on behalf of US imperialism in suppressing the working class in Saudi Arabia, the Gulf and throughout the region and supporting Washington's domination in the resource-rich Middle East. They have allied with Israel in a US-led anti-Iranian axis that threatens to push the region into another catastrophic war.

The economic reasons are less well-known. As the US became increasingly self-sufficient in oil, the petro-monarchs turned elsewhere for customers. By 2020, the Gulf countries were supplying 40 percent of China's oil imports, with 16 percent of that coming from Saudi Arabia. The Kingdom's trade with China has soared from \$3 billion in 2000 to \$67 billion in 2021, while its trade with the US rose from \$20.5 billion to \$24.8 billion in the same period. While much has been made of China's 25-year \$400 billion trade and investment agreement with Iran, even if it were actualized at some \$16 billion a year this is still

much less than Beijing's trade with Riyadh.

Merchandise trade between the Middle East and China has increased significantly, totaling \$272 billion in 2020. Furthermore, despite heavy pressure from Washington, no Middle Eastern country has banned the Chinese telecom giant Huawei's 5G networks. Beijing is now the largest single regional investor and trading partner of 11 countries in the Middle East. Its Belt and Road Initiative (BRI), aimed at placing China at the centre of global trade, is the basis of agreements with 21 countries in the region.

Algeria, Egypt, Iran, Saudi Arabia and the UAE all have "comprehensive strategic partnerships" with China, while Iraq, Jordan, Morocco, Oman and Qatar are "strategic partners." Turkey has a "strategic cooperative relationship and Israel a "comprehensive innovation partnership" with China. Tel Aviv's extensive links with China's defence technology has on occasions put it at odds with Washington.

A critical element in China's BRI has been its development and expansion of ports and industrial parks in Egypt, Oman, Saudi Arabia, the UAE and Djibouti, China's only overseas military base, to secure its shipment of goods to Africa, Europe and beyond.

Of even greater significance are the talks, reported in the Wall Street Journal last March, between Beijing and Riyadh over pricing some oil sales to China in yuan. Such a move that would undermine the dollar's role in the global petroleum market. Under a 1970s agreement between the US and Saudi Arabia, all oil sales anywhere in the world are conducted in dollars, recycled back to the US and to a lesser extent Britain as sovereign reserve holdings in return for military support and security.

The petrodollar system has underpinned the US financial system, allowing it to finance its soaring debts—the US is the world's largest debtor nation—and the dollar's status as the world's reserve currency. While the US accounts for around 20 percent of global GDP, nearly 90 percent of international currency transactions and 60 percent of foreign exchange reserves are in dollars.

But foreign investment no longer finances US debt to the same extent as it once did. Since the 2008 financial crisis and more recently the pandemic crisis, the Federal Reserve has sought to protect financial markets with quantitative easing and bought up US debt itself. As a result, foreign central banks' and foreign investors' holdings of US Treasury bonds as a proportion of total US public debt have fallen by about 50 percent.

The prospect of Riyadh accepting payment in yuan is totally unacceptable to Washington. It would further and significantly undermine the dollar-based system, following on from Russia and Iran's attempts to strike payments in different currencies under the pressure of US sanctions. Iraq's efforts to avoid sanctions by selling its oil for euros was one of the factors that led the Bush administration to declare war on Iraq in 2003, despite opposition from the European powers.

Biden declared quite openly that his trip to Saudi Arabia last month was to bolster America's position in the region, which had waned under his watch, against its rivals: "I want to make clear that we can continue to lead in the region and not create a vacuum, a vacuum that is filled by China and/or Russia."

Relations with the Gulf states began to cool after President Barack Obama's refusal to back Egypt's President Hosni Mubarak during the mass protests that were to bring down his government in 2011 and threaten Saudi clients in Bahrain and Yemen. They became more strained after Washington signed the 2015 nuclear accords with Iran—whom Riyadh and Abu Dhabi accuse of supporting the Houthi rebels who ousted Riyadh's puppet government in Yemen in 2015—and did little to counter the Houthis' missile attacks.

Russia's successful thwarting of the attempted overthrow of Syria's President Bashar al-Assad, orchestrated by Washington and heavily backed by Riyadh in particular, and of the US-organised coup against Turkey's President Recep Tayyip Erdogan have also caused disquiet.

Biden's billion-dollar arms sales are intended as a down payment on a renewed partnership. They were announced as China's President Xi Jinping prepares to visit Saudi Arabia as early as this week—his first overseas visit since the COVID pandemic—where he is expected to be given an extravagant welcome, in contrast to its low-key reception of Biden in July. They follow shortly after Saudi Arabia's state-owned oil company Aramco signed a memorandum of understanding with China's state-owned Sinopec for cooperation in areas, including "carbon capture and hydrogen processes."

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon
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Israel and Palestine

Palestinians submit war crimes complaint against Israel in the ICC (Middle East Eye) August 17, 2022

Israel is 'unlawfully depriving Palestinian civilians of property', reads the complaint to the International Criminal Court

The International Centre of Justice for Palestinians (ICJP) on Wednesday filed a war crimes complaint to the International Criminal Court (ICC) over Israel's policy of unlawfully depriving Palestinian civilians of property, both for settlements and in "circumstances not justified by military necessity".

The complaint was filed on behalf of Rezk Salem Hamed Kadih in the Gaza Strip and members of the Salhiya family from Sheikh Jarrah, a Palestinian neighbourhood of occupied East Jerusalem, following an investigation that opened on 3 March 2021.

During the investigation, Fatou Bensouda, then-ICC prosecutor, said: "There was a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip; potential cases arising from the situation would be admissible, and there were no substantial reasons to believe that an investigation would not serve the interests of justice."

The complaint calls on the ICC prosecutor to include the cases it has submitted, and intends to submit, as part of the formal investigation. At the time, the ICJP was continuing to gather evidence for numerous further cases to submit to the ICC.

"The evidence available to support allegations of property-related crimes perpetrated by the Israeli authorities is vast, credible and clear. The fact that this has been allowed to continue as an accepted policy for Israel's illegal expansion is mind-blowing," said Tayab Ali, ICJP director.

"The silence and support from countries in the EU as well as the UK and USA is tantamount to complicity in these crimes."

The complaint mentions land in the town of Khuz'a', in the Yunis district of south Gaza - specifically an area about 36,000 square metres. According to the complaint, Kadih inherited this land and is one of its owners, along with his six siblings.

The land was originally owned and registered by his grandfather, and has reportedly been in the family for more than 100 years. Three generations of his family have lived on the land and rely on it as their primary source of income. Following the Nakba, Israel occupied almost half of the land and established a separation fence on a part of it.

In 1956, more of the land was confiscated after the Khan Yunis Massacre. Following the Six-Day War in 1967, even more land was taken by Israeli forces. Israel also used "excessive force to remove family members from the land" and established a permanent military presence there, claiming military necessity. "The Israeli military entered the land with bulldozers and opened fire at the farmers on the land," the complaint reads.

In 1993, Israel attempted to relocate the separation fence deeper into the property but was met with protests. According to the complaint, the land was used to keep a military presence and served as a farm for Israeli settlers. The family only possesses a small amount of the original land and is not allowed to access all of that which remains.

"This case involves a long-running denial of property rights. It is representative of Israel's longstanding, systematic practice of confiscating or occupying Palestinian territory, which increases incrementally over time," the complaint states.

"This denial of Mr Rezk Kadih's rights has continued to date. There is no prospect of a domestic solution to Mr Rezk Kadih's case... The denial of his rights, and those of his family, reflect Israeli state policy."

Another piece of land mentioned in the complaint belongs to the Salhiya family. It is a 6,500 square metre property located in Karm al-Mufti, in Sheikh Jarrah. The land includes two family houses, a plant nursery, and a car sales showroom. It was also home to more than a dozen members of the family.

In 1967, the Salhiya family intended to register the land with the Jordanian Land Registry. But the registration process was interrupted by the 1967 war in June of that year and the subsequent occupation of the West Bank. The process was, therefore, never completed.

The family has been facing expulsion since 2017, when their land was allocated for school construction, following 23 years of court actions against the Israeli government. Israel issued an ultimatum in December for evacuation of the property on 25 January.

Israel's Jerusalem municipality argues that the Salhiyas have no right over the land that once belonged to the Grand Mufti of Jerusalem, Amin al-Husseini - which Israel confiscated after it captured the city in 1967 - according to the Absentee Property Law. The family has owned the house and lived in it for generations, since they were expelled by Zionist militia from Ain Karem in 1948 during the Palestinian Nakba, or catastrophe, the war that preceded Israel's creation.

In January, Israeli forces raided the home of the Salhiya family, violently arresting and assaulting family members, before emptying the house and demolishing it.

