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Watch

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

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## AFRICA

## NORTH AFRICA

# Libya

## **Libya: Banned Cluster Munitions Used in Tripoli (Human Rights Watch)**

February 13, 2020

**Forces affiliated with the Libyan National Army (LNA) used cluster munitions in a residential area in Tripoli on December 2, 2019, Human Rights Watch said today. The forces, under the command of Khalifa Hifter, have been battling forces loyal to the United Nations-recognized Government of National Accord (GNA) for control of Tripoli, the capital.**

“Using cluster munitions shows reckless disregard for the safety of civilians,” said Stephen Goose, arms division director at Human Rights Watch and chair of the Cluster Munition Coalition. “Cluster munitions should never be used by anyone under any circumstances due to the foreseeable and unacceptable harm for civilians.”

The LNA or their international supporters carried out an airstrike on or around December 2 in a residential area adjacent to al-Asfah road near the Airport Road in the southern suburbs of Tripoli. There were no reports of casualties. Human Rights Watch visited the site on December 17 and found remnants of two RBK-250 PTAB 2.5M cluster bombs, as well as evidence that high-explosive air-dropped bombs were also used in the attack. The area was not known to be contaminated by cluster munitions before the attack.

The 2008 Convention on Cluster Munitions comprehensively prohibits cluster munitions and requires their clearance as well as assistance to victims. Libya has not joined the treaty, but all parties to the armed conflict in Libya should abide by the emerging norm it establishes against any use of cluster munitions in any circumstances.

Cluster munitions have been banned because of their widespread indiscriminate effect and long-lasting danger to civilians. They typically explode in the air and send dozens, even hundreds, of small bomblets over an area the size of a football field. Cluster submunitions often fail to explode on initial impact, leaving duds that act like landmines.

On February 5, 2020, Human Rights Watch emailed the office of the LNA spokesperson seeking comment on the findings of the use of cluster munitions in a residential area. Human Rights Watch did not receive a response.

During the December 17 site visit, Human Rights Watch interviewed two men who said they were there during the attack. Both men were members of an armed force under the Tripoli-based GNA who were guarding a checkpoint on a main road al-Asfah running through the residential area. The men said there had been no casualties from the attack.

One of the men, who asked not to be named, said that most residents had left the area after months of sustained fighting. But he said that a cluster munition had landed in the yard of a man of about 80, who had refused to leave his home. The guard said the attack was sudden and that he heard the strong explosions of what he believes were the bombs landing in the field.

A researcher found remnants of two cluster munitions and the small but distinctive impact craters of multiple explosive submunitions. Each RBK-250 PTAB-2.5M cluster bomb contains 30 PTAB-2.5M high explosive anti-tank (HE/AT) submunitions. The remnants included the tail and cargo sections of the bombs as well as the fuze rings of the submunitions that detonated.

Larger craters from the explosion of at least two other high-explosive bombs, apparently dropped simultaneously with the cluster munitions, were in the same area. The affected area totalled 17,000 square meters of mixed residential, agricultural, and vacant land. One cargo section of the cluster bombs hit al-Asfah Road, near its intersection with Hay al-matar airport road.

The intended target of the attack is unclear. Human Right Watch did not observe any military use of the location. A researcher saw three large trucks used for telecommunications wire-laying approximately 130 meters from the field where the bombs fell but could not ascertain when the trucks were moved there. Shipping containers along one side of the field appeared to have been placed there as a wall. They were locked. The guard said there had been no military use of the residential area either before or at the time of the attack.

In April 2019, fighters affiliated with the armed group known as the LNA, which is based in eastern Libya and aligned with the Interim Government headquartered in Benghazi and al-Bayda, attacked armed groups loyal to the rival Tripoli-based GNA.

According to the UN, airstrikes were the leading cause of civilian casualties as a result of the fighting in western Libya, accounting for 182 out of 284 documented civilian deaths in 2019, between April and December. The UN also said that at least 150,000 people have been internally displaced because of the conflict and that 220 schools have been shuttered, affecting the schooling of at least 116,000 children.

The LNA has received military support from the United Arab Emirates, Jordan, and Egypt, in violation of the Libya arms embargo, based on a report by the Panel of Experts of the Libya Sanctions Committee. The UAE has supported the LNA with armed drones and launched airstrikes in support of the LNA with its fighter jets.

Turkey has reportedly supported the GNA with armed drones, in violation of the Security Council arms embargo, and signed a Memorandum of Understanding with the GNA on November 27 that lays the groundwork for military intervention and support of the GNA.

Fighters from Sudan and Chad have been fighting for both sides, and Russian fighters have been involved in fighting on behalf of the LNA, news reports said. News reports that Syrian fighters had arrived in Libya in December and have been fighting in support of the GNA were confirmed by the head of the UN mission in Libya, who estimated the number of Syrian fighters to range between 1000-2000.

To help bring an end to the cycle of impunity in Libya, the UN Human Rights Council in Geneva should, during its March 2020 session, establish an International Commission of Inquiry to document violations, identify those responsible, preserve evidence where possible for future criminal proceedings, and publicly report on the human rights situation in Libya, Human Rights Watch said.

Cluster munitions are prohibited by the Convention on Cluster Munitions, which 108 countries have ratified. Libya should take the necessary steps to join the Convention on Cluster Munitions without delay, Human Rights Watch said.

“All parties to the conflict in Libya should commit not to use cluster bombs and safely destroy any stocks of these weapons,” Goose said.

#### Cluster Munition Use in Libya

In the past, various factions in Libya have used cluster munitions, including Muammar Gaddafi's government in the fighting that took place during the 2011 uprising that ended his 42-year reign.

Human Rights Watch has documented cluster munitions use in Libya in the recent years, but because of the many armed groups involved in conflicts during this period, it has been difficult to independently confirm specific attacks or identify who may be responsible.

According to the Cluster Munition Monitor, which monitors compliance with the international Convention on Cluster Munitions, the status and composition of Libya's stockpiled cluster munitions is not known, especially comprehensive information on the types, quantities, and storage locations. From the use of cluster munitions in recent years, it is clear that Libya has stockpiled air-dropped bombs (RBK-series bombs containing AO-1Sch and PTAB-2.5M submunitions), ground-fired munitions (MAT-120 mortar projectiles containing submunitions), and an unidentified type of submunition contained in Grad-type 122mm surface-to-surface rockets.

Stockpiled cluster munitions were seized by anti-government forces and civilians in 2011, after storage facilities at arms depots were abandoned by government forces and subjected to NATO airstrikes. There has been no systematic or coordinated stockpile destruction effort by successive interim governments or international actors.

In March 2012, Human Rights Watch visited an ammunition storage depot in Mizdah, 160 kilometers south of Tripoli, which NATO warplanes had attacked more than 50 times between April and July 2011. Human Rights Watch found approximately 15 PTAB-2.5M bomblets and about three dozen submunitions of an unidentified type.

#### Evidence of Cluster Munitions use in Post-Gaddafi Libya

On August 15 and 16, 2019, aircraft of forces affiliated with the LNA used cluster munitions in an attack on Zuwarah International Airport, according to the UN Panel of Experts report from December 2019. The UN mission in Libya (UNSMIL) dispatched an assessment mission to the location and found no military assets or military infrastructure at Zuwarah Airport.

Prior to the August 2019 incidents, Human Rights Watch documented use of cluster munitions in Sirte, Watiya, and Ben Jawad, in 2015.

**Ex-C.I.A. Asset, Now a Libyan Strongman, Faces Torture Accusations (The New York Times)** By Julian E. Barnes  
February 18, 2020

**A former C.I.A. asset who now controls the most potent military faction in Libya has been accused of torturing Libyans, and some of them tried on Tuesday to use the American court system to fight back.**

Victims of the military forces led by the Libyan strongman Khalifa Hifter hope to use his properties in the United States against him, taking advantage of a little-used American law to accuse him of torture and sue him in federal court in Virginia on Tuesday.

Two Libyans said their family members were tortured to death by Mr. Hifter's forces in October 2014 as chaos engulfed Libya, leading eventually to a renewed civil war. Those families are seeking restitution from Mr. Hifter and his sons.

Passed in 1991, the Torture Victim Protection Act allows family members of the victims of extrajudicial killings and torture to sue the people responsible. The law is aimed at perpetrators of torture who are acting under apparent government authority.

Many other suits filed under the act have failed to gain traction because there are few assets for the court system to seize if a lawsuit succeeds. But Mr. Hifter and his sons own at least 17 properties in Virginia worth a total of at least \$8 million, according to the lawsuit.

The complicated past of Mr. Hifter, a dual Libyan-American citizen, makes him potentially vulnerable to legal action in American courts.

During the Reagan administration, he was a C.I.A. asset who the United States hoped could lead a coup against Col. Muammar el-Qaddafi, the Libyan dictator. For a time after Colonel Qaddafi's fall, Mr. Hifter was the head of the military for Libya's internationally recognized government. Now Mr. Hifter, whose forces have laid siege to the Libyan capital, Tripoli, is fighting the interim government and leads the faction backed by Russia and much of the Arab world but opposed by Europe and the United States.

On Tuesday, talks between the factions sponsored by the United Nations resumed in Geneva, a day after the European Union agreed to begin an arms embargo against Libya.

Mr. Hifter's work for the C.I.A., like almost all spy operations, is draped in mystery. A former aide to Colonel Qaddafi, he turned on the Libyan leader in 1987 and was recruited by American intelligence. A planned coup never came to fruition, and Mr. Hifter and his rebel group were eventually brought to the United States. Mr. Hifter and his sons settled in Northern Virginia, where they eventually bought several properties.

When a rebellion rose against the Qaddafi government in 2011, prompting the intervention of the United States and NATO, Mr. Hifter returned to Libya, building up a powerful faction.

In 2014, with an interim government in place after Colonel Qaddafi's death, Mr. Hifter and his forces launched a broad offensive in Benghazi, Libya, called Operation Dignity, aimed at routing out extremist Islamic militants. Mr. Hifter's two sons, Khalid and Saddam, served as officers under him and led fighting in Benghazi.

During an offensive that October, two families got caught up in the violence.

In the lawsuit, the plaintiffs said that Mr. Hifter's forces captured the Suyid family home. When the father, Adel Salam al-Suyid, and his son, Ibrahim, rushed home to rescue other family members, they were captured and kidnapped. The next day, their bodies were discovered bearing injuries that showed they were tortured.

Two days later, other forces under Mr. Hifter's command attacked the Krshiny home, killing two family members. Six brothers from the family were taken prisoner, accused of being members of the Islamic State. Ibrahim al-Krshiny, already injured in the eye from the attack on the house, was stripped and then beaten about the head with pipes, cables and a broomstick, according to the lawsuit. Then, over the next seven and a half hours, he was subjected to electric shocks.

Mr. al-Krshiny was eventually released but lost an eye as a result of the abuse, according to his lawsuit. His brother Mustafa's body was found days later, his hands tied behind his back and bullet holes in his head and chest. Another brother, Ali, was also shot to death, and three others were wounded.

"In October 2014, 10 men from these families were imprisoned, beaten, electrocuted or shot by Hifter's forces," said Kevin Carroll, a lawyer with Wiggin and Dana who represents the families. "These families will not receive due process in a country

largely controlled by Hifter.”

The lawsuit accuses Mr. Hifter and his sons of using the Libyan National Army to wage “an indiscriminate war against the Libyan people,” torturing and killing hundreds without any judicial process.

A spokesman for Mr. Hifter said he was not aware of the lawsuit and declined to comment on its allegations.

Mr. Hifter’s forces have regularly used abduction, torture and rape to try to exert control over Libya, said Philippe Nassif, Amnesty International USA’s advocacy director for the Middle East and North Africa.

“It is a bad situation on the ground in Libya,” he said.

There is little in the way of a paper trail in the chaos of Libya, Mr. Nassif said, making the sheer scale of human rights violations hard to fully understand.

“We are documenting these abuses the best we can, but we know it is just the tip of the iceberg and there could be far more things happening, mostly in areas controlled by Hifter’s forces,” Mr. Nassif said.

### **Legal team for Haftar’s Libyan victims in the US say he would be prosecuted in American courts (The Libya Observer)** By Safa Alharathy

February 25, 2020

**Spokesman for the defence team hired by Libyan families to sue Khalifa Haftar in the US, Kevin Carroll has said that Haftar is being charged for his involvement in six murder cases, as well as acts of torture and kidnappings.**

"These crimes have caused great harm to the families of the victims," Carroll told a press conference Monday. "Haftar lacks immunity of the heads of states and could be prosecuted in the United States," he underscored.

According to the American lawyer, Haftar and his family own 17 properties in Virginia worth \$ 8 million, which could be used to compensate the victims.

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## **CENTRAL AFRICA**

### **Central African Republic**

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

#### **12 FPRC militia fighters killed in clashes with Central African and UN troops in Birao, government says (Defense Post)**

February 18, 2020

**Twelve members of an armed group were killed in clashes with United Nations peacekeepers and government troops in northeastern Central African Republic, the government said on Tuesday.**

The fighting erupted on Sunday after the Popular Front for the Renaissance of Central Africa (FPRC) entered the flashpoint town of Birao from three directions before being repelled, government spokesperson Ange-Maxime Kazagui said in a statement.

“The toll is 12 dead on the FPRC’s side,” he said. In a February 18 statement, the U.N. peacekeeping mission MINUSCA said blue helmets and CAR armed forces (FACA) had repelled “heavily armed” FPRC fighters who were threatening a FACA base,



the U.N. base, and a site for internally displaced people.

“The FPRC approached the IDP camp and the MINUSCA base, we intervened in accordance with our mandate to protect civilians,” MINUSCA spokesperson Vladimir Monteiro said, Radio Ndeke Luka reported.

According to the report, the FPRC entered Birao at around 5 a.m. and clashes lasted around three hours. One unnamed source said there had been “several deaths” and “nearly 30 and wounded taken to hospital.”

FPRC spokesperson Aboubakar Siddick Ali in a Tuesday statement claimed its fighters “never attacked either the civilian population or movable and immovable property,” including humanitarian or U.N. installations. “No human, physical and material damage is to be credited to the FPRC,” he said, adding that the FPRC “only defends itself” against attacks from rival militias.

The statement called for MINUSCA to leave Birao, and that “an independent investigation be conducted into the situation” in the town.

The FPRC is one of the largest armed groups in the CAR, a land-locked impoverished country where militia groups control most of the territory, often fighting for control over resources. Birao, in the northern Vakaga prefecture, is close to the borders with Sudan and Chad, and control of the town allows the armed groups to impose “taxes” on goods coming across the border.

The FPRC took control of Birao in 2014, but the Central African Liberators for Justice Movement (MLCJ), which is mainly drawn from the Kara ethnic group, is the dominant group in the town.

Violence erupted last July between the rival armed groups. Outbreaks of fighting remain frequent, and ethnic groups close to both reportedly have joined the fighting. Last September, at least 38 people were killed in fighting between the two armed groups in Birao.

Last Thursday, MINUSCA asked France to send warplanes over Birao. Two Mirage 2000D fighter jets were dispatched from N’Djamena in Chad, and carried out a “show of force” to dissuade the FPRC from mounting an attack, the French Armed Forces Ministry said in a release. Also on Thursday, MINUSCA, the African Union and the Economic Community of Central African States (ECCAS) in a joint statement said the FPRC had “for weeks” been planning operations “to gain access to Birao by force of arms.”

The three condemned fighting that day near Birao between the FPRC and MLCJ, warning that the violence “constitutes a flagrant violation” of a peace agreement signed last year. RJDH reported that 15 people had died and around 40 others were injured in the fighting. Both the FPRC and MLCJ were among 14 armed groups that reached a peace agreement with CAR’s government in February 2019. That led to the formation of a new government that includes representatives of the groups.

Despite reserves of diamonds, gold, uranium, copper and iron, Central African Republic remains one of the world’s poorest countries. Fighting broke out between the Seleka, a coalition of mainly Muslim rebel groups, and the mainly Christian anti-balaka militia in 2012. A peace deal was signed in January 2013, but Seleka rebels captured the capital Bangui that March and ousted President Francois Bozize. The Seleka was officially disbanded within months, but many fighters refused to disarm, becoming known as ex-Seleka. Many others joined the anti-balaka militia to fight the Seleka, leading to a spiral of violence between groups along religious and ethnic lines.

By the end of 2014, CAR was de facto partitioned – anti-balaka in the southwest and ex-Seleka in the northeast.

Fighting has since forced nearly a quarter of the country’s 4.7 million people to flee their homes and rival militia groups control most of the country.

Elected in 2016, President Faustin-Archange Touadera’s weak government controls around a fifth of the country and relies heavily on the U.N. peacekeeping mission, MINUSCA, for support. The rest is controlled by at least 14 different militia groups who often fight each other for revenue from extortion, roadblocks or mineral resources.

The former French colony is bracing for presidential elections in December

**UN chief welcomes peace progress in Central African Republic (Seattle Times)** By Edith Lederer  
February 21, 2020

**Secretary-General Antonio Guterres is welcoming slow but steady progress toward implementing a peace agreement signed a year ago by Central African Republic’s government and rebel groups, but he is “seriously concerned” about continuing hostilities and violence.**

The U.N. chief said in a report to the U.N. Security Council that “peace and stability in the Central African Republic remain fragile” and “the period ahead will indeed be challenging.” The international community and the impoverished country’s people “can and must” continue to move toward peace, Guterres said.

Mineral-rich Central African Republic has faced deadly inter-religious and inter-communal fighting since 2013, when predominantly Muslim Seleka rebels seized power in the capital, Bangui. Mostly Christian anti-Balaka militias fought back, resulting in the killing of thousands and the displacement of thousands.

The country saw a period of relative peace in late 2015 and 2016, but violence intensified and spread afterward.

In February 2019, the government signed a peace agreement with 14 armed groups, and Guterres said “violence has decreased overall” since then.

But he said intermittent serious incidents of violence and human rights violations have continued.

He noted a “persistent lack of good faith among the signatories,” including the three main ex-Seleka armed groups and anti-Balaka groups. He also pointed to “the nominal commitment” to the peace agreement, especially by government forces, which have contributed to delays in the deal’s implementation.

Guterres also cited the national government’s failure to meet the Jan. 31 deadline to conclude the disarmament, demobilization, reintegration and repatriation of rebel groups, adding that some armed groups continue to conduct illegal activities.

“The risk of fueling yet another cycle of conflict is too high and the implications too great for the people, the country and the region,” Guterres said. “The population has already borne the brunt of the conflict and the implications of a delayed peace.”

The U.N. envoy for Central African Republic, Mankeur Ndiaye, told the Security Council on Thursday that this year is an important “turning point” for the country, which is to hold elections for a new government in December.

Since the peace agreement was signed, Ndiaye said, violence has not only decreased significantly but the authority of the state has been “progressively and continuously extended.” Armed forces have been deployed to new areas and there has been progress in combating impunity and promoting justice, he said.

Ndiaye noted the Feb. 7 sentencing of 28 members of the anti-Balaka militia for the murder of civilians and 10 U.N. peacekeepers in 2017 in Bangassou and other communities in the country’s southeast.

He said new laws are awaited, especially on establishing a Truth, Justice, Reconciliation and Reparations Commission. Victims want their voices to be heard and to receive “reparations for harm,” he said.

“The peace agreement is not yet peace,” Ndiaye stressed. “It is a step forward, a long process.”

