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AFRICA

NORTH AFRICA

Libya

Libya's civil war creates opening for ISIS return as counterterrorism effort falters (The Washington Post) By Sudarsan Raghavan

November 24, 2019

Eight suspected Islamic State members were captured in this scarred city in recent weeks, Libyan commanders say. Militant sleeper cells, they say, lurk in some neighborhoods.

Other militants have set up desert camps to the south, where the Islamic State reportedly hides fighters and weaponry, as Libyan militias that once worked closely with U.S. counterterrorism forces on the ground no longer patrol the area.

These are signs of how the expanding civil war in Libya has created a potential opening for the Islamic State to revive itself in the country, according to Libyan commanders and Western officials.

Today, the militias that targeted the Islamic State are themselves targets of airstrikes by the forces of eastern warlord Khalifa Hifter, who is seeking to oust the United Nations-installed government. The small contingent of U.S. troops that coordinated with the militias left Libya months ago.

"We used to have eyes in the south," said Brig Gen. Nas Abdullah, the top military commander in Sirte. "Now we can't go out there. The planes will bomb us."

Since Hifter launched his offensive on the capital of Tripoli in April, the militants have staged nine attacks, mostly in the south, said U.S. military officials. These included one that killed nine in the city of Sabha and another that targeted an oil field, killing three. In June, the Islamic State asserted responsibility for two bombings that injured 18 in the eastern city of Derna, the group's first attack in the city since 2016.

Those attacks triggered four U.S. drone strikes in September, targeting Islamic State positions in the southern desert, including two attacks on the oasis town of Murzuq, about 600 miles south of Tripoli. Social media reports in Libya suggested that one of the strike's targets was Malik Khazmi, a prominent Islamic State recruiter. The airstrikes marked a resumption of attacks on the Islamic State after a 10-month pause.

The strikes killed 43 militants, roughly a third of the Islamic State forces, according to the U.S. military. A senior U.S. defense official, speaking last month to a small group of reporters on the condition of anonymity to discuss intelligence information, described the attacks as a "pretty significant degradation" of the militants' capabilities.

The U.S. military estimates there are now about 100 Islamic State militants in Libya. But the official, as well as others interviewed, cautioned that the Islamic State branch remains capable of taking advantage of the current power vacuum.

"There is concern that as this conflict goes on, the ability of ISIS and al-Qaeda to regroup is going to grow," said a Western official who spoke on the condition of anonymity to speak freely. "Nobody is under any illusion that we're out of the woods in Libya yet on the counterterrorism front."

After the death of Islamic State leader Abu Bakr al-Baghdadi in a U.S. military strike in Syria last month, even more attention has turned to the status of the group's affiliates around the world.

At its height, the Islamic State had as many as 5,000 fighters in the country and controlled more than 125 miles of the coastline.

Sirte was an extension of the group's self-proclaimed caliphate. The militants also had bases in Derna and in Sabratha in the west. While most of its fighters were homegrown, the Islamic State also attracted nationals from Tunisia, Egypt, West Africa,

Sudan — and even some Americans and Europeans.

Now, three-quarters of the Libyan militias that defeated the Islamic State here are fighting on Tripoli's front lines, taking valuable resources away from the counterterrorism fight.

"Nobody is saying or doing anything," said Gen. Mohammed Haddad, a senior pro-government commander, referring to the international community. "Are we not on the right side? We fought ISIS in Sirte. Now, Hifter is targeting us."

Adding to the Libyans' frustration is a sense they were abandoned by the United States. Top pro-government commanders and officials said that if U.S. counterterrorism ground forces were still in Libya, efforts to battle the Islamic State would be more effective.

"The Americans are not 100 percent supporting us," Haddad added. "I was shocked that when Hifter attacked Tripoli, the Americans here got on board their planes and left. It left a big wound inside me."

Rebecca Farmer, a spokeswoman for the U.S. Africa Command, said that "U.S. forces relocated from Libya due to the deteriorating security situation." She declined to comment on the relationship with their Libyan partners, but said they still coordinate on counterterrorism efforts.

When asked whether the limited ability to access the south could harm efforts to fight the Islamic State, Farmer said she cannot comment on "internal discussions between U.S. and Libyan leadership." She added that "we continue to monitor ISIS" and that "we will take appropriate action as ISIS presents itself."

'People are still worried'

In the past three years, Sirte has slowly resurrected itself.

Entire neighborhoods pummeled by hundreds of U.S. airstrikes during the fight against the Islamic State still lie in ruins. Yet 80 percent of the city's 180,000 people have returned. The university and 67 schools have reopened, local officials said.

Fear, though, lingers. On some store fronts, the stamp of the Islamic State's taxation department remains.

"People are still worried that Daesh will come back," explained Tayeb al-Asayfer, a burly fighter assigned to protect the city, using the Arabic acronym for the Islamic State.

After the ouster of longtime ruler Moammar Gaddafi during the 2011 Arab Spring uprising and NATO intervention, militias ruled their own fiefdoms and rival governments emerged. The Islamic State exploited this unsettled situation.

In 2015, the militants seized Sirte, a metropolis speckled with seaside mansions in Libya's oil crescent, where Gaddafi was born and later killed by rebels in October 2011. As in Syria and Iraq, the militants set up a government and asserted control through public executions, ultraconservative Islamic codes and a cadre of religious police.

In 2016, months after the U.N.-backed government took office, Libyan militias from Misurata launched an offensive against the militants. Backed by U.S. Special Forces and F-16 fighter jets, the militias drove the Islamic State out of Sirte in December 2016. Thousands of militants were killed.

Many of the surviving extremists melted away into urban populations.

Others fled to Libya's ungoverned and lawless southern steppes in search of safe havens. This extension of the vast Sahara desert is vital for the survival of the Islamic State. The militants have set up desert camps, according to U.S. military officials and Libyan commanders. From there, they have seized trucks carrying fuel and gained other revenue by taxing human traffickers and arms smugglers.

And some crossed the border into Niger on their way to joining emerging Islamic State branches or al-Qaeda affiliates.

Despite their much smaller numbers, the militants continued to stage hit-and-run attacks and suicide bombings, seeking to gain fresh recruits and sympathizers.

"We will not allow them to use the current conflict in Libya as protection," Gen. Stephen J. Townsend, the head of the U.S. Africa Command, said in statement after the first U.S. strike.

'They are starting to come back'

In Sirte, the concerns about the Islamic State are growing.

Since April, 10 suspected Islamic State members have been arrested, including the eight in recent weeks, said three Libyan commanders. They included a Libyan female engineer who had walkie-talkies in her house and had transferred money to some residents. Another man was caught after he met with members of alleged Islamic State sleeper cells.

The militants have also erected pop-up checkpoints outside the city to show they are still around.

“They are starting to come back,” said Abdullah, the city’s top commander.

Abdullah’s forces patrol the city day and night. But he worries about the desert, which his men no longer patrol.

After U.S. airstrikes on Islamic State positions, Libyan fighters used to drive to the location to assess damage and gather intelligence. But Hifter has begun to bomb the Libyan forces, including a strike that destroyed their main headquarters. That has kept them from traveling to the sites of more-recent U.S. airstrikes and from patrolling the desert, according to Libyan commanders.

In recent weeks, Libyan commanders and fighters in Sirte have reported militant groups moving in the desert and riverbeds south of the city.

Expanding the war is the best option for Daesh,” said Abdel Aziz Shugmani, 29, who fought the Islamic State here in 2016 and said he saw 15 relatives and friends killed in the battles. “In the desert now, the trade in weapons will grow, and Daesh will benefit from this.”

Muftah Abdusalem, 42, a school janitor, fled Sirte in 2011 because of the anti-Gaddafi revolution and fled again in 2016 when the U.S. airstrikes began. On a recent day, he was rebuilding his destroyed home, a months-long effort determined by what he can save from his meager \$160 monthly income. He knows he may never finish.

“If Daesh comes back, if there’s another war, if I feel any hint of danger, I will leave again,” said the father of four small children.

‘Libya is ground zero’: drones on frontline in bloody civil war (The Guardian) By Dan Sabbagh, Jason Burke, and Bethan McKernan
November 27, 2019

The use of lethal drones was once an area dominated by the US, but has spread rapidly, drawing in new conflicts and causing more civilian casualties as warfare is revolutionised.

The principal battleground is Libya, where both sides in the ongoing civil war are trying to gain air superiority with cheap Chinese-made craft run by the United Arab Emirates on one side, and equally inexpensive Turkish-made drones on the other.

“Libya is ground zero for drone wars,” said Chris Cole, who runs the Drone Wars research group. “A complex network of countries are involved and nobody is precisely sure who is doing what.”

The conflict pits the self-styled Libyan National Army (LNA) of Khalifa Haftar, the 76-year-old military strongman who controls Benghazi and much of the east of the country, against the forces of the rival Government of National Accord (GNA), which holds the capital, Tripoli.

More than 1,000 people have already been killed in the fighting with 120,000 displaced, according to UN estimates. In April, Haftar launched a new offensive, attacking Tripoli and advancing into the south-west of the country. Since, there have been more than 900 drone missions, the UN estimates.

The use of drones intensified when, after rapid early gains, Haftar’s forces were stalled by resistance from a coalition of militias fighting for the GNA. This led to an increasing reliance on air power to gain a tactical advantage in what had become a stalemate and to avoid further military casualties, experts say.

Haftar is supported by Egypt, the UAE and Saudi Arabia. The UAE operates a handful of Chinese-made Wing Loong drones, with an estimated cost of \$1m-\$2m (£800,000-£1.5m), a fraction of the price of a US-made Reaper, where the entry level price is about \$15m.

The GNA, recognised by the UN as the legitimate government of Libya, is backed by Qatar and the fast-emerging drone power Turkey, which has supplied its Bayraktar TB2 drones in at least three waves this year.

In August, UAE-operated Chinese drones fighting for Haftar were blamed for a double strike targeting a town hall meeting in south-western Libya that killed at least 45 people.

Using a controversial “double tap” technique pioneered by the US, the second strike came a few minutes later to target first responders, in the belief they would be connected to the original targets. Guests at a nearby wedding who had come to help were among those killed.

The death toll, which included many children, represents one of the largest single loss of civilian life since conflict began in 2011 after the fall of the dictator Muammar Gaddafi.

Jalel Harchaoui, an expert at the Clingendael Institute in The Hague, said that in recent months Haftar had switched to using cheaper drones after he had abandoned hope of a successful conventional military attack on Tripoli – they were the ideal weapons for a drawn-out campaign aimed at undermining the morale of opponents.

“Air power is playing a bigger role and drones are very useful. We have seen a greater tendency to go after soft targets. Slowly but surely there is a higher tolerance for civilian casualties and there has been no real international condemnation,” Harchaoui said.

There have been dozens of smaller-scale strikes in recent months, including one that hit a riding club close to the UN compound in Tripoli in early October, injuring several children. Most have been blamed on Haftar’s forces, who have been using drones to destroy the GNA’s Turkish-made aerial vehicles on the ground.

Complicating the picture further, the US periodically conducts its own drone strikes aimed at Isis-affiliated groups in the south of the country. Four recently disclosed strikes were claimed to have killed 43 militants in late September, launched from bases in Italy and Niger.

In November last year, Tuareg people living in the south of the country claimed a US drone strike had killed 11 civilians. But Washington said terrorists had been targeted and it believed no civilians were killed.

The military effectiveness of the GNA’s Bayraktur TB2 drones has been proven in Ankara’s long-running battle with the separatist PKK in the south-east of Turkey, which has spilled over into Kurdish areas of Iraq and Syria, where they have been involved in lethal strikes.

Such is Turkey’s success that it has rapidly become a major exporter of medium-range drones, meeting a demand because the US remains unwilling to allow countries in the conflict-torn Middle East to buy its Reaper drones.

The GNA bought 20 TB2 drones from Turkey in the summer, although some replaced drones knocked out by the LNA. Ankara also struck a deal to sell six TB2s to Qatar in 2018 and this year 12 were sold to Ukraine.

Analysts say that in Libya, the deadly air war has been prolonged by the use of the relatively inexpensive drones. Jennifer Gibson, from the human rights charity Reprieve, adds that a long history of secrecy around drone use by the US and its allies has created an increasingly amoral environment around their use.

“New users of drones do not feel any great obligation to admit what they have done, because a precedent for non-disclosure has already been set,” she said.

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CENTRAL AFRICA

Central African Republic

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

Over 300 children killed in CAR conflict (CAJ News Africa) By Oman Mbiko
November 26, 2019

GOVERNMENT forces and rebel groups have forcibly recruited some 473 children as soldiers despite the signing of a peace agreement in the Central African Republic (CAR) earlier this year. It is the most prevalent violation of children's rights.

In total, grave violations have been verified against 1 364 children as well as 138 attacks on schools and hospitals and 342 incidents of denial of humanitarian access to children between 2016 and June 2019.

According to the United Nations (UN), at least 324 children have been killed or maimed. No less than 291 children have been raped or suffered forms of sexual abuse. UN officials confirmed 16 children were detained for their alleged association with armed groups during the conflict in the Central African country.

The violations have overshadowed advances achieved by the government of President Faustin-Archange Touadera and 14 armed groups that signed a peace deal in February 2019. The release of more than 8 600 children from the warfare since 2016 is among the highlights. "Notwithstanding these positive steps, the security situation remained fragile in the country and boys and girls continued to endure dreadful acts of violence," said Virginia Gamba, UN envoy for Children and Armed Conflict.

The country of some 5 million people spilled into conflict in 2013 when Muslim rebel groups overthrew the government of Francois Bozize Yangouvonda.

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Sudan & South Sudan

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

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WEST AFRICA

Côte d'Ivoire (Ivory Coast)

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

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

Kogi election: Buhari asked to arrest killers of PDP women leader or face ICC (Daily Post) By Seun Opejobi
November 25, 2019

The Human Rights Writers Association of Nigeria, HURIWA, has tasked President Muhammadu Buhari to ensure that the armed thugs allegedly belonging to his party, the All Progressives Congress, APC, who burnt the Women Leader of Peoples Democratic Party, PDP, in Kogi State, Mrs. Acheju Abuh are arrested, prosecuted and punished.

HURIWA warned that failure to meet its demand, Buhari's government would be dragged before the International Criminal Court, ICC, in The Hague, Netherlands.

The prominent rights group lambasted Buhari, the First Lady Aisha, Women Affairs Minister Mrs. Pauline Tallen and the leadership of the National Council for Women Societies and Women Rights campaigners over their collective silence on "this atrocious burning of a woman to a gruesome death by armed thugs of the ruling political party only because of her political beliefs and for her support for the governorship candidate of the People's Democratic party (PDP)."

In a statement by its National Coordinator, Emmanuel Onwubiko and sent to DAILY POST, the rights group said: "HURIWA is shocked and saddened that For over a week since after this satanical atrocity happened of setting ablaze a Woman by armed political thugs who have till now not been arrested and the leadership of Women in Nigeria led by the wife of the president has said nothing nor has the ministry of Women Affairs or the National Council of Women Societies added their voices in condemnation of this evil act.

"The silence is painful and for the fact that Mr. President went about celebrating the pyrrhic victory of his candidate Yahaya Bello in the Kogi election and could not even order for the observation of some minutes of silence to honour the memory of the PDP women leader killed by armed thugs of APC in Kogi shows the devaluation of the sanctity of human life under the current dispensation.

"The act of burning this woman to a painful and undeserving animalistic death is such that if the killers are not arrested and punished within a record time then civil Rights bodies can file a petition before the International Criminal court in The Hague Netherlands to possibly try the Kogi state governor for alleged crimes against humanity even as the Inspector General of Police Mohammed Adamu may be included in the list of the accused persons since the Nigerian police force managed the security during the Kogi governorship poll during which this lady was set alight and killed willfully.

"The President Muhammadu Buhari who thinks since he is in his last tenure he can afford to be reckless could even be named as an interested party because as the commander-in-chief of the Armed forces of Nigeria this sort of atrocity happened and his administration failed in their obligation to prevent the violations of human rights including the violation of the Rights to life of the PDP's Women Leader killed in Kogi State. By becoming parties to international treaties, States including Nigeria, assume obligations and duties under international law to respect, protect and fulfil human rights for all persons within their territory or jurisdiction, without discrimination of any kind.

"Further, "States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations. Under these universal obligations, the Nigerian government ought to have put mechanisms in place to prevent the burning to death of the Women Leader of People's Democratic party in Kogi state and worst still, the Nigerian Police Force had over 60,000 armed police operatives in Kogi state during the governorship election but these armed security forces refused to prevent the atrocious burning to death of the opposition politician who was a Women Leader of People's Democratic party ".

Citing documents of the International Human Rights Council, HURIWA affirmed that: "The obligations of States include the duty to protect against human rights abuse by third parties, including private actors. States may breach their international human rights law obligations where they fail to take appropriate steps to prevent, investigate, punish and redress private actors' abuse like in the case of the Women Leader of People's Democratic party in Kogi state burnt to death by violent fanatics of All Progressives Congress. The obligation to prevent human rights violations is expressly formulated in some treaties and has been addressed more broadly in human rights treaty bodies' General Comments and reports, notably in relation to: the prevention of torture, genocide, mass atrocities, incitement to hatred, violent extremism, and the elimination of

discrimination on particular grounds (such as race, religion or belief or sexual orientation (A/HRC/29/23)) or with regard to a particular group (such as women, persons with disabilities and minorities (A/HRC/28/30, paras. 13–14); A/69/66).. Nigeria is a signatory to all these treaties.”

HURIWA stated that the killing of the PDP’s Women leader took place because the “Nigerian State failed in its obligation to prevent such callous and heartless act of violence on an innocent citizen just as the Rights group reminded the Federal government that the consideration of prevention of violation of these specific rights highlights some common features and approaches to prevention, including the identification of risk and mitigating factors, and the development of some practical tools.”

“For example, the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity requires “sustained efforts to build the resilience of societies to atrocity crimes by ensuring that the rule of law is respected and that all human rights are protected, without discrimination. Sadly, the sanctity of human life has overtime under the current dispensation in Nigeria suffered grave violations with many citizens getting killed by armed non state actors and many others are extra-legally executed by state-sponsored security forces and not a single indicted person is prosecuted just like in the instant case of the Women Leader of People’s Democratic party in Kogi state,” it added.

HURIWA recalled that the Women Leader of Wada Aro Campaign Council, Ochadamu ward, Mrs. Acheju Abuh, was burnt alive in her home by suspected thugs.

HURIWA said what happened was a hate crime and pure act of criminal murder because her killing was related to her political beliefs just as she was also the Women Leader for the campaign organisation of the Peoples Democratic Party governorship candidate, Musa Wada, in the just-concluded governorship election in the state.

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Mali

Islamic State claims massacre of troops in Mali, where it is gaining ground (Washington Post) By Danielle Paquette November 21, 2019

The Islamic State has asserted responsibility for an attack that killed 30 soldiers this week in the West African nation of Mali, where extremists are gaining ground in their bloody pursuit to seize territory.

In a statement late Wednesday, the group’s self-described West Africa arm said it also wounded 30 soldiers in the attack while mentioning no deaths among its fighters.^[1]^[SEP]

The Malian army, which routinely tangles with extremists in the country’s restive north, said Tuesday that 17 militants were killed in the fight at Tabankort in the Gao region, which borders Burkina Faso and Niger.^[1]^[SEP]

U.S. officials say the Sahel region, which lies south of the Sahara Desert, threatens to become a safe haven for terrorists to plot and carry out attacks worldwide. Mali, which is about twice the size of Texas, is a particularly troubling hot spot.^[1]^[SEP]

“The rapidly spreading instability in the Sahel threatens U.S. national security and undermines our diplomatic goals,” Whitney Baird, deputy assistant secretary of state for West Africa and security affairs, said at a congressional hearing this month.^[1]^[SEP]

“It enables the spread of terrorism, stifles economic growth and thwarts democratic institutions,” she said.^[1]^[SEP]

More than 100 soldiers have died in Mali since October in near-weekly clashes as the resource-strapped country tries to shake off a scourge that took root after the Libyan government collapsed in 2011.^[1]^[SEP]

Heavily armed mercenaries once employed by Libyan leader Moammar Gaddafi streamed back to their native Mali, triggering a chain reaction of violence that regional security forces and international partners, including France, have since struggled to quash.^[1]^[SEP]

On Wednesday evening, the Malian army’s Twitter account posted photos of the country’s red, yellow and green flag draped

over 30 wooden coffins. “Emotions were high,” the tweet said.

The funeral came two months after Islamic State leader Abu Bakr al-Baghdadi, who was killed by U.S. forces in October, called on followers around the world to take up arms after the group lost its strongholds in Iraq and Syria.

“From [Afghanistan] to Iraq to Yemen to Somalia to western and central Africa,” Baghdadi said in the September audio message, “sacrifice your lives if you have to.”