Large numbers of police units, including counterterrorism and riot police officers accompanied by bulldozers stormed the Salhiya house.

Yasmin Salhiya, a resident of the home and daughter of the owner, Mahmoud Salhiya, told Middle East Eye at the time that the large Israeli force cut off the electricity supply to the house as they raided it, and started shooting teargas, blocking the vision of those inside.

Bulldozers finished the demolition three hours later, leaving the house in ruins and the family's possessions scattered on the ground.

Israeli forces raid offices of Palestinian civil society groups in West Bank (Middle East Eye) August 18, 2022

Soldiers broke down office doors and confiscated material at previously targeted organisations, including Al-Haq and Addameer

Israeli forces closed the offices of seven Palestinian civil society rights groups in the occupied West Bank in an overnight raid on Thursday.

Al-Haq said Israeli soldiers stormed its offices in Ramallah, confiscating items, shutting down the main entrance with an iron plate, and leaving behind a military order declaring the organisation unlawful.

Other groups raided included Addameer, the Bisan Center for Research & Development, Defense for Children International-Palestine (DCIP), the Union of Palestinian Women's Committees and the Union of Agricultural Work Committee and the Union of Health Workers Committees (UHCW).

Addameer said soldiers had also broke down its office doors and confiscated material.

In October, Israel declared six of the groups (excluding the UHCW) as terrorist organisations.

The declaration, which accused the groups of militant links, was met with criticism from both the United Nations and human rights organisations.

Al-Haq, which was established in 1979, focuses on documenting human rights violations by Israel and the Palestinian Authority.

Tahkeem Alyan, director of programmes at Al-Haq, told MEE on Thursday that the army's raid and seizure of important materials was "expected in light of the continuous Israeli incitement against Palestinian institutions, which aims to demonize them and cut off communication with the world".

Alyan said Al-Haq has long been targeted by Israeli authorities, but that attacks against it had escalated after the organisation

started to send reports of Israel's actions to the International Criminal Court.

"Israel does not want anyone to hold it accountable for its crimes, and to be brought to trial, and this is what bothers it and motivates it to take this action against the institution," he said.

He added that branding Al-Haq as a terrorist organisation was the easiest measure the army could take against the group, because it lacked any evidence to prove that the organisation had committed any illegal actions.

"Al-Haq has reopened its doors, and we will continue to work in it, and we will not succumb to this decision," said Alyan.

The military confirmed in a statement that soldiers "closed seven institutions and confiscated property" in the overnight raids.

They came after Israeli Defence Minister Benny Gantz announced on Wednesday that the terror designation of three of the groups had passed into law. The other three, which had challenged their terror designations, had their appeals rejected, a statement from Gantz's office said.

Adalah, the Legal Center for Arab Minority Rights in Israel, which represented the six groups with private attorneys, said no explanation was given to the groups.

"The raid on the offices of the six organizations was carried out only a few hours after the Israeli Military Commander rejected the objection filed by the groups against their declaration as "unlawful associations", without giving any answer to the fact that these organizations were and are not given any opportunity to defend themselves against the secret evidence that the Israeli security forces allegedly hold against them," Adalah Attorneys Dr Hassan Jabareen, Adi Mansour and Rabea Agbariah, together with private attorneys Michael Sfar and Jawad Boulos, said.

"Israel continues to persecute Palestinian human rights and civil society groups with the clear aim of silencing any criticism against it. The effort is led by a Defense Minister, Benny Gantz, suspected of committing war crimes, in an attempt to terrorize those who will testify against him and his actions."

Palestinian Prime Minister Mohammad Shtayyeh paid a visit to Al-Haq in the aftermath of the raid in which he expressed support to the rights groups and reiterated the legality of their work.

"This institution and all the others are registered with the State of Palestine, and therefore are legal institutions that operate within the law," he said, calling on the groups to resume their work despite their closure by the Israeli army.

The groups deny Israel's claims and in a joint statement last month nine European countries said they would continue working with them because Israel had failed to prove the allegation that they were terrorist organisations.

The foreign ministries of Belgium; Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden said they had not received "substantial information" from Israel that would justify reviewing their policy.

"Should evidence be made available to the contrary, we would act accordingly," they said. "In the absence of such evidence, we will continue our cooperation and strong support for the civil society in the OPT (occupied Palestinian territories).

"A free and strong civil society is indispensable for promoting democratic values and for the two-state solution."

Defense for Children International-Palestine was established in 1990 with the aim of providing legal services to children before Israeli military courts.

After 10 years of its work, it turned to documenting violations against Palestinian children by Israeli forces, especially detainees.

Ayed Abu Qutaish, the director of the accountability programme at the organisation, told MEE on Thursday that the goal of closing the group and the other Palestinian organisations "was to silence them and prevent them from continuing to document the violations of the Israeli occupation against Palestinians, and communicating them to the world".

Abu Qutaish added that the army was branding the groups as terrorist organisations and demonising them in front of the world in order to separate them from the international solidarity and support the groups receive.

In a statement on Thursday, the Israeli human rights group B'Tselem said it stood in "solidarity with the Palestinian civil society organisations raided this morning by the Israeli army".

"The false accusations against them have been rejected by the European Union, the United States and other states," the statement continued.

"We will continue to work with our colleagues in the Palestinian NGOs to dismantle the apartheid regime.

"This regime considers violent repression a legitimate tool to control Palestinians, yet defines non-violent civil activity as terrorism."

Last month, Israel's defence ministry said lawyers working for the the six organisations would need to receive official permission from the finance and defence ministers to represent them or face a prison sentence of up to seven years.

In April, United Nations human rights experts urged the international community to resume funding for the Palestinian civil society groups.

"We call on the funding governments and international organisations to swiftly conclude that Israel has not established its allegations and to announce that they will continue to financially and politically support these organisations and the communities and groups they serve," the groups - which included J Street, Jewish Voice for Peace, and T'ruah: The Rabbinic Call for Human Rights, among others - said in a statement at the time.

Shin Bet detains, investigates B'Tselem field researcher (Middle East Monitor) August 13, 2022

Renown Israeli rights group B'Tselem disclosed on Saturday that Shin Bet had raided the Sosya neighbourhood in Hebron Hills, detaining its field researcher Nasser Nawajah and interrogating him.

On his detention, Israeli writer Gideon Levy wrote: "A large army force raided the village of Palestinian human rights activist Nasser Nawajah. He was taken handcuffed and blindfolded into detention for 14 hours for a 15-minute talk with a Shin Bet agent who advised him to moderate his behaviour."

B'Tselem shared that its researcher was detained and interrogated in a military camp in an illegal Jewish settlement in the occupied West Bank.

He remained in detention, and no information was given to his family, B'Tselem or lawyers. He was given very little water to drink while handcuffed and blindfolded.

The rights activist was interrogated by an officer who accused him of causing trouble with the Israeli army in the area.

According to the statement, Nawajah has been detained and interrogated several times and was accused of aggravating the Israeli army and sending B'Tselem activists to harass Israeli soldiers.

"This was not surprising for me," Nawajah said. "Israeli has been chasing anyone documenting Israeli oppression practised in the occupied territories. Violence practised by the Israeli forces is not new, but it is part of my work and a routine for the Palestinians."

B'Tselem Director Hagai El-Ad expressed: "This is scandalous, but not exceptional. Israel does its best to undermine the workflow of the human rights organisations, mainly the Palestinian ones, which disclose the violations it commits."

El-Ad added: "Detention of B'Tselem employees and questioning them has a clear reason: undermining his work and helping the army and settlers to continue violating the rights of the Palestinians in the south Hebron Hills."

Israeli forces kill Palestinian man in occupied West Bank village (Al Jazeera) August 19, 2022

Salah Tawfiq Sawafta, 58, was shot in the head during an Israeli army raid on the village of Tubas.

Israeli forces have killed a Palestinian man during a raid on the northern West Bank city of Tubas.

The Palestinian health ministry identified the man as 58-year-old Salah Tawfiq Sawafta, and said he succumbed to his wounds after he was shot in the head earlier on Friday.

According to state news agency Wafa and other local media outlets, Sawafta was returning home from dawn prayers at the mosque near his home when he was shot.

A video said to be taken at the time of the shooting appears to show Sawafta unarmed and attempting to enter a store before being shot. Al Jazeera could not independently verify the video.

Israeli forces had raided Tubas at dawn on Friday. "During the activity in the village of Tubas, a number of armed men threw

Molotov cocktails and opened fire at the forces who responded with fire,” the Israeli army said in a statement.

Another Palestinian man sustained injuries to his leg from live ammunition.

