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War Crimes Prosecution
Watch

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Contents

AFRICA

NORTH AFRICA

Libya

- **Civilians killed as projectile blast hits Libya's Tripoli (Aljazeera)**
- **Continued airstrikes in western Libya 'utterly unacceptable', says UN mission chief (UN News)**

CENTRAL AFRICA

Central African Republic

- **Clashes kill about 40 people in Central African Republic capital: local sources (United News of India)**
- **C.Africa authorities and UN vow to disarm flashpoint district (Yahoo News)**

Sudan & South Sudan

Democratic Republic of the Congo

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

- Ivory Coast street militia leader sentenced to 20 years for role in civil war (Reuters)

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

- Boko Haram jihadis kill 14 in attack on western Chad village (The Japan Times)
- ISIS Affiliate in Nigeria Releases a Video Showing 11 Executions (New York Times)

Mali

- France's first drone strike kills seven fighters in Mali (Aljazeera)

Liberia

EAST AFRICA

Uganda

- Uganda court issues arrest warrant for jailed ex-Sudan President Bashir (The Observer)

Kenya

Rwanda

- Belgium convicts Rwandan officer over role in 1994 genocide (France 24)

Somalia

- 'Horrendous crime': UN chief condemns deadly Mogadishu attack (Aljazeera News)

EUROPE

Court of Bosnia & Herzegovina, War Crimes Chamber

- Interpol Warrants Issued for Two Bosnian Serb War Convicts (Balkan Insight)
- Bosnia Indicts 13 War Suspects on Last Day of 2019 (Balkan Insight)

International Criminal Tribunal for the Former Yugoslavia

Domestic Prosecutions In The Former Yugoslavia

- Serb Ex-Policeman Pleads Not Guilty to Kosovo War Crime (Balkan Insight)
- Serbia Upholds Yugoslav Commander's Acquittal for Kosovo Crimes (Balkan Insight)

Turkey

MIDDLE-EAST

Iraq

- **IS militants exploit political unrest in Iraq to rise again (Al Monitor)**

Syria

- **Omar calls on US to investigate Turkey over possible war crimes in Syria (The Hill)**
- **Us Representatives Ask Syria Envoy To Give Briefing On Use Of White Phosphorus By Turkey (NRT)**
- **Trump to sign \$738bn defence bill: What does it include? (Aljazeera)**
- **Israeli Foreign Minister: Ayatollah Khamenei is a war criminal (Arutz Sheva)**
- **Strikes Kill 8 in Syria's Idlib as Turkey, France Urge De-Escalation (Asharq al-Awsat)**
- **Russia Takes Over Third U.S. Base in Syria (Moscow Times)**
- **Idlib could become the worst humanitarian crisis in Syria's civil war (Washington Post)**
- **UN increases 2020 operating budget to investigate Syria war crimes (Middle East Eye)**
- **The U.N. Tried to Save Hospitals in Syria. It Didn't Work. (New York Times)**

Yemen

- **Aid groups halt work in south Yemen after targeted bombings (The Washington Post)**
- **UN condemns attack that killed 17 civilians in north Yemen (The Washington Post)**

Special Tribunal for Lebanon

Israel & Palestine

- **Israel Is Hiding Documents That Could Help Its War Crimes Case at the ICC (Haaretz)**
- **Israel/Palestine war crimes probe 'momentous step forward', says UN rights expert (UN News)**
- **The ICC will likely throw out Palestine's case for war crimes, Norman Finkelstein says (Mondoweiss)**
- **UN Reports Increase in Israeli Demolition of Palestinian Structures (Asharq Al-Awsat)**
- **Israel shrugs at Hamas saying it will cancel Weekly Gaza riots - Analysis (The Jerusalem Post)**

Gulf Region

- **The Valley of Death: the Saudi Coalition is Creating a Living Nightmare for African Migrants in Yemen (Mint Press News)**
- **Saudi-Led Coalition's Artillery Shelling Kills 17 in Yemen (News Click)**
- **2019 was supposed to be a landmark 'Year of Tolerance' in the UAE. It didn't turn out that way. (Business Insider)**

ASIA

Afghanistan

- **US threats over Afghan war probe 'troubling', says ICC (The Banker)**

Extraordinary Chambers in the Courts of Cambodia

- **Ao An Ruling Leaves Khmer Rouge Tribunal In Prolonged Uncertainty (VOA Cambodia)**

Bangladesh International Crimes Tribunal

- **Migrant workers from Bangladesh: Too many die on foreign shores (Dhaka Tribune)**

War Crimes Investigations in Myanmar

- **Myanmar Rohingya: UN condemns human rights abuses (BBC News)**

AMERICAS

North & Central America

South America

- **The hour of truth: Colombia's former army chief called to trial over systematic killing of civilians (Colombia Reports)**
- **One of Colombia's top organized crime prosecutors assassinated (Colombia Reports))**
- **Colombia's Longest Insurgency and the Last Chance for Peace? (NACLA)**

Venezuela

- **Senate passes sweeping Menendez-Rubio legislation to address Maduro's humanitarian crisis in Venezuela and advance international effort (ReliefWeb)**
- **The Venezuelan Doctor Fighting Malaria and Maduro (Daily Beast)**

TOPICS

WORTH READING

- **Direct Rights of Individuals in the International Law of Armed Conflict: Anne Peters**

AFRICA

NORTH AFRICA

Libya

Civilians killed as projectile blast hits Libya's Tripoli (Aljazeera)

December 24, 2019

At least four civilians were killed on Tuesday when a projectile exploded in a vegetable market in an eastern suburb of Libya's capital, a rescue workers' spokesman said.

"Four civilians were killed and six wounded by an explosive device that targeted the Tajoura vegetable market," Oussama Ali told AFP news agency.

Forces loyal to the United Nations-recognised Government of National Accord (GNA), based in Tripoli, accused rival forces

answering to eastern renegade military commander Khalifa Haftar of hitting a "civilian area".

Haftar's forces, who have since April carried out an offensive against the capital, made no immediate comment on the attack.

Haftar's Libyan National Army (LNA) has received support from Russia, Egypt, Jordan and the United Arab Emirates.

An AFP news agency photographer at the scene confirmed the projectile had exploded near a vegetable market, located in an area controlled by forces backing the GNA.

Shell fragments fell on cars and buildings in an area stretching several dozen metres, the photographer said.

Hundreds killed since April

According to UN figures published last week, the fighting around Tripoli since April 4 has killed at least 284 civilians and wounded 363.

More than 140,000 Libyans have been forced to flee their homes over the same period.

The country has been mired in chaos since late Prime Minister Muammar Gaddafi was deposed and killed in a 2011 NATO-backed uprising.

As this developed, a spokesman of Turkish President Recep Tayyip Erdogan said on Tuesday that his country might need to draft a bill to allow for troop deployment to Libya.

Ibrahim Kalin said the Turkish Parliament was working on the issue after Ankara signed a military cooperation agreement with Tripoli last month.

"There might be a need for an authorisation in line with the developments over there. The Parliament is conducting work on this issue," Kalin told a news conference in Ankara.

"We will continue to support the internationally recognised Libyan government. This support may be in terms of military training, or other areas, such as political support," Kalin said.

Turkey has already sent military supplies to Fayeze al-Sarraj's Tripoli-based government despite a United Nations arms embargo, according to a report by UN experts seen by Reuters last month.

Ankara says al-Sarraj's Government of National Accord (GNA) has not yet asked Turkey to deploy troops to Libya.

However, Erdogan said on Sunday that Turkey would increase its military support to Libya if necessary and would evaluate ground, air and marine options.

Last week, Russia said it was very concerned about Turkey's potential troop deployment in Libya, adding that the military accord between the two countries raised questions. A Turkish delegation travelled to Moscow on Monday to discuss developments in Libya and Syria.

Continued airstrikes in western Libya 'utterly unacceptable', says UN mission chief (UN News)

December 29, 2019

The top United Nations official in Libya has condemned recent airstrikes targeting civilian installations that left at least three people dead and several others injured.

Ghassan Salamé, head of the UN Support Mission in the country, UNSMIL, called for greater civilian protection following the incidents, which occurred in three locations in the west.

"We have said it loud and clear that indiscriminate attacks against civilians not only constitute a grave violation of international humanitarian law and human rights law, but also further escalate the conflict and incite future acts of revenge, which threaten the social unity in Libya," he warned in a statement issued on Saturday, adding that "this is utterly unacceptable."

Week of airstrikes

Libya has been facing ongoing instability since the fall of President Muammar Gaddafi in 2011.

Thousands have been killed in fighting between factions of the self-styled Libyan National Army (LNA) commanded by Khalifa Haftar, based in the east, and the internationally-recognized government in the capital, Tripoli, located in the west.

Mr. Salamé reported that the Institute of Applied Engineering in the city of Al-Zawiya, which is located near a centre hosting hundreds of migrants, was attacked in an airstrike on Saturday. No casualties were reported.

However, he said two civilians were killed and eight injured on Thursday in airstrikes carried out in the city by General Haftar's forces.

Furthermore, one person died and six others were injured, including two children, in attacks in Abu Salim on Friday, while several casualties were reported in airstrikes in Tajoura on Tuesday.

Civilian casualties mounting

The UN mission chief underscored the need to protect civilians and civilian infrastructure in Libya.

"The principles of distinction, proportionality and precaution must at all times be fully respected," said Mr. Salamé.

Overall, at least 284 civilians were killed and 363 injured in Libya this year, according to data from UNSMIL and the UN human rights office, UNHCR. These figures represent an increase of more than 25 per cent over the same period last year.

Most of the casualties were due to airstrikes, which accounted for 182 deaths and 212 injuries, followed by ground fighting, improvised explosive devices, abductions and killings.

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

CENTRAL AFRICA

Central African Republic

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

Clashes kill about 40 people in Central African Republic capital: local sources (United News of India)

December 26, 2019

About 40 people have been killed during clashes between business owners and armed rebel groups in the Central African Republic's capital Bangui since Christmas Eve, local sources said.

The conflicts took place at the PK5 agglomeration, a trading center in Bangui and also a stronghold for rebel groups. According to local residents who have asked for anonymity, rebel elements demanded "taxes" from business owners on the sale of Christmas toys, which led to a brawl that resulted in the death of a rebel member earlier. This later quickly turned into armed conflict between the two parties.

Gunshots were heard from PK5 trading center throughout the fighting, which intensified on Thursday morning as rebels burned the stores of some business owners. Calm later returned at the site after a joint intervention by security forces and UN peacekeepers.

C.Africa authorities and UN vow to disarm flashpoint district (Yahoo News) By Florent Vergnes

December 31, 2019

The government and United Nations forces in the Central African Republic will ban guns from a flashpoint district in the capital where new clashes have claimed dozens of lives, the UN mission said Tuesday.

The mainly-Muslim PK5 district in Bangui is a notorious trigger for violence in the CAR, one of the world's poorest and most

volatile countries.

"Any armed person will be disarmed or neutralised," Bili Aminou Alao, spokesperson for the UN force MINUSCA, told AFP.

On December 26, fighting erupted between local militiamen and traders angered by extortion.

More than 30 people have been killed, according to the Red Cross and a local imam, Awad Al Karim, and several dozen stores have been burned.

The CAR government will deploy patrols by the Domestic Security Forces (FSI) -- police and gendarmes -- and a police commissioner will be sent to PK5, the MINUSCA spokesman said. "The ball is in the camp" of the armed groups, he said. "We are waiting for their members to come along with their weapons and lay them down."

The CAR has been gripped by sporadic violence since 2014, after then-president Francois Bozize was ousted in a coup.

Fierce fighting then erupted between predominantly Christian and Muslim militia, prompting the intervention of former colonial power France, under a UN mandate.

Most the country lies in the hands of armed groups, who often fight over the country's mineral resources.

The PK5 district, where many Muslim traders took refuge in 2013, is a trigger point. In April 2018, MINUSCA launched a crackdown on militia there in response to appeals by local traders.

But the operation ended bloodily with about 30 deaths, sparking anger among local people. A fragile calm returned to the streets of PK5 on Tuesday and the markets reopened, despite the destruction, several traders contacted by AFP said.

Youssouf Djibrine, head of the traders' association in PK5, was cautious, recalling the failure of the April 2018 operation, codenamed Sukula ("cleanup" in the national language of Sango).

"MINUSCA has to honour what it says" about disarming, he said. "I can still see danger."

The local imam, Al Karim, was more optimistic, saying that Tuesday's announcement was "a major step forward."

Several militiamen, speaking to AFP on condition of anonymity, said they were keen on giving up their weapons and integrating civilian life.

A "disarmament, demobilisation and reintegration" (DDR) programme is being funded to the tune of \$30 million by the World Bank, aiming to encourage 9,000 militiamen to return to civilian life.

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

Sudan & South Sudan

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

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

Democratic Republic of the Congo

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

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

WEST AFRICA

Côte d'Ivoire (Ivory Coast)

**Official Website of the International Criminal Court
ICC Public Documents - Situation in the Republic of Côte d'Ivoire**

Ivory Coast street militia leader sentenced to 20 years for role in civil war (Reuters)

December 31, 2019

ABIDJAN (Reuters) - Charles Ble Goude, an ally of former Ivory Coast president Laurent Gbagbo, has been sentenced in absentia to 20 years in prison by a court in Abidjan for his role in the civil war that followed the 2010 presidential election, his lawyers said.

Ble Goude headed the notorious Young Patriots street militia during Gbagbo's presidency.

Gbagbo and Ble Goude were acquitted in January by the International Criminal Court (ICC) in The Hague of charges of crimes against humanity during the violence, in which some 3,000 people were killed.

But Ivorian prosecutors this month brought charges against Ble Goude - who has remained in Europe while ICC prosecutors appeal against the acquittals - for rape, torture and other crimes related to his role in the conflict. He denied the charges.

Political tensions are rising in Ivory Coast ahead of an October 2020 presidential election. President Alassane Ouattara, whose victory over Gbagbo in 2010 sparked the civil war, is expected to step down after 10 years in office, but he has refused to rule out running for re-election.

Ble Goude's lawyer in the Netherlands, Geert-Jan Knoops, said on Tuesday the Ivorian court had convicted his client on Monday.

"I am quite astonished that a country that is supposed to cooperate with the ICC is not respecting the system," Knoops said. "Once a case is before the ICC, the domestic courts should abstain from prosecution for the same facts."

Ble Goude's lawyer in Ivory Coast, Ndry Claver, said a warrant had been issued for Ble Goude's arrest.

An official at the court in Abidjan confirmed the sentence. A government spokesman was not immediately available for comment.

Ivory Coast extradited Ble Goude to the ICC in 2014.

Gbagbo also remains in Europe pending the ICC appeal. If he is able to return to Ivory Coast in time, he could stand in the presidential election, a move that Ouattara said would make him rethink plans to step down.

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

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

Boko Haram jihadis kill 14 in attack on western Chad village (The Japan Times)

December 19, 2019

N'DJAMENA – Fourteen people were killed and 13 were missing after Boko Haram jihadis attacked a fishing village in western Chad on Tuesday, government officials said.

Violence from the Boko Haram insurgency started in Nigeria a decade ago, but has since spread to neighboring countries Chad, Niger and Cameroon.

“There were 14 dead, five wounded and 13 missing in the attack” near the village of Kaiga on the shores of Lake Chad, Imouya Souabebe, the prefect of the region, told AFP on Wednesday.

Kaiga lies in marshland in a remote, sprawling region where the borders of the four countries — Cameroon, Chad, Nigeria and Niger — meet.

The village is about 60 km (35 miles) from the border with northeast Nigeria, the springboard for Boko Haram raids and kidnappings in neighboring countries.

“We know that there are always Boko Haram elements moving around the (border) area, so they are behind this attack,” Souabebe said.

“The attackers first came in a small group and then brought in reinforcements to attack the fishermen.”

The region’s governor, Noki Charfadine, gave a toll of at least nine dead.

He said the attack had taken place in a “red zone, where fishing is forbidden.”

Boko Haram launched its armed insurgency in northeastern Nigeria — a campaign that has killed 35,000 people and caused around 2 million to flee their homes.

The spread of violence to Chad, Cameroon and Niger has prompted the formation of a regional military coalition to fight the jihadis.

Boko Haram has since split in two, with the emergence of a branch allied to the Islamic State (IS) group, known as Islamic State Group in West Africa, or ISWAP.

The other faction, loyal to the movement’s historic leader, Abubakar Shekau, is known for targeting civilians, including village attacks and suicide attacks.

The ISWAP, which has about 3,000 men grouped at Lake Chad, has been building its capacity and mainly targets the armed forces of countries in the region.

In Chad, four soldiers were killed by jihadis on Dec. 2 in the attack on one of their positions on the shores of the lake. In recent months, many civilians have been killed or abducted in this area as well, mostly in Chad and Cameroon.

ISIS Affiliate in Nigeria Releases a Video Showing 11 Executions (New York Times) By Ruth Maclean and Eric Schmitt
December 27, 2019

DAKAR, Senegal — An affiliate of the Islamic State in Nigeria has claimed responsibility for the execution of 11 people, saying the killings were in retaliation for the death of the ISIS leader Abu Bakr al-Baghdadi in Syria in October.

A video released on Thursday showed members of the Nigerian affiliate slashing the throats of 10 people and shooting an additional person. A voice-over says the killings are a “message for Christians” and that all of those killed were Christian, although Nigerian experts said some of them were probably Muslims, based on previous episodes involving the group.

The Islamic State, or ISIS, has lost all of the territory it once held in Iraq and Syria, but it remains a threat even after Mr. al-Baghdadi was killed in an American raid on his hide-out in northwestern Syria. In addition to the affiliate in Nigeria, which is known as the Islamic State West Africa Province, groups in the Philippines, Afghanistan, Sinai and the Sahel, a 3,000-mile stretch of land south of the Sahara, also claim allegiance to ISIS.

The members of the Islamic State West Africa Province, which is known by the acronym ISWAP, left the Islamic militant group Boko Haram in 2016. According to the International Crisis Group, it has between 3,500 and 5,000 fighters. Its leaders split from Boko Haram in part because they disapproved of the violence that the group and its harsh leader, Abubakar Shekau, has meted out to Muslims, according to analysts.

The executions could herald a possible return to the harsher methods of Boko Haram, according to experts.

Abdulbasit Kassim, a co-author of “The Boko Haram Reader: From Nigerian Preachers to the Islamic State,” said that other Islamic State provinces had released videos of revenge for the killing of Mr. al-Baghdadi. Mr. Kassim said there was a strong possibility that ISWAP was under pressure to do the same.

“I think there’s a demand from IS Central: ‘ISWAP, where is your submission for revenge for Baghdadi?’” said Mr. Kassim, referring to the main body of the Islamic State. He added that he believed ISWAP was making two types of propaganda, one aimed at obtaining ransoms from the Nigerian government, and one to satisfy Islamic State demands.

The video was released to Ahmad Salkida, a Nigerian journalist who often publishes information about both ISWAP and Boko Haram. According to Mr. Salkida, ISWAP had shown interest in negotiating a prisoner swap, but abruptly changed course and executed the prisoners instead.

The 56-second video shows the captives, who were blindfolded and wearing orange tunics, kneeling on the ground, their captors standing behind them in black balaclavas.

A fighter in the middle lifts a handgun and shoots the prisoner in front of him in the head. The video then cuts to the fighters standing behind the other 10 prisoners. Holding each captive by the face or hair, the fighters slit their throats.

In the version of the video seen by The New York Times, which was published on Amaq, an ISIS propaganda arm, a man speaks over the recording. “This message is to the Christians in the world,” he says in both Arabic and Hausa, a Nigerian language, according to the Washington-based SITE Intelligence Group, which tracks jihadists and white supremacists. “Those who you see in front of us are Christians, and we will shed their blood as revenge for the two dignified sheikhs, the caliph of the Muslims, and the spokesman for the Islamic State, Sheikh Abu al-Hassan al-Muhajir, may Allah accept them.”

A day after the death of Mr. Baghdadi, considered the caliph by his followers, the man thought likely to be his successor, Mr. al-Muhajir, the group’s spokesman, was killed in a separate raid.

Aaron Zelin, a fellow at the Washington Institute for Near East Policy, said he thought that “I.S. is trying to grab headlines during the holidays when usually there isn’t much news.”

The State Department condemned the attacks. “We are appalled by the vicious ISIS-West Africa attack targeting Christians in Nigeria,” Tibor Nagy, the State Department’s top Africa policy official, said in a Twitter message.

President Muhammadu Buhari of Nigeria said in a statement, “These barbaric killers don’t represent Islam and millions of other law-abiding Muslims around the world.”

There has been an upsurge in violence in northeast Nigeria over the past year, and particularly in the last six months, contributing to a deteriorating humanitarian situation there, with armed groups setting up checkpoints to target and abduct civilians, the United Nation’s humanitarian coordinator in Nigeria, Antonio Canhandula, said this week.

In Burkina Faso, another West African country plagued by groups of armed militants, the Islamic State claimed responsibility for an attack on Tuesday that killed seven soldiers that it said ISWAP fighters had carried out.

Tens of thousands of civilians, the majority of them Muslim, have been killed by both Islamist militants and Nigerian security forces in three northeastern states of Nigeria since 2009.

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

Mali

France's first drone strike kills seven fighters in Mali (Aljazeera)

December 24, 2019

France has carried out its first-ever drone strike, during operations in Mali, in which at least seven alleged fighters were killed.

In a statement on Monday, the French military command confirmed the strike took place on Saturday.

French President Emmanuel Macron announced earlier that French forces had "neutralised" dozens of fighters in operations in the central Malian region of Mopti; in total, at least 40 suspected fighters were killed.

As French commandos were searching the combat zone in Ouagadou forest, 150 kilometres (90 miles) from the town of Mopti, "they were attacked by a group of terrorists on motorbikes," the military statement said.

A Reaper drone and a French Mirage 2000 patrol opened fire to support the ground troops, it said.