Militants with ties to the Islamic State and al-Qaeda, meanwhile, have expanded their reach in Mali and Burkina Faso by provoking feuds between ethnic groups and offering to protect victims of the bloodshed they are stoking.

The terrorists “broke down systems that usually deal with intercommunity violence,” Dennis Hankins, the U.S. ambassador to Mali, told The Washington Post in October.

More than 800 civilians have died in the violence since January, up from about 574 in the previous year, according to the Armed Conflict Location and Event Data Project.

And at least 140,000 Malians have fled their homes this year, according to a fall report from the Internal Displacement Monitoring Center — an almost sevenfold increase from the previous year.

Mali has sent a third of its armed forces into the country’s conflict-shaken center and north, where soldiers are supported by French and U.N. forces. (The United States provides some logistical help and intelligence.)

The attack this week in Gao was the third deadly ambush of Malian soldiers by extremist groups in two months.

The Islamic State also asserted responsibility for a strike in early November that killed at least 53 soldiers, and an al-Qaeda branch said it carried out September raids that killed 38 soldiers.

The militants are known for using increasingly sophisticated equipment.

A regional group known as the G5 Sahel force, composed of troops from Mali and four neighboring countries, said this month that it destroyed an extremist bombmaking workshop in Mali during a two-week mission.

West African leaders have earmarked \$1 billion over the next five years to fund the fight, but security analysts say the effort needs more assistance from the international community.

“After the defeat of ISIS in Syria and Iraq, the Sahel region is the strategic future of globalized jihadism,” said Bakary Samba, director of the Timbuktu Institute-African Center for Peace Studies in Dakar, using an alternative acronym for the Islamic State. “Terrorist groups are taking advantage of Libyan chaos and weak states to exploit vulnerabilities and plant local roots.”

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Liberia

Dutch war criminal to contest extradition (Independent Online) By Mike Behr

December 01, 2019

Cape Town - A Dutch war criminal living in Constantia will spend Christmas in Pollsmoor Prison if a Cape Town Magistrate’s Court finds him liable for extradition to the Netherlands, where he faces a 19-year jail sentence.

According to senior prosecutor Christopher Burke this is likely because it appears Guus Kouwenhoven, 77, is liable - no matter what his legal team bring to court.

Kouwenhoven ticks all three boxes determining liability argued Burke, handing up a High Court judgment this week that ruled in his favour in another one of his extradition matters that covered similar legal ground.

Kouwenhoven was convicted and sentenced “finally and irrevocably” in a Netherlands Court of Appeal for offences including

“complicity in co-committing violations of the laws and customs of war” resulting in multiple deaths and rape.

“These offences involve, amongst other things murder, (including decapitating civilians, throwing babies against walls and in wells), rape, torture and looting/plundering as set out in article 3 of the Geneva Conventions dated 12 August 1949”.

His offences also include gun-running for ex-Liberian president and warlord Charles Taylor between July 21, 2001 and May 8, 2002. According to the Dutch court, Kouwenhoven ran two timber companies in Liberia which he used as cover to smuggle arms.

At the time, Liberia was in the grip of a civil war between Taylor’s government and several rebel factions. Liberia’s string of conflicts since the 1990s left an estimated 250000 people dead. Thousands more were mutilated and raped.

Taylor stepped down in 2003. He was arrested in 2006 and in 2012 sentenced to 50 years in prison for aiding and abetting war crimes in Sierra Leone by the Special Court for Sierra Leone.

Kouwenhoven was also liable for extradition, argued Burke, because his war crime offences are included in an extradition agreement and were committed within the legal jurisdiction of the Netherlands.

Burke highlighted that in South Africa war crimes are punishable in terms of the Geneva Conventions and jurisdiction was not limited to South African nationals, space or time.

“South Africa has jurisdiction over war criminals of any nationality, regardless of the nationality of the victims and no matter where in the world or when the crimes were committed.”

In conclusion, Burke wants the court to “issue an order committing Kouwenhoven to prison to await the decision of the minister of justice and constitutional development with regard to his surrender to the Netherlands and inform Kouwenhoven that he may within 15 days appeal against such order to the High Court”.

Judging by his lengthy opening address, Kouwenhoven’s advocate Anton Katz SC will make a strong case in his counter-argument on Monday. If Friday’s address was anything to go by, every procedure followed by the State and every document filed will be scrutinised right down to the last semicolon in a bid to keep Kouwenhoven living in the luxury that he is accustomed to.

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EAST AFRICA

Uganda

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

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Kenya

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

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Prosecute Twagiramungu, Belgium urged (The New Times) By James Karuhanga
December 3, 2019

Belgium-based former Rwandan Prime Minister Faustin Twagiramungu, who openly supports genocidal forces that have, among other atrocities, killed civilians in south-western Rwanda, should be prosecuted instead of being given a safe haven in Europe, experts and observers have said.

Twagiramungu, in a recent video, openly urged Rwandans to join MRCD Ubumwe-FLN, a terrorist network operating in the east of neighbouring DR Congo, to wage war on their country, remarks that have drawn the ire from many.

Genocide scholar and researcher Tom Ndahiro told The New Times that: "He [Twagiramungu] should be prosecuted for his support to terrorism and war. It is against the law and Belgium knows that. According to Article 17 of the European Convention on Human Rights, such a speech is not protected and one can get decisions which are applicable to his utterances."

Drafted in 1950, the European Convention on Human Rights is an international convention to protect human rights and political freedoms in Europe.

Ndahiro said Belgium is party to the International Covenant on Civil and Political Rights, and "any propaganda for war shall be prohibited by law."

Rwanda's Minister of State in charge of the East African Community, Amb. Olivier Nduhungirehe, said: "It's not acceptable that a Belgian citizen or resident can sit in Belgium and call for Rwandans to join an armed and terrorist group on foreign soil. He has done this publicly and explicitly."

The DR Congo government has demonstrated its committed to addressing the insecurity problem in the eastern parts of the country.

Its military has dealt a heavy blow to armed groups opposed to Rwanda, which operate there.

Over the weekend, they also overwhelmed Twagiramungu's MRCD Ubumwe-FLN, from its bases and killed its top commander Gen Jean Pierre Gaseni.

In September, they killed the former supreme commander of the genocidal militia, FDLR, Sylvestre Mudacumura who evaded capture for over a decade.

Just last month, the Congolese army killed another commander of RUD-Urunana, General Musabyimana Juvenal, alias Jean-Michel Africa.

'Serious investigation'

According to Dr Alphonse Muleefu, a Senior Lecturer in the School of Law at the University of Rwanda, statements of people like Twagiramungu, calling for the support of FLN, MRCD's military wing, the group responsible for recent attacks targeting civilians in and around Nyungwe Forest, raises at least three legal issues that deserve some serious investigation.

Understanding these issues is very important, he noted, because of the serious nature of the alleged violations the group is responsible for according to Rwandan laws, but also because of the location of individuals making those statements; Europe.

Muleefu said: "The fact that these individuals are making these statements based in European cities requires us to reflect on its implications in relation to the European Convention on Human Rights (ECHR), especially in as far as the protection of the freedom of expression is concerned."

"The protection of freedom of expression does not cover statements inciting hatred or violence; it has never been the spirit of human rights instruments in Europe or elsewhere. Different human rights provisions provide for the restriction of the right to

freedom of expression in the interest of other values such as public order, moral values and peace.”

Muleefu explained that the protection of freedom of expression is to allow people in a democratic society to express themselves even if their views might be controversial but it does not go as far as supporting violence or hatred.

The legal issues that arise when someone in a foreign country makes a statement calling people to join a violent armed group against another country are threefold, he said.

The position Rwanda has taken is that FLN is a terrorist group, he added, and therefore the first issue to investigate is whether its conduct of targeting civilians fits the description of terrorist organizations according to the laws of countries hosting those individuals making such statements.

“It can be fairly argued that, in this case, this determination might not be very difficult to reach given the fact that FLN has adopted tactics similar to those of FDLR, which is already on the list of terrorist organisations in different countries.”

“If this determination is accurate, then calling for the support of FLN is tantamount to supporting terrorism, which is punishable in different countries. And, as some people have indicated, the case of ROJ TV A/S against Denmark is interesting in this situation.”

Roj TV was a satellite television that promoted activities of PKK broadcasting in the Kurdish language throughout Europe and the Middle East.

The varsity don noted that the Copenhagen City Court after determining that ‘the PKK was on the list of terrorist organisations in the EU, Canada, the US, Australia and the UK’, and that Roj TV was promoting the views of the PKK, concluded that Roj TV had breached the anti-terrorism laws and its owners were found guilty of “promoting terrorism.”

The decision was upheld at all levels of appeal in Denmark and at the European Court of Human Rights.

Second, Muleefu said, it is now possible to link Twangiramungu and others supporting FLN to all the violations of human rights the group is responsible for, as accomplices or accessories to those crimes.

“In this scenario, we can refer ourselves to the case of Ignace Murwanashyaka and Straton Musoni in Germany where, in 2014, the two FDLR leaders were convicted of supporting and being members of a terrorist group abroad and responsible for the group’s serious violations of human rights.”

Third, he said, it is an important legal and diplomatic or political question to put to countries hosting people spreading violent propaganda – in particular Belgium.

It is important to ask, he noted, why such countries do not intervene to regulate political activities of foreigners on their soil, since such intervention would conform to Article 16 of the ECHR, especially when such activities are in contradiction with the international community’s effort to bring peace to DR Congo and Africa’s Great Lakes region, in general.

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Somalia

US Airstrike Targets Al-Shabaab in Somalia (AirForceMag) By Rachel S. Cohen
December 2, 2019

The US targeted members of the al-Shabaab terror group in a Nov. 30 airstrike near Jilib, Somalia, US Africa Command said in a press release the same day.

AFRICOM did not say whether anyone died in the strike, but noted it does not believe any civilians were injured or killed.

“US Africa Command will continue to work with its partners to transfer the responsibility for long-term security in Somalia to the Federal Government of Somalia and its member states,” the release stated.

“US forces will use all effective and appropriate methods to assist in the protection of the Somali people, including partnered

military counterterrorism operations with the Federal Government of Somalia, [African Union Mission in Somalia], and Somali National Army forces.”

AFRICOM has reported dozens of US airstrikes in Somalia this year, as the command says the Jilib-area attacks disrupt al-Shabaab’s ability to maneuver.

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EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Bosnia Arrests Ex-Soldier for Abducting, Killing Bosniaks (Balkan Transitional Justice) By Emina Dizdarevic
December 2, 2019

State Investigation and Protection Agency, SIPA police officers on Monday arrested ex-serviceman Sabahudin Kajdic, alias Sasa, for allegedly committing a crime against humanity in July 1992.

Kajdic was charged as a former member of Prijedor Motorised Brigade of the Bosnian Serb Army.

“He has been charged with having participated, in collaboration with other Bosnian Serb Army members, in the forced abduction of two Bosniak civilians, who have been missing without trace since, from the village of Gornja Puharska in the municipality of Prijedor in July 1992, as well as the abduction and murder of two civilians, who were killed at Jordan Njive locality after having been taken away from their homes,” the state prosecution said in a statement.

Kajdic will be handed over to a prosecutor for questioning.

Bosnian Serb Ex-Soldier Charged with Murdering Civilian (Balkan Insight) By Lamija Grebo
December 2, 2019

The Bosnian state prosecution said on Monday that it has issued an indictment charging ex-soldier Tadija Mitrovic with participating in the persecution of the Bosniak civilian population during a widespread and systematic attack by the Bosnian Serb Army and police in the Bratunac area during wartime.

“He has been charged with having gone, armed and uniformed, and accompanied by other Bosnian Serb Army members, to the village of Glogova in May 1992 and searched for Bosniak civilians with the aim of killing those civilians, and personally participated in the murder of a Bosniak civilian who they found in the vicinity of his house,” the prosecution said in a statement.

The indictment, which charges Mitrovic with crimes against humanity, has been forwarded to the state court for confirmation.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

Serbian Ex-Soldier Goes On Trial for Kosovo Killings (Balkan Insight) By Milica Stojanovic
November 22, 2019

Predrag Vukovic, a former member of the 177th Yugoslav Army Unit, which allegedly participated in war crimes in four Kosovo villages in May 1999, appeared in court for the first time in Belgrade.

Former serviceman Predrag Vukovic, alias Madzo, who was arrested in Montenegro last year, appeared for the first time at Belgrade Higher Court on Friday at the trial of Yugoslav Army ex-soldiers for war crimes in Kosovo in May 1999.

According to the indictment, members of the 177th Yugoslav Army Unit entered the village of Zahac/Zahaq and the neighbouring villages of Cuska/Qushk, Pavlan and Ljubenic on May 14, 1999, killing at least 118 ethnic Albanians and forcing the rest to leave Kosovo for Albania.

One of them was Vukovic, whose name was previously not listed in the indictment, but the amended indictment charging him was read out in court on Friday.

Vukovic is accused of participating in killing and wounding ethnic Albanian civilians and burning their houses in the villages of Ljubenic and Cuska/Qushk.

He is currently in prison in Sremska Mitrovica in Serbia, where he is serving a sentence for another crime.

Vukovic was arrested in July 2018 in Montenegro, initially for illegal fishing, and gave a false name.

However, after security checks, police determined his true identity and the Montenegrin authorities discovered that he was wanted in Serbia for numerous crimes.

The ex-soldiers on trial were initially convicted in 2014 and sentenced to a total of 106 years in jail, but the Serbian appeals court reversed the verdict in 2015 and sent the case for a retrial.

BIRN investigated the killings in its documentary film 'The Unidentified', which revealed the scale of the crimes committed in the four Kosovo villages in 1999, while also uncovering the command structure of the police and army units that were involved.

Serbia Holds Bosniak Ex-Fighter for Alleged Prisoner Torture (Balkan Insight) By Milica Stojanovic
November 25, 2019

Former fighter Osman Osmanovic, suspected of assaulting and abusing captured Serb civilians and prisoners of war in the summer of 1992 in Bosnia and Herzegovina, was remanded in custody by a Belgrade court.

Belgrade Higher Court on Monday remanded ex-fighter Osman Osmanovic in custody for up to 30 days because he is under investigation for war crimes against civilians and prisoners of war at the Rasadnik prison camp in Gornji Rahic in Bosnia and Herzegovina's Brcko area during the summer of 1992.

The Serbian prosecutor's office said in a statement that Osmanovic, "as a member of the Croatian Defence Council (HVO), and later of the Army of Bosnia and Herzegovina, along with several members of his unit, inflicted bodily injuries, tortured, abused and intimidated civilians and captured members of the Army of Republika Srpska [Bosnian Serb Army]".

Osmanovic was arrested on Saturday evening.

The prosecutor's office told BIRN that it called for him to be remanded because of fears that he might abscond.

After media reported on Osmanovic's arrest, the Bosniak member of Bosnia and Herzegovina's tripartite presidency, Sefik Dzaferovic, argued that it was not acceptable for Serbia to judge Bosnian citizens.

"It is up to our institutions – the Foreign Affairs Ministry, the Ministry of Justice and state judiciary institutions – to get involved immediately, in order to bring this matter into line with the principles of international law," Dzaferovic said.

The Appeals Court in the Brcko district sentenced ex-fighters Galib Hadzic and Nijaz Hodzic to two years and ten months and one year in prison respectively in 2015 for torturing prisoners at the Rasadnik jail camp. Osmanovic was a witness at the trial.

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Turkey

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MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

**Iraq shaken by one of its 'worst' days of protests; at least 13 killed (Fox News) By Talia Kaplan
November 24, 2019**

At least 13 anti-government protesters were killed Sunday by Iraqi security forces in one of the "worst" days of violence in the country's south amid widespread ongoing demonstrations against corruption, officials said.

Since the anti-government protests broke out in early October, at least 342 people have been killed and thousands more wounded in Baghdad and various southern provinces.

Demonstrators have taken to the streets by the tens of thousands over what they've called widespread corruption, a lack of job opportunities and poor basic services, despite the country's oil wealth.

Seven protesters were killed Sunday in the southern province of Basra, near the main Gulf commercial port Umm Qasr, when Iraqi authorities used live fire and tear gas to diffuse the situation, according to security and hospital officials who did not want to be identified.

Four protesters reportedly were killed in Nassiriya province, and one killed in both Najaf, the seat of Iraq's Shiite religious authority, and Diwanieh provinces.

At least 150 demonstrators were injured across Southern Iraq.

Protesters had cut roads leading to the Umm Qasr port, halting all trade activity. In Nassiriya on Sunday, protesters used burning tires to block key roads and main bridges. Protestors set fire to the city's Shiite Endowment building, a governing body regulating the administration of mosques.

In Baghdad, at least 13 people were injured as clashes between anti-government protesters and security forces continued for a fourth day.

In the capital city, at least 16 people have been killed and over 100 injured in the renewed clashes, which kicked off last Thursday as protesters tried to scale a concrete barrier on historic Rasheed Street causing security forces to fire live ammunition, tear gas and rubber bullets to repel protestors.

The leaderless uprising has aimed to demolish the sectarian system and unseat the government, including Prime Minister Adil Abdul-Mahdi.

In statements, the international community, including the United Nations and the United States, denounced the use of force against peaceful protesters.

Secretary of State Mike Pompeo said last week that the U.S. would hit Iraq with new financial penalties to punish the tactics used to repel demonstrators.

"We will not stand idle while the corrupt officials make the Iraqi people suffer," Pompeo told reporters in Washington, adding that the U.S. "will use our legal authorities to sanction corrupt individuals that are stealing Iraqis' wealth and those killing and wounding peaceful protesters."

There was no indication that the protest movement has affected the production of oil, which has accounted for nearly 90 percent of Iraq's state revenue through exports.

Fox News' Bradford Betz and The Associated Press contributed to this report.

Separate ISIS attacks in disputed Diyala province leaves at least 5 dead, dozens injured (Kurdistan 24) By Haram Jaff
December 2, 2019

Separate Islamic State attacks in the disputed province of Diyala on Sunday left at least five people dead and dozens more injured.

A source in the Garmiyan area told Kurdistan 24 that Islamic State fighters attacked the Islah village near Jalawla, where they clashed with Iraqi forces. "At least six people were wounded, and one dead in the melee," the source said, without elaborating further.

Elsewhere, an Islamic State attack at an oil site in Jalawla near the Khanaqin – Baqubah road left at least four Hashd al-Shaabi members dead, and 16 others injured, the source said. Iraqi media reported nearly 50 injuries.

The wounded were brought to local hospitals in Diyala for treatment, the source added.

Despite Iraq having declared a military defeat against the terror group in late 2017, the Islamic State continues to pose a threat in the region.

Indeed, the extremist group attacked a small town in a part of the Kurdistan Region known as Garmiyan late on Friday, killing three and injuring eight others, including two children.

On Saturday, separate bombings in the disputed province of Kirkuk left at least 16 people injured, security and health officials said.

Officials in the Kurdistan Region have often called on the relevant authorities to address the root causes that led to the rise of the Islamic State, warning that the group's ideology remains a risk.

44 killed in anti-government protests in Iraq (DD News)
November 29, 2019

Iraqi security forces yesterday shot dead 44 people in the country's south in one of the bloodiest days of violence since the anti-government protests erupted in early

October.

In Nasiriya city, 33 protesters were reported killed after security forces used live ammunition and tear gas canisters on crowds while another 11 people were killed in Shia holy city of Najaf, where an Iranian consulate was torched a day earlier by angry protesters.

Security sources told another 233 people were wounded in the crackdown on protests in Nasiriya. The Iraqi Government fired Lieutenant General Jamil al-Shammari, who was appointed a day earlier to manage the unrest in Dhi Qar Province, of which Nasiriya is the capital, following the deadly violence.

Amid escalating protests in the country's south authorities in the capital, Baghdad, dispatched troops to restore order there, which has seen significant protests for weeks.

Daesh/ISIS attacks Popular Mobilization Forces in Iraq (AA) By Dilara Hamit
December 2, 2019

Two members of the al-Hashd al-Shaabi were killed and five wounded Sunday in an attack in the city of Diyala in eastern Iraq organized by the Daesh/ISIS terrorist organization.

The umbrella group of predominantly Shia militias, which is also known as the Popular Mobilization Forces, was founded in late 2014 to fight the Daesh terrorist group.

The group was formally incorporated into the Iraqi army last year despite being accused of committing rights violations in parts of the country under its control.

Lieutenant Habib al-Shamri of the Iraqi police told Anadolu Agency that the headquarters of the forces was targeted.

In June 2014, the Daesh/ISIS terrorist organization seized one-third of Iraqi territory including Mosul.

In December 2017, Iraqi forces had largely taken back the territories held by Daesh/ISIS.

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Syria

In Syria, A Mutilated Corpse, Video Evidence, And New Scrutiny For Russian Mercenaries (RadioFreeEurope, RadioFreeLiberty) By Matthew Luxmoore
November 21, 2019

The graphic video shows four men in camouflage gear exchanging jokes in unaccented Russian as they pour flammable liquid over a man's mutilated corpse strung up on two wooden beams.