Sawafta had sent out invitations to his daughter’s wedding recently, due to take place next week.

The Israeli army conducts raids on Palestinian towns and villages on a near-daily basis to carry out search and arrest raids, which often result in Palestinians being killed or injured.

Thursday marked 100 days since Al Jazeera journalist Shireen Abu Akleh was killed by Israeli forces while she was covering a military raid on Jenin in the northern occupied West Bank.

Israel has killed 134 Palestinians in the occupied territories this year, according to the Palestinian health ministry. This includes the 49 Palestinians killed in the recent three-day offensive on the Gaza Strip, among whom were 17 children.

Nineteen people have been killed in attacks carried out by Palestinians in Israel and the occupied West Bank in 2022..

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ASIA

Afghanistan

Afghanistan’s Powerless Hazara Community Still Facing Persecution (Irish Examiner) By Hannah McCarthy
August 22, 2022

“Every year when Ashura comes, I hope that people don’t get killed but then explosions and mass killings happen again,” says Arizo Rahimi, an Afghan journalist now living in Dublin. For Shi’ite Muslims, Ashura is one of the most important days on their religious calendar. It is when they commemorate the death of the Prophet Mohamad’s grandson, Hussein, in the 7th century with processions and self-flagellation.

Hussein’s death reinforced the schism in Islam between Shi’ites and Sunnis, who constitute the majority of Muslims around the world and generally consider Shi’ites as heretics. Afghanistan’s Shi’ites are predominantly Hazara, an ethnic minority popularly believed to be descendants of Mongol soldiers who invaded the region in the 13th century. The ethnic group, easily identifiable due to their different religious beliefs and facial features, have faced a long history of persecution and attacks in Afghanistan.

“For a long time, I couldn’t watch TV or read newspapers because I was afraid that I would hear that my friends or family had died,” says Rahimi who is from a Hazara community in the Afghan capital of Kabul.

During Ashura, which was observed on 8 August, Shi'ite neighbourhoods in Kabul were hit with a series of bomb attacks that left an estimated 120 dead.

The majority of the attacks were claimed by the Islamic State's branch in Afghanistan, known as ISIS-K, which is an extremist militant group that identifies as Sunni.

After the bombings in Kabul earlier this month, the human rights organisation Amnesty International said that "the systematic attacks on the minority Hazara Shi'ite community in Afghanistan may amount to crimes against humanity and should be unequivocally condemned." "The Taliban are responsible to take all necessary measures for the protection of civilians in Afghanistan and they must immediately step-up measures to ensure protection to all civilians in the country," says Zaman Sultani, Amnesty International's regional researcher.

Since the US withdrawal from Afghanistan last year, Hazaras have been excluded from the new government and security force, while facing repeated attacks from Sunni militants in their neighbourhoods, mosques, and schools. The Taliban are engaging in "systematic discrimination against Hazara people," says Rahimi.

"In the last two decades, Hazaras invested heavily in education hoping to get government jobs, but the Taliban fired many Hazaras from their jobs."

It's not what the Hazara political leader, Jafar Mahdawi hoped for. The swift Taliban take-over last August thwarted the efforts of the former Afghan parliamentarian to form an interim coalition government to oversee the country after the end of the US occupation. Along with the former president of Afghanistan, Hamid Karzai, the Tajik leader, Abdullah Abdullah, and Pashtun warlord Gulbuddin Hekmatyar, Mahdawi had been due to travel to Qatar on 15 August last year to negotiate with the Taliban regarding the coalition government. The negotiations were derailed by the decision of Ashraf Ghani, the president of the US-backed Afghan government, to flee Afghanistan on 15 August.

"We just needed two days to complete the trip to Qatar and we could then have returned to Kabul and announced a new government," says Mahdawi at his home in West Kabul.

Ghani's decision to flee caused the security vacuum which led Taliban forces to take Kabul on 15 August and precipitated the chaotic and deadly evacuation of civilians and troops from Afghanistan. The unexpected ease with which the Taliban took Kabul in August drastically weakened the bargaining position of minority and opposition groups with the Taliban.

In an effort to reach out to the Taliban after the US withdrawal, Mahdawi organised a meeting between hundreds of Hazara leaders and senior Taliban officials in West Kabul last November to promote relations between the two groups.

The Taliban leader and spokesperson, Zabihullah Mujahid, addressed the fall hall and said that the Hazaras were smart, educated people and that the Taliban needed them.

In his speech at the meeting, Mahdawi said that the Taliban had promised him that an "inclusive Islamic government" would be formed soon and that women will be allowed to go to school and work in the New Year. At the meeting, senior Hazara cleric Ayatollah Waezzada Behsudi said: "we, the Hazara people, respect all religions" and that "we do not understand each other until we live together."

Behsudi called for Afghan unity over sectarianism: "Sunni brothers: Shia in Afghanistan will attend your funeral, but the Sunni in Saudi Arabia will not. Shia brothers: Sunnis in Afghanistan will attend your funeral, but the Lebanese Shia will not."

Despite the diplomatic effort of Hazara leaders, the Taliban have made little effort to fulfil their promises over the last year. The Taliban government cancelled Ashura as a public holiday while sectarian attacks against the Hazara community have mounted, and girls and women remain excluded from school and work. "Unfortunately, during the past 10 months, the Taliban did not take a step in creating an inclusive government in which all ethnic groups and political parties played a role," said Mahdawi by text from Kabul this month. "Many opportunities were lost."

"Today, we see that there is no one from the Hazaras in the political leadership," he says and adds that only members of the Tajik and Uzbek communities who used to serve with the Taliban have been included in the new government.

Mahdawi is still hopeful that a government can be formed that is "a full reflection of Afghan society in which women, professionals, young people and people from all ethnicities, groups and class are present".

Rahimi is not optimistic. "I do not trust the Taliban's words," says Rahimi and "People like Mahdawi are not in a position to protect Hazara people. To be honest, in Afghanistan you need to have power to influence politics."

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War Crimes Investigation in Myanmar

UN Envoy Tells Myanmar Military to Halt Executions, End Violence (Al Jazeera) August 18, 2022

The United Nations' special envoy on Myanmar has called for an end to violence and the release of all political prisoners on her first visit to the troubled country since her appointment last year. The military seized power in February 2021, hours before the country's new parliament was due to sit, detaining elected leader Aung San Suu Kyi and members of her civilian government.

Since then, Aung San Suu Kyi has been tried and jailed on a slew of charges and still faces many more, while thousands of anti-coup activists have been arrested. Some 2,215 people have been killed in the military's crackdown on its opponents, according to the Assistance Association for Political Prisoners, which has been tracking the violence.

Late last month, the military regime executed four political activists in Myanmar's first use of the death penalty in more than 30 years. Among the dead was Phyo Zeya Thaw, a former legislator from Aung San Suu Kyi's National League for Democracy party.

UN Envoy Noeleen Heyzer met coup leader Min Aung Hlaing on Wednesday and Heyzer's office said she had "directly urged" him "to impose a moratorium on all future executions". She also called for an immediate end to the violence and the release of all political prisoners, including former Aung San Suu Kyi adviser Sean Turnell, an Australian economist.

UN Deputy Spokesperson Farhan Haq said while Heyzer had asked to meet Aung San Suu Kyi, she had not been able to do so.

He described the meeting between Heyzer and the army chief as "a good discussion" and said the UN will see whether her key demands will be carried out. The UN will "continue to push on those points," he added.

Diplomatic efforts to resolve the crisis, led largely by the Association of Southeast Asian Nations (ASEAN), have made little

progress, with the generals refusing to deliver on a peace plan that was agreed upon last year.

Even while Heyzer was in Myanmar, a spokesperson for the military administration lashed out at the 10-member group for excluding its generals from regional gatherings, accusing it of caving to “external pressure”.

Some members of ASEAN, which Myanmar joined in 1997, recently indicated that the group could be forced to go further if the military continues to stall.

Speaking at a regular press conference, spokesperson Zaw Min Tun rubbished ASEAN’s moves. “If a seat representing a country is vacant, then it should not be labelled an ASEAN summit,” Zaw Min Tun said. “What they want is for us to meet and talk with the terrorists,” he said, using the generals’ label for pro-democracy movements that have taken up arms against the military.

In a meeting with Heyzer, the military-appointed foreign minister called on the world body to “constructively and pragmatically review its approach in its cooperation with Myanmar”, according to a statement.

Singaporean sociologist Heyzer was appointed by UN Secretary-General Antonio Guterres last year, replacing Swiss diplomat Christine Schraner Burgener, who had been blocked from visiting Myanmar.

Schraner Burgener had called for the UN to take “very strong measures” against the military and was the target of regular attacks in Myanmar’s state-backed media.