"This is the first operational strike by an armed drone," the statement said, confirming an earlier report published in the specialist blog Le Mamouth.

The strike came two days after the French army announced it had finished testing the remotely-piloted drones for armed operations.

It has three drones based near Niamey, the capital of Niger.

The operation at the weekend was in an area controlled by the Katiba Macina, an armed group founded by Mopti preacher Amadou Koufa.

Two Malian gendarmes who had been held hostage were freed, and French troops seized a number of armed vehicles, motorbikes and weaponry, "delivering a very heavy blow" to the fighters, according to Monday's statement.

Airwars, an organisation which monitors civilian casualties from international military action, condemned the strike, saying France had joined "an ever-growing lethal club including the US (2001), Israel and UK (2004), and more recently Iran, Iraq, Nigeria, Turkey, Pakistan, UAE, Egypt and Saudi Arabia."

France previously said it had killed 25 fighters in two operations in the Sahel this month.

Last month, 13 French soldiers were killed in a helicopter crash as they hunted fighters in the north of Mali - the biggest single-day loss for the French military in nearly four decades.

France has a 4,500-member force which has been fighting armed groups in the fragile, sprawling Sahel since 2013. Forty-one soldiers have died.

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

Liberia

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

EAST AFRICA

Uganda

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

Uganda court issues arrest warrant for jailed ex-Sudan President Bashir (The Observer)
December 19, 2019

Omar al Bashir is currently serving a two year sentence

The International Crimes Division of the High court has issued an arrest warrant for former Sudan President Omar al-Bashir.

“For avoidance of any doubt, this honourable court hereby issues its own warrant of arrest against Mr Omar Hassan Ahmad Al Bashir whenever he sets foot within the territory of or under the control of the Republic of Uganda”, ruled Adonyo on Thursday.

In March 2009 and July 12th, 2010, the Pre-trial Chamber 1 of the ICC issued a warrant of arrest against Bashir who was by that time the President of Sudan for war crimes against humanity committed in Darfur.

All ICC member states were accordingly informed to arrest Bashir whenever he visited the countries. Bashir attended the swearing-in ceremony of President Yoweri Museveni in 2016. Bashir again visited Uganda in 2017 at the invitation of Museveni.

Last week, a Sudanese court convicted and sentenced Bashir to two years in jail on charges of corruption, receiving illegal gifts and possessing foreign currency.

Uganda Victims Foundation lawyer Nicholas Opio, says that Bashir being in jail at the moment is immaterial since wasn't arrested and tried by the ICC.

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

Kenya

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

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

Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Belgium convicts Rwandan officer over role in 1994 genocide (France 24)

December 20, 2019

A Brussels court found a former Rwandan official guilty of genocide Thursday after hearing of his role in the 1994 massacres in his country.

Fabien Neretse, who protested his innocence, is the first person to be convicted in Belgium on such a charge and he now faces a possible life sentence.

The 71-year-old agricultural scientist was also convicted of "war crimes" for 11 killings in Rwanda, under Belgium's code of universal jurisdiction for the most serious offences.

Neretse remained passive in the dock during the sentencing. He and the families of his victims will learn of his fate after a separate sentencing hearing on Friday.

His defence hung on questioning the credibility of the multiple witnesses called against him -- but prosecutors managed to prove that the exile has been living a lie for a quarter of a century.

Weapons supplier

During the trial, Neretse was accused of having ordered the murder of 11 identified civilians in Kigali and two in a rural area north of the capital in April and July 1994.

After 48 hours of deliberation, the jury cleared him of two of the Kigali killings, but found him guilty of 11 war crimes.

To demonstrate the more serious charge of genocide, the prosecutor cited Neretse's appearance at public rallies urging fellow members of the Hutu ethnic group to slaughter the minority Tutsi community.

The jury accepted this account, based on multiple witnesses.

Belgium has already held four trials and condemned eight perpetrators of killings in its former colony, but Neretse is the first defendant to be specifically convicted of the most grave charge -- genocide.

Neretse was a farming expert who founded a college in his home district Mataba, in the north of Rwanda.

Between 1989 and 1992 he was director of the national coffee promoter, OCIR-Café, a key post in one of Rwanda's main export sectors.

He was seen as a local kingpin in Mataba, and a cadre in the former MRND ruling party of late president Juvenal Habyarimana.

But at trial he insisted he was an inactive party member and a friend to Tutsis.

"I will never stop insisting that I neither planned nor took part in the genocide," he insisted on Tuesday, before the jury retired to contemplate its verdict.

He was arrested in 2011 in France, where he had rebuilt a professional life as a refugee, and he has spent only a few months in protective pre-trial custody.

Under a 1993 law, Belgian courts enjoy universal jurisdiction to prosecute genocide, war crimes and crimes against humanity wherever they took place.

If he has now finally been brought to book, it is large measure thanks to the determination of 70-year-old Belgian former EU civil servant Martine Beckers.

Beckers' sister, brother-in-law and 20-year-old niece were shot dead by a gang linked to Neretse.

Ice cream parlour

Their killings took place three days after the assassination of Hutu president Habyarimana, the start of a genocidal campaign that would leave 800,000 Tutsis and moderate Hutus dead.

Beckers made a formal complaint to the Belgian federal police in 1994, and in the years since -- working with Rwandan witnesses and human rights groups -- she believes she has traced the instigators.

Magistrates have been compiling evidence in the case for 15 years and the fact that it came to trial "owes a lot to her determination" her lawyer Eric Gillet said before the hearings.

Talking to AFP at her home in Ottignies-Louvain-la-Neuve, south of Brussels, Beckers described her struggle as a "joint combat" on behalf of all of the massacre victims.

"I was in an excellent position, being Belgian, with my family and my life here. It's very different for the refugees," she said.

"There needs to be justice," she said. "Those who planned, organised and executed this genocide must be punished. If not here, then where?"

Before the trial began in November, she showed AFP photos of the ice cream parlour her sister Claire ran in Kigali and of Claire's daughter Katia in a karate uniform, shortly before her murder.

[back to contents]

Somalia

'Horrendous crime': UN chief condemns deadly Mogadishu attack (Aljazeera News)

December 29, 2019

The United Nations has strongly condemned what it has described as a "horrendous" car bomb attack in the Somali capital, Mogadishu on Saturday that left at least 78 people dead, including many students.

In a statement, UN Secretary-General Antonio Guterres extended his deepest sympathies and condolences to the families of the victims and wished a speedy recovery to those injured in the blast.

"He stressed that the perpetrators of this horrendous crime must be brought to justice," a statement by his spokesperson said.

Police officer Mohamed Hussein said the blast targeted a tax collection centre during the morning rush hour. The explosion ripped through rush hour as Somalia returned to work after its weekend.

At least 125 people were wounded, Aamin Ambulance service director Abdiqadir Abdulrahman said. Hundreds of Mogadishu residents donated blood in response to desperate appeals.

"The explosion was very large," a witness said. "It was close to where the 2017 bombing happened."

"I saw many bodies lying on the ground. In my eyes, some of the dead were police officers, but also students were killed."

President Mohamed Abdullahi Mohamed, also known as "Farmajo", condemned the attack as a "heinous act of terror" and blamed the al-Shabab armed group.

"Saturday's tragedy has become a lesson learned since the country is in a state of war, we need to be vigilant against the terror attacks, since the primary goal of terrorists is to cause maximum damage to everybody," he said.

"They are not only targeting those who work for the government but the entire population."

Turkish aid arrives Two Turkish brothers were among those killed on Saturday. Their bodies were brought back to Turkey, according to Turkey's Health Ministry.

On Sunday, a Turkish military cargo plane landed in the Somali capital to evacuate those gravely wounded.

The plane also brought emergency medical staff and supplies, according to a tweet from the Turkish embassy, adding these had been transferred to a Turkish-run hospital in Mogadishu.

Somali Information Minister Mohamed Abdi Hayir Mareye told state media that 10 badly injured Somalis would be evacuated to Turkey. He added that Turkey had sent 24 doctors to treat those wounded who would not be evacuated.

There has been no immediate claim of responsibility for the bombing, but al-Shabab often carries out such attacks.

The armed group was pushed out of Mogadishu in 2011 but continues to target high-profile areas such as checkpoints and hotels in the seaside city as well as in neighbouring Kenya.

The capital was hit by its deadliest single attack in October 2017 when a truck bomb exploded, killing more than 500 people and wounding many more.

Al-Shabab was blamed for the truck bombing, but the group never claimed responsibility for the blast that led to widespread public outrage.

Suicide attack kills 30+ in Somali capital Mogadishu Health team members take away dead bodies from the site after the bomb attack in Mogadishu on Saturday [Sadak Mohamed/Anadolu] Hodan Ali, an adviser to Mogadishu's mayor, said the human toll of such attacks is "immeasurable".

"Last night, I sat with mothers, brothers and sisters who lost loved ones or who are nursing injured family members and you can hear the cracks in their voices, you can hear the pain that these types of atrocities have," she told Al Jazeera from Mogadishu on Sunday.

Nii Akuetteh, an independent Africa policy analyst based in Washington, DC, told Al Jazeera the international community should start tackling armed groups in Africa.

"The support from the international community has not been zero ... but it is insufficient. It is less than what Somalia needs," he said.

"And its not just Somalia. Al-Shabab has attacked Kenya, they have attacked Uganda and then if you swing over to western and north Africa, there are terrorist groups all over. So Africa has a real terrorist problem."

Somalia has been riven by conflict since civil war broke out in 1991 but has stabilised somewhat in recent years.

The latest attack raises concerns about the readiness of Somali forces to take over responsibility for the country's security from an African Union force in the coming months.

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

EUROPE

The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Interpol Warrants Issued for Two Bosnian Serb War Convicts (Balkan Insight) By Albina Sorguc
December 18, 2019

Bosnia and Herzegovina is seeking the arrests of Bosnian Serb ex-policeman Darko Mrdja and ex-military policeman Dragan Marjanovic, who both absconded after second-instance verdicts convicted them of wartime crimes.

'Red notices' calling on countries worldwide to assist in detaining them have been posted on Interpol's website.

Mrdja and Marjanovic did not appear for sentencing hearings and their lawyers said that they had not been in contact with them for several months.

Mrdja, a former member of an intervention squad at the police Public Security Station in Prijedor, was sentenced to 15 years in prison in November 2018.

He was convicted of killing two civilians and abusing Bosniak prisoners in the Prijedor area in 1992.

Marjanovic, a former commander of a platoon of the Bosnian Serb Army Teslic Brigade's military police, was sentenced to 17 years in prison in July 2018, although the sentence was later reduced to 14 years on appeal.

He was convicted of involvement in the killings of 28 Bosniak civilians on Mount Borje near Teslic in 1992.

Bosnia Indicts 13 War Suspects on Last Day of 2019 (Balkan Insight) By Dzana Brkanic and Marija Tausan
December 31, 2019

The Bosnian state prosecution issued a series of indictments on Tuesday charging wartime former members of the Bosnian Army, the Bosnian Serb Army, the Croatian Defence Council and Serb-led Territorial Defence and reservist police forces with a variety of crimes.

Up until Sunday, the state prosecution had only issued 17 indictments this year compared to 27 in 2018, sparking criticism from war victims' associations about alleged inaction by prosecutors.

However, the flurry of end-of-year charges filed on Tuesday takes this year's total to 22 indictments.

A total of 45 individuals have been charged this year, compared to more than 60 in 2018.

Srebrenica: Suspect indicted for assisting genocide

The president of the Veterans' Organisation of Republika Srpska, Milomir Savcic, was charged on Tuesday with assisting in the commission of genocide of Bosniaks from Srebrenica in July 1995.

Savcic was charged as the former commander of the 65th Motorised Regiment of the Bosnian Serb Army's Main Headquarters with having planned, commanded and supervised his subordinates' actions during the seizure of several hundred Bosniak men in the Nova Kasaba area, as well as their unlawful detention, abuse and murder.

According to the charges, Savcic deliberately provided assistance to other participants in a joint criminal enterprise, including Bosnian Serb military chief Ratko Mladic, aimed at capturing, executing and burying Bosniak men from Srebrenica, and in that way to destroy them as an ethnic group in that specific area.

Brcko: Nine suspects charged with abusing prisoners of war

Nine former members of the Bosnian Army and the Croatian Defence Council were charged on Tuesday with war crimes against prisoners of war in the Brcko area in 1993.

Admir Osmanovic, Smajil Omerovic, Jasmin Huskanovic, Kemal Hindic, Martin Francesevic, Ramiz Pljatic, Ivo Andjelovic and Hazim and Bahrija Fazlovic are accused of the torture, abuse and murder of 11 captured Bosnian Serb Army soldiers near Boderiste in Brcko.

Rizvanovic, Omerovic and Huskanovic are accused of perpetrating the crimes and Hindic, Francesevic, Pljatic, Fazlovic, Andjelovic and Fazlovic are accused of not taking measures to punish them.

Prijedor: Suspect charged with persecution, murders, rape

Former Bosnian Serb Army soldier Jugomir Marcetic was charged on Tuesday with committing crimes against the Bosniak population of the village of Zecovi in the Prijedor municipality.

Marcetic is accused of participating in an attack on Zecovi in which at least 150 people were killed and the village's entire population was expelled and detained in the Omarska, Keraterm and Trnopolje detention camps in the Prijedor area.

"Marcetic has been charged with personally participating in the forced separation of men from women and children, as well as the persecution of civilians and the murder of around 20 Bosniak civilians from that village," the prosecution said.

It also alleged that Marcetic participated in torture and inhumane treatment, as well as the rape and sexual abuse of Bosniak women and girls.

Bratunac: Suspect charged with crime against humanity

Former Serb Territorial Defence force member Milan Trisic was charged on Tuesday with committing a crime against humanity for participating in the persecution of the Bosniak civilian population from the village of Hranca and the town of Bratunac.

The indictment alleges that he participated in several attacks on the village of Hranca during which more than 250 local residents were unlawfully arrested and forcibly relocated. He is also accused of with participating in the pillaging of property, which was then set on fire.

Trisic is further charged with having personally participated in the murders of Bosniak civilians who were held in detention at several locations in the Bratunac area.

He was deported in October to Bosnia from the US, where he had been prosecuted for giving false data about his participation in the war.

Sanski Most: Suspect charged with murdering civilian prisoners

Former Serb reservist policeman Milorad Kronic was charged on Tuesday with committing a crime against humanity by participating in the murder of Bosniak and Croat civilians in the Sanski Most area in June 1992.

The indictment claims that he supervised the transportation of male prisoners from detention facilities in a sports hall and a factory in Sanski Most to the Manjaca detention camp.

According to the charges, Kronic separated six civilians from the others and then participated in their murder by the roadside.

All the indictments have been filed to the state court for confirmation.

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

International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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

Domestic Prosecutions In The Former Yugoslavia

Serb Ex-Policeman Pleads Not Guilty to Kosovo War Crime (Balkan Insight) By Perparim Isufi
December 24, 2019

Nenad Arsic pleaded not guilty to committing a war crime as he went on trial on Tuesday at Pristina Basic Court.

The indictment alleges that Arsic, as a reservist member of the Serbian police, committed the crime on May 21, 1999 during a police operation against Kosovo Albanian civilians in Pristina's Emshir neighbourhood.

The prosecution claims that was part of uniformed group who went to the Shala family's home and ordered them to leave the house. They then beat up two members of the family.

After the beating, Arsic allegedly forced Jakup Shala, who had serious health problems, to drink alcohol and sing a popular Serbian nationalist song called 'Ko to kaze, ko to laze Srbija je mala' ('Who is Saying This, Who is Lying That Serbia is Small?').

The indictment also claims that during the police operation, Arsic robbed ethnic Albanian residents in the neighbourhood.

It alleges that Serbian police officers stole 3,200 litres of diesel oil, 120,000 German marks, five cars and one tractor.

Serbia Upholds Yugoslav Commander's Acquittal for Kosovo Crimes (Balkan Insight) By Milica Stojanovic
December 31, 2019

Belgrade Appeals Court has confirmed the verdict acquitting former Yugoslav Army brigade commander Pavle Gavrilovic of responsibility for the murders of Kosovo Albanian civilians in the village of Trnje/Terre on March 25, 1999.

The court however upheld the conviction of his subordinate officer, Rajko Kozlina, sentencing him to 15 years in prison.

“The first-instance court correctly concluded that there was insufficient evidence in the current case that Pavle Gavrilovic issued an order ‘that there should be no survivors’, which meant killing civilians – residents of the village of Trnje,” said the explanation of the verdict issued on December 12 but published on the Appeals Court website on Monday.

It further explained that testimony from one witness who said that he heard Gavrilovic issuing the order was insufficiently accurate and logical and was not supported by other relevant evidence during the proceedings.

This “also called into question [the witness’s] credibility, and thus cast doubt on the public prosecutor’s claim from the indictment”, it added.

At the time of the attack on the village in Kosovo, Gavrilovic was commander of the rear battalion of the 549th Motorised Brigade of the Yugoslav Army’s Pristina Corps, and Kozlina was a technical company guide in the brigade.

In the first-instance verdict in April this year, Kozlina was convicted of leading his unit into Trnje/Terrne, shooting two civilians, who both survived, and ordering his soldiers to fire on other civilians in the village, causing the deaths of 15 people.

Among the victims were elderly people and a four-year-old boy.

The indictment had alleged that Gavrilovic ordered the attack.

He was alleged to have split his men up into three groups, with co-defendant Kozlina in one of them, and ordered them to enter the village and ethnically cleanse the area.

Judge Mirjana Ilic said while handing down the first-instance verdict in April that it had not been proven that Gavrilovic issued an order that “there should be no survivors”.

“The court finds that [the charges against Gavrilovic] are not backed by evidence,” Ilic said while reading out the verdict.

The trial chamber ruled that the order to leave no survivors “could not have been issued” and acquitted Gavrilovic.

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

Turkey

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

MIDDLE-EAST

Iraq

Grotian Moment: The International War Crimes Trial Blog

IS militants exploit political unrest in Iraq to rise again (Al Monitor) By Adnan Abu Zeed
December 21, 2019

As protests in Iraq maintain momentum, the Islamic State (IS) has been carrying out more frequent attacks in multiple parts of the country. An IS suicide bomber in a car killed four members of the Popular Mobilization Units (PMU) in Samarra in Salahuddin province and attacked Dibis district in Kirkuk province Dec. 10.

IS also tried Dec. 10 to target the border camera surveillance system between Salahuddin and Diyala. As a preemptive measure, the Iraqi army has begun pursuing IS members in the northern parts of the country.

A statement on the PMU website said Dec. 2 that four of its members were killed in an IS attack in Diyala province. On Nov. 16, the PMU mentioned having aborted IS moves aimed at bringing parts of Kirkuk under IS control.

In light of the turmoil caused by the demonstrations and political instability following Iraqi Prime Minister Adel Abdul Mahdi's resignation amid popular pressure, the Kurdish presidency warned against mounting IS threats. It perceived Dec. 5 that an IS attack on a peshmerga forces brigade in Khanaqin district is proof of the threat IS poses to stability and security in the region.

The secretary-general of Asaib Ahl al-Haq, Qais al-Khazali, told the press IS has infiltrated the demonstrations. Yet an unidentified Joint Operations Command officer told the press that "leaders of the PMU seek to intimidate and terrorize the protesters and blame them for the security breaches, although the PMU are responsible for the poor security plans in their areas."

Irrespective of the differing views on IS's role in the demonstrations, IS is obviously investing in the popular outburst and ensuing political, security and even social turmoil. Speaking to Al-Monitor, Ahmed al-Sharifi, a military analyst and former member of the United Iraqi Alliance, indicated that "IS is active in Baghdad, taking advantage of the security forces' preoccupation with the demonstrations." He said, "IS cells were already able to attack with a grenade the Central Bank in Baghdad, located among the crowds on al-Rashid Street in the center of Baghdad." Sharifi has even anticipated that "IS would carry out major terrorist attacks in Baghdad, the southern and central provinces as well."

Sharifi's point of view on IS's role during the protests is in line with remarks made by the spokesperson of the Joint Operations Command Spokesman Maj. Gen. Tahsin al-Khafaji. Khafaji told Al-Monitor, "IS is trying to activate sleeper cells, taking advantage of the security forces' preoccupation with securing the demonstrations." He revealed that "[slain IS leader Abu Bakr] al-Baghdadi's deputy chief in Kirkuk, who was arrested, stated in the interrogation that he was plotting to infiltrate the demonstrations to carry out military attacks."

Hanin al-Qadu, a member of parliament for Ninevah province, told Al-Monitor, "Bearing in mind the security forces' preoccupation with the demonstrations in the southern and central provinces, IS would plan attacks in the northern areas where its moves and capabilities [required] to carry out attacks are greater than those in the central and southern areas."

Fallah al-Khafaji, a parliament member who worked on the security and terrorism dossier in Babil province, told Al-Monitor that "IS views the demonstrations as a window of opportunity to conduct attacks by activating its sleeper cells, particularly in the northern and western parts and on the outskirts of the provinces where the environment is favorable."

In fact, Security Media Cell said Dec. 12 that three IS members were arrested in Anbar and Salahuddin provinces.

Ahmed al-Jabouri, a parliament member for Ninevah province, told Al-Monitor, "There is significant terrorist activity in Samarra, Ninevah and on the outskirts of Salahuddin and Kirkuk. That necessitates urgent security measures to chase IS, which thinks it can return to where it was during the protest period."

The blasts caused by IS have been close to the demonstrations. A security source reported Dec. 12 that two civilians were wounded when two roadside bombs blew up in Baladiyat in Baghdad. Meanwhile, military expert Sarmad Al-Bayati told media outlets that "IS does not seek to strike the demonstrators in Baghdad. They are not a part of its goal." Rather, he added, "what it wants is to annoy the Iraqi forces."