Key challenges include persistent violations by some armed groups that have collected illegal taxes and expanded their areas of operation and clashes between armed groups fighting over territory and resources, he said.

Ndiaye urged the Security Council to examine “robust measures,” which usually means sanctions, against all those who hamper implementation of the peace agreement.

In January, two former presidents returned to Central African Republic — Francois Bozize, who came to power in a coup and ruled for a decade, and Michel Djotodia, the Seleka rebel leader who overthrew him in 2013.

“Both of them have affirmed and reaffirmed their desire to contribute to the peace and stability of the country and to contribute to peaceful elections — and this is something we can welcome,” Ndiaye said.

He commended current President Faustin-Archange Touadera for his openness in consulting the ex-presidents “in order to guarantee a peaceful political environment.” Ndiaye said it’s crucial that elections are inclusive, stressing that refugees must be allowed to vote and there must be women candidates.

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# Sudan & South Sudan

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

## 'Deliberate starvation' tactics used in South Sudan could be a war crime (UN News)

February 20, 2020

**The people of South Sudan have been "deliberately starved" in different parts of the country for ethnic and political reasons, and sexual violence against women and men as a weapon of war is ongoing, UN investigators said on Thursday.**

The three-member commission appointed by the UN Human Rights Council also said South Sudan's political elites are 'oblivious' to the suffering of civilians.

They warned of intercommunal conflict and terrible rights violations "in large swathes of territory", as a new deadline approaches the formation of a unity Government after years of conflict.

"The fact of destruction of crops or taking away the possibility of getting access to water through boreholes and so on, that can constitute the war crime of starvation, because your intention is to starve the civilian population....in this case by both sides, as we've documented," said Professor Andrew Clapham, a member of the Commission on Human Rights in South Sudan.

In the Commission's report, which will be presented to the Geneva-based Human Rights Council on 9 March, both the Government and armed groups are described as having pursued policies "responsible for the starvation of the population in Wau and Unity states".

The tactic is part of a wider strategy "to deprive enemy communities of resources and thus force their capitulation", along with a denial of humanitarian access and related displacement.

This has "significantly exacerbated famine in different parts of the country", the report notes, "depriving hundreds of thousands of civilians of vital needs, including access to food".

At the same time, the investigators describe how soldiers and militias have also been allowed "to reward themselves" and forcibly displace communities from ancestral lands, who have had little option but to join any of the many factions engaged in the conflict.

Other abuses include attacks on villages by forces loyal to the Government and opposition in Western Bahr el Ghazal, Unity and Jonglei states, that have driven displacement "at alarming rates".

The Commission also documents extensive violent campaigns in Warrap, Western Bahr el-Ghazal and Unity States linked to Government forces who have forcibly recruited men and boys, as have opposition militia.

In the Commission's fourth report on South Sudan for the Human Rights Council, the investigators also warn that conflict-related sexual violence has continued to be "widespread and pervasive".

The practice follows "a recognizable pattern of terror and subjugation used as a tactic of war", the report explains, such that the environment remains "insecure and deadly".

But with mechanisms for justice and accountability for sexual and gender-based violations still lacking in South Sudan, denials by perpetrators and stigmatization of victims remain a major challenge.

"Entrenched impunity and lack of accountability, characterized by failure to address past and ongoing violations, has been the key driver of violence in South Sudan," Professor Clapham told journalists in Geneva. "This needs to change to stabilize and democratize South Sudan."

Massive corruption – which has siphoned off "millions of dollars" from the National Revenue Authority – also amount to economic crimes by senior Government officials, the investigators say.

"High-ranking officials have used their official positions to influence decisions on the allocation of State resources and official procurement, diverting public funds for personal gain and advantage," said Commission Chair Yasmin Sooka.

Today, more than 1.4 million civilians remain internally displaced in South Sudan.

They are “languishing in camps unfit to meet their basic needs and subsisting on diminished humanitarian aid”, the report notes.

In addition, the conflict has made approximately 2.2 million people refugees and asylum seekers, it says.

The Commission’s recommendations include the assertion that one key to securing a durable peace will be reaching agreement on the number and boundaries of states, as these will determine the distribution of power across the country.

South Sudan, the world’s youngest nation, has been mired in instability and conflict for nearly all eight years of its existence.

President Salva Kiir and his former Vice-President and long-time political rival, Riek Machar, signed a new peace accord in 2018, and hopes have been high that the deal would finally end the crisis and deliver better and safer conditions for millions that have been left homeless and hungry.

Violence has eased over the past year, though reported human rights violations have continued, and just today, three United Nations agencies warned that some 6.5 million people in South Sudan – more than half of the population – could be in acute food insecurity at the height of this hunger season (May-July).

### **South Sudan rivals Salva Kiir and Riek Machar strike unity deal (BBC)**

February 22, 2020

#### **Former South Sudanese rebel leader Riek Machar has been sworn in as first vice-president, sealing a peace deal aimed at ending six years of civil war.**

President Salva Kiir witnessed the moment at a ceremony at the State House in the capital, Juba.

It is hoped that the new unity government will bring an end to the conflict that has killed about 400,000 people and displaced millions.

However, previous deals were widely heralded only to fall apart.

Saturday's ceremony took place just before the deadline for an agreement expired.

"For the people of South Sudan, I want to assure you that we will work together to end your suffering," Mr Machar said after taking the oath.

He then embraced and shook hands with President Kiir.

"We must forgive one another and reconcile," said Mr Kiir. "I also appeal to the people of Dinka and Nuer (rival ethnic groups) to forgive one another."

Also present at the ceremony was the leader of Sudan, General Abdel Fattah al-Burhan.

Three other vice-presidents were also sworn in including Rebecca Garang, the widow of South Sudan's founding father, John Garang.

Under the agreement, the current cabinet has been dissolved to make way for more opposition members.

Correspondents say some issues remain unresolved including power-sharing and the integration of rebel fighters, but the two sides have agreed to form a government and address other matters later.

The deal was announced hours after the UN released a damning report accusing both sides of deliberately starving civilians during their struggle for power.

President Kiir has expressed hope that the transitional three-year period will pave the way for refugees and internally displaced people to return to their homes.

In addition to those killed or displaced, many others have been pushed to the brink of starvation and faced untold suffering.

If the deal holds, it could herald a fresh start in the world's newest country. South Sudan became an independent state from Sudan in 2011, marking the end of a long-running civil war. But it did not take long for the promise of peace to crumble.

Just two years after independence, the country returned to violent conflict after President Kiir sacked Machar, then the deputy president in December 2013.

President Kiir had accused Mr Machar of plotting a coup to overthrow him, which Mr Machar denied.

While the war had political origins, it also has ethnic undertones and is based on power dynamics.

The Dinka and Nuer, South Sudan's two largest ethnic groups, which the two leaders belong to, have been accused of targeting each other in the war, with atrocities committed by both sides.

Parties had been unable or unwilling to agree on the terms for the formation of a transitional government, in line with the revitalised peace agreement of 2018.

The deal was supposed to have been finalised by May 2019 but was postponed twice - the latest deadline being 22 February.

The conflict has pushed the country into a catastrophic humanitarian crisis.

Despite the situation, it has been difficult for the parties to reach and maintain a peace deal that could stabilise the country.

The two main leaders have a mutual distrust of each other and there has not been a cordial working relationship since President Kiir fired Mr Machar in 2013.

Mr Machar has never returned permanently to the capital, Juba, fearing for his safety. He fled the country when his forces were engaged in fierce clashes with government troops as the 2016 peace agreement collapsed.

The International Monetary Fund (IMF) ranks the country as the poorest in the world, by GDP per person. Much of the country is not developed in terms of infrastructure. It has, for instance, just about 300km (186 miles) of paved roads in a country that stretches more than 600,000 sq km.

Most parts of the country outside the urban centres have no electricity or running water.

South Sudan also has one of the lowest literacy rates in the world at 34.5%, according to Unesco (2018).

The UN children's organisation, Unicef, estimates that 70% of children (about 2.2 million) are out of school - risking their future and that of their country. This represents one of the highest rates of out-of-school children in the world.

Globally, South Sudan has the fourth lowest human development indices despite its huge natural resource potential, such as fertile agricultural land, gold, diamonds and petroleum. (UNDP's Human Development Index measures the average achievements in human development: a long and healthy life, knowledge and decent standard of living.)

As of 2019, more than half of the population required humanitarian assistance, with extreme levels of acute food insecurity across the country, according to the World Bank.

The country is almost solely dependent on oil revenues and there is very little investment in other sectors such as agriculture and infrastructure.

Does the deal guarantee lasting peace?

There are certainly no guarantees.

More than 10 agreements and ceasefires have been reached since the two leaders fell out in 2013, and their inability to sustain any deal, including on power-sharing, has been at the heart of the conflict.

Peter Adwok Nyaba, an activist and former minister in South Sudan, says in a 2019 advisory that the agreement does not fully address the conflict elements of ethnic nationalism, power struggles and weak institutions of governance, which he says remain alive despite the deal.

"This is a typical vicious circle: poverty-conflict-peace lack of development then conflict," he says.

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**Rebel Attack in Eastern Congo Kills 12 Civilians and Soldier (Voice of America)**

February 18, 2020

**Rebels have killed 12 civilians and a soldier in the latest overnight attack on a village in eastern Congo, a local official said Tuesday.**

"They surprised the people in their homes," the administrator of Beni territory, Donat Kasereka Kibwana, told The Associated Press.

The attack by Allied Democratic Forces rebels on Alungupa village, about 25 kilometers (15 miles) outside the often-targeted city of Beni, occurred while the president of the National

Assembly was visiting the city and meeting with survivors of past massacres. Jeanine Mabunda during her visit vowed that the assembly would create laws to augment the Congolese military presence in the Beni region. Residents have long accused the government in faraway Kinshasa of neglect.

Dozens of armed groups are active in mineral-rich eastern Congo. Attacks have caused tens of thousands of people to flee their homes and complicated health workers' efforts to contain an

Ebola virus outbreak in the region.

A local civil society group known as CEPADHO says ADF rebels have killed more than 300 people in the Beni region since October alone.

Kibwana said Alungupa village is now under military control. The administrator appealed for calm and collaboration with authorities.

**DRC violence: Beni victims say attackers wore military uniforms (Al Jazeera)** By Catherine Soi

February 22, 2020

**Victims of recent attacks by the Allied Democratic Forces (ADF) armed group in the Democratic Republic of the Congo's eastern Beni region have told Al Jazeera that their assailants were often dressed in Congolese military fatigues and killed indiscriminately.**

Nearly one thousand people have been killed since October.

The ADF was formed in western Uganda in the 1990s, but after being defeated by the Ugandan government, the group crossed the border into the DRC - where they have remained for nearly 20 years.

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## WEST AFRICA

### Côte d'Ivoire (Ivory Coast)

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

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## Mali

### **International Court Paves Way for Trial of Mali War Crimes Suspect (Courthouse News Service) By**

Molly Quell

February 19, 2020

#### **The International Criminal Court on Wednesday rejected an appeal from an accused Islamic militant who argued his charges aren't serious enough to justify a trial.**

"The number of victims, while relevant, [is] not determinative of the gravity of a given case," said Judge Luz del Carmen Ibáñez Carranza, the sole judge at Wednesday's hearing.

The legal team for Al Hassan Ag Abdoul Aziz had argued that the torture and rape he is accused of committing isn't significant enough to warrant charges at the world's global court for atrocity crimes.

The Hague-based court was established by the Rome Statute in 2002 to prosecute genocide and crimes against humanity that take place in a member state or are committed by a member state. It can also take up a case that is referred to it by the United Nations Security Council. According to the Rome Statute, cases brought before the ICC must have "sufficient gravity" to warrant prosecution.

Al Hassan is charged with being the enforcer of a separatist Muslim group that banned music, forced women to wear headscarves and destroyed non-Muslim religious sites in the western African country of Mali. Large parts of the country fell to Islamic separatist groups in 2012 following a coup.

As the alleged de facto leader of Timbuktu's police force, prosecutors say Al Hassan is responsible for the torture, rape and sexual slavery of citizens in the city between April 2012 and January 2013.

He is one of the first people to be brought before the court on gender-related charges. "The targeting and persecution of women was such that it became emblematic of the physical and moral violence inflicted on all residents of Timbuktu," ICC Prosecutor Fatou Bensouda said in her opening statements last July.

The ICC decided to move forward with proceedings in October. Wednesday's ruling from the bench paves the way for Al Hassan's trial to officially get underway on July 14. Beyond arguing that his alleged crimes were not significant enough, Al Hassan's lawyers further argued that he was a minor player in the year-long Mali rebellion.

"Instead of trawling for small fry, we ask you to release this sardine back into the sea," lead defense counsel Melinda Taylor had argued before the ICC's pretrial chamber.

But that argument was also dismissed by the court's appeals chamber on Wednesday.

"The statute recognizes also other modes of criminal liability such as complicity, inducement, etc.," Judge Ibáñez Carranza said.

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## Liberia

**South African Court Won't Extradite Dutch Arms Dealer Tied to Charles Taylor (NL Times)** By Janene

Pieters

February 21, 2020

**South Africa will not extradite Dutch businessman and convicted arms dealer Guus Kouwenhoven to the Netherlands, the court in Cape Town ruled on Friday. The Dutch man was sentenced to 19 years in prison in 2017 for war crimes and selling arms in Liberia, AD reports.**

The Dutch Supreme Court upheld Kouwenhoven's sentencing in December 2018. The 77-year-old businessman was found guilty of smuggling weapons into Liberia and distributing them to the violent regime of then Liberian president Charles Taylor. Kouwenhoven arranged storage, trucks and drivers, making him an accessory to the crimes committed under the Taylor regime, the court ruled.

After being convicted on appeal, Kouwenhoven was arrested in South Africa at the request of the Dutch Public Prosecution Service. But despite his arrest, the Dutch man has managed to prevent his extradition time and again, according to the newspaper.

On Friday, the Cape Town court once again ruled against extradition. According to the South African court, Kouwenhoven committed his crimes in Liberia, not in the Netherlands. That makes his extradition contrary to the extradition treaty, the court said.

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## **EAST AFRICA**

### **Kenya**

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

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### **Rwanda (International Criminal Tribunal for Rwanda)**

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## EUROPE

### **The Court of Bosnia and Herzegovina, War Crimes Chamber**

**Official Court Website [English translation]**

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

**Official Website of the ICTY**

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### **Domestic Prosecutions In The Former Yugoslavia**

**Glavas Witnesses Only Learned about War Crimes 'from Media' (Balkan Insight)** By Anja Vladisavljevic  
February 17, 2020

**Two veteran members of the Croatian ruling party told the retrial of Branimir Glavas that despite their frequent contacts with the defendant in Osijek during the 1990s war, they had no knowledge of the killings of civilians linked to his name.**

Two former politicians, Luka Bebic and Andrija Hebrang, members of the ruling Croatian Democratic Union, HDZ, told Zagreb County Court on Monday that they only learned from the media that the defendant, Branimir Glavas, had been involved in war crimes against Serbian civilians in the eastern city of Osijek in 1991.

Bebic, a prominent veteran member of the HDZ and former chair of parliament who served as Defence Minister during the independence war, said that during the war he often met Glavas, who linked all the components, "defence and civilian", but did not know about the killings in Osijek.

Hebrang, a former health minister and coordinator of the armed forces in the 1990s, said that he had been in Osijek at least twice a month at the time and had meetings with Glavas. "He helped me a lot. Firstly, he was in civilian structures and later in the military, and we had problems in Osijek with the 'fifth column' [of Yugoslav intelligence]," Hebrang said. He said he did not know directly about the killings of civilians and still considered Glavas one of the key defenders of Osijek.

Krunislav Olujic, who was the district attorney at the time, also testified and said he had heard about the killings of civilians, both Croatian and Serbian. According to him, various paramilitary units that were not part of the Croatian army were responsible. He also said that Glavas was not the head of those paramilitary units.

Glavas's first trial started in October 2007 and encompassed two cases, codenamed "Garage" and "Sellotape".

The "Garage" case centred on Cedomir Vuckovic, who was forced to drink car battery acid in a garage in Osijek in August 1991. When he fled the garage in pain, Krunoslav Fehir, a member of the 1st Battalion of Osijek Defenders, which Glavas commanded, shot him.

Vuckovic died from the consequences of the poisoning. Glavas allegedly came from his nearby office and then ordered the execution of a second prisoner, Dordje Petkovic.

The "Sellotape" case concerned Glavas's unit and their arrest of six civilians in November and December 1991 in Osijek who they then tortured them in a basement. They were then brought to the Drava riverbank, where the unit executed them – their hands tied behind their backs with sellotape.

Glavas was first found guilty in 2009 and sentenced to ten years in prison. But on the day his verdict was read out at Zagreb County Court, he fled to neighbouring Bosnia and Herzegovina. After the Croatian Supreme Court confirmed the verdict but lowered the sentence to eight years, the Bosnian state court sent him to prison in Zenica and then Mostar.

In 2016, the Croatian Supreme Court quashed Glavas's first-degree verdict, so his trial re-started before Zagreb County Court the following year. In 2018, his retrial was separated from the case against his subordinates.

The Supreme Court then annulled that decision, paving the way for his retrial yet again, now alongside his subordinates. Glavas pleaded not guilty at the opening of his latest retrial in June last year.

**Warrant Sought for Missing Vlasenica War Crimes Suspect (Balkan Insight)** By Nermina Kuloglija  
February 19, 2020

**Arrest warrant sought for Goran Tesic, who is wanted for war crimes in the eastern town of Vlasenica, who did not show up for his preliminary hearing.**

Bosnia's State Prosecution has asked the State Court to issue a warrant and order custody for Goran Tesic, who is on trial for crimes committed in the eastern town of Vlasenica and has gone missing.

Prosecutor Dzevad Muratbegovic said Tesic did not attend the preliminary hearing, which is why the Prosecution ordered the State Investigation and Protection Agency, SIPA, to search for him. "They went to the address and found he did not reside at that address, and they heard from their work colleagues that he had not appeared at work since January 31," Prosecutor Muratbegovic said, adding that Tesic had crossed the Karakaj border crossing on January 29, but had returned the same day.

The defendant's lawyer, Milos Peric, said he carried out checks identical to those conducted by SIPA, and had no further knowledge about his client's location. "I also tried to get him on the phone through which we communicated, but he is not answering," Peric said, adding that he was leaving the decision to order custody to the court.

At a hearing on February 3, Tesic's brother, Zoran, also an indictee, said his brother was not answering his phone.

Trial Chamber Chairman Darko Samardzic said that as the case was almost over, he was considering separating Tesic's case from that of Simo Stupar and Zoran Tesic. The prosecution said it did not object to the motion. Defence lawyer Peric said he also left that decision to the court.

The trial concerns crimes committed against the Bosniak population in Vlasenica during the 1992-5 war. The Bosnian Serb suspects are charged with murder, abuse, torture, enforced disappearances and attacks on villages.

According to the indictment, Stupar and Goran Tesic were members of the Public Security Station, SJB, in Vlasenica, and Zoran Tesic was a member of the Bosnian Serb army, the Army of Republika Srpska, VRS.

The trial began in March 2019. Interpol issued an international warrant for Zoran Stupar in January the same year, which was also covered by a confirmed indictment. A decision on the Prosecution's motion will be made at a later date.

As BIRN wrote earlier, the state court is seeking the arrest of 47 people accused of war crimes, some 25 of whom are now outside the country.