Before setting it alight and watching it burn as they pose for the camera, they scrawl a Russian phrase praising the country's airborne forces on its chest.

The clip of the brutal murder in Syria, apparently filmed in the summer of 2017, resurfaced this week in the wake of an investigation by Russian newspaper Novaya Gazeta.

The newspaper ties the men to Vagner, a shadowy Russian mercenary group widely believed to be spearheading the expansion of Russian influence across Africa and the Middle East.

In its report published late on November 20, Novaya Gazeta identified one of the men shown in the clip as a former police officer from the southern Russia region of Stavropol who promised to "represent the interests of Russia abroad" in a form he allegedly submitted to Vagner upon joining the organization in 2016.

The newspaper identifies the man by his first name and the first letter of his surname but withholds his full name amid

concerns for his family's safety.

Questioned about the clip and Novaya Gazeta's report, the Kremlin denied any knowledge of the men depicted.

Dmitry Peskov, a spokesman for President Vladimir Putin, said he had not had time to watch the video. But he denied that Russia's armed forces had any connection to the incident.

"I'm convinced this has nothing to do with the Russian military operation in Syria," Peskov told reporters.

Asked whether the Kremlin is aware of accusations of potential war crimes allegedly committed by some of the Russian mercenary groups fighting in Syria, Peskov answered: "This is not a question for the presidential administration."

Vagner is one of the best-known of several Russian private military companies that have come into being over the past decade. The company is widely believed to be controlled by Yevgeny Prigozhin, a longtime associate of Vladimir Putin who once served as the Russian president's chef.

He has previously denied any links to the group, though various investigations have linked him to its activities.

Prigozhin is also believed to have created and funded the Internet Research Agency, an online "troll farm" that U.S. authorities have charged with waging a propaganda-and-influence campaign in a bid to sway the 2016 U.S. presidential election.

Prigozhin, who had been charged by U.S. Special Counsel Robert Mueller in early 2018, was slapped with new U.S. Treasury Department sanctions on September 30, in an announcement that also included photographs of three jets and a 122-foot yacht that purportedly belongs to Prigozhin or his companies.

Vagner's operations have always been shrouded in secrecy, but its role in Syria came into the spotlight in February 2018 when U.S. military commanders launched a massive ground and air assault against a column of fighters and weaponry in the eastern province of Deir al-Zor.

Then-CIA Director Mike Pompeo told Congress that a "a couple hundred Russians" were killed in the attack.

The Defense Ministry denied any Russian uniformed personnel were killed.

Then as now, the Kremlin denied any ties to Vagner, but the incident put major pressure on Russia to explain the presence of private mercenaries.

The video published by Novaya Gazeta appears to be just one instalment of a series of clips that record the same incident at the hands of Russian-speaking fighters, including the victim's torture, mutilation, and, ultimately, decapitation.

In another part of the video that originally surfaced in 2017, the four men laugh to a soundtrack of Russian rock music as they use a sledgehammer to crush the hand of a man shown pinned to the ground wearing bloodied civilian clothes in what appears to be an industrial zone.

The Novaya Gazeta report added more clarity to an incident that prompted anger and confusion when evidence of it first surfaced. Four days before the newspaper report, the Syrian news site Jesr Press published what it claimed was the victim's name: a 33-year-old from Deir al-Zor who had left the country when civil war broke out but reportedly returned in 2017 to join government forces propping up the rule of President Bashar al-Assad.

According to Jesr, the man was captured by Russian forces after a desertion attempt from the Syrian Army.

Jesr said the killing took place near the al-Shaer oil field in the Syrian province of Homs, which at the time of the incident, would have been under the control of the Russian-backed government of Assad.

Contacted by Novaya Gazeta, relatives and friends of the Russian man, named as Stanislav D., either did not respond or denied any affiliation with him. His wife, according to the newspaper, deactivated her social media account when she received follow-up questions from its reporter.

An image uploaded to social media shortly before the article was published shows four men posing before a decapitated body in what appears to be the same spot shown in the videos. Their faces are uncovered.

The newspaper also offered to hand over materials acquired to Russian law enforcement. It's unclear if Russian investigative agencies have conducted, or intend to conduct, any such investigation.

Vagner and other Russian private military companies have helped advance Moscow's influence efforts in regions beyond the

Middle East, targeting countries that are often rich with natural resources and vulnerable to political influence from the outside.

Journalists, open-source researchers, and other observers have tracked Russian military companies to operations in the Central African Republic, Mozambique, and Libya. A report published earlier this month by the Washington-based New America Foundation and Arizona State University said that Moscow's reliance on private military companies had brought benefit to the Kremlin, including a cheaper, quicker, and more clandestine way of expanding Russia's influence.

"Yet, [private military companies] also pose substantial risks for a regime determined to keep a lid on domestic outcry over its military adventurism and to manage blowback," the report said. "The advent of the digital age means [such companies'] activities are often hidden in plain sight, and disinformation is no longer a fail-safe remedy when the secrecy of covert operations is compromised."

Turkey's 'safe zone' in northern Syria unsafe for civilians, says report (The Guardian) By Bethan McKernan
November 27, 2019

Turkey's newly established "safe zone" in northern Syria is far from safe, according to a report by a human rights watchdog, citing ongoing fighting and abuses such as executions and home confiscations.

Turkish forces invaded a formerly Kurdish-held strip of land on the Syrian border last month, then agreed to a ceasefire in the operation against the Kurdish-led Syrian Democratic Forces (SDF) after talks with the US and Russia. The SDF and Turkey, however, have accused each other of regular violations.

The New York-based Human Rights Watch (HRW) said on Wednesday that Turkish-backed Syrian rebel groups that had done much of the fighting on the ground could be guilty of war crimes against the local population, the majority of which is Kurdish.

"Contrary to Turkey's narrative that their operation will establish a safe zone, the groups they are using to administer the territory are themselves committing abuses against civilians and discriminating on ethnic grounds," said Sarah Leah Whitson, the Middle East director at HRW.

"Executing individuals, pillaging property and blocking displaced people from returning to their homes is damning evidence of why Turkey's proposed 'safe zones' will not be safe," she added.

At least 17 people were killed and 20 wounded on Tuesday after a car bomb exploded in the village of Tal Halaf near the strategic centre Ras al-Ayn, which is under the control of the Turkish military. Ankara blamed the attack on the Kurdish People's Protection Units (YPG), which it says is the Syrian offshoot of the outlawed Kurdistan Workers' party (PKK) that has waged an insurgency against the Turkish state since 1984.

The latest wave of violence in Syria's almost nine-year-old war was triggered by Donald Trump's announcement that US troops would withdraw from Kurdish-held areas of the country. The decision was widely considered a betrayal of the US's ground partner in the fight against Islamic State.

Turkey is seeking to repatriate up to 2 million of its 3.6 million mainly Arab Syrian refugee population in the safe zone. Last week, Turkish state media said 70 Syrians, including women and children, crossed the border to Ras al-Ayn, the first of the planned returns.

The repatriation policy has faced fierce criticism from Turkey's international allies, who say the plan amounts to demographic engineering.

'When they come, they will kill you': Ethnic cleansing is already a reality in Turkey's Syrian safe zone (The Independent) By Richard Hall
November 29, 2019

The brutal killings were not hidden, nor were they meant to be. From the very beginning of Turkey's invasion of northern Syria, the fighters it sent across the border to carry out the mission have proudly documented their own war crimes.

Videos posted online by soldiers of the Turkish-backed Syrian National Army (SNA) – showing summary executions, mutilation of corpses, threats against Kurds and widespread looting – have struck terror into the tens of thousands who find themselves in the path of the offensive.

The ethnic dimension to many of the crimes has resulted in a mass exodus of Kurds and religious minorities from these once diverse borderlands.

Now, stranded in displacement camps across northeast Syria and in neighbouring Iraq, they fear they may never be able to return home. And that, they believe, was precisely the point.

“No one can go back there now, it’s impossible,” says Muhammad Amin, 37, a Kurdish man who fled with his family from the city of Ras al-Ayn in the first days of the Turkish-led operation.

“We’ve seen the videos,” he tells The Independent at a camp near the Syrian town of Tal Tamr. “They are shooting Kurdish people where they find them.”

The same story is being told by countless others like Amin, in the camps and temporary shelters that have sprung up in the past two months. Taken together, they paint a picture of a dramatic demographic change.

Turkey launched a long-planned incursion into Syria on 9 October to establish what it described as a “safe zone” some 20 miles deep and 300 miles wide along the border.

Recep Tayyip Erdogan, the Turkish president, claimed the offensive was aimed at removing the Kurdish-led Syrian Democratic Forces (SDF) – a group his country classifies as a terror organisation for its links to Kurdish separatists inside Turkey.

The offensive had been threatened for some time, but was only put into action when President Donald Trump abruptly withdrew US forces from the border. Those forces had been working alongside the SDF in Syria in the fight against Isis.

Turkey has supported the operation with airstrikes, drones and artillery. Leading the fight on the ground is a ragtag patchwork of militias who have fought at Ankara’s behest in two previous offensives. Some of the rebels had spent years fighting to end the rule of President Bashar al-Assad, while others were newly recruited.

The invasion was only a few days old when the first videos were posted online. Some showed the looting by SNA fighters of recently evacuated homes, but the first evidence of more violent war crimes quickly followed.

Havrin Khalaf, a member of the pro-Kurdish Future Syria Party, was travelling along a highway between the town of Ayn Issa and the city of Hasakah on 12 October when her civilian car was attacked.

A video posted online the next day shows SNA fighters, believed to be from the Ahrar al-Sharqiya faction, gather around the car as a woman’s voice is heard from the back seat. Khalaf’s body was later found riddled with bullets and showing signs of torture. An autopsy revealed she had a broken leg and her hair had been pulled so hard parts of her scalp were missing.

On the same day, the Syrian Observatory for Human Rights, a UK-based monitoring group, said nine civilians were executed by SNA fighters at a roadblock south of Tal Abyad.

Yet another video showed fighters firing into the body of a deceased man at the side of the road. These brutal crimes, coming in quick succession, had a chilling effect. Those who hadn’t already fled from Turkish airstrikes now did so in fear of ethnically motivated killing.

“When we saw the murder of the politician, Havrin Khalaf, we saw they did the same thing that Isis did,” says 41-year-old Basima Daoud, a Yazidi woman who fled her village near Ras al-Ayn with her family and is now living in a hastily constructed displacement camp near Tal Tamr.

“We were afraid they would kill us or take us as sex slaves,” she adds, referring to the enslavement of thousands of Yazidi women by Isis in 2014.

In the nearly two months since the operation began, the SNA has captured a swathe of territory between the two border cities of Tal Abyad and Ras al-Ayn that was home to a large population of Kurds, and smaller numbers of Assyrians, Yazidis and Turkmen.

The same area faced massive upheaval just a few years ago when Isis swept across northern Syria. Tal Abyad was occupied by the terror group for more than a year before being recaptured by the SDF.

This time, around 95,000 fled from Tal Abyad and Ras al-Ayn and the surrounding areas, which are now under the control of the SNA. Around half of that number has since returned, but they have been almost exclusively Arab, according to local monitoring groups.

Since the beginning of the campaign, a widespread perception formed among Kurds and other minorities that any non-Arab residents of the area would be targeted by the militias. “Our neighbours who were Arab told us to leave. They said, ‘When they come, they will kill you,’” says Daoud. “There were two Christian families in our village who left for the same reason.”

These fears were bolstered by public threats made by the fighters. In one clip, previously reported by The Independent, militia fighters threaten to kill “pigs” and “infidels” as they parade a Kurdish captive. Many similar videos have been shared online.

What happened next only served to convince many Syrian Kurds that these men were serious about their threats.

As the weeks went on, more reports of ethnically motivated killings emerged from the areas recently captured by the SNA. A widespread campaign of looting and confiscation of Kurdish property – much of it also recorded by the perpetrators – and the blocking of return of Kurdish residents by SNA fighters gave the impression that these groups were systematically trying to keep Kurds out.

In a report released this week, Human Rights Watch said it had documented numerous examples of Kurdish homes being confiscated and their possessions looted. In addition, it interviewed three people who said their Kurdish relatives were blocked from returning to areas under SNA control. The rights group also reported that three men who tried to go back to their homes were killed.

Several residents displaced from the area now under SNA control interviewed by The Independent said their homes had also been looted and their property confiscated. In most cases, they were informed of the takeover of their property by Arab neighbours who had stayed behind.

Daoud was one of them. Her husband is a farmer who owns a substantial tract of land and agricultural equipment.

“Some Arab neighbours called us to tell us the fighters have looted our house and taken it as a headquarters. They have taken our land and our equipment too. They have taken everything,” she says, with tears in her eyes.

One local Yazidi leader told The Independent that 45 Yazidi families had fled from the area around Ras al-Ayn alone. Dozens of Christian families from around Tal Tamr have also left their homes behind.

Fasel Amin, 32, was among the first wave of people who fled the Turkish airstrikes in the initial days of the offensive. Today, he is living in a school used to house displaced people.

“We had a house and a shop. They stole everything. Some family members were able to go back briefly to check and it was all empty,” he says.

“Turkey wants to control the whole area. It wants to change the whole demography of the area – take the Kurds out and bring the Arabs in.”

The question that now haunts Amin and the tens of thousands of others who remain displaced is whether the demographic change that has taken place will be permanent.

Many Syrian Kurds see plenty of reasons which suggest it will be. They only need to point to Turkey’s last operation ostensibly targeting Kurdish militants in the Afrin region. There too, in early 2018, Turkey used the same patchwork group of rebel fighters to take control of the area.

Those rebel fighters have been accused of imposing a reign of terror ever since. A United Nations commission of inquiry found in February that “armed group members in Afrin committed the war crimes of hostage-taking, cruel treatment, torture, and pillage”.

“Numerous cases involving arbitrary arrests and detentions by armed group members also included credible allegations of torture and ill-treatment, often targeting individuals of Kurdish origin, including activists openly critical of armed groups and those perceived to be so,” the UN report added.

More than 130,000 mostly Kurdish residents are still displaced from Afrin, living in camps in the SDF-held region of northeast Syria. Many of their homes are now occupied by Syrians from other parts of the country.

The same process may well play out in Turkey’s latest “safe zone”. Even before the operation began, Ankara repeatedly said that it would use the newly captured territory to facilitate the return of some one million Syrian refugees from Turkey. Turkey currently hosts nearly 4 million Syrians, more than any other country in the world. The presence of such a large refugee population has created political problems for Mr Erdogan as the Turkish economy has struggled, and Syrians have been used as a scapegoat for the crisis.

But most of the Syrian refugees in Turkey today are from Sunni Arab areas in Syria. Such a large-scale repatriation to the previously ethnically diverse region where Turkey plans to implement its safe zone would drastically alter its demographics.

Despite Turkish officials frequently insisting that they do not seek to introduce demographic change, that is precisely what is happening. And those insistences have been overshadowed by President Erdogan's rhetoric.

In an interview with Turkey's state-run TRT network on 24 October, Mr Erdogan described the area designated for his planned safe zone as unsuitable for Kurds.

"The people most suitable for that area are the Arabs. These areas are not suitable for the lifestyle of the Kurds," he said. When pressed by the interviewer to explain why they were not suitable, he replied: "Because these are desert regions."

This has led some experts to conclude that Turkey is indeed aiming to "Arabise" the land it has captured, and raised the prospect of ethnic cleansing by a Nato power.

"The Turkish incursion into northern Syria demonstrates clear hallmarks of ethnic cleansing," says Professor Bridget Conley, research director of the World Peace Foundation based at Tufts University.

"Turkish government statements indicated an intent to displace the Kurdish population and replace it with Syrian Arabs, and pursued this policy with repression and human rights abuses," Professor Conley, who teaches a course called Understanding Mass Atrocities, tells The Independent.

The same assessment was made by the top American diplomat in northern Syria at the time of the Turkish attack. In a damning internal memo, diplomat William V Roebuck criticised the Trump administration for not doing more to stop it.

"Turkey's military operation in northern Syria, spearheaded by armed Islamist groups on its payroll, represents an intentioned-laced effort at ethnic cleansing, relying on widespread military conflict targeting part the Kurdish heartland along the border and benefiting from several widely publicised, fear-inducing atrocities these forces committed," the internal memo said.

That memo was leaked a little under a month ago. Since then, even more evidence has emerged of ethnic cleansing. And yet these pleas have elicited little response from Donald Trump, who has seemingly lost interest in a part of the world he described recently as "blood-stained sand".

In the makeshift camps and busy schools turned into displacement centres that are now scattered across northeast Syria, many watch from afar as their homes are being destroyed and stolen. They share a common feeling of helplessness and betrayal that their former ally, the US, is looking the other way.

"I don't know how to tell you, but I will try to describe it. It's like they sent us down the well and cut the rope," says Aliya al-Ahmed, 31, who has just arrived at a dusty camp near Tal Tamr.

"If those big countries will not solve it, I don't know what will happen. It is always the poor people who suffer. We have nowhere to go."

When care becomes criminal: Syrian health workers 'targeted' (Al Jazeera) By Mia Swart
December 4, 2019

The Syrian government has systematically targeted health facilities and health workers in opposition-held areas as part of a wider strategy aimed at "breaking the civilian population", according to a new report by Physicians for Human Rights (PHR).

In the study released on Wednesday, the rights group said that during the course of Syria's years-long civil war the government has violated domestic and international law, as well as basic medical ethics and the obligation to care for the sick and wounded without discrimination.

"To date, no other report by a human rights group, the UN or other have documented how healthcare workers in Syria were arrested, detained and tortured by the Syrian government," said Rayan Koteiche, a researcher at the New York-based organisation told Al Jazeera.

"It is the first report to document how the Syrian government purposefully targeted health workers for detention and torture, specifically because of their delivery of healthcare."

The Syrian war erupted in 2011 and has caused a dire humanitarian situation in much of the country. In July, the UN said that

more than 100,000 people had been detained, mostly at the hands of the Syrian government.

The provision of nondiscriminatory healthcare was criminalised by the government of President Bashar al-Assad under Counter Terrorism Law 19 issued in 2012. Providing healthcare in opposition-held areas is "material support for terrorism" and punishable under the law.

The report states that healthcare workers in opposition-held areas were specifically "targeted" by government authorities.

PHR relied on interviews and psychological assessments of 21 formerly detained healthcare workers, who declined to be named citing fears for their safety, for the 48-page report entitled "My only crime was that I was a doctor".

The organisation said that health workers who were arrested experienced overcrowding, extremely poor sanitation and lack of access to medical care in detention. In addition, they were rarely provided with sufficient water and food.

PHR said that the detentions it documented "can be qualified as enforced disappearances" and that in most cases the families of the detainees had no information about their whereabouts for months.

Most healthcare workers interviewed in the report were forced to sign prepared confessions, which the authorities then used as evidence against them, PHR said.

One paramedic who later became administrative director of a hospital in rebel-held territory told Al Jazeera that he was arrested by government authorities in May 2013 and charged with membership in a terrorist organisation.

He said he spent 14 months in solitary confinement in a toilet room without windows and was subjected to repeated torture including electrocution, beatings and sexual assault which left him with a physical disability.

Healthcare workers were arrested and abused in prison "regardless of whether the people they treated were injured combatants or provided baby formula to mothers with infants," he told Al Jazeera.

PHR said that many of the interviewees who appeared in Syrian courts were confronted with confessions extracted under torture and accused of providing medical care to "terrorists"

Dr Michele Heisler, one of the authors of the report, told Al Jazeera that "the provision of medical care to real or perceived opponents of the Syrian government was effectively criminalised and grotesquely punished in violation of the 1949 Geneva Conventions."

"Since 2011, the Syrian government and its allies have bombed hospitals and killed healthcare workers," she added.

PHR said the Syrian government is bound by international humanitarian law which protects medical personnel. The Geneva Conventions provides for the respect and protection of medical personnel in all circumstances. International law also prohibits the punishment of a person for performing medical duties in line with medical ethics.

Syria ratified the 1984 UN Convention against Torture in 2004. The Convention requires parties to actively prevent acts of torture, even during wartime.

PHR called on the Syrian government to urgently release all arbitrarily or unlawfully detained individuals from detention sites and to disclose the location of such detention sites. The rights group also recommended that the UN Security Council refer the situation in Syria to the International Criminal Court.

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Yemen

Saudi-led coalition air attacks in Yemen down 80 percent: UN (Al Jazeera)

November 22, 2019

The United Nations Yemen envoy Martin Griffiths has told the UN Security Council that the number of air attacks by the Saudi-led coalition battling the Houthi rebels

has dropped by nearly 80 percent in the last two weeks.

The coalition, which intervened in the war in 2015 to restore President Abd-Rabbu Mansour Hadi's internationally recognised government, has carried out thousands of air attacks, killing thousands of civilians at hospitals, schools and markets, drawing international criticism.