Political analyst, researcher and secretary of the Iraq Media Observatory Mahmoud al-Hashemi sees a "conspiracy" thread between IS activation and mounting momentum of the demonstrations. He told Al-Monitor, "The presence of such a large number of terrorist groups in Syria is intended to be used in an anarchy project, be it in Iraq or any other target zone."

Hashemi perceives "the demonstrations' crisis and preparations [for this crisis] came according to the existing schedule (in early October) and coincided with the protests in Lebanon and Iran. Their geography (in a Shiite surrounding) points at their rigorous planning, which would help mitigate the state-building and the rule of the public opinion and limit the security forces' role that has become minimal. That is what prompted the US forces to flow to Iraq, coming from Jordan and Syria, and to push the terrorist groups to conduct a series of operations."

Hashemi added, "There will be more targets, as planned, in parallel with the acts of violence accompanying the demonstrations." IS history in Iraq shows it utilizes every chance for insecurity and public discontent with the government or [general] conditions to cement its presence and efficiency. In 2004, IS took advantage of public resentment with the local and federal governments to occupy Mosul.

Syria

Omar calls on US to investigate Turkey over possible war crimes in Syria (The Hill) By Laura Kelly
December 18, 2019

Rep. Ilhan Omar (D-Minn.) on Wednesday called for the State Department to investigate Turkey, citing allegations that the country's military forces used chemical weapons on civilians, a possible war crime that occurred during Turkey's incursion into northeastern Syria in October.

In a letter to U.S. Special Envoy for Syria James Jeffrey, the freshman congresswoman said it was urgent that the U.S. determine whether a NATO ally intentionally targeted Kurdish civilians with white phosphorous, an incendiary chemical allowed in conventional warfare but banned against use for targeting individuals.

The chemical can be attached to munitions and can be used to create plumes of smoke as cover, with temperatures reaching up to 1,500 degrees Fahrenheit.

After Turkish aerial attack on the Syrian border town of Ras Al-Ayn on Oct. 16, video and photos emerged of children with severe and gruesome burns to their bodies and face, with journalists, medical staff and chemical weapons experts raising the alarm about the potential use of chemical weapons.

In testimony to the House Foreign Affairs Committee following the attack, Jeffrey said the U.S. was "looking into" whether Turkish forces used white phosphorous and whether it constituted a war crime.

However, Omar and others on the committee were dissatisfied with the special envoy's actions and testimony, demanding more serious action.

"Considering the seriousness of these allegations, simply 'looking into' this matter is far from the appropriate response," Omar, joined by Reps. Karen Bass (D-Calif.), Juan Vargas (D-Calif.) and Sheila Jackson Lee (D-Texas), members of the House Foreign Affairs Committee, wrote in the letter. "Nothing short of a full and thorough investigation will suffice."

Omar, herself a refugee of war, and the House Foreign Affairs Committee members said the U.S. has an obligation to hold Turkey accountable.

"The United States is uniquely positioned, as a NATO ally of Turkey and a partner of the Syrian Kurds who are the alleged victims of this attack, to take the lead on a full investigation into the circumstances surrounding the October 16th attack," the members wrote.

They further chastised inaction by the international community, saying that the Organization for the Prohibition of Chemical Weapons (OPCW), that said it was "monitoring the situation," had refused to take skin samples from the victims.

It also noted that Turkey donated approximately \$34,000 to the OPCW on the day after the attack.

"This is a matter of urgency," the committee members wrote.

The group also raised concerns over whether American warplanes purchased by Turkey could have been used in the attack.

"If a NATO ally violates international law with impunity, it reflects on the rest of the countries in the alliance. It hands a propaganda win to Assad, Russia, and Iran, who can claim that we only punish chemical weapons use when it serves our political interests," the members of Congress wrote.

Omar has earlier spoken out about the danger of politicizing recognition of human rights abuses. She drew criticism in October for voting against a House resolution affirming the U.S. recognition of the Armenian genocide, which was widely seen as a rebuke of Turkey following its incursion into northeastern Syria.

"Accountability and recognition of genocide should not be used as cudgel in a political fight," she said following her vote

against the resolution.

Turkey launched an offensive into northeastern Syria in early October following the withdrawal of U.S. troops in the region. The offensive was, according to Turkish President Recep Tayyip Erdoğan, an effort to root out terrorists linked to the Kurdistan Workers Party and establish a “safe-zone” along its border.

The offensive was widely condemned by members of Congress as threatening Syrian Kurds allied with the U.S. in the fight against ISIS, and international aid groups raised the alarm of ethnic cleansing by Turkish and proxy forces. Erdoğan has described the offensive as a holy war against the “unbelievers” when speaking in Turkish.

Us Representatives Ask Syria Envoy To Give Briefing On Use Of White Phosphorus By Turkey (NRT)

December 19, 2019

Four congressional Democrats have called on US Syria envoy James Jeffrey to provide them with information obtained by the administration regarding the alleged illegal use of chemical substances by the Turkish army against Syrian Kurds.

Representatives Ilhan Omar, Karen Bass, Juan Vargas, and Sheila Jackson Lee wrote to Jeffrey asking him to provide a full briefing into whether war crimes were committed during the Turkish intervention into northeastern Syria, British newspaper The Guardian reported on Wednesday (December 18).

In October, the Kurdish Red Crescent said that six patients at a hospital at Hasakah had suffered burns from “unknown weapons,” which were allegedly used in Ras al-Ain. Some of the patients were civilians and others were members of the military.

White phosphorus is commonly used by militaries to make smoke or as an illuminant, but can cause serious burns if it comes into contact with skin. As a result, its use against civilians is restricted.

“The United States is uniquely positioned as a NATO ally of Turkey and a partner of the Syrian Kurds, who are the alleged victims of this attack, to take a lead on a full investigation into the circumstances surrounding [it],” the lawmakers wrote in their letter to Jeffrey.

They said that tissue samples from the victims should be studied, so the US and the international community can see the full evidence, The Guardian reported.

The letter also asked the State Department to outline what it would do should allegations of the illegal use of white phosphorus by Turkey be proven. The relationship between Ankara and Washington has been rocky of late and a formal determination that war crimes had been committed would likely cause relations to deteriorate further.

Jeffrey said at a House of Representatives hearing in October that that US forces had seen evidence of war crimes by Turkish forces in Syria and investigations were continuing.

The Organization for the Prohibition of Chemical Weapons (OPCW) also said in October that it was investigating the possible use of white phosphorus against civilians.

Trump to sign \$738bn defence bill: What does it include? (Aljazeera)

December 20, 2019

US President Donald Trump said he will sign a \$738bn defence policy bill on Friday that includes paid parental leave, the creation of a space force and a measure providing another means to punish Syrian President Bashar al-Assad and his allies with sanctions.

"I will be signing our 738 Billion Dollar Defense Spending Bill today," Trump tweeted on Friday "It will include 12 weeks Paid Parental Leave, gives our troops a raise, importantly creates the SPACE FORCE, SOUTHERN BORDER WALL FUNDING, repeals "Cadillac Tax" on Health Plans, raises smoking age to 21! BIG!"

The Republican-controlled Senate on Tuesday voted 86 to eight in favour of the National Defense Authorization Act, or NDAA. The Democratic-led House approved the bill by 377-48 last week.

Because it is one of the few pieces of major legislation Congress passes every year, the NDAA becomes a vehicle for a range of policy measures as well as setting everything from military pay levels to which ships or aircraft will be modernised, purchased or discontinued.

Its passage came amid sharp partisan divisions over the impeachment of Trump over his dealings in Ukraine.

Paid parental leave, border wall, Space Force The legislation included a 3.1 percent pay increase for the troops; the first-ever paid family leave for all federal workers; and the creation of a Space Force, the first new branch of the US military in more than 60 years and a top military priority for Trump.

Trump has crowed about the "US Space Force" provision, which mostly reorganises existing personnel into a new branch of the Air Force. The House had passed the idea in previous years under Republican control only to see it die in the Senate.

The Democratic-led House and Republican-led Senate each voted for a version of the NDAA earlier this year. Then negotiators from both parties and both houses of Congress, and representatives from the White House, worked for months to reach the compromise version of the bill passed by the House last week and the Senate on Tuesday.

Democrats were forced to drop a provision to block Trump from transferring money from Pentagon accounts to construct a fence along the US-Mexico border. They also dropped protections for transgender troops and tougher regulations on toxic chemicals that are found in firefighting foam used at military installations.

Negotiations broke free, however, after Republicans agreed to accept a Democratic demand - endorsed by Trump in end-stage negotiations - for the landmark parental leave provision, which provides 12 weeks of paid parental leave to federal employees.

Democrats also let go of House-passed provisions to restrict Trump from waging war against Iran unless Congress approves; ban deployment of new submarine-launched, low-yield nuclear weapons; and ban US military assistance for attacks by Saudi-led forces in Yemen.

The bill contains a measure called the Caesar Act, which had failed to gain congressional approval in several previous attempts. It applies sanctions to supporters of Syrian President Bashar al-Assad's military efforts in the country's civil war, which include Russia and Iran. It also grants authorities to the US secretary of state to support those collecting evidence and pursuing prosecutions of people who have committed war crimes in Syria.

The popularity of the annual defence policy bill reflects strong support among members of Congress for military personnel and the economic boost that military installations and defence contractors provide back home. Recent defence increases have been a boon for contractors such as Lockheed Martin, lead manufacturer of the F-35 fighter.

Despite broad bipartisan support, a few left-leaning Democrats and libertarian-leaning Republicans voted against the NDAA because it did not include policy planks that would have restrained Trump's war powers, including the ban on support for Saudi Arabia's air campaign in Yemen.

Some also objected to the 2.8 percent increase in military spending, as the national debt is skyrocketing.

Israeli Foreign Minister: Ayatollah Khamenei is a war criminal (Arutz Sheva)

December 24, 2019

Foreign Minister Yisrael Katz excoriated the International Criminal Court Tuesday, blasting the court for probing Israel's 2014 war against the Gaza-based Hamas terror group, while turning a blind eye to human rights abuses in Iran.

In a tweet Tuesday, Katz called the Iranian Grand Ayatollah Ali Khamenei a "war criminal", citing the reported 1,500 deaths of anti-government protesters in the ongoing demonstrations in the Islamic republic.

"Iranian Supreme Leader Khamenei is a war criminal. He ordered the murder of 1,500 civilian protestors & the ICC doesn't even open an investigation," Katz tweeted.

"They hold Israel to a double standard - we are defending ourselves against terrorists. No one can deny us our right to self-defense."

Katz tweeted after a senior adviser to Khamenei warned Monday that Iran would retaliate against Israel for recent strikes on Iranian forces in Syria attributed to the Jewish state.

"We expect the resistance in Syria and Lebanon to stop the crimes of the United States and Israel. Israel is helpless and cannot execute its threats against Iran," the adviser said.

"If Israel attacks Lebanon - Hezbollah will flatten Israel," he threatened.

The comments follow an attack on Syria on Sunday night which was attributed to Israel. The Syrian army said the country's anti-aircraft defense fired toward Israeli missiles and shot down one that fell outside Damascus.

The Syrian Observatory for Human Rights said there were three explosions in the Damascus suburbs after the missiles targeted "Syrian regime and Iranian positions."

The Britain-based Observatory also said the Israeli attack killed at least three fighters aligned with the Assad regime.

Israel has not commented on the reports that it is responsible for the latest attack.

Last Friday, the International Criminal Court in The Hague announced that it would probe Arab allegations of Israeli war crimes dating back to the 2014 war with Gaza, as well as claims the existence of Jewish towns in Judea and Samaria constitute war crimes.

Israel and the US lambasted the decision to open the investigations, while the Palestinian Authority lauded the court's decision.

Strikes Kill 8 in Syria's Idlib as Turkey, France Urge De-Escalation (Asharq al-Awsat)

December 24, 2019

At least eight people including five children were killed Tuesday in Russian air strikes on northwest Syria, as France and Turkey appealed for an end to violence that has forced tens of thousands to flee.

Heightened regime and Russian bombardment has hit the extremist-held province of Idlib since mid-December, as regime forces make steady advances on the ground despite an August ceasefire and UN calls for a de-escalation.

Nearly 80 civilians have been killed by air strikes and artillery attacks over the same period, according to the Syrian Observatory for Human Rights, which estimates that more than 40,000 people have been displaced in recent weeks.

"These attacks should come to an end immediately," Turkey said Tuesday after sending a delegation to Moscow to discuss the flare-up.

Presidential spokesman Ibrahim Kalin said Ankara was pressing for a new ceasefire to replace the August agreement.

The French foreign ministry called for "an immediate de-escalation".

"The military offensive by the Damascus regime and its allies is worsening the humanitarian crisis" in Idlib, it said in a statement, according to AFP.

Tuesday's strikes targeted the village of Jubass near the town of Saraqeb in southern Idlib, killing civilians sheltering in a school and nearby, said the Britain-based Observatory, which has a network of contacts across Syria.

The site of the attack was strewn with destroyed tents and smoking debris, said an AFP correspondent there.

Standing amid the wreckage, Hassan -- who has been living in the informal settlement -- said he was trying to leave when the attack happened.

"As we were packing the car an air strike hit us," he said.

The United Nations children's agency UNICEF on Tuesday condemned the violence in Syria's last major opposition bastion.

"Children are bearing the brunt of intensifying violence in northwest Syria," it said in a statement.

The escalation came as Damascus loyalists advanced on the ground.

Since Thursday, regime forces have taken control of dozens of towns and villages in southern Idlib following battles with extremists.

The clashes have killed 260 fighters on both sides, according to the Observatory.

Regime forces are now less than four kilometers (two miles) from the strategic city of Maaret al-Numan, Observatory chief Rami Abdel Rahman told AFP.

In a statement on Tuesday, the Syrian army said it has seized 320 square kilometers (123 square miles) from its rivals in

recent days.

It pledged to continue its push until it recaptures all of Idlib, calling on civilians to exit areas under extremist control.

But fearing further regime advances from the south, thousands of Maaret al-Numan's residents have fled northwards towards the Turkish border.

"I didn't expect to have to leave," said Abu Ahmad, poking his head out of the pick-up truck driving him and his family towards a camp for the displaced.

"This is my home, this is where I grew up," the father of ten told AFP.

Idlib is dominated by the country's former Al-Qaeda affiliate, Hayat Tahrir al-Sham.

The head of the group urged extremists and allied opposition factions Tuesday to head to the frontlines and battle "the Russian occupiers" and the regime.

Their "ferocious" campaign "requires us to exert more effort," said HTS chief Abu Mohammed al-Jolani in a statement by his group's propaganda arm.

The region hosts some three million people, including many displaced by years of violence in other parts of Syria.

The Damascus regime, which now controls 70 percent of Syria, has repeatedly vowed to take back the area.

Backed by Moscow, Damascus launched a blistering offensive against Idlib in April, killing around 1,000 civilians and displacing more than 400,000 people.

Despite a ceasefire announced in August, the bombardment has continued, killing hundreds of civilians and fighters.

The latest spike in violence comes after Russia and China on Friday vetoed a UN Security Council resolution that would have extended for a year cross-border aid deliveries to four million Syrians, many of them in Idlib.

The move raised fears that vital UN-funded assistance could stop entering opposition-held parts of Syria from January unless an alternative agreement is reached.

France on Tuesday called on member states of the UN Security Council, namely Russia and China, to renew the resolution.

"It is more imperative than ever for the United Nations to maintain the most direct and effective access to populations in need through preserving cross-border assistance," the foreign ministry said in a statement.

To help civilians in Syria's northwest, it said it has released additional emergency aid of just over five million euros to the UN cross-border humanitarian fund based in the Turkish city of Gaziantep.

Syria's war has killed over 370,000 people and displaced millions since beginning in 2011 with the brutal repression of anti-regime protests.

Russia Takes Over Third U.S. Base in Syria (Moscow Times)

December 26, 2019

Russian military police have taken over another base that was recently abandoned by the United States in northern Syria, the state-run TASS news agency reported Thursday.

U.S. troops reportedly held the former school building as a base north of Raqqa, the former de facto capital of the Islamic State terrorist group, until "days ago." Russian television showed soldiers hoisting the national flag on its rooftop and armored vehicles assembling nearby. "The unit will be deployed by day's end and we'll start patrols today," TASS quoted Russian military police officer Arman Mambetov as saying.

The Defense Ministry's TV Zvezda news channel reported that special units were the first to assume key positions at the base in the village of Tal Samin. Bomb disposal experts then inspected the site for mines before the main forces entered the territory and raised the Russian flag, the broadcaster said.

Russia's capture of the Tal Samin base is the latest example of the country's troops filling a void left by U.S. President Donald Trump's decision to withdraw U.S. troops from northern Syria in October. Russia has since landed helicopters and troops at a

former U.S. airbase in Qamishli and overtook another U.S. airbase in Tabqa.

Russian forces entered Raqqa earlier this month.

Kurdish-led forces backed by U.S. airstrikes liberated Raqqa in 2017, three years after the Islamic State captured the city in its advance through Syria and Iraq. The United Nations said that the self-proclaimed caliphate's mass killings and enslavement of minorities were a genocide.

Russia intervened in Syria in 2015 on the side of Syrian-government forces in their campaign against rebels and jihadists.

Idlib could become the worst humanitarian crisis in Syria's civil war (Washington Post) By Miriam Berger
December 28, 2019

Over 250,000 people have fled from the Idlib region in northwestern Syria in just the past two weeks, according to the United Nations, as Syrian President Bashar al-Assad, backed by Russian forces, pushes forward with an all-out assault on the country's last main rebel-held territory.

Idlib

It is tragedy on top of tragedy: So many Syrians have been killed, injured, displaced and disappeared that it can be hard to keep track of the timeline. Here's a review of what's been happening in Idlib and five other sieges and humanitarian crises that have shaped events in Syria since 2011.

Assad's forces, backed by Russia and Iran, have reclaimed nearly all parts of rebel-held Syria: The last stronghold is Idlib province, home to 3 million people and largely controlled, until now, by the al-Qaeda-linked rebel group Hayat Tahrir al-Sham.

The Syrian Army's artillery and Russian missiles raining down around Idlib have sent people fleeing in what aid groups say could become the worst humanitarian crisis yet in Syria's civil war, now in its ninth year. People are desperate to find food, shelter and medical care — all which they already were struggling to find: Leading up to this escalation, Syrian forces had been targeting Idlib province for months, displacing around 500,000 civilians, many of whom had already been displaced from homes elsewhere in Syria.

In recent weeks, Syrian forces have retaken several villages and now have their eye on a strategic highway and the nearby town of Maarat al-Numan, the largest in Idlib's southern countryside. The ground and air assault has pushed tens of thousands of scared Syrians to the border with Turkey, which has backed its own rebel groups in Syria and already hosts about 4 million Syrian refugees.

"People, I swear by God, are sleeping in open air under trees and the temperature at night is near freezing," Shaker al-Humeido, a doctor in Maarat al-Numan, told The Washington Post's Sarah Dadouch and Kareem Fahim. "I am shocked at the size of the tragedy."

It's winter now in Syria, and the cost of fuel around embattled Idlib has doubled since early October, the Guardian reported. That has in turn pushed up the price of food and made it even harder for families scrambling to find safer ground. Remaining hospitals and makeshift clinics are struggling to afford running vital medical equipment.

Eastern Ghouta

For five years, Syrian government forces besieged eastern Ghouta, a suburb of the capital, Damascus. Before the war, Ghouta was known for fertile farmland that served as Damascus's breadbasket. By April 2018, when Assad's forces retook control, people were dying from a siege that a 2018 U.N. report called a "medieval form of warfare."

In the initial months of Syria's uprising, eastern Ghouta became a rebel stronghold as opponents of Assad took control in 2012. But the at first peaceful uprising began to radicalize into armed conflicts as Assad's forces responded to protesters with gunfire, arrests, torture and disappearances. Neighboring countries were soon intervening by funding Syrian rebel groups to assert their interests. The most extreme forces on both sides came to dominate the battlefield. Syrian civilians were left to suffer amid a muted international response.

Assad imposed a blockade on eastern Ghouta in 2013. At first, people could survive by smuggling in food, fuel and medical supplies and relying on savings. From there, rebels were also able to launch rockets into Damascus. But the years of siege

eroded away life for the nearly 400,000 civilians there. Various deals brokered over the years allowed some aid in and waves of fighters and civilians to leave.

Then in early 2017, Assad's forces retook strategic parts around eastern Ghouta, cutting off the smuggling routes. By early October they had closed off the last entry to Douma, the main city in the region, strangling the area further. "Back in the days that we had dessert, I used to promise my daughter a piece at the end if she was good," Layla Bikri, a 26-year-old mother in eastern Ghouta, told The Post in October 2017. "Now when she asks, I give her pieces of corn. A piece of corn each time."

The spring of 2018 brought weeks of nonstop bombing waves by pro-Assad forces and, according to Syrian doctors and aid workers there, chemical weapon attacks that killed dozens of people. (The Syrian government denies the attacks.) The international community, meanwhile, was largely paralyzed in its response as terrified people sought refuge from the bombardments underground.

By the time Assad retook control, pro-government forces had "laid the longest running siege in modern history, steadily wearing down both fighters and civilians alike through a prolonged war of attrition," according to the 2018 U.N. report. The United Nations also found that the Syrian government and its affiliated forces and Syrian rebels in eastern Ghouta all committed war crimes during the siege. The report accused Assad of "deliberately starving" and bombing at least 265,000 civilians there, and extremist rebels of crimes such as targeting civilians when firing rockets at Damascus.

Raqqa

Raqqa had once been home to 400,000 Syrians along the northeast side of the Euphrates River. These days it's notoriously known as the former capital of the self-described Islamic State, which imposed its extremist rule and restricted residents from leaving.

The Islamic State held Raqqa from 2014 until 2017, when U.S.-backed forces retook control of the city. That bloody and grueling battle, fought by the then-U.S.-backed Syrian Democratic Forces (SDF) and bolstered by U.S.-led coalition airstrikes, displaced over 270,000 civilians. It also killed more than 1,600 civilians, according to a report by London-based Amnesty International and the monitoring group Airwars. The months of shelling by U.S.-led forces leveled the city. The Islamic State's booby-trapping of homes and waves of suicide bombers as it retreated further increased the toll of the battle for SDF fighters and Syrian civilians.