State-run MRTV television reported on Heyzer’s visit, saying the envoy and Min Aung Hlaing exchanged views on promoting trust and cooperation between Myanmar and the United Nations. It did not provide any details on the talks, which took place in Myanmar’s capital, Naypyidaw. Heyzer stressed in the statement as she left Myanmar that “UN engagement does not in any way confer legitimacy” on the military’s administration.

“The people of Myanmar have the right to democracy and self-determination free from fear and want, which will only be possible by the good will and efforts of all stakeholders in an inclusive process,” she said.

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Terrorism

Food Insecurity and Terrorism: What Famine Means for Somalia (Foreign Policy Research Institution) By Rayna Alexander
August 16, 2022

In Somalia, 26 million people are expected to experience extreme hunger by February 2023, threatening hundreds of thousands of lives. Nearly half of Somalia's population of 7.1 million people already face acute food insecurity. In the first six months of 2022, the number of children receiving treatment for malnutrition surged 300 percent. According to the United Nations Assistance Mission to Somalia, malnutrition rates are among the highest in the world.

A persistent drought, internal violence, economic instability, and the Russian invasion of Ukraine have contributed to the growing food crisis. Not only does food insecurity threaten fundamental human rights and longevity, but it also poses challenges to political stability and increases the risk of terrorism.

In the short term, swift action is necessary to avert the imminent humanitarian catastrophe and the political stability of the Horn of Africa. In the long term, the United States and its partners should support agricultural investment, import diversification, and anti-corruption efforts in the region to mitigate the consequences of future climate disasters and Somalia's crisis of ineffective governance.

Impacts of Drought

The Horn of Africa is experiencing the driest conditions in four decades, resulting in crop failures, animal deaths, and millions of desperate Somalis. In some regions, it has not rained for years. Persistent arid conditions contribute to increasing food insecurity, heightened competition over resources, and internal displacement and emigration (primarily to neighboring countries, including Kenya and Ethiopia). Droughts are not uncommon in East Africa. As a result of climate change, however, the current dry spell is more extreme than in the past. In 2021, domestic crop production decreased by 80 percent. The upcoming rainy season will also likely fail, pushing the drought into 2023. More than three million animals died in the past year, resulting in decimated meat and milk production and increased malnutrition among young children, specifically in pastoral communities. Subsistence livestock losses place many Somalis at greater risk of starvation.

Russia's invasion of Ukraine exacerbated food insecurity across the world, with detrimental impacts on Somalia. Global price

fluctuations and supply chain disruptions have increased commodity prices. In Somalia, where the poorest spend 60 to 80 percent of their income on food, soaring prices are life threatening. Half of all imported cereal in Somalia is for individual consumption. Further, Somalia is entirely dependent on Ukraine (70 percent) and Russia (30 percent) for wheat imports. The war in Ukraine has destroyed crops and stalled exports, severely threatening food access in Somalia as domestic production has suffered from mass drought-induced crop failure.

Unstable prices and halted imports threaten the lives of millions in the Horn of Africa. Since the late 1980s, Somalia has required consistent food aid even in the best of circumstances. Cash transfers, the World Food Programme's main form of assistance, are highly vulnerable to fluctuating markets. Since March, the price of a kilo of potatoes has doubled in Somalia, and the price of a life saving peanut paste given to malnourished children is expected to increase by 16 percent. Since Russia invaded Ukraine this year, food prices have increased by 160 percent in some regions. Somalia's Save the Children director noted the government would be in a better position to provide for struggling Somalis if prices stabilized. Given the circumstances, direct cash transfers from aid agencies is not a viable solution. However, prior to the war, Ukraine supplied more than 50 percent of the wheat used by the World Food Programme. Thus, UN agencies were forced to roll back food aid efforts, even as insecurity increased globally.

International donors have pledged only 30 percent of the \$1.5 billion needed to address the crisis in Somalia. In response, the World Food Programme's regional director for East Africa asked G7 leaders for a "massive scaling-up" of aid and the head of the African Union appealed to President Vladimir Putin to allow the flow of Ukrainian grain exports. In late July, Ukraine and Russia signed trade agreements ensuring millions of tons of grain are exported from Black Sea ports. The following day, Russia bombed a port in Odessa. Mined trade routes, continued Russian bombing, and persistent tensions threaten sustained exports and the longevity of the deal (which is only in effect for 120 days before renewal is required). However, the first grain ship departed from Odessa on August 1, and fifteen others are expected to deliver grain to Africa, the Middle East and Asia in the coming weeks.

Risks of Violence and al-Shabaab

According to the most recent Global Terrorism Index report, sub-Saharan Africa is the global epicentre of terrorism, accounting for 48 percent of terrorism-related/caused deaths worldwide. Somalia ranks first in Africa and third globally as the most impacted by terrorism. Numerous groups in Somalia, including Islamic State-Somalia, Hizb al Islam, and Ahlu Sunna, could exploit the growing food crisis. However, al-Shabaab, Somalia's largest terrorist threat (responsible for almost 90 percent of Somalia's terror-related deaths in 2021), is the most worrisome.

Al-Shabaab, or "the youth" in Arabic, controls more than 20 percent of the country, primarily in the south and central regions (an area the size of Texas). An estimated 7,000 of al-Shabaab's members govern rural areas, extort taxes, and provide health, educational, and judicial services, undermining the state government's legitimacy and emboldening the group as a source of de facto authority. Throughout Somalia, al-Shabaab exploits businesses, real estate, and construction, as well as local schools, clinics, mobile courts, and police departments. According to one business owner who pays the militants \$4,000 annually, "the Shabab are like a mafia group. You either have to obey them or close your business. There's no freedom."

Food and water inaccessibility and increased commodity prices are related to insurgent activity and the potential for a social uprising. In 2011, for example, food prices were related to the mobilization of farmers in Tunisia that ignited the Arab Spring. The drought in the Horn of Africa and subsequent drinking water shortages may increase competition and lead to communal violence. In turn, militant groups will have an opportunity to provide resources and further legitimize their intervention, undermining state actions (or lack thereof). Acute food insecurity may also increase social grievances and mobilize disaffected individuals to join terrorist organizations. In one study, the Network for Religious and Traditional Peacemakers found more than half of former al-Shabaab members cite economic factors as their primary motivation to join (see below). One recruit concluded, "all one had to do was carry around a gun and patrol the streets. It was an easy job compared to other jobs such as construction work."

Disadvantaged Somalis may see al-Shabaab membership as a source of income. Recruits are offered a monthly salary and financial benefits. Given the current socio-economic status of many Somalis and the lack of economic opportunity in the agricultural sector, al-Shabaab may become more enticing for individuals with limited opportunities. Al-Shabaab recruits are as young as fourteen, and 70 percent are younger than 24 years old. In Somalia, where the median age is 17 years old, recruitment trends are a cause for concern.

According to the Africa Center for Strategic Studies, the Trump administration's withdrawal of military forces from the country in December 2020 resulted in a 17 percent increase in al-Shabaab activity. To relieve concerns of a resurgence, President Joe Biden redeployed 500 troops in May 2022. However, the threat of terrorist activity and expansion largely remains. Last year, 1,200 children were recruited and another thousand were abducted by armed groups. In one year (2019 to 2020), sexual violence committed by al-Shabaab increased by 80 percent, a common trend where internal migration and militant insurgency are concerned.

In May 2022, the UN Refugee Agency reported a total of 2.97 million were displaced Somalis due to drought, food shortages, and violence. Mass internal migration has resulted in overcrowded refugee sites where many lack adequate shelter and water. Overcrowded sites can also be used as safe havens, as they are commonly isolated from authorities, allowing terrorists to operate undetected. Terrorist training networks are also common in refugee communities where displaced peoples are directly or involuntarily recruited. Worsening conditions force internally displaced peoples to turn to all sources of aid. Attacks and aid worker kidnappings deter agencies from reaching communities in occupied territories (some 900,000 Somalis). However, trained militants are able to exploit government grievances and impose order in disorganized camps. For al-Shabaab, control of camps is viable and demand for compensation and recruits is opportune.

Conversely, the Somali government's inability to provide physical and economic security delegitimizes the political establishment, contributing to a vicious cycle of weak governance and militant influence and insurgency. Propaganda further legitimizes terrorist activity. Al-Shabaab argues international humanitarian aid weakens the country and results in dependency on "infidels." News and radio outlets that distribute pro-al-Shabaab propaganda claim militants are the superior authority alternative to international intervention and failed state governance.