**UN Court Rejects Serbia's Demand to Try Radicals in Belgrade (Balkan Insight)** By Dzana Brkanic  
February 24, 2020

**The Mechanism for International Criminal Tribunals in The Hague turned down**

## **Serbia's request for two ultranationalist Serbian Radical Party politicians charged with contempt of the UN court to be tried in Belgrade.**

The appeals chamber of the Mechanism for International Criminal Tribunals on Monday dismissed an appeal filed by Serbia against its decision not to allow two members of the Serbian Radical Party accused of contempt of court to stand trial in Belgrade rather than at the UN court in The Hague.

The court said that protection of witnesses was the decisive factor, so the case against Radical Party politicians Petar Jovic and Vjerica Radeta cannot be processed in Belgrade despite claims that the witness protection system in Serbia operates in accordance with international standards.

It noted that witnesses in the case have said they would be afraid for their security and the safety of their families if they testified in Serbia because the accused are colleagues of Serbian Radical Party leader Vojislav Seselj, who they believe is an influential political figure in the country. Jovic and Radeta are charged with contempt of the Hague court during Seselj's trial. They are accused of threatening, blackmailing and bribing witnesses to either change their testimonies or to not testify at all.

Seselj was convicted of wartime crimes in April 2018 and sentenced to ten years in prison, but is not serving any jail time because of the years he spent in custody prior to sentencing. He is still an MP in the Serbian parliament.

The Serbian authorities have been locked in a dispute with the UN tribunal for several years over the arrest and extradition of the two Radical Party politicians.

The tribunal initially submitted a warrant ordering their arrest in January 2015.

But in May 2016, the war crimes chamber of Belgrade Higher Court ruled that there were no legal grounds for extraditing the Radicals because Serbia's Law on Cooperation with the Hague Tribunal obliged Belgrade to extradite people charged with war crimes, but not those charged with contempt of court.

In October 2016, the UN tribunal issued an international warrant for the arrest of Jovic and Radeta, saying that Serbia had refused several times to act on its order to arrest and extradite them.

The tribunal also reported Serbia to the UN Security Council several times for non-cooperation in the case. But the Hague court then made the decision to allow the proceedings to be transferred to Serbia – but this decision was revoked after witnesses said they had concerns about their security. Serbia then appealed.

A third Radical Party member who was also accused in the case, Jovo Ostojic, died in 2017.

**Hague Prosecutors to Issue Kosovo War Crimes Indictments Soon (Balkan Insight)** By Marija Ristic  
February 24, 2020

### **The Kosovo Specialist Prosecution in The Hague is expected to launch its first indictments after its chief prosecutor formally asked a pre-trial judge to review charges for crimes committed during and just after the Kosovo war.**

Almost five years since Kosovo's parliament approved the establishment of the Kosovo Specialist Chambers and Prosecutor's Office, chief prosecutor Jack Smith has notified the president of the Specialist Chambers of his intention to initiate proceedings before the Hague-based 'special court', it was announced on Monday.

"The President has therefore assigned a Pre-Trial Judge in accordance with the Law and the Rules of Assignment of Specialist Chamber Judges from the Roster of International Judges to review indictments filed by the Specialist Prosecutor. The content of indictments remains confidential, unless and until confirmed by the Pre-Trial Judge," said a press release issued by the Kosovo Specialist Chambers.

Over the past year, more than 100 people, mostly former Kosovo Liberation Army members, have been summoned by the Specialist Prosecution for questioning as suspects or witnesses in relation to crimes allegedly committed between January 1, 1998 and December 31, 1999 in Kosovo.

Those questioned included former KLA guerrillas who have become high-profile politicians like Ramush Haradinaj, who resigned as Kosovo's prime minister after being summoned. The Specialist Chambers will hear cases arising from an EU task force report which said that unnamed Kosovo Liberation Army officials could face indictments for a "campaign of persecution" against Serbs, Roma and Kosovo Albanians.

The alleged crimes include killings, abductions, illegal detentions and sexual violence. The report was commissioned after the Council of Europe published an inquiry in 2011 which alleged that some senior Kosovo officials, including current President

Hashim Thaci, were responsible for various human rights abuses.

Thaci strongly denied the allegations.

International judges and prosecutors staff the new court, although it operates under Kosovo's laws.

The negotiations to establish the court lasted from 2011 until 2015.

Since the Kosovo war ended, the international community has been administering justice in Kosovo, but its results have been poor – fewer than 20 final verdicts in war crimes cases. However it was believed that the Kosovo prosecution couldn't handle sensitive cases against senior officials, which was one of the reasons why the international community decided to establish the new court.

Kosovo MPs voted to set the court up as part of the country's justice system under pressure from the US and EU.

In Kosovo itself, the court is seen as biased as it will try former KLA fighters – people perceived as liberators by the majority of the country's ethnic Albanian population – while in Serbia, the court has wide support due to hopes that it will prosecute crimes against Serbs.

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## Turkey

**Turkish parliament urges proper assessment of Khojaly genocide (Azernews)** By Akbar Mammadov  
February 26, 2020

### **The Foreign Affairs Committee of the Turkish has called for the necessary assessment of the Khojaly genocide committed by Armenian forces in 1992.**

"The Khojaly tragedy is a black spot in the history of mankind. Turkey condemns the massacre of Azerbaijanis by Armenia and demands the withdrawal of Armenian troops from the occupied Azerbaijani territories. Turkey has always supported and will always support Azerbaijan," the committee has said.

In addition, Turkey's National Movement Party (MHP) Chairman Devlet Bahçeli has urged the International Criminal Court (ICC) to recognize the February 26, 1992 Khojaly massacre of Azerbaijanis in Nagorno-Karabakh region as genocide, Turkish media reported.

"In the town of Khojaly, international crimes like genocide, crimes against humanity, crimes of aggression and crimes against peace were committed," Bahçeli said on Tuesday while addressing the parliamentary group.

He also condemned lack of international condemnation of the crime.

"The Khojaly genocide should be registered in the International Criminal Court, War Crimes Tribunal, Human Rights Court. Whatever necessary should be done to punish the criminals." Devlet Bahçeli said.

In the meantime, the Cooperation Council of Turkic Speaking States (Turkic Council) commemorated the martyrs who lost their lives in Khojaly massacre.

Secretary General of the Turkic Council Baghdad Amreyev emphasized that Turkic Council conveys its condolences to the government and people of Azerbaijan.

"Over the night from 25 to 26 February 1992, an unprecedented massacre was committed against the Azerbaijani civilians of Khojaly town in the Nagorno-Karabakh region of the Republic of Azerbaijan." Amreyev wrote.

He added that the Turkic Council mourns with Azerbaijani brothers and sisters over this violent attack and massacre, which they suffered exactly 28 years ago today in Khojaly, and wholeheartedly share their pain.

"We also stand hand in hand with the government of Azerbaijan in their world-wide "Justice for Khojaly" International Awareness Campaign and show the necessary sensitivity to this fact. With these feelings, we commemorate the martyrs who lost their lives in Khojaly with deep respect and convey our condolences to the government and people of Azerbaijan," Amreyev wrote.

## MIDDLE-EAST

### Iraq

#### **Grotian Moment: The International War Crimes Trial Blog**

**Rocket attack strikes near U.S. Embassy in Iraq (NBC News)** By Yuliya Talmazan and Associated Press  
February 16, 2020

**A rocket attack struck near the U.S. Embassy in Iraq early Sunday, a U.S. military and Iraqi officials have confirmed.**

"The attack did not injure any personnel, and the coalition remains committed to supporting the government of Iraq to defeat ISIS remnants," Col. Myles Caggins, a spokesman for the U.S. military operation in Iraq, told NBC News.

He added that they were not able to identify who was behind the attack, and the incident remains under investigation.

Three Iraqi security officials told the Associated Press that two of the rockets fell inside the U.S. Embassy compound, while another hit near the coalition base. The Iraqi officials spoke on condition of anonymity because they were not authorized to speak to the media.

Washington has blamed Iran-backed paramilitary groups for increasingly regular rocketing and shelling of bases hosting U.S. forces in Iraq and of the area around the U.S. Embassy in Baghdad.

An attack last month hit the U.S. Embassy compound itself, and a rocket attack on a military base in the north in December killed a U.S. civilian contractor.

No one has claimed responsibility for Sunday's attack, but the U.S. has accused Iran of being behind previous attacks on U.S. troops and facilities in Iraq.

An Iranian missile attack on Iraq's Ain al-Asad air base on Jan. 8 injured dozens of U.S. service members, many of whom have been diagnosed with traumatic brain injuries.

**Iraqi security forces kill one, wound seven in Baghdad: sources (Reuters)**  
February 23, 2020

**BAGHDAD (Reuters) - Iraqi security forces killed one person and wounded seven on Sunday when they opened fire on protesters in Baghdad, security and medical sources said.**

Iraq is facing an extraordinary domestic crisis, with nearly 500 people killed since Oct. 1.

Protesters are demanding the ouster of what they see as a corrupt ruling elite and an end to foreign interference, mainly by Iran and the United States.

**Protester killed in Iraq's capital: statement (Xinhua Net)**  
February 25, 2020

**BAGHDAD, Feb. 25 (Xinhua) -- An Iraqi demonstrator was killed in clashes between anti-government protesters and security forces in Baghdad, Iraqi Independent High Commission for Human Rights (IHCHR) said on Tuesday.**

The clashes in al-Khalani Square in downtown Baghdad prompted the security forces to use tear gas canisters and fired bullets in the air to disperse the protesters, leaving a protester killed and 15 others wounded, Ali al-Baiyati, an IHCHR member, told Xinhua.

Meanwhile, the Baghdad Operations Command, responsible for the security of Baghdad, said in a statement that 19 security members and three officers were wounded in the clashes.

Mass anti-government demonstrations have been continuing in Baghdad and other cities in central and southern Iraq since October 2019, demanding comprehensive reform, fight against corruption, better public services and more job opportunities.

According to IHCHR, the nationwide anti-government protests over the past four months has caused the death of 544, with 23,700 others wounded.

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## Syria

**Air strikes hit hospitals, camps in northwest Syria, Turkey demands pull-back (Reuters)** By Eric Knecht and Stephanie Nebehay  
February 18, 2020

**Government air strikes have hit hospitals and refugee camps in northwest Syria and killed about 300 civilians as President Bashar al-Assad's forces press an assault against the last rebel stronghold, the United Nations said on Tuesday.**

U.N. officials said relief agencies were overwhelmed by the humanitarian crisis as nearly one million civilians, most of them women and children, had fled toward the Turkish border in bitter winter conditions to escape the onslaught.

“Civilians fleeing the fighting are being squeezed into areas without safe shelter that are shrinking in size by the hour. And still they are bombed. They simply have nowhere to go,” U.N. human rights chief Michelle Bachelet said.

Syrian and Russian warplanes meanwhile kept up raids on the town of Darat Izza in Aleppo province on Tuesday, witnesses said, a day after two hospitals there were badly damaged.

At Al Kinana Hospital, blown-out walls and dust-covered medical cables and supplies were strewn about the hospital after two staff were wounded on Monday, witnesses said.

Ankara said talks with Moscow on Idlib were “not satisfactory” and Turkey would deploy more troops to the region.

Turkish and Russian officials held a second day of talks in Moscow with no apparent agreement on Idlib, where the latest push by Russian-backed Syrian government forces has killed several Turkish troops.

Russia said both sides restated their commitment to existing agreements aimed at reducing tension in Idlib. A statement did not mention Turkey's demand for Syrian government forces to pull back.

Turkey says it cannot cope with a new refugee influx in addition to the 3.6 million Syrian refugees already stranded inside its borders.

Appearing on national television on Monday, Assad said the rapid military gains presaged the eventual defeat of the nine-year-old insurgency against him although it could still take time. The rebel factions include Turkish-backed rebels and jihadist militants.

POSSIBLE WAR CRIMES U.N. human rights spokesman Rupert Colville, asked if Syria and Russia were deliberately targeting civilians and protected buildings, said: “The sheer quantity of attacks on hospitals, medical facilities, and schools would suggest they cannot all be accidental.”

The attacks could constitute war crimes, Colville told a briefing in Geneva.

The U.N. human rights office said it had recorded 299 civilian deaths since Jan. 1, about 93% caused by the Syrian government and its allies.

The swift advance of government troops, backed by Russian air strikes, through northwest Syria has caused the biggest displacement of the war as people flee toward a shrinking pocket near the Turkish frontier where insurgents hold their last strongholds.

A U.N. spokesman, David Swanson, said close to 900,000 people have fled conflict zones in Idlib province and western Aleppo since December, more than 80% of them women and children.

Many have been unable to find shelter and are sleeping outside in freezing temperatures, burning plastic to stay warm and at risk of disease and death.

“Only half of all the health facilities in northwest are still functioning now,” Swanson said.

Hurras Network, a Save the Children partner in Idlib, said seven children including a seven-month-old baby had died from freezing temperatures and bleak conditions in displaced persons camps.

About 525,000 children are among those trapped, the U.N. Children’s Fund (UNICEF) said.

#### FULL CONTROL

The Syrian army said on Monday it had taken full control of dozens of towns in the Aleppo countryside.

The M5 highway linking Damascus to Aleppo, the focus of recent fighting, was re-opened to civilian traffic on Tuesday after government forces recaptured it last week, the Syrian Observatory war monitoring group reported.

The opposition said air strikes in southern areas of Idlib province had left dozens of towns and villages in ruins in what it called a “scorched earth policy”.

The Russian and Turkish delegations meeting in Moscow were trying to reconcile their differences over Idlib, which have raised questions over the durability of their cooperation.

Turkey has sent thousands of troops and convoys of military equipment to reinforce its observation posts in Idlib, established under a 2018 de-escalation agreement with Russia.

Moscow has accused Turkey of flouting their agreements and failing to rein in militants it said were attacking Syrian and Russian forces.

In one positive note, Turkish and Russian troops have restarted joint patrols near the border that had been halted since October, a Russian defense ministry official said.

Tedros Adhanom Ghebreyesus, director-general of the World Health Organization, said the WHO was sending essential medicines and supplies across the border, including trauma kits for Idlib.

#### **Aleppo hospitals bombing may be a war crime, UN warns (Middle East Eye)**

February 18, 2020

**The United Nations on Tuesday condemned pro-Syrian government forces’ bombing of two hospitals in western Aleppo province as a possible war crime, as towns and villages in the rebel-held region continued to have bombs rained down on them.**

The Kinana and al-Fardous hospitals near the town of Darat Izza were struck by eight missiles the day before, which activists and rescue workers said were fired by Russian warplanes.

Around 300,000 people relied on the facilities which had now been put out of action, aid workers told Middle East Eye.

Forces loyal to President Bashar al-Assad, backed by Russian air power, have been concentrating attacks on rebel-held urban areas of the western Aleppo countryside in recent days.

The assault is part of a broader push to clear the opposition’s last stronghold in Syria’s northwest, an operation that has retaken more than 600 square km since December.

"The sheer quantity of attacks on hospitals, medical facilities, and schools would suggest they cannot all be accidental," UN

human rights spokesman Rupert Colville said, adding that the attacks could constitute a war crime.

Meanwhile, shelling on Tuesday killed one civilian in Darat Izza and an air strike gouged a huge crater into the popular market in the Aleppo province town of Atarib, activists said.

To the southeast, pro-government forces struck areas in and around the Idlib province towns of Termanin, al-Dana, Sarmin and Maarat al-Naasan, where local media said one civilian was killed.

Pro-Assad fighters were also reportedly killed in western Aleppo province by rebel missile fire, one of them a member of the Iranian Revolutionary Guard Corps, according to Iranian state media.

Meanwhile, in Moscow, Turkish officials met with their Russian counterparts for a second day, with discussions adjourned without any agreement on a ceasefire.

Faced with nearly a million displaced Syrians fleeing the offensive toward its border, rebel-backer Turkey has ploughed men, arms and vehicles into northwestern Syria in recent days, and sought promises from Russia that it will restrain its Syrian government ally.

Turkey's representatives stressed in Moscow that Ankara's military was prepared to engage Syrian government forces if they continue to advance. The two sides' artillery already clashed last week with deadly effect.

"We said in the meetings with Russians that we made necessary military preparations to push Assad regime forces back if they don't withdraw," Omer Celik, a spokesman for Turkey's ruling AK Party, said.

Increasing numbers of Syrians are being forced to flee day by day, with roads choked with vehicles packed with people and belongings.

Temperatures are bitterly cold, and at least 82,000 people have been forced to sleep out in the open.

Around 500,000 children have been displaced since December, according to the UN's children's agency, UNICEF. Seven have died in the freezing temperatures in recent days, Save the Children said.

"We now believe 900,000 people have been displaced since 1 December, the vast majority women and children," Mark Lowcock, UN head of humanitarian affairs and emergency relief, said in a statement.

"They are traumatized and forced to sleep outside in freezing temperatures because camps are full. Mothers burn plastic to keep children warm. Babies and small children are dying because of the cold," he added.

"The biggest humanitarian horror story of the 21st century will only be avoided if Security Council members, and those with influence, overcome individual interests and put a collective stake in humanity first. The only option is a ceasefire."

Russia has repeatedly vetoed Security Council motions on Syria since the conflict broke out in 2011.

In eight years, around half a million people have been killed and half of Syria's pre-war 22 million population displaced.

### **Syrian-Russian Alliance Forces Target 67 Medical Facilities in Northwest Syria Since April 26, 2019 (SNHR)**

February 18, 2020

**In its latest report released today, the Syrian Network for Human Rights (SNHR) reveals that Syrian-Russian alliance forces have targeted 67 medical facilities in northwest Syria since April 26, 2019, with SNHR calling on the United States of America to intervene to stop Russian war crimes and bombardment of medical facilities.**

The 28-page report notes that Syrian-Russian-Iranian alliance forces are by far the primary perpetrators in the targeting of medical facilities over Syria in the last nine years, mainly because of their use of air power, which has led to the partial or total destruction of medical centers and field hospitals, medical equipment, and stores of medicines and generators supplying these facilities, leading to the facilities' permanent or temporary closure, as well as leading to further trauma for countless wounded or ill people.

The report outlines the historical context of recent events in the northwest region of Syria and the agreements the area has been subject to since last April 26, noting that every agreement was followed by an escalation in military operations by Syrian-Russian alliance forces, with the report stressing that the region does not receive international attention from media and



human rights bodies at any level equivalent to the massive and unprecedented scale and breadth of human suffering.

Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

“After the Security Council’s failure to protect the medical facilities in Syria from brutal Russian bombing, there is no hope for ending these ongoing war crimes except through the establishment of an international civilized humanitarian coalition led by the United States of America, European states, Canada, and Australia that aims to protect civilians and stop the bombing of medical facilities. Without such action, no amount of reports and condemnations will have any effect, and crimes against humanity and war crimes will continue to be committed against the Syrian people, constituting a shameful stain on modern history, with those states which claim to uphold the rule of law and to stand for civilized values bearing the responsibility more than others.”

The report lists the lackluster and largely absent international efforts to deter Russian forces from targeting medical facilities, stressing that the blatant and persistent shortcomings of the international community in failing to respond to these crimes have forced many medical organizations to stop work in some of their medical facilities in order to ensure the safety of medical personnel and patients, with these events taking place amid a catastrophic situation of displacement and outbreaks of illness and disease caused by massive overcrowding and freezing subzero winter temperatures which have increased the number of deaths due to cold and diseases.