"In recent weeks, there have been entire 48-hour periods without air strikes for the first time since the conflict began," Griffiths said on Friday. "We call this de-escalation, a reduction in the tempo of the war, and perhaps a move towards an overall ceasefire in Yemen."

De-escalation of hostilities is a major aspect of informal talks that have been going on between Saudi Arabia and Houthi officials since September for a possible ceasefire in Yemen.

The talks began after the Houthis offered to halt cross-border missile and drone attacks on Saudi cities if the Riyadh-led coalition ended air strikes on Yemen.

On Wednesday, Saudi Arabia's King Salman said that an agreement could lead to broader peace talks aimed at ending the conflict in Yemen.

The UN diplomat added that skirmishes between the warring parties in the port city of Hodeidah, where the two sides agreed on a ceasefire last year, have been reduced by 80 percent after the deployment of UN monitors in recent weeks.

The Yemen war has killed more than 100,000 people and pushed millions to the brink of famine, according to the Armed Conflict Location and Event Data Project, a non-governmental organisation.

The nearly five-year-long war has created what the UN calls the world's largest humanitarian crisis. It says at least 12 million children are caught up in the fighting and need outside help.

Griffiths said he hopes for a resolution to the conflict in the first few months of 2020.

Aid group reopens hospital hit during Houthi attack in Yemen (Hartford Courant)

November 23, 2019

An international medical relief agency says it has reopened a hospital it runs in western Yemen two weeks after an attack damaged the facility.

Doctors Without Borders, or MSF, announced resuming work at its hospital in the Red Sea city of Mocha on Tuesday.

The Houthi rebels launched a drone and missile attack earlier this month that targeted buildings near the hospital, killing at least eight people.

The casualties did not include any patients at the MSF hospital, all of whom were transferred to other care facilities in Mocha after the attack.

The hospital was first opened in August last year, offering free services to thousands of war-wounded people.

Yemen's war pits Iran-backed Houthi rebels against the internationally recognized government, supported by a Saudi-led military coalition since March 2015.

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Special Tribunal for Lebanon

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

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Israel and Palestine

Did Palestinians push ICC Prosecutor into complimenting IDF? (The Jerusalem Post) By Yonah Jeremy Bob
December 4, 2019

Something bizarre happened early Tuesday morning when the International Criminal Court Prosecution closed the 2010 Mavi Marmara flotilla case for a third time.

The ICC Prosecution made some of the most complimentary statements regarding the IDF and Israeli positions on some war crimes issues to date.

It may be that the ICC Prosecution will make a bigger headline against Israel later this week, but in the meantime, it seems that the Palestinians and their allies may have overplayed their hand. From a technical perspective, ICC Prosecutor Fatou Bensouda's third consecutive decision to close her preliminary probe of alleged war crimes by IDF soldiers who killed 10 people who attacked them on the Mavi Marmara during a clash to seize the ship was nothing new.

She and the ICC Pretrial Chamber have been at legal loggerheads over this case for multiple rounds now since 2014.

The ICC has pushed her to move to a full criminal investigation three times, and each time she has said that there was no basis to move forward. But this time was different. Because the latest ICC ruling directed Bensouda to accept certain factual conclusions, she needed to more deeply analyze the IDF's behavior.

In her past two decisions to close the case, she merely said that 10 dead activists who clashed with the IDF was not a high enough volume of casualties to warrant her office's attention, which deals mostly with genocide or mass killings.

However, the Island of Comoros – which was essentially acting on behalf of the Palestinians – kept pushing Bensouda to analyze the case more seriously.

In hindsight, they probably wish they had not pushed so hard.

The compliments to the IDF were all indirect, but they were unmistakable for someone who closely follows this arena, especially since international human rights forums usually only condemn Israel.

Bensouda said that one reason that she would not open a criminal probe was that the case had been probed by the IDF legal division. Even if this was not a full sign-off on all investigations by the IDF legal division, and was only said in the context of an issue called "command responsibility," Bensouda could have come to the same result without mentioning the IDF legal division.

Furthermore, Bensouda's explanation noted that if a country's legal division's probe were viewed as a sham, that they would not have provided any protection from the ICC. Turning that statement around, and since Bensouda wants to close the case, it means she is saying that the IDF probe here was not a sham.

Along the same lines, Bensouda pointed out that Spain, England, Sweden and Germany had all dismissed any war crimes allegations against the IDF for the incident. Some of these countries dismissed their allegations on the basis of recognizing Israel's justice system as legitimate and as having properly probed the issue.

Next, the ICC ordered Bensouda to act as if the IDF had started shooting before it entered the Mavi Marmara, even though this claim is highly disputed.

Bensouda said that even assuming this disputed claim to be true, the IDF had tried to take the Marmara by surprise without any altercation as well as other non-lethal efforts to avoid injuring the passengers.

Moreover, the ICC Prosecution wrote that only one of the 10 people who died might have been killed in this initial shooting.

Even after the altercation, the ICC Prosecution said that the IDF tried to provide quick medical attention to injured passengers.

All of this narrative made it sound like Bensouda viewed many, even if not all the IDF actions in a positive light of an army that cared about the rule of law.

There were other positive points the ICC Prosecution made about Israel and the IDF that one never hears from bodies like the UN Human Rights Council.

Bensouda distinguished between wide allegations of passengers being uncomfortable and slightly roughed up versus very limited allegations of actual potential inhuman treatment.

This was notable, as critics of Israel often simply lump any uncomfortable treatment by Israel of arrested persons as full-fledged "torture."

Even more surprising were the ICC Prosecution's comments directly against the Palestinian-Comoros Island's position.

Whereas Israel's critics portrayed the Marmara passengers as practically having the status of UN peacekeepers, Bensouda declared their purposes to be political. In addition, she dismissed any attempt by the ICC Pretrial Chamber to view Israel's blockade of Gaza as part of the war crimes' picture, saying that analyzing this issue was inherently subjective.

Israeli government sources viewed the decision as hopefully being the end of the ICC wasting its own resources in an internal dispute with its own prosecutor regarding a case that should never have been probed in the first place.

The big question is what the ICC Prosecution will decide about the war crimes debate regarding the 2014 Gaza War and the settlement enterprise.

Tuesday's decision may have hinted at the possibility of Bensouda accepting the IDF legal division as a credible legal body. Then again, none of this helps Israel with the settlements issue, and all of this may turn out to be a small positive decision for Israel, before a much bigger negative decision comes.

ICC under pressure to open investigation into Israel war crimes (Middle East Monitor)

December 2, 2019

The International Criminal Court is coming under pressure from a group led by former ministers and professors of international law to open an investigation into possible Israeli war crimes in the Occupied Palestinian Territories.

Known as the Rights Forum, the group founded in 2009 by former Dutch Prime Minister Andreas van Agt, will hand-deliver this demand to the ICC on 10 December on behalf of a coalition of organisations.

Their demand will coincide with International Human Rights Day, which marks the United Nations General Assembly's adoption and proclamation of the Universal Declaration of Human Rights (UDHR). It is also the date on which Dries van Agt founded the Rights Forum, exactly a decade ago this year.

"Today, on Human Rights Day, the signatories of this letter call on you to open an official, full-scale investigation into the 'situation in Palestine' without further delay," the group said in its letter which will be sent to the ICC's Chief Prosecutor Fatou Bensouda after the signatures of supporting organisations have been gathered.

The ICC, which has been sitting on a case to investigate Israel over alleged war crimes, is accused of stalling by the Rights Forum. "Since January 2015 the International Criminal Court (ICC) has been engaged in a preliminary investigation into the 'situation in Palestine', focusing on possible war crimes and crimes against humanity committed in the Occupied Palestinian Territories," said the group. It explained that almost five years have passed with the ICC failing to reach a conclusion and criticised the delay saying that it is "inexplicable" and "irresponsible". "As the preliminary investigation drags on, the crimes continue. The Israeli colonization of occupied lands – a war crime under the Rome Statute – comes with the systemic violation and abuse of the human rights of millions of Palestinians," the group added in the letter which also raised the ICC's expressed concerns over Gaza.

"Concerning Gaza, you yourself have stated that the Israeli violence against Palestinian civilians could amount to war crimes," said the group.

The letter claimed that the ICC's failure to launch an official investigation has fuelled a "culture of impunity", and warned that the "integrity and credibility of the ICC" was on the line.

The Rights Forum describes itself "as a high-level network of former ministers and professors of international law who have joined forces to promote a just and durable solution to the Israel-Palestine conflict."

Troops kill Palestinian suspected of lobbing firebombs at cars in West Bank (The Times of Israel) By Toi Staff
November 30, 2019

A Palestinian man suspected of throwing firebombs at Israeli vehicles was fatally shot by Israeli troops in the West Bank on Saturday, authorities said.

The IDF said troops opened fire after seeing a group of Palestinians throwing Molotov cocktails toward an Israeli vehicle driving near Beit Awwa in the southern West Bank.

“The soldiers responded with fire and identified a hit to one of the suspects. Two additional suspects were arrested by soldiers and transferred for interrogation by security forces,” the statement said.

The Palestinian Authority health ministry said 18-year-old Badawee Masalma was killed by the troops. It accused the military of keeping medics from reaching Masalma after he was shot. On Tuesday, thousands of Palestinians in Hebron and across the West Bank protested in a “day of rage” against a US announcement earlier this month that Washington had softened its stance toward Israel’s West Bank settlements.

Dozens of protesters were lightly hurt, according to Palestinian rescue services. Last week, a dozen Palestinians were reportedly injured in rock attacks by Israelis during an annual Jewish religious pilgrimage to Hebron.

The Palestinian Red Crescent said five people were treated for injuries at local hospitals on Saturday, including an 18-month old baby, whose family said he was hit in the head by a rock that came crashing through the window of his home in Hebron’s Tel Rumeida neighborhood. The violence came amid a spate of anti-Palestinian hate crimes perpetrated by extremist settlers in the West Bank, including the destruction of Palestinian-owned olive trees, racist graffiti and slashed tires.

Human rights activist vows to fight Israeli deportation (Global Daily News)

November 28, 2019

A human rights activist deported by Israel earlier this week has vowed to continue efforts to reverse his expulsion, adding that he will not give up reporting on human rights abuses.

Human Rights Watch (HRW) has asked Israel’s Supreme Court to reconsider the case of Omar Shakir, the watchdog’s Jerusalem-based director who was expelled on Nov. 25, he told Anadolu Agency in a phone interview.

“It’s official: Israel has expelled me over my human rights watch advocacy, joining Syria, Egypt, and Bahrain in barring me access,” Shakir tweeted on Monday.

Israeli authorities accuse Shakir of supporting the Boycott, Divestment and Sanctions (BDS) movement, which Israel has criminalized.

For his part, Shakir has called the decision politically driven and aimed to silence human rights groups working in Israel.

In April, the Jerusalem District Court approved a government decision to cancel the residency visa of Shakir, a U.S. citizen, claiming that he has shown support for the BDS movement.

The move was the first of its kind since the New York-based rights group began monitoring events in Israel and Palestine three decades ago.

“The justification for the Israeli government varied, it began three years ago by denying HRW permission to hire a foreign employee,” Shakir explained.

“At the time, the allegation was that we were propagandist for the Palestinians and not a real human rights group.”

He added: “That changed and the most recent explanation offered was that I have called for boycotts of Israel, but that’s just a pretext.”

“Neither HRW nor I, as a representative, ever called for a boycott of Israel,” he said. “Our response to it has been to continue doubling down on doing the work and not to give in to Israeli censorship efforts,” he stressed.

He also said the watchdog documents rights abuses around the world and calls on companies to ensure that they are not contributing to any abuse.

“We’ve done that with fisheries in Thailand, with tech companies in China, and with cotton-picking in Uzbekistan.

“And in the context of Israel and Palestine, we’ve determined that businesses operating in the settlements contributed to human rights abuses, so we called on them to stop operating in those settlements, but did not call for boycotts,” he said.

On Nov. 5, Israel’s Supreme Court rejected Shakir’s appeal of his deportation and gave him 20 days to leave the country.

Shakir said he is set to brief six European governments and the European Parliament on “Israel’s systematic repression of Palestinians.”

“In addition to our direct efforts to reverse the government’s decision, we’re going to continue raising this issue around the world, not only the Israeli government’s assaults on human rights organizations, but also its systematic repression of Palestinians,” said Shakir.

Shakir also said Israel’s “restrictive moves” on human rights defenders are forcing them to spend their attention and resources on such matters rather than on documenting the situation on the ground.

“For more than a decade, the Israeli government has barred our international staff from entering the Gaza Strip, which makes it very difficult, obviously, to document human rights abuses there,” he added.

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Gulf Region

RPT-South Africa blocks arms sales to Saudi and UAE in inspection row (Reuters) By Joe Bavier and Alexander Winning
November 25, 2019

South Africa is blocking arms sales to countries including Saudi Arabia and the UAE in an inspections dispute, endangering billions of dollars of business and thousands of jobs in its struggling defence sector, according to industry officials.

The dispute centres on a clause in export documents that requires foreign customers to pledge not to transfer weapons to third parties and to allow South African officials to inspect their facilities to verify compliance, according to the four officials as well as letters obtained by Reuters.

Officials at major South African defence groups Denel and Rheinmetall Denel Munition (RDM) said the dispute was holding up their exports, as did a third big defence company which asked not to be named. RDM said some of its exports to the Middle East had not been approved since March.

Saudi Arabia and the United Arab Emirates, which account for at least a third of South Africa’s arms exports and are engaged in a war in Yemen, have rejected the inspections which they consider a violation of their sovereignty, the sources said.

Oman and Algeria have also refused inspections and seen their imports from South Africa blocked, the industry officials added.

Government officials in Saudi Arabia, the UAE, Oman and Algeria did not respond to emails and phone calls from Reuters seeking comment, nor did their embassies in South Africa.

Asked about the inspection clause issue, Ezra Jele, South Africa’s director for conventional arms control in the defence ministry, said that authorities considered criteria including human rights, regional conflict, risk of diversion, U.N. Security Council resolutions and national interest when evaluating applications for export permits.

He did not comment on specific cases.

The Aerospace, Maritime and Defence Industries Association of South Africa (AMD) says the dispute could threaten the sector’s survival.

“We’ve got one clause that’s disabling us from exporting 25 billion rand (\$1.7 billion) worth of value today, right now,” Simphiwe Hamilton, the head of the AMD, told Reuters.

The industry body estimates the export blocks put an additional 50 to 60 billion rand in future business at risk and could cause the loss of up to 9,000 jobs at defence firms and supporting industries.

Since democratic rule was established in 1994, South Africa has sought to reform its defence industry – once a pillar of the racist apartheid regime – by making export approvals subject to human rights considerations.

Saudi Arabia is leading an alliance of Arab states, including the UAE, to try to restore the government of Yemeni President Abd-Rabbu Mansour Hadi, who was ousted from the capital Sanaa by the Iran-aligned Houthis in 2015.

In February, Amnesty International accused the UAE of diverting arms supplied by Western and other states to militias accused of war crimes in Yemen. In the same month, a CNN investigation said Saudi Arabia and the UAE had transferred American weapons to Yemeni fighters, breaking the terms of their arms sales with the United States.

The UAE did not respond to the Amnesty allegations. The Saudi military coalition did not respond to CNN’s allegations, but a senior UAE official denied it violated end-user agreements.

The South African defence industry has become increasingly reliant on exports, which have grown more than 12-fold since 1990 as domestic defence spending has declined.

Exports now make up the bulk of revenues for major defence companies including Denel, Paramount Group, Hensoldt South Africa and RDM, which is a joint venture between Denel and German industrial giant Rheinmetall.

Saudi Arabia and the UAE alone represented a third of South Africa’s 4.7 billion rand of authorised arms exports in 2018, according to data compiled by the National Conventional Arms Control Committee (NCACC), a group of ministers and deputy ministers that approves the exports.

Requiring buyers not to transfer weapons to third parties is common practice in the international arms trade, stipulated in export documents known as end-user certificates. Requiring inspections, though uncommon, is not unheard of. Germany, for instance, requires them for small arms sales to certain countries.

The industry officials told Reuters that South Africa had long included a clause in its end-user certificates requiring on-site visits, though it was rarely acted upon.

Clients regularly amended or deleted the clause, which was included in an annex, and the NCACC still granted export permits, they said. But in 2017, arms control officials moved the clause to the front page of the certificates, and some countries refused to sign them, according to the officials.

The clause requires customers to grant “access and permission to South African Government Authority’s representative(s)” to verify they are in compliance with South Africa’s defence export regulations.

“This is what’s making some of these countries uncomfortable,” Hamilton said. “You are encroaching on their sovereignty, and they cannot allow that.”

An NCACC official, who was not authorised to speak publicly, would not comment on the reason for the new format, and industry officials said they had not been told.

Matters did not come to a head until this year because arms contracts are often signed years before the anticipated delivery date, the company officials said.

Some companies have already indicated that they will need to cut more than 500 employees if they can’t export their products soon, trade union Solidarity said.

On July 3, Solidarity and other unions wrote to Public Enterprises Minister Pravin Gordhan stating that failure to resolve the impasse would lead to “job losses on a massive and irreversible scale”.

“Customers in the UAE have already begun firing trials with China, India as well as Serbia with the intention to replace RDM as a preferred supplier of ammunition,” said the letter seen by Reuters.

Three weeks later, Norbert Schulze, RDM’s CEO at the time, wrote to the NCACC urging it to take action.

In his Aug. 5 response, also seen by Reuters, NCACC chairman Jackson Mthembu said the body would not grant an exception.

“The NCACC is aware of the possible loss of jobs occasioned by the inability to export in the time being. However, as your organisation would appreciate, compliance with regulations sometimes produces negative impact,” he wrote.

The government is encouraging defence companies to avoid an over-reliance on the Gulf, the NCACC official told Reuters.

But building up business in new markets would take time.

“It’s not like selling Coca-Cola. It can take 5-7 years to go into new markets,” one defence company official said. “I don’t think the politicians are aware how serious this is.”

Experts dispute Canada’s claim of no link between Saudi arms sales and human rights abuses
(Global News) By Andrew Russell
November 22, 2019

Canada claims it has found no evidence linking its military exports to human rights violations committed by Saudi Arabia, even after video and photos of Canadian military goods have appeared amid the Yemen conflict between the Saudi-led coalition and Houthi rebels.

“There is no substantial risk that current Canadian exports of military equipment or other controlled items to KSA would result in any of the negative consequences,” reads a memo from Global Affairs addressed to former foreign affairs minister Chrystia Freeland.

Footage of Canadian-made light armoured vehicles (LAVs) has been captured over the last few years, as Saudi forces and Houthi rebels battle along the Saudi-Yemen border.

Last September, video from Houthi-run Al Masirah TV and Al Jazeera showed what appeared to be Canadian-made LAVs. Two independent military experts confirmed the images are Canadian-made combat vehicles.

Global News was not able to independently verify the video.

Arms control advocate Cesar Jaramillo said there is an overwhelming amount of evidence to show Canadian military exports are appearing in areas of the Kingdom and in Yemen, where human rights violations are occurring.

“It’s an exercise in willfull blindness,” said Jaramillo, executive director of Project Ploughshares.

Global Affairs did not immediately respond to questions about the memo or the recent images allegedly showing Canadian LAVs in Yemen. Doug Wilson-Hodge, spokesman for General Dynamics Land Systems-Canada, declined to comment on the videos.

The Trudeau government had announced a review of all Canada’s existing arms sales to Saudi Arabia in the fall of 2018, after reports emerged that the Saudi government was behind the murder of journalist Jamal Khashoggi.

The moratorium, however, did not affect the controversial \$15-billion deal with the Kingdom to export more than 700 combat vehicles, produced by General Dynamics Land Systems-Canada at its plant in London, Ont.

The Trudeau government has faced sharpened criticism over its continued support of the Saudi deal, as the country has a lengthy history of human rights violations that include unlawful killings, forced renditions, forced disappearances, and torture of detainees by government agents.

The memo also acknowledged that the Kingdom has been accused of “gross violations of international human rights and humanitarian law due to its role leading a military coalition in Yemen.”

The conflict in Yemen has seen thousands of civilians killed by Saudi-led coalition airstrikes and more than 24 million people in need of humanitarian aid.

Global Affairs said any reports of Canadian LAVs along the Saudi-Yemen border are irrelevant because those vehicles are from earlier export deals, not the current \$15-billion agreement.

“Any Canadian-made vehicles on the KSA-Yemen border are not the LAVs currently being exported by GDLS-C, but older vehicles that were shipped under contracts dating back to the early 1990s,” the memo said.

“There are no confirmed reports of Canadian-made military equipment being deployed by KSA on Yemeni territory. This is consistent with [Saudi Arabia’s] role within the coalition, which is primarily to lead and coordinate aerial engagements.”

However, Anthony Fenton, a PhD candidate in political science at York University who studies Saudi Arabia, said that part of the General Dynamics contract includes work to upgrade older LAV vehicles.