US Efforts to Avert the Crisis

The White House acknowledged the East African food crisis in a statement on June 28. The following month, the U.S. Agency for International Development pledged \$1.2 billion in additional aid to Somalia, Ethiopia, and Kenya to combat the growing food crisis. While immediate international efforts are necessary to save hundreds of thousands of lives, long-term solutions must be implemented to mitigate the risks of climate change, global market fluctuations, political instability, and increased regional terrorism. Additional pressure from the international community on Russia to allow stable exports is also imperative to mitigate the current crisis. However, Somalia's total reliance on Ukrainian and Russian wheat—countries with a history of political conflict and instability—increases geopolitical vulnerability.

Somalia needs to prioritize diversifying trade partners and appeal to regional sources of financial support. Long-term international efforts should focus on investing in domestic agricultural solutions in Somalia, like drought-resistant seeds and technologies, water preservation strategies, and community-based entrepreneurial initiatives in order to enhance Somalia's productivity and self-sufficiency.

Ultimately, failures in governance are to blame for Somalia's crisis. The inability to provide basic resources, secure border regions, and pursue a diverse economy create a breeding ground for terrorist activity. Because of the lack of Somali state presence, fewer US troops in the region may create a power vacuum that increases opportunities for terror organizations to expand their territory, increase the number and frequency of attacks, and ramp up recruitment efforts. However, sporadic US military intervention is an unsustainable solution for quelling insurgencies.

The new US strategy toward sub-Saharan Africa is an important step in emboldening democratic governance, pursuing long-term peace, and turning away from the mindset of perceiving African countries as geopolitical pawns in a broader power struggle. Implementing nationwide anti-corruption measures and strengthening democratic institutions, as difficult as that may be, could mitigate the risk of expanding terror networks as natural disasters become more frequent and extreme in the face of climate change. Developing community-centric counterinsurgency approaches could also provide economic opportunities for Somalis while increasing state legitimacy and mitigating grievances. However, tumultuous governance since the early 1990s has challenged the efficacy of counterterrorism efforts in the past. The low capacity of the state may make further efforts extremely difficult, if not impossible, to implement fully without continued support. The looming famine in Somalia is more than a humanitarian crisis, it is a terrorist threat and it requires immediate action.

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Commentary and Perspectives

Cage, Smother, Subdue, Repeat: Israel's Gaza Policy (Human Rights Watch) By Omar Shakir

August 17, 2022

Until the international community brings sufficient pressure to push Israeli authorities to abandon their longstanding policy to subdue the Palestinians of Gaza, this vicious cycle will continue.

Clips of Israeli air strikes raining down on Gaza. Images of homes reduced to rubble and the men, women and children buried below. Sirens heralding the latest barrage of Palestinian rockets fired towards Israeli population centres. The dread of a rising death toll. The calls for restraint.

This sequence has played on a loop time and time again in recent years. For those who care about Israel and Palestine, the overwhelming outrage, the feelings of helplessness and the pangs of heartbreak sting each time.

For those in Gaza, it's a struggle for survival. As my Gaza-based Human Rights Watch colleague Abier al-Masri wrote reflecting on last year's hostilities: "I struggle to find the words to describe the terror of lying awake at night not knowing if I'd see daylight again, the anguish of those I interviewed who survived the obliteration of their families by Israeli strikes, the agony of seeing Gaza's prominent towers reduced to mountains of rubble."

For those in southern Israel, it's having to "live in consistent fear" during hostilities "that a rocket might fall on our heads at any moment," as the relative of a man killed in a 2019 rocket attack told us.

No provocation

On 5 August, Israeli authorities struck the home of Tayseer al-Jabari, an Islamic Jihad leader, without clear provocation. Israeli Prime Minister Yair Lapid cited an "imminent threat" posed by Islamic Jihad following Israel's arrest of and apparent mistreatment several days earlier of another Islamic Jihad leader in the West Bank, Bassam al-Saadi.

At least 49 Palestinians in Gaza were killed, including 17 children, during Israeli strikes and Palestinian rocket attacks between 5 and 7 August, according to the Palestinian health ministry in Gaza. The rockets lobbed by Islamic Jihad towards Israel appear to have caused some damage there and no Israeli casualties.

Human rights groups are investigating the events, and it will take some time before we have a full accounting of what took place. But there are some preliminary observations based on our years of documenting previous rounds of hostilities in Gaza.

First, Israel's dropping of explosive weapons with wide area effects in the densely populated Gaza Strip causes foreseeable harm to civilians.

During last May's escalation, Human Rights Watch documented unlawful Israeli strikes and war crimes, including strikes that killed scores of civilians - wiping out entire families - and destroyed four high-rise Gaza towers full of homes and businesses, with no evident military targets in the vicinity.

In the past, Human Rights Watch has also documented Israeli authorities' regular use of excessive and disproportionate force, at times deliberately targeting civilians or civilian infrastructure.

Second, indiscriminate rocket attacks fired by Islamic Jihad towards Israeli cities bear all the hallmarks of similar assaults, which Human Rights Watch found violated the laws of war and amounted to war crimes. The laws of war prohibit attacks that do not target a specific military objective or that use a means or method of attack that cannot be directed at a specific military target.

In May 2021, Palestinian rocket attacks not only resulted in the deaths of 13 civilians in Israel, but munitions that misfired and fell short killed at least seven Palestinians in Gaza, as Human Rights Watch documented.

In an August 2021 letter to Human Rights Watch, Hamas stated that rocket attacks targeted Israeli military posts, not

“civilians or civilian objects,” and that they took precautions to avoid civilian harm. However, Hamas did not provide the list of military sites it targeted in the May hostilities, in response to a reply from Human Rights Watch, deeming it a “confidential security issue”.

Real and virtual siege

Third, Israeli authorities’ sealing of the crossings into Gaza between 2 and 7 August parallels similar measures made in prior flare-ups. Human Rights Watch found these to be punitive and to constitute collective punishment - a war crime. The move blocked the movement of people and goods, including the fuel necessary to run Gaza’s sole power plant, and blocked Gaza residents in need of urgent medical care from getting treatment outside Gaza.

In fact, Gaza’s power plant shut down on 6 August due to the lack of fuel, leaving families with about four hours of electricity a day amid a sweltering summer. Chronic prolonged power outages encumber everyday life, in particular for people with disabilities who rely on light to communicate using sign language or equipment powered by electricity, such as elevators or electric wheelchairs, to move.

These restrictions aggravated the already crushing impact of the Gaza closure, which Israel has imposed for more than 15 years. Israel’s sweeping restrictions on the movement of people and goods, often exacerbated by Egyptian restrictions on its border with Gaza, rob the more than 2.1 million Palestinians of Gaza of their right to freedom of movement, have devastated the economy, and form part of Israeli authorities’ crimes against humanity of apartheid and persecution against millions of Palestinians.

A vicious cycle

According to a Save the Children report from June, four out of five of the children they interviewed in Gaza reported living with depression, grief, and fear after 15 years of closure.

Fourth, the Palestinian digital rights group 7amleh reported again that social media companies were taking down posts by Palestinians and pro-Palestinian activists about events on the ground. Human Rights Watch last year documented how Facebook wrongfully removed and suppressed similar content, including about human rights abuses carried out in Israel and Palestine during the May 2021 hostilities.

If we have learned anything, though, it is this: so long as there is impunity for serious abuses by all parties, Gaza remains an open-air prison, and Israeli authorities continue to commit the crimes of apartheid and persecution, there will be future rounds of hostilities.

Until the international community brings sufficient pressure to push Israeli authorities to abandon their longstanding policy to cage, smother, and subdue the Palestinians of Gaza, this vicious cycle will continue.

The Unlawful U.S. Killing of Ayman al-Zawahri (Lawfare) By Ben Saul
August 17, 2022

The recent killing of the most senior al-Qaeda leader in Afghanistan is another triumph of American exceptionalism over international law. U.S. President Joe Biden boasted that “justice” has been “delivered,” but he offered no explicit legal justification for the death of Ayman al-Zawahiri. Certain assumptions about its justification may be drawn from the U.S.’s previous expansive legal positions on counterterrorism, discussed below and in a previous Lawfare piece on the legality of the al-Zawahiri strike. However, the extensive and sympathetic western media coverage has largely omitted questions about its legality, illustrating how effectively the U.S. shapes the narrative of the war on terror. Almost a year after the U.S. withdrawal from Afghanistan, the legality of the killing has implications for the U.S.’s militarized “over the horizon” strategy for combating terrorism in Afghanistan.

The killing is most accurately described as extrajudicial execution or revenge murder designed to deter others from participating in terrorist groups. It is also another body blow to the “rules-based international order” that the U.S. demands others—but apparently not itself—respect. There are three reasons why the killing violates international law. First, it is not a lawful exercise of self-defense against any continuing armed attack by al-Qaeda, but a violation of Afghanistan’s sovereignty and the prohibitions on the use of force and intervention in a foreign state. Second, it is not authorized by the law of war, since there is no longer an armed conflict against al-Qaeda to which the law of war applies, and al-Zawahiri may not have been a military target in any case. Finally, it violates the right to life under international human rights law—an obligation that applies to a U.S. strike abroad of this kind.