The report highlights the record of attacks by Syrian-Russian alliance forces against medical facilities in northwest Syria that occurred between the beginning of the military campaign on April 26, 2019, and February 18, 2020, which includes bombings targeting medical facilities with no military installations or equipment nearby, and other attacks that targeted medical facilities whose work had already been suspended for fear of being shelled and due to the displacement of the residents of the area, noting that many facilities have been subjected to more than one attack, with each attack documented as a separate violation.

As the report states, at least 67 medical facilities were subjected to approximately 88 attacks by Syrian-Russian alliance forces between April 26, 2019, and February 18, 2020, 52 of which were carried out by Syrian Regime forces, and 36 by Russian forces.

The report reveals that, of the 67 medical facilities that have been bombed, seven of these medical facilities have been bombed 12 times, despite these facilities being listed within the humanitarian deconfliction mechanism.

In the period covered by the report, SNHR has documented Syrian regime and Russian forces’ conducting successive air strikes with short time intervals between each airstrike, ranging from minutes (a double-tap strike), to intervals of a few days’ duration. Some incidents also saw successive attacks by both Russian and Syrian regime warplanes on the same medical facility, either within minutes of each other, or within a few days of each other.

As the report states, the military escalation by Syrian-Russian alliance forces on northwest Syria has also resulted in the deaths of at least 19 medical personnel, nine of whom were killed by Syrian Regime forces, while the other 10 were killed by Russian forces.

As the report explains, the Syrian regime, which has committed grave crimes and violations against Syrian civilians for nine years to date, has also consistently failed to respond to any of the demands of the International Commission of Inquiry on the Syrian Arab Republic, or to those of the High Commission for Human Rights, or even to Security Council resolutions. The Security Council, which was supposed to take collective measures and action under Articles 41 and 42 of the Charter of the United Nations, also failed because of the immunity granted by Russia to the Syrian regime, with Russia routinely using its veto in the case of the Syrian regime, which not only failed to abide by the responsibility for the protection of civilians, but committed the most egregious violations against them, reaching the level of crimes against humanity, and extermination by torture within detention centers.

The report further states that the carnage that has continued to take place in Syria is represented not only by one massacre or one violation but by industrial-scale killings and torture, sexual violence, enforced disappearances, the use of chemical weapons and barrel bombs, and besieging civilians. The report quotes a report issued by the International Commission on Intervention and State Sovereignty in December 2001, which stated: “The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation”

The report further notes that at the 2005 Summit, states unanimously agreed that each country had a responsibility to protect its population from crimes against humanity and war crimes. This responsibility entails the prevention of such crimes, the prevention of incitement to commit them by all possible means, and when the state clearly fails to protect its population from egregious crimes, or itself is committing such crimes as in the case of the Syrian regime, it is the responsibility of the

international community to intervene to take protective measures in a collective, decisive and timely manner.

The report stresses that Syrian and Russian forces have violated Security Council resolutions 2139, 2254 and 2286, which call for an end to indiscriminate attacks, as well as Security Council resolution 2286, which calls for an end to violations and abuses committed in armed conflicts against medical personnel and humanitarian personnel, noting that most of the attacks targeted unarmed civilian personnel, bombardment has caused incidental loss of civilian life, injury to civilians or serious damage to civilian objects, adding that there are very strong indications suggesting that the damage was exceptionally excessive compared to the anticipated military benefit.

The report recommends the UN Security Council to take further action after resolutions 2139 and 2254, having failed to impose any obligation to stop indiscriminate shelling which must be adhered to by all parties to the conflict, as well as to abide by the rules of international humanitarian law.

The report also presents a set of recommendations to the International Community, to OHCHR, to the Independent International Commission of Inquiry (COI), and to the International, Impartial and Independent Mechanism (IIIM), as well as calling on the European Union and the United States of America to support the International Impartial Mechanism established by General Assembly resolution 71/248 of December 21, 2016, to open the courts of local states which have the principle of universal jurisdiction, and to prosecute war crimes committed in Syria.

**Syria White Helmets leader: 'it is a genocide, not a war' (The National)** By Jack Dutton  
February 19, 2020

**The leader of Syria's White Helmets search and rescue organisation on Tuesday said the conflict that has devastated the country for nearly nine years was not "a war", but "a genocide" against civilians.**

The organisation, also known as Syrian Civil Defence volunteer rescue group, comprises volunteers who operate in opposition-controlled Syria and in Turkey.

They help with medical and civilian evacuation, essential service delivery and search and rescue operations.

Syrian troops are continuing an assault on Idlib, the country's last major rebel stronghold, which has stoked fears of a humanitarian catastrophe as thousands of civilians flee their homes.

The UN estimates that the offensive in the north-western region has displaced about 900,000 people since the start of December.

Idlib and parts of its neighbouring Aleppo province are home to three million people. Half of them were already displaced from other parts of the country.

The regime "continue their crimes against civilians in Syria and the consciences of the world today are asleep", White Helmets leader Raed Al Saleh tweeted on Tuesday night.

"It seems that we need an electric shock to the consciences of the international community and the United Nations in order to wake up and carry out their mission in accordance with international laws to protect civilians in Syria."

Mr Al Saleh said the international community's aid and donations had done little to benefit the Syrian people, who are "threatened by the largest massacre in history".

"All the world's money will not stop killing one child with barrel bombs," he said.

Mr Al Saleh called the international community to move to pressure politicians to take "a moral stance by protecting our people in Syria" before it is too late.

"What is happening in Syria is not war, as the media portray it. It is a genocide against the Syrian people," he said.

Earlier on Tuesday, Michelle Bachelet, the UN High Commissioner for Human Rights, called for the creation of humanitarian corridors in north-western Syria.

**Attacks on 70 hospitals in Idlib can't be coincidence: UN (Daily Sabah)**  
February 25, 2020

**The U.N. stated that constant attacks by the Bashar Assad regime and Russia on hospitals in northwestern Syria's Idlib province cannot be a coincidence and could**

## qualify as a war crime.

A spokesperson for the U.N. High Commissioner for Human Rights Rupert Colville told Anadolu Agency (AA) that each one of the attacks on civilians, civilian infrastructure and medical facilities have to be studied closely and separately.

“War crimes are evaluated independent from every incident. There is no doubt that war crimes were committed during the Syrian crisis previously. Most probably, crimes against humanity, which are more difficult to prove, were also committed,” Colville stated.

The spokesperson said the targeting of so many hospitals could not be a coincidence as more than 70 hospitals were attacked recently in the province.

Colville, who highlighted that intense investigations need to be conducted to determine who targeted the hospitals, said: “It is not possible for me to say which of the hospital attacks constitute war crimes and which were attacked by accident.”

Colville said that according to international humanitarian law, all kinds of precautions need to be taken not to target civilians even in a state of war.

Medical facilities have been hit especially hard during the conflict as the Assad regime and Russia do not differentiate between ordinary buildings and health care facilities during attacks. The World Health Organization (WHO) has frequently voiced that several hospitals and health care centers have had to suspend work and evacuate the area for their own safety.

The latest offensive has brought Assad's military campaign closer to the heavily populated central areas of Idlib, where nearly 3 million people are trapped, according to aid charities and U.N. agencies. Despite a cease-fire brokered through Turkey's efforts, which was announced Jan. 10 and set to start just after midnight Jan. 12, the attacks by the Syrian regime and Russia have not stopped. Only days after the cease-fire went into effect, people were again fearing for their lives.

Turkey and Russia agreed in September 2018 to turn Idlib into a de-escalation zone in which acts of aggression are expressly prohibited.

Since then, more than 1,300 civilians there have been killed in attacks by the regime and Russian forces as the cease-fire has been continually violated.

The conflict in Idlib dates back almost to the beginning of the civil war, as the province was slowly turned into a stronghold for the opposition and later became its only stronghold in the whole country. Idlib, which received massive migrant inflows through internal displacement and reached a population as large as 4 million, was taken under control by opposition forces in 2015 for the first time. Since then, it has become a continual target for regime attacks.

### **Inside embattled Idlib province: A Syrian offensive wreaks terror on children (Washington Post)**

By Kareem Fahim

February 26, 2020

**The market bombing had driven Ahmed and his family from their town in southern Idlib province and onto the road, to join hundreds of thousands of other people searching for safety, the teen recalled. A Russian plane had circled overhead, and then the bombs fell, obliterating a car, its driver and other people who were passing by on motorcycles.**

The attack a few weeks ago was terrible but hardly the worst he had seen. Five years ago, an airstrike had killed dozens of people in the town square.

Now, at 13, Ahmed is living in the clammy basement of a sports stadium in Idlib city, with hundreds of other displaced people who have crowded in over recent weeks. As he spoke, warplanes could be heard circling overhead again. Guards warned people to stay indoors. But Ahmed — the stoic survivor of a war and no longer a child — didn't flinch.

“Safety comes from God,” he said.

The last month has been especially brutal in Idlib province, with a Syrian government offensive producing a humanitarian crisis almost unparalleled during nearly a decade of war in Syria. As the government seeks to recapture rebel-held Idlib, where children make up a majority of the population, the fighting has chased about 1 million people from their homes. Many had previously fled to the province from elsewhere in the country, and they are now trapped between the approaching battlefield and a sealed Turkish border to the north.

The offensive, waged during some of the worst winter weather in years, has offered a lesson in the endless ways young people

can be made to suffer — as victims of the violence, as war refugees or because of the awful things they have witnessed. Infants have died in the cold or suffocated in their tents as their parents try to keep them warm. Children have withered away because of severe malnutrition as their parents desperately search for food. In bedrooms or schoolyards, they have been blasted by airstrikes or artillery shells.

Parents who spoke to reporters during a rare visit to Idlib this week said their children have also struggled with the mental toll of the violence and have become withdrawn or alarmingly aggressive.

Everywhere in Idlib province there are children — cleaning their tent encampments, picking through trash for food and, when there is time, stealing a few moments to play.

Children account for more than half of the province's 3 million people, according to the group Save the Children, making them frequent targets of what human rights activists have said are indiscriminate attacks on civilians carried out by the Syrian government and its Russian allies.

The government of President Bashar al-Assad has justified its offensive in part by saying the campaign is aimed at defeating Islamist extremists who largely control Idlib province and nearby areas. Russia is trying to help its ally recapture all of Syria, nine years after a revolt erupted against Assad's rule.

Assad's forces have directly targeted children, including on Tuesday, when they attacked at least 10 schools in Idlib, according to the Syrian American Medical Society, or SAMS, which supports hospitals in the province. At least 20 civilians were killed in attacks throughout the day. Half were children, the group said.

#### Surrounded by death

"It feels like death is around us, everywhere," said Ikrem, a doctor at a maternal hospital in Idlib city supported by SAMS.

"There is no food. There are no houses. There is no good mental structure," she added. She asked that her last name not be published, because she expects Assad's forces will control Idlib province soon.

At least two newborns have frozen to death in recent weeks, she said. "Every day, there are large numbers of child injuries." Mothers arrive at the hospital after spending long periods in displacement camps, in "a very poor maternal condition," she said. Low birth weight and preterm babies are common.

In one of the hospital's incubators, an infant was recovering from severe hypothermia, doctors said. The boy's forehead was scarred with black splotches, as if he had been burned. The skin on his chest was peeling. The infant had no name, or none that the doctors were aware of.

His mother, named Dima, had died during childbirth about a month ago, along with the boy's twin sister. His father was displaced by fighting and had failed to find a warm place to shelter what remained of his family.

Ikrem said she had been struggling to reassure her own children that their house would not be bombed.

"I'm in a bad mental condition," she said.

Just as she spoke, warning alarms sounded in the hospital, indicating that warplanes were overhead. Other doctors rushed indoors.

Barely livable conditions Dozens of children have been sheltering for weeks with their families in two caves in Idlib's western countryside. When the families arrived, they had to excavate mounds of soil and rock to make the caves livable.

The caves are barely that. For weeks, there has been no heat. The moisture has given everyone chest infections. The conditions have been especially difficult for Shams, an 11-year-old girl with a heart defect that left her short of breath, even in the best conditions.

"It hurts here, when I walk," she said, placing her hand on her chest.

She talked about school; her favorite subjects had been Arabic and math. But there was no time for school now. There had not been for years. She had reached only the third grade.

"Their favorite subject now is bread," said Kamal Wilfi, a father in the cave who cradled his 5-year-old son, Mohammed. The boy suffers from a blood condition, and his growth has been stunted. In his father's arms, swaddled in a blanket, he looked no older than 2.

“His situation is not good,” the father said. They had just returned from a clinic, but Wilfi said he had not been able to afford the medicine that prevented his son’s seizures.

Outside the caves, laundry was suspended from a long line strung between olive trees. There was one toilet. There were snakes and scorpions in the fields. “We have killed many,” said Nazim, a 14-year-old boy. “Nothing here is good.”

No one thought they would be able to return home soon.

“Our hope is very weak,” said Ahmed Hassan, 16, who moved to one of the caves after spending weeks in a basement with his family. Before they had fled their town of Saraqeb, a shell landed behind his house, destroying a neighboring dwelling.

“Thank God that family was displaced,” he said, as other children huddled around him to listen.

The sounds of war

Walkie-talkies, carried by guards at the cave camp, crackle with the latest warning of an air attack.

“Don’t gather, children. Don’t gather,” a man urged, a warning as effective as telling the youngsters not to breathe.

Everywhere and always in Idlib, there is the thunderclap of shelling or the menacing roar of the jets.

The sounds of shelling rise above the din in the courtyard of the Future Generations orphanage in Idlib city, where workers try to distract children who have lost parents with songs and games.

Booms echo in the basement of the Idlib stadium, shaking Ibtisam Hamoudia, who survived an airstrike a few weeks ago and worries that her children will never be the same.

“It’s a kind of psychological injury,” she said as Hassan, her 8-year-old son, began shoving one of his sisters, again and again, until the sister began to cry. “They became aggressors,” their mother said.

The sounds of war also haunt the family of 2-year-old Mohamed Hassan Agha and his infant sister, Najjah Hassan Agha, who both died in an air attack on their home three weeks ago, according to Mouwaia Hassan Agha, a cousin.

A portion of the house, in the town of Sarmin, was still standing. The rest was reduced to nothing. In a video of the aftermath kept by Agha on his phone, grief-stricken family members and volunteers dart around the grounds, unsure where to look for the bodies. Seven members of the family were eventually pulled out, along with a neighbor.

Najjah was found in her mother’s arms, said her father, Fidaa Hassan Agha, who had been in another town when the bombs fell, trying to find temporary shelter for his family. Two of his siblings — a 10-year-old sister and a 13-year-old brother — were also among the dead, he said in a voice message sent from his tent. Mohamed’s body, he added, was dismembered.

His son had been terrified of the planes, his father recalled. When they circled, “he would run to me and try to hide.”

“In other things,” the father added, “he was courageous.”

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## Yemen

### **Yemen war: Saudi-led coalition forces face trials over violations (BBC)**

February 13, 2020

#### **The Saudi-led coalition fighting in Yemen says it has begun judicial proceedings against military personnel suspected of violating international humanitarian law.**

Spokesman Col Turki al-Maliki said judgements in the unspecified cases would be announced once reached.

UN experts have said the coalition may be responsible for war crimes.

They have also expressed concern about the independence of the unit set up by coalition to review alleged violations.

Yemen has been devastated by a conflict that escalated in March 2015, when the rebel Houthi movement seized control of much of the west of the country and forced President Abdrabbuh Mansour Hadi to flee abroad.

Alarmed by the rise of a group they believed to be backed militarily by Iran, Saudi Arabia, the United Arab Emirates and seven other Arab states began a campaign aimed at restoring Mr Hadi's government.

The UN had verified the deaths of at least 7,500 civilians by September 2019, with most caused by coalition air strikes. A monitor group has estimated that the fighting has killed 100,000 people, including 12,000 civilians.

At a news conference in London on Wednesday, Col Maliki reaffirmed the "coalition's commitment to the provisions and rules of international humanitarian law and to holding violators of the rules of engagement and violators of international humanitarian law - if any - in accordance with the laws and regulations of each country in the coalition", according to the official Saudi Press Agency.

The coalition had sent "files of the results of investigations of incidents of presence of a mistake and violation of the rules of engagement to the concerned countries", he said, adding that "the judicial authorities have begun the procedures of the trial".

The SPA report did not name any of the incidents, but the Guardian newspaper reported that air crew faced courts martial over three attacks:

- An air strike on Abs rural hospital in August 2016 that killed 19 people
- An air strike on a wedding in Bani Qayis in April 2018 that left 20 dead
- An air strike on a bus in Dahyan in August 2018 that killed at least 29 children

In September, the UN Group of Experts on Yemen said it had reasonable grounds to believe that individuals in Saudi-led coalition and Yemeni pro-government forces had conducted acts that may amount to war crimes, including:

- Attacks using indirect-fire weapons and small arms fire in violation of the principle of distinction
- Air strikes in violation of the principles of distinction, proportionality and precaution
- Murder, torture, cruel or inhuman treatment, rape, outrages upon personal dignity, denial of fair trial, and enlisting children under the age of 15 or using them to participate actively in hostilities

The report accused Houthi rebels of carrying out acts that may amount to war crimes, including direct attacks against civilians and indiscriminate attacks, as well as murder, torture, hostage-taking and enlisting children.

The experts also said a review of the coalition's Joint Incidents Assessment Team (JIAT), set up by Saudi Arabia to review alleged violations, had raised "concerns as to the impartiality of its investigations and the thoroughness and credibility of its analysis and findings".

The JIAT's assessment of the targeting process was "particularly worrying, as it implies that an attack hitting a military target is legal, notwithstanding civilian casualties, hence ignoring the principle of proportionality", it added.

**London firm requests arrest of UAE officials in connection with Yemen war crimes (Jurist)** By Jesse Lamp  
February 13, 2020

**London-based law firm Stoke White submitted evidence to the US, the UK and Turkey on Wednesday requesting the arrest of Mohammed Dahlan. Dahlan is "the key advisor to Crown Prince Mohammed bin Zayed Al Nahyan" of the United Arab Emirates, according to Stoke White's media brief.**

The brief presents an overview of the evidence submitted to the three countries by Stoke White, and relies heavily on a BuzzFeed news article. The brief explains that Abdullah Suliman Abdullah Daubalah and Salah Muslem Salem—on whose behalf the complaints were filed—were targeted for assassination in Yemen by Yemeni and UAE officials and hired mercenaries. The assassinations were allegedly in retaliation for the men's connections to the Yemeni Al-Islah political party which opposes the UAE government. "The complaint includes evidence of arbitrary detention, abuse and torture of individuals with perceived opposing political beliefs which were carried out in secret UAE run prisons in Yemen."

Stoke White has requested the arrests under the principle of universal jurisdiction, which it says grants the UK “jurisdiction to investigate and prosecute grave breaches as set out in the Geneva Conventions Act of 1957.”

**Saudi-led forces face trials over alleged war crimes linked to Fife arms firm (The Ferret)** By Billy Briggs  
February 20, 2020

### **Air crews with the Saudi-led coalition fighting in Yemen are facing Saudi legal proceedings for alleged war crimes linked to a US arms firm with a base in Scotland.**

The case is the first of its kind in the five-year conflict. Critics say the Saudis cannot be trusted to uphold justice.

Since the Yemen war began in 2015, the Ferret has highlighted war crime allegations linked to Paveway bombs made by US arms firm Raytheon, which has a factory in Glenrothes, Fife.

