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CENTRAL AFRICA

Central African Republic

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Central African Republic: While many ‘people are hungry for trials’ some warlords still walk free (Amnesty International)

October 22, 2020

Despite a few investigations and trials these past few years, many perpetrators of horrendous human rights violations and abuses in the Central African Republic (CAR) have not been brought to justice two years after the inauguration of the country's Special Criminal Court (SCC), Amnesty International said today.

Throughout decades of conflict in CAR, various armed groups and individuals have enjoyed impunity for crimes under international law including unlawful killings and sexual violence.

In a new report, "On trial, these warlords lowered their eyes": The Central African Republic's challenging pursuit of justice, Amnesty International found that the SCC's progress has been hampered by deficiencies in the Court's operationalisation and a lack of transparency, while CAR's national justice system is too weak to address the vast scale of the violations. It also highlights the remaining efforts to be made to ensure trials before ordinary courts and the SCC are fair.

"Civilians have borne the brunt of successive waves of violence and armed conflict since 2002 in CAR. Thousands have been killed, raped, and over half a million people are still displaced. Impunity is an affront for the victims and a blank check for perpetrators of crimes. The inauguration of the SCC provided a glimmer of hope for victims, but progress is slow. Ten cases are currently before investigating judges, and the SCC has refused to disclose the identities of the 21 individuals arrested following its investigations, without providing reasons for such refusal," said Samira Daoud, Amnesty International West and Central Africa Director.

"CAR's national justice system is severely under-resourced. With armed groups including ex-Seleka and anti-Balaka still carrying out regular attacks against civilians, it is clear that much more needs to be done to end the cycle of impunity that continues to cause so much suffering."

The Special Criminal Court is an UN-backed hybrid tribunal mandated to investigate and prosecute, for a renewable five-year period, crimes under international law and other serious human rights violations committed in CAR since January 2003. It was established by a June 2015 law and was inaugurated on 22 October 2018. It is complementary to the mandate of the ICC and the ordinary courts of CAR.

Lack of transparency and unknown suspects at the SCC Amnesty International researchers conducted remote interviews with judges, prosecutors, lawyers and activists, as well as reviewed more than 100 legal documents. At least 122 complaints have been received by the Office of the Special Prosecutor of the SCC, and ten cases are now before the investigating judges. But little is known about the events and crimes concerned or the progress of these cases. These proceedings lack transparency and suspects held in pre-trial detention remain unknown to the public.

At least 21 individuals have been arrested in the context of these investigations and are currently in pre-trial detention. Three of those in detention were arrested following killings committed in Paoua (North West) in May 2019. Nine individuals were arrested on 19 May 2020, in connection with killings perpetrated in Ndele (North East) in 2019 and 2020; and nine were arrested on 25 May 2020 in relation to attacks against civilians committed in Bambouti, Obo and Zemio (South East) in 2020.

While investigations started in 2019 and trials are expected to start in 2021, the operationalisation of the SCC is facing some serious challenges, impeding its proper functioning. Among these challenges are the recruitment of international judges and the delay in the establishment of the Court's legal aid system.

Amnesty International spoke to staff working at the SCC, and staff of the UN working in support of the SCC, who confirm difficulties to receive adequate applications for international judges due to the security and political situation in CAR, as well as the requirement to have French speakers having experience in the civil law system.

For example, the mandate of a judge appointed at the SCC Investigating Chamber has lapsed but she is yet to be replaced. This leaves the Chamber with only one international judge, to deal with all ongoing proceedings. Consequently, cases to be currently examined by the Chamber are suffering from delays.

"While we welcome authorities' efforts to address impunity through the SCC, the fact remains that many victims are still waiting for justice for crimes committed almost two decades ago. Justice needs to be done and seen to be done," said Samira Daoud.

"We call on UN member states to consider making contributions to the SCC, to ensure it can fulfil its mandate and deliver long-awaited justice, and we call on Francophone States to urgently submit applications to second judges to the Court."

After years of interruption, CAR's ordinary courts resumed criminal trial sessions in 2015. While this was a positive development, the justice system faces multiple challenges including lack of personnel, infrastructure and material. Out of the 24 tribunals required to be established by law, only 16 were operational at the time of writing of the report.

The number of criminal sessions organized per year also remains below the minimum required by law and the number of cases going on trial are insufficient with regards the scale of crimes committed since 2002. In 2019, just 20 criminal cases were concluded in the entire country.

In addition, CAR's police and judicial authorities lack independence from the executive power, while ongoing conflict and insecurity present further challenges. One worker at a legal aid organization told Amnesty International that the prevalence of armed groups means some judges cannot travel safely within their own jurisdictions.

It is difficult to confirm the exact number of conflict-related criminal proceedings brought before ordinary criminal courts in CAR and whether they were compliant with international fair trial standards.

The vast majority of known criminal cases which have brought against members of anti-Balaka or ex-Seleka since 2015 appear to deal with low ranking individuals; and appear to relate to crimes against the state, rather than human rights violations and abuses.

Amnesty International is aware of two cases where former anti-Balaka members have been tried by the ordinary criminal court in Bangui over crimes against civilians.

On 22 January 2018, the court found anti-Balaka commander General Andjilo guilty of criminal conspiracy, assassination, illegal possession of weapons of war, aggravated theft and sequestration.

In February 2020, the court issued its first conviction on charges of crimes under international law, in relation to an attack on 13 May 2017 by the anti-Balaka group in Bangassou (South East). During the attack, 72 people were killed, including civilians and ten UN peacekeepers, and thousands were forced to flee the town.

Five individuals - Kevin Bere Bere, Romaric Mandago, Crepin Wakanam alias Pino Pino, Patrick Gbiako and Yembeline Mbenguia Alpha – who were identified as anti-Balaka leaders, were found guilty of several charges of crimes against humanity and war crimes. The trial hearings were broadcasted in their entirety via radio and television.

A former judge told Amnesty International:

“...Warlords who used to be very powerful [...] became small people again. Victims directly spoke to the accused during hearings, and these warlords lowered their eyes! We could feel justice was being done. Those were really powerful moments, appreciated by the population.”

In July 2020, military judges were appointed. It was the first time since the adoption of the 2017 military justice code, opening the way to future proceedings before military courts. Amnesty International urges CAR authorities to amend the law to ensure that the jurisdiction of military courts is limited to purely military offenses committed by military personnel. The law must explicitly exclude crimes committed against civilians from the jurisdiction of military courts, in accordance with international standards.

“Most individuals who are alleged to be most responsible for crimes committed since 2012 on both sides, ex-Seleka and anti-Balaka, still live freely in the country and some continue to commit violations,” said Samira Daoud.

“Victims’ rights to obtain truth, justice and reparations in a reasonable time should not be sacrificed in the name of political calculations, often proven to be counterproductive too. Hence the fight against impunity should remain a top priority. Justice against the little and without due process will not be justice.”

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Sudan & South Sudan

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Democratic Republic of the Congo

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ICC Public Documents - Situation in the Democratic Republic of the Congo

At least 19 Killed in clashes in Eastern DR Congo (CGTN Africa)

October 24, 2020

At least 19 people have been killed over several days of clashes between militias in the eastern Democratic Republic of Congo, according to experts and a local official.

The fighting between rival militias “left 19 dead including two civilians and 17 combatants”, one of the experts in the Hauts Plateaux region told AFP on Friday.

The region has seen conflict between Congolese Tutsis of Rwandan origin, the Banyamulenge, and other communities.

“There was violent fighting since Monday” between Banyamulenge and rival militias, the local official said on condition of anonymity.

“We have counted at least 30 bodies,” he added.

If the death toll is confirmed it will be one of the biggest flare-ups of violence since the conflict resumed at the start of 2019.

DR Congo army says Burundi rebels forced from strongholds (Aljazeera)

October 26, 2020

Congolese soldiers have forced fighters from the main Burundian rebel force from their stronghold in the eastern Democratic Republic of the Congo (DRC) near the two countries’ border, an army statement said on Monday.

Troops “dislodged and recovered the headquarters of the Burundi FNL rebels [National Forces of Liberation] after three days of intense fighting”, said Dieudonne Kasereka, the army’s South Kivu spokesman.

The FNL, led by Aloise Nzabampema, is considered to be the main Burundian rebel force active in eastern DRC.

The statement said soldiers had also fought members of the CNRD (National Resistance Council for Democracy), another group active in South Kivu.

Troops killed 27 rebels, seizing arms and ammunition, while three soldiers died in the fighting, with another four wounded, the statement said.

The army said the rebels were now fleeing toward the forests of Muranzia, Nyaburunda and Kashongo as well as the Nyanzale Rudaga valley.

In September, the DRC army launched a large-scale operation against three rebel groups active in the east – the FNL, the CNRD and Red Tabara. Several deadly cross-border raids into Burundi in September were claimed by the Red Tabara.

Early in October, DRC Foreign Minister Marie Tumba Nzeza visited Burundi for talks with President Evariste Ndayishimiye.

Burundi boycotted an October 7 regional security summit in Goma, the capital of DRC’s North Kivu province, preferring to discuss such issues directly with Kinshasa.

DRC’s relations with its eastern neighbours Rwanda and Burundi are complicated by the presence of both refugees and armed rebel groups inside its mineral-rich eastern territories.

All three countries have suffered from multiple conflicts over the past 30 years.

ADF Militia Kills at Least 15 in Eastern DR Congo (TheDefensePost)

October 29, 2020

More than 15 people in DR Congo's troubled east have been killed by the Allied Democratic Forces (ADF), a militia blamed for hundreds of deaths this past year, local sources said on Thursday.

The attack happened overnight in the remote village of Baeti, the administrator of Beni territory in North Kivu province told AFP.

"The ADF enemy killed between 15 and 20 people," the official said, while Janvier Kasairio, a local representative for civil society, said "18 died and homes [were] torched."

The armed forces did not immediately respond to an AFP request for comment.

The ADF, which originated in the 1990s as a Ugandan Muslim rebel group, is one of more than 100 militias that plague the eastern provinces of the vast Democratic Republic of Congo.

The group has killed nearly 600 civilians since the army launched a crackdown on it last November, according to an unofficial count.

The massacres are apparently reprisals for the army operation or designed to warn locals against collaborating with the authorities.

The ADF has never claimed any responsibility for attacks, although since April 2019, several of its assaults have been claimed by the so-called Islamic State Central Africa Province, sometimes with factual mistakes.

On October 21, hundreds of prisoners escaped from a jail in Beni in an attack by gunmen. Police blamed the ADF while the Islamic State took credit for it.

DR Congo: Authorities blame Islamist militia for village massacre (Deutsche Welle)

October 31, 2020

A massacre in the Democratic Republic of Congo on Friday night resulted in at least 17 deaths, local authorities said, blaming fighters from an Islamist militia group.

The army confirmed the raid occurred in a village in the Buliki area of North Kivu province between 8 p.m. and midnight.

The Allied Democratic Forces (ADF), a Ugandan group active in eastern Congo since the 1990s, has been responsible for the deaths of more than 1,000 civilians in less than two years, according to figures from the United Nations.

Surge in attacks

The massacres have increased significantly since the army began an operation against the ADF last year.

The rebel group is also suspected to be behind an attack that occurred on Wednesday in which 18 civilians were killed.

On October 21, over 1,000 prisoners escaped from a jail in Beni in an attack by gunmen. Police blamed the ADF while the Islamic State claimed they were behind the onslaught.

Suspected Islamists kill 17 civilians in eastern Congo raid (Reuters)

October 31, 2020

Assailants killed at least 17 people in a raid on a village in the east of the Democratic Republic of Congo on Friday night, local authorities said, blaming fighters from an Islamist militia group.

The army confirmed the attack in the Buliki area of North Kivu province, but declined to give a death toll.

The Allied Democratic Forces (ADF), a Ugandan armed group active in eastern Congo since the 1990s, has killed more than 1,000 civilians since the start of 2019, according to U.N. figures, despite repeated military campaigns to destroy it.

"Everything happened yesterday between 8 p.m. and midnight - the armed men carried out a raid," local leader Kalunga Messo told Reuters by phone. "They killed our brothers without mercy."

Reprisal attacks against civilians have increased sharply since the army began an operation against the ADF a year ago, dislodging it from several bases near the Ugandan border.

The ADF is suspected of carrying out an attack on Wednesday in which 18 civilians were killed.

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Mali

Mali: ICC - Last Chance to De-Quarantine Justice for Mali (All Africa) By Thijs Bouwknecht
October 22, 2020

In the trial of Al Hassan, a former member of the Islamic police in Mali, evidence before the International Criminal Court has been vastly hidden from the public. Even Western expert witnesses are now granted anonymity and closed sessions. Scholar Thijs Bouwknecht warns of the consequences of this new step in the deterioration of the publicity of international criminal trials. Who else than affected communities is international justice primarily for? he asks.

"There is risk of identifying the expert - private session please," sighed presiding judge Antoine Kesia-Mbe Mindua on 15 October. It was the end of the first block of expert testimony in the trial of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud before the International Criminal Court (ICC). Al Hassan is on trial for 7-year-old atrocity crimes in Timbuktu, Mali, nearly six thousand kilometres away from the seat of the ICC in The Hague, The Netherlands.

Zapping between the channels of the ICC courtroom, video-links, private and public sessions, judges have now heard the first fifteen prosecution witnesses. It is laudable that evidentiary examinations take place at all against the uncertain odds of the COVID-19 pandemic. But their substance and significance are obscure. The extraordinary anonymity of experts and confidentiality of their reports render the trial inaccessible, while the sole reliance on European journalists and experts to bring evidence distances the case even further from the Sahel, where the crimes occurred.

The trial of Al Hassan signals a new step in the deteriorating public visibility of international criminal trials. Twice quarantined, from outside and from within, this hermetically sealed justice further disables the impact and meaning the Court could actually have.

Mindua's protection order has been a repetitive refrain in the trial, often disrupting the Court's judicial ritual. The Court's web

stream went black for several minutes. Again. Before it suddenly popped back up, showing Al Hassan's lawyer finishing to put some puzzling forensic proposition: "Would you agree, Mr. Witness?" Ninety seconds later, midway through the expert witness' answer, it flipped back to test screen: "Closed or Private Session."

Clearly, the Congolese judge was not a fan of this. The day before, prior to the Prosecution's examination of another shielded expert ("P-0653"), he had urged again the parties to "respect as much as possible the publicity of the proceedings." But to no avail. What the audience finally got to see from the last witness ("P-0655") through a pixelated image was a white French-speaking man, whose expertise is to isolate and recognise voices on videos. We were, however, not allowed to see the videos he had analysed, nor to hear Al Hassan's voice on the recording. Neither were we told what stringent security reasons legitimised this scholar's cover and the confidentiality of his report.

Six weeks into the Prosecution's presentation of evidence, the Al Hassan trial is as invisible in Mali as it is to patient ICC observers. Despite handling two Twitter accounts (English and French) serving over 460.000 followers, the Court's outreach department has cared to tweet about Al Hassan's case only three times. For a while before the trial's start on 14 July the Defence team was a solitary online source of information.

The Trial Chamber did raise concerns with the Registry over the dearth in exposure, but there were no palpable improvements made towards updating the public about who testified about what, when, from where and why. No one bothered to explain in everyday language the relevance of certain testimony, or to announce who was going to testify. It did not help that the first prosecution witness bluntly told the Trial Chamber that he was "surprised" he had to testify.

What the trial reveals is a world's difference between what the ICC preaches and promises, and what it actually practices and provides. During opening statements in July, lead prosecutor Gilles Dutertre stressed Timbuktu's "thirst for justice" and that they "seek to drink the warm and soothing milk of truth". He and his team narrated a compelling, clear and comprehensible case against a hands-on culprit. Yet today Malians are left out to dry in the desert. The Office of the Prosecutor is missing out on a major opportunity to show affected communities they have a winnable and robust case on their hands. The trial has so far fallen short on delivering beyond what was already generally known.

Al Hassan, "the acting and thinking embodiment of the Islamic police" The crime scene in the Al Hassan case is Timbuktu and its periphery, when the ancient city was subdued by Ansar Dine, a local franchise of Al-Qaida in the Islamic Maghreb (AQIM). In the group's short-lived mini-caliphate (April 2012-January 2013), residents were forbidden to drink alcohol, smoke cigarettes, listen to Mali's mesmerising blues. People were dictated what to wear, how to behave and in what manner to revere Allah. Women were especially dehumanised, relegated to rightless residents.

Ansar Dine's judges ordered girls to obey and satisfy 'their' designated men during arranged one-night marriages. In its deviant imagination of Islamist transitional justice, Ansar Dine's iconoclastic men crushed mausoleums, smashed mosques and scorched books. Griots, librarians and musicians were persecuted. Ansar Dine's enforcers of Sharia laws were the morality brigade (the Hisbah) and the Islamic Police. Patrolling private and public spaces, fanatic young turbaned men meted out unforgiving penances: public humiliation, fines, detention, amputation, flogging, stoning. And their "zealous commissioner", alleges the Prosecution, was Al Hassan.

At the heart of the case, said Chief Prosecutor Fatou Bensouda during her one-day trial attendance on 14 July, is "a veritable persecution on religious and gender grounds" at the hands of Ansar Dine and AQIM. Al Hassan, who she contended was "the acting and thinking embodiment of the Islamic police", was "a willing perpetrator and member of this organisation from the very outset."

Through his appearance in international media in 2013, Al Hassan was indeed an identifiable and prosecutable target for investigators. Already jailed in a Malian prison, he was also a convenient suspect and defendant. However, in the pool of potential Ansar Dine or AQIM suspects - including Ansar Dine's headman Iyad Ag Ghaly - Al Hassan is a mid-size "fish". An insignificant veterinary pharmacist in his mid-thirties, he turned into an extremist under extraordinary circumstances. His lawyers now portray him as a torture victim - unfit to stand trial, and suffering from post-traumatic stress disorder.

Hiding his face under his turban and behind glasses and a protective mask, the accused silently observes how foreigners talk about his home country. Looking somewhat unemotional, he hears how the thirteen counts of crimes against humanity and war crimes levelled against him may actually represent the totality of Ansar Dine's ten-month reign: widespread and systematic torture, forced marriages, sexual slavery, rape, persecution, cruel treatments, outrages upon personal dignity, passing sentences without judgement, attacking protected monuments, and several other inhumane acts. Without revealing details, Bensouda said "the suffering endured by Timbuktu and its inhabitants is emblematic of what happened." It took the Trial Chamber 43 minutes to read out the charges - in closed session.

Despite the heavily redacted charges, we did get a glimpse of the evidence that puts Al Hassan at the centre of the crime scene. While detained by Mali's General Directorate of State Security, Al Hassan had been extensively quizzed by ICC investigators.

One of the things he admitted was that it was his private mobile phone number on a plaque that hung on the Islamic Police's headquarters' façade.

Then there are videos. On one, he explains the Islamic police's tasks and work. On another, he strolls the streets of Timbuktu, wearing a yellow turban and a blue smock bearing the words "Police Islamique". Most explicit is a short film of Al Hassan whipping two men on their backs, bottoms and legs. In addition to this material there is a thick binder of documents, many of which were photographed or smuggled out of Mali by international journalists (including by the first two witnesses). They include incriminating police reports with Al Hassan's signature on them.

The Prosecution also has a crucial insider in its custody: Ahmed Al Faqi Al Mahdi. This fellow Ansar Dine associate entered into an agreement with the ICC Prosecutor in February 2016, admitting guilt for destroying and damaging ancient mausoleums and a mosque in Timbuktu. He is now serving a nine-year prison sentence in the United Kingdom, and he is expected to testify against his alleged former partner in crime. Yet, it remains unclear when the 'star witness' will take the stand.

Much of the trial's secrecy is officially explained by Mali's uncertain situation. In early July, the ICC's Registry reported "armed attacks and abductions" with "extreme threat levels of terrorism and criminality" and "civil unrest." In August there was another coup d'état in Bamako, Mali's capital. Meanwhile, Ansar Dine and AQIM purportedly pose dangers to witnesses and victims. One expects a court dealing with atrocities to get caught up in dangerous situations and be worried about safety. But this has now driven the Court into becoming a distant, isolated side-show to real-time theatres of enduring violence - the type the ICC was set up to deter in the first place.

There is no doubt the endless violence in Mali has ruthlessly affected the Court's investigations and the sequence in which the Prosecution's evidence could be brought before the Trial Chamber. Most notable is the absence of Malian witnesses. So far, there has not been a coherent trial narrative, with victims' voices and insiders who could link crimes to the alleged perpetrator in the dock.

Instead, all witnesses have been experts and journalists from the global north, mostly from France, Mali's former coloniser. And whereas one could understand that Timbuktuans would request some protective measures, it is perplexing and unprecedented that the majority of these European witnesses have been provided aliases, have their faces and voices distorted and their evidence redacted. After nearly two months of proceedings, the transcripts of only three witnesses have been published; a fourth one was later deleted from the ICC website. Expert testimony used to be unquestionably public before international tribunals; expert reports were published too. Where has this gone?

Among the handful unprotected witnesses was Dutch journalist Harald Doornbos. Flown in from the United Arab Emirates and undergoing four Covid-19 tests, he was the first to take the stand in The Hague. But he had not much to tell, other than that he had found some documents in a bank and in a hotel. Former British journalist David Blair (who now is UK Prime Minister Boris Johnson's speechwriter), the second witness, had also reported from Mali.

In 2013, he broke a story in the Daily Telegraph about a secret document he and photographer Will Wintercross had found and taken from Timbuktu to London. It concerned the record of the 33rd meeting of AQIM's leadership, highlighting "the names of the leaders", describing "their plans" as to what "they intended to do once they had captured northern Mali." But the Prosecution did not press on the contents of the document at all. Rather it was interested in showing judges how Blair gave it to ICC investigators through a clear chain of custody.

Three experts who also worked or previously testified for the Prosecution appeared publicly. Xavier Laroche, who works with the UN's Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), analysed and wrote a report on the China-made Kalashnikovs used by Ansar Dine's policemen. Lars Bromley, from the United Nations Institute for Training and Research, briefly testified about satellite imagery of Timbuktu, highlighting places where buildings were altered or damaged. Francesco Bandarin, UNESCO's former Assistant Director-General for Culture, speculated on the impact the destruction of Timbuktu's historical heritage had on Timbuktuans but referred the judges to the testimony he had already given in the Al Mahdi trial.

Another journalist may have had more interesting things to say, since she had interviewed Al Hassan several times during Timbuktu's occupation. Testifying in English, she however preferred to be referred to as "P-0623" and be mostly examined in private session. Speaking in a clear Irish accent was the seventh witness, whose alias the chamber omitted to reveal. He is another former journalist who has joined the ICC Prosecution as an associate investigator in 2014, becoming the Office's geo-location expert. Questioned by his colleagues, he was confident about his report on protected sites in Timbuktu.

Overall, expert testimony was more technical than substantial. Both parties avoided questions that might throw them into private session, turning the live sessions into a superficial experience. This modus operandi has made it even more difficult to basically grasp, let alone get under the skin of, any of the evidence given by the anonymous experts, including about Mali's

mausoleums, Ansar Dine and AQIM's documents and digital data, as well as Al Hassan's handwriting, signature, facial recognition and voice recognition.

Apart from a protected forensic police inspector ("P-0057") who had been seconded to the Prosecution by the French government (which is fighting Jihadists in Mali and the region), it is a largely unsolved mystery why these experts requested (or were offered) and were granted protective measures. Even the most substantive, least boring witness ("P-0152"), who sharply educated the ICC judges about the history of Mali's conflict and its most important players, chose some protective measures. Testifying with his name withheld, the European political scientist did explain that he was concerned with the security of his Malian colleagues if it would be known they are closely working with an international researcher who gave evidence in this case.

It is hard to assess whether concerns over non-Malian expert witnesses' exposure in Mali are well-founded. But it is unlikely that the Office of the Prosecutor will move from its chosen path of secrecy. In comprehensively censored filings, it has proposed another ten experts on topics that are redacted. Its reasons may sometimes be understandable, particularly when it comes to witnesses on the ground. But because of the redactions it is not known if this even applies to the next round of expert testimony. The impression left is that the ICC has already forgotten about its claimed audience: victims.

It begs the question: who else than affected communities is international justice primarily for? The problem of moving further away from public trials and lacking engagement with society beyond the "high-level" and academic bubbles is systemic at international tribunals. The Al Hassan trial rings an alarm on whether this is how future trials will look - irreversibly out of reach.

It may not be too late to turn the tide. There is quite simply a world to win for the ICC as a whole, if only it changes the way in which it presents itself and starts providing meaning to its actual audiences, like the inhabitants of Timbuktu. In his book, "Justice as a Message", international law professor Carsten Stahn, saliently portrays how such an ideal could look. "Trials", he writes, "entail a whole range of messages that extend beyond punishment.