Self-Defense

First, the U.S. does not presently have a right of national self-defense against al-Qaeda under Article 51 of the U.N. Charter or customary international law. Military force in self-defense is permitted only when a country is a victim of an “armed attack.” The attacks of 9/11 were treated by most countries, and the U.N. Security Council, as an “armed attack” on the U.S. This was novel at the time, since the International Court of Justice (ICJ) has long maintained, since *Nicaragua v. United States* (1986), that self-defense is available only if a non-state armed group is “sent” by a government, not where a group independently attacks. The Taliban, then the de facto government of Afghanistan, harbored al-Qaeda but did not “send” it to attack the U.S.

The 9/11 attacks more readily satisfied the ICJ’s traditional requirement that violence by a non-state group (sent by a state) must be of a sufficient gravity, or scale or effects, to approach what regular state armed forces could carry out. Further, a forcible U.S. response was viewed as “necessary”—another requirement of self-defense—because the attack was a continuing one, given al-Qaeda’s declared hostile intent and capabilities. These were also evident in al-Qaeda’s earlier attacks on the USS *Cole* in Yemen in 2000 and the bombing of U.S. embassies in Kenya and Tanzania in 1998.

However, two decades after that attack, it is no longer plausible to argue that al-Qaeda is still mounting a continuing armed attack against the U.S. that could justify killing al-Zawahiri in self-defense. The U.S. rapidly degraded al-Qaeda after it invaded Afghanistan in late 2001, despite occasional, persistent al-Qaeda plots. At some point, probably fairly early after the U.S. toppled the Taliban, the U.S. successfully halted and repelled al-Qaeda’s attack. Indeed, most U.S. hostilities in Afghanistan since 9/11 involved the Taliban, not al-Qaeda. In July 2022, the U.N.’s Resolution 1267 sanctions monitoring team concluded that “Al-Qa[e]da is not viewed as posing an immediate international threat from its safe haven in Afghanistan because it lacks an external operational capability and does not currently wish to cause the Taliban international difficulty or embarrassment.”

The U.S. has not publicly provided evidence contradicting that assessment. Indeed, the U.S. intelligence assessment from February 2022 indicated al-Qaeda senior leaders “lack an operational presence in Afghanistan” and that threats to U.S. interests will most likely occur where al-Qaeda’s affiliates operate—such as Yemen, Somalia, and West Africa—rather than against the U.S. “homeland.” The latest U.S. assessment of August 2022, after al-Zawahiri’s killing, concludes that al-Qaeda “does not have a capability to launch attacks against the US or its interests abroad from Afghanistan.”

Admittedly, determining the endpoint of an armed attack by a terrorist group is more difficult than in the case of a state aggressor, where the end of hostilities is usually demarcated by decisive victory on the battlefield, an unconditional surrender, or a negotiated peace agreement. In contrast, terrorist campaigns are by nature more sporadic, and groups that have been heavily suppressed can resurge. Where a group has already committed an armed attack, a presumption arguably exists in favor of characterizing its continuing violence as furthering that original attack.

Nonetheless, the basic rule holds that self-defense must end when there is no longer a continuing armed attack: that is, when al-Qaeda is no longer committing armed violence against the U.S. of a gravity loosely equivalent to that of regular state armed forces. Al-Qaeda attacks on the U.S.—actual, attempted, or planned—have been very rare since 9/11, and the last one was well over a decade ago in 2009: a thwarted bombing of the New York subway, itself more crime than a wartime attack. There have been more attacks by al-Qaeda and its affiliates against other countries, but these cannot be considered an armed attack on the U.S.

The practice of a few states since 9/11 may controversially suggest that the gravity threshold of an armed attack by a terrorist group has itself been lowered. For example, the U.K. declared a right of self-defense against ISIS in Syria following a thwarted plot to attack a Victory Day parade, and possibly kill the Queen, in London in 2015. France likewise claimed self-defense against ISIS in Syria after coordinated attacks by gunmen in Paris in 2015, which killed 130 people.

According to the ICJ jurisprudence mentioned earlier, these would have been regarded as not as of sufficient gravity to constitute a military armed attack, and would thus instead have been typically treated as terrorist crimes to be met by policing. Even in 2005, for example, the U.K. did not treat the large-scale al-Qaeda attack on London as an armed attack. The more recent examples by a handful of countries self-evidently do not reflect wider state practice and global opinion, and therefore cannot alter the long existing—albeit somewhat ambiguous—rules requiring a minimum gravity threshold.

Relatedly, there is increasing support for the idea that a series of smaller acts of terrorism could “add up” over a period of time to crystallize, at some tipping point, as meeting the gravity of an armed attack, even if each individual act is not of itself sufficiently grave. There is considerable merit in this so-called “accumulation of events” or “pin-prick” theory, and the ICJ has alluded to it in a number of cases. However, the pattern of acts must still be more than a string of isolated terrorist crimes and plausibly reach the high, military “armed attack” threshold. For the reasons given earlier, al-Qaeda’s current activities do not meet that threshold.

Self-defense should, of course, be interpreted dynamically in the light of evolving threats. But any lowering of the gravity threshold, or its attenuation via the accumulation of events theory (if applied too liberally), risks obliterating any distinction

between an armed attack and lesser terrorist crimes. It prematurely escalates counterterrorism responses to kill first, rather than a last resort.

The right of self-defense has a strictly protective rationale. Where there is no longer an armed attack, there is no longer any legal justification for self-defense. Self-defense does not persist until every last leader responsible for a long-past attack is eliminated. It does not authorize punishment, vengeance, or retribution. It does not permit force to deter the possibility of future attacks by a degraded, remnant group that committed a concluded armed attack in the past. If it did, self-defense would be available in perpetuity against every vanquished state adversary who might rise again one day.

There is still the possibility that al-Qaeda may have been separately planning a new, “imminent” armed attack on the U.S., which could give the U.S. a right of self-defense. However, the U.S. has made no such claim, for instance by reporting the strike as self-defense to the Security Council as required by the U.N. Charter, and presented no evidence of any specific threat of this magnitude. Even if al-Qaeda was planning terrorist acts, unless these were of the gravity of an armed attack, they would simply be crimes, not acts of war, and would have to be met by a law enforcement not a military response. Additionally, before 9/11, global opinion was against anticipatory self-defense against imminent attacks, and this does not appear to have changed since 9/11, despite a little more support for it.

For argument’s sake, if al-Qaeda were still committing an armed attack, or planning an imminent attack, any defensive action by the U.S. would also need to be legally “necessary” to repel it. Remarkably, U.S. officials have stated that al-Zawahiri, near the time of his death, was not involved in planning al-Qaeda operations—but instead provided “strategic direction” to and “urged attacks” by al-Qaeda affiliates. Depending on further specifics as to his role, his killing may not have been necessary to stop any attacks if he had no role in ordering, planning, or controlling them.

Finally, much discussion about self-defense against terrorism has been focused on whether, and if so how, post-9/11 practice has altered the traditional requirement that an attack by an armed group be attributable to a state. The U.S. view is well known that self-defense exists where a state is “unable or unwilling” to suppress a non-state attacker based in its territory. Since al-Qaeda is no longer committing violence equivalent to an armed attack, for present purposes the issue is moot.

Again, however, the U.S. position on self-defense remains an outlier minority view and has failed to persuade the international community to change the law. In terms of other state practice, few states have explicitly supported it; a few others may have implicitly endorsed it; some support self-defenses against terrorism without explaining under what circumstances; and many have rejected it (including the 120 states of the Non-Aligned Movement). Further, it cannot be presumed that states that remain silent have somehow acquiesced to a radical change in a peremptory international rule. The ICJ has also maintained its traditional test in cases since 9/11. Most states likely fear that the escalatory and sovereignty costs, short and long term, of widening self-defense far outweigh the perceived immediate benefits.

In the absence of credible legal justifications for the use of force, the U.S. strike violates the sovereignty of the state of Afghanistan (irrespective of whether the Taliban is recognized as its government), the international prohibition on intervention in Afghanistan’s internal affairs, and the prohibition on the use of military force against another country.

For completeness, it goes without saying that the Taliban’s violation of its (non-treaty) commitment under the 2020 Doha Agreement, which framed the U.S. withdrawal from Afghanistan, not to harbor terrorists does not give the U.S. any right to kill al-Zawahiri. There is no right to enforce treaties or remedy their breach by resorting to nondefensive military force under international law.