Court martial proceedings could take place regarding three attacks, including the bombing of a school bus, when 51 people died, including 40 children. Remnants of a Paveway bomb were found at the site.

In another attack in April 2018, an airstrike by the Saudi-led coalition hit a wedding party, killing at least 20 people.

Around 30 children were among the hurt. Some lost limbs.

Photographs taken at the site revealed the remains of a GBU-12 Paveway II-guided bomb, made in the US by Raytheon.

The third air strike hit a hospital run by Medecins Sans Frontieres (MSF) in northern Yemen, killing 19 people. Again, remnants of a Paveway bomb were recovered.

Saudi coalition spokesman Colonel Turki al-Maliki said in London that the “procedures of the trial” had begun, with judgments to be revealed later.

The announcement was a U-turn after the Saudis initially defended the wedding bombing. But critics said they had little faith in the regime to investigate properly.

The Saudi regime has shown it can't be trusted to uphold the human rights of Saudi people, so how can it be trusted to investigate itself for war crimes?

Andrew Smith, of Campaign Against Arms Trade, said: “If people are being held accountable, that is to be welcomed, but there is no reason to think justice will be done.

“The Saudi regime has shown it can't be trusted to uphold the human rights of Saudi people, so how can it be trusted to investigate itself for war crimes?

“Over the last five years, the Saudi regime has shown a total disregard for international humanitarian law and the rights and lives of Yemeni people.

“It is not just the Saudi military that bears responsibility for these abuses. So do those that have continued to arm and support this terrible war.

“These terrible attacks would not be possible without the weapons provided by Raytheon and other shameless arms dealers.

“Time and again, Raytheon has shown there is no low it won't sink to in order to make a profit. It is long past time for Westminster to stop the arms sales and for the Scottish Government to end its financial support for this appalling company.”

MSF said: “More than three years later, this measure, if confirmed, seems far from providing full accountability for that incident, and it can hardly be seen as providing assurances that it will not be repeated.

“In the last five years, MSF facilities in Yemen have been hit several times. Under international humanitarian law, and simple humanity, it is the responsibility of armed parties to ensure that medical facilities are not attacked.”

Scottish Greens co-leader Patrick Harvie MSP said: “The Saudi-led coalition claims its air crews will face court martial but its words ring hollow while it continues to inflict this humanitarian catastrophe on the people of Yemen.

“Until this offensive ends, and independent investigations take place, it will be impossible to assess the full scale of brutality and illegality.

“The Scottish Government’s continued relationship with Raytheon is abhorrent and must end.”

Last Saturday, 31 people were killed in air strikes on Yemen, the United Nations said.

The violence follows an upsurge in fighting in northern Yemen between the warring parties that threatens to worsen the war-battered country’s humanitarian crisis.

The escalation follows fierce fighting around the Houthi-held capital, Sanaa, with the rebels seen to be advancing on several fronts towards Al-Hazm, the regional capital of Al-Jawf.

**UN Security Council approves resolution on Yemen sanctions (AP)** By Edith M. Lederer  
February 25, 2020

**The U.N. Security Council approved a resolution Tuesday extending targeted sanctions for war-torn Yemen following contentious negotiations among the council’s member nations.**

Among the disputes had been whether to refer to U.N. experts’ findings that Yemen’s Houthi Shiite rebels are receiving parts for drones and weapons, some with technical characteristics similar to arms manufactured in Iran.

Britain, which drafted the resolution, and the U.S. and other Western nations supported the inclusion of the experts’ findings, but Russia and China objected. The much-revised British draft that was put to a vote and approved 13-0 eliminated all references to the Houthis and Iran, but Russia and China said their demands still were not fully met and abstained.

That appeared to surprise Britain and its Western allies who thought after last-minute negotiations into the early afternoon that all 15 council members would vote “yes.”

British Ambassador Karen Pierce expressed disappointment, saying, “If countries are going to engage in negotiations with us in detail and then not support the text, then that in my mind is sharp practice.”

In a broader comment clearly aimed at Russia, she warned against the threat of a veto becoming “simply a negotiating tactic,” stressing the need for compromise to ensure the Security Council meets its responsibilities to ensure international peace and security.

France’s ambassador, Nicolas de Riviere, said a compromise solution was found to maintain the unity of the council, and “it is therefore all the more regrettable that this unity dropped away at the time of the vote.”

He said resolutions are “the fruit of compromise” and no member should expect to get all their demands.

Russian Ambassador Vassily Nebenzia countered that “our objections to a host of provisions of the British past draft” were raised during negotiations and a number were taken into account only on Tuesday.

He said provisions in the text still “go beyond the objectives of this resolution,” and Russia was presented with “a take-it-or-leave-it approach which does not allow for compromise.”

“We cannot agree to that kind of approach,” Nebenzia said.

He said the council needs to avoid divisions when the situation in Yemen requires collective effort to help achieve a cease-fire and start political negotiations and restore peace. “This could have been agreed to calmly without drama,” Nebenzia said.

Yemen, the Arab world’s most impoverished country with a population of 26 million, plunged into war in 2014 after the Iranian-backed Houthis took over the capital of Sanaa. The internationally recognized government fled and sought support from neighboring Gulf countries.

In March 2015, a Saudi-led, U.S.-backed military coalition began what has turned into a devastating war that has killed more than 10,000 people, displaced 2 million and created the world’s worst humanitarian disaster.

The resolution expresses concern at “violence and enforced disappearances, and threats arising from the illicit transfer, destabilizing accumulation and misuse of weapons.” It reiterates the need for dialogue and reaffirms “the need for the full and timely implementation of the political transition” following a national dialogue.



The panel of experts said in a recent report that the main smuggling route for both commercially available drone parts and weapons “seems to run overland from Oman and the southern coast of Yemen, through territory controlled by the government of Yemen, towards Sanaa,” which is controlled by the Houthis.

No mention is made of that in the resolution, which also doesn’t refer to the experts’ finding that some parts for the drones and weapons are similar to those manufactured in Iran.

The resolution does ask the U.N. panel to report on “commercially available components which have been used by individuals and entities” on the U.N. sanction blacklist “to assemble unmanned aerial vehicles, water-borne improvised explosive devices, and other weapons systems.”

Rodney Hunter, political coordinator for the U.S. Mission, expressed hope that “this information will help member states and private companies exercise greater vigilance over the transfer of these items to Yemen.”

The experts said the parts and weapons potentially violate a U.N. arms embargo. The resolution calls on all countries “and other actors to comply with the targeted arms embargo.”

In one reference to the Houthis, the council expresses “serious concern at the devastating humanitarian situation in Yemen and all instances of undue hindrances to the effective delivery of humanitarian assistance, including the recent interference in aid operations in Houthi-controlled areas as well as obstacles and the undue limitations on the delivery of vital goods to the civilian population occurring throughout Yemen.”

The only other reference in the resolution calls for access “without delay” for the U.N. to inspect and maintain the oil tanker Safer, which is moored off Yemen’s main port of Hodeida in the Houthi-controlled north and poses “environmental risks.”

Hunter said this first mention of the Safer by the council in a resolution “reflects the international community’s deep concern about the chance that this tanker could rupture, causing an environmental disaster in the Red Sea.” He accused the Houthis for not providing the U.N. with access to the vessel.

The resolution extends the targeted sanctions until Feb. 26, 2021, and the mandate of the U.N. experts until March 28, 2021.

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## **Special Tribunal for Lebanon**

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

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## **Israel and Palestine**

**Why the Palestinian case at The Hague took a big hit this past week (The Times of Israel)** By  
Raphael Ahren  
February 21, 2020

**The notion that “Palestine” is a full-fledged state that can grant jurisdiction to the International Criminal Court was dealt a serious blow over the past week, as seven countries and many scholars of international law argued that the issue was not as simple as the Palestinians and their supporters would like to make it seem.**

Even some countries that have formally recognized the “State of Palestine” along the pre-1967 lines argued that Palestine cannot necessarily be considered to have validly granted the ICC jurisdiction to probe war crimes allegedly committed on its territory.

Germany, Australia, Austria, Brazil, the Czech Republic, Hungary and Uganda last week submitted written documents to The Hague, each asking to become an *amicus curiae* — a “friend of the court” that is not a party to the case but wants to offer its views. They all posited that Palestine cannot transfer criminal jurisdiction over its territory to The Hague.

Not a single country filed a request to argue the opposite.

“I have spoken with several leaders from these countries and, along with international organizations and leading experts in the world, they have expressed a clear stand that the international court has no authority to discuss the conflict between the State of Israel and the Palestinians,” Prime Minister Benjamin Netanyahu said Sunday.

“The fact that many countries have lined up alongside us... is a fact that certainly needs to encourage every friend of Israel around the world and every citizen of Israel.”

Professionals, too, stressed the importance of having several countries backing Israel’s position at the ICC.

“It is significant that even states like Brazil and Hungary, that have nominally recognized Palestine, raise serious doubts about the court’s jurisdiction,” said Tel Aviv-based attorney Daniel Reisner, who headed the Israeli army’s international law department between 1995 and 2004 and served several governments as legal adviser and negotiator in various rounds of peace talks.

In his position as vice president of the International Association of Jewish Lawyers and Jurists, Reisner was one of dozen experts who also filed *amicus* requests to the court.

“Issues like the fact that recognition can be symbolic [but] not legal, that the territory of the Palestinian entity is undetermined and subject to negotiation, and just the exceptional degree of controversy and uncertainty surrounding this entire question, all make the case for ICC jurisdiction highly doubtful even for recognizing states,” he said. On December 20, the ICC’s chief prosecutor, Fatou Bensouda, said she had concluded her half-decade-long preliminary examination of the “situation in Palestine” and has “reasonable basis to believe that war crimes were committed” by both the Israel Defense Forces and Hamas and other “Palestinian armed groups.”

At the same time, she acknowledged that The Hague may not have the jurisdiction to deal with Israel/Palestine. Hence, she asked for a ruling by three ICC judges to determine the scope of the court’s territorial jurisdiction.

The prosecutor herself believes “Palestine,” which acceded to the Rome Statute, the ICC’s foundational document, in early 2015, is enough of a state for the purposes of transferring criminal jurisdiction over its territory to the court.

Israel has long argued that the ICC lacks jurisdiction over the case not least because there is no sovereign Palestinian state that could delegate to the court criminal jurisdiction over its territory and nationals.

It is now up to a so-called pre-trial chamber to rule on the matter. The three judges of this chamber — Péter Kovács of Hungary, Marc Perrin de Brichambaut of France and Reine Adélaïde Sophie Alapini-Gansou of Benin — invited “Palestine, Israel, and victims in the Situation in the State of Palestine, to submit written observations” on the matter by March 16.

Jerusalem has not yet decided whether it will make a formal submission, but it is widely expected to refrain from doing so, lest it be seen as legitimizing a process Israeli leaders have denounced as absurd, unfair, illegal and anti-Semitic.

States, as well as private groups or organizations, could apply for *amicus curiae* status by last Friday.

While not a single country filed such a request arguing in favor of jurisdiction, the Arab League and the Organization of Islamic Cooperation did submit *amicus curiae* observations saying that Palestine is of course a sovereign nation and that the ICC can proceed with launching an investigation into the Israeli-Palestinian conflict.

“The [Arab] League would submit that, as a matter of international law, the State of Palestine is the sole sovereign over this territory. The status of occupation over the territory of Palestine has been universally recognized,” the Cairo-based organization said in its application.

The Organisation of Islamic Cooperation, which is headquartered in Jeddah, Saudi Arabia, said it would highlight the “historical aspects of the Question of Palestine and the injustices the Palestinian people have been subject to,” including the 1917 Balfour Declaration and 1947 UN Partition Plan, “which determined the historical founding contours of the State of

Palestine and Palestinian sovereignty rights.”

But these umbrella groups mainly represent themselves and not their member states, very few of which are members of the court, and can be expected to influence the three judges of the pre-trial chamber much less than the powerful and democratic Western nations that spoke out against the court’s jurisdiction.

In their amicus requests — which are merely an application to submit more detailed legal argumentation — the various countries differ in their arguments and in the depth at which they would make their case to the pre-trial chamber.

“Palestine does not possess nor did it ever possess the jurisdiction that it would need to delegate to the Court in order for the Court to exercise jurisdiction”

Australia, for instance, sufficed by stating that it does not recognize the State of Palestine and “does not have any relationship” with it under the Rome Statute, and that it would submit observations relevant to jurisdiction.

Germany — one of the biggest supporters of the court — offered a more detailed preview of its argumentation. Berlin’s amicus request, signed by the Foreign Ministry’s legal adviser, starts by stressing that Germany was “a staunch supporter” of the ICC and noting that it has long been a proponent of a two-state solution to the Israeli-Palestinian conflict.

But, it argued, “The scope of the Court’s territorial jurisdiction pursuant to Article 12 of the Rome Statute does not extend to the occupied Palestinian territories. Article 12 of the Rome Statute presupposes that there is a “State” that has the ability under international law to delegate territorial jurisdiction to the Court with respect to the relevant cases.

“Palestine does not possess nor did it ever possess the jurisdiction that it would need to delegate to the Court in order for the Court to exercise jurisdiction.”

Austria noted that it had voted in favor of Palestine’s membership in UNESCO in 2011 and in favor of granting it non-member observer state status in the UN General Assembly in 2012. It also acknowledged that it did not protest Palestine’s accession to the Rome Statute in 2015.

However, its amicus request stressed that this does not mean Palestine was a state that can convey jurisdiction to the court, and that “even if there was jurisdiction, the concrete scope of territorial jurisdiction would be doubtful.”

Brazil recognized Palestine, but now opposes ICC jurisdiction

The Brazilian submission starts off by emphasizing a “permanent interest to shield the ICC from undue political interference,” warning the court that any decision “that would make political use of the Rome Statute” would undermine its credibility and legitimacy.

The Latin American country notes that it itself recognized a Palestinian state in 2010, but adds that its “unilateral and discretionary act of recognition of the State of Palestine does not entail erga omnes affect” — the idea that one country’s stance toward Palestinian statehood obligates the rest of the world to accept that view. “As a matter of fact, under international law, recognition [is] not constitutive for third states not involved in the act of recognition,” Brasilia’s application, signed by its ambassador to The Netherlands, argues. “Additionally, the mere accession to an international treaty does not necessarily determine that the State Party is a sovereign State under international law.”

The ICC considers itself a “court of last resort” that should only get involved in cases where its jurisdiction is undisputed, the Brazilian document goes on, warning against an “undue expansion of the reach of international criminal law.”

Echoing Israel’s own arguments about the ICC’s involvement, Brazil goes on to argue that the “complex Israeli-Palestinian question needs to be addressed through political dialogue between the parties and not through an international criminal process, which would be detrimental to both justice and peace.”

Hungary, too, noted that it had previously recognized a Palestinian state, in 1988. “However,” its application states, “it is the Hungarian position that the territorial boundaries shall be settled through direct negotiations between the parties.”

Furthermore, the submission, signed by Foreign Minister Péter Szijjártó, states that Budapest “has doubts that Palestine fulfills all the constitutive elements of statehood, and hence the territorial jurisdiction of the Court does not necessarily extend to ‘occupied Palestinian territories.’”

The Hungarians also refer to the 2012 UN General Assembly vote that conferred “non-member observer State status” upon Palestine with an overwhelming majority — 138 countries voted in favor; 9 against and 41 abstained — positing that it “did not provide a clear answer regarding the question of statehood.”

Rather, Resolution 67/19 was a “mere procedural issue” and “did not constitute a recognition of Palestinian Statehood,” Budapest insisted.

The fact that Hungary submitted an amicus request is particularly noteworthy, given that one of its nationals, Péter Kovács, is one of three judges of the pre-trial chamber.

The Czech application says the question of Palestinian statehood needs to be analyzed “in accordance with general international law,” and cites the 1933 Montevideo Convention on the Rights and Duties of States, which has traditionally been recognized as the benchmark for determining what constitutes a state under international law.

According to the convention’s first article, a state needs to possess the following qualifications: a permanent population; a defined territory and government; and the capacity to enter into relations with the other states.

“It has been a long-standing position of the Czech Republic that Palestine has not fulfilled yet all criteria of statehood under international law,” the application, signed by Foreign Minister Tomas Petricek, states. While Prague supports the Palestinians’ aspiration for independence, the fact that Palestine cannot be considered a state raises “doubts” regarding the ICC’s jurisdiction over the West Bank and Gaza, the document concludes.

Uganda’s amicus application expresses “concern” over the prosecutor’s intention to have the pre-trial chamber issue a ruling on “controversial and political issues of territory and borders, which both parties in the present context agreed to resolve through direct negotiations.”

Territorial borders between Israel and Palestine need to be determined by Israelis and Palestinians and cannot be subjected to the Court’s jurisdiction,” Kampala’s submission argues. “Uganda further believes that the Court, as a criminal body, is fundamentally ill-suited and ill-placed to make determinations of such nature.”

In addition to the seven states, dozens of individual scholars and NGOs — from both sides of the argument — have submitted their own amicus requests. Most of them repeat, in one form or another, the same arguments vis-a-vis the court’s jurisdiction, or the lack thereof.

Some of the names of applicants will sound familiar to people who stay up-to-date on news of the Israeli-Palestinian conflict.

Canadian professor of international law William Schabas, for instance, in 2014 was appointed to head the UN Human Rights Council’s probe into that year’s Israel-Gaza war. He later resigned from the inquiry after it emerged that he had received \$1,300 for a legal opinion he wrote in 2012 for the Palestine Liberation Organization.

In his amicus request, Schabas argues that once Palestine was accepted as a State Party to the Rome Statute, no one, including the ICC pre-trial chamber, has the authority to challenge that fact. And as a State Party, Palestine clearly fulfills the criteria of statehood required, he posits.

It is true that the territorial borders of said state are yet undetermined, Schabas allows. However, he adds, “uncertainty about borders” cannot prevent the ICC from exercising its jurisdiction over a country.

“At this stage in the proceedings it would be wise for the Court to confine itself to generalities about territory,” he writes.

Another well-known personality offering his views is Richard Falk, who served as UN special rapporteur on human rights in the Palestinians territories between 2008 and 2014. Unsurprisingly, he argues that the ICC of course has jurisdiction over the “situation in Palestine,” citing, among other things, the “diplomatic recognition of Statehood by a reported 130 governments.”

Statehood is “a complex concept under international law,” Falk acknowledges, but adds that refusing to recognize the State of Palestine as a state for the purposes of the Rome Statute “would lead to certain legal absurdities within the Statute’s framework.” Falk called the Oslo Accords — the 1990s framework that granted the Palestinians full autonomy in one of three parts of the West Bank — an agreement “of dubious legal value” that does not compromise the Palestinians’ authority to transfer to The Hague criminal jurisdiction over the entirety West Bank.

Dennis Ross, the former US diplomat who helped Israelis and Palestinians negotiate the Oslo Accords, says in his amicus application that some of the ICC prosecutor’s assumptions about the agreement are incorrect.

Bensouda, in her January 2020 statement about seeking to investigate possible war crimes committed in the West Bank and Gaza, argued that Oslo “only limited the enforcement powers of the Palestinian Authority (PA), without affecting powers that are considered vital to Palestine’s capacity to vest the Court with jurisdiction,” Ross writes.

The prosecutor further argues that limitations Oslo places on the Palestinians do not preclude ICC jurisdiction because parts of it “could be considered to violate the right of the Palestinian people to self-determination.”

But these arguments “fail to accurately capture the understandings between the parties and the dynamics and context of the negotiations,” Ross claims, vowing to “set the factual and legal record straight.”