They 'speak' to the citizens as members of the normative community. They serve to reinforce belief in the validity of norms, articulate the public understanding of the acts of the perpetrator, and to engage the offender, the victim, and society in discourse over wrongdoing. The judgement is essentially a reasoned public speech act." In order for that to materialise and work in Mali, the Al Hassan trial must be de-quarantined. As the Trial Chamber prepares for next week's apparently crucial witness - "P-0065", one of the longest-awaited testimony - there is no reason why it should not step up to spark such a metamorphosis.

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Liberia

U.S. Congress Still Opts For Establishment Of 'Extraordinary Criminal Tribunal' For Liberia (GNN Liberia) By Cholo Brooks

October 22, 2020

As the world watch Liberia accommodating pronounced war criminals in high positions of trust, including the legislature, members of the United States Congress are still opting for the establishment of 'Extraordinary Criminal Tribunal' in Liberia, urging President George Manneh Weah who once served as UNICEF Goodwill Ambassador to see reason for the establishment of such tribunal.

Two years ago, US House Foreign Affairs Committee unanimously passed a resolution yesterday supporting full implementation of Liberia's Truth and Reconciliation Commission's (TRC) recommendation for the establishment of an Extraordinary Criminal Tribunal for Liberia.

The resolution comes on the heels of President George Weah's first visit to the United States since taking office in January 2018. In advance of President Weah's address to the United Nations General Assembly, 80 regional, national and international civil societies groups issued an open letter calling upon him to implement the TRC recommendations.

"This resolution is very exciting because it shows the willingness of the United States government to use it's political ties to

Liberia to support victims in their call for justice and accountability for civil war atrocities,” said a senior staff of the Center for Justice & Accountability, an international human rights legal organization.

Similar call was made On July 26, 2018, by the United Nations Human Rights Committee called on the Liberian government should establish a process to bring about accountability for past war crimes. The committee expressed “concern that none of the alleged perpetrators of gross human rights violations and war crimes mentioned in the TRC [Truth and Reconciliation Commission] report has been brought to justice.”

Since that time of the US Congress stance to call on the George Weah-led government, sources closed to the GNN has revealed that the United States is still concern about the immediate of the tribunal, noting that those who took part in country fifteen years long brutal civil war are brought to book in order to bear the full weight of the humanitarian law.

According to sources also closed to the ECOWAS Parliament, one of Liberia’s representations at this august organization has recently turned down his seat due to pressure about his link to the civil war that took the lives of over 250,000 lives and the destruction of the country infrastructural which is yet to be reshaped.

Liberia Without Human Rights Violations? (Liberian Daily Observer) By Hannah N. Geteterminah
November 03, 2020

As the United Nations Human Rights Council Universal Periodic Review (UPR) commences review of Liberia’s human rights records, Justice Minister Frank Musa Dean has said that since 2015 Liberia continues to be “calm and peaceful with no human rights violations.” However, human rights defenders and Civil Society Organizations in Liberia have a much less rosy perspective about the statement presented by the government about the issues of human rights across the country.

Dean said every incident bordering on abuse or violation of human rights, under the laws of Liberia and international instruments to which Liberia is signatory, is routinely investigated, those responsible charged, prosecuted and punished consistent with the law. Minister Dean, head of Liberia’s six-member delegation presenting Liberia’s third Cycle National Report to the Human Rights Council (HRC) via zoom conference in Monrovia on Monday, November 2, 2020, said since 2015, Liberia has no reports of persistent patterns of human rights violation with impunity.”

“There are no political prisoners in Liberia,” the Justice Minister said. Minister Dean told the international community that in the implementation of the recommendations, the Government adopted a National Human Rights Action, into which it incorporated all the recommendations it accepted; and constituted a Steering Committee comprising representatives from the line ministries and agencies of Government. One of the questions that had been posed earlier has to do with the death penalty law that the international community has been pressing on Liberia to abolish.

According to Minister Dean, “Liberia still maintains its ‘abolitionist by practice’ stance on the death penalty, which translates into a de facto moratorium on the death penalty since 1990 and moving toward a de jure abolition in due course, consistent with the Second Optional Protocol of the ICCPR, signed in 2004 and ratified in 2005.”

On the issue of harmful practices against women, Minister Dean said: “Over the past several years, the Government, in close collaboration with non-state actors, has engaged in sustained public education and awareness of the harmful effects of Female Genital Mutilation (FGM) and other harmful traditional practices, with the view to laying the foundation for attitudinal change and paving the way for law reform.

However, harmful traditional practices that border on human rights violations, such as “Trial by Ordeal” have been criminalized, Dean told the international community.

Dean disclosed that in terms of promoting free speech, the government is in compliance with the “Table Mountain Declaration,” noting that “The Government of Liberia in 2018 repealed Chapter 11 of the Penal Law of 1978 on criminal libel against the President; Section 11.12 on Sedition and 11.14 on Criminal Malevolence, which led to the passage into law of the Kamara Abdullai Kamara (KAK) Act of 2019 for Press Freedom, to promote free speech, expression, independence and safety of the Liberian press.”

However, on many occasions in the Weah Administration journalists have been beaten with their equipment damaged. In recent days in Gbarnga, a journalist was discovered dead from what eye-witnesses consider as “Bullet wounds,” and all local radio stations in Bong County have ceased regular broadcast until Police investigate and establish the cause of death of the community radio journalist.

While Minister Dean is of the opinion that the country is calm without any human rights report, the Liberian government, after a three-day protest against increasing rape cases and sexual and gender-based violence, declared rape a “National

Emergency” under pressure from the citizens. Police brutality has also been on the increase with students of the Monrovia Consolidated School System brutalized a year ago while protesting against salary arrears owed their teachers for which they could not come to class. During the recent protest in Monrovia against rape, police again brutalized the peaceful protesters. It can also be recalled that in Kingsville, Montserrado County last year police killed a child during a protest carried out by residents of that area due to rampant ritual killing and the arrest of a resident who the protesters claim was not given justice. At the Temple of Justice, the police also brutalized several aggrieved workers whose salaries have not been paid for 12 months.

In a stern reaction to Minister Dean’s assertions, Adama Dempster, Secretary-General of the Civil Society Human Rights Platform of Liberia, says the report does not represent the actual picture on the ground.

“We have given interest and responsibility to improve human rights situation on the ground; we have to be honest in dealing with these issues, because the enjoyment of human rights is just not the ordinary citizens, it extends to individuals and others within the border,” Dempster added.” He expressed disappointment that the government’s presentation did not admit to the unaccounted human rights violations that are occurring in the country ranging from questionable and secret killings of citizens in recent days.

Mrs. Gifty Asmah Lama, Mr. Albert Peters and George F. Fahnboto, three employees of the Liberia Revenue Authority, and Emmanuel Barten Nyeswua, head of the Internal Audit Agency (IAA), died mysteriously in recent times and their remains have been turned over to families for burial without proper investigations.

“So, having listened to the head of delegation, Cllr. Musa Dean, who has said that there have been no human rights violations that have occurred in Liberia, it beats my imagination and that is entirely untrue,” Dempster said.

Liberia is one of the 14 States that is being reviewed by the UPR Working Group during its session taking place from the 2nd of November to 13, 2020 in Geneva, Switzerland. Speaking about the Truth and Reconciliation Commission’s recommendations, Dempster, following the submission of the Liberian delegation’s report, said: “The delegation’s failure to even mention its plan or effort towards the implementation of the TRC recommendations, which among other things call for the establishment of a war crimes court in Liberia, clearly indicates that the Weah-led Government has not planned to address the culture of impunity.”

He added that “these are important elements of human rights that we think the government should have addressed long since. The head of delegation did not even mention about the TRC report. But we see that under this identical administration, anything about the TRC, the government does not want to talk about it, which also indicates that the government does not have any plan for that.”

Mariam G. Deah, anti-FGM activist and Head of ‘Restore their Hope Liberia,’ lauded the government for some progress being made but called for more to be done about issues happening across the country.

She said human rights violations are still on the increase, ranging from civil and political rights, which include rights to life and to security.

France Seeks Trial For Liberian Accused Of Crimes Against Humanity (UrduPoint / Pakistan Point News) By Mohammad Ali
November 04, 2020

French anti-terror prosecutors want a former Liberian rebel leader to stand trial for crimes against humanity committed during a 1990s civil war that ravaged the country, a judicial source told AFP.

The suspect, identified as Kunti K., a naturalised Dutch citizen, was arrested in a Paris suburb in September 2018. Prosecutors believe he is a former commander in the United Liberation Movement of Liberia for Democracy (ULIMO).

He has been charged with committing "acts of torture" and "complicity in torture constituting crimes against humanity" in 1993 and 1994, the source said.

Two civil wars in Liberia, from 1989 to 2003, resulted in the deaths of 250,000 people, with soldiers on various sides accused of torture, murder, slavery, cannibalism and the use of child soldiers.

Massacres and rapes were also commonplace, often committed by soldiers under the influence of drugs.

ULIMO was formed to counter the National Patriotic Front of Liberia (NPFL) led by Charles Taylor, a rival rebel fighter who would eventually become president in 1997 after a short-lived peace accord.

In 2012, Taylor was convicted by an international criminal court of 11 counts of war crimes and crimes against humanity.

If judges decide to order a trial for Kunti K., it would be the first by the special crimes against humanity tribunal set up in Paris in 2012 that did not involve suspects linked to the Rwanda genocide of 1994.

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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**

Nine weeks of bloodshed: how brutal policing of Kenya's Covid curfew left 15 dead (The Guardian) By John-Allan Namu and Tess Riley

October 23, 2020

A nervous energy filled downtown Mombasa on the afternoon of 27 March. It was the first day of Kenya's dusk-to-dawn curfew to curb the spread of Covid-19, and baton-wielding police were patrolling the streets of the coastal city as people rushed to get home. Confrontation was expected. Kenya's police have a reputation for being heavy-handed even without the excuse of enforcing a nationwide curfew. But no one anticipated the brutality that was about to take place.

The centre of the violence was the Likoni ferry terminal. Huge crowds had built up as commuters tried to get on ferries which were running at lower capacity due to new social distancing rules. Suddenly, hordes of police officers in riot gear appeared. They threw teargas into the crowds, lashing out at innocent men, women and children and forcing them to the ground. Dozens were made to lie on top of one another while others sat choking, vomiting and rubbing their burning eyes.

In the following months, police unleashed a torrent of violence on Kenya. At least 15 people were killed by officers during the first nine weeks of curfew alone, according to Kenya's Independent Policing Oversight Authority (IPOA). At least six additional deaths are also being investigated by the IPOA, as well as allegations of shootings, robbery, harassment and sexual assault by police officers.

Amnesty International Kenya said that the Covid-19 pandemic provided "the perfect storm for indiscriminate mass violence" by the police.

"There is a pervasive culture of impunity among [police] service members who rely on systemic corruption, a lack of accountability and the limited capacity of oversight bodies to avoid justice," says Demas Kiprono, campaign manager for safety and dignity at Amnesty International Kenya.

Now, Amnesty International Kenya is one of four rights groups – along with Haki Africa, Kituo Cha Sheria and International Justice Mission Kenya (IJMK) – who are attempting to hold the police to account for the bloodshed on the streets. They have

collectively launched a lawsuit against the police, calling for compensation from the government and an end to impunity for acts of violence inflicted upon the civilian population.

“We hope ... to see police held to account for misconduct and for this accountability to create a deterrent that stops the problem for good,” says Benson Shamala, director of IJMK. “As it is, the problem of police killings and violence is a recurrent issue that sees too many lives torn apart.”

Among those families seeking justice is Hussein Moyo, whose 13-year-old son was shot in late March at his home in Kiamaiko, one of the poorest neighbourhoods in Nairobi. Yassin Moyo was reportedly standing on a balcony with his siblings watching police enforce the curfew when officer Duncan Ndiema took out his pistol and fired into the air, hitting the boy in the stomach. He died on the way to hospital. Following a public outcry, Ndiema was charged with Moyo’s murder in June and released on bail the following month.

“Covid-19 is the unseen killer but the police are the seen killers,” says rights activist Boniface Mwangi. “We don’t see the police as our protector, we see the police as our abuser.”

To a large extent this is a story of poverty. Much of the violence in the early weeks of curfew was dealt out to Kenyans living in slums, where cases of police brutality were already commonplace.

“When Covid-19 began, guys were jumping in the river, people got hit by cars running away from the police,” says Mwangi. Everyone has a story about police brutality and harassment, but, says the activist, if you’re poor you fear the police more than anything else.

David Anderson, professor of African politics at the University of Oxford, argues that the ingrained problem of police violence has its origins in the foundations of policing in Kenya during British colonial rule more than a century ago.

Initially the police force was the preserve of the white settler, says Anderson, leading to arbitrary arrests, mass incarceration, torture and the murder of tens of thousands of Kenyans by the state. By the time the country became independent in 1963 the police force was hardwired as a key agent of state-sanctioned violence.

Over the last decade there have been attempts to curtail the power of the police. Kenya also now has the IPOA, which investigates all deaths where police have used force.

Yet far from acknowledging the problem of police violence, the authorities have generally blamed instances of brutality on rogue individuals.

“Some of these policemen are very young and ... they can easily get drunk with the little power they have,” said Charles Owino, the police service’s official spokesperson, on television in June.

As anti-police protests sweep Nigeria, Kenyans have also been taking to the streets in protest at the police brutality that was so starkly exposed by the pandemic.

A new generation of activists are also emerging to lead the fight to end the violence.

Juliet Wanjira has emerged as a central figure among a new generation of young, fearless activists drawn mostly from Kenya’s informal settlements. In the weeks following the implementation of the curfew, the 25-year-old from Mathare, one of Kenya’s poorest neighbourhoods, led two protests against police brutality.

“When the curfew started, things got very bad very quickly,” said Wanjira, whose older brother was murdered in 2007 in a suspected police killing. “I want to say I’m surprised but I’m not. The police aren’t there to protect us, they’re there to protect the interests of those in power.”

Wanjira is co-founder of the Mathare Social Justice Centre, a community-based human rights organisation calling for an end to Kenya’s extrajudicial killings. Since its foundation in 2015, other communities have followed suit and today there are more than 30 such centres across Kenya.

“I strongly believe we can have a just society,” said Wanjira. “To achieve that, we have to focus on the system itself. That requires a complete mindset change. I want the police to realise that they are poor people just like us, fighting not for their own gain but for the benefit of a few rich people out there. They need to wake up.”

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Alleged Financier of Rwanda's 1994 Genocide Moved to the Hague to Await Trial (VOA News)

October 27, 2020

The Rwandan businessman suspected of financing the country's 1994 genocide has been transferred to the Hague to await trial.

The United Nations International Residual Mechanism for Criminal Tribunals said in a statement Monday that 87-year-old Felicien Kabuga would soon go before a judge.

Kabuga was moved to the Hague Monday from France, where he evaded arrest for more than 22 years before his capture near Paris in May.

Kabuga's attorneys sought to have him tried in France, but last month the country's top court approved his transfer to the Hague.

Kabuga faces multiples charges, including complicity in genocide, direct and public incitement to commit genocide and crimes against humanity.

Kabuga allegedly bankrolled Hutu militia groups and the Radio television Libre des Mille Collines broadcasts that encouraged the killings.

The U.N. court has already identified the judges who will hear Kabuga's case.

So far, no trial date has been set, but a spokesman for the U.N. court said it is likely Kabuga's trial will begin in 2021.

Rwanda genocide: President Habyarimana's widow heard in Barril investigation (AFP)

November 3, 2020

The widow of the former Rwandan president, Agathe Habyarimana, suspected of involvement in the 1994 genocide, arrives at a Paris court with her lawyer to be questioned in the investigation into the role played by former policeman Paul Barril at the time of the massacres.

The widow has been living since 1998 in France, which has refused to extradite her to Rwanda -- while also denying her asylum on the basis of suspicions against her.

Rwanda has an outstanding arrest warrant for Habyarimana on charges of genocide and crimes against humanity, accusing her of having played a key role in one of the 20th century's most horrendous crimes.

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Somalia

Somalia conflict: Al-Shabab 'collects more revenue than government' (BBC News) By Mary Harper

October 26, 2020

Using intimidation and violence, Somalia-based Islamist militant group al-Shabab raises as much revenue as the country's authorities, a report says.

The militants collect at least \$15m (£11m) a month, with more than half the amount coming from the capital, Mogadishu, the Hiraal Institute said.

Some businesses pay both the jihadists and the internationally recognised government.

Al-Shabab has been fighting that government for more than a decade.

The group controls much of southern and central Somalia but has been able to extend its influence into areas controlled by the government based in Mogadishu.

The report describes as "brutal" the way the group extracts money from the rural population.

"Fear and a credible threat to their lives is the only motivation that drives al-Shabab taxpayers," the report says.

According to the Hiraal Institute, unlike the Somali government, al-Shabab is "running a major financial surplus" as the amount of money it collects increases yearly, whilst its operational costs remain fairly static.

All major companies in Somalia give the jihadists money, both in the form of monthly payments and a yearly "zakat" (obligatory alms) of 2.5% of annual profits, says the report, which is based on interviews with al-Shabab members, Somali businesspeople, government officials and others.

Businesspeople in government-controlled areas complain they have to pay both the militants and the government.

These include those in the Villa Somalia neighbourhood of Mogadishu, where the government is based, and those in the cities of Bossasso and Jowhar, and to a lesser extent Kismayo and Baidoa, all of which are officially outside militant control.

The seaport in Mogadishu is a major source of revenue for the Somali government. However, imports are also "taxed" by the jihadists who get the cargo ships' manifests from port officials.

The Hiraal Institute says many government employees give a part of their salaries to al-Shabab in the hope that the group will leave them alone despite considering them legitimate targets.

State employees and other people working in government-controlled areas also explain how the insurgents contact them by mobile phone to demand money.

Army commander pays al-Shabab

In areas controlled by al-Shabab, jihadist revenue collectors go directly to the businesses and demand payment.

A commander in the Somali army described how he "sent money to al-Shabab despite being at war with the group".

The soldier explained how a man who was building a house for him stopped the construction work and left after the commander refused to pay a fee to the militants.

The vehicles transporting building materials also stopped coming to the site after they too were asked to pay.

"Finally I was forced to either drop the construction work or pay al-Shabab," said the commander.

"Regrettably, I paid them \$3,600 (£2,750) and my house was completed," he said.

The report says the jihadists keep almost as close an eye on the booming real estate sector as they do on imports.

An estate agent in the southern port city of Kismayo explained how colleague are called up by the militants, "given details of the transactions they conducted and ordered to pay a non-negotiable amount - and they pay exactly what al-Shabab demanded".

Acting as a quasi-government, al-Shabab is the only entity in the country which collects revenue in rural areas. It sets levies on livestock, on crops, even on the use of water resources.

The militant group explained how, in the areas it controls, only farmers who pay money for irrigation can use rivers and canals to water their fields.

"A farmer complained that he was forced to pay 'operations taxes' for his tractor even when it was out of operation due to technical issues."

'Payments not voluntary'

Most businesspeople, government employees and others who pay money to al-Shabab told the Hiraal researchers they only do so out of fear.

"The paying of al-Shabab taxes is not a voluntary venture."

Those who refuse are either killed, forced to shut down their businesses or flee the country.

Some feel it is worth their while paying money to al-Shabab as they receive services in return. Unlike the government, the militants are able to provide a degree of security.

"Taxes paid at al-Shabab checkpoints ensure safe passage through the whole of al-Shabab territory and in government-held areas where the militants are active."

The report details how the jihadists solve disputes between businesspeople and regulate the production of certain export items such as lemons.

Hiraal says the only way to stop the militants from raising revenue in this way is to improve the security situation, so members of the business community and others can operate without interference from al-Shabab.

Given that the group has been in existence for more than a decade and continues to stage attacks in government-controlled areas, it would appear that the militants will be able to keep on getting money, no matter where they are in Somalia, for some time to come.

US focused on disrupting finances for Somalia's al-Shabab (The Washington Post) By Edith M. Lederer
October 29, 2020

The United States strongly backed efforts to disrupt the illegal financing methods used by Somalia's al-Shabab extremist group, which according to U.N. experts raised more than the \$21 million it spent last year on fighters, weapons and intelligence.

U.S. Ambassador Kelly Craft told the Security Council on Wednesday the Trump administration is committed to partnering with other countries and using U.N. sanctions to counter al-Shabab's "financing of terrorism" and the threat from homemade bombs the group is making.

The United States also remains focused on limiting the ability of al-Shabab to conduct attacks against civilians, she said.

The Security Council was focusing on the panel of experts whose latest report stresses the continuing impact of al-Shabab's operations not only in Somalia but in neighboring Kenya.

"The threat posed by al-Shabab to peace, security and stability in Somalia goes beyond the impact of the group's conventional military action and asymmetric warfare to include sophisticated extortion and 'taxation' systems, child recruitment practices and an effective propaganda machine," the report said.

Al-Qaida-linked al-Shabab remains the most active and resilient extremist group in Africa, controlling parts of southern and central Somalia and often targeting checkpoints and other high-profile areas in the capital, Mogadishu. It has fired several mortars this year at the heavily defended international airport, where the U.S. Embassy and other missions are located.

The panel said al-Shabab lost territory as a result of military operations by the Somali National Army and the joint U.N.-African Union peacekeeping force and the increased intensity of airstrikes "by international actors," including the United States. But since last December, it said the group was able to carry out three large-scale complex attacks, including on a U.S.-Kenyan military base in January and Mogadishu's Elite Hotel in August.

The experts stressed that military operations against al-Shabab "must be accompanied by non-military efforts to degrade the group's capacity and combat its propaganda."

The panel of experts focused on one al-Shabab "taxation" checkpoint in Lower Juba, the group's extortion of businesses in Kismayo, and two bank accounts associated with the group's collection of taxes on imports into the port in Mogadishu, and "zakat" -- an annual religious obligation.

Its investigation found that al-Shabab generated approximately \$13 million in these four case studies alone. It assessed that the group remains "in a strong financial position and is generating a significant budgetary surplus, some of which is invested in property purchases and businesses in Mogadishu."

The experts' report said the Somali government has taken steps to strengthen the country's financial sector to combat

terrorism financing through legislation and oversight, and the private sector has also implemented measures to protect its systems.

The government, supported by the U.N. Office on Drugs and Crime and the panel, is developing a disruption plan for al-Shabab finances that builds on current reforms and requires engagement from across government, the private sector and the international community, the report said.

Belgium's U.N. Ambassador Philippe Kridelka, who chairs the Security Council committee monitoring an arms embargo and other sanctions against Somalia, reported on the panel's work Wednesday, emphasizing its financial analysis of al-Shabab's revenue and insights from the U.N. Office on Drugs and Crime into the trafficking of improvised explosive device components.

In their 2019 report, the experts said al-Shabab was manufacturing its own explosives, and in the latest report they said IEDs continue to be its "primary weapon of choice."

The panel said an analysis by the U.S. Federal Bureau of Investigation confirmed that al-Shabab was using nitroglycerine as an explosive, potassium nitrate as an oxidizer, and charcoal as fuel in some explosives — and it said the group was using a variety of switches to trigger explosions.

Craft, the U.S. ambassador, said: "Addressing the ongoing al-Shabaab threat requires close cooperation between the federal government of Somalia, the Somali private sector, and international partners in order to disrupt their sources of financing."

"We are encouraged to learn this cooperation has been gaining momentum," she said.

Craft also urged council members to renew the U.N. sanctions next month, including a ban on IED components.

Germany's U.N. Ambassador Christoph Heusgen welcomed the panel's improved cooperation, saying it is needed to tackle "the continuing challenge that al-Shabab poses to the stability and security of the country."

Therefore, he said, "it is very important that the sanctions regime will be continued to really prevent al-Shabab to do what they try to do."

Russia's Deputy U.N. Ambassador Anna Evstigneeva said Moscow considers sanctions, including the restrictions on IED components, an important instrument to assist the Somali government in establishing peace and security. But she stressed that sanctions "should under no circumstances be an impediment" to the Somali National Army in the fight against al-Shabab.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Prohibitive Measures imposed to One Person for War Crimes against Civilians (Sarajevo Times)

October 23, 2020

On 19 October 2020 the Court of Bosnia and Herzegovina issued a decision terminating the pre-trial custody of the accused Adem Kostjerevac, which had been ordered by Court's Decision of 19 June 2020, and imposed on him the following prohibitive measures: ban on leaving the place of residence under Article 126(1) of the Criminal Procedure Code of BiH (CPC BiH), within which the accused's movement is limited exclusively to the municipality of Hadžići, which he must not leave without

prior consent from the Court, unless the reason for leaving home is to appear in this criminal matter upon Court's or Prosecution's summons. Also imposed on the accused is the measure of travel ban under Article 126(2) CPC BiH; for the purpose of execution of this measure the Court has seized his valid travel documents – passports, issued to the name of the accused Adem Kostjerevac, while the issuance of new passports is forbidden, as is the use of ID to cross the state border.