The Law of War Does Not Apply

Second, the U.S. had no separate authority under the law of war—a separate branch of international law—to target al-Zawahiri. This is the law that applied when the fighting started between the U.S. and al-Qaeda in Afghanistan. In late 2001, a non-international armed conflict (NIAC) began because the fighting was sufficiently intense and al-Qaeda was a sufficiently organized armed group, meeting the threshold of Common Article Three of the four Geneva Conventions of 1949 (as authoritatively interpreted by the International Criminal Tribunal for the former Yugoslavia in the Tadic (1995) case).

The traditional test for the existence of a NIAC focuses on the territory of the state in which the sufficiently intense fighting takes place—here, Afghanistan. Applying Tadic, a NIAC ends when the criterion for existence—intense armed violence between the parties—ceases. The U.S. withdrawal from Afghanistan in August 2021 ended the hostilities with al-Qaeda that constituted the NIAC there. It is thus irrelevant that there is no peace agreement with al-Qaeda, or no victory by either side, or that al-Qaeda maintains a hostile intent against the U.S. where it is not practically engaged in combat with the U.S. It is even arguable that the NIAC against al-Qaeda ended before the U.S. withdrawal, given that U.S. operations there were largely focused on the Taliban, not al-Qaeda.

The U.S. has asserted that its conflict against al-Qaeda is a de-territorialized global one, where the law of war follows the

actions of the parties, so to speak. Al-Qaeda fighters outside Afghanistan can thus be targeted under the law of war wherever they are, as in Pakistan, Somalia or Yemen, or now in post-withdrawal Afghanistan, from the U.S.'s perspective. There is some logic to this, much as the law of war undoubtedly applies wherever there is fighting between states in an international armed conflict. Otherwise, insurgents could find safe havens abroad to carry on a fight with impunity. This approach aggregates all al-Qaeda threats globally to constitute the intensity of a single NIAC.

However, again, this U.S. position is a radical, minority one. Unsurprisingly, there is scant support from other states to recognize a "global war on terror," in which U.S. military strikes (or those of Russia or China or others) could infringe on their sovereignty at-will. The dominant view is that NIACs are assessed on the territory of the state in which the fighting is sufficiently intense and the non-state party is sufficiently organized to reach those legal thresholds. In large part this is because, by definition, NIACs are not conflicts between states, but within them.

The International Committee of the Red Cross (ICRC) modestly acknowledges that a NIAC in one territory could "spill over" into a geographically adjacent territory and still be part of that NIAC, governed by the law of war. For example, the U.S. could lawfully strike al-Qaeda targets sheltering across the border in Pakistan, under the ICRC's view.

Ultimately, however, the ICRC also maintains that violence farther afield must be assessed in the usual way: by asking whether the violence between, say, al-Qaeda and the U.S. in some other country is sufficiently intense, and the non-state party is sufficiently organized. On this approach, sporadic U.S. strikes on al-Qaeda operatives in other countries, where al-Qaeda usually cannot strike back at the U.S., would typically fail to meet the intensity threshold to constitute a conflict in that country.

However, where U.S. strikes are with the consent of and in support of a local government, itself already engaged in a NIAC in its own country, the U.S. could become a party to that conflict—even if its own hostilities against the group would not of themselves be sufficiently intense to establish a separate NIAC. An example is U.S. participation in Somalia's NIAC with al-Shabab, which was previously allied with al-Qaeda. But that would still not give the U.S. any right to target al-Qaeda members outside the theater of hostilities in Somalia.

There is another convincing reason to doubt the legal existence of a global NIAC against al-Qaeda. Al-Qaeda is simply not a singular organized armed group fighting the U.S. worldwide. The various al-Qaeda "franchises" in different countries may have ideological and other links to the al-Qaeda leadership in Afghanistan and Pakistan, but in practice, they operate as independent groups. As one commentator succinctly put it, "In the real world ... al-Zawahiri stopped being relevant years ago," losing any authority at all over a group like Jabhat al-Nusra (now Hay'at Tahrir al-Sham) in Syria.

The application of the law of war thus depends on whether, for example, al-Qaeda in the Maghreb is an "organized armed group" fighting the U.S. in that region. The question is not whether their nominal allegiance to al-Zawahiri makes al-Qaeda everywhere a party to some imaginary, unified global conflict, or artificially attenuated global "co-belligerents" with al-Qaeda against the U.S.

Targeting al-Zawahiri Under the Law of War

In sum, since the law of war no longer applies, the U.S. has no basis in it to target members of al-Qaeda in Afghanistan. Even if the law of war still applied, however, al-Zawahiri may not have been targetable, although this depends on one's approach to the law on targeting in NIACs, as well as more precise facts about the role of al-Zawahiri in al-Qaeda operations.

The U.S. view, shared by states such as Australia, is that any member of an organized armed group is targetable, irrespective of whether they perform a combat function. Thus, even if al-Zawahiri was no longer commanding al-Qaeda operations, as the senior political and spiritual leader of the group, he was targetable. This approach is comparable to "targeting" in international conflicts, where state military personnel can be targeted as "combatants" even if they are unarmed cooks.

In contrast, the ICRC takes a narrower view. There is no "combatant" status, or de facto combatant status, in NIAC that automatically allows members of non-state armed groups to be targeted. Rather, a person may be targeted for such time as they take "a direct part in hostilities," whether as a civilian sporadically engaging in hostilities or as a member of an armed group.

The ICRC deems the latter to be targetable only where the person performs a "continuous combat function," meaning they are integrated on a lasting basis into the armed group and have a combat-related role in it (whether as a fighter, as a commander, or providing direct support to fighters, such as transporting munitions). This allows for such persons to be targeted at any time as long as they remain part of the group, even if they are not engaged in combat at the time.

This approach is narrower than the U.S. view because it does not permit the targeting of group members who are not engaged in hostilities—such as spiritual, ideological, or political leaders; financiers; propagandists; recruiters; arms dealers; bomb makers; and so on. Lest the ICRC view seem too restrictive: The international law of war likewise does not allow an adversary

to kill, say, members of Congress, U.S. taxpayers who finance the U.S. military, or civilian workers in U.S. weapons factories.

The U.S. view risks collapsing the distinction between unarmed civilians, who present no direct military threat warranting a forcible response, and fighters who are militarily dangerous and whose killing is necessary. Terrorist groups are not analogous to state militaries, whose personnel are separate from civilians, because terror groups are hybrids of civilian and military personnel. Thus, whether targeting al-Zawahiri would be lawful depends on more information about his exact role. As mentioned, he was reportedly not involved in planning al-Qaeda operations, but in “urging attacks” and providing “strategic direction.” If he was not involved in planning attacks, which normally includes ordering them, then his role in “urging attacks” does not necessarily mean that he was a targetable military commander, as opposed to someone playing an indirect role by inciting violence, which al-Qaeda members may or may not have acted upon. Likewise, if “strategic direction” means political and spiritual guidance, not military strategy, or propaganda or recruitment activities, al-Zawahiri would not have been taking a direct part in hostilities and thus would not be targetable.

It should be emphasized that even if al-Zawahiri’s killing were lawful under the law of war, this would not render it a lawful exercise of self-defense under the law on the use of force, as discussed earlier. The U.S. would still violate its obligation not to use non-defensive military force.

International Human Rights Law

It is arguable that the U.S. strike also substantively violated al-Zawahiri’s human right to life under the International Covenant on Civil and Political Rights (ICCPR). In peacetime, the ICCPR permits the use of force only in self-defense or defense of others against an imminent lethal threat. Al-Zawahiri, standing on a balcony in Kabul, posed no such threat. Since the killing was not justified in national self-defense or under the law of war, those areas of law do not apply as *lex specialis* to modify this peacetime, law enforcement-based right-to-life standard.

The issue depends on the threshold issue of whether the U.S.’s international human rights obligations applied in Afghanistan. The U.S. has long maintained that its human rights obligations do not apply outside its territory, a view decisively rejected by the ICJ, the U.N. human rights bodies that authoritatively interpret the International Covenant on Civil and Political Rights, and regional bodies such as the Inter-American human rights system and the European Court of Human Rights.

The more controversial question is whether an isolated military strike such as this one legally constitutes an exercise of jurisdiction by the U.S., so as to trigger its human rights obligations. It is well settled that human rights apply extraterritorially where a state effectively controls foreign territory (as during occupation, or under leases like at Guantánamo Bay), or has physical custody of a person.