The years under the Islamic State, followed by the bloody campaign to oust it, left residents deeply hurting mentally and physically.

"What you see in their eyes is shock," Rajia Sharhan, a doctor with UNICEF working with young Syrians displaced from Raqqa, told The Post in 2017. "They've survived the bombing and shelling. They've been bound to their mother's chest on the escape and heard the screams over and over. They have already lost their childhood."

Zabadani and Madaya

The two Syrian towns near Damascus and the border of Lebanon were once full of holiday resorts. Then they came under siege by the Syrian government and allied Hezbollah fighters from 2015 to 2017. By the winter of 2016, people in Madaya were reduced to skeletons and reportedly starving: Some civilians even starved to death, according to aid groups.

Images of hallowed Syrians with protruding bones brought international outrage. But back-and-forths between humanitarian groups and the Assad regime continued to stall the delivery of desperately needed aid. For activists, Madaya became a symbol of how the fraught politics of humanitarian aid were failing Syrian civilians caught in the chaos. Finally, in 2017, remaining civilians and fighters in Madaya and Zabadani were transferred to rebel-held Idlib as part of an exchange with the Syrian government.

Aleppo

Aleppo was once Syria's largest city and industrial capital. Now it is haunted by the fighting that divided the city for four years, when the west side was under control of the Syrian government and the east side was held by rebel groups, until their ouster in 2016.

The battle for Aleppo is perhaps most associated with the barrel bombs — oil drums filled with shrapnel, nails and other explosives — that Assad and allied forces, including Russia, rained down as part of their bombardments of the rebel side. These bombing campaigns indiscriminately killed hundreds of fighters and civilians and also targeted hospitals.

Throughout the siege, Assad's forces slowly retook more and more of the rebel-held side. As in other cities, occasional cease-fires and deals allowed for the exit of some civilians and fighters, whose fate could not be guaranteed once in government

hands.

Surgeon Mounir Hakimi, founder of the Syria Relief aid group, recalled the state of Syrians who had been among the last to leave eastern Aleppo.

“They looked like hollow shells of people,” he said. “As they climbed off the buses they were exhausted, they were broken. I saw people with bones sticking out because they had no medical care in those final weeks. ... Everyone knew it would be bad. But not like this. On that day we saw Aleppo’s living dead.”

Homs

The siege and bombardment of rebel-held Baba Amr on the outskirts of Homs in February 2012 so deeply disturbed renowned war correspondent Marie Colvin that she felt she had to be there and document it despite the perils. The Syrian government’s attacks that month on the western Syrian city killed hundreds. Colvin, along with a French photographer, Rémi Ochlik, were among the victims.

“Hours before her death Wednesday at age 56 in the besieged city of Homs, Syria, Ms. Colvin was interviewed on American and British TV news programs,” Emily Langer at The Post wrote in Colvin’s obituary. “Speaking with CNN’s Anderson Cooper, she described the ‘horrific’ experience of watching a 2-year-old Syrian boy die after a shelling by the Syrian military.”

Homs had been known as the “capital of the revolution,” an homage to how its residents quickly embraced the popular uprising. But Assad and his allies’ bombardment and siege of Homs was one of the first tests in how the war would proceed — and, as history has shown, this script played out again and again in other Syrian cities.

It wasn’t until 2015 that Assad’s forces entirely retook control of Homs and ousted the few remaining extremist fighters and traumatized civilians. In the preceding years, the international community helped to broker occasional cease-fires and aid deals but proved largely ineffective in stopping the bloodshed.

UN increases 2020 operating budget to investigate Syria war crimes (Middle East Eye)

December 28, 2019

The United Nations General Assembly has adopted a \$3.07bn operating budget for 2020, which for the first time also includes funding for an investigation into war crimes in Syria.

In a statement released late on Friday, the UN said that the budget would fund the investigation of crimes committed in Syria since the outbreak of the civil war in 2011, alleged war crimes in Myanmar since a crackdown on the Rohingya Muslim minority began in 2017, an observer mission in Yemen, and a political mission in Haiti.

It added that the Syria and Myanmar investigations - which were previously financed by voluntary contributions - would receive compulsory contributions from 193 member states.

Russia - a key backer of Syrian President Bashar al-Assad - proposed multiple amendments during negotiations in the Committee on Budgetary Questions meeting and in the General Assembly plenary session.

At each vote, Russia, Syria, Myanmar and their supporters, including North Korea, Iran, Nicaragua and Venezuela, were outvoted. They all stated that they dissociated themselves from references to investigative mechanisms in the adopted resolutions.

Russia said it would examine its future obligatory payments in light of the vote outcome and predicted an increase in the arrears that currently plague the UN’s treasury due to countries not paying enough.

Moscow argued that the investigative mechanism was illegitimate, while Damascus stressed that it had no mandate from the Security Council.

The UN said that the 2020 operating budget represented a slight increase from 2019’s figure of \$2.9bn

The UN’s operating budget is separate from the annual budget for peacekeeping operations of some \$6bn that is adopted in June.

The announcement comes just days after the US passed a landmark piece of legislation that sought to sanction Assad, Russia and Iran for crimes in Syria.

The Caesar Syria Civilian Protection Act of 2019 slaps new sanctions on Syrian leaders and imposes sanctions on companies,

states and individuals that back the Assad government militarily, financially or technically, including Russia and Iran.

The Caesar Act was included in a massive military policy bill signed by US President Donald Trump last week and is named after a Syrian military photographer who smuggled tens of thousands of gruesome photographs out of the country that documented evidence of war crimes perpetrated by the Syrian government.

The act also commits the US to support international prosecution of those accused of human rights abuses.

The war in Syria, now approaching its ninth year, has devastated much of the country. An estimated half a million people have been killed and millions have been forced to live as refugees.

The U.N. Tried to Save Hospitals in Syria. It Didn't Work. (New York Times) By Evan Hill and Whitney Hurst
December 29, 2019

A United Nations system to prevent attacks on hospitals and other humanitarian sites in insurgent-held areas of Syria has been ignored by Russian and Syrian forces and marred by internal errors, a New York Times investigation has found.

The repeated bombing and shelling of these sites has led relief group leaders to openly criticize the United Nations over the system, which is meant to provide warring parties with the precise locations of humanitarian sites that under international law are exempt from attack. Some of these groups have described the system of identifying and sharing sites, known as the “humanitarian deconfliction mechanism,” as effectively useless.

A new offensive by Syrian and Russian forces that began in late December has devastated what remains of several towns in northwestern Syria and caused tens of thousands of civilians to flee.

United Nations officials only recently created a unit to verify locations provided by relief groups that managed the exempt sites, some of which had been submitted incorrectly, The Times found. Such instances of misinformation give credibility to Russian criticisms that the system cannot be trusted and is vulnerable to misuse.

“The level and scale of attacks has not really decreased,” said Dr. Mufaddal Hamadeh, the president of the Syrian American Medical Society, which supports more than 40 hospitals and other sites in insurgent-held areas of northwestern Syria. “We can say categorically that in terms of accountability, in terms of deterrence, that doesn't work.”

The Times compiled a list of 182 no-strike sites by using data provided by five relief groups and compiling public statements from others. Of those facilities, 27 were damaged by Russian or Syrian attacks since April. All were hospitals or clinics. Such a list is likely to represent only a small portion of the exempt sites struck during the Syrian war, now almost nine years old.

Under international law, intentionally or recklessly bombing hospitals is a war crime.

The deconfliction system works by sharing the location of humanitarian sites with Russian, Turkish and United States-led coalition forces operating in Syria, on the understanding that they will not target those sites. The system is voluntary, but relief groups said they felt intense pressure from donors and United Nations officials to participate. The groups give locations of their own choosing to the United Nations Office for the Coordination of Humanitarian Affairs, the agency that runs the system.

A document prepared by the agency warned that participation in the system “does not guarantee” the safety of the sites or their personnel. The document also stated that the United Nations would not verify information provided by participating groups. The system also does not require the Russians, Turks or Americans to acknowledge receipt of no-strike locations.

Whether such an arrangement can ever be successful in the brutal Syria conflict, where laws of war are disregarded on a daily basis, is an open question.

The forces of President Bashar al-Assad of Syria, alongside their Russian allies, have acted as if the deconfliction system does not exist. Local journalists and relief groups have recorded at least 69 attacks on no-strike sites since the Russian military intervention to help Mr. Assad began in October 2015, all but a few of them most likely committed by Russian or Syrian forces.

Jan Egeland, a Norwegian diplomat who was an adviser to the United Nations on Syria from 2015 to 2018, said the United Nations had failed to impose sufficient repercussions on those responsible.

“In general, deconfliction can work if there is a very loud, very noisy, very reliable investigation follow-up, accountability-oriented mechanism around it,” Mr. Egeland said, “so that the men who sit with their finger on the trigger understand there will be consequences if they don't check the list or if they even deliberately target deconflicted places.”

But Russia has repeatedly blocked action in the United Nations Security Council meant to strengthen accountability and humanitarian access in the Syria war, casting 14 vetoes since the conflict began, including for a resolution that would have referred Syria to the International Criminal Court. Russia's latest veto, on Dec. 20, could halt deliveries of humanitarian aid into Syria from Turkey and Iraq starting next month.

In August, the United Nations Secretary General António Guterres established a board of inquiry to investigate strikes on deconflicted sites, as well as other locations supported by the United Nations. But the investigators are currently planning to examine only seven of the dozens of attacks since April, and may not identify the perpetrators or even make their report public, a limited scope that has further angered humanitarian groups.

Growing frustration over the failure of the deconfliction system led to a June meeting between an association of relief groups and Trond Jensen, a top United Nations humanitarian official in Turkey who has since moved to a new position in Gaza.

A summary of the meeting that was sent to participants afterward by Mr. Jensen and that was obtained by The Times acknowledged "a huge trust deficit in the process and with those who manage it."

Relief groups felt they were putting the lives of their colleagues and other civilians at risk by participating, Mr. Jensen's summary said.

Fadi al-Dairi, chairman of the association that met with Mr. Jensen, said that the United Nations and humanitarian groups had acted in "good faith" when they began using the system but that "we've not achieved anything."

"There is a sense of frustration, lack of trust in everyone," said Mr. al-Dairi, who is a co-founder of Hand in Hand for Aid and Development, which supports 53 deconflicted sites in Syria.

Though the deconfliction system has existed for years, Mr. al-Dairi and others involved in relief efforts said that the United Nations humanitarian agency had only recently hired dedicated deconfliction staff in southern Turkey and Amman, Jordan, to verify locations of deconflicted sites so that false information was not sent to the warring parties.

Previously, United Nations officials had told the groups that they did not have the capacity to hire more people, Mr. al-Dairi said.

"Some NGOs might lack the skills when it comes to reporting the coordinates," Mr. al-Dairi said of the groups, "but it's up to the U.N. to confirm it."

"It is a matter of life and death," he added, "so that's why they should have been more proactive, like they are now."

United Nations humanitarian officials privately told The Times that some relief groups had previously submitted incorrect locations and that, although rare, in a few cases misinformation had been shared with Russia, Turkey and the American-led coalition.

The United Nations humanitarian agency has taken steps to improve the system in recent months, including the creation of a "centralized entity" to run it, according to Zoe Paxton, a spokeswoman for the agency. It also is now giving participant organizations a second opportunity to confirm submitted locations. United Nations officials emphasize that under international law, the warring parties are responsible for verifying targets and minimizing harm.

Mr. Assad's government, which has effectively criminalized the providing of health care in opposition-held areas, has repeatedly bombed humanitarian sites. Russian officials claim their Air Force carries out only precision strikes on "accurately researched targets," and they have attacked the integrity of the deconfliction system.

Vassily Nebenzia, Russia's ambassador to the United Nations, said at a news conference in September that Russian military reconnaissance had discovered "lots of instances of deliberate disinformation" in the system.

One site listed as a hospital was actually being used to store firearms, Mr. Nebenzia claimed, while other sites had been submitted with coordinates sometimes up to 10 kilometers from their real locations.

"To get you a sense of an 'iceberg' size here, I will just say that only in July alone we were provided with 12 false coordinates," he said. "And that is only about what we had capacity and time to check."

While some of Mr. Nebenzia's claims were shown to be false, at least three relief groups did submit incorrect coordinates to the United Nations on various occasions, The Times found.

While investigating an airstrike in November, The Times discovered that a relief group had provided coordinates for its health

center that were around 240 meters away. When another hospital was bombed in May, The Times found that the coordinates submitted by its supporting organization pointed to an unrelated structure around 765 meters north.

After questions from The Times prompted the organization to review its deconfliction list, a staff member discovered that it had provided the United Nations with incorrect locations for 14 of its 19 deconflicted sites. The original locations had been logged by a pharmacist. The list had been with the United Nations humanitarian agency for eight months, and no one had contacted the organization to correct the locations, a member of the organization's staff said.

Mr. al-Dairi and others involved in relief work said they assumed Russian and Syrian forces could find and target hospitals and other humanitarian sites without using the information shared by the United Nations. But they said they felt pressured to join the deconfliction system and had to convince skeptical Syrian doctors and aid workers to let them share their locations, knowing the information would go to the Russians and almost assuredly their Syrian government allies.

Dr. Munzer al-Khalil, the head of the Idlib Health Directorate, which oversees health care in Syria's last opposition-held province, said many international donors would not support medical facilities unless they joined the U.N.'s deconfliction system.

"Therefore, we did not have much of an option," Dr. al-Khalil said. "We paid a price by sharing the coordinates of the medical facilities with the United Nations. And what we got lately, frankly, was more bombing of medical facilities, and more precise bombing, and more destructive than before."

Relief group leaders said that their only remaining hope was that adding their sites to the deconfliction list had left Russia and the Syrian government with no deniability — important for theoretical war crimes trials decades in the future.

"We truly believe the world has abandoned us," Dr. al-Khalil said.

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

Yemen

Aid groups halt work in south Yemen after targeted bombings (The Washington Post) By Ahmed Al-Haj and Isabel Debre
December 24, 2019

A dozen humanitarian organizations in war-torn southern Yemen suspended their operations following a string of targeted attacks, the United Nations said, while the country's rebel-led health ministry announced on Tuesday that severe outbreaks of swine flu and dengue fever have killed close to 200 people since October.

The suspension of aid work came after unknown assailants fired rocket-propelled grenades at three aid organizations in the southwestern province of Dhale over the weekend, according to the U.N. Humanitarian Office in Yemen, wounding a security guard and damaging several office buildings.

The bombings signaled "an alarming escalation in the risks faced by humanitarian workers" and halted the provision of badly needed aid to 217,000 residents, the U.N. statement said.

Yemeni officials blamed Islamic extremist groups, noting that al-Qaida's branch in Yemen has previously attacked aid organizations around Dhale and routinely incites violence against foreign-funded humanitarian programs, accusing them of anti-Islamic activity. The officials spoke on condition of anonymity under regulations.

The U.N. humanitarian chief Mark Lowcock condemned "the continuation of media campaigns in parts of Yemen that spread rumors and incitement against aid operations," compelling them to cut back on crucial work.

The International Rescue Committee, a New York-based nonprofit, reported that grenades exploded in its office and women's center on Sunday night and expressed "extreme concern" for the safety of its local staff. It said the group would restart programs "as soon as it is deemed safe for our staff to return to work."

Militants also struck the Dhale office of Oxfam, one of Britain's largest charities.

“Aid workers should not be a target,” said Muhsin Siddiquey, Oxfam’s director in Yemen.

Yemen, the Arab world’s poorest country, has been convulsed by civil war since 2014, when Houthi rebels captured the capital, Sanaa, along with much of the country’s north, driving out the internationally-recognized government. Months later, a Saudi-led coalition intervened to fight the Iran-backed Houthis and restore the government.

In the country’s north, the Houthi-run health ministry declared Tuesday that a bout of fast-spreading swine flu had killed 94 people in October alone. Thousands of reported cases have overwhelmed health care facilities already crippled by constant violence, said Mohammed al-Mansour, a senior Houthi health official, warning the death toll would likely rise. A new outbreak of dengue fever has also swept across the country, killing 68 people, including 16 children under five so far this month, he added. The painful disease has re-emerged due to the deterioration of Yemen’s health and sanitation systems.

Fighting in Yemen has killed over 100,000 people and set off the world’s worst humanitarian crisis, leaving millions suffering from food and medical care shortages and pushing the country to the brink of famine.

UN condemns attack that killed 17 civilians in north Yemen (The Washington Post) By Noha Elhennawy
December 26, 2019

The United Nations has condemned the shelling of a busy market that killed at least 17 people earlier this week in northern Yemen, a region which has been under control of Yemen’s Iran-backed rebels known as Houthis.

The office of the U.N. human rights coordinator in Yemen did not say who was behind the attack. However, a Saudi-led coalition has been waging war against the Houthis since 2015, trying to restore the internationally recognized government. Thousands of Yemeni civilians have died in airstrikes.

The U .N. statement released Wednesday said that along with the 17 killed, including 12 Ethiopian migrants who had reached Yemen in search of a better life, another 12 civilians were wounded in the strike on the Al-Raqw market in the northern province of Saada on Tuesday.

It was the third time in a month that the market was targeted, the U.N. added, saying the number of killed and wounded in the three attacks has reached 89. Local Houthi rebel authorities heavily restrict access to journalists and rights groups into the region of Saada, which has seen some of the war’s worst fighting.

Saudi Arabia’s state-run news agency quoted spokesman Col. Turki al-Malki on Thursday as saying his coalition command is investigating an attack that targeted Houthi rebels Tuesday in Saada’s district of Monabbih. That’s the same area where Al-Raqw market exists. He said the attack might have resulted in “accidental losses” and “collateral damages.” He said the results of the investigation will be made public.

The attacks on the market are deeply troubling, said Yemen U.N humanitarian coordinator Lise Grande. “Every attack of this kind is a gross violation,” she said. “The parties responsible for this, and other atrocities, must be held accountable.”

Yemen’s conflict erupted in 2014, when the Houthis overran the capital, Sanaa, and much of the north, pushing out Yemen’s internationally recognized government and ushering in a civil war that has killed tens of thousands of people. The fighting has also left millions suffering from food and medical shortages and pushed the country to the brink of famine.

Houthi spokesman Yehia Sarea tweeted later Wednesday that “these crimes” by the Saudi-led coalition “will not go by unnoticed” and pledged that the victims would be avenged. He put the death toll at least 20. The conflicting tolls could not immediately be reconciled. Sarea also posted images on social media purporting to show the casualties from the attack. Yemen’s conflict erupted in 2014, when the Houthis overran the capital, Sanaa, and much of the north, pushing out Yemen’s internationally recognized government and ushering in a civil war that has killed tens of thousands of people. The fighting has also left millions suffering from food and medical shortages and pushed the country to the brink of famine.

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

Special Tribunal for Lebanon

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

Israel and Palestine

Israel Is Hiding Documents That Could Help Its War Crimes Case at the ICC (Haaretz) By Yaacov Lozowick
January 2, 2020

In July 2002, the Israel Defense Forces killed a senior Hamas official, Salah Shehadeh, by dropping a one-ton bomb on the building in which he was sleeping. Killed along with him were his wife and daughter, another Hamas fighter and 13 innocent noncombatants who were sleeping in adjacent buildings. In September 2003, an air force plane dropped a quarter-ton bomb on a house in which many Hamas leaders were gathered. The bomb destroyed the building's upper two floors, but all the Hamas men survived as they were on the ground floor. Some of those who survived were killed afterward – among them Ahmed Yassin and Abdel Aziz Rantisi – but alongside them were the men who are currently leading Hamas: Mahmoud a-Zahar and Ismail Haniyeh, as well Mohammed Deif, commander of Hamas' military wing. Someone, it turns out, decided not to use a one-ton bomb.

More recently, in March 2018, riots broke out along the border fence between Israel and the Gaza Strip. Over time, the number of Palestinian casualties in these demonstrations, which have continued intermittently to this day, declined, one reason being, according to the media, that the IDF replaced its snipers' rifles with weapons with a reduced potential to kill.

There's no need to be a former state archivist to know that in the IDF, the Justice Ministry, the Prime Minister's Office and elsewhere, many documents exist about how Israel manages its wars. They include discussions of principles, operational plans, briefings, operational recordings, investigations, conclusions that were drawn, formulation of procedures and updated directives. There are also legal opinions and diplomatic evaluations.

In the case of the Shehadeh killing, the e gaza vents were examined by a committee headed by a retired Supreme Court justice, Tova Strasberg-Cohen, and its main findings were published. They can be perused on the website of the Prime Minister's Office. The report quotes from dozens of documents made available to the committee at its request.

Subsequently, there was a change in the policy of advance warning before an attack on a building – a change that included actively creating new technologies and a new modus operandi, different ways of training of fighters and officers, upgraded post-operation inquiries into the results and so forth. Both the IDF and the organizations in its orbit are places where people think and talk about what they are doing, and leave behind a long, detailed trail of documentation.

Just as such documentation was of interest to the Strasberg-Cohen committee, so, too, it will interest the International Criminal Court in The Hague, should it ultimately decide to open an investigation into potential Israeli war crimes. On the assumption that this is a professional court and not a club that's out to bash Israel, like the United Nations Human Rights Committee, it can be presumed to operate with judicial tools, to be guided by the laws of evidence and to take an interest in intentions, what jurists call mens rea. In a hearing guided by such principles, a state that "shoots in every direction" without consideration for the results is not supposed to be treated like a state that consistently examines its behavior, does its best to avoid mistakes and maintains elaborate mechanisms aimed at improvement and constant adaptation to a shifting reality.