A third imposed measure is mandatory reporting to the relevant state authority under Article 126.a(1)d) CPC BiH, in the manner that he will report once a week to the Hadžići Police Station, on which the PS will regularly inform the Court of BiH in writing. These measures will remain in effect for as long as necessary, but not longer than the moment when the accused is possibly committed to serve his prison sentence or pending a different decision of the Court. The necessity of keeping the prohibitive measures in place will be controlled on a bi-monthly basis. The accused is warned that he may be remanded in custody if he violates the obligations specified under the imposed prohibitive measures.

The Indictment charges the accused Adem Kostjerevac with the criminal offense of War Crimes against Civilians under Article 142(1) CC SFRY.

Bosnia detains two Serb ex-soldiers over wartime killing of 78 Bosniaks (Reuters) By Daria Sito-Sucic
October 27, 2020

Bosnian police on Tuesday detained two Serb ex-soldiers accused of taking part in the murder of at least 78 Bosniak (Bosnian Muslim) civilians early in the Bosnian war of the 1990s, the state prosecution said in a statement.

A quarter of a century after the U.S.-sponsored Dayton peace accords ended the war among Bosnian Serbs, Croats and Bosniaks in which about 100,000 people were killed, many war criminals are still at large in the ethnically divided country.

Unčanin Boško, 51, and Despot Dragan, 56, are accused of violating the provisions of the Geneva conventions on the protection of civilians during wartime and of crimes against humanity, the prosecutor's office said.

They were detained in the northwestern city of Banja Luka.

The two former Bosnian Serb army soldiers are suspected of driving the Bosniak civilians out of a school in the western village of Velagici in which they were detained, lining them up and, firing from automatic rifles with other soldiers, killing at least 78, the statement said.

The victims' bodies were transported by trucks and buried in a mass grave from which they were exhumed in 1996.

The 1992-1995 Bosnian war was marked by the persecution and killing of Croats and Bosniaks from territories the Bosnian Serbs had mapped out for their exclusively Serb state. The Croat and Bosniak-dominated armies also committed crimes in the war in which all three parties fought each other at different times.

Interpol Calls for Arrest of Bosnian Serb War Suspect (Balkan Transnational Justice) By Haris Rovcanin
October 30, 2020

The 'red notice' issued by Interpol for the arrest of Milorad Kronic says he is a citizen of Bosnia and Herzegovina and Serbia and is accused of crimes against humanity.

He was charged by the Bosnian prosecution and a plea hearing in his case was due to take place at the state court in Sarajevo in August, but neither the defendant nor his lawyer appeared.

Judge Zoran Bozic said at the time that summons had been delivered to the defendant by the Higher Court in Belgrade in June, but he failed to respond.

Wartime reservist policeman Kronic is charged with committing crimes within a widespread and systematic attack by the Bosnian Serb Army, police and paramilitary formations against the Bosniak and Croat civilian population in the municipality of Sanski Most in 1992.

According to the charges, on June 11, 1992, he participated in transporting a convoy of civilian prisoners from detention facilities in a sports hall and the Betonirka factory in Sanski Most to the Manjaca detention camp.

He separated six civilians from the others and then participated in killing them by the roadside, the prosecution claimed.

Witness at Bosnian Serb Fighter's Rape Trial 'Forgets Evidence' (Balkan Transitional Justice) By

Milica Stojanovic

November 3, 2020

A former guard at the Miladin Radojevic elementary school in Kalinovik in south-eastern Bosnia and Herzegovina, where captured Bosniak civilians were held in August 1992, told Belgrade Higher Court that he could not remember what he previously said he had heard about crimes being committed there.

"No one caused any problems during my shift," witness Predrag Djoran told the court.

He said he does not remember how many people were held at the school.

Judge Zorana Trajkovic asked him about a previous statement that he made, when he said he "heard that there were some crimes against some civilians" at this school, but Djoran claimed he did not remember saying that.

Another witness, Tahir Panjeta, who was held captive at the school for several days after August 1, and who testified via video link from court in Bosnia and Herzegovina, said that prisoners at the school were beaten and abused.

Panjeta said that some prisoners were taken away from the school and never came back.

"In those four or five days, I observed things that common sense cannot notice. There was harassment, killing, and the people they took away did not return," he told the court.

Djoran said that prisoners were "free to move" inside the school, but clarified that they could only go from the classrooms or gym hall where they were held to the toilet.

Djoran and Panjeta were testifying at the trial of Dalibor Krstovic, who is accused of raping a Bosniak woman at the school in August 1992 and allowing another soldier who was with him to rape her too.

Krstovic, who said he was initially a policeman but in the summer of 1992 was incorporated into the Bosnian Serb Army, has denied the charge.

Krstovic was originally indicted in Bosnia and Herzegovina in 2017 and the case was then handed over to the Serbian authorities.

The next hearing will be held in December.

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

Official Website of the ICTY

IRMCT orders transfer of alleged Rwanda genocide financier to The Hague due to health concerns (Jurist) By Zoe Gujral

October 23, 2020

Lord Iain Bonomy, a judge for the International Residual Mechanism for Criminal Tribunals that is handling the remaining business of the former international criminal courts for Yugoslavia and Rwanda, approved the transfer of Félicien Kabuga to The Hague Wednesday.

Arrested in May in Paris after two decades as a fugitive, Kabuga is suspected of financially supporting the 1994 Rwandan genocide. In September, a French court ordered his extradition to UN custody in Arusha, Tanzania. In early October, he filed a

motion to amend his arrest warrant to require transfer to The Hague instead.

Kabuga argued that his transfer to Arusha would not be in the interests of justice, as it would pose substantial risks to his health due to his age and medical conditions. The claims rely on a medical report submitted by his defense team. Additionally, he claimed that the COVID-19 pandemic and the Tanzanian government's response exacerbated the risks. The prosecution supported Kabuga's transfer, but argued in favor of an independent medical examination. The Registry, the branch of the Mechanism responsible for medical evaluations, concurred.

The Mechanism's statute and rules require that the suspects be detained in the host State of the relevant branch. However, they permit the detention of the suspect outside the relevant branch in exceptional circumstances if it is in the interest of justice. Judge Bonomy determined that Kabuga fell within that exception, at least until the Registry is able to perform an evaluation. As the statute and rules require cases be conducted fairly and expeditiously, Kabuga's proceedings may begin in The Hague.

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Domestic Prosecutions In The Former Yugoslavia

Serbian Ministry Protects 'Right to Privacy' of Fugitive War Criminal (Balkan Transitional Justice)

By Ivana Nikolic and Marija Ristic

October 29, 2020

The Serbian Interior Ministry has rejected BIRN's freedom of information request asking whether former Yugoslav Army soldier Rajko Kozlina used an official border crossing to flee Serbia after he failed to appear to serve his 15-year sentence for war crimes in Kosovo.

The ministry argued that giving out the information would "violate the right to privacy of the person", and claimed that there is also no public interest in providing the information.

In 2019, Belgrade court found Kozlina, former Yugoslav Army soldier, guilty of leading his unit into the Kosovo village of Trnje/Terre on March 25, 1999, shooting two civilians, who both survived, and ordering his soldiers to fire on other civilians in the village, causing the deaths of 15 people.

Among the victims were elderly people and a four-year-old boy. Many of their bodies are still missing.

The Supreme Court of Cassation confirmed the ruling in June this year, but Kozlina never appeared to serve his sentence.

The First Basic Court in Belgrade issued a warrant for his arrest because it said that despite taking "every possible measure, [it] could not find Kozlina".

BIRN then sent a freedom of information request to the Serbian Interior Ministry asking the border police if Kozlina had left the country in the past year, using which border crossing and where he went to if he travelled by plane.

Rodoljub Sabic, a Belgrade-based lawyer who is Serbia's former Commissioner for Information of Public Importance and Personal Data Protection, told BIRN that the Interior Ministry's rejection is highly problematic and leaves room for speculations that the police might have been aware of the fact that Kozlina had fled.

Sabic argued that there are three instances in which the right to privacy can be over-ridden, and Kozlina's case fulfils two of them – he is of interest to the public and his conduct gave special cause to request information from the authorities.

"The mistake is worryingly obvious because a person sentenced to many years in prison for war crimes against civilians, who avoids serving a sentence for which the court issued a warrant for him, is undoubtedly of interest to the public," he said.

Bosnia Asks Serbia to Prosecute Wartime Rape, Murder Suspect (Balkan Transitional Justice)

By Haris Rovcanin

October 22, 2020

“In the case of Novak Stjepanovic, a request was sent for the Republic of Serbia to take over the criminal prosecution, but so far we have not received any feedback on it,” the Bosnian state court told BIRN on Thursday.

At a hearing in December 2018, at which former Bosnian Serb soldier Stjepanovic was scheduled to enter a plea to charges of raping and sexually abusing a Bosniak woman in the Bratunac area in June 1992, the state prosecution said it would ask for Serbia to take over the case.

Stjepanovic, who is a Serbian citizen and lives in Ljubovija in Serbia, did not attend the hearing.

“A warrant for the accused was not issued because there was no proposal from the prosecutor’s office to do that,” the state court said.

The indictment alleges that in June 1992, after the victim was forcibly taken from a mine in Sase, where Bosniak civilians were being illegally detained, and brought to Bratunac, Stjepanovic threatened her life and raped and sexually abused her.

Stjepanovic is also charged with taking part in the capture of 14 Bosniak civilians in the Bratunac municipality on May 20, 1992, along with four other Bosnian Serb Army soldiers.

He is accused of harassing the captured civilians, taking their money, and taking part in shooting them together with other soldiers from the group. Seven of the civilians were killed.

Bosnian Serb Ex-Soldier Jailed for 16 Years for Civilians’ Murders (Balkan Transitional Justice) By Emina Dizdarevic
October 28, 2020

The appeals chamber of the Bosnian state court on Wednesday convicted Boro Milojica, a former member of the Sixth Company of the Bosnian Serb Army’s Ljubija Battalion, of committing multiple murders of civilians in July 1992.

Milojica was sentenced to 16 years in prison, while another former soldier from the Sixth Company, Zelislav Rivic, was acquitted.

The verdict said that Milojica, as a Bosnian Serb Army soldier who lived in the Prijedor area, was aware that there was a widespread and systematic attack on the area, and that he participated in attacks against Bosniak civilians in Hambarine.

“The witnesses’ testimonies are clear, convincing and trustworthy, leaving no doubts,” said presiding judge Dragomir Vukoje.

Milojica and Rivic were being retried after the appeals chamber quashed a first-instance verdict from June 2019 sentencing Milojica to eight years in prison and acquitting Rivic.

Wednesday’s verdict cannot be appealed.

Bosnian Croat War Criminal’s Sentence for Woman’s Murder Increased (Balkan Transitional Justice) By Anja Vladislavljevic
October 28, 2020

The Croatian Supreme Court has increased the prison sentence handed down to Hague Tribunal convict Vinko Martinovic from seven to ten years after upholding his conviction for the murder of a Bosniak woman in the ethnically-mixed city of Mostar in southern Bosnia and Herzegovina in 1996, Croatian media reported on Wednesday.

After four retrials, the court found that Martinovic, alias Stela, who was the wartime commander of the so-called Convict’s Battalion of the Croatian Defence Council, the Bosnian Croat wartime force, broke into Jasmina Djukic’s home in the Bosnian city of Mostar along with his unit and killed her.

“The owner, a Muslim woman, was killed so that they could get her apartment. The property was later sold,” Croatian website Telegram explained.

The court stated that despite the fact that a lot of time has passed since the murder, “this is one of the most serious crimes”.

“A completely innocent person was killed, Martinovic was the organiser of the entire operation, and he told the other participants what to do. He really showed extreme brutality and callousness,” Telegram quoted the Supreme Court as saying.

In 2016, Zagreb County Court had sentenced him to seven years in prison, but the prosecution demanded a higher sentence.

Martinovic is currently not available to the Croatian judiciary because he managed to escape to Bosnia and Herzegovina just a few hours before the verdict was announced.

He was previously sentenced to 18 years in prison by the International Criminal Tribunal for the Former Yugoslavia for his participation in a campaign of ethnic cleansing in 1993 in the city of Mostar.

Together with his military superior Mladen Naletilic, Martinovic was convicted in 2003.

In 2008, after the Hague Tribunal's appeals chamber confirmed both sentences, Martinovic was transferred to prison in Italy.

He was released in 2012, after serving 12 years in jail, in line with the UN court's rule that a convict can request release after serving two-thirds of his sentence.

Bosnian Soldiers' Appeals Against Prisoner Abuse Convictions Rejected (Balkan Transitional Justice) By Emina Dizdarevic

October 29, 2020

Bosnia and Herzegovina's Constitutional Court on Thursday dismissed appeals filed by Ibrahim Demirovic and Habib Copelj and upheld the verdict sentencing them to 13 and five years in prison respectively.

Demirovic was convicted in December 2018 of participating in the unlawful detention and inhumane treatment of Croat civilians in Bijelo Polje, near Mostar, and forcing them to do hard labour. He was also convicted of raping a woman.

Copelj was convicted of the inhumane treatment of the Croat detainees.

In its decision rejecting Demirovic's appeal, the Constitutional Court stated that the courts had provided a detailed, clear and substantiated explanation of their decisions in terms of the assessment of evidence and application of the law, and had carefully and diligently evaluated the evidence.

"Therefore, the Constitutional Court finds that there has been no infringement of the right to a fair trial of the appellant as provided for in the constitution of Bosnia and Herzegovina and the European Convention [on Human Rights]," it said in its decision.

It also found that Copelj's allegations about alleged violations of his right to a fair trial were unfounded.

The Constitutional Court's ruling is final and cannot be appealed.

"A person who committed a serious crime, of which they were legally convicted, and who escaped from his sentence gave and still gives grounds for requesting information [from the authorities]," he added.

The ministry's refusal to give out the information "raises suspicion that the wanted person did cross the border after all and that information is being hidden about something which was not supposed to happen and for which someone should bear the responsibility".

The Serbian Interior Ministry and Defence Ministry often cite privacy concerns or confidentiality in order not to disclose information about alleged war criminals to journalists and researchers.

Most of the case files and evidence from war crime trials in Serbia are also not easily accessible to journalists, researchers and the general public.

During his trial, Kozlina often failed to appear for hearing. The trial for the massacre in Trnje was postponed on numerous occasions due to defendants' alleged illnesses.

In March last year, Belgrade Higher Court judge Mirjana Ilic expressed suspicion that the defendants were deliberately avoiding the hearings by claiming to have health problems.

Both Kozlina and Pavle Gavrilovic, another co-defendant, were submitting medical reports, issued by Serbian Army hospitals, to support their claims. Kozlina was still a serving soldier with the Serbian Army at the time of the trial.

The Belgrade-based Humanitarian Law Centre NGO accused the hospitals on several occasions of enabling Gavrilovic and Kozlina to avoid hearings on health grounds. The Military Medical Academy, the Serbian Army's main hospital, denied the

accusations.

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Turkey

Turkish, Russian diplomats discuss Syria, Libya in Moscow (Hurriyet Daily News) October 23, 2020

The deputy foreign ministers of Turkey and Russia discussed the settlement of the crises in Libya and Syria in the capital Moscow, Russia's Foreign Ministry said late on Oct.

During the meeting between Sedat Önal and Mikhail Bogdanov, it was stated that there has been progress in intra-Libyan political, military and economic negotiations, the ministry said in a statement published on its website.

The two highlighted the importance of dialogue among Libyans which is in line with the Berlin Conference and U.N. Security Council decisions.

Libya has been torn by a civil war since the ouster of late ruler Muammar Gaddafi in 2011.

The current government was formed in 2015 under a U.N.-led agreement, but efforts for a long-term political settlement have failed due to a military offensive by forces loyal to warlord Khalifa Haftar.

"While discussing the situation in Syria, the parties pointed out the relevance of further coordinated efforts of Russia and Turkey, including as part of the Astana process, on assisting in reaching a comprehensive settlement on the basis of Resolution 2254 of the U.N. Security Council and the commitment to the principles of the unity, territorial integrity and sovereignty of Syria," the statement added.

The Astana peace process to end the Syrian conflict was launched in January 2017 by Turkey, Russia and Iran.

Syria has been ravaged by a civil war since early 2011, when the Bashar al-Assad regime cracked down on pro-democracy protesters.

Hundreds of thousands of people have been killed and more than 10 million displaced, according to U.N. estimates.

Turkish, Iranian leaders discuss Upper Karabakh, Syria

The Turkish president on Oct. 22 spoke to his Iranian counterpart over the phone to discuss the Armenia-Azerbaijan conflict over Upper Karabakh and regional issues, including developments in Syria, according to Turkish authorities.

Recep Tayyip Erdoğan and Hassan Rouhani also exchanged views on developing the Turkey-Iran relations and strengthening the cooperation in fighting terrorism, the Directorate of Communications said in a statement.

Erdogan emphasized that the attacks of Armenia - which started a crisis with its occupation of and attacks on Azerbaijani territories - against the civilian population are "war crimes," the statement said.

He also stressed that it is important to stand at a point that distinguishes right and wrong, as well as occupied and occupying sides in this issue. During the phone talk, Erdoğan also said that besides common interests, Turkey sees the close cooperation and solidarity with Iran as a requirement of neighborly ties.

The Turkish leader said that it is necessary to act jointly against the PKK/YPG terrorist group, which threatens the unity and integrity of Syria, and to maintain the cease-fire in Idlib, adding that joint efforts to ensure stability are required to produce positive results.

Turkish president threatens Syrian Kurds amid increasing clashes in northeast Syria

(Kurdistan24) By Wladimir van Wilgenburg

October 25, 2020

The Turkish President Recep Tayyip Erdoğan on Saturday again threatened Syrian Kurds amid an increase in clashes between Kurdish-led forces and Turkish affiliated groups.

President Recep Tayyip Erdoğan delivered remarks at the 7th Ordinary Provincial Congress of the Justice and Development (AK) Party in Kayseri and the key handover ceremony of Kayseri Urban Transformation Project, the website of the Turkish presidency said.

“Recently, we have seen that the efforts for a new terrorist formation near the Iraqi border in Syria have been accelerated. Let me say this more clearly; there is an effort to establish a terror state there. I would like to say this without beating around the bush: Turkey will never allow the establishment of a terror state right beside its borders. We will do whatever is necessary and drain this swamp of terrorism.”

Since Tuesday, there has been an increase in Turkish attacks, especially near Ain al-Issa and Manbij. This comes just over a year after Ankara launched an offensive in northern Syria on October 9, 2019, killing dozens of civilians and displacing hundreds of thousands of others. The campaign sparked several allegations of acts of war crimes committed by Ankara-aligned groups.

A ceasefire deal was first reached between the US and Turkey on October 17 of that year and then another between Russia and Turkey days later on October 22 that stopped Turkish expansion attempts.

Despite this, Turkey continues drone strikes and shelling on positions held by the Kurdish-led Syrian Democratic Forces (SDF), the US-led Coalition’s leading partner in Syria in the fight against the Islamic State terror group.

On October 22, Russian foreign ministry spokesperson Maria Zakharova claimed that developments in northeastern Syria are “becoming increasingly alarming. Washington is still trying to sever ties between the Kurds and the multi-faith Syrian nation and is fueling separatist sentiments.”

In August, Turkey, Iran, and Russia also condemned Israeli airstrikes in Syria and an oil deal between a US company and the local Kurdish-led authorities to modernize oil fields in northeast Syria.

The attacks on SDF positions in northeast Syria also increased after Turkey withdrew last week from one military observation point in Idlib in a deal with Russia.

Thomas McClure, a Syria-based researcher at the Rojava Information Center, told Kurdistan 24 that there is a constant Turkish threat against the Kurdish-led Autonomous Administration North and East Syria (AANES).

“But when Turkey and Russia join voices to attack the autonomous region, its residents have particular reason to be concerned.”

“Damascus accuses [AANES] of engaging in separatism, though political and military leaders have been calling in vain for Damascus to engage in meaningful dialogue over their regions' future.”

After the Turkish cross-border military incursion last year, the Syrian-Kurdish-led authorities have attempted to reach a deal with Damascus on the autonomous region’s future without any results.

“Meanwhile, Russia can use Erdogan's Turkey as an attack dog, unleashing them against the autonomous regions to exert political pressure at the cost of human lives - while simultaneously making easy gains as Turkey retreats elsewhere. Erdogan and Putin's efforts to carve up the Middle East in their favour continue. The question is not if, but when, a fresh Turkish assault against NES will come.”

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Kosovo

First Defendant at Hague-Based Kosovo War Court Pleads Not Guilty (Balkan Transitional Justice)

By Xhoxhina Bami
October 28, 2020

Salih Mustafa, the first former Kosovo Liberation Army guerrilla to stand trial at the Kosovo Specialist Chambers in The Hague, described himself as a freedom fighter and said he was innocent of war crimes charges.

Salih Mustafa, who was a Kosovo Liberation Army commander in north-east Kosovo during wartime, entered a not guilty plea at the Kosovo Specialist Chambers on Thursday.

Mustafa is accused of the arbitrary detention, cruel treatment, torture and murder of civilian prisoners who were held at a compound in the village of Zllash/Zlas in April 1999 during the Kosovo war.

The prosecution alleges that he was part of a joint criminal enterprise with “certain other KLA soldiers, police, and guards”, which had a “shared common purpose to interrogate and mistreat detainees”.

Detainees were deprived of food, water, sanitation, hygiene, bedding and medical care, and were constantly subjected to “beatings with various instruments, burning and the administration of electric shocks”, the indictment claims.

Mustafa made a speech to the court before entering his plea, describing himself as “a former warrior for freedom and soldier of the KLA”.

He said the KLA’s guerrilla war was justified “due to the occupation [of Kosovo] by the Serbs, directed by [Yugoslav President] Slobodan Milosevic”.

“Our choice was to end up like one of the countries in the Middle East within Europe or to organise ourselves for resistance that brought the war for independence of my country,” he said.

He then pleaded not guilty to each of the counts in the indictment.

Mustafa was the first former KLA member to be arrested by Kosovo Specialist Prosecutor’s Office, on September 24. He was then transferred to The Hague.

Two other accused are waiting for charges to be filed by the Specialist Prosecutor’s Office – the KLA War Veterans’ Organisation’s leader, Hysni Gucati, and his deputy, Nasim Haradinaj.

Both Haradinaj and Gucati were arrested in a raid on the Veterans’ Organisation’s offices in Pristina in September and arrested for alleged obstruction of justice and witness intimidation over leaked documents from war crimes cases at the Specialist Chambers.

They claimed that the case file documents were handed to them anonymously, and urged Kosovo media to publish them. However, only one outlet in neighbouring Albania did so.

Meanwhile Kosovo President Hashim Thaci and the leader of the Democratic Party of Kosovo, Kadri Veseli, are waiting to see if charges against them will be confirmed by a judge at the Specialist Chambers.

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

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

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

War Crimes Prosecutors, EU Mission Detain Former Kosovar Parliament Speaker (RadioFreeEurope) November 4, 2020

The Hague-based war crimes prosecutors in cooperation with local police and the EU's rule-of-law mission have arrested a former guerrilla leader and ex-speaker of Kosovo's parliament during a special operation that began before dawn in Pristina.

Police and investigators took Jakup Krasniqi into custody after spending about 10 hours at his home on November 4 amid silence from the Kosovo Specialist Chambers (KSC) and Specialist Prosecutor's Office (SPO) about the specifics of the Kosovar operations.

But a lawyer for Krasniqi, Vason Hasani, said the KSC had confirmed an indictment against Krasniqi and that they plan to transfer him to The Hague.

Hasani said he did not know the nature of the charges in the indictment.

Krasniqi is a onetime spokesman for the Kosovo Liberation Army (UCK) who rose to chair postindependence Kosovo's parliament and even spent time as acting president dating back to 2011.

A brief announcement on the website of the KSC and SPO did not explain the goals of the operations. "More information will follow in due course," it said.

The Kosovar government said it was following the conduct of the operations.

"Kosovo, the bearers of institutions, as well as its citizens have consistently set an example of respect and cooperation with local and international justice," the government in Pristina said. "The presumption of innocence must be respected in any case unless there is another decision of the competent court."