“Hot-combat” situations, including hostilities to contest territory, have been viewed as falling outside a state’s jurisdiction, as in the European Court of Human Rights cases of *Bankovic* (2001) and *Georgia v. Russia (No. 2)* (2021). However, in *Carter v. Russia* (2021), the European Court accepted that Russian agents poisoning the defector Aleksandr Litvinenko in the U.K. “amounted to the exercise of physical power and control over his life in a situation of proximate targeting.” The similarly targeted nature of the al-Zawahiri strike, being outside of any hot combat in Afghanistan, would likewise arguably ground U.S. jurisdiction.

Conclusion

The U.S. finds itself in an awkward club of states that murder or assassinate abroad, including Russia, Saudi Arabia, and Israel. That the killing may be lawful under the U.S.’s absurdly wide 2001 Authorization for Use of Military Force, which purports authorizing perpetual global war against al-Qaeda irrespective of international law constraints, does not excuse U.S. violations of international law. In the same way, Russia cannot write its own rules for Ukraine, or China for the South China Sea, or Israel for occupied foreign territory, or Morocco for annexed Western Saharan territory. U.S. law does not rule the world.

Terrorists evading justice in safe havens like Afghanistan is a fiendish policy challenge, despite the raft of nonmilitary tools available to contain them, including intelligence and law enforcement cooperation, sanctions, collective action through the Security Council, diplomacy, and influencing their state sponsors through incentives, among others. Unilateral, extralegal solutions may appeal to powerful states that can pursue them with relative impunity, particularly where other states—often not victims of terrorism to the same extent—cannot be convinced to change the law.

Ultimately, however, summarily executing criminal suspects without trial, however unsavory they may be, is disturbingly lawless and unjustifiable. Vigilante justice discredits the U.S. and erodes its moral authority as a self-declared champion of a “rules-based international order.” It signals to other states that the rule book is only for the weak, and spawns lawlessness by others.

It is also counterproductive, evident in the deep radicalizing effects of other U.S. war on terror practices such as torture,

enforced disappearances, drone strikes causing excessive civilian casualties, unfair military commissions, and indefinite detention at Guantánamo Bay. It tends to bring tactical victories without strategic success. The relative failure of two decades of counterterrorism in Afghanistan warrants more abundant caution about whether military responses to terrorism are necessarily the most effective long-term means of countering the threat.

Slavery and War are tightly Connected – but we had no Idea just how Much until we crunched the Data (Informed Comment) August 24, 2022

Some 40 million people are enslaved around the world today, though estimates vary. Modern slavery takes many different forms, including child soldiers, sex trafficking and forced labor, and no country is immune. From cases of family controlled sex trafficking in the United States to the enslavement of fishermen in Southeast Asia's seafood industry and forced labor in the global electronics supply chain, enslavement knows no bounds.

As scholars of modern slavery, we seek to understand how and why human beings are still bought, owned and sold in the 21st century, in hopes of shaping policies to eradicate these crimes.

Many of the answers trace back to causes like poverty, corruption and inequality. But they also stem from something less discussed: war.

In 2016, the United Nations Security Council named modern slavery a serious concern in areas affected by armed conflict. But researchers still know little about the specifics of how slavery and war are intertwined.

We recently published research analyzing data on armed conflicts around the world to better understand this relationship.

What we found was staggering: The vast majority of armed conflict between 1989 and 2016 used some kind of slavery.

Coding conflict

We used data from an established database about war, the Uppsala Conflict Data Program (UCDP), to look at how much, and in what ways, armed conflict intersects with different forms of contemporary slavery.

Our project was inspired by two leading scholars of sexual violence, Dara Kay Cohen and Ragnhild Nordås. These political scientists used that database to produce their own pioneering database about how rape is used as a weapon of war.

The Uppsala database breaks each conflict into two sides. Side A represents a nation state, and Side B is typically one or more nonstate actors, such as rebel groups or insurgents.

Using that data, our research team examined instances of different forms of slavery, including sex trafficking and forced marriage, child soldiers, forced labor and general human trafficking. This analysis included information from 171 different armed conflicts. Because the use of slavery changes over time, we broke multiyear conflicts into separate “conflict-years” to study them one year at a time, for a total of 1,113 separate cases.

Coding each case to determine what forms of slavery were used, if any, was a challenge. We compared information from a variety of sources, including human rights organizations like Amnesty International and Human Rights Watch, scholarly accounts, journalists' reporting and documents from governmental and intergovernmental organizations.

Alarming numbers

In our recently published analysis, we found that contemporary slavery is a regular feature of armed conflict. Among the 1,113 cases we analyzed, 87% contained child soldiers – meaning fighters age 15 and younger – 34% included sexual exploitation and forced marriage, about 24% included forced labor and almost 17% included human trafficking.

A global heat map of the frequency of these armed conflicts over time paints a sobering picture. Most conflicts involving enslavement take place in low-income countries, often referred to as the Global South.

About 12% of the conflicts involving some form of enslavement took place in India, where there are several conflicts between the government and nonstate actors. Teen militants are involved in conflicts such as the insurgency in Kashmir and the separatist movement in Assam. About 8% of cases took place in Myanmar, 5% in Ethiopia, 5% in the Philippines and about 3% in Afghanistan, Sudan, Turkey, Colombia, Pakistan, Uganda, Algeria and Iraq.

This evidence of enslavement predominately in the Global South may not be surprising, given how poverty and inequality can fuel instability and conflict. However, it helps us reflect upon how these countries' historic, economic and geopolitical

relationships to the Global North also fuel pressure and violence, a theme we hope slavery researchers can study in the future.

Strategic enslavement

Typically, when armed conflict involves slavery, it's being used for tactical aims: building weapons, for example, or constructing roads and other infrastructure projects to fight a war. But sometimes, slavery is used strategically, as part of an overarching strategy. In the Holocaust, the Nazis used "strategic slavery" in what they called "extermination through labor." Today, as in the past, strategic slavery is normally part of a larger strategy of genocide.

We found that "strategic enslavement" took place in about 17% of cases. In other words, enslavement was one of the primary objectives of about 17% of the conflicts we examined, and often served the goal of genocide. One example is the Islamic State's enslavement of the Yazidi minority in the 2014 massacre in Sinjar, Iraq. In addition to killing Yazidis, the Islamic State sought to enslave and impregnate women for systematic ethnic cleansing, attempting to eliminate the ethnic identity of the Yazidi through forced rape.

The connections between slavery and conflict are vicious but still not well understood. Our next steps include coding historic cases of slavery and conflict going back to World War II, such as how Nazi Germany used forced labor and how Imperial Japan's military used sexual enslavement. We have published a new data set, "Contemporary Slavery in Armed Conflict," and hope other researchers will also use it to help better understand and prevent future violence.

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Aiding and Abetting

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WORTH READING

Abuse by Authority: The Hidden Harm of Illegal Orders

Saira Mohamed

August 22, 2022

When a leader orders a subordinate to commit a crime—to kill anything that moves, as at My Lai; to extract information no matter what it takes, as at Abu Ghraib; to execute prisoners of war, as at Biscari—how should the law and a society respond? Often we ignore the leader and blame the "bad apple" subordinate who failed to do the right thing. Or, when a leader is punished, domestic and international criminal law regard them in relation to their subordinate's offense, either as an accomplice or perhaps a perpetrator; the order simply offers the pathway to rendering the superior a party to the crime. The law says nothing, however, about an entire dimension of wrongdoing that this Article highlights: The illegal order is an abuse of the authority the leader holds over their subordinates, a misuse of control over another, a betrayal of what was supposed to be a relationship of protection, an infliction of suffering on those who—even if they themselves become perpetrators legitimately subject to punishment—are also victims of their leaders' violation of the duty to ask of them only what is right.

This Article urges a new framing of the illegal order as a wrong by the superior against the subordinate. Focusing on the military, and drawing on fields of knowledge within the law and beyond it, the Article argues that international and domestic law should acknowledge the superior's order not only as a link to the crimes of the subordinate, but also as an abuse of the superior's relationship of authority over the subordinate.

Explaining that the military obligation of the superior toward the subordinate is both legally founded and legally protected, the Article exposes the legal and cultural obsession with the subordinate's ostensible autonomy as but a convenient distraction, one that relies on traditional (and contested) criminal-law assumptions of individual choice and insistence that no person has obligations to another. Further, scholars' and practitioners' accounts of the law of war increasingly acknowledge that soldiers are not mere instruments, but individuals, separate from the state and the superiors they serve. This shift opens the door to this Article's proposed recognition of the harms subordinates experience when they are ordered to commit a crime.

Global in its reach and immediate in its application, this Article aims to reorient conceptions of the relationship between superior and subordinate, to elucidate how perpetrators of crimes can also suffer injuries by those who exert control over them, and to excavate and upend conventional assumptions about authority and autonomy.

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**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.**

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