There are those who will say that any instance of Israeli use of military force is unacceptable. Others will say that if Israel were stubbornly trying to achieve peace, the use of military violence would become unnecessary, and that in the absence of Israeli determination to reach peace, all of its military activity is immoral. Those are sweeping moral assertions that render superfluous the discussion of the justice of Israel's military behavior, and they cannot be contested by means of documents. They are not meant to be the approach taken by the court in The Hague, whose point of departure, at least on the face of it, is that states have the right to use force to defend certain interests, provided they act lawfully.

It has to be admitted that Israel, with its firm refusal to present its documents to any international body, is by its own hand helping the organizations that criticize it. It leaves the arena open to organizations that are happy to make do with describing only the results of Israeli combat: If Israel fired and Palestinian civilians were hurt, it's proof that Israel intended to hurt and kill – Post hoc, ergo propter hoc.

Those for whom the state's good name is important can only be frustrated that Israel zealously conceals tens of thousands of archival documents that could present a fair picture of its behavior. True, a liberal disclosure of the documents would not portray Israel as a complete paragon of virtue. The picture the archives paint is complex and rife with shades of gray. But multiple shades of gray are preferable to black.

How inaccessible are these documents? Extremely inaccessible. The Archives Law of 1955 states that all official records are to be open once a designated waiting period has passed, except in exceptional cases, but the regulations introduced by bureaucrats turned this topsy-turvy: In all but exceptional cases, the default is for everything to remain sealed.

Material from the defense establishment is sealed for 50 years – two generations. Even at the end of this period, most of it will not be unsealed, even in the face of specific requests. Only recently, the bureaucracy fought to leave sealed documents from the “Saison” (the so-called “Hunting Season” of 75 years ago, before the state's establishment, referring to the effort by the official Haganah militia to suppress anti-British activity by the Irgun); from the War of Independence; and from the Kafr Qasem massacre of 63 years ago (when Israeli troops shot residents of the village of Kafr Qasem, who were unaware that a curfew was in force at the start of the Sinai War).

Some material is rightly classified. Documents relating to intelligence gathering, for example, or methods of surveillance of top terrorists, whose revelation would help the other side take evasive action. However, this limited and specific concealment has long since become a case of general concealment – broad, deep and permanent. The possibility of Israel presenting to the court in The Hague security documents from recent years, even as it refuses to show its citizens documents from its early days, seems remote.

The concealers are generally bureaucrats who have undergone a relatively uniform professional socialization. All have high security clearance and came through the ranks in an organizational culture of maintaining secrecy. They are convinced that what is known to them must not become known to the public, for if it does, state security will be infringed. Most of them are not operational fighters who risk their lives in combat, but their environment has persuaded them that by hiding what they know, they too are defending the state. Few of them follow the international dialogue on such matters, which in any case is not conducted in Hebrew. Without admitting it, they have created a professional and sociological bubble of keepers of secrets, operating in the face of an amorphous public that they see as unreliable.

Since the failures of the Yom Kippur War, it's conventional knowledge that there are specially designated intelligence officers whose task is to dispute and challenge all the other colleagues surrounding them, in order to avoid the arrogance of a consensual conception. But in the circles that protect archival material – security professionals, legal experts, archivists – no one has the role of casting doubt. Even most diplomats, who are exposed to the external world by the nature of their profession, are more in the nature of bureaucratic workers than they are citizens of the world.

Within a short time, the cabinet may have to decide about Israel's comportment before the court in The Hague. They will be surrounded by people from the bureaucracy, whose take on unsealing documents is quite uniform. Ministers, too, are only people, and if the bureaucrats around them are in full agreement, only independent, self-confident ministers will want to assume the responsibility of independent decisions. The others will flow with the recommendations of the professional echelon, without questioning whether those recommendations are correct.

Israel/Palestine war crimes probe ‘momentous step forward’, says UN rights expert (UN News)

December 31, 2019

"Accountability has, until now, been largely missing in action throughout the 52-year-old occupation," said Michael Lynk, the Special Rapporteur for the situation of human rights in the Palestinian territory occupied since 1967.

On 20 December, ICC Prosecutor Fatou Bensouda announced that she was "satisfied that there is a reasonable basis to proceed with an investigation into the situation in Palestine".

Mr. Lynk maintained that although the international community has adopted hundreds of UN resolutions condemning various features of “Israel's entrenched occupation of the Palestinian territory...rarely has it ever combined criticism with consequences for Israel”.

“Now, the possibility of accountability is finally on the horizon”, the UN expert said.

Ms. Bensouda has spent the past five years reviewing the initial evidence as part of a preliminary investigation in the 2014 war on Gaza, the Israeli settlements and, more recently, the killing and wounding of Palestinian demonstrators near the Gaza frontier.

The ICC prosecutor said that before initiating a formal investigation, she would ask for a ruling by the Pre-Trial Chamber to confirm that the territory over which the Court may exercise its jurisdiction comprises the West Bank, including East Jerusalem, and Gaza.

"In a world that proclaims its devotion to human rights and a rules-based international order, it is vital that the international community defend the decision of the ICC Prosecutor to advance her investigation and to seek a favourable ruling from the Pre-Trial Chamber on the issue of territorial jurisdiction," said the Special Rapporteur.

"International law must be the basis for seeking justice for the victims of war crimes in this interminable conflict, and the international community must resolutely support the laws and the institutions that it has created and nurtured."

The UN expert noted that the Prosecutor also intended to investigate whether members of Hamas and other Palestinian armed groups had committed war crimes in the period since June 2014. "If the evidence gathered by the ICC Prosecutor leads her to make findings against these organizations, then her efforts must also be supported," he continued, adding that the Rome Statute is meant to be applied "dispassionately", as "the only way to build the necessary political and popular support for its mission."

Addressing the long-standing concern about how slowly the wheels of justice have turned in this matter, Mr. Lynk urged that the Pre-Trial Chamber present and resolve territorial jurisdiction issue as expeditiously as possible.

"Justice delayed is justice denied", he spelled out. "Should the allegations of war crimes then proceed to the formal investigation stage, every effort must be made to advance the work of the Prosecutor's office in a reasonably speedy manner consistent with legal fairness, so that the many victims of this conflict can realistically hope that justice might yet prevail within their lifetimes", concluded the UN Special Rapporteur.

Special Rapporteurs and independent experts are appointed by the Geneva-based UN Human Rights Council to examine and report back on a specific human rights theme or a country situation. The positions are honorary and the experts are not UN staff, nor are they paid for their work.

Mr. Lynk was designated in 2016.

The ICC will likely throw out Palestine's case for war crimes, Norman Finkelstein says (Mondoweiss) By Philip Weiss
December 31, 2019

Last week supporters of Palestinian human rights were buoyed by the announcement from the prosecutor of the International Criminal Court that she had decided to open a formal investigation of Israel for war crimes in the occupied territories, including the ongoing settlement project in the West Bank and East Jerusalem and the onslaught in 2014 called Operation Protective Edge. She is also investigating Hamas and Palestinian militant groups for war crimes.

"There is a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip," prosecutor Fatou Bensouda said. "You can't gainsay the fact that at least at a symbolic level, something significant happened," says Norman Finkelstein, who is an expert on the ICC. "A Rubicon has been crossed. Or to put it in other terms, an American red line has been crossed, because the U.S. has said, Open an investigation and we destroy you."

Because of the international politics of the issue, Finkelstein says that hopes for a just formal outcome are likely to be dashed by the court. He believes that the case will be dismissed on a technical ground, under tremendous pressure from Israel and the U.S.

The opportunity the case presents is in shaping public opinion, Finkelstein said in an interview: for advocates for Palestinian rights to make their case as the Hague mulls the legal one. "Pressure can come from both sides."

Fatou Bensouda is going to be subjected to the same sort of vilification that Israel and its friends brought to bear ten years ago on Judge Richard Goldstone, who after accusing Israel of targeting civilians in Gaza in a UN Human Rights Council report was smeared with a broad brush, notably Alan Dershowitz saying that he was a traitor to the Jewish people. Ostracized at times even within his South African Jewish community, Goldstone later recanted some of the charges.

Finkelstein is soon to publish a book about Bensouda's failure to prosecute an earlier referral on Palestine to the ICC, involving Israel's killing of 10 passengers on board the aid boat the Mavi Marmara, which was under sail to Gaza from Turkey in May 2010 when Israeli commandoes boarded the vessel in international waters in the middle of the night.

That case was brought to the ICC by the Comoros Islands because the boat sailed under a Comoros flag. But after a years-long preliminary investigation, Bensouda refused to launch a formal investigation, and sided with Israeli arguments about the aggressive conduct of passengers and crew on the boat, as somehow justifying lethal force.

Bensouda experienced broad criticism over that ruling, Finkelstein says— from officials inside the ICC, from the human rights community, from an article by John Dugard, a professor of international law with great standing, and from the impending publication of Finkelstein's own book, titled *J'Accuse*.

Bensouda's latest decision of December 20 was to launch an investigation in a second case, a 2015 referral by Palestine, and Finkelstein sees it as an effort to "recuperate" her loss of reputation in the Mavi Marmara ruling.

Part of the reputational damage was critics thrashing Bensouda's record in the Gambia. "She was the attorney general under the Gambian military junta," Finkelstein says. "Richard Goldstone was a judge under apartheid South Africa, but Dugard tells me it's totally different. Goldstone had an exemplary record as a judge in South Africa. She had a filthy record."

The 112-page document that Bensouda published in announcing her decision to investigate war crimes looks very good with respect to the crime of Israeli settlements, Finkelstein says. The document offers "10,000 pieces" of evidence on the illegality of the settlements in the West Bank and East Jerusalem that go to show what everyone knows, Israel has taken over lands that were supposed to provide the territory for a Palestinian state under international law and colonized those lands with more than 600,000 Jewish settlers.

Bensouda's argument that Israel committed war crimes in Gaza during the Operation Protective Edge onslaught five years ago that killed more than 2200 Palestinians, including 500 children, is less specific. "If you read her statement, you would think that Hamas committed as many, if not more war crimes than Israel during Protective Edge," Finkelstein says.

Some on the left have exulted in the ICC ruling and said that Prime Minister Benjamin Netanyahu and former army chief of staff Benny Gantz (who has bragged of bombing Gaza back to the "stone age") may be charged with war crimes for that assault. "I'm very dubious about that. The likelihood that they're going to actually be convicted approaches zero," Finkelstein says.

All the same, Israel is shaken by the announcement and a battle has begun. "There's a legal battle but there's also going to be an overt battle, the battle of public opinion. So yesterday, Benjamin Netanyahu goes to the Wailing Wall and says that the ICC is guilty of anti-Semitism," Finkelstein says. "Now the other side can say, oh, is it anti-Semitism to say that Israeli settlements are illegal? Anti-Semitism to say that the West Bank and Gaza and East Jerusalem are occupied, Palestinian territory?"

Finkelstein's pessimism about the ultimate outcome is based on the fact that Bensouda gave herself an out. Noting that the court's jurisdiction over these issues is disputed by Israel, Bensouda requested an opinion on two crucial jurisdictional questions from the court – called the Pre Trial Chamber – in the next 120 days before actually beginning her investigation.

"The jurisdictional question breaks down into two parts. Does this entity called the state of Palestine qualify as a state that is competent to lodge a referral or complaint with the ICC," Finkelstein summarizes. "Question number two, they have to decide what is the territorial jurisdiction of the court in this case, which means they have to decide what are the territorial dimensions of this thing called the state of Palestine."

Finkelstein is very worried that Bensouda has kicked these questions over to the Pre Trial Chamber because it is headed by a Hungarian judge, Péter Kovács, who repeatedly sided with Israel on issues in the earlier Mavi Marmara case.

Bensouda herself opens the door to Kovács to dismiss Palestine's standing to bring the case in the first place in this paragraph:

The scope of the Court's jurisdiction in the territory of Palestine appears to be in dispute between those States most directly concerned—Israel and Palestine. A number of other States have also expressed interest and concerns on relevant issues. Notably, Palestine does not have full control over the Occupied Palestinian Territory and its borders are disputed. The West Bank and Gaza are occupied and East Jerusalem has been annexed by Israel. Gaza is not governed by the Palestinian Authority. Moreover, the question of Palestine's Statehood under international law does not appear to have been definitively resolved.

"I would bet your bottom dollar and mine that Kovacs will never ever say Palestine's a state. Of the other two judges [on the PTC] he only needs one more vote," Finkelstein says.

Israeli has already posted clever challenges to Palestinian standing, says Finkelstein. "A lot of it is a crock of shit, but they

quote statements from the international community and the Palestinians, that two states is an aspiration not a reality. So if it's not a reality, how can they call on the ICC to investigate? They're not a state!"

Israeli officials have also seized on the fact that Palestine cited the 1947 UN partition resolution as a basis for the complaint. That resolution designated Jerusalem as outside the Jewish and Arab states that were to be established: "a corpus separatum." Israel used this citation against Palestine, Finkelstein says: "They themselves acknowledge that Jerusalem is not part of the Palestinian state."

I pointed out to Finkelstein that if the court throws out the Palestinian case on these grounds, it will leave the occupation in place, with Palestinians as non-entities in any official framework. Israeli will settlers continue to gobble up their lands, but Palestinians have no recourse under Israeli law or in international courts.

"The ICC can rule on the settlements if the U.N. Security Council refers it to them. And that won't happen," Finkelstein adds. The U.S. will veto.

Finkelstein sees the real force of the case in the court of public opinion. It will continue to drive a wedge in U.S. politics by putting pressure on the Democratic Party leadership. He says:

There are two poles now in the world. As everyone knows, the center has collapsed. One pole has said, fuck the rule of law. So they don't care about the fact that Israel now is an apartheid state or as Lincoln would say a nation that's half free, half slave. So the Palestinians don't have anything— and let's move on. Just like Modi now did with the new law in India saying only Hindus can get citizenship; they don't care about the law. And that's Trump.

On the other hand, the other pole actually has become more beholden to the law in the face of this assault by the Alt right. The law has been now become their big weapon. And so the Democratic Party, given its base, can't possibly defend a state that is half slave and half free.

The Democrats don't want to acknowledge what is de facto the case, Israel has annexed those territories. Because if they are part of Israel and the Palestinians don't have rights of citizenship, they're living in a slave state.

So the Democratic Party wants the veneer that the situation is still in limbo, that there is still a possible peace process that hasn't been resolved because if they don't have that veneer, they're now part of the alt right that says we don't give a shit about the Palestinians.

I told Finkelstein that a Democratic president could put pressure on Israel.

"A Democratic president would be just like Obama," Finkelstein said, disagreeing, "and say that there shouldn't be international interference, it has to be resolved between the Israelis and Palestinians, we can only play the role of an honest broker and so on, and so forth. Unless it's Bernie."

Finkelstein points out the lengths that Obama went to to neutralize international law against settlements and other Israeli crimes in occupied territories. "Remember, it was [then-Secretary of State] Hillary Clinton who took pride in the fact that she personally killed the Goldstone report. The Biden administration would do the same."

I concluded by asking Finkelstein to say where he is hopeful.

"The battle is going to be played out behind closed doors and in the court of public opinion, and if Palestinians and their allies mount a significant enough public relations campaign, demanding it, it will put the PTC [pre trial chamber of the ICC] under the spotlight and it will put Bensouda under the spotlight.

"Otherwise, if you let the normal workings of the court unfold, the Palestinians will lose everything."

UN Reports Increase in Israeli Demolition of Palestinian Structures (Asharq Al-Awsat)

December 29, 2019

Israeli occupation authorities have demolished and seized over six hundred Palestinian structures in the occupied West Bank since the beginning of 2019, according to a new UN report.

The report, entitled "Protection of Civilians", from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) said that 617 structures have been demolished or seized so far this year, displacing 898 Palestinians.

It noted that the figures represent a 35 and 92 percent increase respectively, compared with the same period in 2018.

Additionally, over 20 percent of all structures targeted this, and some 40 percent of all donor-funded aid structures were located in firing zones, which cover about 30 percent of Area C, an administrative division of the West Bank, set out in the Oslo Accord.

The OCHA further highlighted that Israeli forces uprooted or chopped down about 2,500 trees and saplings during a demolition operation in a shooting area east of Nablus, and that the trees were part of a recreational area that served about 14,000 residents of Beit Furik town and nearby Khirbat Tana village.

The report went on to say that Israeli authorities have demolished 29 Palestinian buildings or forced their owners to demolish them in Area C and occupied east Jerusalem during the past two weeks, under the pretext that they have been constructed without proper permits. The demolitions led to the displacement of 45 Palestinians and incurred losses on more than 100 others.

Moreover, Israeli forces injured 14 Palestinians, including at least three children, in several incidents across the West Bank.

The UN says Israel has advanced or approved plans for over 22,000 housing units in the occupied West Bank.

According to the report, Israeli settlers injured four Palestinians and damaged about 330 olive trees and seven vehicles during eight attacks in the West Bank over the past two weeks. Meanwhile, Palestinian officials said Saturday that an Israeli plan made public by Defense Minister Naftali Bennett to enable settlers to register Palestinian lands in areas classified as C in the land registry of the Israeli Ministry of Justice proves that the International Criminal Court (ICC) is on the right track.

The ICC last week decided to open a war crime investigation of Israeli settlement activities in the occupied Palestinian territories. The statement by Bennett proves that the ICC was right in initiating action against Israel, said Saeb Erekat, secretary general of the Executive Committee of the Palestine Liberation Organization (PLO).

Another PLO Executive Committee member, Ahmad Majdalani, said Bennett's decision is a manifestation of the colonialist mentality and an extension of the plan by Israeli Prime Minister Benjamin Netanyahu to annex the occupied Jordan Valley and other parts of the West Bank. He considered the decision an attempt to seize the land in order to prevent the creation of a viable Palestinian state.

Israel shrugs at Hamas saying it will cancel Weekly Gaza riots - Analysis (The Jerusalem Post) By Herb Keinon
December 27, 2019

Hamas announced Thursday that it was suspending its weekly rioting along the Gaza border fence for three months, and that when these "protests" resume in March, they will be monthly, not weekly occurrences.

And the collective Israeli response was... a yawn.

The announcement did not lead news broadcasts, which was dominated by weather news and Likud primaries. Israelis in the communities near the Gaza Strip were interviewed and did not express relief. And parents of soldiers were not taking to the airwaves to give thanks, now that their sons and daughters would not have to face rioters week after week.

Why?

Aren't Israelis pleased that the IDF will not have to confront – often with live fire – violent rioters hurling Molotov cocktails, firing rocks through slingshots and trying to cut through the fence protecting communities from possible terrorist infiltration?

Sure they are – but, they are also being realistic.

Hamas's move reflects a tactical change on their part, not a strategic one. The organization realizes that the "Great March of Return" that began in March of 2018 has not achieved anything: Israel's naval blockade is still in place – and there is no way in the world this type of activity is going to lead Israel to allow the "return" of Palestinians to their "ancestral homes," which is one of the stated goals of the march.

So, what's the point?

An AFP report in late October quoted the relative of someone killed in the riots, Alaa Hamdaan, 28, saying essentially the same thing. "Shame on you," she screamed into a television camera, apparently addressing herself to Hamas's leadership. "Every day 'return, return, return [marches].' You killed us with your return. What did we get from 'return'? Tell us."

The answer is very little – there were some pressures on Israel, some leverage, but not much else. Almost two years later, Hamas has come to the conclusion that it can get more in terms of easing the blockade through arrangements being negotiated

by Egyptian, UN and Qatari officials than through these protests. As a result they decided to “suspend” the protests.

In the beginning, the riots attracted tens of thousands of people and put the situation of Gaza – at least for a little while – back on the international agenda. But that was then, when the riots were novel. Now, fewer Palestinians are attending the riots that have achieved so little, and there is limited attention from around the world.

For most Israelis, the “Great March of Return” was just another tactic in the battle against the country, waged between full-blown wars – tactics that over the years have included hijackings, stabbings, intifadas, suicide bombings, katyushas, kassams, terror tunnels, inflammable balloons and, most recently, the weekly riots on the Gaza border. Same goal, different tactic.

A resilient country, Israelis have proven the ability to withstand each Palestinian tactic, but have no delusions that the passing of one tactic means that the goals have changed. Chief of General Staff Lt.-Gen. Aviv Kochavi, in a speech he delivered Wednesday at IDC in Herzliya, made an interesting distinction between having a sense of security and security itself. “The role of the army is not only to provide security,” he said. “The role of the army is also to provide a sense of security.”

The situation facing the residents living near the Gaza border was a good example of the difference between the two, he elaborated. “We are providing security in [the communities near] the Gaza Strip. We are shooting down, in the majority of cases, most of the rockets; we are stopping on almost a monthly basis infiltration attempts; we dramatically brought down the number of fires [caused by inflatable balloons] over the last year,” he said.

But with that, he added, “every time a Code Red siren pierces the quiet – or a party, or a holiday or Friday night – the feeling is one that there is not enough security. I differentiate between security and the sense of security.”

The cessation of the Gaza protests removes, even if temporarily, a thorn in the side of the IDF that had to deal with them on a weekly basis, but it is unlikely to restore a sense of security to residents who live near the Gaza fence.

Why not? Because it was not the weekly riots that created that sense of insecurity. The riots don’t help – but the source of that insecurity is the rockets from Gaza, and the Code Red sirens in their wake that send people scampering to safe rooms. And that, unfortunately, is not going to end with the cessation of the weekly riots.

The rocket fire from Gaza – as was made evident Wednesday night when a rocket was fired as Prime Minister Benjamin Netanyahu addressed a campaign rally – is not about to just magically cease. There are powerful forces in the region, such as Iran – which is behind Palestinian Islamic Jihad, the group apparently responsible for Wednesday’s night’s rocket, who forever want instability and lack of security to reign here, and who have the ability to ignite the situation when it suits their needs.

Is it good that the IDF will not have to deal with these violent protests along the Gaza fence every week?

Certainly.

Is it cause of celebration, or a sign that peace and quiet is descending on the South?