Krasniqi was questioned by SPO officials in July 2019.

His wife, Sevdije Krasniqi, told RFE/RL before the arrest that the authorities did not explain the operation and that she did not know why the investigators were at their home.

Krasniqi's political party, the Social Democratic Initiative, responded to the events by saying, "the scenes today are unnecessary and traumatic for the family," adding that Krasniqi had always complied with requests from judicial institutions.

The KSC and SPO were set up under Kosovar law outside the country to help probe possible atrocities during and after the Kosovar war of independence in 1998-99, and their operations are supported by Kosovo's police and EULEX.

They are focused on alleged crimes committed by UCK members against ethnic minorities and political rivals during Kosovo's violent separation from Serbia.

The SPO announced in June that President Hashim Thaci and other prominent Kosovars were the subject of an indictment on suspicion of serious crimes, including "nearly 100 murders," enforced disappearances, and torture.

It reportedly had less than six months to determine whether there was sufficient evidence to bring cases to trial, a deadline that appears to have expired.

Two weeks ago, The Hague offices said that "there is good reason to believe" the president had been acting as part of a "larger strategy to undercut the court."

Thaci has proposed amendments to Kosovar law that would give lawmakers there the power to extend the mandate of the KSC for another five years.

Kosovar's independence war with Serbia left more than 10,000 people dead -- most of them ethnic Albanians from Kosovo. More than 1,600 people remain unaccounted for. The fighting ended after a 78-day NATO air campaign against Serbia.

Last month the KSC and SPO made their first arrest, detaining the former head of the intelligence service of the Kosovo Security Force, Salih Mustafa, on the basis of an arrest warrant and a confirmed indictment issued by a pretrial judge of the KSC.

Azerbaijan

Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe (BBC) By Grigor Atanesian and Benjamin Strick
October 24, 2020

Videos of a potential war crime have emerged as fighting rages around the disputed territory of Nagorno-Karabakh between Azerbaijan and ethnic Armenians.

One video posted on a messaging app shows what appears to be two Armenians in military uniforms being captured by troops from Azerbaijan.

A second video seemingly shows the same Armenians being shot with their hands behind their backs.

Armenian authorities have identified the men as Benik Hakobyan, 73, and 25-year-old Yuri Adamyan. Azerbaijan has dismissed the videos as fake.

Europe's top human rights watchdog, the Council of Europe, has said it has received the video and will look into all alleged human rights abuses and take action when appropriate.

Fighting erupted on 27 September around the Caucasus enclave, which is recognised internationally as part of Azerbaijan but under Armenian control. Clashes quickly escalated into a large-scale conflict, with indiscriminate shelling of towns and cities and alleged use of banned cluster munitions.

A ceasefire was announced on 10 October and then again on 18 October, but attacks have continued.

Several thousand people are said to have died and shelling has killed civilians in both Armenia and Azerbaijan. Tens of thousands have fled their homes.

What is fact, what is fake? Combatants on both sides have released images and videos showing prisoners of war (POWs) and the bodies of opposition soldiers.

The BBC has studied several videos circulated by the two warring sides on social media, allegedly showing prisoners of war being harmed or killed. Only these two videos were verifiably what they purported to be.

One clip widely circulating on Telegram channels, that claims to show an Azerbaijani POW being shot dead by Armenian soldiers, is actually a video from Russia that first appeared on social media sites in 2013. Others lack enough detail to be verified.

The pair of videos that the BBC has verified were posted on an anonymous Russian-language pro-Azerbaijan channel on Telegram messenger last week.

What happens in the videos?

The first video appears to show Armenians Benik Hakobyan and Yuri Adamyan being taken prisoner.

In the video, someone speaking Russian with a heavy Azerbaijani accent orders the men to walk forwards, surrender any weapons and raise their hands. He speaks to the other soldiers in Azerbaijani, telling them not to hit the captives.

The younger prisoner, Yuri Adamyan, removes a helmet and his jacket before putting his hands in the air and walking out of shot.

Although the older man, Benik Hakobyan, is wearing a military-style camouflage jacket, it's unclear whether he is a soldier. He is pushed to the ground and appears to moan in pain.

The first video was followed by a second that shows the apparent execution of the two men.

The prisoners appear to have their hands bound behind them and are draped in the flags of Armenia and the unrecognised republic of Nagorno-Karabakh.

They are sitting on a small wall and can be seen moving slightly. Then someone orders in Azerbaijani: "Aim at their heads." Multiple shots are heard and the prisoners slump to the ground.

Videos rejected as fake

The BBC has confirmed that the man giving commands in both videos is a native Azerbaijani speaker with a regional accent. The prisoners from the first video also appear to be the men being executed in the second as they are wearing the same clothes.

Azerbaijan's defence ministry quickly denied these were their troops and called the videos a provocation. The clips were deleted shortly afterwards.

The following day, Azerbaijan's prosecutor general announced that an investigation had concluded the videos were fake.

But are they genuine? The BBC has studied the clips and confirmed that they were filmed in Hadrut, a town that has seen intense fighting. It is in southern Nagorno-Karabakh, near Fuzuli.

It's likely the videos were recorded at some point between 9-15 October. Azerbaijan announced that Hadrut had been taken on 9 October, although it later emerged that, while they had taken some strategic heights around the town, fierce fighting was still going on for control of the town itself on 12 October.

The first videos actually showing the Azerbaijan army in the town centre appeared on 15 October. The POW videos both appeared for the first time on 15 October.

Bellingcat open-source investigators were the first to publish their analysis into the authenticity of the videos.

UN rights chief warns of possible war crimes in Nagorno-Karabakh conflict (UN News)

November 2, 2020

Michelle Bachelet on Monday expressed alarm at continuing indiscriminate attacks in populated areas in and around the border region, in contravention of international humanitarian law, despite a recent agreement by the two sides.

“Since the conflict reignited in September with the terrible consequences we are now seeing, there have been repeated calls, including by myself, for the parties to take all feasible steps to avoid, or at the very least minimize, the loss of civilian life and damage to civilian infrastructure, including schools and hospitals – as well as to distinguish civilians from combatants, and civilian objects from military objectives,” she said.

“International humanitarian law cannot be clearer. Attacks carried out in violation of the principle of distinction or the principle of proportionality may amount to war crimes, and the parties to the conflict are obliged to effectively, promptly, thoroughly and impartially investigate such violations and to prosecute those alleged to have committed them.”

Artillery strikes reported

The Nagorno-Karabakh conflict has persisted for more than three decades. The region has been under the control of ethnic Armenian forces since the parties fought a war as the Soviet Union was dissolving.

The UN rights chief said despite an agreement reached on Friday by Armenia and Azerbaijan, which called for refraining from deliberately targeting civilian populations, artillery strikes against populated areas were reported over the weekend.

The Azerbaijani Government reported that since fighting resumed in September, at least 91 civilians have been killed in areas under its control, while the Armenian Government said 45 people have been killed in the Nagorno-Karabakh conflict zone, and two within its borders. The UN Human Rights Office, OHCHR, which Ms. Bachelet heads, has not been able to independently verify these figures.

Against cluster munitions

The UN rights chief also noted that the biggest loss of life occurred on 28 October, when some 21 people were reportedly killed, and 70 others injured, in a rocket attack on the Azerbaijani town of Barda, roughly 30 km from the area of active hostilities.

The rockets, allegedly fired by Armenian forces from Nagorno-Karabakh, reportedly carried cluster munitions.

“Amid deeply troubling reports that cluster munitions have been used by both parties, I call once again on Armenia and Azerbaijan to stop using them, and to join the more than 100 States that have ratified the Convention on Cluster Munitions which comprehensively bans their use,” the High Commissioner said.

The conflict has also caused widespread displacement, and Ms. Bachelet urged the parties to “depoliticize the issue of providing human rights and humanitarian access” to affected areas, including by UN teams.

Concern over videos

The High Commissioner also expressed serious concern over videos which appear to show war crimes being committed.

Although she said fake images have been circulated on social media, in-depth investigations by media organizations have uncovered “compelling and deeply disturbing information” surrounding videos that appeared to show Azerbaijani troops summarily executing two captured Armenians in military uniforms.

The wilful killing of protected persons represents a grave breach of the Geneva Conventions, the international treaty which established the standards for humanitarian treatment during war time.

Ms. Bachelet explained that while such an incident would constitute a war crime, only a competent court can determine and rule on this.

COVID-19 fears

With the fighting taking place amid rising cases of COVID-19, the UN rights chief underscored the direct threat to public health, adding that “the fighting is also strikingly in opposition to the UN Secretary-General’s call for a global ceasefire amid

the pandemic.”

Ms. Bachelet reiterated her call for all parties to protect civilians and civilian infrastructure, abiding by the principles of distinction, proportionality and precaution, and avoiding the use of explosive weapons in populated areas.

“As the loss of life continues and the suffering of civilians deepens, I appeal again for an immediate halt in the fighting and urge all parties to abide by a humanitarian ceasefire and engage in negotiations to find a peaceful and durable solution to this conflict that has wrought so much destruction in the region,” she said.

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

10 Years After Iraq War Logs, It's Impunity for War Criminals, War on Whistleblowers (Common Dreams) By Brett Wilkins

October 22, 2020

On October 22, 2010, WikiLeaks published the Iraq War Logs, a colossal compendium of nearly 400,000 classified U.S. Army field reports revealing what founder Julian Assange called "intimate details" of the war—including war crimes and other serious human rights abuses perpetrated by American and coalition troops, private contractors, and Iraqi government and paramilitary forces.

It was the largest leak in U.S. military history and a stunned world demanded justice. However, in the decade since then, only the whistleblowers who revealed the crimes detailed in the logs were ever seriously punished, while the architects and the perpetrators of the atrocities continue to enjoy impunity.

The publication of the Iraq War Logs was the culmination of a year full of WikiLeaks revelations regarding U.S. and allied conduct during the so-called War on Terror. Early in the year, U.S. Army intelligence analyst Chelsea Manning leaked the "Collateral Murder" video, which shows U.S. Apache attack helicopter crews laughing and joking while massacring a group of Iraqi civilians, including journalists, and shooting children.

In July 2010, WikiLeaks published the Afghan War Logs, which contained over 75,000 classified Army reports detailing war crimes committed by coalition forces in Afghanistan.

None of the Bush or Obama administration officials who planned or executed the illegal war, nor any of the field commanders or even rank-and-file troops connected with any of the crimes revealed in the logs, were ever seriously punished.

The whistleblowers, on the other hand, suffered tremendously for exposing the truth. Both Manning and Assange were charged under the 1917 Espionage Act. Manning was convicted in 2013 and sentenced to 35 years in prison, although her sentence was commuted by President Barack Obama just before he left office in January 2017.

Assange is today imprisoned in Britain's notorious Belmarsh Prison as he awaits possible extradition to the United States, where he faces up to 175 years behind bars, most likely in a supermax facility a former warden described as a "fate worse than death."

Both Assange and Manning have suffered abuse that prominent human rights advocates have called torture.

The aggressive prosecution of Manning and Assange is a deliberate attempt to silence would-be whistleblowers, says Marjorie Cohn, professor emerita at Thomas Jefferson School of Law in San Diego and a former president of the National Lawyers Guild.

"The Obama administration charged Chelsea Manning, and the Trump administration indicted and is trying to extradite Julian Assange, in an attempt to punish the messengers to obscure the message and protect the real culprits," Cohn told Common Dreams. "Their prosecutions are calculated to chill the willingness of would-be whistleblowers to reveal, and journalists and media outlets to publish, material critical of U.S. policy."

"WikiLeaks' publication of the Afghan War Logs, however, has led to the opening of a war crimes investigation of U.S. leaders in the International Criminal Court," Cohn noted.

Asked whether Assange's prospects for freedom would improve if Democratic presidential nominee Joe Biden defeats President Donald Trump next month, Cohn said that "Biden is more likely to follow Obama's policy—he refrained from prosecuting Assange because [the administration] couldn't distinguish between what WikiLeaks did and what what The New York Times, The Guardian, Le Monde, Der Spiegel and El País also did—than Trump's."

"Assange's lawyers think he faces a worse fate if Trump is reelected," she added.

Cohn said the government hasn't been successful in silencing whistleblowers as it intended. Although there haven't been any Mannings, Assanges, or Edward Snowdens of late, "last year a whistleblower in the intelligence community revealed evidence of Trump using the power of his office to solicit foreign interference in the 2020 election. And in May, another whistleblower complained that some federal Covid-19 vaccine contracts were awarded based on political connections."

"If Assange successfully resists extradition or escapes a conviction if he is extradited to the U.S. for trial, that would encourage future whistleblowers to come forward when they see evidence of criminal government activity," said Cohn. "That's one of the reasons it's so critical to oppose the U.S. government's persecution of Assange."

The Iraq War Logs comprised a staggering collection of documents offering an unprecedented inside look at the U.S. war and occupation, then in its eighth year. The bombshell revelations contained in the 391,832 Army field reports showed that:

Coalition officials lied about not recording the number of Iraqi civilians killed by coalition forces—Gen. Tommy Franks infamously declared that "we don't do body counts" in the early days of the U.S.-led invasion, and Bush administration and Pentagon officials repeatedly said they did not track civilian casualties.

Some 66,000 of the 109,000 total Iraqi deaths recorded by U.S. authorities from 2004 to 2009 were civilians.

These figures were still likely an undercount of the true civilian death toll; for example, no civilian deaths are recorded from the two brutal battles for Fallujah in 2004, although the monitor group Iraq Body Count said at least 1,153 men, women, and children died.

Iraq: Saddam Hussein's right-hand man dies after years as fugitive (The Guardian)

October 26, 2020

Saddam Hussein's right-hand man, Izzat Ibrahim al-Douri, a longtime fugitive, has died, according to the late Iraqi dictator's daughter and his Ba'ath party.

After Saddam's capture following the 2003 US-led invasion of Iraq, the wiry, red-haired general remained the "king of clubs" in Washington's deck of cards of wanted regime figures, with a \$10m bounty on his head.

"I offer condolences ... to all Iraqis and all his [Douri's] admirers in the Arab world and around the world," tweeted Raghda Saddam Hussein, along with a picture of Douri and her father, who was convicted and hanged in 2006.

The Ba'ath party, which ruled Iraq until Saddam's overthrow, issued a statement announcing the death of Douri, 78, but giving no details.

Known as "the iceman" for his humble origins selling blocks of ice, Douri has previously been reported dead or captured, only to resurface in audio or video messages.

In 2016, an unauthenticated recording purportedly captured Douri praising al-Qaida and Islamic State.

Douri rose to become the number two in the all-powerful Revolutionary Command Council of Saddam's regime. Disaffected ex-Ba'athists reportedly played a key role in insurgencies after the invasion.

Government of Iraq Resumes Exhumation Activities; Opens Two New Yazidi Mass Graves from ISIL (Reliefweb)

October 28, 2020

After pausing activities due to the COVID-19 pandemic, Iraqi authorities have resumed the exhumations of mass graves, with support from the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) and the International Committee for Missing Persons (ICMP), and in cooperation with the International Organization for Migration (IOM) and the Yazda Organization.

On Saturday (24/10) Iraqi experts from the Mass Graves Directorate (MGD), under the leadership of Mr. Dia' Karim Sa'idi, and the Medico-Legal Directorate (MLD), under the leadership of Dr. Zeid Ali Abbas, started exhumations in the mass graves left by ISIL in Solagh and Kojo, Ninewa Governorate.

Representatives of the Government of Iraq, the National Coordination Committee (NCC), the Yazidi community, UNITAD, ICMP, and IOM were in attendance. Also attending were around 300 people, including many relatives of missing persons. The ceremony and operations were held under appropriate protection by the security forces.

During his speech at the exhumations ceremony Mr. Saad Abdali, Member of the Advisory Committee at the Prime Minister Office and Head of Coordination in the NCC, affirmed the Government of Iraq's dedication to honoring the victims and attending to this tragedy with the due respect and reverence it deserves. He announced that the Government of Iraq has made future plans to open all mass graves and honor all the martyrs. He added: "as we stand today upon these pure bodies, and in front of the families of the victims, we bow in respect and honor of your gracious sacrifices, full of hope that this cruel experience becomes a starting point for us to come together to build our homeland."

In his speech, Special Adviser and Head of UNITAD Karim A. A. Khan QC indicated that: "the exhumations attest to the close cooperation between the Government of Iraq and all partners, including the United Nations organizations." He stressed the international community's commitment to achieve justice for the victims of ISIL and their families. He also highlighted the important work that MGD and MLD are doing for the families and the accountability they call for, reaffirming that UNITAD — with international grants from the United States, the United Kingdom, Germany, Netherlands, the European Union and others — will continue to support the capacity building of national Iraqi forensic teams including the investigations and exhumation operations they conduct.

ICMP Iraq Program Deputy Head Fawaz Abdulabbas said:

"All of us here hope that the work that begins today will ease the pain for some of the many Yazidi families with missing relatives by unearthing the remains of their loved ones. ICMP supports Iraq's efforts to secure the rights of Yazidi victims of Da'esh crimes through proper investigations and DNA -based identifications. These efforts are important, not only to the many families who suffer every day because relatives are missing, but to society as a whole. Accounting for the missing is an investment in peace and stability."

DNA Sampling

The Iraqi authorities are reaching out to families in the Sinjar area, inviting those with missing relatives to consider offering blood samples. DNA from these blood samples will be compared to DNA extracted from human remains found in the mass graves. Authorities will then use these results to determine kinship between victims found in the graves and surviving families. Blood samples are to be collected this week in the Kojo Primary School hall and later in Sinjar Hospital.

Psychosocial Support

Exhumations are painful processes that are likely to trigger a wide range of difficult emotions such as sadness, anxiety, anger, loneliness or fear. In anticipation of the emotional burden, UNITAD's psychology team assisted with the coordination of psychosocial support to families and the communities through direct involvement of Yazda and IOM. IOM's MHPSS team arranged discussion groups with the community members to ascertain their expectations and needs prior to the exhumation day. IOM also conducted a training on psychological first aid to prepare the staff who were deployed to provide support on the day. Individual mental health and psycho-social support was provided by over 20 of Yazda and IOM's psychologists and psychosocial workers on site, to help alleviate the distress of the bereaved families. The MHPSS teams were deployed to the area throughout the day to provide emotional and practical support to bereaved families.

The Iraqi teams of experts from MDG and MLD will continue to work in Solagh and Kojo mass graves in the coming weeks until the conclusion of the first stages of exhumations. The remains will be transported to specialized labs in Baghdad to be preserved and accurately analyzed before identifying the victims. The remains of the victims will then be returned to their

families, giving them the opportunity to lay them to rest appropriately and according to traditions. ICMP and UNITAD work with the MGD and MLD to ensure the process is conducted according to international standards.

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Syria

Report: Bombing kills Syrian cleric key to deals with rebels (AP)

October 22, 2020

A roadside bombing on Thursday killed a senior Syrian cleric who played a key role in government deals with rebel fighters, according to Syrian state media and a government website.

The explosion that killed Damascus Mufti Mohammed Adnan Afiouni took place in the town of Qudsaya, west of the capital of Damascus. It was not known who planted the roadside bomb and no group immediately claimed responsibility for the attack.

The cleric was first reported wounded and then declared dead soon after.

Syria's ministry of religious endowment, or Awqaf, announced Afiouni's death, calling it a terrorist act. Damascus and its suburbs have largely been free of violence or attacks as the government tightened its control of the area, expelling rebel fighters.

Afiouni had been a key figure in the government's so-called reconciliation deals with rebels and opposition-held areas.

He was one of the mediators of the 2016 deal under which rebel fighters in Daraya, a key town in Damascus suburbs, surrendered after a four-year grueling siege and military campaign. The rebel fighters and remaining residents were evacuated to the northwestern province of Idlib and government forces entered the destroyed town in 2016.

After the evacuation, Afiouni led prayers in the town, attended by Syrian President Bashar Assad.

Daraya was one of the first towns to stage a protest against Assad's government in 2011. The protests were met with a violent government crackdown, and the crisis eventually descended into a full-blown civil war that has devastated Syria and left millions homeless, displaced, imprisoned or dead.

Assad described his opponents, including those who carried arms, as terrorists and empowered Islamic clerics and the ministry of Awqaf to play a key role in combatting extremism. Assad appointed Afiouni in 2019 to head the newly-founded Islamic al-Sham Center to combat terrorism.

At the time, Afiouni said the center — which was to teach and train Islamic clerics while aiming to also host international scholars — would play a role to reform extremist ideas spread during the years of the conflict.

7 civilians killed by Assad regime attack in Syria's Idlib (Daily Sabah)

November 4, 2020

Seven civilians, including four children, were killed in Syrian regime bombardments in the country's northwestern Idlib province Wednesday.

According to the White Helmets, 13 more were injured in airstrikes that violated the March cease-fire in Idlib and surrounding areas.

In March, a fragile truce was brokered between Moscow and Ankara in response to the months of fighting by the Russia-backed regime that launched military offensives on in Idlib, the country's last major opposition stronghold, and displaced almost a million people from their homes. Most of the refugees sought shelter at camps close to the Turkish border, while others went to areas under the control of the Syrian opposition.

While already struggling to survive airstrikes and meet basic necessities, humanitarian workers fear that civilians could encounter a further rise in coronavirus cases, which would be disastrous in northwestern Syria. The region is home to almost

1.5 million people, displaced by the bombings of Russia and the Syrian regime, live in overcrowded camps or shelters, often with poor access to running water.

Russian and regime forces, have repeatedly violated the cease-fire and conducted attacks on civilians as well as the Syrian opposition. Most recently, Russian airstrikes targeted an opposition training camp on Oct. 26, killing at least 78 soldiers and wounding another 90.

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Yemen

Made in Italy, Bombed in Yemen (Mwatana for Human Rights)

October 27, 2020

Today, the organizations Rete Italiana per il Disarmo, European Center for Constitutional and Human Rights, (ECCHR), and Mwatana for Human Rights emphasized in an online event that the Italian government and arms manufacturers may be responsible for war crimes committed in Yemen by exporting weapons to the Saudi Arabia and United Arab Emirates-led coalition.

The organizations also released the documentary film “Made in Italy, Bombed in Yemen” about the civilian victims of the air strike in the Yemen village of Deir al-Hajari on October 8, 2016. The results of Mwatana’s investigation into this attack, which killed six family members, including a pregnant woman and four children, showed that the weapon used was made in Italy. The documentary was filmed in early 2020.

The organizations highlighted the role of European arms trader and governments in the ongoing conflict in Yemen, and the urgent need to stop weapons exports to coalition countries. Panelists discussed how all parties involved in the international humanitarian law and human rights violations occurring in Yemen can be held to account, and the role the international community can play in this regard.

“Governments that continue to conclude arms deals with coalition member states are legally and morally implicated in the violations occurring in our country, some of which amount to war crimes,” says Radhya al-Mutawakel, chairperson of Mwatana for Human Rights. “Italy and other weapons suppliers must immediately halt these exports, and support criminal accountability efforts for violations committed by all parties to the conflict in Yemen.”

In April 2018, the NGOs filed a criminal complaint with the Italian Public Prosecutor’s Office in Rome to investigate the criminal liability of UAMA, the body that authorizes Italian arms exports, and executives of the Italian arms manufacturer RWM Italia SpA for exporting weapons to coalition member states. A year and a half later, the prosecutor requested the case be dismissed instead of conducting a complete assessment of the facts. But the people in Yemen deserve a proper examination of Italy’s role in the airstrikes. Mwatana, Rete and ECCHR appealed the prosecutor’s decision and in February 2020, a judge was appointed to hear the case. In January 2021, the Judge’s Office for Preliminary Investigations in Rome will decide whether the prosecutor’s investigations will continue.

“It’s about time, that senior officials of arms manufacturing companies are held to account for their role in facilitating the commission of war crimes in Yemen – both on the international as well as on the national level,” says Miriam Saage-Maaß, vice legal director at ECCHR.

The three organizations, through this online event and other joint advocacy efforts, continue to call for accountability via the accountability means in international criminal law, international humanitarian law and international jurisdictions. They demand serious investigations on the role of all parties to the conflict in Yemen and all actors contributing to the crimes committed against civilians.

“The flow of Italian made arms reaching the Saudi-led coalition involved in the conflict in Yemen, is in sharp contrast with the principles and rules of both Italian law and international norms signed by Italy,” says Francesco Vignarca, Campaigns Coordinator from Rete Italiana per il Disarmo (Italian Peace and Disarmament Network). “It is therefore necessary to stop the arms trade. Together with our international partners we have started legal action in this regard. At the same time we ask the government and parliament to take an immediate political decision by extending the suspension of shipments of missiles and

aerial bombs which was agreed upon in July 2019 and which will expire at the beginning of 2021.”