“There is a clear connection between the current \$15-billion deal and the older vehicles shipped during the 90s,” Fenton said.

“Yemen is a heinous war... nobody should be shipping weapons to help fuel this conflict.”

According to Global Affairs Canada statistics, Saudi Arabia was the largest non-U.S. export destination in 2018, receiving roughly \$1.2 billion in Canadian military goods.

The memo claimed there is no evidence Canadian weapons are being used to commit war crimes in Yemen.

“There is no evidence or credible reporting that would link any Canadian exports (eg. ground vehicles, sniper rifles) to contraventions of international humanitarian law in Yemen,” the memo said.

“This is in marked contrast with exports from [REDACTED] whose military exports can be directly traced to the Saudi coalition air campaign and naval blockade.”

In 2015, Armament Research Services, an international intelligence consultancy that traces arms, reported images of what appeared to be a Canadian-made sniper rifle in the hands of Houthi fighters.

ARES found that images taken from social media showed what appeared to be the LRT-3, a .50 calibre sniper rifle, made by Winnipeg-based PGW Defence Technologies.

“Precision sniper rifles are manufactured to a high standard, often in small batches and by smaller manufacturers,” ARES noted in its report.

“It is not uncommon for non-NATO states, including Saudi Arabia, to purchase precision firearms from smaller western companies.”

Nic Jenzen-Jones, a military arms specialist and director of Armament Research Services, told Global News that Canadian small arms have continued to circulate in small numbers in Yemen since ARES first documented their presence in 2015.

“In recent months, for example, a Canadian PGW Timberwolf rifle was offered for sale in an online arms market operating via a popular communications platform,” Jenzen-Jones said in an email.

“In separate cases, both Timberwolf and LRT-3 models of PGW rifles have been recently observed in the hands of Houthi fighters.”

PGW Defence Technologies did not immediately respond to a request for comment.

In other instances, Canadian-made LAVs have been shown being deployed by Saudi security forces against their own people in parts of the Kingdom. The 2017 video of the combat vehicles put added pressure on the Trudeau government to walk away from the contract that was signed in 2014 by the previous Harper government.

Global Affairs is advising Ottawa that 48 export permits are ready to be processed if the government lifts the moratorium.

“Stakeholders, including Canadian businesses, civil society organizations, academics, and industry associations continue to urge the Government to provide clarity on the policy for exports of controlled items to KS,” the memo reads.

“Those permits have been deemed ready for approval by officials and await your further consideration.”

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ASIA

Afghanistan

Victims ask ICC to open Afghan war crimes investigation on appeal (The Globe and Mail) By Mike Corder
December 4, 2019

The International Criminal Court (ICC) opened a three-day hearing Wednesday at which prosecutors and victims aim to overturn a decision scrapping a proposed investigation into alleged crimes in Afghanistan's brutal conflict.

Fergal Gaynor, a lawyer representing 82 Afghan victims, called it "a historic day for accountability in Afghanistan."

In April, judges rejected a request by the court's prosecutor, Fatou Bensouda, to open an investigation into crimes allegedly committed by the Taliban, Afghan security forces and U.S. military and intelligence agencies.

In the ruling, which was condemned by victims and rights groups, the judges said an investigation "would not serve the interests of justice" because it would likely fail, owing to lack of co-operation.

The decision came a month after U.S. Secretary of State Mike Pompeo banned visas for ICC staff seeking to investigate allegations of war crimes and other abuses by U.S. forces in Afghanistan or elsewhere.

"Whether the two events are in fact related is unknown, but for many ... the timing appeared more than coincidental," said lawyer Katherine Gallagher, who was representing two men being held at the Guantanamo Bay detention facility.

The United States is not a member of the global court and refuses to co-operate with it, seeing the institution as a threat to U.S. sovereignty and arguing American courts are capable of dealing with allegations of abuse by U.S. nationals.

U.S. President Donald Trump's personal lawyer Jay Sekulow was also in court, although he told reporters after the hearing that he was not there at Mr. Trump's behest, but representing the European branch of the American Center for Law and Justice. Mr. Sekulow said he would tell the court Thursday that "the fact is that the United States has a very comprehensive system of military justice."

Prosecutor Ms. Bensouda's request to open an investigation said there is information that members of the U.S. military and intelligence agencies "committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence against conflict-related detainees in Afghanistan and other locations, principally in the 2003-2004 period."

She said that the Taliban and other insurgent groups have killed more than 17,000 civilians since 2009, including about 7,000 targeted killings and she alleged that Afghan security forces have tortured prisoners at government detention centres.

Even as they rejected the request for an investigation, judges in April acknowledged that Ms. Bensouda's November, 2017, request to open a probe established "a reasonable basis to consider that crimes within the ICC jurisdiction have been committed in Afghanistan and that potential cases would be admissible before the Court." Wednesday's hearing was focused on whether victims have a right under the court's Rome Statute founding document to take part in the appeal.

But lawyers for victims also used it to highlight the abuse they allegedly suffered, including in covert prisons run by U.S. security and intelligence officials in Afghanistan and other countries.

Ms. Gallagher represented two men, Sharqawi Al Hajj and Guled Hassan Duran, who remain in custody in Guantanamo Bay. She said both suffered torture while in U.S. detention.

"Torture and other forms of cruel treatment, including widespread acts of sexual violence were part and parcel of the U.S. rendition, detention and interrogation program," she said.

Nema Milaninia, a lawyer representing 17 Afghan human rights organizations, criticized the court for not doing enough to hear from Afghan people.

"Fundamentally what victims want is to be taken seriously. To have their views heard. To be genuinely understood and to know that their opinions and hopes will not be sacrificed, marginalized or abused for political purposes," he told judges.

Gaynor told the five-judge panel that with other states unwilling or unable to investigate the Afghanistan crimes, "the only jurisdiction in the world ... that can offer the victims a prompt and impartial investigation into the brutal crimes committed

against them is this court.”

However, Afghanistan’s ambassador to the Netherlands, Homayoon Azizi, told reporters his country can and should deal with the Afghan cases and has taken steps to reform its judiciary and sent files to prosecutors in 2017.

He said that, given “the complexity of the situation in Afghanistan,” local courts “can do much better than others if we really want to bring justice.”

Trump lawyer to contest ICC efforts to open Afghan war crimes probe (Reuters) By Stephanie Van Den Berg
December 3, 2019

One of U.S. President Donald Trump’s personal lawyers will speak to the International Criminal Court on Wednesday to block efforts by the chief prosecutor to open a war crimes investigation that would scrutinize the actions of American forces overseas.

ICC judges in April rejected the request of prosecutor Fatou Bensouda to examine atrocities alleged to have been committed in the conflict between 2003 and 2004, including by U.S. troops, Afghan forces and the Taliban.

Bensouda will reassert her case to open a formal inquiry during three days of hearings before a panel of appeals judges in The Hague.

Trump’s personal lawyer Jay Sekulow, who was allowed to file a “friend of the court” brief as an independent expert, said in a statement ahead of the session that he intends to defend the interests of members of the U.S. military “who sacrifice everything to defend us.”

“Our troops face an insidious new threat, as the International Criminal Court’s Prosecutor is seeking jurisdiction to prosecute our soldiers on war crimes charges after they’ve risked their lives fighting the war on terror,” he said.

Sekulow has been given a 10-minute slot to clarify in court written arguments which the judges already received. The U.S. government has not asked to present its views separately.

Trump has denounced the ICC, the world’s only permanent war crimes court, for its “broad, unaccountable, prosecutorial powers”. Washington revoked travel visas for ICC personnel in response to its work on Afghanistan.

The appeal of the April ruling is supported by human rights groups and legal experts who criticized the judges’ finding that an investigation was not in the “interest of justice” because Afghanistan and the United States were unlikely to cooperate.

Several of those groups, as well as the Afghan government and victims, are also scheduled to speak to the ICC panel.

Prosecutors have cited preliminary evidence suggesting that international forces in Afghanistan, including employees of the U.S. Central Intelligence Agency, mentally and physically abused detainees, which could constitute a war crime.

The ICC, which opened in 2002, has jurisdiction over war crimes, genocide and crimes against humanity if they have been committed by nationals of a signatory state or if they took place on the territory of one of its 123 members, who include Afghanistan.

The ICC is a court of last resort for the most serious crimes in conflict, stepping in only when a country is found to be unable or unwilling to investigate itself.

The ICC has struggled to be successful without the support of superpowers the United States, Russia and China, which can veto referrals to the court by the U.N. Security Council.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

ECCC concludes hearing on trying Meas Muth (Khmer Times) By Khy Sovuthy
December 2, 2019

The Pre-Trial Chamber of the UN-backed Khmer Rouge Tribunal on Friday concluded its three-day hearing in Case 003 against former Khmer Rouge navy commander Meas Muth and the verdict is expected to be issued early next year.

Neth Pheaktra, Tribunal spokesman, yesterday said the verdict is expected early next year whether the case should be sent for a trial or be dropped.

“The Pre-Trial Chamber of the Khmer Rouge Tribunal expects that it will issue the verdict in Case 003 at the first quarter of 2020 on whether the case should be sent to the trial or be dropped,” Mr Pheaktra said. According to an Extraordinary Chambers of the Courts in Cambodia press release issued on Friday, the international co-prosecutor, the deputy national co-prosecutor, and national and international defence co-lawyers presented their arguments on the case.

The release said that the Chamber granted Muth’s request, which was submitted with a supporting medical certificate to dispense personal appearance for reasons of Muth’s old age and poor health, noting that Muth was represented by his lawyers at the hearing.

The Pre-Trial Chamber convened on the appeals lodged by the national co-prosecutor and the co-lawyers for Muth, on April 5, 2019, and April 8, 2019, respectively, against the closing orders delivered by the international co-investigating judge on 28 November 2018 in Case 003, it said.

“The Pre-Trial Chamber will determine if Muth satisfies the criteria of the court’s jurisdiction and whether there are sufficient charges to indict him for the crimes alleged or the charges against him should be dismissed,” it noted. “The Chamber will now adjourn to deliberate on its decision. The decision would be final with no further appeals.”

Living in Battambang province’s Samlot district, Muth, 81, was charged for crimes against humanity and other crimes when he served his role as navy commander in Sihanoukville during the 1975-1979 Democratic Kampuchea regime. Muth could not be reached for comment yesterday, but he told Khmer Times last year he was a low-level official during the Khmer Rouge regime and claimed his health deteriorated and he should not be responsible for the crimes.

“Now I am almost dead. I have my coffin prepared already and I have difficulty breathing,” Muth said then.

Muth’s lawyer Ang Udom said that co-international judges and co-national judges disagreed with each other, with the former wanting to send the case to trial but the latter wanting to have it dismissed.

“We requested the judges to acquit my client and not to send this case to the trial,” Mr Udom said.

Mr Udom said that Muth was sick. “Now he is getting medical treatment at his home and hospital,” he said.

Lor Chunthy, a lawyer for civil parties in Case 003, said that he wanted co-international judges and judges to send the case to trial.

“As a lawyer for civil parties, we support the decision of co-international prosecutors and judges,” Mr Chunthy said.

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Bangladesh International Crimes Tribunal

War crimes: Top court to issue verdict on Kaiser’s appeal on Jan 14 (Bdnews)

December 3, 2019

The Supreme Court is set to deliver its verdict on Jan 14 on former Jatiya Party State Minister Syed Mohammed Kaiser's appeal challenging a death sentence in a war crimes case.

A four-member Appellate Division bench headed by Chief Justice Syed Mahmud Hossain fixed the date for the verdict on Tuesday.

This is the ninth case in the Appellate Division challenging the verdict of the International Crimes Tribunal.

Kaiser was sentenced to death on Dec 23, 2014, for war crimes during the 1971 Liberation War.

A Muslim League leader in 1971, Kaiser was convicted of murder, arson, loot, rape and genocide. He was a collaborator who established a local militia in Habiganj during the Liberation War, guiding Pakistani troops to villages to attack and abuse Hindus and supporters of Bangladesh's freedom fighters.

Kaiser went into hiding after independence and resurfaced as a figure in Bangladesh politics in 1978.

He contested as an independent candidate and won the 1979 parliamentary polls from the Sylhet-17 constituency.

Kaiser joined the BNP and eventually became the president of its Habiganj unit.

He later joined HM Ershad's Jatiya Party and won from the Habiganj-4 constituency in 1988, becoming the Minister for State for Agriculture under the military dictator's

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War Crimes Investigation in Myanmar

Factbox: Myanmar on trial for Rohingya genocide – the legal cases (Reuters) By Poppy Elena McPherson
November 21, 2019

<https://www.reuters.com/article/us-myanmar-rohingya-justice-factbox/factbox-myanmar-on-trial-for-rohingya-genocide-the-legal-cases-idUSKBN1XVOMU>

A series of legal cases filed in recent weeks at courts across the globe have heaped pressure on Myanmar to answer for alleged atrocities committed against Rohingya Muslims during a brutal military-led crackdown two years ago.

The office of Myanmar leader Aung San Suu Kyi said on Wednesday she would travel to The Hague for hearings in a case accusing the country of committing genocide. Human rights activists and lawyers are also pursuing several other avenues.

Hundreds of thousands of Rohingya fled to neighboring Bangladesh to escape a Myanmar military offensive launched in August 2017 campaign that U.N. investigators described as a text book example of ethnic cleansing.

Soldiers, police, and Buddhist villagers are alleged to have razed hundreds of villages in the remote western Rakhine state, torturing residents as they fled, carrying out mass-killings and gang-rapes.

Myanmar has denied the allegations, saying security forces were carrying out legitimate operations against militants who attacked police posts.

More than one million refugees now live in squalor in camps in Bangladesh, too frightened to return to Rakhine for fear of further persecution and violence. Many say they want to see top military and civilian leaders convicted over alleged atrocities before they will consider going home.

Earlier this month the tiny majority-Muslim African nation Gambia filed a case accusing Myanmar of genocide at the Hague-based ICJ, in the Netherlands, on behalf of 57 member states of the Organisation of Islamic Cooperation.

Public hearings are set to begin in December, making this the first international legal challenge against Myanmar, which Gambia has accused of breaching the 1948 Genocide Convention by carrying out “mass murder, rape, and genocidal acts”.

The office of Myanmar state counselor Suu Kyi said on Wednesday she would appear in person to fight the charges, with a team of international lawyers.

Gambia is expected to ask for emergency action to protect the Rohingya, several hundred thousand of whom remain in Myanmar confined to camps and villages in apartheid-like conditions.

The ICJ deals with disputes between U.N member states and cannot prosecute individuals. The court has no way of enforcing its rulings but Myanmar could suffer further damage its reputation by failing to comply.

The ICC, the world’s only permanent war crimes court, also based in the Hague, authorized its chief prosecutor last week to begin a full investigation into alleged crimes against humanity, specifically the deportation of Rohingya from Myanmar.

Because Myanmar is not a party to the Rome statute that created the court, the U.N Security Council would normally have to refer it to the ICC – a move that Myanmar’s neighbor and ally China would likely block.

But, the ICC set a major legal precedent by allowing prosecutors to investigate crimes committed against Rohingya in Myanmar because they were forced to flee to Bangladesh, which does recognize its jurisdiction. The decision could pave the way for similar probes affecting other countries that have not signed the Rome statute, like Syria.

Myanmar has refused to engage with the ICC, saying its jurisdiction was “meritless and should be dismissed”.

The court works notoriously slowly, but a verdict could result in prosecutions. It can issue arrest warrants but is dependent on national police forces in signatory countries to carry them out.

Rights activists also filed a separate lawsuit this month on behalf of the Rohingya in Argentina, citing the legal principle of “universal jurisdiction”, which holds that some acts are so brutal they can be tried anywhere in the world.

The lawsuit named military and civilian leaders including Suu Kyi and army chief Min Aung Hlaing as responsible for the “existential threat” facing the Rohingya.

Suu Kyi came to power in a landslide election victory in 2015 that brought an end to half a century of military rule. While Nobel prize winner Suu Kyi is the most recognizable figure in Myanmar, its constitution reserves great powers for the army, including control over the security forces and key ministries.

Courts in Argentina have previously tried probing other international crimes under universal jurisdiction, including cases related to the rule of Spanish dictator General Francisco Franco and the alleged persecution of the Falun Gong spiritual movement in China.

One of the Argentinian lawyers who submitted the lawsuit is Tomas Ojea Quintana, the former special envoy to Myanmar on human rights.

He traveled to Rakhine multiple times between 2008 and 2014 and has been vocal about the persecution of the Rohingya.

Suspects from Syria, Rwanda, various Latin American states, and the former Yugoslavia have been brought to trial under universal jurisdiction laws. Most of them were fairly low-level alleged perpetrators who were seeking refuge in the territory of the state invoking the principle.

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AMERICAS

North & Central America

Trump Says He Will ‘Always Stick Up’ For ‘Warriors’ After Pardons Over War Crimes (HuffPost) By Sanjana Karanth

November 26, 2019

President Donald Trump said Tuesday that he will “always stick up” for members of the United States military, even if those members are accused of war crimes.

“Just this week I stuck up for three great warriors against the deep state,” the president said at his campaign rally in Sunrise, Florida.

Earlier this month, Trump pardoned three members of the U.S. military who were accused of war crimes.

Maj. Mathew Golsteyn, a former Green Beret, was accused of killing a civilian he believed to be a bomb-maker while deployed in Afghanistan. Army 1st Lt. Clint Lorance was found guilty of ordering soldiers in his platoon to open fire on three male civilians on a motorcycle in Afghanistan. Navy SEAL Eddie Gallagher was convicted after posing for a photo with a captured teenage ISIS fighter’s corpse in Iraq.

“We’re going to take care of our warriors. And I will always stick up for our great fighters,” Trump said Tuesday. “People can sit there in air-conditioned offices and complain, but you know what? It doesn’t matter to me whatsoever.”

Defense Secretary Mark Esper forced Richard Spencer to resign on Sunday after the Navy secretary clashed with Trump’s decision to intervene in military disciplinary proceedings, specifically relating to Gallagher’s controversial case.

The Navy demoted Gallagher after he was found guilty in military court this summer of posing in the photo. He was also accused of murdering the Iraqi teen and threatening fellow SEALs, but he was acquitted of those charges. Members of Gallagher’s platoon reported his misconduct, though the SEAL has since been embraced by conservatives, including Trump.

Trump reversed Gallagher’s demotion on Nov. 15, but the Navy maintained that it would continue its military disciplinary hearings against him and would not allow Gallagher to wear his Trident pin, which symbolizes his membership in the elite SEAL group.

The president tweeted Thursday that the Navy would not take away Gallagher’s pin, but Spencer said Saturday that he did not see the tweet as an order and would continue with the administrative review of Gallagher’s SEAL membership unless Trump gave an official order to block the proceedings.

In his resignation letter, Spencer said he could not “in good conscience obey an order that I believe violated a sacred oath I took in the presence of my family, my flag, and my faith to support and defend the Constitution of the United States.”

In a Monday interview with CBS, Spencer said Trump’s meddling in Gallagher’s case sends the message that “you can get away with things.”

“We have to have good order and discipline. It’s the backbone of what we do, and the Trident review process with the senior enlisted reviewing fellow senior enlisted is critical,” Spencer said. “The senior enlisted of our military are the backbone of our military. They are the girder of good order and discipline. They can handle this, they can handle this in each one of their communities.”

Spencer also said he disagreed with Trump calling Gallagher a “great fighter,” which he first did Monday and again at his Florida rally.

“I don’t think he really understands the full definition of a war fighter. A war fighter is a profession of arms,” Spencer said of Trump. “And a profession of arms has standards that they have to be held to and that they hold themselves to.”

Esper said Monday that Trump gave him direct orders to stop proceedings against Gallagher, who is set to retire from the Navy this weekend.

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South America

Talking About Ecuador's Political Prisoners: an Interview With Marcela Aguiñaga (CounterPunch) By Joe Emersberger
December 3, 2019

In October, eight protesters were killed during eleven days of demonstrations against a decree by Ecuadorian president Lenin Moreno to eliminate fuel subsidies in order to comply with a structural adjustment loan he signed with the IMF. Other articles and interviews on Counterpunch have discussed how Moreno ditched his left wing campaign platform as soon as he took office in May of 2017 (here, here, and here). The manner in which Moreno has aggressively trampled judicial independence and ruthlessly pursued political opponents has been discussed in other interviews (here, here, here and here)

Below is an interview with National Assembly member Marcela Aguiñaga. She is being investigated for incitement for having attended a press conference. She spoke to me about various political prisoners in Ecuador who, like her, are supporters of former President Rafael Correa (also known as Correístas). Last year I interviewed one of the prisoners she talks about below (former legislator Virgilio Hernandez) for Counterpunch. In addition to political prisoners, Aguiñaga talks about three elected representatives who fled to the Mexican Embassy since October.

Joe Emersberger: Please talk about the two elected representatives who have been in prison since the anti-austerity protests in October.