Most Israelis – who have long experience with this – harbor no such illusions.

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

Gulf Region

The Valley of Death: the Saudi Coalition is Creating a Living Nightmare for African Migrants in Yemen (Mint Press News) By Ahmed Abdulkareem

December 25, 2019

Hoping for a better life, 32-year-old Hermala left Jimma, a poor farming district in Ethiopia’s Oromia region, and set out towards Saudi Arabia. He faced unspeakable dangers along the journey, including death at sea, torture, and abuse in chasing what would ultimately remain an unfulfilled dream.

Over the course of the nearly five-year-long war in Yemen, U.S. bombs and shells in the hands of the Saudi-led coalition have not only devastated the lives of many Yemenis but have dashed the dreams of migrants from the Horn of Africa who have been stranded in Yemen's nightmare since 2015, when the war began.

Hermala was initially hoping to emigrate to the United States, but given the Trump administration's slew of new anti-immigrant policies, he chose instead to take his chances on a perilous journey that would see him crisscross mountains, ravines, jungles, swamps and the sea. His final destination, he hoped, would be the oil-rich Kingdom of Saudi Arabia by way of war-torn Yemen.

A combination of factors has driven hundreds of thousands like Hermala to travel through some of the most inhospitable terrain on earth in hopes of crossing the sea into war-stricken Yemen and eventually Saudi Arabia after the United States and Europe closed their doors to migrants and refugees.

This past November, Hermala traveled more than 1,000 kilometers from his home through one of the busiest maritime mixed migration routes in the world. First on buses and then later on foot, jumping the border into Djibouti, he trekked through mountains, sandstorms, and high temperatures, surviving on crumbs of bread and unclean water.

After paying his traffickers, Hermala, along with a group of seven other migrants, eventually made their way to the southern coast of Yemen on a journey that took somewhere between 12 and 20 hours through the turbulent Bab al-Mandab Strait on a severely overcrowded wooden boat. They, however, were very lucky.

The journey from the Horn of Africa to Yemen's coast by way of the Gulf of Aden or the Red Sea is perilous. Migrants and refugees face difficult situations as smugglers sometimes force them to swim for several kilometers to avoid being captured by Saudi authorities or because the overcrowded boats are unable to traverse the turbulent waves.

Another refugee in Hermala's group told MintPress in broken Arabic that 45 of the 150 passengers aboard the boat he was on were killed when their smuggler forced them into the water after their overloaded board encountered turbulent waters off the coast of Aden.

Last July, 15 Ethiopians died after a boat off the coast of Yemen broke down and left them stranded at sea. In a refugee camp in Sana'a, survivors of another accident told MintPress that some migrants they traveled with died of hunger and thirst, while others drowned after the boats they were on were attacked. Saudi Arabia and the United Arab Emirates (UAE) control Yemen's coastal waters and carry out extensive patrols.

Despite the ongoing war and the escalating humanitarian crisis in Yemen, the past four years have seen a spike in the number of arrivals of East African refugees and migrants to Yemen. The International Organisation for Migration (IOM) said that almost 90,000 East Africans, 90 percent of them Ethiopian, have arrived in Yemen since April. However, more than 150,000 migrants arrived in Yemen in 2018, a 50 percent increase from the year before.

According to IOM, between January and August of 2019, 97,069 migrants made their way to Yemen. Of those, over 13 percent were children, 66 percent of whom were unaccompanied. Overall, close to 700,000 people, mostly Ethiopians and Somalis, arrived on Yemen's Red and Arabian seas since 2015 when the war began, according to sources in Yemen's Immigration and Passports Department.

In Southeastern Yemen, a region under the total control of Saudi and Emirati forces, migrants face extreme risks and serious human rights violations including torture, extortion, and sexual and physical abuse. Three Ethiopians holed up in a notorious camp in Northern Yemen recounted their stories to MintPress. After nearing the end of their treacherous journeys to Yemen, they were physically assaulted by traffickers in Aden who hoped to extort ransom money from their family members in Ethiopia.

"My family sold their land to pay the ransom money," one of the men told MintPress. Another refugee who traveled in Hermala's group recounted how "in Lahj camp, troops beat and hung me on the wall when I refused to make a call to my relatives. They told me to call but I refused, they then beat me on my head with a stick and it was swollen and bled." The scar was still visible on his head.

Reports from Human Rights Watch and other groups confirm that migrants are routinely tortured and abused by traffickers and officials in Southeastern Yemen. The Saudi-led coalition and its allies have tortured, raped and executed migrants and asylum seekers from the Horn of Africa in detention centers in the port cities of Aden and Lahj, according to reports by Human Rights Watch.

The war itself brings with it its own dangers to migrants. In January, at least 30 migrants drowned when Saudi-led coalition naval vessels patrolling the Yemeni coast fired on their boat, causing it to capsize. In March 2017, a Saudi-led coalition helicopter opened fire on a vessel carrying more than 140 migrants, killing 42 Somali nationals in what Human Rights Watch

called a “likely war crime.” On March 30, 2015, at least 40 refugees were killed and 200 injured when a Saudi jet targeted the Al-Mazraq refugee camp. Still, thousands of migrants that die in Yemen remain unknown, their shallow graves line the trails traversed by their countrymen still seeking a better life in a strange land.

After a three month journey, Hermala and three of his travel companions finally managed to escape the clutches of traffickers in Aden only to be detained in another makeshift refugee camp run by the Saudi-led coalition. They were eventually able to escape once again, making their way from Southern Yemen north towards the Saudi border, some walking in worn-out sandals and others barefoot, exposed to the full heat of the desert sun.

The dangers faced by Hermala and other refugees traveling north are many. Migrant routes converge on Saada, where active fighting between the Yemeni resistance and Saudi forces is frequent and where hundreds are routinely killed in indiscriminating Saudi airstrikes. In Saada, long lines of migrants can often be seen walking as airstrikes take place nearby. Without shelter, they have no place to seek reprieve.

Although themselves facing famine, local residents provide refugees with clean water and food when possible. Through an eclectic mix of broken English and Arabic, refugees who spoke to MintPress said: “Yemenis are hospitable, they do not mind us passing through their areas or staying in them.” Others recounted how residents provided them with food and clothing and told them “the right way to Saudi Arabia.” Yemen has long been a host nation for refugees, indeed, it is the only country in the Arabian Peninsula that is a signatory to the Refugee Convention and its protocol.

After crossing through Yemen’s mountainous rural landscape, Hermala and 30 fellow Ethiopian refugees eventually made their way to the al-Raghwah district, a transit point to the oil-rich Kingdom near Saada. But for Hermala, whose curly hair and round face endeared him to all he encountered – even his traffickers – al-Raghwah was the last stop on his journey.

Nearly one week ago, the body of Hermala, along with three of his Ethiopian travel companions, were discovered after bombs, supplied by the United States and dropped by Saudi jets, abruptly ended their journey north. Less than a month ago, scores of Hermala’s fellow countrymen were killed in the same location when Saudi forces carried out heavy shelling on a busy marketplace.

The attack came nearly a week after ten African refugees were killed and 35 wounded after Saudi border guards lobbed mortar shells into a bustling congregating point for African refugees on the Saudi-Yemen border. Migrants describe the area as the valley of death as the smell of gunpowder and dead bodies often lingers in the air.

Nearly every day migrants who have managed to travel across continents, stave off death by sea, disease and hunger, succumb to death thanks to a seemingly endless supply of weapons provided to the Saudi-led coalition by the United States.

Yemen’s al-Raghwah border area, located in the Munabbih district of Saada, is dotted with camps inhabited by thousands of migrants from Ethiopia and Somalia hoping to cross the border into wealthy Saudi Arabia.

Most of Yemen’s border areas with Saudi Arabia have been rendered little more than burning battlefields where Saudi forces are pitted against Yemen’s resistance led by the Houthis. For the most part, though, those fires have not yet reached al-Raghwah. Al-Raghwah is almost solely populated by Ethiopian and Somali refugees, who, for the most part, run the myriad refugee camps in the area. The Saudi-led coalition has long described the area as a known smuggling zone but has only recently identified it as an active military zone.

Even for those migrants who have died, there is no reprieve. There are not enough graves for the dead whose bodies wither, contaminating food and water supplies. The bodies of migrants shot by Saudi border guards while attempting to cross the border are seldom removed, serving as a morbid warning to others who dare make the attempt.

In al-Raghwah, everyone has a tragic story to tell. Dopamine is in seemingly shorter supply than food and water. One remarkable girl, whose smile seems never to leave her ashen face, however, seems to be an exception to al-Raghwah’s grim reality. She used to work as a nurse in Ethiopia and left her family hoping to find work in Saudi Arabia so that she could support her sister and elderly father. She now spends her time scurrying between sick and injured patients in the camp, using her skills, and very limited resources, to help who she can.

She speaks broken Arabic, most of the other refugees in the camp cannot speak it at all, and tells MintPress, “nothing [in the camp] scares me anymore except for the whiz of flying jets and the sound of the bombs when they hit the ground.” She explained how she screams and lies down every time she hears an airplane. “The place here becomes terrifying.”

Many migrants in al-Raghwah suffer from severe physical and mental health challenges resulting from their experiences on their journeys, their time in southern Yemen’s detention camps and a fear of being killed or worse, returning home empty handed.

Despite the thousands of migrants in al-Raghwah, there is no health center or sanitation system here, and epidemics are widespread. Somewhere between three and five people die every day from cholera, malaria and other diseases.

Under the cover of darkness, many migrants try to sneak into Saudi Arabia from nearby al-Thabit. By sunrise, dead bodies litter the crossing routes. Only a few lucky ones make into the Kingdom to earn their livings as servants or laborers.

One wounded migrant told MintPress that Saudi border guards shot her without warning while she was attempting to cross the border in al-Zamah, three kilometers away from al-Raghwah. She described the scene at the border: “warplanes did not leave the sky, bombs were dropped constantly, there was no place to take cover. There were so many dead people at the border. You could walk on the corpses.”

Edris, Nebiyu, and Dina, all migrants from Ethiopia, said that an Apache helicopter fired at them as they were walking on foot through al-Thabit. “Everyone scattered. People fleeing were shot, many were killed or injured,” Edris recounted. His friend was shot in the head and killed, they left him on the ground and fled.

For its part, the International Organization for Migration has expressed alarm over the death of migrants in the area.

Some migrants, unable to cross the border and unwilling to face the inhumane treatment in refugee camps or detention centers, are beginning to return home. The United Nations High Commissioner for Refugees (UNHCR) and the IOM announced that 5,087 Somali refugees have returned home from Yemen since 2017.

Martin Manteaw, UNHCR’s Deputy Representative in Yemen said that “Some refugees are now opting to return home and it is important for UNHCR to continue to help those voluntarily wishing to go home to do so in dignity and safety.”

Hermala’s friends, still stranded in al-Raghwah’s nightmare, have not yet crossed the border, nor are they considering returning home. Their desperation spurs them on to risk their lives, no matter the odds.

Saudi-Led Coalition’s Artillery Shelling Kills 17 in Yemen (News Click)

December 28, 2019

On Tuesday, December 24, artillery shelling by the Saudi Arabia-led coalition in Yemen killed 17 civilians in the busy al-Raqw market in the Saada governorate near the Yemen-Saudi Arabia border. This is the third attack in just over a month targeting the same locality. 12 Ethiopian nationals were among those killed on Tuesday, and 12 civilians were injured.

The first attack on the market on November 22 claimed 10 civilian lives and injured close to 20 others. In the second attack on November 27, 10 civilians were killed and 22 were injured. According to the United Nations, a total of 89 civilians have either been killed or injured in the three attacks on the busy market area.

Mohamed Abdelsalam, spokesperson for the Houthis, said that they held Saudi Arabia and its Gulf coalition responsible for the latest attack, writing on Twitter, “Adding to its criminal record, the worst in the world, the Saudi regime has committed a heinous crime targeting innocents in al-Raqw market. The attack shows that the powers of aggression continue their bloody attacks, overlooking the serious consequences.” The Al-Masirah television channel, aligned with the Houthis, also claimed that Saudi artillery shelling was responsible for the attack.

Meanwhile, the United Nations has condemned Tuesday’s attack, with the UN humanitarian coordinator for Yemen, Lisa Grande, saying in her statement that “The attacks on al-Raqw market raise deeply troubling questions about the commitment of the parties to the conflict to uphold international humanitarian law. Every attack of this kind is a gross violation.” Grande added, without taking names, that the parties responsible for this and other atrocities must be held accountable.

The Saudi-led coalition has been accused of committing crimes against humanity and war crimes in Yemen. The coalition had militarily intervened in Yemen in March 2015 to oust the rebel Shia Houthis who had taken over a majority of the country’s north, including the capital Sanaa, and reinstall the Saudi and West-backed government of president Abd Rabbuh Mansour Hadi.

The Yemeni civil war and the Saudi-led coalition’s intervention since 2015 has claimed over 100,000 lives already, a majority of them civilians. More than a million people have also been displaced. Approximately 14 million people are at the risk of starvation and more than 24.1 million (more than two-thirds of the total population) are in need of international humanitarian aid for their daily survival. The poverty rate in the country is expected to hit 75% by the end of 2019, an almost 30% jump from where it stood in 2014.

The Saudi-led coalition has carried out more than 20,000 airstrikes, and according to the Yemen Data Project, an independent

data collection project, one-third of those airstrikes were targeted at non-military locations, including schools and hospitals. The situation in Yemen has been classified as the world's worst humanitarian crisis by the UN.

2019 was supposed to be a landmark 'Year of Tolerance' in the UAE. It didn't turn out that way. (Business Insider) By Bill Bostock

December 29, 2019

The United Arab Emirates hoped that 2019 would be remembered as its "Year of Tolerance."

Despite being a relatively conservative nation, in a region not known for openness, its president Sheikh Khalifa bin Zayed had the confidence to put tolerance front and center at a launch event in December 2018.

Sheikh Khalifa's plan had five targets, which focused on informing citizens about diversity and religious freedom as well as doing more as a government to modernize.

The plan was huge and visible project inside the UAE.

Dubai's government-owned Emirates airline covered a plane in "Year of Tolerance" branding. Year of Tolerance-themed Christmas trees went up in December in Abu Dhabi, and in Dubai, the Year of Tolerance bridge became a tourist attraction.

But the UAE was the subject of a series of high-profile, negative news stories in 2019, the impact of which has eclipsed any benefits garnered from the project at home.

The escape in July of Princess Haya, the wife of Emirati Prime Minister Sheikh Mohammed, brought the Emirates' poor rights record into the spotlight.

Events like the building of Dubai's first Hindu temple, and the first-ever visit by a Pope to the country in February, seemed hollow alongside a crackdown on dissidents and activists and the breaking of an UN arms embargo.

Here's where it went wrong.

Human rights activist Ahmed Mansoor was sentenced to 10 years in jail and given a million-dirham (\$272,000) fine for criticizing the government in 2017.

In 2019, the UAE was criticised by the office of the UN High Commissioner for Human Rights for his continued detention.

It urged the UAE "to promptly and unconditionally release Mansoor and to ensure that individuals are not penalized for expressing views critical of the Government or its allies."

Mansoor is one of dozens of state critics forcibly disappeared, silenced, or currently imprisoned in the UAE. Freedom House regard the UAE as having "one of the most restrictive press laws in the Arab world."

In April 2019, Mansoor went on a hunger strike to protest an unfair trial and the conditions in which he is detained. At time of publication, Mansoor is still in jail.

In early January, the government of Dubai held its annual "gender balance" awards, and men walked away with every trophy.

The irony was not lost on western media. The BBC, Washington Post, New York Times, and Guardian were amongst news outlets to publish criticism of the results.

When asked by Business Insider about the lack of female prize winners at the time, the Dubai Gender Balance Council said: "During the Index's second edition, recipients of the Index's awards happened to be entities led by men."

"This is indicative of the great and extraordinary progress we have made as a nation, where men in the UAE are proactively working alongside women to champion gender balance as a national priority."

Despite the public backlash, the United Arab Emirates is actually one of the leaders in the Middle East for gender balance, according to UN Human Development Reports.

In January, Emirati security personnel attacked British-Sudanese security guard Ali Issa Ahmad for wearing a Qatari jersey to a soccer match in the UAE, according to rights campaigners Detained in Dubai.

Ahmad reported the incident to local authorities, but they accused him of faking his injuries, and arrested him.

It is illegal to show sympathy for Qatar in the UAE, as the countries are embroiled in a political dispute over Qatar's alleged support for terrorism and Iran.

The UAE attorney general said in June 2017 that anyone expressing pro-Qatar sentiments would face up to 15 years in prison and a fine of at least 500,000 dirhams (\$136,000.)

The UAE maintains that Ahmad was put behind bars because he "wasted police time," the Guardian reported at the time.

When he was allowed to return to the UK in February, he told the Guardian that he was stabbed, punched, and deprived of food and water for days at a time while in jail.

"I thought 100% that I was going to die in the UAE," he said.

Also in January, an investigation by Reuters found that the UAE was working with a group of US intelligence experts to "engage in surveillance of other governments, militants and human rights activists critical of the monarchy."

The team which helped the UAE was called Project Raven.

Emirati authorities monitored dissidents with Karma, a hi-tech tool to access data on iPhones which doesn't require the owner to click on a link to deploy it.

Ex-Project Raven operatives told Reuters that Karma could remotely grant access to iPhones simply by uploading phone numbers or email accounts into an automated targeting system.

In the years since the Arab Spring, the UAE has cracked down on dissidents and activists who criticize the government online, locking up dozens over the last decade.

In March, western media jumped on the story that a British mother was arrested in Dubai for calling her ex-husband's new wife a "horse" on Facebook in 2016.

Laleh Shahravresh and her teenage daughter were detained when they flew to the Dubai to attend her the funeral of her former partner, who lived in Dubai.

Authorities cited the country's strict cyber crime laws against online harassment, and threatened her with two years in jail and a \$65,000 fine.

The single mother used up all her savings while she waited for her trial in a Dubai hotel room, and was finally freed in mid-April after paying an \$800 fine.

Radha Stirling, the CEO of rights group Detained in Dubai, said the case set a dangerous precedent.

"Anyone exercising their freedom of speech, who lives in, visits, or indeed, who may ever step foot in the UAE is at risk," she said in a statement.

In July, the wife of Dubai's Sheikh Mohammed, Princess Haya, fled the UAE for London.

She reportedly bolted with her two children after learning worrying details of the 2018 disappearance of Sheikha Latifa, one of her husband's 21 other children.

Princess Haya's case garnered huge media coverage, and brought Sheikha Latifa's story back into the conversation.

Sheikha Latifa tried to escape her stifling life in Dubai in March 2018.

She fled on a yacht, skippered by a French ex-spy, but she was captured off the Indian coast two weeks later, and returned to Dubai.

She is now locked away, according to campaigners. She hasn't been seen in public since.

The event was a PR disaster for Dubai. As Financial Times editor-designate Roula Khalaf wrote in March this year, Latifa's escape "made more headlines across the world than any business deal struck in the city."

In August, the UAE announced it was to give Indian Prime Minister Narendra Modi its highest civilian honour, the "Order of Zayed."

That month, Modi's government had rescinded 70 years of autonomy for the area of Kashmir in August, cutting off access to

the internet, cracking down on protests, and carrying out mass detentions of mainstream political figures.

As with the decision to ignore the oppression of Uighur Muslims in China's Xinjiang region, Gulf states have stayed silent over the fate of the many hundreds of thousands of Muslims who call Kashmir home.

The UAE has actively distanced itself from the crisis, calling it "an internal matter."

The Associated Press pointed out in August that the Gulf region has around \$100 billion in annual trade with India.

"Human rights have been discarded in favour of economic opportunities," Samah Hadid, a Beirut-based human rights advocate, told al-Jazeera.

The UAE was accused of smuggling military equipment to Libyan warlord Khalifa Hifter by the UN Security Council in November.

The UN said the UAE therefore violated an UN arms embargo, along with Jordan and Turkey, and "routinely and sometimes blatantly supplied weapons with little effort to disguise the source."

The emirate of Abu Dhabi was specifically named as the prime suspect in the investigation into the deadly bombing on a migrant shelter in Libya, which the UN Commission for Human Rights said may be a war crime.

53 migrants died and 130 people were injured.

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

ASIA

Afghanistan

US threats over Afghan war probe 'troubling', says ICC (The Banker) By Michael Peel
December 22, 2019

The International Criminal Court president has hit back at the US for retaliating over the court's moves to probe alleged offences committed during the Afghanistan war.

Chile Eboe-Osuji said it was "very troubling" that Washington revoked the visa of Fatou Bensouda, ICC prosecutor, after she sought authorisation to investigate alleged war crimes and crimes against humanity by all sides in the central Asian country.

"It is to be regretted and [is] very disappointing, in the sense that the United States is one country that has been credited with the modern appreciation of the rule of law," Mr Eboe-Osuji said in an interview. "So on that basis it comes as a big surprise that you would get that kind of a threat against an international court of law exercising judicial independence."

The president's remarks came as he defended The Hague-based court's handling of cases and warned it was caught up in the wider international backlash against multilateral institutions.

The near 17-year old judicial body has just launched its first independent expert review of its operations as it seeks to quell criticism that it works inefficiently and has focused too little on powerful states and too much on African countries.

The ICC's appeals chamber is due to rule soon on whether the Afghanistan investigation should be allowed to go ahead, after a first instance panel of court judges ruled in April that it would not serve the interests of justice.

Washington revoked the chief prosecutor's visa earlier this year as part of a wider stated policy of cancelling entry rights for ICC officials involved in investigating US personnel and possibly also those of allies, including Israel.

On Friday, the ICC prosecutor said she would launch a probe into alleged war crimes in the Palestinian territories of Gaza and the Israeli-occupied West Bank, pending confirmation by the court that these lie within its jurisdiction. Benjamin Netanyahu, prime minister of Israel — which is not a party to the ICC — and Mike Pompeo, US secretary of state, said the court had no such authority to investigate.