On 11 December 2019, these organizations together with Amnesty International, Campaign Against the Arms Trade, and Delàs Center submitted a communication to the International Criminal Court Office of The Prosecutor, calling for an investigation into the responsibility of corporate and governmental actors in Italy, Germany, France, Spain and the United Kingdom. The submission described 26 coalition air strikes that research indicates may have used European-produced bombs.

The documentary “Made in Italy, Bombed in Yemen” interviews relatives of Deir al-Hajari air strike victims. They ask for justice and want those who committed, and enabled, the attack to be held to account. Ali Ahmed Jaber, whose brother, sister-in-law and nieces and nephews were killed, asks, “Is there justice in this world? If yes, show it.” Survivors share that they are too poor to repair their homes, which have been reduced to rubble. They show remnants of the weapon used in the attack and wonder why their remote village – without any known military objective – was bombed.

Yemen: Saudi-led coalition 'systematically' targeted bridges (Deutsche Welle) By Lewis Sanders IV
October 28, 2020

The Saudi-led coalition waging war in Yemen systematically targeted bridges, considered key for the survival of civilian populations, according to a report published on Wednesday by the Yemeni Archive.

In 2015, Saudi Arabia and its allies launched an aerial campaign against Shiite Houthi forces in a bid to reinstall the internationally recognized government of Yemeni President Abed Rabbo Mansour Hadi.

Although the Saudi-led coalition claims that it adheres to international law with regards to its military operations in Yemen, data suggest otherwise.

More than 130 bridges have been hit by airstrikes between 2015 and 2019, according to data provided by the Yemeni Archive. In several of those cases, the bridges were “double-tapped,” a term used to describe a target struck once and then again hours later. It generally denotes deliberate destruction.

Many of those bridges linked key networks of roads that have served as lifelines for civilian communities struggling under the weight of the war.

“These are not random attacks,” said Abdulrahman al-Jaloud, project director of the Yemeni Archive, an initiative that collects, verifies and collates data about human rights violations in Yemen. “What we see is that these attacks are systematic.”

A matter of life and death

Although the Geneva Conventions, which aim to protect civilians during armed conflict, do not specifically mention bridges as civilian objects, such infrastructure is widely viewed as civilian in international law.

Under the Conventions, targeting civilians and their infrastructure is a war crime. The only exception is when civilian infrastructure is outright used for military purposes, such as the transport of weapons or soldiers.

However, even in such cases, international law calls for the principle of proportionality to be used when determining whether to attack such targets. That means warring parties have to determine how the attack would affect civilian populations dependent on the target.

In the case of Yemen, many of these bridges are used to deliver crucial humanitarian aid, including life-saving food supplies to vulnerable communities. Nearly 16 million people are severely food insecure and an additional 3 million are severely malnourished, according to the UN.

But the Yemeni Archive isn't the only initiative bringing attention to the crucial role bridges play in keeping civilians alive.

In 2016, Oxfam decried the destruction of bridges on the main road between the Yemeni capital Sanaa and the port city of Hodeida, saying their “destruction threatens to leave many more people unable to feed themselves, worsening an already catastrophic situation in the country.”

In a country that depends on imports for 90% of its food supplies, the ability to deliver those goods quickly becomes a matter of life and death. The destruction of bridges significantly impedes such deliveries.

'People are still suffering'

But the attacks on bridges have also killed scores of civilians.

Nearly 150 people have been killed in double-tap airstrikes since 2015. Many of the casualties were the result of people volunteering to search for survivors and recover bodies only to be struck by a fresh airstrike within hours of the initial attack.

"My brother Bassam and one of his friends rushed to help the injured who were hit by the missile that targeted the bridge, but the Saudi-led coalition warplanes fired a second missile when my brother and his friend were killed," a witness told the Yemeni Archive while discussing the impact of a 2015 attack on a bridge linking the coastal city Aden to the capital Sanaa.

"At first, I couldn't even recognize my brother. The body parts were all over the place, in a way that it was impossible for anyone to recognize anyone. We were contacted later to collect his body."

More than 100,000 people have been killed since the war erupted in March 2015, including 12,000 civilians, according to the Armed Conflict Location & Event Data Project (ACLED). An estimated 85,000 others have died as a result of war-induced famine.

"We hope this report highlights the issue of targeting bridges along with the suffering of civilians as a result of these attacks," said al-Jaloud. "People are still suffering today because of the destruction of these bridges."

UK's struggle to sell arms to Saudi Arabia continues amid new legal action (TRT World)

October 28, 2020

An activist group wants to halt the transfer of British weapons to the kingdom citing concerns that they will be used to commit war crimes in Yemen.

The British government is facing a new obstacle in its long struggle to sell arms to Saudi Arabia with an activist group filing for a judicial review to stop the sales.

For years, human rights defenders have lobbied the UK to stop its military support to the kingdom over its disastrous war in Yemen, which has left tens of thousands dead, destroyed the country's infrastructure, and resulted in widespread hunger and disease.

The Campaign Against Arms Trade (CAAT) says that UK military hardware is being used to endanger the lives of Yemeni civilians.

Activists scored their first major victory in June 2019 when a court ruled that ministers had acted unlawfully when they approved the export of weapons to Riyadh.

Judges presiding over the case said that the government had failed to adequately assess the risks posed to civilians posed by the armaments and force officials to launch a review into the legality of billions of pounds worth of Saudi purchases.

In the interim, the UK suspended the issue of export licenses for weapons to Saudi Arabia.

However, the government was forced to apologise less than three months later after reports emerged that it had illegally transferred parts to be used in armaments despite the court ruling.

British officials decided to resume sales of armaments to Saudi Arabia just over a year after the court ruling, in July this year.

That was after a review by the Department of International Trade, which concluded that any violations of international law by the Saudis were 'isolated incidents'.

CAAT has criticised the government for lack of transparency over how it reached that conclusion, given that Saudi Arabia has not been responsible for just 'isolated' attacks on civilians but hundreds of documented bombings on school children, weddings, funerals, markets, and hospitals administered by international aid organisations.

Andrew Smith, a spokesman for CAAT, says: "The government may think that the widespread destruction of schools, hospitals and homes can be dismissed as 'isolated incidents' but we do not. These arms sales are immoral, and we are confident that the Court will confirm that the decision to renew them was illegal."

A money first approach?

The UK's own export regulations prohibit the export of arms to countries that are engaged in violations of international law.

Saudi Arabia has also been condemned by the UN for its conduct in Yemen and officials with the organisation believe there is a 'clear' risk that weapons transferred to the Saudis will be used against civilians.

Lawyers filing the latest judicial review believe that there is enough recent past precedent to ensure the sales of arms are blocked.

Saudi Crown Prince Mohammed bin Salman has been the driving force behind Riyadh's intervention in Yemen.

Initially marketed as a quick incursion against Houthi rebels who have captured most of the country in a 2014 offensive, the war has turned into a brutal stalemate and campaign of attrition that has done little to turn the tide against the Houthis but has come at huge cost to Yemen's civilians.

While political opinion in Western capitals has turned decisively against the Saudi-led war, the UK, France, and the US under the Trump administration have continued to support the effort.

In the aftermath of the Khashoggi killing in October 2018, it was revealed that the UK was lobbying other European countries to get them to drop their own sanctions against Riyadh.

According to CAAT, the UK has sold 5.4 billion pounds (\$7 billion) worth of armaments to Saudi Arabia since 2015.

Iranian rights group calls on UN to impose arms embargo on Saudi Arabia to stop Yemen war (Pars Today)

November 1, 2020

According to Press TV, the Secretary General of the Human Rights Organization of Iranian Youths, Amin Ansari, made the remarks in a letter to UN Secretary General Antonio Guterres on Saturday.

"The Saudi government, supported and equipped by Western nations, is committing war crimes, including targeting civilians and completely disregarding the principle of distinction between military and civilian targets", Ansari wrote.

The letter came as the world community marked the UN Disarmament Week, which seeks to promote awareness and better understanding of disarmament issues and their cross-cutting importance.

Starting on October 24, the anniversary of the founding of the United Nations, the week-long annual observance was first called for in the Final Document of the General Assembly's 1978 special session on disarmament (resolution S-10/2).

Stating that international criminal courts have prepared the ground for the prosecution of such criminals, Ansari said the UN's political will is needed to bring the perpetrators of these crimes to justice.

Ansari further called on the UN chief to reinforce his efforts to support the rights of the defenseless people of Yemen and to use the world body's potential to provide relief and humanitarian assistance to the victims and affected areas of the war-torn country.

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Special Tribunal for Lebanon

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

The Special Tribunal for Lebanon: After the Judgment in Ayyash et al., Justice at Last? (OpinioJuris) By Michael Lysander Fremuth

October 26, 2020

22 dead, a newly established tribunal, and the suspects of the crime nowhere to be found. After 15 years of investigations and an estimated cost of more than \$970 million, the Special Tribunal for Lebanon (STL) delivered on 18 August 2020 its judgment of 2.228 pages against four suspects of the bomb-attack that killed former

Lebanese Prime Minister Rafik Hariri and 21 others in 2005. Following the pronouncement of STL's first judgment and shortly before the envisaged conclusion of its mandate, the question of its contribution to the international criminal justice system rises.

The genesis of modern international criminal law, initiating at the Nuremberg and Tokyo military trials, and its further development depend to a large extent on the legal precedent and jurisprudence of international ad hoc tribunals, such as the ICTR and ICTY, and the institutionalized ICC. Hybrid tribunals add to the interpretation of international criminal norms and provide the opportunity of a 'judicial accountability-sharing' between domestic and international means and norms to fight impunity. Since its creation the STL has been criticized by the political and academic world, as well as by one of its former judges, due to considerations stemming both from the human rights and the criminal justice perspective. This post introduces some of the main concerns about the Tribunal and its approaches and argues that, due to the considerations raised, STL's contribution to criminal justice and to the reconciliation of the society is limited – in particular considering the efforts spent.

An innovative or premature approach to international criminal law by the STL?

Two years after the attack on Hariri, the United Nations Security Council (UNSC), requested by the Lebanese Government, adopted Resolution 1757 establishing the STL with the purpose of prosecuting the murder of Hariri as a crime of terrorism based on Lebanese domestic law. By its establishment, the STL is the first and still only international tribunal which focuses solely on acts of terrorism as a discrete crime.

Despite initially contested, the competence of the UNSC to create international criminal and hybrid tribunals is now generally accepted (examples of hybrid tribunals, also called 'internationalized criminal courts', are the Special Court of Sierra Leone, the Extraordinary Chambers in the courts of Cambodia or the Serious Crimes Panels in the District Court of Dili in East Timor, [overview by Linton]). Nonetheless, in contrast to the cases for the crimes in Rwanda and the former Yugoslavia, where the deaths and disappearances of thousands of persons were investigated, STL's mandate is limited to a single crime which resulted in few deaths, thus being rather selective.

Although the murder was considered as an act of terrorism it is doubtful whether all transnational crimes should be addressed by international criminal law. The idea that some crimes are prosecuted at the international level is well accepted in international criminal law under the principle of subsidiarity. According to this principle, in cases when the state in which a core crime took place is unwilling or unable to investigate and prosecute, the international community can assume this role with a view to reducing impunity for grave crimes. International courts and tribunals have been given jurisdiction under general international law for four 'core crimes', genocide, crimes against humanity, war crimes, and the crime of aggression, which due to their gravity are of concern to the international community as a whole (similar to the Preamble of the Rome Statute of the ICC). Nevertheless, terrorism is not identified as a core crime and could, thus, only be prosecuted as an element of crimes against humanity or war crimes. More precisely, states failed to reach an agreement on whether terrorism, besides being a transnational crime, constitutes an international crime both at the Rome Conference and at the Kampala Review Conference in contrast to what the STL intended to define.

That the jurisdiction of the Tribunal is based on Lebanese criminal law, stipulated in Article 2 of STL's statute, constitutes a unique and new approach in international criminal justice. The attempt of the internationalized Tribunal to prosecute terrorism was meant to create new possibilities for international courts in the fight against terrorism that complement the duties of states to activate their *ius puniendi* in this respect as requested i.e. by the UNSC and international treaty law. This blessing of the STL is nonetheless also a curse. The Tribunal failed to produce a uniform definition of terrorism, while its first Interlocutory Decision on Applicable Law ('Decision') that the crime of terrorism is reflected in customary international law was not recognized by the majority of scholars. The decision was interpreted as premature, and as disguised legislative activism which does not respect custom formation.

It is not mistaken to say that certain decisions are of great importance to international criminal law, as they are particularly conducive to discourse and debate. In this context, one should especially think of the STL Appeals Chamber's Decision of Pre-Trial Judge's Order Regarding Jurisdiction and Standing (Case No.: CH/AC/2010/02) which deals with the competence and applicable law of international tribunals. Similar to the above-mentioned approach of the Tribunal in analyzing customary law, the judges further identified a formation of custom in international law with regard to the determination of tribunals' own jurisdiction (competence de la competence/ Kompetenz-Kompetenz [para 43 of the decision]). Though scholars like Milanovic disagreed with this decision, it served as a fruitful input in the discussion regarding the inherent powers of international tribunals.

Accordingly, even if the judgment of the STL does not seem likely to settle the lengthy strive for a common definition of terrorism and corresponding obligations to investigate and prosecute, it might, at least, contribute to the revitalization of the debate.

Through the human rights lenses: Is the Tribunal doing more harm than good?

Adding to the aforementioned criticism concerning the contribution of the Tribunal to international criminal justice, concerns can be raised about STL's ability to uphold human rights standards. Human rights sources provide guarantees for the protection of defendants' rights during the justice process. One of the key guarantees, which becomes of increased value in cases of international trials, is the presence of the accused which could safeguard the fairness of the trial, as crystalized under the International Covenant on Civil and Political Rights Article 14.3c. Although trials in absentia are not explicitly prohibited neither under international criminal law nor under human rights law, their use could compromise fair trial guarantees, including the right to be informed that one is being tried, the right to receive prompt information about the charges against one and the right to get access to legal counsel. In the case of the STL, according to Mettraux — co-defense counsel for one of the accused — it is not known whether the accused are alive and whether they even knew the trial was taking place, as none of the counsels had contact with or received any instructions from them. Consequently, it is debatable whether the aforementioned rights of the accused are sufficiently protected in the case before the STL.

STL applies Lebanese legal provisions and follows Lebanon's legal tradition of trials in absentia. To conduct in absentia trials, the Tribunal provides several human rights guarantees for the accused, including the possibility of retrial enshrined under article 22.3 of its statute. The STL was created to investigate the bomb attack with a mandate that is about to come to an end in 2021. However, since the convicted is neither in custody, nor in contact with the defense counsels, and without his whereabouts known, the possibility of retrial before the conclusion of the Tribunal's mandate becomes questionable. However, STL's statute and rules do not refer to the possibility of the defendant seeking retrial before the Tribunal following the conclusion of its mandate, potentially leaving this procedure for domestic courts. The feasibility of challenging the outcome of his case in the future in domestic courts, following the conclusion of the Tribunal's mandate, is not ensured. This is affirmed especially considering the state's inability to investigate the crime in the first place, which led to the request for the establishment of STL. Therefore, the possibility of retrial as an additional human rights guarantee for the implementation of a trial in absentia cannot be secured in the case of a non-permanent court, as the STL, raising concerns about the sufficient protection of the initially envisioned defendants' rights.

Concluding thoughts

What is ultimately the added value of the STL? The Tribunal delivered its long-awaited judgment in the Ayyash et al. case after 11 years of proceedings and expenses amounting to almost one billion dollars. Nonetheless, as the concerns in this article have showcased, the Tribunal's added value for international criminal justice is, at least, debatable.

While the principle of subsidiarity is based on the precondition that the state in which a serious crime took place is unwilling or unable to prosecute those responsible, it shall not be used as a hardly-reflected solution in cases of states' political unwillingness to investigate serious human rights violations. As illustrated through the Ayyash et al. case, internationalizing cases due to Lebanon's inability (Tabbarah 2014: p. 35) to utilize domestic instruments to solve internal political problems and polarization can be an oversimplification of the subsidiarity principle and result in more harm than good. Remote trials often fail to maintain local society's interest in justice proceedings as a part of a reconciliation process. Lastly, the failure of STL to produce a uniform definition of terrorism, and its premature recognition of terrorism as a core crime cannot justify the creation of an internationalized court for the prosecution of those responsible for the 2005 killings. Having no suspects in custody, no communication between the suspects and the defense teams, and, thus, a disputable possibility of protecting the defendants' rights, further undermines the legitimacy of in absentia trials. Moreover, the disproportionality between the gravity of the crime, the length of the proceedings, and the overall expenditures for the criminal processes before the STL are other key issues concerning the Tribunal. The only partial acceptance within Lebanon's political landscape as well as the decreasing support of Lebanese society in the proceedings undermine the contribution of the judgment to the reconciliation process and could raise the following question: Would truth and reconciliation commissions not be a better investment in the reconciliation of the society, instead of a costly remote court which has failed to engage Lebanon's people?

STL summons witnesses over three attacks (Daily Star)

October 27, 2020

The Lebanese judiciary Tuesday received a request from the Special Tribunal for Lebanon, summoning six witnesses to give testimonies regarding assassination attempts made on Lebanese politicians and journalists between 2004 and 2005, a judicial source told The Daily Star.

The STL was given jurisdiction in September to try Hezbollah-affiliate Salim Jamil Ayyash in relation to the three attacks. The extension of jurisdiction is related to the assassination of Georges Hawi, former secretary general of the Lebanese Communist Party, and failed assassination attempts on Marwan Hamade, a former journalist and Progressive Socialist Party politician, and Elias Murr, then Lebanon's deputy prime minister. They were all outspoken critics of the Syrian regime's interference in Lebanon.

However, the judicial source said that Murr had waived her personal right to charge the accused in the assassination attempt. In a landmark case, the international tribunal charged Ayyash in August with the assassination of former Prime Minister Rafik Hariri on Feb. 14, 2005. The defense counsel for Ayyash had previously filed a motion on June 3, 2020, to challenge the tribunal's jurisdiction over the three attacks.

Ayyash et al. case developments (Special Tribunal for Lebanon)

November 4, 2020

On 18 August 2020, the STL Trial Chamber pronounced its Judgment in the Ayyash et al. case (STL-11-01). The Trial Chamber unanimously found the Accused Salim Jamil Ayyash guilty beyond reasonable doubt of all counts against him in the indictment. It further found Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra not guilty of all counts charged in the amended consolidated indictment.

On 30 October 2020, the Trial Chamber issued an order scheduling a public hearing on 10 November to hear oral submissions from the Prosecutor, Defence Counsel representing the interests of Mr Ayyash and the Legal Representatives of Victims (LRV) on the appropriate sentence for Mr Ayyash.

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Israel and Palestine

UN expert calls for Israel to immediately release Maher Al-Akhras (Wafa)

October 23, 2020

Michael Lynk, UN special rapporteur for human rights in Palestine, said today that Israel should immediately release Maher al-Akhras, a Palestinian detainee who has been on hunger strike for close to 90 days.

Maher Al-Akhras began a hunger strike in late July after he was arrested. Israeli security forces accuse him of being a member of Islamic Jihad, a charge he denies. The Israeli Supreme Court has rejected his petitions for release three times.

“Mr. Al-Akhras is now in very frail condition, having gone without food for 89 days,” said Michael Lynk, special rapporteur for the situation of human rights in the Palestinian Territory occupied since 1967. “Recent visits by doctors to his hospital bed in Israel indicate that he is on the verge of suffering major organ failure, and some damage might be permanent.”

Al-Akhras was arrested on 27 July in his hometown of Selit El Dahir in the West Bank. An administrative detention order was issued against him on 7 August to run until 26 November 2020. In 2009 he was administratively detained for 16 months, and again in 2018 for 11 months.

“Administrative detention is an anathema in any democratic society that follows the rule of law,” Lynk said. “When the democratic state arrests and detains someone, it is required to charge the person, present its evidence in an open trial, allow for a full defence and try to persuade an impartial judiciary of its allegations beyond a reasonable doubt.

“Administrative detention, in contrast, allows a state to arrest and detain a person without charges, without a trial, without knowing the evidence against her or him, and without a fair judicial review,” he said. “It is a penal system that is ripe for abuse and maltreatment.”

Israel has been regularly criticized by international human rights organizations for its promiscuous use of administrative detention. According to Israeli Prison Services data obtained by B'Tselem, The Israeli Information Center for Human Rights in the Occupied Territories, there were 355 Palestinians being held in administrative detention by Israel as of 31 August 2020.

While Israeli courts allow for a form of judicial review for administrative detainees, the Israeli Supreme Court (sitting as the High Court) has regularly approved the practice and refused Mr. Al-Akhras's request for release in a ruling in mid-October. Two previous petitions for his release had been rejected by the Israeli Supreme Court.

Israel also regularly incarcerates its Palestinian administrative detainees in Israeli prisons, a violation of Article 76 of the

Fourth Geneva Convention, which says protected people under occupation should be detained in the occupied territory

“The Israeli security forces who arrested and detained Mr. Al-Akhras have not provided any persuasive evidence in an open hearing to justify its allegations that he is a genuine security threat,” Lynk said. He called upon Israel to release Al-Akhras immediately if it could not provide persuasive evidence on a high standard that he has broken laws that would be acceptable in any democratic state.

“I also call upon Israel to abolish its practice of administrative detention, release those detainees it presently holds, and strictly follow international law in the application of its security operations” Lynk said.

Israeli Colonists Install Tents On Palestinian Lands Near Salfit (International Middle East Media Center)

October 25, 2020

Abdullah Obayya, the head of Yasuf Village Council, east of Salfit in central West Bank, stated that several illegal Israeli colonialist settlers, accompanied by soldiers, invaded Palestinian lands in the village, and installed tents.

Obayya stated that the colonists installed seven tents and mobile homes on the top of the al-Qarna mountain, in the eastern part of the village, and raised Israeli flags around the new illegal outpost.

He added that the area, which contains Palestinian olive orchards, faces the Tapuach Israeli colony, which was illegally built on private Palestinian lands.

The area around the invaded lands also contains several towers for the Jawwal Palestinian Cellular Communications Company.

There are five illegal Israeli colonies on Palestinian lands in Salfit governorate; Nehemia, Rahalim, Tapuah 1, Tapuah 2, and Ariel colonialist block.

Will government implement plan to regulate both Israeli and Palestinian land in Area C? (Israel Hayom) By Efrat Forsher

November 2, 2020

A decision by the IDF's Civil Administration that would severely cut back on the possibility of Israel settlements encroaching on privately-owned Palestinian land while also preventing the Palestinians from building illegally on land that is under Israeli control has been approved by the attorney general and is waiting for a green light from the nation's leadership, Israel Hayom has learned.

The IDF's Civil Administration, which operates under the auspices of the Coordinator of Government Activities in the Territories (COGAT) has recommended a process of regulation of land ownership in Judea and Samaria that would replace the unwieldy and lengthy process currently in use. A land survey would be conducted after which land belonging to Israel would be officially declared as such.

How would it work? The land would be mapped, and anyone claiming ownership would be invited to present documents proving the land is in fact theirs. Then a list of all lawsuits filed by people claiming to own land would be compiled, and each case would be investigated. Each case would resolve the status of a given piece of land, and its owners would be designated. These decisions could be appealed to a judge assigned to oversee the process of regulation. Once this process is complete, a list of all land ownership would be compiled and the lands would be officially registered. Once that registration is complete, there will be no further avenue for appeal.

After World War II, the British Mandate began a process of land ownership regulation. In 1948, the Jordanians continued the process in Judea and Samaria, and managed to complete approximately one-third of the work by the 1967 Six-Day War, when Israel captured those territories. The lands whose ownership has already been regulated mostly lie in the Jordan Valley, northern Samaria, Maaleh Michmesh in Binyamin, and Mount Hebron.

Meanwhile, land ownership in Israel, with the exception of certain areas of the Negev Desert, was also clarified and registered. In 1967, the GOC Central Command issued a directive that froze the process of regulating land ownership. In the years that followed, a method of surveying the land was established.

The method was used to survey the land, and land that had not been worked for a long period of time was declared state-owned, allowing the government to declare ownership of some 780,000 dunams (193,000 acres) in what would become Area

C. However, as time went on, the process became increasingly cumbersome and expensive, leading to a wave of objections, appeals, lawsuits, and petitions to the High Court of Justice filed by both Palestinian individuals and leftist organizations.