Another applicant who argues that the prosecutor got the facts wrong is preeminent British international law expert Malcolm Shaw, whose works she cited nearly 20 times in her request to open an investigation. His position is particularly noteworthy because the prosecutor relied on

Shaw to make her case in favor of opening a war crimes probe in Palestine. Shaw argues that Bensouda, in her argumentation about Palestinian statehood and the court’s jurisdiction, arrived at certain conclusions that “may not accurately flow from the accepted principles of international law.” Hence he insists that “it cannot be properly concluded that the Court has territorial jurisdiction with regard to the “Occupied Palestinian Territory.”

More than 40 amicus requests were filed to the court. All but two applicants, who missed the February 14 deadline, were informed on Thursday that they can submit observations of up to 30 pages to the court by March 16. Bensouda has two weeks to respond in a consolidated document of not more than 75 pages, and then the file will go to the pre-trial chamber, which is expected to issue a final ruling within 120 days.

It is impossible to predict to what extent, if at all, the amicus submissions will influence the judges. They could dismiss all the arguments against Palestinian statehood and jurisdiction and embrace those in favor. But the fact that a handful of important countries, as well as some intellectual heavyweights, spoke out in support of Israel’s position must have certainly caused some serious consternation in Ramallah.

### **Israel Strikes Militants in Syria and Gaza After Clash Over Body at Border (The New York Times)**

By David M. Halbfinger

February 23, 2020

#### **A macabre tug of war over the body of a Palestinian militant on the Gaza-Israel border, captured Sunday on video in broad daylight, prompted a barrage of rocket fire from Gaza met by retaliatory Israeli airstrikes late Sunday.**

Israel’s use of heavy machinery to retrieve a militant’s body earlier in the day drew harsh criticism even within the country. But Israel’s hawkish defense minister, Naftali Bennett, defended the army’s seizure of the body as appropriate, suggesting it could be used as a bargaining chip to recover the remains of two Israeli soldiers who have been held in Gaza since 2014.

The day of tensions began around 6:30 a.m. when, Israel said, its soldiers spotted two militants from the Palestinian Islamic Jihad group placing an explosive near the border east of Khan Younis, in southern Gaza. Israel later released a surveillance video that it said showed the two men approaching the fence, and a photo of the explosive.

Palestinian Islamic Jihad’s armed wing has repeatedly tried to provoke violence between Israel and Gaza in recent months. But Prime Minister Benjamin Netanyahu of Israel has tried mightily to maintain quiet before elections set for March 2. According to a rival lawmaker, Avigdor Liberman, Mr. Netanyahu even sent the chief of the Mossad, the Israeli spy agency, and a top general to Qatar to implore Qatari leaders to continue cash infusions to Hamas, the militant group that governs Gaza, to help keep the peace.

In the clash at the Gaza-Israel border early Sunday, Israeli forces fired an antitank weapon at the two militants. One was killed, the other wounded, Gaza officials said. Palestinian Islamic Jihad identified the dead man as Muhammad al-Naem, 27, a member of its military wing.

An Israeli military spokesman said the two militants had been on Israeli soil, despite the fact that they were on the Gaza side of the Israeli security barrier. The barrier itself lies slightly inside Palestinian territory. The militants were making at least their third attempt to plant explosives at the fence, the military said.

Soldiers had to be sure the dead man had not been wearing a suicide vest or carrying other explosives, the spokesman said, so Israel sent in heavy machinery to collect the man’s body.

But a crowd of Palestinian onlookers rushed forward to try to recover it, and rather than retreat, the front-end loader kept at its task. Israeli soldiers shot at the Palestinians, wounding at least one. While other Palestinians carried off the injured man, the Israeli machine repeatedly scraped at the earth, trying to catch the dead man’s body in the teeth of its scoop. When it had done so and turned back toward Israel, its retreat covered by a tank, the body could be seen dangling.

The images prompted Palestinian Islamic Jihad to vow revenge, and just after 5:30 p.m., the first of several rocket barrages was fired into Israeli territory. Israel waited till after 10 p.m. before retaliating with airstrikes and quickly said it had hit a

rocket-launching team. The Israeli military said it had targeted Palestinian Islamic Jihad with airstrikes in Syria and the Gaza Strip.

The scene at the border drew harsh criticism even within Israel. Adalah, the Legal Center for Arab Minority Rights in Israel, sent a letter to the Israeli chief military advocate general demanding a criminal investigation. It called the rough handling of the body a war crime and a “blatant” violation of international criminal law, human rights and humanitarian law.

Yariv Oppenheimer, a former director of the Israeli advocacy group Peace Now, called it “shameful and shocking,” adding, “All the atrocities and crimes we do will be in vain, boomerang.”

And Ofer Cassif, a Jewish lawmaker from the predominantly Arab Joint List, called the “abduction” of the body “an act of vampirism and of nauseating blood thirst.”

“This is what Netanyahu and Bennett have to offer: siege, killing and the abduction of bodies,” he wrote on Twitter. “We must put an end to their death festivities.”

Mr. Bennett, a right-wing lawmaker who was named defense minister in November, responded on Twitter that he was “tired of the hypocritical criticism of the left against the ‘inhumanity’ of using the bulldozer to bring us the body of a terrorist who tried to murder (!) Israelis.”

Rather, he said, it was the liberals who were inhumane.

“ Hamas holds the bodies of Hadar and Oron,” he wrote referring to the bodies of the two Israeli soldiers, Lt. Hadar Goldin and Sgt. Oron Shaul, that Hamas has been holding. “I back up the army that killed the terrorists and collected the body. That is how it should be done. Against terrorists we will act with force.”

But Elinor Levy, an Israeli reporter who covers Palestinian affairs, assailed what he called Mr. Bennett’s “glorification of grabbing a tattered body of a wretched terrorist.” Pointing to the rockets, he added: “What do you think, Minister of Defense? Was it worth it?”

Mr. Bennett declared on Nov. 27 that Israel would no longer release the bodies of slain assailants no matter which group they belonged to. Until that point, Israel had routinely withheld the remains only of slain Hamas militants because Hamas is holding the bodies of the two Israelis. Hamas is also believed to be holding two Israeli citizens, Avera Mengistu and Hisham al-Sayed. Both went into Gaza as civilians of their own accord and have been held there incommunicado for years.

The border episode on Sunday came just two days after another scene involving an Israeli bulldozer elicited outrage.

**Israel slammed for 'necroviolence' on bodies of Palestinians (Al Jazeera)** By Linah Alsaafin  
February 24, 2020

**Israel's use of "necroviolence" on bodies of Palestinians has been condemned as part of its policy to exert further control over the people living in the occupied territories.**

On Sunday, a video that went viral on social media showed an Israeli bulldozer violently scooping up the body of a Palestinian who had been shot by Israeli forces east of Khan Younis in the southern Gaza Strip.

Israeli authorities alleged that the man, identified as 27-year-old Mohammed Ali al-Naim - a member of the Palestinian Islamic Jihad (PIJ) movement, was attempting to plant an explosive device near the Israeli fence.

The video showed a group of Palestinians running forward with a wheelbarrow to try to carry al-Naim's body, as well as another man who was wounded, back from the fence but they were also targeted by Israeli soldiers.

At least two men were shot in the legs, according to Gaza's health ministry.

Muthana al-Najjar, the journalist who shot the video, said the Israeli bulldozer, which was accompanied by a Merkava tank, ran over al-Naim's body and tried several times to pick it up with its blade before taking it back to the Israeli side as the body dangled from the edge of the blade.

"Desecrating the dead body of a young unarmed man on the borders of the Gaza Strip in front of the cameras of the whole world is a heinous crime that adds to the occupation's list of crimes against our Palestinian people," said Fawzi Barhoum, a spokesman for the Hamas movement that governs the Gaza Strip, in a press statement.

According to Budour Hassan, a legal researcher with the Jerusalem Legal Aid and Human Rights Center (JLAC), this

necroviolence - the act of humiliating human bodies - is a means of exerting control over bodies of the Palestinians.

"We see it as an extension of an entire policy designed by Israel to control bodies of Palestinians," Hassan told Al Jazeera.

The word necroviolence, Hassan added, is borrowed from anthropologist Jason De Leon's book, *The Land of Open Graves*, in which he coined the term to describe the mistreatment of bodies of migrants who crossed the US border from Mexico. Hassan added that while desecrating Palestinian bodies was not exceptional to the Israeli forces, the video of the incident was a rare instance where it was carried out publicly.

"Israel carries out similar forms of humiliation on bodies silently in morgues or in the cemeteries of numbers," she explained, referring to mass graves marked with numbers etched on metal plates rather than names.

The cemeteries are situated in secret locations that Israel has deemed closed military zones. Some of the bodies have been there since the 1967 war.

Furthermore, the Abu Kabir Forensic Institute in Tel Aviv, which holds bodies of Palestinians killed in alleged attacks on Israelis, is notoriously known as the place where Palestinian organs and body parts have been harvested.

### Collective violence

According to JLAC and Adalah Legal Center for Arab Minority Rights, an NGO, Israel is the only country in the world that has a policy of confiscation of human remains, where it relies on regulations dating back to 1945 (during the British Mandate) as grounds for its policy.

In September 2019, the Israeli High Court approved the practice after several legal cases were brought against the state. According to Adalah, the ruling stated that emergency regulations allowed the Israeli military to order temporary burial of Palestinians classified as enemies "based on considerations that take into account state security, civil order, and the need to negotiate for the return of the bodies of Israeli soldiers".

However, international law considers the practice a violation of human rights. According to the Geneva Conventions, the parties of an armed conflict must bury the deceased in an honourable way, "if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognised".

Ramy Abdu, the founder of the Euro-Mediterranean Human Rights Monitor, said Israel withholding bodies of Palestinians is an act of collective violence that is considered a war crime.

"The Israeli authorities have repeatedly adopted a policy of withholding Palestinian bodies, which blatantly contradicts several international conventions," Abdu told Al Jazeera. "Articles in the Geneva Conventions assure the necessity of burying the bodies of deceased detainees or those who were killed with respect according to procedures that are appropriate with their religious culture," he added.

### 'Dehumanising Palestinian bodies'

According to the JLAC, 52 bodies of Palestinians have been detained by the Israeli government as part of a cabinet decision in 2016. A further 18 bodies were also detained by Israel from the 2014 Israeli offensive on the Gaza Strip, whereas the cemeteries of numbers hold at least 253 bodies.

"There are two branches to this policy," Hassan said. "One is the legalised violence that is approved by the Israeli High Court, and the other is the violence practised by the Israeli army. Both follow the same pattern of dehumanising Palestinian bodies."

It is widely known that Israel employs the practice as a tactic for leverage in negotiations. In 2012, Israel released bodies of 90 Palestinians in a gesture for reviving peace talks. Between 2013 and 2014, some 27 bodies were returned.

Speaking about Sunday's incident, Israeli Defence Minister Naftali Bennett confirmed the bulldozer was used to "collect" al-Naim's body. He said he intended to keep the bodies from Gaza to use as bargaining chips with "Palestinian militants" in body-swap deals, and slammed the uproar over withholding al-Naim's body as the "hypocritical criticism of the left".

"I back the IDF that killed the terrorist and collected the body," he said in a post on Twitter. "This is how it should be done, and this is how it will be done."

Hassan said while Bennett's comments are not surprising, they are interesting in the way "it justifies the extent to which Palestinians have been dehumanised in Israeli media and by Israeli officials which is a culmination of the whole system of necroviolence that is being exerted on Palestinians".

In a letter sent to the Israeli chief military advocate general, Adalah called for a criminal investigation of the incident, and termed the manhandling of the body a "blatant" violation of international criminal law, human rights and humanitarian law.

"The Israeli Supreme Court has likewise recognised in past rulings that harm to the dignity of the deceased is a violation of Israel's basic law: human dignity and liberty," the centre said.

Aida Touma-Sliman, a Palestinian Israeli member of Knesset representing the Hadash party - a part of the Joint List alliance, called Bennett "the minister of death and brutality".

"They steal a body, abuse it with a bulldozer and still argue that the army is the most moral in the world," she said. "Since Bennett took office as defence minister, hoarding bodies to bargain with is Israel's declared policy."

Ofer Cassif, another Joint List parliamentarian, called the abduction of a body as "the nauseating, blood-thirsty act of vampirism".

"Here is what [Israeli Prime Minister] Netanyahu has to offer: Siege, killing and abducting bodies," Cassif wrote on Twitter. "We need to put an end to their celebration of death."

### **Netanyahu, Trump, and Kushner Named in 'War Crimes' Lawsuit Filed by Palestinians in US Court (Common Dreams)** By Eoin Higgins

February 26, 2020

**A Washington attorney on Tuesday filed suit against U.S. President Donald Trump, Israeli Prime Minister Benjamin Netanyahu, New York Governor Andrew Cuomo, U.S. Ambassador David Friedman, White House advisor Jared Kushner, and others for their involvement in "the denationalization and dehumanization of the Palestinian population" in occupied Palestine.**

The 175-page suit (pdf), filed on behalf of a group of Palestinians and Americans, claims that the actions of the defendants, most of whom are U.S. and Israeli officials, "have aided and abetted the commission of numerous war crimes and crimes against humanity."

Attorney Martin F. McMahon in the lawsuit describes a long strategy to disenfranchise the Palestinian people by using the levers of power in the federal government, state governments like New York, and groups like AIPAC to deaden criticism of the Israeli regime's treatment of the Palestinian people.

"If AIPAC was active during the colonial days," writes McMahon, "patriot Tom Payne would have been hanged for advocating independence for the colonies."

Americans should not find the actions of the Israeli government too alien, McMahon says, because the treatment of the Palestinians is analogous to the behavior of U.S. empire:

For most Americans, the concepts relied upon by the Palestinian Plaintiffs in this case (i.e. ethnic cleansing, genocide, denationalization, and dehumanization) are foreign concepts not part of normal American vernacular. However, these concepts are as American as apple pie. The indigenous American Indian population and the African slaves brought to America have been victimized by these identical war crimes. Each group has been subject to ethnic cleansing, genocide, expropriation of private property, confinement to reservations and ghettos, wholesale denial of their fundamental freedoms, subjected to a biased criminal justice system, and deemed to be irrelevant and disenfranchised members of American society.

McMahon has in the past sued other foreign governments and entities in federal court. In 2019, the lawyer brought a \$1 billion suit against Israeli settlers and their American backers to the D.C. District Court. Earlier in February, McMahon filed suit against Libyan military commander Khalifa Haftar on behalf of families killed by Haftar's militias.

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**Gulf Region**



## **Yemen war: Saudi-led coalition forces face trials over violations (BBC)**

February 13, 2020

### **The Saudi-led coalition fighting in Yemen says it has begun judicial proceedings against military personnel suspected of violating international humanitarian law.**

Spokesman Col Turki al-Maliki said judgements in the unspecified cases would be announced once reached.

UN experts have said the coalition may be responsible for war crimes.

They have also expressed concern about the independence of the unit set up by coalition to review alleged violations.

Yemen has been devastated by a conflict that escalated in March 2015, when the rebel Houthi movement seized control of much of the west of the country and forced President Abdrabbuh Mansour Hadi to flee abroad.

Alarmed by the rise of a group they believed to be backed militarily by Iran, Saudi Arabia, the United Arab Emirates and seven other Arab states began a campaign aimed at restoring Mr Hadi's government.

The UN had verified the deaths of at least 7,500 civilians by September 2019, with most caused by coalition air strikes. A monitor group has estimated that the fighting has killed 100,000 people, including 12,000 civilians.

At a news conference in London on Wednesday, Col Maliki reaffirmed the "coalition's commitment to the provisions and rules of international humanitarian law and to holding violators of the rules of engagement and violators of international humanitarian law - if any - in accordance with the laws and regulations of each country in the coalition", according to the official Saudi Press Agency.

The coalition had sent "files of the results of investigations of incidents of presence of a mistake and violation of the rules of engagement to the concerned countries", he said, adding that "the judicial authorities have begun the procedures of the trial".

The SPA report did not name any of the incidents, but the Guardian newspaper reported that air crew faced courts martial over three attacks:

- An air strike on Abs rural hospital in August 2016 that killed 19 people
- An air strike on a wedding in Bani Qayis in April 2018 that left 20 dead
- An air strike on a bus in Dahyan in August 2018 that killed at least 29 children

In September, the UN Group of Experts on Yemen said it had reasonable grounds to believe that individuals in Saudi-led coalition and Yemeni pro-government forces had conducted acts that may amount to war crimes, including:

- Attacks using indirect-fire weapons and small arms fire in violation of the principle of distinction
- Air strikes in violation of the principles of distinction, proportionality and precaution
- Murder, torture, cruel or inhuman treatment, rape, outrages upon personal dignity, denial of fair trial, and enlisting children under the age of 15 or using them to participate actively in hostilities

The report accused Houthi rebels of carrying out acts that may amount to war crimes, including direct attacks against civilians and indiscriminate attacks, as well as murder, torture, hostage-taking and enlisting children.

The experts also said a review of the coalition's Joint Incidents Assessment Team (JIAT), set up by Saudi Arabia to review alleged violations, had raised "concerns as to the impartiality of its investigations and the thoroughness and credibility of its analysis and findings".

The JIAT's assessment of the targeting process was "particularly worrying, as it implies that an attack hitting a military target is legal, notwithstanding civilian casualties, hence ignoring the principle of proportionality", it added.

## **US, UK, Turkey asked to arrest UAE 'war crimes' suspects (New Europe)** By Elena Pavlovska

February 13, 2020

### **The United Kingdom, Turkey and the United States have been asked to open investigations into alleged war crimes by the United Arab Emirates in Yemen in 2015**

**and 2019.**

They have also been asked to arrest UAE officials, by the British law firm Stoke White, who filed the complaints to the Metropolitan Police in London, the US Department of Justice and Turkey's Ministry of Justice.

Stoke White filed the complaints on behalf of Yemeni journalist Abdullah Suliman Abdullah Daubalah, who claims he was targeted in an attack in Aden, and Salah Muslem Salem, whose brother was killed in Yemen.

"Evidence shows that UAE and Yemeni officials, and mercenaries allegedly hired and instructed by the UAE, are responsible for torture and war crimes committed against civilians with political positions opposed to the UAE government. It is requested that the UK, US and Turkish police open investigations into these alleged crimes as soon as possible", the law firm said.

It added that Daubalah and Salem had evidence that in 2015, the UAE reportedly hired former US soldiers to assassinate Anssaf Ali Mayo, the local leader of the political party Al-Islah, with which Daubalah and Salem are affiliated. The attempt failed, and a bomb was placed at Al-Islah party buildings in Aden, targeting Daubalah.

Al-Islah is considered by the UAE as the Yemeni branch of the Muslim Brotherhood, which is designated a terror group by the UAE, Saudi Arabia and Egypt. The Saudi-UAE coalition intervened in Yemen's civil war in 2015, after Houthi rebels seized parts of the country. They also removed President Abd-Rabbu Mansour Hadi's government from Sanaa, the capital.

Salah Muslem Salem's brother was killed in Yemen. According to Stoke White, the killing was with the intention to scare Salem against returning to Yemen from exile because of the "political views he shared on social media".

"The evidence demonstrates the widespread and systematic nature of violations and crime committed in Yemen against Yemeni civilians either by UAE officials or at their instruction", Stoke White concluded.