Whenever there's an acquittal, there's a huge controversy around that and then people will take that as a signal of failure [of the ICC]

Mr Eboe-Osuji, a Nigerian national who has been an ICC judge since 2012 and its president since 2018, said he had recused himself from the Afghanistan appeal hearing so he would remain free to speak about the case.

He acknowledged that if the court did not allow the Afghanistan probe to go ahead, it was likely to face accusations it had caved into pressure from the US — which is not an ICC member.

“That's one of the dangers of that kind of threat the Americans made in this matter,” he said. “You cannot now escape the branding of the result in that way. But that should not stop the judges doing their work — and they must do their work to the best of their ability.”

He denied the authority of the court was being “chipped away” but said it was suffering from the “negative sentiment” aimed at multilateral institutions such as the World Trade Organisation.

The court has 123 member state signatories to its founding Rome Statute, but powerful nations including the US, China, Russia and India have never joined.

The Philippines pulled out of the ICC this year over the prosecutor's 2018 decision to launch a preliminary investigation into President Rodrigo Duterte's bloody drugs war. Myanmar — which is not member of the ICC — has criticised the court over its decision in November to authorise an inquiry into possible crimes committed against Rohingya Muslims who fled to neighbouring Bangladesh after a brutal military crackdown.

“It's not something that the ICC faces alone,” Mr Eboe-Osuji said of the criticism, adding that the court was a particular target because of its powers to impose long jail terms. “You can begin to see how that could cause some special concern in those who may not like the international order.”

The senior judge said it was unfair to criticise the court over a record that stands at nine convictions and four acquittals. Prosecutors suffered a high-profile reverse this year when Laurent Gbagbo, the former Ivory Coast president during the country's civil conflict, was acquitted of crimes against humanity charges after a three-year trial.

“Whenever there's an acquittal, there's a huge controversy around that and then people will take that as a signal of failure,” Mr Eboe-Osuji said, adding that the very existence of the ICC had a deterrent effect on leaders considering using force to seize or hold on to power. “But I don't see it all as a signal of failure. It's a signal of strength.”

He defended pressure by judges — including him — for the court to raise salaries that currently stand at 180,000 euros a year, tax-free. “In the 17 years of the court's existence, judges have not had a cent of pay raise,” he said.

He said the court was attempting to improve the representation of victims in its procedures, a task that was “not easy” in cases where the numbers of those affected might run into hundreds of thousands.

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

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

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

Cambodia Tribunal Monitor

Ao An Ruling Leaves Khmer Rouge Tribunal In Prolonged Uncertainty (VOA Cambodia) By Sok Khemara and Hul Reaksmeay
January 1, 2020

Former Khmer Rouge member Ao An last week said he agreed with the national judges at the pre-trial chambers of the Khmer Rouge Tribunal that his charges should be dropped, which was contrary to the decision handed out by their international counterparts.

The pre-trial chamber of the hybrid court was split in its decision on whether to uphold the indictment against Ao An, who was a regional deputy commander in the Khmer Rouge regime. The three national judges asked for the charges to be dropped and the two international judges called for the case to proceed to trial.

The chamber was ruling on appeals filed in relation to contrary rulings made by the co-investigating judges in 2018, where again the national judge called for the case to be closed and the international judge ruled that the case should proceed to trial.

"I would like to request all [international judges] to agree with the national judges—to end my case," said Ao An, from his home in Battambang province's Kamreang district.

Prior to the ruling, Ao An had also spoken to VOA Khmer at his home, while cleaning his backyard. He said that the court had wrongly charged him and that the case was invalid, in his consideration. Ao An has maintained his innocence calling for an end to the case.

"I ask all of you (judges) to drop charges and pardon me, for all these things I have not done," he said prior to the pre-trial chamber verdict.

With a 3-2 split, the pre-trial chamber could not find the required supermajority on whether to drop the charges or proceed to trial, with no procedures in the court's framework.

Ao An's legal team said the ruling confirmed that the former Khmer Rouge member's charges should be dropped and that all five pre-trial chamber judges had agreed that contradictory closing orders violated the court's legal framework and they could not decide on how to proceed.

"Nevertheless, the judges were unable to reach a unanimous decision on how to proceed – and there is no rule or mechanism to clarify what happens next," the statement reads.

Immediately after, the national co-prosecutor's team issued a statement, seemingly agreeing with Ao An's legal team that the charges should be dropped and case closed. The international co-prosecutor, instead, pointed to the judges' use of the term "considerations" rather than decision, saying the conflicting orders were not a final ruling because of the lack of a 4 to 1 majority.

"Contrary to some media reports, the Pre-Trial Chamber's Considerations do not acquit Ao An or conclude the case," said international co-prosecutor Brenda J. Hollis, in a statement released December 24, 2019. The case symbolizes the gridlock that the Khmer Rouge Tribunal finds itself in. After the conviction of Kang Kek Iew, or Duch, and Nuon Chea and Khieu Samphan, the court has not had any more convictions or cases moving to trial.

Additionally, following Nuon Chea's death in August 2019, his and Khieu Samphan's appeal of one of their charges also remains uncertain.

Earlier in December, the hybrid court heard similar appeals to conflicting closing orders issues by co-investigating judges in the case of former Khmer Rouge naval commander Meas Muth. The co-investigating judges were again split on whether to proceed to trial.

The former Khmer Rouge cadre has also maintained that he was not a senior member of the Khmer Rouge hierarchy and not most responsible for the atrocities committed under the regime, the two key factors that have to be satisfied to proceed with trials and that have caused deadlock in all the outstanding cases.

Speaking to VOA Khmer prior to his appeal hearing, Meas Muth said that charges against him needed to be dropped and that he should not be prosecuted for crimes he was not responsible for. "If as per the law, [I] am not in the jurisdiction of the tribunal because I am not the most senior leader or the most responsible person, why would the international judges still want to prosecute?"

The decision on Meas Muth's case is expected in early 2020 and will again be a bellwether for the court's future, and the cases

of other accused persons, Ao An and Yim Tith.

Bryant Ben, a Khmer Rouge victim now living in Long Beach, California, said the hybrid court needed to keep in mind all the victims of the regime's atrocities to resolve the procedural deadlock.

In a statement released by the Center for Justice and Accountability, a U.S.-based human rights legal organization, Bryant Ben said the court had to "render" justice for the victims.

"The trial, no matter if it's long time or sooner, for me as a victim I can never forget it," Bryant Ben said.

"It's so important that the court render justice for the victims who are not be able to stand up to directly to confront the case at the court."

Long-time court observer Long Panhavuth said it was likely the cases would now proceed to the Trial Chamber despite the confusion over their futures.

Panhavuth is referring to Internal Rule 77 (13), one subsection of which says that in the absence of the supermajority the case shall be "seised" by the Trial Chamber of the court based on the closing orders of the co-investigating judges, as regards appeals against indictment.

Incidentally, both the national and international judges at the Pre-Trial Chamber use the same rule to back up their considerations in the case.

However, Long Panhavuth said even if the cases proceeded to the Trial Chamber they will face external pressures, such as budgetary concerns and lack of political, put a question mark on their progress.

"Another point is whether the Trial Chamber, when it comes to spending time and more resources, will be able to find the super majority vote to convict the accused in case 004," he said, referring to Ao An's case.

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

Bangladesh International Crimes Tribunal

Migrant workers from Bangladesh: Too many die on foreign shores (Dhaka Tribune) By Kohinur Khyum Tithila
December 30, 2019

This year the highest number of dead bodies - 3838 migrant workers - were sent back to Bangladesh up until November

The year 2019 was marred by deaths, suicides, abuse, and deportation for Bangladeshi migrant workers.

This year the highest number of dead bodies - 3838 migrant workers - were sent back to Bangladesh up until November, according to data compiled by non government organization Brac.

Brac's Migration Program Head Shariful Islam Hasan, however, noted that "Amid all the bad news, this year also brought possibilities of opening up of new job markets for Bangladeshi workers in countries like Japan and Cambodia," said to Dhaka Tribune.

He also said: "It is a good sign that the government officials have started acknowledging about the human right violation of migrant workers."

"This is the first step towards finding a solution," he added.

He informed Dhaka Tribune that a meeting was held in November where the government of Bangladesh raised the issue of migrant workers' abuse in Saudi Arabia and placed their recommendations to protect the rights of Bangladeshi migrant workers.

Here are a few 2019 stories about the lives of migrant workers and their struggles:

This year, the highest number of dead Bangladeshi migrant workers was sent back to Bangladesh compared to the last 15 years.

According to the Brac Migration program, 3838 dead bodies of migrant workers were sent back to Bangladesh up until November of 2019. In 2005, the number was only 1248, and in 2018 3,793 bodies were sent back to Bangladesh.

The grim picture of female migrant workers from Bangladesh in Saudi Arabia came to light when a number of workers returned to Bangladesh with horrific tales of abuse by their employers in Saudi Arabia.

A total of 1,250 female migrant workers returned to Bangladesh from Saudi Arabia in 2019.

129 women were brought home dead, according to the Brac Migration Program, and of them, 24 committed suicide.

Civil society members and women's rights activists condemned the exploitation of Bangladeshi female migrant domestic workers in Saudi Arabia and demanded their security, with protection from killing, rape, and repression.

Foreign Minister Dr AK Abdul Momen acknowledged in November that some Bangladeshi female workers were tortured in Saudi Arabia.

For the first time, Bangladesh authorities have admitted the abuse of female workers in Saudi Arabia.

The Ministry of Expatriates' Welfare & Overseas Employment (MEWOE), after investigating 111 cases of returning female workers in August, found that 35% of them were victims of sexual and physical abuse, while 43% received irregular wages.

The report identified 11 fundamental reasons why Bangladeshi migrant women fled their workplace, which included physical and sexual abuse, inadequate food, no leave, and irregular salaries from their employers.

At least 24,281 Bangladeshi workers returned from the Kingdom of Saudi Arabia between January 1 and November 30, 2019, because of new Saudi Arabian policies.

Government officials and experts say the number of migrants is way more than the number of jobs there. The recent Saudi nationalization scheme or Nitaqat meant to increase the employment of Saudi nationals, has led to layoffs of Bangladeshi migrant workers.

In all 55,335 workers have returned to Bangladesh in 2019.

According to the US Department of State's Trafficking in Persons (TIP) Report 2019, Bangladesh does not fully meet the minimum standards to curb human trafficking. The growing risk of human trafficking from the Rohingya refugee camps in Cox's Bazar was also a factor in keep Bangladesh on the tier 2 watch list for the last three consecutive years.

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so, according to the report.

The report also stated: "These efforts included adopting a national action plan to combat human trafficking, convicting traffickers, initiating an investigation into a police officer accused of child sex trafficking, and continuing to investigate some potential trafficking crimes against Rohingya refugees. Despite at least 100 credible reports of forced labour and sex trafficking of Rohingyas within Bangladesh, the government did not report investigating or prosecuting these potential crimes and the Bangladesh High Court did not entertain anti-trafficking cases filed by the Rohingya."

The job market for Bangladeshi workers continues to shrink globally as workers continue to return, largely because of policy changes overseas and also because most workers going abroad are unskilled.

The Malaysian government offered amnesty under its "Back for Good (B4G)" programme to repatriate illegal foreigners starting August 1. The amnesty will end on December 31.

So far, over 40,000 Bangladeshi workers have come back from Malaysia since August 1 and about 30,000 are waiting to return before the amnesty ends.

Those failing to return under the amnesty will face legal action including imprisonment and fines.

Saudi Arabia has also deported at least 21,000 workers of Bangladesh in the first 10 months of 2019.

The Bangladesh government signed a UN treaty to combat human trafficking in September. The "Protocol to Prevent,

Suppress and Punish Trafficking in Persons Especially Women and Children” is one of the three protocols that make up the United Nations' Palermo Protocols on trafficking – which provides countries with an international definition and guidelines on how they should tackle human trafficking.

Officials said the signing of the protocol will help Bangladesh deal with the social and economic impact of human trafficking.

The government launched a toll free hotline in December to provide necessary information services with regard to the migration process for workers and their families.

Prospective migrants, migrant workers and their families can avail information free of cost by dialing 08000102030. Another number, +9610102030, was also launched to offer information services to migrant labour living abroad.

The hotlines are open from 7am to 11pm every day.

Bangladeshi migrant workers are still risking their lives to cross the border in pursuit of a 'better life'. Another deadly sea crossing took the lives of 37 Bangladeshi migrant workers this year.

Reportedly, 37 Bangladeshis died when their boat drowned in the Mediterranean Sea after it left Libya for Italy in May 2019.

Survivors told the Tunisian Red Crescent the tragedy unfolded after some 75 people who had left Zuwara on the northwestern Libyan coast late Thursday on a large boat were transferred to a smaller one that sank off the coast of Tunisia, reports AFP.

Survivors said the boat was heading to Italy and had only men on board, 51 from Bangladesh.

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

War Crimes Investigation in Myanmar

Myanmar Rohingya: UN condemns human rights abuses (BBC News)

December 28, 2019

The UN General Assembly has approved a resolution condemning human rights abuses against Muslim Rohingya and other minorities in Myanmar.

The resolution also calls on Myanmar to stop the incitement of hatred against the Rohingya and other minorities.

Thousands of Rohingya were killed and more than 700,000 fled to neighbouring Bangladesh during an army crackdown in the Buddhist-majority country in 2017.

Myanmar (formerly Burma) insists it was tackling an extremist threat.

Earlier this month, the country's leader Aung San Suu Kyi rejected allegations of genocide at the UN International Court of Justice (ICJ).

The democracy icon who fell from grace

Rohingya homes destroyed for government facilities

The UN resolution passed on Friday expressed alarm at the continuing influx of Rohingya to Bangladesh over the past four decades "in the aftermath of atrocities committed by the security and armed forces of Myanmar".

It highlighted the findings of an independent international mission "of gross human rights violations and abuses suffered by Rohingya Muslims and other minorities" by Myanmar's security forces, which the mission described as "the gravest crimes under international law".

The resolution called on Myanmar to protect all groups and to ensure justice for all violations of human rights. It was passed by a total of 134 countries in the 193-member world body, with nine votes against and 28 abstaining.

UN General Assembly resolutions are not legally binding but can reflect world opinion.

The UN ambassador for Myanmar, Hau Do Suan, called the resolution "another classic example of double-standards [and] selective and discriminatory application of human rights norms".

He said it was designed to exert "unwanted political pressure" on Myanmar and did not attempt to find a solution to "the complex situation in Rakhine state".

The Gambia, a small Muslim-majority west African nation, brought the Rohingya case to the ICJ on behalf of dozens of other Muslim countries.

Addressing the court earlier this month, Nobel Peace Prize laureate Aung San Suu Kyi called the case against Myanmar "incomplete and incorrect". She said troubles in Rakhine, where many Rohingya lived, went back centuries.

Ms Suu Kyi said the violence was an "internal armed conflict" triggered by Rohingya militant attacks on government security posts. She conceded that Myanmar's military might have used disproportionate force at times, but said that if soldiers had committed war crimes "they will be prosecuted".

At the start of 2017, there were a million Rohingya in Myanmar, most living in Rakhine state. Myanmar, a mainly Buddhist country, regards the Rohingya as illegal immigrants and denies them citizenship.

The Rohingya have long complained of persecution, and in 2017 Myanmar's military - the Tatmadaw - launched a massive military operation in Rakhine.

According to The Gambia's submission to the ICJ, the clearances were "intended to destroy the Rohingya as a group, in whole or in part", via mass murder, rape and setting fire to their buildings "often with inhabitants locked inside".

A UN fact-finding mission which investigated the allegations found such compelling evidence that it said the Burmese army must be investigated for genocide against Rohingya Muslims in Rakhine.

In August, a report accused Myanmar soldiers of "routinely and systematically employing rape, gang rape and other violent and forced sexual acts against women, girls, boys, men and transgender people".

In May, seven Myanmar soldiers jailed for killing 10 Rohingya men and boys were released early from prison. Myanmar says its military operations targeted Rohingya militants, and the military has previously cleared itself of wrongdoing.

Media caption Jonathan Head visits the Hla Poe Kaung transit camp, which is built on the site of two demolished Rohingya villages

Hundreds of thousands of Rohingya have fled Myanmar since the military operations began. As of 30 September, there were 915,000 Rohingya refugees in camps in Bangladesh. Almost 80% arrived between August and December 2017, and in March this year, Bangladesh said it would accept no more

In August, Bangladesh set up a voluntary return scheme - but not a single Rohingya person chose to go.

Bangladesh plans to relocate 100,000 refugees to Bhasan Char, a small island in the Bay of Bengal, but some 39 aid agencies and human rights groups have opposed the idea.

In September, the BBC's Jonathan Head reported that police barracks, government buildings and refugee relocation camps had been built on the sites of former Rohingya villages in Myanmar.

[back to contents]

AMERICAS

North & Central America

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

South America

The hour of truth: Colombia's former army chief called to trial over systematic killing of civilians (Colombia Reports) By Adriaan Alsema

December 30, 2019

Colombia's former National Army commander General Mario Montoya, an alleged mastermind of the mass murder of civilians to fake military successes, has been called to trial.

Montoya's first day at the Special Jurisdiction for Peace (JEP) may be a breaking point in the investigation of thousands of executions of civilians who were falsely presented as combat kills.

Former President Alvaro Uribe considers the retired general a national hero, but things are looking bleak for Montoya, who has been linked to more homicides than "Timochenko," a certified former terrorist.

The former army chief has always denied any responsibility in one of the worst war crimes in the history of the armed conflict and has said he expected to be able to prove his innocence.

But Montoya's innocence claim is contradicted by evidence and the testimonies of 11 of his former subordinates, according to the JEP.

The court wants the former general to appear on February 12 to clarify his role in the "false positives" that spiked under his command.

According to the court, Montoya "may admit the truth and responsibility, or deny the facts or claim that they are unrelated to the conflict."

However, if the former army chief is caught lying or trying to conceal even a portion of the truth he may be expelled from the transitional justice court and face a 40-year prison sentence.

Montoya allegedly has been linked to the killings of civilians to inflate his military prowess since 1994, according to Human Rights Watch. Every time the retired general was promoted, accusations of "false positives" under his watch increased..

According to one of Montoya's subordinates, the former general "always talked about litres of blood." Another witness said Montoya demanded "buckets of blood."

"I don't care about captures, what you have to give me is combat kills," the second witness quoted the the former general as saying.

As the court said, Montoya can persist in not having committed any war crimes, but with the mounting evidence and testimonies he may change his mind or risk disappearing behind bars for the rest of his life.

One of Colombia's top organized crime prosecutors assassinated (Colombia Reports) By Adriaan Alsema

December 30, 2019

A top prosecutor of the organized crime unit of Colombia's prosecution was assassinated on Sunday in one of the biggest blows against law enforcement in recent years.

The assassination of prosecutor Alcibiades Libreros sent a shock wave through the Prosecutor General's Office that hasn't lost an official of this rank in years.

Libreros was the Cali chief of the prosecution's organized crime unit.

"What pain, anger and helplessness you feel to have a colleague die for working against criminal organizations," said national organized crime prosecution chief Claudia Carrasquilla.

Libreros, who was named Colombia's best prosecutor in 2014, was murdered by two assassins on a motorcycle while driving through the south of the city.

The top prosecutor oversaw investigations against several of Colombia's's most prominent organized crime groups.

The prosecutor's sister, Carmenza Libreros, told television network Caracol that the National Protection Unit (UNP) had refused to provide security for Libreros and his family.

"He had requested protection, multiple times he requested protection for himself and his family and they denied it... where is justice in this country?" the prosecutor's sister told the television network.

The UNP, which has been under fire over failures and corruption for months, did not immediately respond to the bombshell accusation. On Monday, the unit's website stopped working.

Both the Cali Police Department and the Prosecutor General's Office immediately announced investigations into the homicide.

"We are verifying with the prosecution, as well as with investigators who worked together with the prosecutor, possible critical and special processes that Libreros was carrying out," Cali's acting police chief Miguel Angel Botia told press.

Colombia's Longest Insurgency and the Last Chance for Peace? (NACLA) By Mathew Charles
December 23, 2019

It's been called Colombia's "other war," and it is certainly proving the most persistent. On December 9, four trucks and two buses were detained at a makeshift roadblock on the road that connects the city of Medellín with the Caribbean coast. Men in camouflage began to set the vehicles alight as the drivers and passengers fled to safety. The army arrived and a gun battle ensued. Witnesses described the distinctive armbands of the assailants: red and black, marked with the letters "E-L-N" in white.

Attacks like these on transport and infrastructure are their bread and butter of the ELN, the Spanish acronym for the National Liberation Army. The ELN is Colombia's largest remaining leftist guerrilla group after the demobilization of the FARC, and its insurgency constitutes one of the longest rebellions in history. After more than 55 years of belligerence, which has claimed more than 10,000 civilian victims of murder, kidnapping, and other crimes, the ELN does not represent a national insurgent threat, but it can and does wreak havoc on the vulnerable margins of Colombia.

This latest attack came just hours after the government had signalled it could be willing to return to the negotiating table with the ELN. The government suspended peace talks indefinitely in January 2019 after a car bomb attributed to the ELN killed 22 people and injured more than 60 at a school for police cadets in Bogotá. President Iván Duque has since made clear that the ELN must meet certain conditions before talks can resume, including releasing all hostages and ceasing violent acts.

So far, the ELN has refused to meet these demands, but the insurgents insist they are committed to peace and willing to return to negotiations. But this contradictory approach—defined best by former President Juan Manuel Santos as "words of peace and actions of war"—creates high levels of distrust. Indeed, for many Colombians, the ELN remains a mystery.

The ELN's intricate structure is perplexing to outsiders, but understanding how the insurgency operates and the dominant currents within the guerrilla leadership can shed light on the potential for negotiations and ultimately on the chances for peace. Over the past two years, I have spent several weeks embedded with the guerrilla in both western and eastern Colombia and have interviewed over 100 combatants and ex-combatants, including founding members of the insurgency.