Currently, there are some 106,000 dunams (26,200 acres) of land in Judea and Samaria that have already surveyed but not declared state-owned land, and hundreds of thousands of dunams of land that is lying fallow that has not been surveyed or declared state property, meaning that dozens of settlements across Judea and Samaria are still awaiting regulation of their status.

The Civil Administration has a team that is charged with investigating the status of this land, and it carries out about two regulatory processes a year.

Recently, MK Maj. Gen. (res.) Uzi Dayan contacted Defense Minister Benny Gantz and asked why it was taking the Civil Administration so long to declare land that had already been surveyed the property of the state.

In response to Dayan's request for information, a COGAT representative wrote: "Our primary recommendation is to regulate the land in Judea and Samaria gradually, with definitive and final results. The advantages of regulating land ownership are greater than the resources invested in declaring lands to be the property of the state, when they are attacked by appeals and in the courts, a long process that sometimes takes years."

The COGAT recommendation won the support of former Justice Minister Ayelet Shaked. Attorney-General Avichai Mendelblit looked into it and approved it. It was submitted to the Prime Minister's Office and to all the defense ministers who have held the post in the last two years. Now the recommendation is waiting for the government to implement it.

Meanwhile, the Palestinian Authority has started its own process of regulating land ownership and has some 600 PA employees working on claims. The PA is now claiming ownership of considerable land in Area C even though existing surveys show that it is was supposed to be declared Israeli land.

The Civil Administration does not recognize land registration by the Palestinian Authority, but the more time passes, the greater the chances are that the Palestinians will be able to establish the land as theirs de facto.

A senior settlement official said Sunday that "the attorney general's recommendation is welcome news, a step that must be taken to finally provide a solution to the PA's eating away at state-owned lands and the many problems of regulating established, as well as young, settlements. This must be done without hurting any ownership rights of any part of the population. We hope that the leadership will adopt it."

Dayan said in response: "I'm a big supporter of establishing [Israeli] sovereignty in the Jordan Valley and Judea and Samaria. We need our eastern border to be the Jordan River. Until that happens, we must not leave the field empty. We need to ensure that the vast majority of settlements are regulated. Given the response from COGAT, I intend to apply pressure and take care that the response is adopted, and becomes a work plan, so that when we go back to talking about sovereignty, a situation will be created in which all settlements, outposts, and neighborhoods, are regulated. It will be a contribution to future generations," he said.

Israeli army razes entire village in occupied West Bank (Al Jazeera)

November 4, 2020

Israel's army has demolished homes of nearly 80 Palestinians in the occupied West Bank.

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Eighteen tents that housed 11 families in the northern village of Khirbet Humsa were razed late on Tuesday.

A total of 74 people were displaced, more than half of which were minors, according to B'Tselem, an Israeli anti-occupation non-government organisation.

The bulldozers and diggers also demolished sheds used as livestock enclosures, portable toilets, water containers and solar panels, on top of confiscating vehicles and tractors belonging to some of the residents.

Palestinian Prime Minister Mohammed Shtayyeh called on the international community to intervene against Israeli troops' attempt to "displace the citizens of Khirbet Humsa and tens of similar communities from their homes and lands", pointing to the fact that Israel "chose this evening to commit another crime" as the attention is focused on the United States presidential election.

Abdelghani Awada, left homeless by the operation, told the AFP news agency that the Israelis gave people “10 minutes to evacuate our homes”.

“Then, they started bulldozing,” he said.

He said his family had lived in the area for generations and accused Israel of trying to “empty the Jordan Valley of its Palestinian population”.

The late-night operation was unusual given that so many homes were targeted at the same time, according to B’Tselem.

“Clearly, the intention is to force residents off the land by creating a man-made humanitarian disaster. But residents have told us they have nowhere to go,” said on Twitter Sarit Michaeli, international advocacy officer for the B’Tselem, adding that this was the first demolition in seven years of an entire herder community.

The branch of Israel’s army responsible for civilian affairs in the West Bank, COGAT, said it destroyed structures that were “built illegally in a firing zone (military training area) in the Jordan Valley”.

The Jordan Valley is home to approximately 60,000 Palestinians, according to the UN, but nearly 90 percent of the land is part of what is known as Area C, the three-fifths of the West Bank that is under complete Israeli control.

It includes closed military areas and about 50 agricultural settlements housing some 12,000 Israelis.

Palestinians are barred from those areas and from the lands they own. They are forbidden from digging wells or building any kind of infrastructure without hard-to-get military permits.

From 2009 to 2016, less than two percent of more-than-3,300 permit applications in Area C were successful, according to Peace Now, an Israeli anti-settlement group, citing official statistics.

Anything built without a permit, from home extensions to tents, animal pens and irrigation networks, is at risk of demolition by the Israeli military.

Almost 800 Palestinians, including 404 minors, have already lost their homes in 2020.

Throughout the entire previous year, 677 lost their homes, up from 387 in 2018 and 521 in 2017.

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ASIA

Afghanistan

Suicide bombing at Kabul education centre kills 24, students among the victims (Reuters) By Abdul Qadir Sediqi and Orooj Hakimi
October 25, 2020

A suicide bombing at an education centre in Afghanistan's capital Kabul killed 24 people including teenage students and wounded dozens more on Saturday, officials said.

A Ministry of Interior spokesman, Tariq Arian, said security guards had identified a bomber who detonated explosives in the street outside the Kawsar-e Danish centre.

Most of the victims were students aged between 15 and 26, according to the health ministry. Fifty-seven were injured in the attack, the interior ministry said.

A Taliban spokesman on Twitter denied responsibility for the attack, which came at a sensitive time as teams representing the insurgents and the government meet in Qatar to seek a peace deal.

Islamic State claimed responsibility in a statement on Telegram, without providing evidence.

Family members gathered at a nearby hospital, searching for missing loved ones among bags containing the remains of those killed, laid out on the hospital floor, while outside orderlies wheeled injured patients on stretchers for treatment, a Reuters witness said.

The attack, which was condemned by NATO and the Afghan government, took place in an area of west Kabul that is home to many from the country's Shia community, a religious minority in Afghanistan targeted in the past by groups such as Islamic State.

Dozens of students died in the same area of Kabul in an attack on another education centre in 2018.

A teacher at the Kawsar-e Danish centre, who asked not to be named due to security concerns, said he and other teaching staff were in shock at the targeting of the institution which had provided tutoring to give thousands of children a pathway to higher education.

"All the students were full of energy, belonging to poor families but hoping for a brighter future," he said.

The latest attack came on the back of heavy fighting in multiple provinces in recent weeks, which has displaced thousands of civilians.

The U.S. Special Envoy for Afghanistan Zalmay Khalilzad early on Sunday on Twitter called again for an immediate reduction in violence and an acceleration in the peace process, citing rising violence in the country in recent weeks including a finding by the human rights commission that an Afghan government airstrike had killed 12 children.

"How much more can we endure, as individuals and as society? How many times can we rise?" asked Shaharзад Akbar, chair of Afghanistan's Independent Human Rights Commission on Twitter shortly after Saturday's attack, saying the targeting of civilians was a war crime.

Nearly 6,000 Afghan civilians killed or wounded in 2020: U.N. (Reuters)

October 27, 2020

Nearly 6,000 Afghan civilians were killed or wounded in the first nine months of the year as heavy fighting between government forces and Taliban insurgents rages on despite efforts to find peace, the United Nations said on Tuesday.

From January to September, there were 5,939 civilian casualties in the fighting - 2,117 people killed and 3,822 wounded, the U.N. Assistance Mission in Afghanistan (UNAMA) said in a report.

"High levels of violence continue with a devastating impact on civilians, with Afghanistan remaining among the deadliest places in the world to be a civilian," the mission said in a quarterly report.

Civilian casualties were 30% lower than in the same period last year but UNAMA said violence has failed to slow since the beginning of talks between government negotiators and the Taliban that began in the Qatari capital of Doha last month.

The Taliban were responsible for 45% of civilian casualties while government troops caused 23%, it said. U.S.-led international forces were responsible for 2%.

Most of the remainder came in crossfire, or were caused by Islamic State militants or “undetermined” anti-government or pro-government elements, it said.

Ground fighting caused the most casualties followed by suicide and roadside bomb attacks, targeted killings by the Taliban and air strikes by Afghan troops, the U.N. mission said.

Fighting has sharply increased in several parts of the country in recent weeks while government negotiators and the Taliban have failed to make progress in the peace talks.

Casualties among combatants on both sides have also been high, officials have said.

The talks in Doha are aimed at ending 19 years of conflict since U.S.-backed forces, supported by U.S. air strikes, ousted the Taliban in the weeks after the Sept. 11, 2001, attacks on the United States. Islamic State attack on Kabul University kills 22, wounds 22 (Washington Post) By Susannah George and Sharif Hassan November 2, 2020

https://www.washingtonpost.com/world/asia_pacific/kabul-university-attack-hostages-afghan/2020/11/02/ca0f1b6a-1ce7-11eb-ad53-4c1fda49907d_story.html

An hours-long siege on Kabul University claimed by the Islamic State left at least 22 dead and 22 wounded Monday after two gunmen stormed the campus, took several students hostage and battled security forces for hours before the scene was cleared and all hostages were freed.

The attack in Afghanistan's capital began with an explosion at the gates of the university just before 11 a.m. Monday. Thousands of students fled, but a number trapped inside began posting to social media, describing seeing classmates gunned down.

“God give patience, my classmates martyred and wounded in front of my eyes, and I am taken hostage,” Qaseem Kohestani, a fourth-year student at the university’s public policy school, posted to Facebook.

A law student told The Washington Post that dozens of students and some professors were taken hostage in the attack. The student spoke on the condition of anonymity because of security concerns.

Afghan police special forces were dispatched to the scene. Coalition forces from the U.S.-led Resolute Support Mission in Afghanistan “provided support” to Afghan security forces during the operation, according to a military official who spoke on the condition of anonymity in line with Pentagon regulations.

After an assault that lasted over five hours, the Interior Ministry declared the campus secured. The ministry said hundreds of students were rescued by Afghan security forces.

Afghan President Ashraf Ghani’s office condemned the attack and declared a national day of mourning Tuesday.

The Islamic State asserted responsibility for the attack in a statement released by the group’s media arm Monday night. The Taliban denied involvement in a statement released shortly after the attack began.

Monday’s siege bore hallmarks of past attacks on similar targets. In 2018, the Islamic State asserted responsibility for an attack on a shrine near Kabul University where Afghanistan’s Shiite ethnic Hazara community had gathered to mark the Persian new year. And in 2016, the Taliban attacked the American University in Kabul, killing 11 and wounding 30 in an assault that trapped some students all night as a gun battle raged for nine hours.

This is the second significant attack targeting civilians in Kabul in recent weeks. Last month, a suicide attack on an education center in west Kabul killed 24 people, mostly students, and wounded 70 others. The Islamic State also asserted responsibility for that attack.

Overall, large-scale attacks in the Afghan capital have decreased in recent months. The Islamic State group was weakened by Afghan military operations last year supported by U.S. air power that pushed it from strongholds in the country’s east. And large Taliban attacks in urban areas decreased significantly after the United States and the Taliban signed a deal in February on the withdrawal of U.S. forces.

But a handful of Islamic State-claimed attacks have continued to target minority groups in Kabul, including the Hazara community.

Many senior Afghan officials accuse the Taliban of playing a role in attacks claimed by the Islamic State.

Afghan Vice President Amrullah Saleh linked the Taliban to the university attack in a tweet Monday, saying the group “won’t

be ever able to wash their Conscience of this stinking & non justifiable attack.” Ghani’s spokesman tweeted that the Taliban is targeting academic sites after suffering defeats in the country’s south.

The Taliban denies the accusations but has increased violence in other parts of the country despite ongoing peace talks with representatives of the Afghan government in Doha, Qatar.

The peace talks began in September but have failed to make significant progress.

The latest report from the U.N. Assistance Mission in Afghanistan said civilian casualties were down across the country from January through September – the lowest in any similar period since 2012. During that period, 2,117 civilians were killed and 3,822 wounded, a 30 percent drop in casualties compared with 2019.

But the report does not take into account a large Taliban assault in Helmand province that began last month and is ongoing.

The clashes have displaced thousands of civilians and are estimated to have killed and wounded dozens.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

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Bangladesh International Crimes Tribunal

War crimes trials: Progress so far (Dhaka Tribune) By Mizanur Rahman

October 24, 2020

Trials in 33 cases ongoing

Since its inception in 2009, the International Crimes Tribunal (ICT) has so far delivered verdicts in 42 cases against 97 people for crimes against humanity, including genocide, during the Liberation War in 1971.

The latest verdict delivered by the ICT was on December 11 last year, when Abdus Sattar alias Tipu Sultan from Rajshahi was sentenced to death for wartime atrocities.

Following the verdicts, the Supreme Court disposed of appeals in ten cases and six convicted war criminals were hanged after their cases made their way to the Appellate Division of the Supreme Court.

The Appellate Division also reduced the sentence of the Delwar Hossain Sayeedi from death penalty to life imprisonment.

On Thursday (October 22), the tribunal issued a death warrant for war crimes convict Syed Mohammad Qaiser.

A Muslim League leader in 1971, Qaiser was sentenced to death on December 23, 2014, after being found guilty of murder, arson, loot, rape and genocide in Brahmanbaria and Habiganj during the 1971 war.

On January 14 this year, the Supreme Court upheld the death sentence after Qaiser appealed against the tribunal's verdict.

Since the formation of the tribunal, the trials have continued despite criticism from domestic and international quarters. A second tribunal was formed in March 2012, but it ceased to function after three years.

Current state of trials

According to the ICT's prosecution, the tribunal is currently holding trials in 33 cases, with alleged war criminals accused of collaborating with the Pakistani occupation forces. Most of them belonged to the Razakar, Al-Badr, or Al-Shams forces.

On October 31 last year, the Appellate Division of the Supreme Court upheld the death sentence of former Jamaat-e-Islami Assistant Secretary General ATM Azharul Islam for crimes against humanity during the Liberation War in 1971.

Last year, the Appellate Division resumed appeal hearings in the war crimes cases from the ICT after a break of nearly three years. The delay in hearing appeals came in the wake of the crisis in the judiciary following the events surrounding the departure of former chief justice SK Sinha and the corruption cases filed against him.

A total of 21 appeals have been in a backlog for long awaiting a hearing at the Appellate Division.

Additionally, a total of 3 accused died during pendency of their hearings with the Appellate Division.

Progress made by investigation agency

Till now the investigating agency of the ICT has received a total number of 772 complaints against 4,150 persons and completed investigation into 78 complaints of rape, mass murder, loot, arson, conversion by force and forced migration, all crimes committed across the country.

Currently the agency is investigating 27 cases against 39 accused of crimes against humanity.

There are 3 cases including the trial of Jamaat-e-Islami committing war crimes as an organization, where the investigation agency of the ICT submitted probe reports but the trials are yet to start.

Shahriar Kabir, president of Ekattorer Ghatak Dalal Nirmul Committee (Forum for Secular Bangladesh and Trial of War Criminals of 1971) expressed his frustration saying: "The ICT's cases are not normal cases like any other offence; the appeal hearing was stopped in the period of former Chief Justice Sinha and the appeals are still in the same state".

"The Supreme Court has to hear the appeal with the highest priority. We also suggested that the government follow other countries in the world in this regard. If the appeals are stuck in the appellate division with a backlog of other cases they can hear appeals separately with the arrangement of the ICT set-up," he added.

"It's been ten years but still they were not able to start the trial of Jamaat-e-Islami committing war crimes as an organization," he added.

The Awami League is in its third straight term in power and its landslide victory in 2008 was precipitated by an election campaign where the war crimes trial was one of the top priorities.

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War Crimes Investigation in Myanmar

Survivors of Military Attack on Red Cross-Hired Boat in Myanmar Deny Arakan Army Connection (Radio Free Asia)

October 29, 2020

Survivors of a deadly Myanmar Navy artillery attack on a boat delivering Red Cross supplies to war refugees in Rakhine state rejected on Thursday military claims that

they were armed members of the rebel Arakan Army, saying they were fired on as they displayed documents for inspection.

One man was killed and two others were injured Wednesday when their boat was shelled with heavy artillery and set ablaze as it traveled on the Mayu River ferrying food supplies for the International Committee of the Red Cross (ICRC) to refugee camps in Rakhine townships where Myanmar forces have been fighting the AA.

Shortly after the incident, Myanmar's military said Wednesday that the navy had fired in response to an attack by AA troops from the boat, which later burned and sank into the river, the military statement said.

The military account contradicted that of boat operator, Kan Aye Chan, who told RFA's Myanmar Service Wednesday that a navy vessel fired first, shooting at the four-man crew with small arms fire as they waived documents and that boat was joined by a second navy one that shelled the aid boat with heavy arms.

"When I asked them to come to us, they started shooting at us with small weapons," he said.

"We carefully slowed down the boat as they were approaching. We were waiting for them with ICRC documents in hand to show them," he said, referring to letters from the ICRC and the Rakhine state government.

"At the time, another [reinforcement] vessel arrived and they started firing with heavy weapons, without notice, which hit our fuel containers and exploded with fire. They fired maybe more than 100 rounds at us," he said Wednesday.

In a follow-up interview with RFA Thursday, Kan Aye Chan, who was unhurt, said there were only four unarmed crewmen on board the vessel and none had any connection to the AA, an 11-year-old force with some 7,000 fighters that seeks autonomy for ethnic Rakhines in Myanmar's westernmost state.

One of the injured men, Maung Than Wai, told RFA Thursday that the boat was attacked when the crew was trying to show the ICRC documents to the patrolling naval vessel.

"They were coming downstream, and we were going upstream. They slowed down their vessel and we did the same. We held our official documents in our hands in case they wanted to inspect," he said.

"It was then that they entered Pyain Taw creek, then came back out toward us. We tried to approach their vessel because we assumed they would ask us to come to them, but then they wouldn't let us move closer and started shooting at us," he said Wednesday.

'We were terrified'

Kan Aye Chan said the four ducked under the hull when bullets started flying.

"The first shots didn't hit the boat, so I was able to immediately run into the hull. As I was in hiding, they started firing artillery," he said.

"We were terrified. They fired guns and artillery nonstop. As they were firing, their vessel pushed our boat toward the riverbank," said Kan Aye Chan.

"While they were pushing, some soldiers got onto our boat, so we didn't get a chance to flee. They took off the tarp that covered the supplies to check, and they must have learned we were with the ICRC," he said.

According to Maung Than Wai, after the soldiers left, the three survivors jumped into the water to escape. Kan Aye Chan was unscathed while Hla Win Maung and Maung Than Wai suffered burn injuries, and 20-year-old Maung Chey was burned to death. None of the four were shot, he said.

The ICRC late Wednesday released a statement saying it deeply regretted the attack on the commercial vessel that was transporting ICRC supplies. It also said no ICRC employees were on the boat.

RFA attempted to contact Maj. Gen. Zaw Min Tun, chairman of the military information committee, to discuss the discrepancies between the military's account and that of the survivors, but he did not respond as of Thursday evening.

AA Spokesperson Khine Thukha told RFA that the AA was not involved in any combat in the vicinity of Wednesday's boat attack.

Khin Maung Latt, Rathedaung township's representative in parliament, told RFA there should be proper protocol for river transport security in Rakhine, a coastal region on the Bay of Bengal crossed with alluvial rivers.

“If they want to tighten security on the river, they should have security checkpoints at the openings of sections of the river. They can conduct inspections on official documents, permissions, and perform inquiries at these checkpoints,” he said.

The AA has been battling Myanmar forces since late 2018 in a war that has killed nearly 300 civilians and injured more than 640 while displacing more than 220,000 civilians, according to a relief NGO.

Nine Villagers Injured by Artillery Blasts in Myanmar’s Rakhine Conflict (Radio Free Asia)

October 30, 2020

Nine civilians, including three children, were injured Thursday in artillery blasts allegedly fired by the Myanmar military in two villages in war-torn Rakhine state, family members of the injured and local residents said.

Than Than Soe and Htay Htay Wai, both 14, from Sakka Ray village in Minbya township were injured along with Aung Kyaw Nu, 70, from the same community, and Myo Min Zaw, 32, from Thet Pone village.

Oo Myat Win, 6, Than Nu Khin, 29, Than Nu Win, 27, Tun Sein, 58, and Thar Maung, 58 from Kyaw Shin village in Pauktaw township, were also injured.

The casualties are the latest civilians in a nearly two-year-long war between Myanmar forces and the rebel Arakan Army (AA), which has left 303 civilians dead and injured 681 others since December 2018, according to an RFA tally. The fighting has displaced about 226,000 civilians.

The injured villagers were taken to hospitals in their respective townships, while Than Than Soe, who was critically injured, was sent to Sittwe General Hospital.

Than Than Soe’s father, Kyaw Hsan, told reporters in Sittwe that the Myanmar Navy fired the artillery blasts that wounded his daughter as she hid at home when the shelling began around 9 a.m.

“Myanmar soldiers fired the artillery,” he said. They came on two vessels and on one smaller boat. They mostly fired into the village. They fired heavy artillery four or five times.”

Kyaw Shin village resident Hsan Win said five civilians, including the six-year-old girl, were hit by explosions from the artillery fire.

“Around 1:30 p.m., an artillery shell fell into the house and exploded,” he said. “Five people were injured. The injured villagers were then taken to Pauktaw township hospital.”

Soe Tun Chey, a resident of Thet Pone village, said soldiers fired into the community as they passed Pauktaw township.

Fellow villager Myo Myint Zaw was struck on the temple by fragments from an exploding shell, he said.

No guarantee of safety

The AA, a predominantly ethnic Rakhine force fighting for greater autonomy for the Rakhine people in the state, attacked Myanmar naval vessels patrolling upstream between Pauktaw and Minbya townships on Tuesday, villagers said, but the firing into the villages a day later appeared to be unrelated to the combat.

Buddhist Abbot Ariya Wuntha of the Sakka Ray village monastery, where many residents have taken shelter, said government soldiers fired both heavy and light artillery into the community, forcing villagers to flee their homes.

“Many of them have taken shelter in my monastery,” he said. “There is no guarantee for the villagers’ safety.”

“I want to appeal to them not to target innocent civilians and villages,” he added. “Instead, I want them to safeguard the homes and lives of the villagers.”

Hla Thein Aung, a Rakhine state lawmaker for Minbya township, said the incidents were unacceptable.

“They fired weapons without any cause,” he said. “They fired on villages along the river. Humans live in these villages, not animals. They should not fire on the civilian populations. What they have done is unacceptable.”

RFA could not independently verify why Myanmar soldiers fired into the villages. Repeated calls to a military spokesman went unanswered.

'Caught in the crossfire'

Military spokesman Major General Zaw Min Tun told RFA in early July that there could be civilian casualties amid the armed conflict in Rakhine state because AA troops were posing as civilians and embedding themselves in villages, but that Myanmar forces would never intentionally harm civilians during combat operations.

AA spokesman Khine Thukha told RFA that there was no fighting on Thursday along the border between Minbya and Pauktaw townships, and that the Myanmar military had launched indiscriminate attacks on the two communities.

"As navy vessels travel up in the river, they fire on villages along it," he said. "They are acting out of resentment [by targeting] ethnic Rakhine people."

In September, Thomas Andrews, the U.N's special rapporteur on the situation of human rights in Myanmar, called for an immediate end to military assaults on Rakhine villages and decried the mounting toll of child casualties in the war.

"Serious questions have been raised about whether these children, and growing numbers of others, are being caught in the crossfire of war, or are being deliberately targeted," he said in a statement.

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South America

Duque dismissed after slamming Colombia's war crimes tribunal (Colombia Reports) By Adriaan Alsema
October 30, 2020

Colombia's President Ivan Duque fiercely attacked his country's war crimes tribunal while his far-right party seeks to abolish the transitional justice system.

The president was invited by the Special Jurisdiction for Peace (JEP) to discuss transitional justice and took the opportunity to express his frustration about the court's failure to produce quick results.

The outgoing president of the JEP, magistrate Patricia Linares, with the support of an international panel of experts, dismissed Duque's diatribe that was riddled with falsehoods.

The president and his far-right Democratic party have actively opposed the the JEP and the judicial principle that all are equal before the law.

Duque and his party have always sought a differential treatment for crimes committed by state actors presupposing that any action carried out by a government is legal while blurring the line between opposition and crime.

The peace process and the transitional justice process in particular have exposed the extent of human rights violations committed by the state, specifically under former president Alvaro Uribe, and its failure to serve justice to victims.

Uribe, who is investigated over his alleged involvement in three massacres, a homicide and the formation of a death squad, has consistently rallied to abolish the transitional justice system.