Marcela Aguiñaga: Those are my comrades Yofre Poma and Paola Pabón. The revolt in October led to acts of persecution. My comrade, Yofre Poma, a sitting legislator, was arrested for being present during an attempted takeover [by protesters] of an oil well. It was not shown that he was guilty of anything. He was there as a representative of the people trying to contain the fury and outrage of the citizens against the government's economic policies. He is in jail serving a 16 month sentence. His conviction went through what is called a direct procedure which applies when people are arrested while allegedly committing the crime. His conviction is not final. His lawyers are still appealing it as they are entitled to under the law.

He is imprisoned here in the city of Quito in a facility known as "Prison Four" even though, in Ecuador, when defendants are sentenced to less than 5 years, they can apply for a conditional suspension of the sentence. That is, they can serve it outside prison when they have no criminal record, have "social ties" to the community, and are not a danger to society.

It should be highlighted that Yofre Poma was sentenced for the same type of crime, under the same circumstances, as the governor of Sucumbíos who is from another political party. The governor of Sucumbíos was given a conditional suspension of his sentence. But Yofre Poma is not because he is a Correísta. It's clear how the Ecuadorian legal system is being used to pursue those who think differently.

Now the case of Paola Pabón is different. Paola Pabón is the governor of the province of Pichincha. She was detained by an urgent act and held for 24 hours while being formally charged with rebellion, a really serious crime in our legal system. She was then placed in pre-trial detention. She is in a maximum security prison called the Latacunga Regional Center. In other words, an elected governor, who has "social ties", who has no criminal record, and who is not a risk to society, is treated as a criminal, and her rights are being violated.

JE: Did issues of jurisdiction or immunity arise because she is an elected governor?

MA: Jurisdiction did but she doesn't have immunity from this charge. The case was tried before the provincial court of Pichincha. So the jurisdiction was respected but what's glaring is the use of pretrial detention. In Ecuador, according to our constitution, it should be a measure of last resort, one that should be replaced with other precautionary measures. In Ecuador today, it's being used all over the place and, unfortunately, violating all legal principles. On several occasions, the Inter-American Court of Human Rights has not only drawn attention to this, but also sanctioned Ecuador for imposing pretrial detention without respecting the principles of necessity, proportionality and exceptionality. Unfortunately, today they do not respect those who think differently and who have clearly said that they are opponents of the national government. Opponents are criminalized.

JE: What is the evidence against Paola Pabón?

MA: Some of the evidence consists of tweets where she expressed herself as a political actor and representative of the province of Pichincha. They have also pointed to conversations she had with her technical team where she coordinated the mobilization of ambulances for people in the city of Quito [part of Pichincha]. Additionally, she is accused of financing this alleged crime of rebellion. But to this day there is no evidence of economic transfers to armed groups which is what would constitute a crime of rebellion. It's clear that this investigation lacks any foundation.

JE: Of the other political actors who were imprisoned (not including those who have sought political asylum) in the wake of the October protests, are any more of them sitting elected representatives?

MA: Just Paola Pabón y Yofre Poma, but it's important to note that other elected authorities in Ecuador from other political parties, with other ideologies, also came out to the streets during those days of chaos. There was the mayor of Guayaquil, the governor of Azuay, the governor of Cotopaxi among others. None of them are prosecuted, sentenced, or worse still deprived of their freedom.

In the city of Guayaquil, the [right wing] mayor ordered the closure of access roads to the city and absolutely nothing happened to her. It shows that the legal system is being used to combat the political adversaries that most bother, annoy and hinder the government of Lenin Moreno.

JE: What about Jaime Vargas, president of CONAIE [an indigenous federation], who prominently led street protests against Moreno's government? What happened to him?

MA: Well in the case of Jaime Vargas and Leonidas Iza and others, they are currently under investigation for various alleged crimes: paralyzing public services, destruction of state property, kidnapping, disturbing the peace, among others. It is a range of crimes for which they are officially under investigation, but they are still free and participating as social and political actors openly giving their opinions as is appropriate in a country that's supposedly a democracy.

JE: What about the cases of Virgilio Hernández, Magdalena Robles and Christian González?

MA: Virgilio Hernández and Christian González are in prison. Virgilio Hernández is the Executive Secretary of the Social Commitment political organization to which we belong. Christian is a young leftist and also a member of our organization that is called "Correist". Those are the kinds of people the government has by far the most interest in silencing because of their clear, transparent opposition to its economic policies.

In the case of Virgilio Hernández, he is also in pre-trial detention here in Quito, in "Prison Four", while being investigated for the crime of rebellion. What is the evidence? Basically messages on Whatsup, a few tweets, nothing more. In the case Christian González, it's also Whatsup messages on his cell phone and some left-wing books, left-wing posters, the most farfetched things you can think of to support the prosecution.

JE: And the journalist Magdalena Robles, is she still in prison?

MA: Magdalena is an activist, a supporter of our political organization in the city of Guayaquil. Magdalena was in jail for about 20 days for filming a march in the city of Guayaquil. Members of the police force arrested her for allegedly paralyzing public services which made no sense at all. Finally, a judge released her despite a new prosecutor trying to keep her in jail by bringing a charge of illicit association. Luckily, I think there are still decent judges, they did not keep her in pretrial detention. Today, Magdalena is free which means so much to a woman of this country, a single mother who was deprived of her freedom.

JE: But she is still being investigated?

MA: She is still being investigated for illicit association.

JE: What of the legislator Gabriela Rivadeneira, is she still in the Mexican embassy where she fled as a consequence of the October protests?

MA: Yes. She and two other members of our legislative block (Citizens Revolution but known as "Correístas") made the decision to ask for protection from the Mexican embassy. We must thank the Mexican people for their generosity in protecting political actors opposed to a government. My fellow legislator Gabriela is being investigated for the alleged offense of incitement. And her husband has an arrest warrant for allegedly participating with Christian González, Virgilio Hernández and others in the crime of rebellion. So Gabriela is in the process of getting asylum. She and her husband are at the embassy. My two other comrades, Soledad Buendía and Carlos Viteri, are also in the process requesting asylum because they and their families have been subjected to extrajudicial harassment. They have therefore felt the need to ask for protection from the Mexican embassy.

The onslaught against Gabriela began with a press conference on Thursday, October 3, where she spoke accompanied by 20

legislators. In full exercise of her duties as a legislator, Gabriela asked that the president of the National Assembly convene a plenary session to analyze the serious situation that Ecuador was experiencing – especially given that a state of exception had been decreed that limited the constitutional rights of Ecuadorians. Gabriela said that the behavior of Lenin Moreno's government warranted debating his impeachment in the National Assembly or invoking a "muerte cruzada" (mutual death) which in our constitution means that the National Assembly decides that the President has not fulfilled his functions during a national crisis and that his term must end. Early elections are then called [for both President and National Assembly].

For these statements, Gabriela is being investigated for incitement, as am I and my fellow legislator Marcela Holguín – simply for being present at the press conference without saying anything.

Beyond that, Gabriela's statements were legal and constitutional. They persecute us for our assertions when we are legislators and we can give opinions and declarations. That's why we have parliamentary immunity. It would be unlikely that in any part of the world, in any halfway civilized country, that a legislator would be tried for statements when legislators all over the world have immunity so that they can speak, opine, investigate without repercussions

So this is what we are living in Ecuador right now – a violation of all constitutional rights, especially of political opponents who most unsettle the government in office.

JE: Have Amnesty International or Human Rights Watch been of any help to the political prisoners?

MA: Not at all. What I do have to recognize is the visit of the Inter-American Commission on Human Rights (IACHR). The IACHR made an on-site visit. The visit has resulted in a preliminary examination that already shows the excessive use of preventive detention, the possibility that political opponents of the government are being persecuted, and the disproportionate use of lethal force. This is something that, once legal options are exhausted in Ecuador, we can use in international channels to defend our rights. In the case of human rights organizations, there was nothing said even when several media outlets had their rights violated. Some were taken off the air, like Telesur, or closed as was Pichincha Universal. Others were removed from the public operating network called CNT as was Russia Today because they were critical in the most difficult times and were very persistent in showing images of violence, chaos, and anarchy that Ecuador experienced during those days of social conflict.

JE: Can you explain the victory you just had in the National Assembly? A proposed economic law of the government's was defeated.

MA: I believe the victory belongs to the Ecuadorian people. We must thank them for trusting us. It is a clear message to the government. It's a message that its neoliberal policies and a failed economic plan are not benefiting Ecuador. The government has to rectify. It must listen to the population, who are saying that they no longer want more unfair taxes, that there are other ways to revive the economy, that there are alternatives. It's time for the national government to change course after this message that was sent by the National Assembly.

JE: How many votes did your allies cast against the defeated law?

MA: We are 29

JE: And what of Alianza País [which used to be Rafael Correa's party but is now officially run by Lenin Moreno] how did they vote?

MA: There were 32 votes against from Alianza País, a block that is fractured. Some of them voted in favor. Some have already left the party and declared themselves independent. Others abstained. It shows the fragility of the government. It does not have a legislative block to discuss and defend its proposed laws.

Nine trampled to death following police chase in Brazil's Sao Paulo (New York Daily News) By Cassidy Vavra
December 2, 2019

Nine people were trampled to death in the Brazilian city of Sao Paulo on Sunday, when authorities chasing two suspects encountered attendees at a street fair, police said.

A 14-year-old boy, one woman and seven men were killed in Paraisópolis, a poor neighborhood in Sao Paulo, Channel News Asia reported.

Police were carrying out an operation when two suspects on motorcycles attacked officials and opened gunfire. Police gave chase and the suspects entered the "funk party" – which had roughly 5,000 attendees – setting off a stampede, police said.

As the gunfire from the suspects continued, police responded by firing rubber bullets and chemical weapons, Police spokesman Emerson Massera said, as reported by Reuters.

In addition to the nine people trampled and killed during the chaos, another seven were taken to the hospital for injuries.

Family and neighbors of the victims challenged statements by police. They allege that exits in the dance area were blocked by authorities, and that police used tear gas while some claim they were beaten by officers.

Sao Paulo Governor Joao Doria, in a statement on social media Sunday, said he "deeply" regrets the deaths and that the incident will be investigated.

The suspects escaped during the police chase.

Jair Bolsonaro accused of inciting genocide before the International Criminal Court (open Democracy)
November 29, 2019

A group of Brazilian lawyers, along with a powerful human rights group and some former ministers, denounced President Jair Bolsonaro before the International Criminal Court (ICC) for inciting the "genocide of indigenous peoples" of Brazil and committing "crimes against humanity".

The Arns Commission and the Human Rights Defense Collective delivered a note to Fatou Bensouda, prosecutor of the International Criminal Court in The Hague, this last Wednesday. Lawyers promoting the complaint reported to *democraciaAbierta* and other media that the document is 60 pages long and identifies 33 actions and official speeches of Jair Bolsonaro that might have a criminal character, as established by the Rome Statute, ratified by Brazil in 2002.

"Yesterday we presented, through CADHu and the Arns Commission, a complaint against President Jair Messias Bolsonaro in the International Criminal Court, for crimes against humanity for his speeches and systematic actions aimed at dismantling public social and environmental protection policies in the Amazon" the lawyers reported.

Former minister José Carlos Dias, currently president of the Arns Commission, signed the document. Former Minister José Gregori also stamped his signature on the complaint.

Before taking the decision to request or not authorization to initiate an investigation, Bensouda may request information to the governments of the Brazilian states and those of other countries, to the United Nations and other intergovernmental organizations, to NGOs and to other sources.

"The purpose of the complaint is to launch an international monitoring body for the actions and omissions of the President and respond to his crimes against activists, civil society organizations and indigenous peoples," says the note sent to *democraciaAbierta*.

The complaint takes place one day after the new version of the Military Criminal Code was approved by the Constitution and Justice Committee of the House of Representatives, this last Tuesday (26). Human rights groups fear that the new text is a license to kill civilians, as it dangerously expands the concept of self-defence. Under the new law, military personnel who use force to 'prevent aggression' may be exonerated, since no real or imminent threat is now required to act.

Since he took office in January this year, Bolsonaro has repeatedly attacked the indigenous peoples of Brazil, comparing them with animals in zoos and prehistoric men. Bolsonaro also led efforts to dismantle the National Indigenous Foundation (Funai), the agency that protects the more than 300 indigenous communities in Brazil. The president also pressed to open indigenous reserves for mining companies.

The complaint puts more international pressure on a president who steadily attacks human rights and environmental non-governmental organizations, denies climate emergency. Bolsonaro systematically puts his interests and those of the ultra-conservative groups that support him above the human and civil rights and the general interest of the Brazilian people.

Chile: Police Reforms Needed in the Wake of Protests (Human Rights Watch)
November 26, 2019

Chile's national police, Carabineros, committed serious human rights violations, including excessive use of force in the streets and abuses in detention, after thousands of Chileans took to the streets on and in the weeks following October 18, 2019, Human Rights Watch said today.

Human Rights Watch met with President Sebastián Piñera on November 26 and recommended a series of reforms directed to

help prevent police misconduct and strengthen oversight in the wake of compelling evidence of excessive use of force and abuses against demonstrators and bystanders. From the beginning of the demonstrations through November 21, the National Human Rights Institute filed 442 criminal complaints on behalf of victims with prosecutors, regarding injuries, cruel treatment, torture, rape, killings, and attempted killings allegedly committed by security forces.

“There are hundreds of worrying reports of excessive force on the streets and abuse of detainees, including brutal beatings and sexual abuse, that should be promptly and thoroughly investigated to ensure victims’ access to justice,” said José Miguel Vivanco, Americas director at Human Rights Watch. “Issues such as the indiscriminate and improper use of riot guns and shotguns, abuse of detainees in custody, and poor internal accountability systems gave rise to serious violations of the rights of many Chileans. This is precisely why police reforms are urgently needed.”

The protests began over an increase in the price of public transportation and have continued for over a month. The demonstrations broadened to reflect anger over serious deficiencies in the provision of social services and economic inequality.

On October 18, Piñera declared a state of emergency in several locations, deploying the military to enforce it. The state of emergency, which included measures restricting freedom of movement such as curfews, was lifted on October 28. The national police responded to massive protests across Chile. While most demonstrators were peaceful, some groups engaged in violent acts, including attacking police officers and police stations with rocks and Molotov cocktails, looting, and burning public and private property. On November 21, the police command said that more than 1,896 officers were injured from October 18 to November 20, about 127 of them seriously.

Human Rights Watch interviewed more than 70 people in Santiago and Valparaíso in November. Some were victims who had been injured by pellets fired from shotguns or direct hits from teargas cartridges fired from riot guns; others alleged to have suffered police abuse in the streets or police stations. Human Rights Watch also interviewed police officers, some of whom had been injured by demonstrators, doctors, lawyers, academics, representatives of civil society, and government officials, including the Supreme Court president, the attorney general, the chief public defender, the police general director, and the foreign affairs, interior, defense, and justice ministers.

Human Rights Watch found compelling evidence that police used excessive force to respond to protests, injuring thousands of people, whether they were engaged in violent actions or not. The country’s emergency services treated 11,564 people injured during the demonstrations from October 18 to November 22, the Health Ministry told Human Rights Watch. Of those, more than 1,100 had moderate or serious injuries.

The use of shotguns that scatter pellets indiscriminately over a wide area with the potential to harm anyone in their path is of particular concern, Human Rights Watch said. The pellet shotguns were the main cause of the more than 220 eye injuries documented by the National Human Rights Institute, an official and independent body. On November 17, the Health Ministry reported that 16 lost eyesight in one eye and 34 had severe eye injuries that could result in partial or total eyesight loss, with their recovery depending on an assessment in the next three months.

On November 19, the police temporarily suspended the use of the pellet shotguns for crowd control at protests while external experts evaluate the composition of pellets. Given their inherently inaccurate nature, indiscriminate impact, and evidence of the serious injuries they have caused, their use should be suspended indefinitely in all circumstances until competent and independent authorities conduct a proper examination of their risks, Human Rights Watch said.

Police also brutally beat protesters, shot bean bag rounds and teargas cartridges directly at them, and ran over some with official vehicles or motorcycles.

The Attorney General’s Office is investigating 26 deaths. Among them are a demonstrator who died after an alleged police beating on the street, three protesters allegedly fatally shot by military forces using live ammunition, and one who was run over by a Navy vehicle, according to information from the Attorney General’s Office.

Medical personnel said that one demonstrator with a heart problem died when he did not receive proper emergency care, because police were using weapons against protesters and medical personnel. The Attorney General’s Office is also investigating the deaths of two men in police custody, which it is currently treating as suicides.

Human Rights Watch learned that at least another 18 people died in fires during looting, were run over by private cars during demonstrations, or died for other reasons without evidence, so far, that government agents played a role.

The police detained more than 15,000 people and ill-treated some of them.

Of 442 criminal complaints filed by the National Human Rights Institute on behalf of victims of abuse, 341 refer to allegations of torture and inhumane treatment and 74 of sexual abuse. Many detainees allege they were brutally beaten by police. Another

of the most common allegations was that police forced detainees, including children, to undress and squat fully naked in police stations, a practice banned by police protocols in March 2019 but that still occurs, including before the protests.

The police appear to be more likely to force women and girls to strip than men, based on data that the National Human Rights Institute collected and interviews Human Rights Watch conducted. A Chilean human rights lawyer told Human Rights Watch of a case in which men and women were detained in the same circumstances, but only women were forced to undress, and cases of police touching women's genitalia after they were forced to strip.

The Attorney General's Office has opened preliminary investigations into alleged abuses against 2,278 people, in which 203 members of security forces are allegedly implicated, including 173 police officers. Only 9 – 4 police and 5 members of the Armed Forces – have been "formalized," meaning that their cases moved to the next investigation phase.

Before the protests, the government adopted a protocol on the use of force and promoted it. During the protests, according to information provided by the government to Human Rights Watch, it took other measures, such as requesting security forces to implement the protocol and the deployment of 250 human rights police instructors to units engaged in crowd control operations.

The abuses in detention and the serious injuries suffered by hundreds of protesters were facilitated by structural failures of oversight and accountability that predate the current wave of demonstrations, Human Rights Watch said.

'What happened was a massacre': grief and rage in Bolivia after day of deadly violence (The Guardian) By Tom Phillips
November 20, 2019

Tears filled Primitivo Quisbert's bloodshot eyes as he contemplated his son's swollen, lifeless face – and why someone else's struggle for political supremacy had condemned his child to an early grave.

"It's so painful, señor. So very painful," the 61-year-old carpenter sobbed. "Just look at what they have done to my boy."

Before him, on a church's wooden pew, lay the body of Pedro Quisbert Mamani, 37, a factory worker and father of two – and one of at least eight young Bolivians killed on Tuesday when the country's political crisis exploded into deadly violence in the city of El Alto.

Nearby lay another five bodies, their feet poking from blankets or flags, their names and ages printed on A4 sheets placed on top of the corpses. "Joel Colque Patty, 22"; "Devi Posto Cusi, 34"; "Antonio Ronald Quispe Ticona, 23"; "Clemente Eloy Mamani Santander, 23"; "Juan Jose Tenorio Mamani, 23".

Three disposable cups had been placed on the tiled floor beneath Mamani's cadaver to catch the constant drips of blood coming from a gaping bullet wound to the back of his head.

"It was one shot in the nape – just look at how he is bleeding," his father said as forensic pathologists donned white suits and face masks and prepared to perform autopsies on the bodies, right there in front of the altar.

"I raised my son with so much love – and now I must bury him. Do you know what that is like for me?" Quisbert asked. "To raise, to educate - and then to bury?"

Evo Morales – the country's exiled former president – described the events in El Alto as a "massacre".

"In Bolivia, they are killing my brothers and my sisters," he told reporters in Mexico City on Wednesday. "This is the kind of thing the old military dictatorships used to do."

The rightwing interim government that took power after Morales' toppling on 10 November has rejected claims the army was behind Tuesday's killings, which came during confrontations between troops and Morales loyalists outside a fuel storage depot the latter had been blockading.

Bolivia's defense minister, Fernando López, told reporters "not a single bullet" had been fired by his forces, and branded demonstrators "terrorists" acting on the orders of Morales.

But in El Alto – a teeming high-altitude city near La Paz long considered a Morales stronghold – locals are adamant the government is to blame for what they call a massacre of innocent workers.

"We cannot allow them to slaughter us like this," shouted Joana Quispe, 40, one of thousands of mostly indigenous demonstrators who had packed the streets around the city's Saint Francis of Assisi church on Wednesday to denounce the

killings.

Outside the simple redbrick church, the mood was one of fury and defiance as locals attacked Bolivia's interim president, Jeanine Áñez, and her rightwing coalition.

"Our government is racist," fumed Ricardo Benito Mamani, 56. "They are trampling on our democracy. This lady president has to go."