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## **ASIA**

### **Afghanistan**

#### **Australian special forces probed for alleged Afghan war crimes (Daily Times)**

February 25, 2020

**Australia is investigating more than 50 alleged war crimes by the country's special forces in Afghanistan, including the killing of civilians and prisoners, the military watchdog said Tuesday.**

An annual report by the Inspector-General of the Australian Defense Force said 55 separate incidents were being investigated as part of a years-long probe into allegations Australian soldiers committed war crimes while serving in Afghanistan.

These relate mainly to unlawful killings of "persons who were non-combatants or were no longer combatants" as well as "cruel treatment" of such persons, the report said.

"The inquiry is not focused on decisions made during the 'heat of battle'," it added. It is also considering "cultural, psychological, operational and organizational factors" surrounding the alleged incidents.

The probe was launched in 2016 in response to what the watchdog called "rumors" of "very serious wrongdoing" over more than a decade by members of Australian special forces in Afghanistan.

Elite Australian commandos were deployed alongside US and allied forces in Afghanistan following the September 11, 2001

attacks. NATO and its allies pulled combat forces from the country in 2014.

The ongoing inquiry, led by judge Paul Brereton, has called 338 witnesses and is now “approaching the final stages of evidence-taking.”

Defense Minister Linda Reynolds told Sky News she expected the watchdog would provide a report to the country’s defense chief within months and he would “decide on appropriate further actions.”

At least four investigations into alleged abuses by Australian special forces in Afghanistan are currently under way.

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## **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Official Website of the Extraordinary Chambers [English]**

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

**Cambodia Tribunal Monitor**

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## **Bangladesh International Crimes Tribunal**

**War criminal Subhan's appeal challenging death penalty dropped (Dhaka Tribune)** By Mizanur Rahman

February 18, 2020

### **The order of the Supreme Court denotes that the appeal has no effectiveness at present**

The Supreme Court has dropped the appeal filed by war criminal Abdus Subhan challenging his death penalty from its record after his death.

On Tuesday, the apex court declared the appeal abated after Attorney General Mahbubey Alam along with defence lawyers Advocate Joynal Abedin and Advocate Shishir Monir informed the four-member Appellate Division bench, headed by Chief Justice Syed Mahmud Hossain, about the death of Abdus Subhan.

Shishir Monir told the Dhaka Tribune that the order of the Supreme Court denotes that the appeal has no effectiveness at present.

On February 14, war crimes convict Abdus Subhan died of old age complications at Dhaka Medical College and Hospital (DMCH).

The former lawmaker from Pabna was admitted to the hospital from Dhaka Central Jail in Keraniganj on January 24.

On February 18, 2015, the now defunct International Crimes Tribunal (ICT) 2 sentenced Subhan to death for crimes against humanity he had committed during the 1971 Liberation War.

On March 18, 2015, Subhan filed an appeal with the Supreme Court challenging his death sentence.

Law enforcers arrested Subhan on September 20, 2012. The ICT 1 indicted him on December 31, 2013. The case was later

shifted to ICT 2 for quick disposal.

### **War crimes suspect Nurul Islam gets bail on health grounds (Dhaka Tribune)**

February 19, 2020

#### **The International Crimes Tribunal passed the order on Wednesday**

The International Crimes Tribunal has granted bail on condition to war crimes suspect Nurul Islam, 60, of Moheshkhali in Cox's Bazar.

The three-member bench, headed by Justice Md Shahinur Islam, passed the order considering his health condition after hearing from prosecution and defence on Wednesday.

Defense lawyer Advocate Abdus Satter Palwan said Nurul Islam has long been paralyzed due to stroke.

"We filed the bail petition as better treatment will not be possible if he remains behind bars," he added.

The tribunal is now recording deposition of witnesses in the case.

Earlier on April 3, 2018, 17 war crimes suspects of Moheshkhali, including Nurul, were indicted by the tribunal.

The suspects were indicted on 10 counts of war crimes, six for genocide.

They allegedly committed the crimes in different areas of Moheshkhali during the Liberation War.

### **War crimes probe: Report against 5 Gopalganj men finalized (Dhaka Tribune) By Mizanur Rahman**

February 25, 2020

#### **The five accused include Motaher Uddin Shikder, 65, Md Enayet Hossain Miah, 65, and Nizamul Haque Miah, 68**

The investigation agency of the International Crimes Tribunal (ICT) has finalized its report on the probe into the alleged crimes against humanity committed by five Gopalganj war crimes accused.

The five accused include Motaher Uddin Shikder, 65, Md Enayet Hossain Miah, 65, Nizamul Haque Miah, 68. The agency refrained from revealing the identities of the remaining two for the purpose of investigation.

However, another accused, ABM Rafiqul Alam, 71, died due to old age complications in jail on January 1, 2010.

The agency's Chief Coordinator Abdul Hannan Khan and Co-Coordinator Sanaul Hoque disclosed the information at a press conference held in Dhaka on Tuesday.

The investigation agency brought four charges, including murder, abduction, torture, arson attack and looting against the accused.

All of them were involved with the politics of the Muslim League during the 1971 Liberation War though the four alleged war criminals are now Awami League supporters, said officials.

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## **War Crimes Investigation in Myanmar**

### **ICJ's order to Myanmar offers hope to the Rohingyas' future (The Daily Star)**

February 22, 2020

**In an opinion published in Al Jazeera on February 7, Tun Khin, president of Burmese Rohingya Organisation UK, expressed the view that the International Court of**

## **Justice's order that Myanmar has to do all it can to prevent genocide offers the persecuted Rohingya minority people hope for the future.**

Tun Khin said he fled the Rakhine state in the 90s after being denied access to a university education simply because of his Rohingya identity. Since then, he has watched from afar how the Myanmar authorities persecuted his people with impunity.

The ICJ in The Hague on January 23 imposed the emergency "provisional measures" on Myanmar regarding its actions against and treatment of the Rohingya community in Rakhine state of the country.

The order may sound like incomprehensible legal jargon to any average person, but for many Rohingyas, it was probably one of the best news they ever received, after waiting for long to witness the international community take meaningful action to end their suffering, Tun Khin wrote.

The "World Court" of the United Nations, with this decision, effectively directed the Myanmar government, led by de facto leader Aung San Suu Kyi, to respect the requirements of the 1948 genocide convention and bring an end to its military crackdown on the Rohingyas.

This was the first time that a credible international body said "enough" to the Myanmar government that has abused and oppressed the Rohingyas for so many decades, he wrote.

The Rohingyas' plight captured global attention in August 2017, when the Myanmar military launched a vicious "clearance operation" in the Rakhine State, the then home to over a million Rohingya people. Soldiers went on a rampage through the region, killing thousands, committing mass rapes, burning down entire villages, and driving more than 700,000 people to flee into neighbouring Bangladesh.

The atrocity committed against the Rohingya people was outrageously violent, but that was only the tip of the iceberg, Tu Khin wrote.

Rohingyas have been confined to virtually an open-air prison in the Rakhine state by the Myanmar authorities for decades. They were denied citizenship since 1982 and rendered stateless. Their freedom of movement even within Myanmar has been made extremely limited. They needed to acquire official permissions, and often through paying bribes, to leave their home villages. Amenities such healthcare and education were inaccessible to most Rohingya, and all these were part of a deliberate effort by the government not only to de-humanise the minority community, but also to make their lives miserable enough to be left with the only option of leaving the country.

He, however, stressed that even leaving the country behind was not easy for most, especially those who have next to nothing. Except for those who got pushed into Bangladesh following the atrocities, only a few Rohingyas could leave Rakhine state and manage to build a life for themselves elsewhere.

Terming himself one of those few "lucky" people, Tun Khin said this de-humanising state of the Rohingyas made it vividly clear as to why the ICJ's ruling on the Myanmar government meant so much to them

"I was in the court at The Hague when the verdict was delivered. I had to try really hard not to cry. As I witnessed an official body openly condemn Myanmar for what it did to us, I thought of my friends, family and acquaintances who suffered so much. I thought of the scores of people who shared with me the pain of losing loved ones to the violence of the state," Tun Khin wrote in Al Jazeera.

"That verdict convinced me that my decades of campaigning for the Rohingya finally achieved something."

Hailing the Gambia, a self-described "small country with a big voice on human rights", for bringing the case against Myanmar to the ICJ, Tun Khin said it will take years for the actual case to conclude.

But the imposition of provisional measures by the ICJ, that are binding on Myanmar and create legal obligations that must be enforced, is still a significant victory, he said.

The imposed measures require the government do everything to prevent genocidal acts by security forces, preserve evidence of such acts and report back on its compliance.

It remains to be seen how far Myanmar will listen to the court sincerely. So far, the official reaction has been muted. The Myanmar Foreign Ministry, however, came up with a press release claiming that the court's verdict presented a "distorted picture of the situation", Tun Khin wrote.

He expressed concerns that the Myanmar government will simply deploy its tools of delays, denials, empty promises and endless pleas for "more time", everything that it has long been doing to shrug aside its responsibility for the crimes.

He also expressed frustration that Aung San Suu Kyi, whom Rohingyas have supported for so many years, is now at the forefront of the government's PR efforts.

Yet, there is still some scope to be optimistic, Tun Khin said.

The ICJ's order now requires Myanmar to regularly report to the court on its steps taken to improve the situation, otherwise, the matter will escalate to the UN Security Council. Although China has so far shielded Myanmar from UNSC's action, the ICJ's ruling will likely prompt the global community to do more for the Rohingyas, he wrote.

Referring to the International Criminal Court (ICC)'s announcement last November on conducting a probe into crimes against humanity by Myanmar security forces, and a "universal jurisdiction" case against Myanmar in Argentina launched by his organization, Tun Khin said the wheels of international justice finally began turning, and the Myanmar leadership was feeling the heat.

On January 20, Myanmar, based on its own probe into the situation in Rakhine state in the past few years, admitted for the first time that "war crimes and serious human rights violations" had indeed taken place.

The report, however, was an eyewash to deflect attention from the ICJ order, and it did not address many of the most serious violations, making it clear that Myanmar cannot be trusted with the investigation, and the global community must come forward to deliver justice, Tun Khin said.

"In 2017, as the deadly crackdown by Tatmadaw sent hundreds of thousands fleeing across the border. I spent a month in Bangladesh. During that time, I listened to the stories of countless refugees and witnessed their pain."

"They told me that they want justice for themselves, for the loved ones they lost and the Rohingya community as a whole."

Remembering the time the ICJ's ruling was read at The Hague, Tun Khin said, "I was thinking of those refugees. I was thinking how this decision is going to bring them one step closer to achieving justice."

Ultimately, all that the Rohingya hope for is to be able to return to the place they call their home, and live peacefully without having to fear for their lives, a hope which was rekindled with the ICJ's ruling, he added.

### **Myanmar to court-martial more troops over war crimes against Rohingya (The Jerusalem Post)**

February 21, 2020

The panel concluded, in a report published in January, that members of the security forces, among "multiple actors," were responsible for war crimes and serious human rights violations during a military-led crackdown against the group in 2017.

The army said in a post on its website on Friday it had studied the panel's report in great detail and was reviewing allegations.

Hundreds of thousands of Rohingya fled to neighboring Bangladesh to escape an army offensive launched in August 2017 that U.N investigators described as having been executed with genocidal intent.

The country is facing genocide charges at the International Court of Justice in the Hague, after Gambia, a mainly Muslim West African state, lodged a lawsuit last year.

Myanmar says the army was fighting a legitimate counter-insurgency campaign against militants who attacked security posts.

The government-appointed panel blamed Rohingya militants for attacking 30 police posts and "provoking" the crackdown, which it said did not amount to genocide.

The army said it was investigating alleged abuses in two villages: Maung Nu, where residents told the panel as many as 200 Muslims were killed after taking shelter in a single house, and Chut Pyin, where dozens more are alleged to have died.

"The Court of Inquiry will investigate such incidents and the trial of Court-Martial will be followed in accordance with the law and in line with the processes of Military Justice," the army statement said.

Two military spokesmen rejected several phone calls from Reuters on Friday seeking further comment. 'BODIES PULLED APART'

Residents of Maung Nu told government-appointed investigators that soldiers besieged the village after militants attacked a nearby security post and stormed a house where many villagers were sheltering, killing as many as 200.

In Chut Pyin, residents said soldiers surrounded the village, used rocket launchers to set fire to houses and shot indiscriminately, killing scores, according to the January report.

Troops told locals, who allegedly participated in the destruction, to "systematically destroy the bodies" afterwards, one Buddhist resident told the government-backed panel.

"There were so many corpses in Chut Pyin village that when they were burnt, not all could be burnt down to ashes; some were buried, and some dead bodies were pulled apart by wild animals," the resident was quoted as saying.

The army said in its statement it was still reviewing other incidents mentioned in the report by the government-appointed panel, which include an alleged massacre of Hindus by Rohingya militants calling themselves the Arakan Rohingya Salvation Army, which the group denies.

Myanmar has vowed to carry out its own investigations, saying international justice mechanisms violate its sovereignty.

The army began a trial in November of soldiers and officers from a regiment deployed to Gu Dar Pyin village, the site of another alleged massacre.

A statement on that trial will be released "in the near future," the military said on Friday.

Seven soldiers jailed for 10 years for killing 10 Rohingya men and boys in the village of Inn Din were granted early release last November, after serving less than a year in prison.

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## AMERICAS

### North & Central America

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### South America

**Accusing US of Crimes Against Humanity, Venezuela Calls on ICC to Investigate Sanctions (Common Dreams)** By Julia Conley  
February 13, 2020

**Venezuela's top diplomat called on the International Criminal Court Thursday to open an investigation into sanctions imposed on his country by the Trump administration, saying the economic warfare has caused the suffering of millions of Venezuelans.**

"Our government is seeking refuge with international law," Foreign Minister Jorge Arreaza said Thursday. "We are convinced the consequences of the unilateral measures [by the United States] constitute crimes against humanity against the civilian population."

Arreaza's remarks came less than a week after the U.S. announced its latest round of sanctions on the country, this time targeting state-run airline CONVIASA.

"What justifies sanctions on a transport company, a public service?" President Nicolas Maduro said after the sanctions were announced. "What harm do they do to me? The damage is done to the people of Venezuela."

The U.S. has targeted Venezuelan officials and state-run businesses with several rounds of sanctions since Maduro won re-election in 2018 in an election the Trump administration claimed was illegitimate.

In January 2019 the U.S. sanctioned state-owned oil company PDVSA in an attempt to pressure Maduro to resign as the Trump administration became the first of a few dozen countries to claim opposition leader Juan Guaido was the legitimate president of Venezuela.

The administration also froze the U.S. assets of Maduro and other top officials in his government.

Cutting the government off from revenues from its oil reserves—the largest in the world—has amounted to "a death sentence for tens of thousands of Venezuelans per year," Arreaza stated in a 60-page brief he presented to the ICC. This week, Venezuela gave up rights to its own oil in order to keep the economy afloat.

Venezuelan officials said that since the country is part of the court, crimes against humanity within its border fall under its jurisdiction and qualify as war crimes.

Last year, United Nations human rights chief Michele Bachelet warned the sanctions would "significantly exacerbate" the existing food shortage and public health crises in Venezuela.

"I am deeply worried about the potentially severe impact on the human rights of the people of Venezuela of the new set of unilateral sanctions imposed by the U.S.," Michelle Bachelet said in August. "The sanctions are extremely broad and fail to contain sufficient measures to mitigate their impact on the most vulnerable sectors of the population."

The Center for Economic and Policy Research reported last year that 300,000 people were estimated to be at risk due to lack of access to medical treatment resulting from the sanctions, including, 80,000 HIV-positive people, 16,000 cancer patients, and 16,000 people in need of dialysis.

The U.S. has violated "international law and human rights," said Arreaza, calling on the ICC to investigate which U.S. officials should be prosecuted for imposing the sanctions.

**Latin America's Militaries Emerge As Power Brokers, Riot Police And Border Forces (NPR)** By John Otis  
February 24, 2020

### **It wasn't a coup attempt.**

But when soldiers briefly occupied El Salvador's congress this month to intimidate lawmakers into passing an anti-crime bill, the scene recalled one of Latin America's darkest eras: In the 1970s and 1980s, much of the region was ruled by abusive military dictators.

And it's not just El Salvador. With unpopular presidents facing street protests and demands that they crack down on rising crime and corruption and revive stagnant economies, Latin America's armed forces are once again throwing their weight around.

Perhaps the most dramatic case is Bolivia. In an election last October that was marred by fraud, Evo Morales claimed to have won a fourth term as Bolivia's president. Amid protests and demands that he step down, Morales clung to power. But then, the country's armed forces commander weighed in.

In a TV address, Gen. Williams Kaliman said: "We suggest that the president resign for the good of Bolivia."

A few hours later, Morales did just that — then fled to Mexico and later Argentina.

"It wasn't a coup in the traditional sense, but it was the military putting its thumb on the scales," says Adam Isacson, a military analyst at the Washington Office on Latin America.

Elsewhere, military officers have helped prop up floundering leaders. For example, when going on TV to announce gas price hikes and other controversial measures, the presidents of Peru, Ecuador, Guatemala and Honduras have surrounded themselves with stern-looking generals. Such choreographed appearances serve as stark warnings to would-be protesters that



the armed forces stand firmly in the president's corner.

"The high command is certainly lending itself to political messaging at key moments," Isacson says. "That is a political role that is pretty crucial."

In Mexico, Central America and Chile, troops have been sent into the streets to hunt down criminals, disperse protesters or block migrants. Generals and colonels, in turn, are being brought into the inner circles of civilian governments.

In Venezuela, authoritarian President Nicolás Maduro is deeply unpopular but has retained the support of the armed forces by placing officers in charge of an array of functions, from state food distribution to oil production.

In Brazil, nine of the 22 ministers in President Jair Bolsonaro's government come from the armed forces. They include the vice president as well as Gen. Walter Braga Netto, the army's second highest-ranking officer, who took over last week as Bolsonaro's chief of staff. The far-right Bolsonaro, himself a former army captain, even held a military parade last year to commemorate the 1964 coup that ushered in Brazil's 21-year dictatorship.

"The president does not consider March 31, 1964 a military coup," presidential spokesman Gen. Otávio Rêgo Barros said in response to widespread outrage over the parade. "He believes that — considering the danger Brazil was in — society brought together civilians and the military to put the country back on track."

However, it turned out to be a tragic period as military strongmen came to dominate South American countries and much of Central America — largely with U.S. government backing. Amid crackdowns on regime opponents, thousands of people were tortured and killed. When these dictatorships finally collapsed, a new generation of civilian presidents worked hard to rid their governments of military influence.

"Everything from getting the military out of policing, getting the military out of nondefense cabinet posts, getting civilians in charge of defense ministries, getting human rights trials for past abuses," Isacson says. He describes this process as a "brick-by-brick building of this new edifice of civilian control of the military."

So, why is this edifice now revealing so many cracks?

For starters, polls show growing frustration with Latin America's governments. Mass protests erupted late last year in Bolivia, Chile and Colombia, with a variety of demands ranging from new jobs programs, to crackdowns on corruption, to constitutional reforms. Presidents have reacted by shoring up their inner circles with respected military officers and by deploying troops for handle things like crowd control or even garbage collection during sanitation workers' strikes.

"The military becomes sort of the go-to institution at a time when there is a demand from the public to do something," says Frank Mora, a former U.S. Defense Department official who now heads the Kimberly Green Latin American and Caribbean Center at Florida International University.