Duque found himself talking to a wall in his latest attempt to discredit the JEP with, for example, UN deputy-Secretary General Amina Mohammed stressing that “a sustainable peace is not possible without justice and reconciliation.”

The application of justice is a major problem for Duque as both Uribe, the president’s mentor, and his political allies at risk of being held accountable for alleged crimes they committed.

The president and his party, however, have been unable to rewind the JEP despite constant efforts.

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Venezuela

US mercenary exposes Trump administration links to abortive Venezuela invasion (World Socialist Web Site) By Bill Van Auken
November 2, 2020

Senior Trump administration officials were in on the planning of and offered assistance to the abortive May 3, 2020, invasion of Venezuela carried out by a mercenary band that included at least two former US special forces operatives, according to a lawsuit filed in Miami, Florida, last Friday.

The conspiracy to carry out the illegal invasion was hatched, at least in part, at the Trump Hotel in Washington D.C. and at a Trump golf course in Florida, and was facilitated by individuals with close ties to the US president and Vice President Mike Pence.

The invasion, referred to as the “Bay of Piglets” due to its resemblance to the debacle suffered by the 1961 CIA-organized invasion of Cuba—albeit on a far smaller scale—ended with the capture of the two American ex-soldiers, Luke Denman and Airan Berry, along with 45 Venezuelan mercenaries. At least six others were killed in a separate landing on Venezuela’s northern Caribbean coast. Denman and Berry were sentenced by Venezuelan authorities to 20 years in prison on conspiracy and terrorism charges.

The \$1.4 million breach of contract lawsuit has been brought by Jordan Goudreau, a former Green Beret who heads the Florida-based security contractor Silvercorp USA that organized the failed landing, against J.J. Rendón. A multi-millionaire political consultant who has assisted right-wing campaigns across Latin America, Rendón had been tapped by the US-backed puppet, self-proclaimed “interim president” Juan Guaidó, to form a “strategic committee” to develop plans for the overthrow of Venezuelan President Nicolás Maduro.

Rendón was dismissed from this post shortly after the failure of the invasion and the publication of a “General Services Agreement” he had signed with Goudreau. With his lawsuit and in an exclusive interview with the Miami Herald and its parent company McClatchy, Goudreau has brought to light portions of this agreement that had previously been concealed.

An addendum spells out the purpose of the operation, vaguely referred to in the agreement as providing assistance in procurement, logistics and “project execution and advisement.” The addendum states clearly that Silvercorp would “advise and assist ... in planning and executing an operation to capture/detain/remove Nicolás Maduro (hereafter, ‘Primary Objective’), remove current regime, and install recognized Venezuelan President Juan Guaidó.”

As the captured American mercenaries acknowledged, the plan had been for the landing parties to drive to Caracas, Venezuela’s capital, seize the airport and then kidnap Maduro and bundle him onto an aircraft bound for the US.

An additional previously unknown clause stipulates that in the event of the kind of fiasco that transpired, Guaidó would be free to wash his hands of the entire affair. “If for any reason Project Resolute Operation does not succeed, President Guaidó will maintain deniability and be absolved from all knowledge and fault by all parties,” it states.

This is precisely what he did. While Guaidó’s signature appeared on the contract (he claimed it was forged) and a recording was released in which the US-backed “interim president” spoke with Goudreau, urging him on in the operation, Guaidó insisted he knew nothing about it.

Goudreau’s lawsuit names Andrew Horn, a former aide to Vice President Pence, and Jason Beardsley, an ex-Green Beret who is an advisor to the Department of Veterans Affairs, as the two US officials who discussed the invasion plot with him. He said that Horn had assured him that “licenses from the United States Government regarding the procurement of weapons and armament for the project were forthcoming.”

A spokesman for Pence issued a statement claiming the Vice President “has absolutely no knowledge of the rogue plot in Venezuela and does not know Mr. Horn,” who is reported to have worked as an intern for then-Representative Pence in 2003. Following the failed invasion plot, Horn left the vice president’s office to work for the National Security Council.

Another reported link between Pence and the plot flowed through Roen Kraft, heir to the Kraft Food fortune. The lawsuit states that Kraft, who had pledged to raise private funds for the coup plot, told Goudreau in August 2019 that he had spoken to Pence about it and the Vice President “stated that he was very interested in the project and that as soon as it was successful, ‘all doors would be open.’”

Named as having facilitated connections between Silvercorp, Guaidó and US government officials are Nestor Sainz, a former US State Department official, and Travis Lucas, a lobbyist and lawyer who represented Trump’s former bodyguard and director of the Oval Office Keith Schiller in 2017, when Schiller appeared as a witness before the House Intelligence Committee as part of its “Russiagate” inquiry. Goudreau said that it was Lucas who introduced him to the two government officials. He showed the Herald invoices demonstrating that Lucas had billed the military contractor \$30,000 for legal advice on foreign lobbying and arms exports.

The lawsuit also states that a rival bid for the Venezuelan invasion-coup operation had been tendered by Erik Prince, whose Frontier Services Group is a successor to the infamous Blackwater security firm involved in war crimes in Iraq. Prince’s plan reportedly would have cost \$500 million—more than twice as much as the Silvercorp contract—and involved an invasion force of 5,000 mercenaries. Prince is the brother of Trump’s Education Secretary Betsy DeVos.

Prince’s lawyer Matthew Schwartz denied that he had submitted the proposal, the Herald reported, but added that “he does believe strongly that any action taken in Venezuela must be swift and decisive to avoid a protracted civil war.”

The vast sums being discussed to pay for the mercenary operations were to come out of the oil revenues stolen from Venezuela under the US “maximum pressure” sanctions campaign.

This week the Trump administration has ratcheted up these sanctions significantly, lifting a humanitarian exemption that had previously been maintained for swaps of Venezuelan crude oil for diesel needed to fuel power plants and trucks used to transport the country’s food supplies. International energy firms like Spain’s Repsol, Italy’s Eni and India’s Reliance that had engaged in the swaps will now be open to secondary sanctions unless they halt the deals. A broad range of NGOs had urged the Trump administration not to proceed with the escalation, warning that it would lead to increased hunger, disease and death.

The homicidal escalation of Washington’s attacks on the Venezuelan people is driven by the abject failure of its attempts to foment a popular uprising or even a military coup in support of its puppet Guaidó, whose support in the country has dwindled to insignificance. At the same time, the Trump administration is pursuing a policy of maximum aggression in an attempt to curry favor with right-wing Cuban exiles in Florida, a core Republican base in the 2020 presidential election.

Democratic presidential candidate Joe Biden, meanwhile, took pains to rebut Republican charges that he was “soft” on Maduro. The Biden campaign insisted that, as far as Biden was concerned, “there’s nothing for us to talk about” with the Venezuelan president. It also pointed out that Biden was the first candidate running in the Democratic primaries to support Trump’s recognition of the puppet Guaidó as Venezuela’s “legitimate” president. Under the Obama-Biden administration, the US government declared that Venezuela posed a threat to the US tantamount to a “national emergency,” justifying draconian sanctions.

Underlying this bipartisan policy is the drive by US imperialism to reassert control over Venezuela’s oil reserves, the largest on the planet, and to deny access to these resources to its rivals, in particular China.

Amid the new revelations about the invasion-coup plot and escalating threats from both major parties, Cilia Flores, the former president of Venezuela’s National Assembly and its former attorney general, who is married to President Maduro, gave an

interview in which she insisted that “at any moment, I don’t know, it could be sooner rather than later, there can be a rapprochement” between the US and Venezuela.

She continued, “Here in Venezuela, there are US companies that have interests, they have experience, they have been partners of PdVSA (Venezuela’s state-run oil company), they can keep working,” she said. She added that the US economic blockade had “not only affected Venezuela ... but it has also prejudiced US citizens who ... came to Venezuela to invest and to earn and they made them lose.”

Flores went on to praise the recently approved “anti-blockade law,” which critics charge is paving the way for PdVSA’s privatization, saying that it “sparked a lot of interest among international investors.” The law she said, served to reassure even those “who believe they are the owners of the world” that there is “no type of risk” in investing in Venezuela.

Representing the interests of a section of the Venezuelan bourgeoisie, the Maduro government is seeking to counter the country’s deepening crisis with a further turn to the right and a rapprochement with US imperialism. It is carrying out repression against the resistance of workers and the impoverished masses to deepening austerity, while pardoning and seeking an accommodation with its right-wing opposition.

The struggle to defend Venezuela from imperialist aggression and the conditions and rights of the working masses from the relentless attacks of the government and the capitalist ruling class it represents can be carried out only by means of the independent struggle of the Venezuelan working class, united with that of workers throughout the hemisphere, in a common fight for socialism.

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TOPICS

Truth and Reconciliation Commission

Liberia: Human Rights Commission Calls For Transparent Investigation Into Auditors-Related Deaths (Front Page Africa) By Obediah Johnson
October 23, 2020

The Independent National Commission on Human Rights (INHRC) has underscored the need for the Coalition for Democratic Change (CDC) led-government of President George Manneh Weah to guarantee a transparent and impartial investigation into circumstances which led to the mysterious deaths of four auditors in Liberia.

It can be recalled that on Thursday, October 2, 2020, the lifeless bodies of the Assistant Commissioner for Internal Audit and acting Manager for Tax Payers Services at the Liberia Revenue Authority (LRA) were found in a vehicle on Broad Street in Monrovia during the early morning hours.

Two days later, another auditor from the LRA, Mr. George Fahnbotto, reportedly died in a vehicle accident around 72nd Paynesville, outside Monrovia.

On Saturday, October 10, the Director of the Internal Audit Agency (IAA), Emmanuel Barten Nyeswa was also found dead in his compound along the 72nd Boulevard, outside Monrovia at 2AM.

The Government of Liberia hired pathologists, Dr. Benedict B. Kolee and Dr. Zobeon B. Kpadeh, concluded preliminary stages of separate autopsies at the St. Moses Funeral Parlor located on the Somalia Drive, outside Monrovia in the absent of the deceased family members, including spouses.

The wife, husband and other family members of the deceased rejected the conduct of the autopsies on grounds that both Dr.

Kolee and Dr. Kpadeh are employees of the Ministry of Health and the John F. Kennedy Medical Hospital respectively.

But according to the Chairperson of the INCHR, Mr. Bartholomew Colley, all investigative processes should be done in an orderly and unbiased manner.

He made these comments in a telephone interview with FrontPage Africa recently.

Mr. Colley maintained that government should not relent to hold anyone found culpable accountable for their actions which resulted to the deaths of the Liberian auditors when it a "foul play" is established.

He noted that government is under obligation to promote and protect the civil and political rights of its citizens, and as such, the necessary actions must be taken void of interference to bring the perpetrators (if any) to justice.

He added that though the commission cannot speculate the outcome of the ongoing probe into the mysterious deaths of the top Liberian auditors, anyone found liable for the deaths of the auditors should not go with impunity.

Mr. Colley noted that regardless of status or political affiliation, the laws of the country must be scrupulously implemented.

"The process or investigation should at all times be transparent because the government has the responsibility of upholding fundamental human rights of all citizens. It's our trust that the government takes the necessary decisions to ensure that the process will be transparent. If there is culpability-of course accountability is subject".

He called on all parties concerned to cooperate with the ongoing probe.

Meanwhile, Mr. Colley has welcomed the move made by President Weah to call for the intervention of the United States government into the investigation of the mysterious deaths of the auditors.

Following the deaths of the auditors, the Liberian Chief Executive, in a radio address to the nation, sought the assistance of the United States government to probe the mysterious deaths of the auditors who died in a course of eight days.

"With assistance from our partners, we will be able to determine the cause of death. Death should come naturally, anything to the contrary is unacceptable", President Weah stated.

Mr. Colley indicated that though the commission cannot preempt the outcome of the fragmentary investigation, a call for international assistance is in the right direction.

"We join the government to call on international partners to come and help us so that we can have a clear picture of exactly what is obtaining. The commission cannot predict the investigation; the commission will wait for the outcome of the investigation".

He, however, urged citizens to refrain from violence and remain calm in the wake of mysterious happenings in the country.

The Independent National Commission on Human Rights (INCHR) of Liberia was established by an Act of the National Legislature in 2005 as the National Human Rights Institution (NHRI) responsible for the promotion and protection of human rights in Liberia.

The establishment of the INCHR came out of the Comprehensive Peace Agreement (CPA) signed in Accra on the 18th of August 2003 that stressed the need to address the wanton disregard and disrespect for human rights which in part led to and characterized the Liberian civil war. In addition, the INCHR was set up in line with the Paris Principles of 1993.

Although established in 2005, the Commission was not functional until 2010 when the first Board of Commissioners was appointed by former Liberian President Ellen Johnson-Sirleaf.

Key Functions

The INCHR, is empowered by articles 3 and 4 of its Act to: a) promote and protect human rights throughout the Republic of Liberia; b) investigate complaints of human rights violations and conduct hearing; c) propose amendments or reform to laws, policies and administrative practices and regulations; and d) advice the Government on the implementation of national and international human rights standards.

Also in line with its Act, the Commission submits quarterly and annual report on the human rights situation of the country to the head of the three Branches of the Liberian Government: the Legislative, Executive, and Judiciary.

The INHCR submits thematic and/or incidence reports as may be deemed necessary to the general public on various human

rights issues. Further, as an extension of its work described in the erstwhile Truth and Reconciliation Commission (TRC) Act, the Commission is responsible to follow-through on the implementations of the TRC recommendations.

CSOs Reecho Call for Implementation of TRC Recommendations (Liberian Daily Observer) By Hannah N. Geterminah
October 29, 2020

Civil Society Organizations (CSOs) across Liberia are demanding the George Weah Administration to implement the recommendations of the Truth and Reconciliation Commission (TRC) to enable those who committed heinous crimes against humanity to face justice.

It is following a series of calls by human rights advocates including Hassan Bility of the Global Justice and Research Project, Adama Dempster of the Civil Society and Human Rights Platform Secretariat, and individuals who feel disenchanting over the fact that warlords and perpetrators are occupying influential government positions and enjoying state resources, without remorse for crimes perpetrated against innocent citizens.

Nimba County Senator Prince Y. Johnson and Grand Gedeh County Representative George Boley are two warlords now in the Legislature with several former warlords who are on record for the commission of heinous crimes.

The CSOs, making the demand at a four-day Public Outreach and Awareness on the TRC recommendations for rural community leaders to promote accountability, said that transitional justice was important in Liberia because it will serve as a deterrent for would-be perpetrators.

The public outreach was organized by the Independent National Commission on Human Rights (INCHR) in collaboration with the National Civil Society Council of Liberia with support from the Office of the High Commission on Human Rights and Centre for Democracy and Development and was held in Ganta, Nimba County.

Transitional Justice is the way countries emerging from a period of conflict and repression address large-scale or systematic human rights violations that the normal justice system cannot provide an adequate response to.

The outreach brought together participants from Bong, Nimba, and Lofa Counties as well as commissioners who presided over the TRC.

The public outreach is also part of the roadmap of the national colloquium that was held in Gbarnga City, Bong County in May 2019 with the intent to discuss and advise the government and the Liberian on a way forward for the implementation of the TRC recommendations of 2009.

The holding of the colloquium was also in line with the role of the INCHR, assigned in the strategic roadmap for National Healing, peacebuilding and reconciliation of December 2012 on 'Accounting for the Past', to hold consultations with a wide range of stakeholders. Issues treated at the colloquium include the national palava hut talk, 'memorialization', and reparations, and on forging the relationship between Liberians at home and abroad, aimed at promoting peace and reconciliation in line with the Kyiv Declaration of October 2015 on the role of the National Human Rights Institute in a post-conflict situation, peace, and reconciliation.

Janet G. Flomo, head of the Special Emergency to Restore Children's Hope (SERCH), said she desires to see the implementation of the TRC report. "I will create awareness across Nimba County to have citizens understand the importance of transitional justice so they can pressurize their lawmakers for the establishment of War and Economic crimes Court and the full implementation of the TRC Report," she said.

Madam Flomo believes that War Crimes perpetrators like her kinsman, Senator Prince Y. Johnson, who violated the rights of others, should face justice with those families that were abused.

"Yes, I will want those who committed heinous crimes to be prosecuted, [including] Prince Y. Johnson," Madam Flomo said.

"We will now demand the implementation of the TRC report because we want justice for those that received pain during the war to be able to express themselves in the court. We want those women that were victimized during the war to get the needed justice because they were targets. I want to see those that did things wrongly during the war to be judged and punished by the law," she stressed.

Madam Flomo said further: "Those that committed crimes against humanity should be punished so as to serve as a deterrent. People got affected during the war, women and children were raped, citizens' rights were violated which was not the intent of the war."

“If we do not allow them to face the punishment, others will come and repeat their past actions which will not take the country forward. We want people to be prosecuted based on the crimes they committed,” she added.

Giving her experience, Madam Flomo said, “My very self was victimized during the war. I was born with open teeth. Today I am using false teeth in my mouth because of the action of some fighters. So it is necessary that everyone pays for the crimes they committed against human rights”.

Dr. Sonny Onyegbula, OHCHR head of programs, said OHCHR has had series of meetings with partners that gave rise to the awareness workshop, adding that “The process started in 2014, running into 2020 where we continue the sensitization in Bomi before the COVID-19 outbreak. It was the pandemic that stopped all the activities.”

He disclosed that the colloquium brought together key advocates, government partners, CSOs, and professional bodies such as the Liberia National Bar Association that provided the opportunity for Liberians from all walks of life to come together to chart a path forward for the implementation of the TRC recommendations and the whole transitional justice issue.

“So, what you see going on at this awareness workshop now is just the implementation of the colloquium that was brought forward. So out of that, we had sensitization exercises that OHCHR is supporting through CSOs and other relevant partners to educate the community about what transitional justice is all about,” Onyegbula said.

He said the process is not a UN-led process but a National one that allows the people of Liberia to desire the kind of options they want their government to take to address past crime.

Onyegbula said, “We at OHCHR recognize that it is very important to address human rights violations because there are many gains when that happens. Among those gains, it serves as a deterrent to those that will want to commit similar crimes for the fear of being held accountable; gives room for reconciliation, and builds a strong united country to move on with development.

He told the gathering that if the process of transitional justice is not handled properly, it will affect the peace here because people are not free to express themselves or present their cases before the justice system, and that is why OHCHR is only supporting the process that deals with the rule of law, to enable people to express the grievances they have.

Speaking about the feedback from the citizens during the past outreach, Onyegbula said: “It has been overwhelming. I can say transitional justice is gaining attractions. The colloquium communiqués were overwhelmingly passed because of the establishment of the economic and war crimes court”.

He disclosed that OHCHR supported the Liberian National Bar Association annual conference which voted for the establishment of a war and economic crimes court and also the implementation of the TRC report, adding that the National economic dialogue, sponsored by the government, also supported the process.

Onyegbula said after the dialogue, President Weah communicated with the speaker of the Legislature, urging the Speaker to advise him on a legislative process that can move the process forward which showed the country’s readiness to start the TRC implementation.

“Inasmuch as transitional justice has gained center attractions; I think many Liberians need the voices of accountability. We cannot do this action for Liberians, but the UN and international bodies only provide advice to the people and government,” Onyegbula said.

He added: “I think the first process has been taken by the President requesting the Legislature to advise him about the processes involved with the implementation of the TRC recommendation to move the process forward. So I think that this is the time for the people of Liberia to go back to their elected representatives and urge them to take actions on the letter written by the President if they really want the process to start.”

“Now you can see that the President has moved the ball back to the elected Representatives of the people, so it is they that should respond to the President’s calls,” he said.

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Terrorism

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Piracy

[Three piracy attacks in Singapore Strait over 2 days, October cases at monthly high this year (The Straits Times) By Fabian Koh

October 26, 2020

Armed pirates stormed three ships in the Singapore Strait in the span of 2½ hours between Sunday night (Oct 25) and Monday morning.

But nothing was stolen from the bulk carriers in the three separate incidents, which took place in close proximity to each other, in the eastbound lane of the Traffic Separation Scheme (TSS) in the waterway.

Neither were their crew injured, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre said on Monday.

The latest armed robberies bring the tally for October to six, the highest monthly figure this year.

Altogether, 28 such incidents in the Singapore Strait have been reported so far this year, against 31 for the whole of last year.

Of this year's cases, 24 occurred in the eastbound lane of the TSS.

The 105km-long Singapore Strait is significant as it provides passage for thousands of ships entering and leaving the port of Singapore. Although it is called the Singapore Strait, it passes through the territorial jurisdictions of Malaysia and Indonesia too.

In all the six October attacks, there was no confrontation between the perpetrators and the crew. Also, nothing was stolen except for one vessel where a lifebuoy and some welding rods were taken.

In the latest three cases, the first took place at about 11.09pm on Sunday, when bulk carrier Seajourney was travelling near Nongsa Point in Batam, Indonesia, on the way to Ciwadan, also in Indonesia.

The ship master reported to the Vessel Traffic Information System (VTIS) that an unauthorised perpetrator was seen near the engine room entrance.

"The alarm was raised and the master carried out a search on board the ship, but with no sighting of the perpetrator. The crew was safe, and nothing was stolen," said the ReCAAP Information Sharing Centre.

The Singapore Navy's Maritime Security Task Force (MSTF) and the Singapore Police Coast Guard were notified, along with the Indonesian authorities. A safety navigational broadcast was also made.

About two hours later at 12.46am on Monday, another bulk carrier, A Racer, was travelling north of Pulau Nongsa in Indonesia on the way to China, when it was alerted by VTIS about an unknown craft alongside it.

The ship master reported that five unauthorised perpetrators were seen on board. The alarm was raised and a search carried out.

There was no further sighting of the perpetrators, nothing was lost and the crew were unharmed.

The Singapore Navy's MSTF, the Police Coast Guard and the Indonesian authorities were notified.

Less than an hour later, at 1.30am, another bulk carrier, EL Matador, was near Nongsa Point in Batam when it was alerted to an unknown craft alongside it.

The ship master spotted three intruders in the engine room, raised the alarm and four perpetrators were seen fleeing the vessel.

As he was unsure if all the intruders had left the ship, the ship master diverted the vessel to Batam anchorage, where the Indonesian Navy boarded and searched the ship.

There were no more perpetrators on board, the crew was safe and nothing stolen, so the ship resumed its voyage.

"The ReCAAP ISC (Information Sharing Centre) is concerned with the increase of incidents in the Singapore Strait. As the perpetrators of these incidents are not arrested, there is a possibility of further incidents in the Singapore Strait," the organisation said.

"All ships are advised to exercise utmost vigilance, adopt extra precautionary measures and report all incidents immediately to the nearest coastal state."

The ReCAAP Information Sharing Centre also urged the littoral states to increase patrols and enforcement in their respective waters, and further coordinate and share information about incidents and criminal groups involved.

Experts have called for more regional cooperation to tackle piracy, given the extra-territorial nature of the problem.

Gulf of Guinea accounts for 90% of global kidnappings by pirates – Report (Joy Online) By Ina-Thalia Quansah
October 27, 2020

A commander at the Kofi Annan International Peacekeeping Centre (KAIPC), has said the Gulf of Guinea is currently the world's leading hotspot for piracy, kidnapping and armed robbery at sea.

Major Gen. Francis Ofori said the International Maritime Bureau (IMB)'s first-quarter report for 2020 revealed a 25% increase in piracy and armed robbery worldwide compared to 2019 figures of the same quarter.

He added that the Gulf of Guinea accounted for approximately 90% of global kidnappings with 49 crew kidnapped in 9 separate incidents.

He further explained that the modus operandi of the pirates indicates a noticeable shift from oil theft towards kidnapping for ransom.

"This is buttressed by 2019 and 2020 figures which indicates a big climb in the number of kidnapping incidents in the region, and an increase in the number of hostages being taken overall."

This, he said, has raised concerns about oil installations, container traffic and tanker movements through the region.

These facts were made public during the opening of a pilot course on Developing Maritime Security Culture in the Gulf of Guinea in Takoradi.

This pilot course is the first of the capacity building outputs of a three-year project on, "Enhancing regional research, capacity building and convening of stakeholders towards a safer maritime domain in the Gulf of Guinea," which is funded by the Danish government.

Maj. Gen. Ofori added that other maritime crimes such as illegal, unreported and unregulated fishing, human trafficking and migrant smuggling, marine pollution/toxic waste dumping, illicit trade in arms, drugs and contraband as well as maritime terrorism exist alongside piracy in the Gulf of Guinea.

"These illegal activities exploit the inadequate control of the region's maritime domain, which revolves around inadequate law enforcement capacity, underdeveloped legislation and limited policy implementation ultimately resulting in weakened governance, corruption and political instability in the Gulf of Guinea," he said.