The ELN prides itself on being a unified force, but its unity is founded in diversity. The contemporary ELN can be characterized by three distinct perspectives. There are those who support a return to negotiations and for whom peace has become the ultimate goal of the insurgency (the pragmatists); those who see the government as an enemy to be defeated and for whom peace is seen through the prism of a victory over capitalism (the hardliners); and a small, but increasing number of commanders, for whom peace is neither profitable nor an ambition because they are only interested in the gains from their

participation in illicit economies (the profiteers).

These diverse views create intense debate among the insurgents. The complex structure of the ELN and its even more complex and federalized decision-making processes allow for much disagreement and discussion. But there are increasing signs—despite their denial to the contrary—of fundamental divisions over both strategy and ideology that may be creating definitive factions as a result of these differences.

Importantly, the ELN insurgency is on the verge of a generational shift in its leadership. While veteran commanders exhibit a moderate, if cautious temperament, the younger generations generally embody a more rigid and uncompromising approach. This transition will undoubtedly bring tectonic change and is why the next decade could provide what might be the last significant opportunity for peace.

Marxist intellectuals inspired by the Cuban Revolution founded the ELN in 1964. Radical Catholic priests subscribed to liberation theology later joined their cause.

The guerrilla's logo is a hammer and machete crossed over South America; its motto, "Not one step back: Liberation or death." In the last four years, as the revolution has become increasingly tainted by the lure of the international drugs trade and other illicit economies, they have certainly been moving forward with an exponential growth.

Since the 2017 demobilization of their guerrilla rivals, the FARC, the ELN has sought to move in on communities and economies once under FARC control. The ELN is now present in 156 municipalities, compared to 96 in 2016, and boasts a force of 2,402 insurgents, according to Colombian military intelligence.

The ELN has also expanded into Venezuela, which became a safe haven for the Colombian guerrilla when Hugo Chávez came to power in 2002. But today it is much more than a sanctuary. Under Nicolás Maduro, Venezuela provides access to fruitful trafficking networks in drugs, gold, and fuel. The insurgents have also begun to exert social control over many Venezuelan communities. According to Insight Crime, the ELN has a presence in 12 of Venezuela's 24 states.

The ELN is ruled by a National Congress, which since 1987 has met roughly every 10 years. The congress is made up of the Central Command and the Directorate, which manage the day to day running of the insurgency. In 2014, at its fifth congress, the ELN voted in favour of discussions with the government, but it also voted to prepare for both war and peace to accommodate conflicting interests within the organization. These differences continue to cause rifts today.

The Central Command, known by its Spanish acronym COCE, historically has consisted of five members and leads the ELN most of the time. The Directorate is much larger with 20 commanders, comprising the Central Command and representatives from the various regional units. This allows local commanders to have direct influence over the future of the organization. On paper, both of these bodies are equal, but the larger size of the Directorate makes it challenging to convene regularly. The opportunities for it to exercise genuine control are therefore rare.

Since 1986, the ELN has been divided into six regional war fronts, which are themselves divided into 29 rural fronts and 22 companies. There is also one national urban front, which operates in the main towns and cities, and a network of militias, which act as intelligence and infiltrate state institutions and civil organizations. Each unit carries out decisions with a high degree of autonomy. There are regular votes on all levels of the structure to allow for collective leadership and what the rebels call "centralized democracy."

Such sophisticated structures and processes mean achieving peace with the ELN is going to be difficult. Perhaps the insurgency's biggest challenge is not signing a deal with the government, but rather striking agreement between themselves.

The pragmatists are led by 65-year-old Israel Ramírez Pineda, best known by his alias, Pablo Beltrán. He leads political strategy within the Central Command. In an interview last February, he told me the ELN's primary objective was to end the conflict. "People are tired of war, including us," he said.

Mild-mannered Beltrán wears a permanent grin, but it's not sarcastic. He has a subtle, but genuine charisma. He admitted that the ELN's ambitions are far less sweeping today than they have been historically. "We're no longer asking for socialism. We're no longer planning to overthrow the government. We want to lay down our arms and ensure social transformation for the poorest," he told me from exile in Cuba.

Beltrán's outlook is shared by the ELN's military chief, 63-year-old Eliecer Erlinto Chamorro, alias Antonio Garcia. He's known by many as "the Grey Man." For more than 30 years, this pair have dominated the Central Command.

The pragmatists know they have a hard sell to the rank and file. For example, it is difficult to see what this "social transformation" Beltrán mentioned might constitute. Rebels on the ground, for example, say they continue to protect marginalized communities from resurgent drug gangs and multinational developers. But it is difficult to imagine that the

government will be able to stem the illegal drug trade or refuse international investment in its economy in order to appease the ELN.

Combined with the failures of the peace process with the FARC, this puts the ELN leadership in a difficult position when it comes to convincing their comrades to abandon their weapons. This is why the leadership has already made clear that their troops will not demobilize until whatever peace agreement is achieved is fully implemented.

Despite the huge respect they command from their subordinates, there is no doubt that the pragmatists are increasingly isolated from the grassroots rebels. Although there is regular communication between the Central Command and the regional war fronts, there is a growing perception that the leadership—most of whom are firmly settled in Havana awaiting the resumption of peace talks—have become distanced from the reality on the ground. Since the 1980s, the Central Command had their own jungle base. They could rely on legions of loyal and dedicated followers with whom they would share the day's struggles and battles. For the past three years, however, they have been remote figures, and other charismatic leaders have been able to galvanize the foot soldiers in their place.

The hardliners have few incentives to negotiate. They enjoy significant local power, and they have begun to boost their income and expand their territorial reach. The Eastern War Front in Arauca, for example, co-governs with local authorities, obstructing or permitting public works projects, as long as politicians and wealthy locals pay the group "taxes." In Araucuita, they mark out their turf by daubing their initials on local houses. This graffiti is more than vandalism: It symbolizes a form of social control that extends through Colombia's eastern plains and into Venezuela's borderlands.

The hardliners, led by Gustavo Aníbal Giraldo, alias Pablito, have long been critical of the peace process. For the hardliners, an end to the conflict can only be brought about through victory, and not what they perceive to be surrender.

51-year-old Pablito leads the Eastern War Front. He is known for his ruthlessness and is often referred to as "the Tiger." Pablito ordered last January's bombing in Bogotá. It was seen as a deliberate attempt to derail the peace process, even if many within the ELN denied it.

Pablito, who joined the ELN as a 15-year-old in the early 1980s, personifies the opposition to Pablo Beltrán and Antonio Garcia. Beltrán and Garcia attempted to bring him into the fold in 2014 by allowing him to join the Central Command, but it appears their tactics failed. This is perhaps in part because there is also an apparent bitter personal rivalry between Pablito and Garcia, who share responsibility for military strategy. Pablito has publicly accused Garcia of involvement in his 2007 arrest by the army. Pablito spent two years in prison before an elite ELN unit broke him out in very dramatic fashion. Authorities now believe he is hiding out in Venezuela, from where he directs extortion rackets, drug trafficking, and regular attacks on oil pipelines and the security forces.

Drugs are a thorny issue inside the ELN. There is little doubt that the insurgents have increasingly progressed from charging taxes on traffickers moving drugs through their territory to directly participating in the production and trafficking of cocaine and heroin.

Despite an internal prohibition on involvement in the illegal drugs trade, demobilized rebels say producing and shipping drugs became a necessary evil to fund the guerrilla insurgency. They estimate 90 percent of the ELN's earnings come from the production and supply of cocaine, while the rest reportedly comes from mining and extortion.

In the Nariño department in southern Colombia, the ELN's efforts to expand are directly related to its attempt to gain control of drug trafficking routes, such as the Patía river and the towns of Llorente and La Guayacana. The group's expansion in northeastern and western Colombia is also linked to its increased role in this illicit economy. Last year, the military said it had uncovered a cocaine laboratory belonging to the rebels in Catatumbo, near the Venezuelan border.

In 2017, authorities seized tons of cocaine apparently belonging to the ELN in Chocó, along the Pacific coast, where they also uncovered the first-ever electric semi-submersible, apparently also belonging to the ELN. It was a sophisticated vessel, built to ship tons of illegal merchandise underwater.

Two figures most associated with the ELN's criminal activities are Oglí Ángel Padilla, alias Fabian, one of the commanders of the Western War Front, and Gabriel Yépez Mejía, alias HH, who operates in Nariño. Little is known about either man, but both have expressed criticism of the ELN's pursuit of peace.

The one man holding all this together is Nicolás Rodríguez Bautista, alias Gabino. Known as Colombia's oldest insurgent, he joined the ELN in 1964 at the age of 14. He became the overall ELN commander just 10 years later after the majority of the ELN leadership was wiped out in an attack by government forces. Gabino has spent 55 of his 69 years in open rebellion. As a result, he is probably the ELN's most revered commander and certainly the most unifying figure.

Although Gabino shares the view of the pragmatists, he is the calming influence of the Central Command and reportedly able

to resolve tensions and discord. But Gabino is ill and apparently very weak.

Time is therefore running out for the pragmatists. Not only might they be losing ground with the rank and file, they are also growing older, and without the support of Gabino, they may quickly lose influence.

There is no doubt the current leadership wants to see an end to the conflict. But those coming up behind them are driven by a desire for victory—one that overturns capitalism—and by a criminal interest in power and profit. The danger, then, is that as the older moderates die, the chances for peace will pass with them.

The ELN is at an important crossroads. As the insurgents head towards their 11th congress in the next five years, they must decide on the course of action that will define them for the next decade. The moderates know this too, which is why they are desperate for a resumption of peace talks.

Sources tell me we may see some kind of gesture made by the ELN before Christmas—something that extends beyond their usual festive ceasefire. Even so, it would have to be something fundamental to persuade President Duque to return to the negotiating table in the new year. And whatever it is, it is certain to be seen as weakness and conciliatory by the hardliners, who will continue to wait patiently in the wings for their next move.

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

Venezuela

Senate passes sweeping Menendez-Rubio legislation to address Maduro's humanitarian crisis in Venezuela and advance international effort (ReliefWeb)

December 19, 2019

Senator Bob Menendez (D-N.J.), Ranking Member of the Senate Foreign Relations Committee, and Senator Marco Rubio (R-Fl.), Chairman of the Senate Foreign Relations Committee's Subcommittee on the Western Hemisphere, issued the following statements following final passage of a bipartisan deal on federal government spending, which included the VERDAD Act to address the political, economic, and humanitarian crisis in Venezuela.

"I am incredibly proud to have led the effort to pass the VERDAD Act, the single largest legislative package of U.S. support to Venezuela and a sign of our unwavering commitment to the Venezuelan people," said Menendez. "The VERDAD Act greatly expands the U.S response to Venezuela's tragic humanitarian crisis and its impact on our closest partners in the region. It maintains strategic pressure on the Maduro regime and advances efforts to address the vast amount of resources stolen from the Venezuelan people by regime officials. Our legislation also sends a clear message to sanctioned regime officials: if you're not involved in human rights abuses and support the return of democracy in Venezuela, including new presidential elections, the sanctions can go away."

"I am proud to have led this push for the VERDAD Act, a comprehensive legislative effort that strengthens our nation's response to Venezuela's man-made humanitarian crisis and the coordinated international effort for a post-Maduro Venezuela," said Rubio. "As usurper-in-chief Nicolás Maduro continues his illegitimate grip on power, the U.S. is reaffirming its unwavering support for interim President Juan Guaidó and the democratically elected National Assembly. By granting \$400,000,000 in humanitarian assistance for Venezuelan migrants and hosting neighboring communities, the United States is once again reiterating its support to the people of Venezuela and our regional allies who have made a tremendous effort in welcoming the migrants."

The VERDAD Act was also cosponsored by Senators Dick Durbin (D-Ill.), Ted Cruz (R-Texas), Ben Cardin (D-Md.), John Cornyn (R-Texas), Tim Kaine (D-Va.), Todd Young (R-Ind.), Jeanne Shaheen (D-N.H.), Lindsey Graham (R-S.C.), Michael Bennet (D-Colo.), John Barasso (R-Wyo.), Chris Coons (D-Del.), Bill Cassidy (R-La.), Josh Hawley (R-Mo.), Kirsten Gillibrand (D-N.Y.), Tom Carper (D-Del.), Cory Gardner (R-Colo.), and John Kennedy (R-La.).

Key provisions of the legislation

\$400 million in humanitarian assistance for Venezuela and neighboring countries

\$17 million in support for democratic actors and civil society in Venezuela

Strengthens U.S. support for Interim-President Juan Guaidó, Venezuela's democratically-elected National Assembly, and a negotiated solution to the Venezuelan crisis. Establishes a waiver to lift targeted sanctions on individuals that take steps to restore democracy in Venezuela

Requires the State Department to report on the Maduro regime's complicity in crimes against humanity

Restricts entrance into the U.S. for family members of sanctioned individuals/ Sanctions in Response to Kremlin interference in democratic institutions abroad

Prohibits visas for the families of sanctioned Maduro regime officials

Requires new efforts to freeze and recover assets stolen from the Venezuelan people by the Maduro regime

Codifies a prohibition on arms sales to the Maduro regime

Prohibits visas for individuals working with the Russian government to undermine democratic governance in Venezuela

The Venezuelan Doctor Fighting Malaria and Maduro (Daily Beast) By Eduard Freisler

December 23, 2019

The government thugs stormed Dr. Oscar Noya's offices late at night when nobody was around. They knocked down a wall, stole some fresh scientific records and even yanked out the electric cables. The whole malaria department at the Tropical Medicine Institute here was plunged into darkness.

It wasn't the first time something like this has happened. The government of Nicolás Maduro doesn't like the institute's scientific findings, which show a huge increase in malaria cases, a deadly metric of this country's disarray. The Maduro regime's thugs, known as colectivos, set out to intimidate anyone and anything seen as a threat. But this is a particularly striking example of autocracy out to demean and defeat science, no matter how many lives are at stake.

The day after the malaria department was pillaged, I met with Dr. Noya as he was surveying the damage. He didn't appear to be bothered by the mob's violent act. He had bigger concerns: the blood samples inside the big refrigerators would be useless if kept in warm temperatures for too long.

Noya belongs to a group of legendary doctors and researchers who once managed to defeat malaria here. Later, when the disease had a resurgence, Noya kept it in check. Now, with the breakdown of services in Venezuela, malaria and other tropical scourges are back, wreaking havoc all around the country.

According to the latest data gathered by the Tropical Medicine Institute the mosquito-transmitted disease has increased by 209 percent in the last four years, with half a million people now infected. Venezuela also is suffering from epidemics of measles and diphtheria.

The 68-year-old Noya, a parasitologist who got his PhD from the Tropical Medicine Department at Louisiana State University, is on the front line in the ongoing, frantic battle against malaria, even as his work is severely underfunded and his personal safety is threatened not only by the regime's rulers and their henchmen but by the tropical diseases he is fighting.

Still fit and energetic, Noya often spends weeks and months deep inside the forest where he hunts down monkeys and snakes for medical research, wades through wild rivers to get samples of possible bacteria outbreaks, and travels to the gold and diamond mines where malaria runs rampant.

Over the last few years, these mines have lured countless desperate Venezuelans as well as mafia groups and guerrilla organizations from Colombia that fight for control. Noya estimates that hundreds of people exposed to these mines, which are full of mosquitos, have died of the disease this year.

"We have been thrown back to the 1930s," Noya says, alluding to the current catastrophic conditions amid the fears that malaria along with yellow fever and cholera might get out of control again.

In the 1930s, malaria devastated every part of Venezuela except the country's Caribbean islands. The disease killed 10,000 people a year and put countless numbers of the afflicted in danger of starvation: struggling with high fevers and chills, they were bed-ridden and unable to work for weeks on end. All this was happening in a country with no tropical medicine research

facilities, no prevention programs.

Now the health care structure that Noya helped to build and fortify in the last four decades is falling apart. And he saw it coming. At the end of 1999, he wrote a letter to Gilberto Rodríguez Ochoa, back then a minister of health in the Hugo Chávez cabinet. Noya enclosed up-to-date data, pointing to the possible danger of malaria's outbreak again in Venezuela.

His warning fell on deaf ears. Since that time to Noya's disillusionment and deepening concerns, malaria has become a menace once again.

For Noya this is personal. In 1961, the World Health Organization recognized Venezuela as the global leader in the fight against this mortal disease after it eradicated it from 68 percent of the country's malarial zone.

Malaria would emerge here and there in the following years, but thanks to the celebrated Venezuelan physician Arnoldo Gabaldón and his pupils, this country would beat back the disease.

Gabaldón created prevention programs, implemented sweeping sanitary rules and set up a system of monitoring. Any sign of infection was to be reported immediately. He also trained a robust body of tropical medicine researchers in a newly established war-like headquarters for the fight against malaria in the city of Maracay, west of Caracas.

In 1989, Gabaldón alongside the Colombian immunology expert Manuel Elkin Patarroyo and the young but already highly respected Oscar Noya, administered the very first anti-malaria vaccine in the world to thousands of Venezuelans.

The chemically manufactured vaccine known as SPf66, invented by Patarroyo, had limited results with "only" 55 percent effectiveness. Even so, it was a breakthrough. Arnoldo Gabaldón died of cancer the following year at the age of 81, passing the torch to then-37-year-old Noya.

Now, at the end of 2019, exactly 30 years after this historical vaccination campaign, Noya has witnessed the unbelievable—the dismantling of the system created to stop malaria and other tropical diseases.

He points to the abandonment of vaccinations and the elimination of university programs for research. "The rate of vaccinated Venezuelans against tropical diseases like yellow fever has been for decades over 85 percent, now it has dropped to 30 percent," says Noya.

He is equally devastated by the disintegration of the highly esteemed postgraduate studies at the National Postgraduate of Parasitology of the Faculty of Medicine at the Central University of Venezuela (UCV) where the best minds used to teach and study.

"Maduro's government refused to finance the program, effectively robbing the country of the next generation of tropical disease experts," says Noya. "We live in a country rich with all kinds of viruses and bacteria, yet we won't have researchers to drive the tropical disease back."

In the field, Noya has been assaulted by the gold-digging mafia and once was abducted by them for a short time. Here in the capital, he's constantly harassed by the pro-government thugs known as colectivos.

These armed gangs who roam the streets, rifles in hand, were founded by the late President Hugo Chávez to "defend" or enforce the socialist revolution he launched in 1999. One of the most feared in Caracas is a gang called Piedritas.

Noya knows them only too well. He blames them for the recent attack on his offices. "The Piedritas members keep intimidating me," he says in a quiet, measured voice. He doesn't appear to be rattled. Or, maybe he's become fatalistic.

In recent years, as the Venezuelan economic crisis has deepened, desperate people began to steal everything they could find. From the institute they have taken away microscopes, printers, air conditioners, cables, scientific glassware and even animals inoculated with dangerous parasites and bacteria. In many instances, they are everyday people trying to feed themselves and their families.

But then there are the colectivos. The Piedritas' message is clear: Noya must not have a chance to show the world the danger this country faces. This is the reason the gang repeatedly destroys his research data and other vital records in addition to doing physical damage to the research center.

Historically, a tropical disease outbreak in Venezuela is linked to a bad economic situation. For instance in 1983, Venezuela took a nosedive into a deep recession following the dramatic devaluation of the national currency known as the bolívar. As a consequence, desperate Venezuelans headed in droves to the mines to dig up gold and diamonds in an attempt to escape looming poverty. Many were infected by malaria.

However, the 1983 gold rush pales in comparison to the current crisis. The area of the mines is run now by various criminal groups including the Colombian guerilla faction called the ELN that used to fight alongside the infamous FARC in the protracted, bloody civil war in Colombia.

During his trips to this area, Noya has met dozens and dozens of ELN fighters stationed there. Often, he needs permission from their commanders to pass through their checkpoints on his way to the mines. There, Noya says, he is horrified by the current disregard for any sanitary rules at the mines, and the situation is not much better elsewhere in the country.

Noya, like his colleagues, is also worried about the poor diet of many Venezuelans these days. It lacks protein, making their immune systems weak. With the current, dangerous mix of ongoing looting of medical research facilities and hospitals, plus the exodus of first-rate physicians and medical researchers, the lack of medicines and the dramatic shortage of potable running water, it is no wonder that Venezuela could be on the verge of a health disaster.

"It is a perfect storm," states Noya who never fails to bring up the work and personality of his mentor, Arnaldo Gabaldón.

"When he was dying, I promised him I'd continue with his mission and protect Venezuela from any danger," says Noya. He vows to somehow protect Gabaldón's legacy, but in today's Venezuela Noya's own lifetime work is danger. "I hope that our efforts in this crisis will be recognized one day and that future experts will build on it," he says.

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

TOPICS

WORTH READING

Direct Rights of Individuals in the International Law of Armed Conflict

Anne Peters

Max Planck Institute for Comparative Public Law & International Law

December 20, 2019

This contribution examines whether, under which conditions the international law of armed conflict (international humanitarian law, IHL) generates individual rights, and against whom. These primary rights are distinct from secondary rights which may accrue from a relationship of responsibility between violator and victim in the event of a breach of a primary norm of IHL, and from procedural rights to a remedy in the sense of access to institutions deciding on individual claims to reparation.

Various provisions of IHL speak of "rights" of individuals on the primary level. Although some observers favour duties as the appropriate regulatory technique for achieving effective protection of humans, a reading of IHL which encompasses direct rights can be well explained and justified. The acknowledgment of rights has symbolic and practical consequences, notably for remedies, reparation, and waiver. A follow-up question is then against whom the IHL-based rights are opposable, who are the duty bearers. Overall, the recognition of IHL-based rights is helpful for steering IHL between the two evils of an overreach of human rights on the one side and a paternalist fixation on states on the other side.

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

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Piracy

Asako Ejima, Senior Editor

Gender-Based Violence

Asako Ejima, Senior Editor

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