Roadblocks cobbled together from concrete slabs, sign posts, burning tires and car parts – and the presence of heavily armed Bolivian security forces – gave the stunning, mountain-ringed community the air of a war zone.

Inside the church, there was rage too.

"The world must know the truth," insisted Aurelio Miranda, 54.

"What happened was a massacre ... They used weapons like you use in a war. They didn't think about the consequences. That's why so many are dead."

"I feel so much pain as a Bolivian, that Bolivians are slaughtering their own brothers," Miranda added.

Primitivo Quisbert still seemed too dazed by his loss to point fingers.

As cries of "Justice! Justice! Justice!" filled the church, he told of how his family had been preparing for a new arrival, not a funeral. His dead son's wife was eight months pregnant with a child who will now never meet its father.

"We're not members of any party. We're not interested in any of this. We are humble people who know how to work," Quisbert said. "How can they just kill you as though you were a dog?"

On the wall above the grieving father, and the improvised altar-side morgue, elegant metal letters spelled out the Prayer of Saint Francis.

"Lord, make me an instrument of your peace Where there is hatred, let me sow love Where there is injury, pardon Where there is doubt, faith Where there is despair, hope Where there is darkness, light And where there is sadness, joy."

"I've been here the whole night – here with my son," Quisbert said. "I cannot let him go."

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Venezuela

Venezuela: UN human rights body backs victims' hopes for justice (Amnesty International)

September 27, 2019

Today, the UN Human Rights Council adopted a resolution creating a Fact-Finding Mission to investigate grave human rights violations and crimes under international law ongoing in Venezuela, sending a strong message to victims and perpetrators alike that impunity won't be allowed to prevail, said Amnesty International.

"We welcome the action taken today by members of the UN Human Rights Council. It was high time for the international community, led by countries in the Americas, to listen to the long-forgotten victims of what is an unprecedented human rights disaster in the region," said Erika Guevara-Rosas, Americas director at Amnesty International.

The resolution dispatches, as a matter of urgency, a Fact-Finding mission to investigate the policy of repression implemented by Nicolas Maduro's government, including extrajudicial executions, torture and other ill treatment, enforced disappearances and arbitrary detentions, with a view to ensuring full accountability for perpetrators and justice for victims. It does this as a response to the multidimensional human rights crisis laid out in the resolution, including violations of civil and political rights

and also the rights to food, health and an adequate standard of living. This severe human rights crisis not only affects millions within Venezuela, but also has a regional impact. Over 4.3 million people have been forced to leave their country due to massive human rights violations, most of whom are now in other countries in Latin America and the Caribbean.

We welcome the action taken today by members of the UN Human Rights Council. It was high time for the international community, led by countries in the Americas, to listen to the long-forgotten victims of what is an unprecedented human rights disaster in the region. Erika Guevara-Rosas, Americas director at Amnesty International “In fulfilling its mandate, the UN Fact-Finding mission will need to address the wider context in which the policy of state repression takes place: a dire humanitarian emergency in which essential human rights such as food, water and health have become out-of-reach luxuries for most people in Venezuela,” said Erika Guevara-Rosas.

“This resolution responds to calls for accountability made by victims, civil society organisations and states in the region, as they have not found any remedy in national courts and the government of Nicolas Maduro has isolated itself from any form of regional scrutiny.”

Iran presented a second resolution focused on the strengthening of cooperation by the Venezuelan government with the UN High Commissioner for Human Rights, Michelle Bachelet, and her Office, which was also adopted by vote.

“Cooperation and accountability are not mutually exclusive; they are complementary. Any solution to the current crisis must put victims first and offer truth, justice and reparations, and guarantees that it won’t happen again,” said Erika Guevara-Rosas. “In addition to engaging constructively with the newly created Fact-Finding mission, we hope for robust follow-up by the UN Human Rights Council should Venezuela continue to refuse to engage meaningfully with the Office of the High Commissioner for Human Rights.”

Since 2014, Amnesty International has been documenting and raising alarm over the grave human rights crisis in Venezuela. In 2017, it established the existence of a policy of repression being used by authorities, under the command of Nicolás Maduro, against those who could be perceived as critics or dissidents of the government. Since then, it has been demanding authorities cease this policy and commits to protecting human rights.

In fulfilling its mandate, the UN Fact-Finding mission will need to address the wider context in which the policy of state repression takes place: a dire humanitarian emergency in which essential human rights such as food, water and health have become out-of-reach luxuries for most people in Venezuela

In 2014, Amnesty International condemned the abusive use of force against participants in mass public protests, and later in 2015, the impunity the perpetrators of those violations were benefitting from. After a mission to Caracas in 2016, the organisation raised concern over the social and economic crisis being endured in the country. In 2017, during and after a period of social protest, Amnesty International documented politically motivated arbitrary detentions, abusive and intentionally lethal use of force, attacks and illegal raids on homes, amongst other violations.

This policy of repression continued into 2019, including since January targeted extrajudicial executions. Throughout this crisis, the humanitarian emergency continued largely unattended, with over 4.3 million people fleeing the country since 2015, at least 7 million in need of immediate humanitarian relief in the country, and an increasingly fragile provision of basic services like water and electricity.

There is little prospect of justice or accountability at national or regional levels. Those who raise concerns, or seek justice for crimes committed by the authorities, put themselves at high risk of violent reprisals, including arbitrary detention, torture and even extrajudicial executions. The generalized lack of independence of the judiciary in Venezuela and the frequent interference of the executive branch in their work, in a context of deep political polarization, has given way to the abusive and arbitrary use of criminal law as a mechanism to stop and prosecute people who have critical opinions on the policies adopted by the Maduro government

President of Human Rights Council appoints Members of Fact-Finding Mission on Venezuela (ReliefWeb)
December 2, 2019

The President of the Human Rights Council, Ambassador Coly Seck (Senegal), announced today the appointment of Marta Valiñas (Portugal), Francisco Cox Vial (Chile) and Paul Seils (Ireland), to serve as the three members of the Fact-finding Mission on Venezuela. Ms. Valiñas will serve as Chair of the Mission.

Through its resolution 42/25 of 27 September 2019, the Human Rights Council decided to urgently dispatch a mission to Venezuela “to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment since 2014 with a view to ensuring full accountability for perpetrators and justice for victims”.

The 47-member body decided to establish the independent international fact finding mission on Venezuela for a period of one year, while urging authorities to cooperate fully with the three-member mission by granting it "immediate, full and unfettered access to and throughout the country, including to victims and places of detention, and to provide it with all the information necessary to fulfil its mandate".

The three members, who will serve in their personal capacities, will meet in the coming weeks to determine their initial course of action - the strategy, methodology and fact-finding approach they will employ in discharging their mandate.

The Mission is scheduled to present its findings to the Council during an interactive dialogue at its forty-fifth session in September 2020.

Ms. Marta Valiñas (Portugal) is a human rights and legal professional, who has been specializing on international criminal justice and, more specifically, on sexual and gender-based crimes. Most recently, she worked in one of the investigation teams at the Office of the Prosecutor of the International Criminal Court (2014-2019). Prior to that, she worked as a legal adviser, both in non-governmental organizations, such as REDRESS (2009) and the Women's Initiatives for Gender Justice (2013/2014), and in the OSCE Mission to Bosnia and Herzegovina (2009-2013). She has consulted for various organizations, including UNICEF-IRC, UN Women, ICTJ, the OSCE Gender Section, and various times for Justice Rapid Response. In this quality, she has recently trained and mentored legal professionals in domestic jurisdictions such as Guatemala and Colombia (2017 and 2019). Ms. Valiñas holds a graduate degree in Law from the University of Porto and a Master's Degree in Human Rights and Democratization (E.MA). She has also been an academic researcher at the University of Leuven on transitional justice (2004-2008).

Mr. Francisco Cox Vial (Chile) is a prominent Chilean criminal lawyer who led the Interdisciplinary Group of Independent Experts (GIEI) appointed by the Inter-American Commission on Human Rights and the Government of President Enrique Peña Nieto to investigate the case of the 43 missing students in Ayotzinapa (Mexico). Mr. Cox litigated before the International Criminal Court, including in the case against Dominic Ongwen, in which Cox represents 2605 victims of the armed conflict in northern Uganda. Recently GRULAC nominated him to integrate the panel of five world experts that advises the Executive Committee of the Assembly of States Parties of the International Criminal Court to elect the next Prosecutor of the International Criminal Court. He studied law at Diego Portales University and then obtained a Master's Degree (LL.M) from Columbia University.

Mr. Paul Seils (United Kingdom) is currently the Director of Peace Practice and Innovation at the European Institute of Peace. He began his professional career as a criminal defence lawyer in his native Scotland where he also served as Legal Director of the Scottish Refugee Council. He has held various senior international posts including Head of Situation Analysis in the Office of the Prosecutor of the International Criminal Court from 2004-2008, the Analysis Chief in the International Commission Against Impunity in Guatemala; Head of the Rule of Law and Democracy Unit (a.i.) in the Office of the High Commissioner for Human Rights; and Vice President of the International Centre for Transitional Justice from 2011-2017. He has written widely on human rights, criminal justice and transitional justice. He taught for several years on the Advanced LL.M at Leiden University, Netherlands, and is currently a Visiting Professor at St. Andrew's University, Scotland.

Rio Treaty nations move to further isolate Venezuela (SF Gate) By Christine Armario
December 3, 2019

Representatives from over a dozen nations that are signatories to a Cold War-era defense treaty for the Americas moved Tuesday to further isolate close allies of Venezuelan President Nicolás Maduro with targeted sanctions.

The 1947 Rio Treaty signatories vowed to cooperate in pursuing economic sanctions and travel restrictions for Maduro government associates accused of corruption, drug trafficking, money laundering or human rights violations.

"The political, economic and social crisis in the Bolivarian Republic of Venezuela represents a threat for the peace and security of the continent," Colombian Foreign Minister Claudia Blum said in the meeting's final remarks.

While the United States and the European Union have targeted Maduro associates with economic sanctions, Latin American nations who are supporting opposition leader Juan Guaidó have largely resorted to diplomatic pressure.

The promise of enhanced economic pressure against Maduro comes at a time when Venezuela's opposition is faltering. Guaidó has struggled to mobilize supporters onto the streets and dipped in popularity. Meanwhile, fissures within the opposition are coming to light amidst recent controversies involving alleged abuses of power.

David Smilde, a senior fellow at the Washington Office on Latin America, said the Rio Treaty's resolution Tuesday marks a "small victory" for the opposition but "not enough to really put them in a different place."

“Their strategy of maximum pressure seems to be stalling,” he said.

Those identified for targeted sanctions by Rio Treaty member nations include: Diosdado Cabello, head of the all-powerful National Constitutional Assembly; Judge Maikel Moreno, chief of the government-stacked Supreme Court; media magnate Raúl Gorrín; and Alex Saab, an obscure Colombian businessman who came onto the radar of U.S. authorities after amassing a large number of contracts from the Maduro government.

Carlos Vecchio, who represents Guaidó in Washington, said that list of over two dozen individuals is a “first step” and that the opposition will be pressuring for more names to be added to the sanctions list in the months ahead.

“The important thing is for international pressure to remain,” he said.

Rio Treaty nations have been treading cautiously in pursuing economic restrictions against Venezuela while vowing not to invoke a provision in the accord that authorizes them to pursue a military intervention. The accord instructs all 19 signatories to consider a threat against any one of them a danger to all.

Colombian President Iván Duque maintains that Maduro is offering a safe haven to rebel factions of the National Liberation Army and dissidents with the former Revolutionary Armed Forces of Colombia, an assertion the Venezuelan leader denies. But he repeated previous remarks urging a diplomatic response rather than a military resolution to Venezuela’s political and economic turmoil.

“Here there’s no invitation for use of force,” Duque said.

Venezuela’s tumult is having increasingly geopolitical ramifications as nearly 6 million flee, putting stress on neighboring countries, and powerful Maduro allies like Russia and China step in to support the socialist government.

Secretary of State Mike Pompeo said Monday that all options remain on the table but described U.S. strategy toward Venezuela as one “mixed with restraint” that would continue to focus on economic penalties.

“We’ve learned from history that the risks from using military force are significant,” he said.

Venezuelan leaders nonetheless point to the Rio Treaty’s invocation as a sign that adversaries plan to invade.

“The people should be prepared and alert on the streets,” Diosdado Cabello, head of Venezuela’s all-powerful National Constitutional Assembly, said Tuesday.

Maduro also blasted the Rio Treaty event, saying it constitutes little more than a distraction for Duque, who is currently grappling with a wave of anti-government protests that have drawn thousands of Colombians to the streets.

“It’s a meeting of puppets, of clowns,” Maduro said.

It remains unclear how quickly any individual Rio Treaty nation will move to freeze bank accounts and enforce other restrictions – though nations recognizing Guaidó as interim president hailed it as an important step.

“If they can’t take their money to the United States, to Europe, and now, they can’t take it to Central America, they can’t take it to South America, they can’t travel to those places, it starts to really limit their options,” said Michael Kozak, the acting head of U.S. diplomacy toward Latin America.

Kozak described recent revelations published by investigative news website Armando.info asserting that a group of opposition legislators had recently written letters in support of businessmen associated with the Maduro government to authorities in the U.S. and Colombia as “disturbing.” But he said the U.S. was satisfied with Guaidó’s response in initiating an investigation against the alleged misconduct.

“It does not undermine our confidence in the National Assembly,” he said. “It shows why we have confidence in the National Assembly.”

FAES, Maduro’s ‘Extermination Group’ (Diálogo)

December 5, 2019

They patrol on motorcycles. Wearing masks, with a skull embroidered on their uniforms and with bullet-proof vests and assault rifles, the members of the Bolivarian National Police’s Special Actions Force (FAES, in Spanish) are frequently seen in Venezuela’s poor neighborhoods. Their presence is ominous.

FAES has been accused of carrying out thousands of extrajudicial executions since their activation in July 2017. The vast majority of its victims, according to several local and international nongovernmental organizations (NGOs), are young people who do not support the Nicolás Maduro regime.

“The FAES’ average victim is a dark-skinned male between 19 and 31 years old who lives in a low-income, popular area [...] and leaves behind orphans,” Edwin Gil, a lawyer for the human rights NGO Proiuris, told Diálogo.

Standing next to a white board with dozens of names of FAES victims, Gil shares his routine in Caracas. He spends very little time in court, he says, but a lot of time at the morgue. He goes there three times a week, and that is how he has managed to take the initial steps to provide legal support for 28 cases of extrajudicial executions involving FAES.

While the organization records executions at the national level (it registered 130 just in October 2019), up to now their legal activities are centered in Caracas and “only on FAES,” says Gil. According to the Venezuelan Observatory of Violence, security forces execute some 20 people a day in the country — the majority at the hands of FAES.

At the morgue, Gil seeks to make contact with the families of the deceased and provide legal support to the bereaved who accept his offer. The majority, however, prefer to “let things be,” says the lawyer.

“Each day that we go to the morgue we see two possible cases, maybe three,” says Gil. “The rest [of the family members] don’t want to make a report out of fear”.

The situation with FAES is so problematic that on July 4, 2019, the United Nations High Commissioner for Human Rights, Michelle Bachelet, called for its dissolution. One day later, Maduro included agents of the force in the military parade to celebrate independence day. On July 17, he reiterated his support in a public act, declaring, “Long live FAES!”

Very little is known about the police corps, how they’re recruited or trained, or how many members it has. Its agents are anonymous and move about with their faces covered. In August 2019, the United States sanctioned its commander, Bolivarian National Guard Lieutenant Colonel Rafael Enrique Bastardo Mendoza, for human rights violations.

What is certain, according to activists, is that FAES shoots to kill.

“FAES is an extermination group created by the dictatorial regime to kill or make anyone who gets in their way disappear,” Carlos Nieto, a lawyer who heads Venezuelan NGO Una Ventana Hacia la Libertad (A Window to Freedom, in Spanish), told Diálogo. “Not just people tied to politics, it also includes delinquents and anyone who makes their job hard. It was created to kill people, to murder citizens.”

Bullets to the chest, shots through the heart or in the head are characteristic of the way FAES operates, says Proiuris. The majority of death certificates reviewed by the organization indicate hypovolemic shock — a massive loss of blood — as the cause of death.

“The official version is always that it’s a confrontation,” says Gil. “But it’s strange; the victims almost always die of hypovolemic shock. This corresponds more to an execution.”

Proiuris’ investigation revealed that when the victims don’t die immediately, FAES agents abstain from providing first aid and take them to a hospital far from where the shooting took place. “The goal of police agents is not to leave any survivors,” says the organization on its website.

Planting fire arms, drugs, and even stealing from family members are other tactics used by FAES, said Luis Ezequiel, Criminology professor at the University of Central Venezuela, during a mid-October forum organized by Proiuris.

There are few known cases of FAES members brought to justice. At the end of October, six FAES agents were charged and will be prosecuted — thanks to Proiuris’ legal support — for the March 2019 homicide of two officers of the Municipal Police of Chacao, a subdivision of Caracas. The organization points out that four others are detained for the murder of a 24-year-old nursing student in a poor neighborhood of Caracas in July 2017.

“They were captured in December 2018 and haven’t even been tried,” says Gil, adding that they could be set free at any time.

According to Venezuelan NGO Cofavic (Committee of Family Members of Victims of Violence, in Spanish), 98 percent of cases are exempt from charges.

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TOPICS

Truth and Reconciliation Commission

Police working on Truth and Reconciliation but more needed (Regina Leader-Post) By Heather Polischuck
November 27, 2019

While numerous steps have been taken to address continuing concerns of members of the Indigenous community about the Regina Police Service, both sides agree more work is needed.

The topic was front and centre at Wednesday's Board of Police Commissioners meeting, which included reports on the service's implementation of the Truth and Reconciliation Commission (TRC) Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG).

RPS Chief Evan Bray supports most of the calls for justice and action that came from the TRC and the MMIWG national inquiry — such as increased recruitment of Indigenous officers, strong partnerships with the Indigenous community and transparent and accountable policing — and added many are already being implemented.

He said the RPS has taken steps such as actively striving for recruitment of Indigenous officers (8.3 per cent of the RPS workforce is Indigenous, between two and three per cent below target); attempting, through “robust” recruiting and continued education, to combat racism in the RPS; working with elders and community groups; taking part in cultural events that allow police to build bridges and learn; and laying the groundwork for an Indigenous Women's Council; among others.

“We always have work to do but I think, really, in Saskatchewan since the death of Neil Stonechild ... there's been a lot of steps being taken by police services in the province to try and build those types of important community relationships and trust,” Bray said.

One series of recommendations, Bray noted, isn't so easy to act on, though: the establishment of specialized Indigenous policing units to act as primary investigative teams overseeing cases involving Indigenous women, girls and 2SLGBTQIA people.

“I worry very much about creating a specialized police unit that is drawn and created along cultural and racial lines,” Bray told the board. “I feel like that could be more divisive than inclusive. We need Indigenous people on our police service and our police service made up of sections where we've got various different cultures and backgrounds and experiences within the police service — whether it be school resources, major crime or frontline patrol ... I worry that our non-Indigenous officers are weakened by isolating an Indigenous section that handles only Indigenous crime and a non-Indigenous section that handles non-Indigenous.”

The board listened to brief comments and presentations from educator and activist Michelle Stewart as well as Richelle Dubois and Delores Stevenson, both of whom expressed concerns springing from investigations into loved ones' deaths. All three women said far more work is needed to ensure accountability, transparency and adherence to TRC principles.

In the cases of Dubois and Stevenson, they're concerned about families not being kept adequately informed during investigations and not having enough of a say in what police do.

Dubois — whose 14-year-old son Haven drowned in 2015 — argued Indigenous citizens should be able to bring their concerns forward at meetings without anyone “dictating” to them when they can or can't be present or speak. “I do believe we should have an open mike,” she told the board, later adding, “We should be able to have a say in every move that's made.”

Stewart petitioned for a “more robust” means of public comment at board meetings, rather than the five minutes delegates were allowed.

Commission chair, Mayor Michael Fougere, said structure and an established agenda are important at meetings, largely so

those participating can adequately prepare in order to respond to concerns “in a comprehensive way.”

“If there’s an emerging issue or an issue that no one knows anything about and someone’s talking about, it’s hard to answer the question,” he told reporters.

Responding to concerns expressed by Dubois and Stevenson — aunt of Nadine Machiskinic who died in 2015 after falling down a laundry chute at a downtown hotel — about their dealings with police during the investigations, Bray offered an apology and assured them the way police communicate with families has vastly improved.^[1]^[2]

“Things have changed,” he said. “And things have changed because of both of you.”

Witch Hunts in Gambia (IR Insider) By Shana Pareemamun
December 2, 2019

Victims of witch hunts ordered by the previous president of Gambia, Yahya Jammeh, came forward for the Truth and Reconciliation Commission on Nov. 11, in harrowing public testimonies that gripped the nation. For the first time, Gambians who have suffered from Jammeh’s abusive regime are testifying in front of a nationally televised commission.