He was quick to add that the occurrences of maritime security threats across the region, therefore, illustrate the need for a holistic approach to maritime security response in the region.

Sustainable development of the blue economy, improvement of the well-being of coastal communities and commitment and collaboration across agencies and governments, therefore, becomes key in reducing maritime insecurity in the Gulf of Guinea.

Why Western Region is hosting the piloting of course

The choice of Sekondi-Takoradi as the location for the Pilot Course on "Developing Maritime Security Culture in the Gulf of Guinea", is historic and rewarding to the Western Region and Takoradi to be precise.

Apart from the Greater Accra Region, the Western Region is the only region with all the three (3) services of the Ghana Armed Forces (Army, Navy and Air Force) are represented.

The Ghana Police Marine Unit, has its headquarters at the Takoradi Harbour, as well as Marine Training School at Ayinase on the Elubo road also in the Western Region.

More importantly, the bulk of Ghana`s oil deposits are found in the Jubilee Fields.

As far as maritime training is concerned, this is the first of its kind to be conducted by the KAIPTC in the region. This enforces the uniqueness of the choice of Takoradi for this Pilot Course, Developing Maritime Security Culture.

Apart from the security agencies, all the key maritime institutions, oil companies are represented in the Sekondi-Takoradi metropolis.

Takoradi and environs have had their fair share of maritime challenges ranging from piracy and armed robbery at sea, illegal unreported unregulated (IUU) fishing, human smuggling/migrant smuggling, illegal bunkering among others.

ROUGH SEAS Terrifying world of modern day pirates who make billions attacking ships with rocket launchers & machine guns (The Sun) By Dan Hall

October 28, 2020

PIRATES might be associated with eye patches, swords and cannons – but the reality of modern piracy and its bloodshed is much more terrifying.

Heavily-armed anti-terror troops had to storm a hijacked ship off the Isle of Wight this week after stowaways allegedly posed a threat to the crew's life.

But the oil tanker incident, which the SBS resolved in just seven dramatic minutes, is just the latest in a growing list of shocking crimes to take place at sea this year.

The first three months of 2020 saw a staggering 24 per cent increase in pirate attacks and attempted pirate attacks compared with the same period in 2019.

And with the economic effects of the pandemic being felt around the world, experts fear piracy may continue to spread as criminals look for lucrative income. And it is big business – some estimates put economic losses from piracy as high as \$13-16 billion (£10-12 billion) every year.

But it's the threat to crews brought by modern pirates with sophisticated tactics and military-grade weapons which worries analysts, particularly in hotspots like the Gulf of Guinea.

"The violence towards the crew is quite high and significant," says Cyrus Mody, from the International Chamber of Commerce, told US News.

"The incidents are targeted at the kidnappings of the crew and the attacks are a lot more violent than other parts of the world."

Cash for kidnapping & rocket launchers

The so-called "Golden Age of Piracy" might have ended with the 18th century – but daring raids at sea have become a constant menace once again in the new millennium.

An explosion of piracy in the Gulf of Aden off the Somali coast in the 2000s brought the issue sharply into international attention.

The collapse of the Somali government in 1991 and the following disbandment of its navy allowed foreign trawlers to illegally fish the Somalian seaboard and dump industrial waste in its waters.

Fishermen from Somali coastal communities responded by arming themselves to protect local resources.

But they soon found that taking over foreign ships and demanding ransoms was a highly profitable racket in and of itself, and they even gained backing from former militiamen looking to make money from the emerging crime.

Typical hijackings would involve pirates approaching vessels from the rear on fast boats, threatening the ship with rocket-propelled grenades (RPGs) and rifles, and then boarding the target ship using ladders.

Once on board, they would take control of the bridge and detain the crew – as was the case in the 2009 Maersk Alabama hijacking, depicted in the Tom Hanks film Captain Phillips (2013).

In the same year, Brit couple Paul and Rachel Chandler were sailing off the coast of the Seychelles in their 38-foot yacht, Lynn Rival, when they were shot at by eight Somali pirates in the dead of night.

The armed mercenaries climbed aboard and kidnapped them, first taking them to the previously hijacked merchant ship MV Kota Wajar and then to land, where they were held for 388 agonising days.

The terrified couple were eventually released after a reported £600,000 ransom was paid to their captors. "We are just animals to them," Rachel said after her release, Channel 4 reports.

"We have been kept caged up like animals. They don't care about our feelings and our family and our lives and what they've taken.

"They don't care whose lives they ruin. They just want the money.

"They don't understand that we are just ordinary people.

"They think we come from a rich country and that if they point a gun at us and threaten us that we will find a way of raising money."

By 2010, Somali waters had become the most pirate-infested in the world, accounting for 92 per cent of the 53 ships captured worldwide that year.

Tragically, eight crew members even lost their lives out of a total 1,181 hostages taken worldwide in 2010.

Since then, international efforts to disrupt attacks have caused the numbers of Somali pirate raids at sea to fall dramatically.

Successful attacks fell from 28 in 2011 to just 14 in 2012, and in August this year, the last three hostages of the thousands taken by Somali pirates were finally released.

Taken hostage for over two years

In response to tightening security at sea, many pirates looked to take hostages on land – with some captives held for years.

US journalist Michael Scott Moore was held for a staggering 977 days after he was captured by armed men in January 2012.

He was in Somalia researching a book about piracy when he was taken in the city of Galkayo.

Moore's wrist was broken in the abduction and he watched another captive being tortured during his imprisonment – pirates hung the hostage upside down from a tree and beat him with a bamboo cane.

"I was just afraid," Moore told NPR. "I was afraid of what was about to happen."

He was constantly moved around from place to place, including being put on the captured Naham 3 ship with its crew – some of whom remained hostages for five years – while his kidnapers negotiated his ransom.

They demanded \$20million for his release, but Moore's mum negotiated them down to \$1.6million.

In September 2014, two-and-a-half years after his capture, Moore was finally released when the ransom was paid.

"People say, 'You must have been overjoyed,' but any ransom is a filthy compromise, and I had long ago given up on hope as a dangerous indulgence," Moore wrote in *The Guardian*.

In a bizarre twist, one of his captors began sending Moore friendly messages on Facebook two months after his release – the pirate was ultimately arrested and charged with kidnapping, hostage taking, and other crimes.

'Everyone's vulnerable' to knives and guns

The crackdown on Somalian pirates has also meant there are now different piracy hotspots bubbling up around the world.

The Gulf of Mexico has seen several attacks thanks to Mexico's oil industry offering valuable targets to thieves in recent years.

And there were 51 instances of armed robbery and piracy in Asian waters between January and June this year – almost double the 28 incidents in the same period in 2019.

But it's the Gulf of Guinea off the coast of West Africa which now accounts for the majority of the world's maritime

kidnappings.

"Violence against crews is a growing risk in a workforce already under immense pressure," International Maritime Bureau Director Michael Howlett said, Schillings reports.

"In the Gulf of Guinea attackers armed with knives and guns now target crews on every type of vessel. Everyone's vulnerable." And the problem is getting worse.

According to recent IMB statistics, of the 85 seafarers kidnapped between January and September this year, 80 were taken in the Gulf of Guinea.

That's a whopping 40 per cent rise on the same period in 2019.

In just one incident in July this year, eight pirates with machine guns stormed a product tanker 196 nautical miles southwest of Bayelsa, Nigeria.

They took all 19 crew members of the MT Curacao Trader hostage, a ship owned by UK-based Lomar Shipping.

The pirates escaped with valuable items and 13 kidnapped crew – but thankfully the sailors were released safely a month later.

Cruise ship passengers chucking chairs at pirates

While the vast majority of pirate attacks are aimed at commercial ships, seafaring criminals will hit anything they think can yield a profit – and cruise ships have been targeted before.

In 2005, the luxury liner Seabourn Spirit was attacked by two pirate speedboats launched from a mothership in the early hours off the coast of Somalia.

The thugs menaced the 300 crew and passengers on board with volleys of machine gun fire and RPGs.

With bullets and rockets whizzing overhead, quick-thinking security officer Michael Groves fired a high-power hose at the pirates to try and deter them. It kept them at bay for a while – but the pirates persisted with their lethal assault, seriously injuring the Seabourn Spirit's Master of Arms, Som Bahadur Gurung.

Groves witnessed the moment Gurung was shot as he tried to activate the ship's powerful sonic weapon, called the Long Range Acoustic Device (LRAD). "I saw a spray of blood and he just went straight down," Groves told the BBC.

"I thought he was gone but he opened one eye. He looked like half his head had been blown off."

Groves was able to drag Gurung to safety and turn the LRAD on the pirates.

The loudhailer-like device can cause permanent hearing damage at a range of over 300 metres – forcing the pirates to abandon their raid.

Groves was awarded the Queen's Gallantry Medal and Gurung received the Queen's Commendation for Bravery for their incredible heroics.

Passengers aboard the MSC Melody cruise ship even threw tables and deck chairs at Somali pirates who tried to board off the coast of the Seychelles in 2009 before the vessel's security forces arrived with pistols.

But thankfully no cruise ship has ever been successfully taken by pirates.

After Freedom, Filipino Seafarers Captured by Pirates Battle Trauma (Pulitzer Center) By Ana P. Santos
October 30, 2020

Every day for nearly 5 years, Elmer Balbero was afraid to die.

He had already watched 3 of his crewmates die. One immediately after being shot. Two others, slowly from illness – one of them they covered with sand and buried. "Parang aso," said Balbero. (As if he were a dog.)

"Kaya ayun sabi ko, putang-ina, ayaw ko mangyari sa buhay ko. Kahit mamamatay ako kung sa Pilipinas, sabi ko makita pa ako ng pamilya ko." (So I told myself, f---ing s---, I didn't want that to happen to me. If I were to die in the Philippines, at least my family will still get to see me.)

Balbero was one of the 29 crew members of the Taiwan-owned FV Naham 3 fishing vessel who was kidnapped when Somali

pirates hijacked their ship on March 26, 2012 as they were sailing through the Indian Ocean south of the Seychelles.

Twenty-six crew members of mixed Asian nationalities, among them 5 Filipinos, were released on October 22, 2016. The men were held hostage for nearly 5 years in what the United Nations Office on Drugs and Crime (UNODC) Hostage Support Programme has referred to as the second longest case of captivity at the time.

Studies show that surviving piracy can leave lasting emotional trauma that can resemble post-traumatic stress disorder (PTSD) among seafarers and their families.

“The release from captivity is only the beginning. The bigger challenge is settling back into normal life and getting to know their families again,” said Rancho Villavicencio, a maritime expert who supported the Filipino families of the FV Naham 3 crew while they were held hostage.

Seafaring is one of the most dangerous jobs in the world and exposure to traumatic events such as accidents at sea, extreme weather conditions, and hijacking are a regular occupational hazard.

But for sailors who sail in high risk areas known for piracy, the toss up between life and death begins when pirates seize their ships and goes on an endless loop throughout their captivity — which can last years. Pirates inflict psychological torture by withholding food and water when ransom negotiations are stalled, staging mock executions or calling their families and having them listen to their loved one being abused.

“If you’re talking about trauma, this ticks off all the boxes,” said Conor Seyle, author of a study of the long lasting effects of piracy on seafarers and their families.

According to the study, about 26% of former hostages have symptoms consistent with post-traumatic stress disorder (PTSD). During the tense period of prolonged captivity and hostage negotiations, families are tormented by the uncertainty of not knowing about the conditions of their loved ones.

Not Easy to Forget

The spot on Balbero’s back where a pirate had held him at gunpoint still hurts.

“Parang nakikita ko pa ’yung mga pirata na number one ’yung nagtusok dito sa likod ko ng baril. Hindi ko basta-basta makalimutan ’yung nangyari. Kahit ilang taon, mayroon din ’yung time na talagang maisip ko ’yung nangyari roon sa amin,” he said.

(It’s as if I can still see the pirates, especially the number one who pointed a gun to my back. It isn’t easy to forget what happened. Even after years have passed, I still think about what happened to us.)

Balbero’s back pain was at its worst in the weeks following his release — and so were his nightmares.

His daughter Eloisa was 11 years old when her father first went out to sea. She was nearly 18 when he returned home.

She remembered him as a quiet and gentle father who had taught her how to play chess as a child. He was the devoted parent who stood in as both mother and father to her and her younger sister Kathleen, while their mother worked abroad to support the family.

Eloisa was expecting the same person who left when she was a child to be the same person who returned.

“Parang na-sho-shock kami kasi ang sungit-sungit nya talaga...nakatulala siya tapos kapag nakakarinig po siya ng konting, halimbawa nabagsak ang kaldero, mag-iinit agad ang ulo niya,” she said.

(We get shocked when he’s so irritable. Sometimes he’s just dazed. When he’d hear something like a pot dropping to the floor, he would instantly become angry.)

When he had nightmares, Eloisa would wake him up and she and her sister would pray for him.

“Family support is extremely important in a seafarer’s recovery from trauma,” said Jun Pablo Jr, regional director of the International Seafarers’ Welfare and Assistance Network (ISWAN).

Pablo acted as an intermediary between the Filipino families of the FV Naham 3 and hostage negotiators and knows the toll piracy takes on families of abducted seafarers. He shared proof of life updates with the family, but also advised them not to share information on social media or with extended family members or friends, warning them that it could trigger more aggression from pirates.

“It’s a huge burden for families to carry the hope that their loved one is still alive on their own,” said Pablo.

Eloisa remembered that it was only she, her sister, and her mother who believed that her father was still alive. “Kahit ’yung mga magulang niya, akala patay na siya,” she said. (Even his parents thought he was dead.)

Small-Time Vigilantes to Million-Dollar Businessmen

The Gulf of Aden, where the Somali coastline is located, is a vital shortcut between Asia and Europe, and is one of the most notorious sealanes for piracy.

Unregulated overfishing of neighboring countries following the fall of the Somali government in the early 1990s ravaged the waters of the Somali coastline, depriving fishermen of their livelihood and food source. The earliest pirates were angry fishermen- turned-vigilantes who boarded commercial ships demanding a fee.

Piracy grew into a multi-million-dollar business enterprise bankrolled by local crime groups. Modern day marauders are armed with machine guns and equipped with GPS devices that track a ship’s travel coordinates based on information leaked by bribed maritime authorities.

From 2001 to 2016, more than 3,000 seafarers were held hostage by Somali pirates.

Filipino seafarers, owing to the country’s status as being the largest supplier of seafarers in the world, are the most at risk. At the height of the piracy, the Philippine government said a Filipino seafarer is kidnapped every 6 hours.

Joint international navy patrols by sea and by air have minimized piracy in the region. However, research by the maritime industry think tank Stable Seas showed that while the percentage of Filipino seafarers exposed to piracy in East Africa dropped to 12% in 2019, Filipino sailors remain the top nationality most exposed to maritime piracy.

Captivity

In 2010, Balbero boarded a plane from Manila to Singapore to meet his wife Claire, who was working as a domestic helper. He was prepared for a brief goodbye before he was to board another plane for Mauritius. It would be nearly 7 years before he would get to see or speak to his family again.

After a brutal cycle of typhoons and droughts ravaged his harvest and left him buried in debt, Balbero decided to trade in farming for fishing in the high seas. He and Claire were barely managing to make ends meet and the couple was afraid that their two daughters would have to stop going to school.

Balbero and the crew of the FV Naham 3 had been out at sea for two years when Somali pirates on two speed boats commandeered their ship in the middle of the night. The ship’s captain tried to fight back and was shot and killed.

For over a year, the crew was locked down in the FV Naham 3 anchored a few kilometers off the coast of Somalia. When the ship sank, they were brought onshore where armed pirates guarded them 24 hours a day. There was little food and water and the men caught and ate anything crawling on the ground to survive.

As the years of captivity wore on, time stopped for Balbero. He thought of his two little girls and wondered who was taking care of them. He was wracked by guilt for not sending them money. He worried about his wife, who had to take on the financial burden by herself. And he thought of himself and wondered if he would make it out alive.

“Naisip mo na baka nakalimutan na kayo ng ganyan ng pamilya ’nyo, ng gobyerno. May kukuha pa ba sa atin?” (You begin to think, has your family maybe forgotten about you? Has the government? Will anyone still come for us?)

Even when he was reunited with his family, Balbero was tormented by the voices in his head.

Need for Support

“The trauma of piracy is the forgotten risk of seafaring. Both the seafarer and their families are traumatized,” said Pablo, ISWAN’s welfare officer.

Balbero and the 4 other captured fishermen were given P100,000 by the government when they were released, but as Pablo put it, “There is no just compensation for the trauma. It can take years — decades for them to go back to normal.”

Despite the high risk of piracy among Filipino seafarers at present, there is little humanitarian support to prepare them for the threat of hijacking. Neither is there adequate mental preparation for them to deal with the possibility of being held captives.

Deep sea fishers who are often trafficked onto fishing vessels easily fall through the cracks. And if they are rescued, there is insufficient recovery support in terms of mental health and livelihood.

It is this gap that family and community support must fill.

Balbero, with the love and patience of his family, and the support from their church group, has slowly been able to recover. His wife and daughters won't let him get back on a fishing vessel but he has gone back to farming and working in construction. Their family is held together by their faith that miracles can happen.

When her father was held captive, Eloisa would complete the 9-day Simbang Gabi novena every year, wishing that her father would be home in time for her debut. He was released 10 months before she turned 18.

Eloisa couldn't control her tears when Balbero took her in his arms for the father-daughter dance. "Dati kasi pinag-pe-pray ko lang 'yun tapos pinatotoo ni God." (I used to just pray for that moment. Then God made it come true.) – Rappler.com

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Gender-Based Violence

New York City to 'go purple,' raise awareness about domestic violence Thursday (Silive) By Joseph Ostapiuk
October 22, 2020

New York City's annual "Go Purple" day will take place tomorrow, lighting up iconic buildings across the five boroughs to raise awareness about domestic violence.

Staten Island Borough Hall tomorrow will join other city venues, including City Hall, Queens Borough Hall, Yankee Stadium, 4 Times Square, the 1 World Trade Center spire and podium and other landmarks in lighting up purple to show support.

Thursday's event comes amid a week of virtual panels and discussions run by the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) amid domestic violence awareness month to educate the public and hear from survivors.

"During Domestic Violence Awareness Month, we raise awareness about domestic violence and share critical information on our resources for survivors," said ENDGBV Commissioner Cecile Noel. "COVID-19 puts into sharp focus the vulnerabilities that many people in our city face every day, especially gender-based violence survivors; and it highlights the barriers and challenges that we know keep people from seeking help and finding safety."

"Survivors need us now more than ever in these extraordinary times," Noel added. "Together, we can tell survivors that they are not alone, they are never alone...and help is here for them."

ENDGBV encourages the public to learn more about domestic and gender-based violence and to stand in solidarity with survivors by wearing purple. On social media, supporters are encouraged to post the message: "I stand with survivors of domestic violence by _____" with the hashtag, #NYCGoPurple.

Earlier this month, District Attorney Michael E. McMahon also distributed resources for domestic violence victims.

"While my office is always committed to protecting and offering support to victims of domestic violence, this year, advocacy and awareness are especially important as we know that COVID-19 has forced many victims to quarantine at home with their abusers," said McMahon. "We must make every effort to reach those most vulnerable and extend our support and resources during this challenging time."

Those in need can visit NYC Hope at nyc.gov/NYCHOPE to find information about domestic and gender-based violence resources in their community. Additionally, the NYC Domestic Violence Hotline, 1-800-621- HOPE (4673), is available 24/7.

While the Staten Island Family Justice Center (FJC) is currently closed for in-person visits, representatives can be reached at 718-697-4300. All of the FJC's services are free and confidential.

Gender-based violence affecting 2.5 million women in PH, USAID official says (ABS-CBN) By Isay Reyes
October 23, 2020

Gender-based violence (GBV) is affecting 2.5 million women in the Philippines, an official of USAID said Friday, adding that lockdowns against the COVID-19 pandemic in the country have increased the risks for women to suffer abuse.

“Though the quarantine is needed to prevent the spread of COVID-19 in the country and the world, it carries the risks of increased GBV,” Michelle Lang-Alli, USAID Philippine Office of Health Director, said during a webinar.

FamiLigtas, a joint effort campaign of Lunas Collective and USAID, was launched seeking to raise awareness and fight all forms of GBV such as rape, rape jokes, verbal abuse, emotional abuse, revenge porn, and others against men, women, and the LGBTQ+ community.

The campaign seeks to educate and build awareness for Filipinos on gender-based violence happening in homes. It also intends to help survivors recover from their experiences.

“While we are fighting this pandemic, we can also protect our home from GBV. With your help, let us help keep homes safe from GBV and let us all help build a safer community,” Lang-Alli said.

Gender-based violence in the Philippines is hugely cultural which needs to be addressed, said Dana Aduna, chief volunteer of women advocacy group Lunas Collective.

In recent data by the Philippine National Police’s Women Children Protection Center (PNP-WCPC), there were 804 incidents of gender-based violence and violence against women and children from March 15 to April 30 reported from all over the country. March 15 was the start of the enhanced community quarantine in Metro Manila and other areas.

The number of cases reported during the lockdown period was lower than the number of cases reported in the previous months but this just means that victims are having a harder time reporting abuse because of lockdown restrictions, Aduna said.

In January 2020, there were 1,383 reported cases nationwide. In February, it went down to 1,224. For March, the figure dipped further to 1,044.

“Quarantine makes it difficult for people to report abuses. Victims are simply unable to report abuse properly,” Aduna said.

“We’ve had women come to us and say this is the first incidence of violence in their home and it has to do with pressures in coping with the pandemic,” she added.

The majority of the victim-survivors of gender based violence are women and girls who could most likely be experiencing interlocking forms of violence.

Gender-based violence in the Philippines often hide under the umbrella of culture wherein women are expected to submit to their husband’s and societies’ norms, Aduna said.

“Sometimes we tend to be protective, this is what Filipino does but if we are willing to address those incidents and those issues, we can address them slowly,” Aduna added.

Aduna said gender-based violence can be worsened by one’s situation in life. Worldwide, people who are poor have higher chances of experiencing gender-based violence.

Anti-GBV advocate and ABS-CBN journalist Karen Davila said it is important to recognize everyday circumstances wherein gender-based violence happen, from members of the LGBTQ+ community receiving beating or discrimination from their family because of their actions; having abusive live-in partners and husbands; to children being beaten by their parents as a form of discipline.

Former beauty queen Miriam Quiambao shared how she received verbal and financial abuse from her former husband. According to her, with the knowledge of gender-based violence now, she could have handled those abusive events differently.

“Whenever he called me stupid or whenever he raised his voice at me, I should have told him to stop saying those profane words,” Quiambao said.

“Human rights is for everyone. We all deserve respect, whatever gender you are, you deserve to be respected for who you are, for your choices and you deserve to be spoken to with much respect,” she added.

Deputy Executive Director Lolito Tacardon of the Commission on Population and Development (POPCOM) said “gender-based violence is the worst impact of this pandemic” but with proper intervention, it can be addressed.

“We encourage the people to report gender-based cases,” he said. “The increasing cases of pregnancies among minor and children are results of gender-based violence.”

Tacardon added that the weak and the vulnerable should realize that they have the power to fight against abuses and gender-based violence.

Aduna said gender-based violence should be discussed with children starting with the concept of having healthy boundaries.

“We should discuss GBV with our children, we should begin with consent and healthy boundaries and important boundaries. What is good touch and bad touch,” she said.

Victims were encouraged to report gender-based violence incidents to the PNP's Anti-Violence Against Women and Children Division hotline, 8532-6690, which is open around the clock.

"GBV is not and will never be acceptable," Garcia said.

For those who want to help or volunteer to fight gender-based violence in the Philippines, visit [Facebook.com/LunasCollective](https://www.facebook.com/LunasCollective).

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Commentary and Perspectives

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WORTH READING

The Syria Conflict's Impact on International Law (Cambridge University Press, 2020)
Michael P. Scharf, Milena Sterio, and Paul R. Williams

Written as the decade-long Syria conflict nears an end, this is the first book-length treatment of how the Syrian war has changed international law. In *The Syrian Conflict's Impact on International Law*, the authors explain the history of the current conflict in Syria and discuss the principles and process of customary international law formation and the phenomenon of accelerated formation of customary international law known as Grotian Moments. They then explore specific examples, including how use of force against ISIS in Syria has changed the law of self-defense against non-state actors, how the allied airstrikes in response to Syria's use of chemical weapons have changed the law of humanitarian intervention, and others. This book seeks to contribute both to understanding the concept of accelerated formation of customary international law and the specific ways the Syria conflict has led to development of new norms and principles in several areas of international law.

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Grotian Moment: The International War Crimes Trial Blog:
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