He says that for younger Latin Americans, who never lived under martial law, the armed forces can seem like a benevolent institution that follows orders and gets things done.

True, militaries have helped consolidate authoritarian regimes in Venezuela and Nicaragua. However, Mora and other experts say it's unlikely that the region will return to full-fledged military rule.

For one thing, officers are actually quite wary about taking on some of their new duties, especially policing. It can tarnish their reputations, as was the case in Bolivia, where the caretaker president, Jeanine Áñez, ordered the army to break up anti-government protests in November. The result was violent clashes in which at least 36 people were killed. "They do it reluctantly, and in some cases they get out as quickly as possible," Mora says. "The military is not trained to do this and they know that. And that could lead to not just human rights violations, which many militaries that I have interviewed are very concerned about, but it can expose them to corruption."

Another constraint is money. Even as soldiers take on new tasks, Mora says that overall defense spending in Latin America averages about 1.5% of the region's gross domestic product — among the lowest of any region in the world, he says.

María Victoria Llorente, director of the Colombian think tank Ideas for Peace Foundation, says militaries did a terrible job of governing back in the 1970s and '80s and that they have spent the past three decades trying to repair their prestige. Not even in Venezuela, where the military is widely seen as propping up President Maduro, have the generals tried to assume full control of the government.

Latin American armies "already learned their lesson, and it was a very hard lesson," Llorente says.

What's more, she and other analysts say that the way things stand now, Latin American militaries have the best of both

worlds. They enjoy growing clout in government — yet civilian presidents take the rap when things go wrong.

**Venezuela takes seat on UN Human Rights Council over US objections (Fox News)** By Adam Shaw  
February 25, 2020

**Venezuela, a country beset by poverty and mass human rights abuses under the regime of dictator Nicolas Maduro, took its seat Monday on the U.N. Human Rights Council -- a move that critics of the council see as further proof that the controversial body is in desperate need of reform.**

Venezuela was elected to the Council last year and took its seat as the body meets for its 43rd session that lasts through March 20.

Venezuela descended into economic and social ruin under Maduro, who has been seeking to keep power from Juan Guaido, the U.S.-recognized president since elections last year. Maduro succeeded socialist leader Hugo Chavez after his death.

In an address to the U.N. General Assembly, Secretary-General Antonio Guterres said that 4 million people have fled the country, which he called "one of the largest displacements in the world."

President Trump, at the U.N. General Assembly in September, cited the U.N. Human Right Council's own report on the failing regime that said "women in Venezuela stand in line for 10 hours every day waiting for food, over 15,000 people have been detained as political prisoners, modern day death squads are carrying out thousands of extrajudicial killings."

And yet the socialist country was elected to sit on the body, along with other controversial picks such as Sudan and Libya. Somalia, Eritrea, Cuba, China and Saudi Arabia also have been elected to the council.

U.N. Ambassador Kelly Craft called the vote "an embarrassment to the United Nations and a tragedy for the people of Venezuela" at the time.

The Trump administration pulled the U.S. out of the council in 2018, citing the cabal of human rights abusers on the body. The Venezuelan vote has also led to diplomats from other countries calling for rules changes on who gets to sit on the council.

Former U.N. Ambassador Nikki Haley, who spearheaded the U.S. departure from the Council, said Monday that allowing the Venezuelan regime on the Human Rights Council was "shameful."

"In 2017 alone, the average adult had lost 24 pounds. They are digging through trash and killing zoo animals for food, they are without medicine. Yet today they take their seat on the Human Rights Council," she said.

"This is the reason the U.S. got out of it, this is the reason that we'll continue to fight it," she said.

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## Venezuela

**A Police Death Squad Reinforced with Criminals (Caracas Chronicles)**

February 24, 2020

**The lack of transparency of FAES (the Special Actions Force of the Bolivarian National Police) has been criticized since the body was created in 2017; there are few studies about the profile of its officers and no public information or accountability for their actions. The only known fact is how it operates, a pattern that appears consistently in hundreds of victim testimonies, highlighting a violent MO: intimidation, break-ins, bribery, extortion, kidnapping, and summary executions. Anyone who's ever had an experience with FAES describes it as an extermination group.**

“The FAES doesn’t respond to the law, but to a logic of war or worse, extermination, because wars usually happen between two sides with relatively equivalent firepower; this is completely asymmetric,” says Keymer Ávila, a lawyer specialized in criminology and criminal legal sociology. “When we study the deaths caused by state security forces in these operations, the death rate between policemen and civilians is 1:122, that’s 122 dead civilians for every police officer killed.”

Recently, an investigation published by Angus Berwick and Sarah Kinoshian, for Reuters, uncovered how the special police force terrorizing poor neighborhoods across Venezuela includes officers with criminal histories in its ranks. According to the exclusive, bosses are more concerned with projecting force and fear than with rectitude.

It’s incredible that it must be said, but it’s illegal for ex-cons (lest current criminals) to belong to the National Police; a 2009 law bars Venezuelans with criminal convictions from working as police officers. According to FAES guidelines, officers should have no criminal record and be of “good moral character”.

Per hundreds of sealed documents submitted to Reuters by prosecutors in the case of Fernando Lira’s and Eligio Duarte’s murder, at least two officers accused of involvement in their extrajudicial execution served prison terms before they joined FAES. The documents—which include autopsies, ballistic reports, officers’ testimonies, and personnel files—also show that at least three other members of the same FAES precinct who aren’t prosecuted over the same deadly operation have criminal records of their own.

Nicolás Maduro launched the FAES in July of 2017 with the purpose of fighting crime and violence, and local police administrators were tasked with the recruitment of officers for the new force. Priorities included loyalty to the PSUV and the disposition to use aggressive tactics in crime-ridden neighborhoods, nationwide.

Bosses are more concerned with projecting force and fear than with rectitude.

According to the piece by Berwick and Kinoshian, in Miranda State, police ranks thinned so quickly that the institution began lowering standards for recruits. Migration may be a decisive factor, as it includes many soldiers, police officers and other public security workers with wages equal to just a few dollars a month in Venezuela’s hyperinflationary economy. There are few incentives to attract qualified candidates to replace them.

But Ávila also talks of the accelerated and excessive growth of police institutions. To reach their current figures of minimum recruitment, selection standards are not met, and the institution lacks the capacity to carry out efficient supervision and control over thousands of armed officers who become active after insufficient training.

It’s almost impossible to determine how many ex-convicts are working within FAES ranks nationwide. Personnel records aren’t disclosed by the government. Even the size of FAES itself, estimated by fellow police agents in about 1,500 officers, is held close by the regime.

“They hire people who aren’t afraid to commit crimes, to enter a home without a warrant and kill,” said Nora Echavez, a former chief prosecutor in Miranda, the state where Lira & Duarte’s court case will be heard. “A criminal does these things easily because they’ve already done them before.”

The irregularities of FAES officers go beyond their interaction with civilians, also affecting other security forces. Last Wednesday, February 19th, a confrontation between FAES and CICPC detectives in Caracas stopped traffic in the Prados del Este highway, with guns pointing at each other from both sides. There’s been a lot of bad blood between both groups since 2018, when the CICPC started investigating FAES officers accused of executing victims, further aggravated by the Junquito Massacre that same year, where Oscar Pérez, CICPC officer, was executed in a massive FAES operation.

The presence of convicts within the ranks of FAES sheds new light on a security force widely considered by Venezuelans to be a mechanism of social control for Maduro, which has also been used to quash protests in the past. FAES has become as feared as the criminals it was meant to target, especially in poor districts where hardship fans political instability.

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## TOPICS

# Truth and Reconciliation Commission

## **Over 6,000 Bodies Found in Burundi's Mass Graves (The New York Times)**

February 15, 2020

**Burundi's Truth and Reconciliation Commission has found more than 6,000 bodies in six mass graves in Karusi Province, the largest finding since the government launched a nationwide excavation in January.**

The commission chairman Pierre Claver Ndayicariye told journalists on Friday that the remains of 6,032 victims as well as thousands of bullets were recovered. Clothes, glasses and rosaries were used to identify some of the victims.

The tiny East African nation is struggling to come to terms with a violent past, characterized by suffered colonial occupation, civil war and decades of intermittent massacres.

Referring to a massacre which is believed to have targeted people from the Hutu ethnic group, Ndayicariye said families of the victims were able to "break the silence" that was imposed 48 years ago.

Burundi's population is divided between the Tutsi and Hutu ethnic groups. The civil war - which killed 300,000 people before it ended in 2005 - had ethnic overtones.

The government-run commission was set up in 2014 to investigate atrocities from 1885, when foreigners arrived in Burundi, until 2008, when a stalled peace deal to end the civil war was fully implemented.

So far it has mapped over 4,000 mass graves across the country and identified more than 142,000 victims of violence.

Its mandate does not cover most of the rule of the current president, Pierre Nkurunziza, who took office in 2005.

The United Nations has warned that human rights abuses might increase again ahead of May 2020 elections. Since 2015, when Nkurunziza ran for a third, disputed term in office, hundreds of Burundians have been killed in clashes with security forces.

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## Terrorism

### **New section of the DOJ will focus on stripping citizenship from 'terrorists, war criminals, sex offenders, and other fraudsters' who got it illegally (The Blaze) By Nate Madden**

February 26, 2020

**The Trump administration announced this week the creation of a new section within the Department of Justice that will focus on investigating and stripping away the citizenship of foreign-born individuals who obtained it illegally, such as war criminals and terrorists.**

A Wednesday DOJ news release explained that the section will be called the "Denaturalization Section" and will exist inside the department's Office of Immigration Litigation. The release said that the move "underscores the Department's commitment to bring justice to terrorists, war criminals, sex offenders, and other fraudsters who illegally obtained naturalization."

During the naturalization process, prospective citizens fill out a form that asks a series of questions, including whether the applicant has ever been a part of a terrorist group or totalitarian group or has ever been involved in the commission of serious crimes such as genocide, torture, religious persecution, or working at a labor camp. The form also asks the applicant if he or she has ever been involved with "forcing, or trying to force, someone to have any kind of sexual contact or relations."

Under federal law, naturalized citizens can have their status revoked if federal prosecutors are able to prove that it was

"illegally procured" or "procured by concealment of a material fact or by willful misrepresentation." Such cases have no statute of limitations, the department also pointed out.

"When a terrorist or sex offender becomes a U.S. citizen under false pretenses, it is an affront to our system — and it is especially offensive to those who fall victim to these criminals," Assistant Attorney General Jody Hunt said about the new office. "The Denaturalization Section will further the Department's efforts to pursue those who unlawfully obtained citizenship status and ensure that they are held accountable for their fraudulent conduct."

The release also gave examples of successful denaturalization cases, such as one involving an individual who had been convicted of terrorism in Egypt, another involving an individual convicted of executing unarmed civilians and prisoners of war "during the Balkans conflict," and another case dealing with "an individual who sexually abused a minor victim for multiple years."

The department also said that while it's been successful in litigating denaturalization cases in the past, the creation of the new stand-alone section was prompted by a "growing number of referrals anticipated from law enforcement agencies."

This isn't the first action the administration has taken to combat citizenship fraud. In June 2018, then-Citizenship and Immigration Services Director L. Francis Cissna told the Associated Press that his agency would bring in a team of lawyers and enforcement officers who would be tasked with rooting out immigrants who had been naturalized under false pretenses and refer the cases to the DOJ.

"We finally have a process in place to get to the bottom of all these bad cases and start denaturalizing people who should not have been naturalized in the first place," Cissna told the outlet at the time.

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## Piracy

### **Who will help solve Africa's piracy problem in the Gulf of Guinea? (DW)**

February 14, 2020

#### **Nine out of 10 maritime incidents of piracy and kidnappings for ransom are reported in West Africa's Gulf of Guinea, which stretches 5,700 kilometres (3,500 miles) from Senegal to Angola.**

As the number of crew members kidnapped by pirates worldwide decreased, the number reported in the Gulf of Guinea increased from 78 in 2018 to 121 in 2019.

From January to September last year, 82% of maritime kidnappings in the world occurred in the Gulf of Guinea, according to the International Maritime Bureau (IMB).

The vast expanse has eclipsed the notorious waters off Somalia in the Horn of Africa to become the world's epicentre for pirate attacks, lootings and kidnappings.

Fewer attacks, more kidnappings

"Seafarers go through great dangers so that consumers can buy coffee and cocoa in supermarkets or refuel their cars," Cyrus Mody, IMB's deputy director, told DW.

"The numbers in the Gulf have not increased," Mody said. "Media has only very recently started picking up on it. Ten years back we had the whole Somali piracy issue and media picked up on that relatively quickly. In the Gulf of Guinea the total number of incidences which actually occurred are underreported by around 50%-60%, piracy has been going on for years."

Pirates mainly target ships with international crews, according to a report on piracy in the Gulf of Guinea by the United States Maritime Administration (MARAD). In December, pirates boarded two ships within a few days, each 100 nautical miles off the coasts of Nigeria and Benin. They kidnapped 19 and 20 crew members respectively.

"Since 2018 there have been a quarter fewer attacks on ships, but more hijackings," said Wolf Kinzel, frigate captain and expert on maritime security in the region at the German Institute for International and Security Affairs (SWP). "The approach

of the pirates has changed: instead of three seamen, they take the whole crew with them. Hostages for money."

### Playground for criminals

But why are neighboring countries not getting a grip on the situation? The problem is that they lack the knowledge, training and resources to deal with the situation, said IMB deputy director Mody. "When an incident takes place within the territorial waters of a state, it is called armed robbery. When that same incident takes place outside the territorial waters of a state, it is called piracy, and any navy or any response agency can respond to that incident. The responsibility to deal with a situation within the territorial state lies with the state only," said Mody. According to the 1982 UN Convention on the Law of the Sea, the 12-mile zone (one nautical mile is about 1.85 kilometres) is part of the national territory.

Cooperation between states would be made more difficult by bureaucracy. Security forces are not allowed to travel from one territory to another to pursue pirates without informing the neighboring country beforehand. "Until the bureaucracy is sorted out, the pirates are gone," said Mody. "Due to a lack of law enforcement, the waters become a playground for criminals."

### Piracy originates on land

The fundamental problem of piracy does not lie at sea, according to SWP specialist Kinzel. "In recent years, the main area of piracy has been the coast of Nigeria, a region where there is no statehood on land." The heavy environmental pollution caused by oil production makes it almost impossible to live as fishermen and cattle herders. In addition, there are smuggling, ethnic and religious conflicts and terrorism and youth unemployment.

"Lack of prospects, lack of consequences due to inadequate criminal prosecution, corruption and thus a quite understandable lack of trust in state actors create the best conditions for piracy," according to Kinzel.

"People feel exploited and use their maritime expertise to commit piracy, Kinzel told DW. "In order to combat the problem, something must be done to combat environmental pollution and to promote statehood, education and health care."

### No second Horn of Africa

The international community has taken up the Horn of Africa issue. Since 2008, ships and planes have been patrolling off the coast of Somalia as part of the EU mission Atalanta. However, as a link between the Indian Ocean and the Red Sea, and thus the Mediterranean, the region is also one of the world's busiest and therefore its most important shipping routes. Germany is probably not interested in an additional marine mission in the Gulf of Guinea, Kinzel said: "The Horn of Africa is where large flows of goods are brought from Europe to Asia. In West Africa, most attacks take place on the territory and in the ports of the countries concerned, and the nations themselves have to intervene."

"There is a huge difference between the Gulf of Guinea and the Horn of Africa," Mody added. "The ships have to cross the Gulf of Aden, where most of the attacks take place. But the passage is in international waters, so the international community can protect the ships. Thirty countries have provided ships for this purpose." However, in the Gulf of Guinea, many attacks also occur near the coast.

Mody stressed that international missions are extremely important. "They enable the exchange of information and knowledge between countries that have resources and those that are struggling with these crimes. Within the territorial waters it is impossible for any international navy to come in and to get deployed. But they can help to carry out exercises to train the coastguards in how to react to an attack or arrest pirates. They can also educate the local community in trying to make them understand what the negative effects of facilitating this crime are on land.

### The responsibility of the countries

There are already approaches. For example, the Code of Conduct negotiated by the Gulf states in the so-called Yaounde Process 2013 is to ensure maritime security in the Gulf of Guinea. "Since the Yaounde Process 2013, all countries of West Africa have joined forces to make the maritime area safer. They have set up zones where ships can make their emergency calls so that national navies can respond," said Kinzel. In addition, since 2010, the United States has conducted the annual "Obangame Express" exercise to improve the capabilities of West African states to combat illegal activities at sea.

The European Union has also been involved with a local training program since 2013, and France has been involved since 1990. "Give a man a fish and he eats for a day — teach him to fish and he will eat for the rest of his life," said Mody. An international mission only works as long as there is a budget for it. In the long term, only the states in the Gulf of Guinea itself, equipped with the right resources, can fight piracy.

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# Gender-Based Violence

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## Commentary and Perspectives

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### WORTH READING

#### **State Legal Responses to Historical Institutional Abuse: Shame, Sovereignty and Epistemic Injustice.**

Máiréad Enright and Sinéad Ring

Special Issue on Towards Transitional Justice (eds K O'Donnell, M O'Rourke and J. M. Smith) *Éire-Ireland: An Interdisciplinary Journal of Irish Studies* 55:1-2, Forthcoming

February 21, 2020

**The history of the Irish State is littered with shamed bodies. For decades the State collaborated with religious orders in incarcerating children and single women, shamed by their poverty, race, disability, or association with sexual transgression (Fischer Gender, Nation; O'Sullivan and O'Donnell; Smith; Buckley). Shaming practices such as head shaving, using numbers to identify children, or flogging were used to punish and control (Arnold; Coleman 121; Commission to Inquire into Child Abuse [CICA] vol. 1, ch. 8). Women and children in industrial or reformatory schools, psychiatric hospitals, County Homes, and Magdalene Laundries were burdened with a stigmatized identity that meant total exclusion from society (O'Donnell and O'Sullivan 257). As they have begun to speak publicly about their experiences, victim-survivors have forced the State and Irish society to acknowledge this history. Their testimony to experiences of neglect, beatings, forced labor, sexual assault, and imprisonment are an indictment of the sovereign State's claim to protect its most vulnerable and to detect and punish crime within its territory. In response, the State offers an architecture of apology, investigation, and redress. Scholars have traced patterns of violation of domestic and international norms at the core of this framework (Gallen and Gleeson; O'Rourke, "The Justice for Magdalenes Campaign"; Ring, "The Victim of Historical Abuse").**

These legal responses can usefully be analyzed in terms of the key objectives of transitional justice (truth telling; accountability; redress and reparations, and guarantees of non- recurrence). However transitional justice and its processes are themselves contingent and capable of oppression. Suppressed and marginalized knowledges may be omitted or excluded in the name of transitional justice (Mamdani; van Marle; Koggel). This article contributes to the literature exploring epistemic injustice in transitional justice processes by scrutinizing the Irish State's legal responses to historical institutional abuse.<sup>2</sup> In particular, we develop a theory of State shame that describes and explains the ways the Irish State perpetuates epistemic injustices against people who suffered abuse in State institutions. We unpack the relationship between the State's performance of shame in these legal responses and its need to preserve its sovereignty — its professed singular competence to determine how painful national events are understood and resolved (Dean). We argue that the State uses discourses of its own shame to legitimate legal responses that prioritize its sovereignty over the demands of true shame. We show how this produces significant epistemic injustices in the present against people who suffered institutional abuse as in the past.

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