Gambia’s government initiated a public Truth and Reconciliation Commission in 2017 to investigate the atrocities perpetrated by dictator Jammeh, who ruled the country for 22 years. After Jammeh surprisingly lost the Presidential elections in 2016, he fled to Equatorial Guinea, where he was granted refuge. Now, the commission is shedding light on his horrific abuse of human rights and his repressive, violent regime.

Under the erratic leadership of Jammeh, hundreds of Gambians are said to have been detained, tortured, kidnapped or murdered. He had journalists and political opponents jailed, some of which were tortured or died in prison. Furthermore, Jammeh claimed to offer relief to people suffering from AIDS, but in reality took away their antiretroviral drugs, and forced patients to follow his cure: praying, rubbing a green herbal paste on the ribcage, swallowing a bitter yellow drink and eating two bananas. Jammeh also threatened to behead homosexuals and launched a bizarre and ruthless campaign targeting witches.

The witch hunts systematically occurred in the same fashion. There were witch doctors dressed in red tunics, accompanied by Jammeh’s Green Boys, his die-hard supporters, who would come to cleanse the villages of witches. Victims were randomly chosen and forced into a bus, which took them to undisclosed locations. The hundreds of Gambians, taken over seven years, were forced to drink a horrible hallucinogenic concoction at gunpoint and pressured into confessing to murders by sorcery. The drink had lasting, detrimental health effects, such as stomach problems, weakness, body pains and anxiety, and is believed to have caused the death of many.

Jammeh used his witch-hunting campaigns and the stigma attached to ‘witches’ as a political tool to consolidate his power and divide the population. Belief in sorcery is pervasive in Gambia and leads to prejudice. For instance, some Gambians refuse to visit the town of Sintet, believing the residents to be sorcerers. Jammeh’s witch hunt campaigns differ from others due to their extensive operations. People were targeted on a mega scale, and the repercussions of witch hunts continued to affect people years after given the trauma inflicted, the stereotype, and the harmful hallucinogenic drink.

While the commission is unveiling the truth, Gambians wonder whether divisions can be healed and justice will be served. It remains unclear if perpetrators will be tried or imprisoned. Admitted killers have been released after testifying, and Jammeh remains in exile under the protection of the government of Equatorial Guinea.

Next Steps in Liberia’s Long Quest for Justice, 10 Years After Commission Report (Just Security) By David Cornell & Ela Matthews
December 3, 2019

Today marks the 10th anniversary of the final report of Liberia’s Truth and Reconciliation Commission (TRC) on the abuses committed prior to and during Liberia’s 14 years of civil war. Despite the TRC’s conclusions that atrocity crimes and serious violations of international law were committed, the Liberian government continues to waver over the creation of a recommended war crimes court to hold perpetrators to account. Some see an accountability mechanism as an essential step for Liberia to heal from the wounds of the past and to address Liberia’s culture of impunity. Others, however, worry that a court will reignite old tensions, that it could be misused for political purposes, and that it would be too costly given Liberia’s struggling economy. Despite majority support in the Liberian

House of Representatives, a resolution calling for the establishment of a court continues to face obstacles

By way of background, more than 30 years have passed since Charles Taylor and his followers invaded Liberia in a bid to remove then-president Samuel Doe from power. Over the ensuing decade and a half, two brutal civil wars raged throughout the country, displacing half the population and leading to the deaths of nearly a quarter million men, women, and children. Starting in 1989, the National Patriotic Front of Liberia, led by Charles Taylor, wrested power from Samuel Doe and led a brutal struggle for control of the country until Charles Taylor was elected president in 1997. A new rebel movement had formed by 1999 and began attacking Taylor's government forces, plunging Liberia back into a full-blown civil war lasting until 2003.

In 2009, Liberia's TRC found that parties on all sides of the two conflicts committed war crimes, crimes against humanity, and other atrocities, including torture, summary executions, rape, sexual slavery, and the forced conscription of child soldiers. The TRC identified 98 likely perpetrators across the warring factions, and recommended additional investigation and criminal prosecution of those individuals. The Commission called for the creation of an Extraordinary Criminal Tribunal to facilitate those prosecutions. Nearly a decade later, however, that tribunal has yet to be established. Not a single person has been investigated for civil war-era abuses within Liberia, and notorious war criminals continue to hold office in the Liberian government.

In the past decade, those seeking accountability have been forced to look outside Liberia for justice. For example, in 2009 "Chuckie" Taylor, the son of former President Taylor, was convicted in the United States for torture committed by Liberia's Anti-Terrorist Unit under his command—the first and only invocation of the United States' torture statute to date. Meanwhile, his father stood trial in The Hague, was convicted in 2012 by the Special Court for Sierra Leone for crimes committed in that country, and is serving a 50-year sentence in the U.K.

But he continues to evade justice for his crimes or those committed under his orders in Liberia. Last year, U.S. federal prosecutors secured convictions against two senior Liberian commanders – Mohammed Jabbateh and Tom Woewiyu – for immigration fraud related to their human rights abuses in Liberia.

Organizations like the Center for Justice and Accountability (CJA), Civitas Maxima and the Global Justice and Research Project (GJRP), which work with Liberian victims seeking accountability, have likewise sought to advance cases wherever possible. A civil lawsuit filed by CJA's clients in U.S. federal court seeks to end decades of impunity for the 1990 St. Peter's Lutheran Church Massacre, where soldiers from the Armed Forces of Liberia slaughtered approximately 600 civilians seeking refuge at a Red Cross shelter in the Lutheran Church in Monrovia. Outside the U.S., in Belgium, Switzerland, and the U.K., a number of criminal cases are pending against former commanders of the warring factions. For example, in April 2020, Alieu Kosiah, a former commander of the United Liberation Movement of Liberia for Democracy (ULIMO), will stand trial for war crimes in the Swiss Federal Criminal Court.

While the cases outside of Liberia provide some remedy for victims, the struggle continues for accountability closer to home. In just the past several months, 52 members of the Liberian House of Representatives signed a resolution calling for legislation establishing a war crimes court. For more than a year, legislators have been working with local human rights groups and constituents to draft the resolution, which now, for the first time, is supported by a constitutionally required two-thirds majority. Despite this progress, the Speaker of the Liberian House of Representatives, Bhofal Chambers, pulled the resolution from the legislative agenda in October, announcing that members of the Legislature of Liberia require more time to consult with constituents before voting.

Speaker Chambers' decision met with outcry from lawmakers and members of civil society, as the resolution will now be delayed until January 2020, when the Legislature returns from recess. A few signatories of the resolution have even gone so far as seeking Chamber's removal, calling his orchestration of the delay an abuse of power. Other lawmakers feel assured that the resolution will ultimately pass in the House come January and have begun encouraging support in the Senate, where it will need a two-thirds majority vote before being sent to the President to sign into law.

Supporters of a war crimes court believe that now is the right time to implement the TRC's decade-old recommendation. They see Liberian President George Mannah Weah as well-situated to oversee its creation because he played no part in the civil war and previously voiced support for justice. Before becoming president in 2004, then as the UNICEF Goodwill Ambassador, George Weah insisted on the formation and establishment of a War Crimes Court in Liberia to prosecute those who had conscripted child soldiers.

After remaining silent on the issue for the first two years of his presidency, President Weah has recently begun to articulate some support for accountability. In a letter to the Legislature dated Sept. 12, 2019, he wrote: "I am committed to a holistic implementation of the National Consensus (recommendations of the dialogue) and do hereby call on the National Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report,

including the establishment of war and economic crime courts." Later, in a speech to the United Nations General Assembly in New York in September,

President Weah seemed to support a war crimes court, acknowledging the "rising chorus of voices" calling for the court and stating that his administration is "a listening administration." His words immediately generated praise from both domestic and international human rights organizations.

But immediately upon his return to Liberia, President Weah's support inexplicably became more equivocal. In what appeared to be an about-face in early October, shortly before the Speaker withdrew the resolution from the agenda, President Weah seemed to walk back his support, stating: "Why should we focus on the war crimes court now, when we did not focus on it 12 years ago?" His apparent change of heart indicates that more obstacles lay ahead once the Legislature returns to session in January.

In the meantime, Liberian civil society and its international partners will continue to seek justice for victims of the Liberian civil wars, both within Liberia and outside its borders. As Hassan Bility, the executive director of Monrovia-based GJRP, has made clear: "In the past few years we have made significant progress in cases abroad to try alleged perpetrators of Liberia's wartime crimes. But, our people should have the chance to see justice at home." A war crimes court in Liberia would provide exactly such an opportunity.

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Terrorism

London Bridge attacker had been jailed for terrorism crimes, police say (Stars and Stripes) By Jill Lawless, Danica Kirk, & Gregory Katz
November 29, 2019

UK counterterrorism police on Saturday searched for clues into how a man imprisoned for terrorism offenses before his release last year managed to stab several people before being tackled by bystanders and shot dead by officers on London Bridge. Two people were killed and three wounded.

Neil Basu, London's police counterterrorism chief, said 28-year-old Usman Khan was attending a program that works to educate prisoners when he launched Friday's attack just yards from the site of a deadly 2017 van and knife rampage.

Basu said the suspect appeared to be wearing a bomb vest but it turned out to be "a hoax explosive device." Police said they were treating the stabbings as a terrorist attack and were not actively looking for other suspects.

Health officials said one of the wounded was in critical but stable condition, one was stable and the third had less serious injuries.

The attack raises difficult questions for Britain's government and security services. Police said Khan was convicted in 2012 of terrorism offenses and released in December 2018 "on license," which means he had to meet certain conditions or face recall to prison. Several British media outlets reported that he was wearing an electronic ankle bracelet at the time of the attack. Prime Minister Boris Johnson said he had "long argued" that it was a "mistake to allow serious and violent criminals to come out of prison early."

Khan had been convicted as part of a group that denied plotting to target major sites including Parliament and the U.S. Embassy. Khan admitted to a lesser charge of engaging in conduct for the preparation of acts of terrorism.

Johnson, who chaired a meeting of the government's COBRA emergency committee late Friday, said more police would be patrolling the streets in the coming days "for reassurance purposes." The violence erupted less than two weeks before Britain holds a national election Dec. 12. The main political parties suspended campaigning in London as a mark of respect.

Metropolitan Police Chief Cressida Dick said officers were called just before 2 p.m. Friday to Fishmongers' Hall, a conference venue at the north end of London Bridge.

Learning Together, a Cambridge University-backed prison education program, was holding a conference at the hall.

Cambridge Vice Chancellor Stephen Toope said he was "devastated to learn that today's hateful attack on London Bridge may have been targeted at staff, students and alumni attending an event organized by the University of Cambridge's Institute of Criminology." Minutes after the stabbings, witnesses saw a man with a knife being wrestled to the ground by members of the public on the bridge before officers shot him dead.

One video posted on social media showed two men struggling on the bridge before police pulled a man in civilian clothes off a black-clad man on the ground. Gunshots followed. Another depicted a man in a suit holding a long knife that apparently had been taken from the attacker. Karen Bosch, who was on a bus crossing the bridge, said she saw police "wrestling with one tall, bearded man" and then heard "gunshots, two loud pops."

She said the man "pulled his coat back which showed that he had some sort of vest underneath, whether it's a stab vest, or some sort of explosive vest, the police then really quickly moved backwards, away."

Mayor Sadiq Khan praised the "breathtaking heroism of members of the public who literally ran towards danger not knowing what confronted him."

Security officials earlier this month had downgraded Britain's terrorism threat level from "severe" to "substantial," which means an attack is seen as "likely" rather than "highly likely." The assessment was made by the Joint Terrorism Analysis Centre, an independent expert body that evaluates intelligence, terrorist capability and intentions.

It was based in part on a judgment that the threat of extremists returning from Syria to launch attacks in Britain had been slightly reduced.

The U.K.'s terror threat was last listed as "substantial" in August 2014; since then it has held steady at "severe," briefly rising to "critical" in May and September 2017.

London Bridge attack: UK's military interventions have fuelled terrorism, says Corbyn (The Guardian) By Toby Helm & Michael Savage
December 1, 2019

Britain's repeated military interventions have "exacerbated rather than resolved" the problem of terrorism, Jeremy Corbyn will warn today.

The Labour leader will use a speech to warn that the so-called "war on terror has manifestly failed", adding that the world is "living with the consequences" of the botched invasion of Iraq, which he opposed. He will say that Britain risks being "tied to Donald Trump's coat-tails" and US foreign policy under Boris Johnson.

His comments come just before Johnson hosts a Nato summit this week to be attended by the US president. Responding to the London Bridge attack in a speech in York, Corbyn will praise the "extraordinary bravery" of the public in confronting the attacker. He will say that the police were right to use lethal force, with lives at stake and the attacker wearing a fake suicide vest. However, he will also say that while responsibility for acts of terror lies with "the terrorists, their funders and recruiters", UK leaders "have made the wrong calls on our security".

He will add: "The threat of terrorism cannot and should not be reduced to questions of foreign policy alone. But too often the actions of successive governments have fuelled, not reduced that threat.

"Sixteen years ago, I warned against the invasion and occupation of Iraq. I said it would set off a spiral of conflict, hate, misery and desperation that will fuel the wars, the conflict, the terrorism and the misery of future generations. It did, and we are still living with the consequences today.

"The war on terror has manifestly failed. Britain's repeated military interventions in North Africa, the Middle East and South Asia have exacerbated, rather than resolved the problems." Corbyn will criticise cuts and warn that real security cannot be done "on the cheap". His comments come as the prime minister announces that he will conduct the most wide-ranging review of Britain's security, defence and foreign policy since the end of the cold war if the Tories win the general election. No 10 revealed the plan after Friday's London Bridge terror attack, in which two members of the public were killed and three taken to hospital for their injuries. However, Corbyn will argue today: "Take the probation service, part-privatised in 2014, resulting in disaster. The most serious cases stayed in a justice system badly undermined by austerity. A failure to recruit has left huge staffing shortfalls and with staff supervising more cases than ever expected, posing a serious risk to our security."

Johnson said that the examination of the UK's security capabilities would be bigger than previous reviews as it would cover not just the armed forces but also intelligence, counter-terrorism and serious and organised crime. The prime minister suggested it would also review strategic and diplomatic issues, such as Britain's place in the world after Brexit. Johnson said: "It will also consider global Britain's foreign policy: British alliances and diplomacy; shifts of power and wealth to Asia; how

we can best use our huge expenditure on international development; and the role of technology.”

Johnson insisted that despite Brexit the UK would want to strengthen cooperation with European Union nations on security, notwithstanding warnings from many EU leaders that Brexit will reduce UK involvement in organisations such as Europol and jeopardise access to its vital databases.

Senior Tories are anxious that Trump, who, during his two-day visit, is expected to face protests from NHS staff fearful that the service will be at risk in a UK-US trade deal, may seek to intervene in the UK election campaign in a way that could backfire on the Conservatives. Trump is expected to be greeted on Tuesday evening outside Buckingham Palace by doctors, nurses and other NHS workers leading a protest of tens of thousands. They are planning to march from Trafalgar Square to Canada Gate when Trump and other Nato leaders meet the Queen at a 6pm drinks reception.

Last night 515 NHS nurses, doctors and other health professionals wrote an open letter to Trump demanding a guarantee that the NHS will not be targeted in any UK-US trade talks. “We are particularly concerned about conversations over patents for pharmaceuticals and the potential for huge drug price increases for the NHS,” the letter says.

“To allay our worst fears, we request you publish new trade negotiating objectives that explicitly rule out any measures that will lead to changes to our pharmaceutical patent and procurement regime, explicitly state that the NHS is taken off the negotiating table.

“Anything less than this will not reassure us and will leave thousands of dedicated NHS staff in fear for the future.”

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Piracy

Gulf of Guinea pirates kidnap 7 foreigners (Navy Times)

November 23, 2019

Equatorial Guinea says seven people of various nationalities have been kidnapped by pirates off its coast in the Gulf of Guinea.

A statement by the country’s information office says pirates attacked the supply vessel for Exxon Mobil early Wednesday near the Zafiro oil field.

It says the navy later boarded the vessel to find its remaining eight crew members in hiding. The statement says the 15 crew members come from South Africa, the Philippines, Serbia and Cameroon.

The International Maritime Bureau last month said the Gulf of Guinea now accounts for about 82 percent of crew kidnappings in the world.

Duterte calls UN ‘inutile’ after Pinoys fell victims to pirates (GMA) By Virgil Lopez

November 28, 2019

President Rodrigo Duterte on Thursday accused the United Nations (UN) of not taking “punitive” action against pirates that have victimized Filipino seafarers.

Duterte called the UN, which has made critical statements against the Philippines’ war on drugs, an “inutile body.” ^[SEP] “It has been an inutile body actually. The United Nations has failed to establish order in this planet. And that is why everybody is just to each his own. It has not established order. It has not prevented wars,” he said in a speech at the awarding ceremony of child-friendly cities and municipalities in Malacañang. ^[SEP]

“It has not take[n] any punitive, strong action against the pirates.” ^[SEP] Duterte recalled telling South Korea that he would deploy a Navy ship after a South Korean, along with three Filipino engineers, were kidnapped by armed men off a water project site in western Libya in July 2018. They were eventually released in March this year. ^[SEP] “Sabi ko, kung pumayag ka, I will send my Navy ships there at patrol the areas,” he said. ^[SEP]

“And whenever you see the idiots there, fire your cannons and blast them to kingdom come. Do not give them a chance to live and to kidnap again.” ^[SEP] Duterte said Social Welfare Secretary Rolando Bautista, a former Army chief, might coordinate with

the Philippine Navy for the deployment of Navy forces that will destroy the pirates.

“Baka talaga na he will coordinate with the Navy and I will send the Navy there. And ‘pag nakita nila ‘yung mga... Patayin na lang nila. Tabla-tabla na lang,” he said. Piracy and ransom kidnappings of Filipino sailors by pirates in the dangerous African waters have long been a problem for the Philippine government as they lack the capacity to monitor their movements when at sea. The Philippines is one of the largest providers of shipping manpower in the world.

Pirates Hijack Fully Loaded Supertanker Off Nigeria (Oilprice.com)

December 4, 2019

A gang of pirates have kidnapped 19 sailors after waylaying then boarding a supertanker loaded with oil, according to various media reports.

Hong Kong-flagged crude supertanker the Nave Constellation, owned by Navios Maritime Acquisition Corporation, was attacked during the evening hours of Dec. 3 while the ship was traveling through Nigerian waters. The attack occurred roughly 60-70 nautical miles south (reports vary) of Nigeria's Bonny Island Offshore Terminal, where the ship was stocked with cargo. Seven crewmembers were left aboard the ship by the pirates. According to sources, 18 of the kidnapped were Indian nationals, along with one Turk.

Security firm Dryad Global believes the attack is part of a growing trend, with six incidents and four kidnappings in the area of Tuesday night's incident.

The string of attacks suggests a well-armed and resourceful pirate action group, most likely operating from one or more "mothership"-type vessels, with other smaller, nimbler crafts at their disposal.

A representative for the tanker's owner said the top concern was for the kidnapped crew, according to the New Indian Express.

“Navios as Owners and Anglo-Eastern as Technical and Crew Managers' prime concern is the safety and early return of the 19 persons taken by the pirate gang. All the appropriate authorities, including the Flag State, have been alerted and are responding and all the necessary action is being taken to secure their wellbeing and early release.”

As we noted recently, One Earth Future's annual State of Maritime Piracy report highlights incidents of hijacking, kidnapping, robberies and boarding attempts on the high seas. In recent years, they've recorded a steady drop in the number of incidents in East Africa and around Somalia in particular, which was a hotspot for pirate attacks for years.

This pullback has allowed West Africa to take over as the Continent's biggest piracy hotspot. Oil piracy is also big in the Gulf of Mexico, where the number of incidents is also on the rise.

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WORTH READING

Twenty-Five Years of Contemporary International Criminal Justice

Goran Sluiter

Amsterdam Center for International Law No. 2019-17

November 18, 2019

There is much to be said for the contention that 2019 marks the twenty-five years period of contemporary practice of international criminal justice. In 1994 the International Criminal Tribunal for the Former Yugoslavia (ICTY), which was established in 1993, became operational and in 1994 the International Criminal Tribunal for Rwanda (ICTR) was set up. The creation of these two UN Tribunals has spurred unprecedented developments in respect of international criminal accountability in legislation and practice, at both the national and international level.

Twenty-five years is a significant period of time and a good moment to look back and to look ahead. I will do so through the prism of the overarching and unwithering goal of international criminal justice: to end impunity for the most serious crimes known to mankind, and in doing so seek to ensure an optimal balance between efficiency and fairness.

This paper reflects on two major issues and challenges for contemporary international criminal justice: the scope of criminal accountability and the nature and organization of the model of criminal procedure applied by international criminal tribunals.

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Grotian Moment: The International War Crimes Trial Blog:
<http://law.case.edu/grotian-moment-blog/>

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